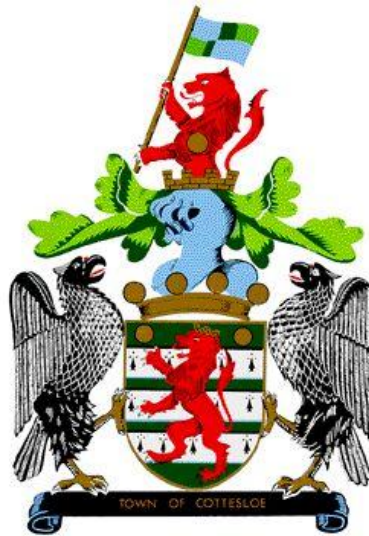


# TOWN OF COTTESLOE



## FULL COUNCIL MEETING MINUTES

ORDINARY MEETING OF COUNCIL  
HELD IN THE  
Council Chambers, Cottesloe Civic Centre  
109 Broome Street, Cottesloe  
7:00 PM Tuesday 28 June 2016

**GARRY BIRD**  
A/Chief Executive Officer

4 July 2016

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

The Presiding Member announced the meeting opened at 7.01 pm.

**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.

The Mayor advised that the Music for Pleasure concert series commences on Sunday 3 July 2016. The Mayor thanked the Town's officers for organising the series and the Elected Members for hosting the concerts.

The Mayor wished Cr Boulter all the best in the Federal Election, taking place on Saturday 2 July 2016.

**4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****QUESTIONS TAKEN ON NOTICE FROM 24 MAY 2016 COUNCIL MEETING**

Rosemary Walsh, 35 Grant Street, Cottesloe – Re. Request for Residential Density Increase – Curtin Avenue – Third report

Q1: Recent surveys showed Cottesloe has more multiple dwellings on a percentage basis than any western suburb. Is this the current situation?

A1: Cottesloe is understood to have a comparatively high proportion of non-single dwellings. Mosman Park would also have a significant amount of such.

Q2: Do planning officers have a duty to apply the Local Planning Scheme to all development applications?

A2: Yes, where it applies. Note that the above and below-mentioned proposals are Scheme Amendments rather than development applications.

Q3: Have officers overstepped their bounds by liaising with the Swanbourne Trust developer for a year, progressing, then recommending his proposal, which intentionally disregards Local Planning Scheme No.3?

- A3: No, the proposal was first presented to Council on a preliminary basis, followed by a formal Scheme Amendment request that has been supported by Council for the purpose of advertising for submissions. The Scheme Amendment process exists to enable consideration of proposals arising from time-to-time.
- Q4: Was the officer correct in describing 13 dwellings on 1475m<sup>2</sup> as R60?
- A4: Yes in accordance with the density rationale proposed.
- Q5: Why did the officer support three storeys which are not allowed under Local Planning Scheme No.3?
- A5: The Scheme Amendment proposal is seeking three storeys, which is being advertised for public comment.
- Q6: Were Elected Members advised that amending Local Planning Scheme No.3 would hand the Bavestock project to the Western Australian Planning Commission, which could then make changes including increasing areas, heights and densities?
- A6: Yes, the Scheme Amendment process was discussed in the report and by Council, who are aware of the process implications from experience.
- Q7: Can Council justify the decision made, without any community consultation, to amend Local Planning Scheme No.3 to allow this inappropriate infill?
- A7: Council's decision was to initiate the statutory process entailing community consultation, by advertising the proposed Scheme Amendment for public comment.
- Q8: Mr Bavestock is a proficient developer. He's achieved zoning changes in several localities, including Swanbourne and has shared developments with a former Western Australian Planning Commission Board member. Will Council support him if he proposes more non-conforming, spot zoning developments?
- A8: Council would decide upon each proposal on a case-by-case basis.
- Q9: Do officers' job descriptions include ignoring Local Planning Scheme No.3 and recommending aberrant infill for a few beneficiaries?
- A9: Officers are tasked with assessing proposals received and reporting on them to Council, including requests for Scheme Amendments.

- Q10: Is the report misleading by calling it a “modest recoding”?
- A10: Assuming the question relates to the report in the May agenda, the requested density increase from R20 to R30 is relatively modest.
- Q11: In considering this amendment, do Councillors understand the implications of the Western Australian Planning Commission assuming control, if it is passed?
- A11: See answer to Q7.
- Q12: How will Council address ad-hoc requests from others who see Cottesloe as a real estate opportunity?
- A12: Council is obliged to consider proposals as they arise.
- Q13: Will Council fulfil its Mission Statement and demonstrate openness and transparency, by conducting a proper survey to gauge the community’s position on relinquishing their Town Planning Scheme?
- A13: The Scheme Amendment process is consultative in each instance.

### EMAILED QUESTIONS

Received 7 June 2016 - Peter Wood, 267 Curtin Avenue, Cottesloe – Re. Request for Residential Density Increase – Curtin Avenue – Third report

*Answers provided by Mayor Dawkins.*

- Q1: What are the reasons for Council’s decision to reject the Town’s officer’s recommendation for item 10.1.2 of Ordinary Meeting 24 May 2016?
- A1: I am unable to answer or speak for individual Councillors as to how or why they vote in a particular way, I did vote for that item, however, I respect Council’s decision and that is what I abide by.
- Q2: The Town’s Local Planning Strategy (January 2008) states at page 14: “*In considering metropolitan growth strategies a need is seen for Council to investigate provision for increased residential densities on land within close proximity to the train stations and main public transport routes within the Town, having regard to regional planning housing targets, which envisage 550 additional dwellings to be provided in the municipality by 2031*” - in the past eight years since this Local Planning Strategy document was completed, what actions has the Town of Cottesloe taken



towards investigating provision for increased residential densities on land within close proximity to Grant Street train station?

A2: The Town of Cottesloe has not taken specific action in the local planning strategy to investigate provision for increased residential densities on land within close proximity to Grant Street Train Station. I believe, however, there may be a general view that infill and high density may be achieved on railway land.

Q3: Considering the opportunity for transit oriented development around Grant Street train station has recently been identified in the draft Central Sub-regional Planning Framework [www.planning.wa.gov.au/dop\\_pub\\_pdf/Central\\_subregional\\_planning\\_framework.pdf](http://www.planning.wa.gov.au/dop_pub_pdf/Central_subregional_planning_framework.pdf), what future actions does the Town of Cottesloe intend to take towards investigating potential for increased residential densities on land within close proximity to Grant Street train station?

A3: Council, to my knowledge, will not be taking any further action, given that most of the land in the proximity is privately owned. However, Council would be obliged to consider any scheme amendment that it received from a landowner.

Received 14 June 2016 - Cr Boulter

*Answers provided by the Chief Executive Officer.*

Q1: Is it the case that development applications to the Town of Cottesloe are now automatically approved if they satisfy the deemed-to-comply provisions of the Residential Design Codes under the Planning and Development (Local Planning Schemes) Regulations?

A1: Yes, that is the case.

Q2: Will such applications as referred to in question 1, be advertised to the Cottesloe community?

A2: Advertising will occur in accordance with established policies and procedures for advertising such development applications.

Q3: Can the Town of Cottesloe elect to opt out of the automatic approval (referred to in question 1 above) of development applications - generally or on particular applications?

A3: No, we cannot.

Q4: Whose decision is it that a Development Application is compliant with the deemed-to-comply Residential Design Codes provisions under the Planning and Development (Local

Planning Schemes) Regulations, and does not require approval by the Town of Cottesloe?

A4: Town of Cottesloe staff undertake an assessment of each application as it comes in. If it is deemed-to-comply then it is then exempt from further planning approval.

Q5: Is there any appeal right against the decision that a Development Application, as referred to in question 4 above, is compliant and if so, by whom and to whom?

A5: If the Town decides in its assessment, that the application is not deemed-to-comply and either conditions or refuses the application, the applicant can then appeal to the State Administrative Tribunal.

In the situation where the Town's officers have deemed the application to meet the deemed-to-comply provisions, then there are no third party appeal rights.

Q6: Will development applications still be required to be made to the Town of Cottesloe under the regime referred to in question 1?

A6: Yes, an application will need to be provided so that officers can assess whether or not the deemed-to-comply provisions have been met.

Q7: Can development applications referred to in question 1 be called in by Councillors? If so, in what circumstances?

A7: No they cannot as the deemed-to-comply provisions exempt the applicant from requiring planning approval, there is no decision for Council to make.

Q8: If a development approval is given automatically under the regime described in question 1, are there any conditions attached to the approval and if so who sets the conditions?

A8: The Town's standard conditions relating to the requirements for building licences and placement of plant equipment will apply, however, anything else that requires a specific condition would mean that it does not meet the deemed to comply provisions and would be referred through the Council process.

Received 22 June 2016 – Cr Sally Pyvis – Re. 10.1.4 Award of Tender T01/2016 – Customer Relationship Management System

*Answers provided by the Chief Executive Officer.*

Q1: Re AWARD OF TENDER T01/2016 - CUSTOMER RELATIONSHIP MANAGEMENT SYSTEM

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(a) define in detail the following 3 points (refer p28 Council Briefing Session Agenda 21 June 2016) and

(b) time bind the delivery:

1. Provide a higher level of customer service and interaction with residents of the Town of Cottesloe.
2. Provide greater accountability and performance analysis of customer service functions.
3. Allow existing staff resources to be used more effectively by reducing waiting times and improving customer and staff access to information.

A1: The Customer Relationship Management system will allow residents and visitors to the Town to submit requests online and those requests, being automatically received by the Town, will go to the responsible officer and at the same time creating a record of those requests. It will allow the Town to provide more timely responses and those requests will be tracked. It will also allow for specialist staff to spend time more effectively answering questions, rather than receiving questions ad hoc as they arrive.

Q2: Re AWARD OF TENDER T01/2016 - CUSTOMER RELATIONSHIP MANAGEMENT SYSTEM (refer p27 Council Briefing Session Agenda 21 June 2016)

*"The implementation of a Customer Relationship Management System will require significant staff resources to develop and document the information that will be crucial to the system's successful introduction. These resources will be funded from the existing salaries and wages budget."*

Re the "*significant staff resources*" required to implement the Customer Relationship Management System "*that will be...funded from the existing salaries and wages budget*", outline the plan (including staff numbers) of this current excess staffing capacity to be removed following implementation of the Customer Relationship Management System.

A2: The question indicates that following the implementation of the system staff time will be reallocated. By way of clarification, the matter is referred to in the officer report. Senior officers have a certain amount of "project" time within their position descriptions to allow them to undertake the major projects the Town needs undertaken. The report indicates that while the Customer Relationship Management is being rolled out, the project will consume the officers project time.

Q3: Re AWARD OF TENDER T01/2016 - CUSTOMER RELATIONSHIP MANAGEMENT SYSTEM (refer p26 Financial

Implications, Council Briefing Session Agenda 21 June 2016)  
Where is the cost-benefit analysis?

- A3: At this stage we are unable to undertake a cost benefit analysis, as this system is not replacing an existing service or existing task. It will increase the level of customer service that will be provided. To provide an equivalent, if we were to do this manually, to try and provide this service with our current system, we would need another two to three staff to manage the workload.
- Q4: Re AWARD OF TENDER T01/2016 - CUSTOMER RELATIONSHIP MANAGEMENT SYSTEM (refer p26 Strategic Implications, Council Briefing Session Agenda 21 June 2016), provide detail on how the Customer Relationship Management System will impact on Strategic Implications headings referenced
- Priority Area 6 - Providing Open and Accountable Government
  - Major Strategy 6.3 - Implement technologies to enhance decision making, communication and service delivery
- A4: The Customer Relationship Management system will enhance customer service and communication with residents, which allows the Town to meet the requirements of the Strategic Community Plan better.
- Q5: Re AWARD OF TENDER T01/2016 - CUSTOMER RELATIONSHIP MANAGEMENT SYSTEM (refer p26/27 Financial Implications, Council Briefing Session Agenda 21 June 2016), provide details of "new agenda and minutes program" costing \$35,000.
- A5: To implement the Customer Relationship Management system we will need to upgrade a number of our programs, including Microsoft Office. Our current agendas and minutes program is not available on the version of Microsoft Office required. The Town needs to upgrade many of its programs anyway.
- Q6: Re AWARD OF TENDER T01/2016 - CUSTOMER RELATIONSHIP MANAGEMENT SYSTEM (refer p26 Financial Implications, Council Briefing Session Agenda 21 June 2016), provide a detailed breakdown of preferred tender Civica's
- Purchase, implementation and training \$98,688
  - Annual licence and support \$7,752

A6:

| Service                    | Cost     |
|----------------------------|----------|
| Implementation and Set Up  | \$36,480 |
| TRIM Integration           | \$1,920  |
| Online Facilities Bookings | \$28,800 |
| Mobile Web Service Set Up  | \$7,680  |
| Training                   | \$3,840  |

|                           |          |
|---------------------------|----------|
| Civica Project Management | \$19,968 |
|---------------------------|----------|

Q7: Re business system TRIM currently used by Town of Cottesloe, provide details of this system.

A7: TRIM is an electronic document management system that allows for staff to track all documents that the Town receives.

Q8: Advise the business systems currently used by Town of Cottesloe and the annual cost of IT support (in-house and consultant) to each system.

A8:

| System                            | Annual Cost of IT Support |
|-----------------------------------|---------------------------|
| Civica Core System                | \$24,000                  |
| Civica Integrations               | \$13,000                  |
| TRIM Record Management System     | \$17,000                  |
| Intramaps                         | \$14,000                  |
| RAMM (Road Management)            | \$7,000                   |
| Website Content Management System | \$5,000                   |

**4.2 PUBLIC QUESTIONS**

Frank Wright, 3/8 Beach Street, Cottesloe – Re. 10.1.15 Considered of Petition Requesting Expanded Planting of Trees in Princes Street

Q1: Is there an explanation for the lack of trees in Princes Street, between the beach and Avonmore Terrace, compared to the surrounding streets?

Q2: Has Council any plans to rectify the situation?

Q3: The Town has a Street Trees Policy, it has not been adhered to in Princes Street between the ocean and Avonmore Terrace, why?

Q4: The land is Council’s responsibility, however, residents of the street have been canvassed for their opinions in a submission, why?

Q5: The Policy is clear but has not been applied, why?

Q6: Council employees are paid to administer the policy of Elected Members, in this case they have not, nor shown good reason to Councillors why they have not, why?

A: The Mayor took the questions on notice.

**5 PUBLIC STATEMENT TIME**Petar Mrdja, 1075 Beaufort Street, Bedford – Re. 10.1.1 No.5B Overton Gardens - Three Storey Dwelling – Reconsideration of Council Decision Pursuant to State Administrative Tribunal Mediation

- Thanked staff for their work throughout the development application process.
- The conditions in the officer's report are acceptable.
- The neighbours are pleased with the final design.
- Requested Council accept the officer recommendation.

Tim Brazier, 10 McLaren Street, South Fremantle – Re. 10.1.5 Amendment to Beaches and Beach Reserves Local Law 2012 – Restrictions on the Use of Watercraft

- Commended Council on its engagement with Windsurfing Western Australia and the Western Australia Kite Surfing Association.
- Windsurfing Western Australia support the proposal in the officer's report.
- Expressed a desire to continue to work with Council on this issue.

Aaron Gill, 32 Pass Crescent, Beaconsfield – Re. 10.1.10 Event Application – Zaccaria Concerts and Touring Pty Ltd – Beach Concert

- Zaccaria Concerts and Touring have over 21 years experience in organising concerts, including the Beach Boys Concert held on Cottesloe Beach.
- A detailed event plan will be developed in consultation with stakeholders.

David Simenson, 16 Princes Street, Cottesloe – Re. 10.1.15 Consideration of Petition Requesting Expanded Planting of Trees in Princes Street

- We live in a democracy, if the majority of residents say they do not want trees, that is what Council should take notice of.
- Expressed support for the officer's report.
- The petition is inaccurate and invalid.
- The corner of Princes Street and Avonmore Terrace provides one of the best vistas in Cottesloe, which many people enjoy.
- Only four of the signatories of the petition live in Princes Street.
- Norfolk Island Pine trees are not a native tree and have a detrimental effect on the environment.

Tony King, 5/9 Princes Street, Cottesloe – Re. 10.1.15 Consideration of Petition Requesting Expanded Planting of Trees in Princes Street

- Only three ratepayers of Princes Street have signed the petition.
- The petition is nonsensical.

- Norfolk Island Pine Trees are not suitable, they deprive houses on the south side of the street of winter sun.
- Property owners in Princes Street bought their properties for the views and winter warmth.
- Native trees and shrubs are preferred.

Liz Barclay, 3/9 Princes Street, Cottesloe – Re. 10.1.15 Consideration of Petition Requesting Expanded Planting of Trees in Princes Street

- The petition was defective.
- The petition was drafted by someone who does not live in Princes Street but as a ratepayer in Cottesloe, they are entitled to make their position known.
- The principal request of the petition was for Council to consider a proper tree planting program for the western end of the street.
- The letter sent from Council to all Princes Street residents was inaccurate, inflammatory and divisive.
- Council advised that a tree planting program was implemented in the last year, this is not accurate.
- The administration appears to have been lobbied by ratepayers or developed their own policy for certain streets.
- If the majority of residents in any street can dictate whether or not they want to have trees, then the amenity of the community is being placed in the hands of residents and not Council.

Kathy Prosser, 7 Avonmore Terrace, Cottesloe – Re. 10.1.15 Consideration of Petition Requesting Expanded Planting of Trees in Princes Street

- Mr Wright does not live in Princes Street.
- Only four of the signatories of the petition live on Princes Street.
- The majority of the residents of Princes Street do not want trees on the street.

## 6 ATTENDANCE

### Present

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

### Officers Present

Mr Mat Humfrey  
Mr Garry Bird

Chief Executive Officer  
Manager Corporate & Community Services

Mr Doug Elkins  
Mr Andrew Jackson  
Mrs Siobhan French

Manager Engineering Services  
Manager Development Services  
Administration & Governance Officer

**6.1 APOLOGIES**

Nil

**Officer Apologies**

Nil

**6.2 APPROVED LEAVE OF ABSENCE**

Nil

**6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 DECLARATION OF INTERESTS**

Cr Angers declared an impartiality interest in item 11.4 due to his wife letting a room through Airbnb.

The Chief Executive Officer declared an interest in the item 10.1.8 as it directly relates to his performance review.

**8 CONFIRMATION OF MINUTES**

**Moved Cr Angers, seconded Cr Burke**

[Minutes 24 May 2016 Council.DOCX](#)

**The Minutes of the Ordinary meeting of Council held on Tuesday 24 May 2016 be confirmed.**

**Carried 9/0**

**9 PRESENTATIONS**

**9.1 PETITIONS**

Nil

**9.2 PRESENTATIONS**

Nil

**9.3 DEPUTATIONS**

Nil

For the benefit of the members of the public present the Mayor advised that items 10.1.4, 10.1.5, 10.1.6, 10.1.7, 10.1.8, 10.1.10, 10.1.14,



10.1.15, 10.2.1, 11.1, 11.3, 11.4, 11.5 and 13.1.1 have been withdrawn. Items 10.1.1, 10.1.2, 10.1.3 were dealt with en bloc, followed by items 10.1.11, 10.1.12 and 10.1.13, and then items 10.1.16 and 10.1.17. Item 10.1.9 was withdrawn by administration and item 11.2 was withdrawn by Cr Boulter.

## 10 REPORTS

### 10.1 REPORTS OF OFFICERS

#### PLANNING

##### 10.1.1 NO. 5B (LOT 42) OVERTON GARDENS - THREE-STOREY DWELLING - RECONSIDERATION OF COUNCIL DECISION PURSUANT TO STATE ADMINISTRATIVE TRIBUNAL MEDIATION

|                                       |   |
|---------------------------------------|---|
| <b>File Ref:</b>                      | <b>3268</b>   |
| <b>Attachments:</b>                   | <a href="#">5B Overton Aerial</a><br><a href="#">5B Overton Plans</a><br><a href="#">5B Overton Applicant Submission</a><br><a href="#">5B Overton Minuted Report 26 April 2016</a> |
| <b>Responsible Officer:</b>           | <b>Andrew Jackson</b><br><b>Manager Development Services</b>  |
| <b>Author:</b>                        | <b>Ed Drewett</b><br><b>Senior Planning Officer</b>   |
| <b>Proposed Meeting Date:</b>         | <b>28 June 2016</b>   |
| <b>Author Disclosure of Interest:</b> | <b>Nil</b>  |
| <b>Property Owner:</b>                | <b>S Litas</b>  |
| <b>Applicant:</b>                     | <b>Michael Wilson (Plan Design Build)</b>   |
| <b>Date of Application:</b>           | <b>24 September 2015 (Amended 14/6/16)</b>  |
| <b>Zoning:</b>                        | <b>Residential R60</b>  |
| <b>Use:</b>                           | <b>P - A use that is permitted under this Scheme</b>  |
| <b>Lot Area:</b>                      | <b>265m<sup>2</sup></b>   |
| <b>M.R.S. Reservation:</b>            | <b>Not applicable</b>   |

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#### SUMMARY

The purpose of this report is to determine Council's response with respect to a review by the State Administrative Tribunal of Council's resolution of 26 April 2016, which stated:

*THAT Council REFUSE the application for a three-storey dwelling at 5B (Lot 42) Overton Gardens, Cottesloe, as shown on the plans submitted on 1 February 2016, for the following reasons:*

- 1. The development does not comply with Local Planning Scheme No. 3 with respect to permitted building heights and storeys.*
- 2. The proposed front setback would significantly disrupt the continuity of the streetscape, detract from the visual setting of the existing dwellings, impose on the amenity of neighbouring residents, and not appear sympathetic to the scale of the street and surrounding buildings.*
- 3. The application does not comply with the Council resolution of 1999 requiring buildings, including balconies and parking structures, to be setback 6.0m from Overton Gardens and Napier Street, in order to provide equity in terms of views from the proposed development.*

4. *The relevant design principles of the Residential Design Codes have not been satisfactorily addressed to enable Council to exercise its judgement with respect to:*

- (a) Side setbacks;*
- (b) Visual Privacy; and*
- (c) Vehicle sightlines.*

5. *The proposed driveway does not satisfy Australian Standards.*

## **BACKGROUND**

A State Administrative Tribunal mediation session and site visit were held on 16 May 2016 and attended by the applicant/consultant, the Town's Planning consultant, officers, and a mediator from the State Administrative Tribunal. Interested neighbours were invited by the State Administrative Tribunal mediator to attend the site visit only.

Pursuant to s.31 (1) of the *State Administrative Tribunal Act 2004 (WA)* Council has been invited to reconsider its decision in light of amended plans and additional information provided, at its meeting on 28 June 2016.

Following Council's decision, and by 5 July 2016, the applicant may seek leave to the State Administrative Tribunal to withdraw the proceeding or provide a statement of the aspects the applicant still contests.

The proceeding is adjourned to a further State Administration Tribunal directions hearing at 12.00 noon on 8 July 2016 in order to await Council's reconsideration.

A copy of the report to the 26 April 2016 Council meeting is attached for background information.

## **PROPOSAL**

Amended plans were received on 7 June 2016, and further modified on 14 June 2016 following discussions with officers.

The table below is a summary of the planning assessment of the revised proposal against the provisions of Local Planning Scheme No.3, the Planning and Development (Local Planning Scheme) Regulations, and the Residential Design Codes.

Where the proposal requires further consideration or the exercise of judgement by Council, the relevant planning element is discussed in the section of the report following this table.

| <b>Planning assessment</b>  | <b>Complies</b> | <b>Requires exercise of judgement</b> |
|-----------------------------|-----------------|---------------------------------------|
| Use - single dwelling       | ✓               |                                       |
| Building height             | ✓               |                                       |
| <b>Number of storeys</b>    |                 | X                                     |
| <b>Street setback</b>       |                 | X                                     |
| <b>Lot boundary setback</b> |                 | X                                     |

| Planning assessment                          | Complies | Requires exercise of judgement |
|--|----------|--------------------------------|
| Open space                                   | ✓        |                                |
| Parking                                      | ✓        |                                |
| Outdoor living areas                         | ✓        |                                |
| Street Surveillance                          | ✓        |                                |
| <b>Sightlines</b>                            |          | X                              |
| Street walls and fences                      | ✓        |                                |
| Vehicle access                               | ✓        |                                |
| <b>Visual privacy</b>                        |          | X                              |
| Solar access                                 | ✓        |                                |
| <b>Site works/Retaining walls</b>            |          | X                              |
| External fixtures                            | ✓        |                                |
| Matters to be considered by local government | ✓        |                                |

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

- Local Planning Scheme No. 3
- Residential Design Codes
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Planning and Development Act 2005*

**FINANCIAL IMPLICATIONS**

Nil

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Adjoining neighbours were invited to view the amended plans submitted on 7 June 2016.

**STAFF COMMENT**

|                                    |   |
|------------------------------------|---|
| <b>Local Planning Scheme No. 3</b> | <b>Number of storeys</b>  |
| Permitted                          | Maximum two storeys, although this may be increased to three storeys where the development satisfies clause 5.7.4 of Local Planning Scheme No. 3. |
| Applicant's proposal               | Three storeys (excludes the basement as this constitutes an undercroft under Local Planning Scheme No. 3).  |

**Comment**

- Clause 5.7.4 of Local Planning Scheme No. 3 states:  
*In a residential zone the local government may permit a third storey to be located within the roof space of a dwelling, provided that the development complies with the maximum wall and roof height requirements stipulated in clause 5.7.2 and also provided that, in the opinion of the local government, the dwelling will retain the appearance of a two-storey dwelling and will not unduly adversely affect local amenity.*
- The proposed development has been amended to comply with the permitted wall and roof height requirements for a curved, irregular-shaped roof.
- The 3<sup>rd</sup> storey roofed area has been setback an additional 1.5m from the original proposal to provide an 8.5m front setback.
- The 3<sup>rd</sup> storey balcony has been setback an additional 3.5m to 6.5m from the front boundary, and a small planter has been introduced with a 5.49m front setback.
- The length of the 3<sup>rd</sup> storey has been decreased from 17.77m to 15.29m by increasing both the front and rear setbacks, and its width fronting Overton Gardens has been reduced from 5.51m to 4.82m.
- The 3<sup>rd</sup> storey has therefore been significantly reduced in terms of building bulk compared to the original proposal and it is considered that it will now sufficiently retain the appearance of a two-storey dwelling when viewed from the street to enable it to be approved by Council. Its increased front setback also means that it will be 2.5m behind the neighbour's existing parapet walls so it will not impact on their amenity.

**Conclusion**

**The proposed dwelling satisfies clause 5.7.4 of Local Planning Scheme No. 3 for a third storey to be approved within the roof space.**

| <b>Residential Design Codes/Council resolution – Street setback</b> | <b>Deemed-to-comply provision</b>   | <b>Design principle</b> |
|---|---|-------------------------|
| Requirement   | 2m  | N/A                     |
| Applicant's proposal  | <ul style="list-style-type: none"> <li>• Minimum 6.07m (basement);</li> <li>• Minimum 6m (ground floor);</li> </ul> |                         |

| Residential Design Codes/Council resolution – Street setback  | Deemed-to-comply provision  | Design principle |
|---|---|------------------|
|   | <ul style="list-style-type: none"> <li>• Minimum 6m (1<sup>st</sup> floor), (minimum 5m to planter; 5.1m to pool overflow);</li> <li>• 8.5m (2<sup>nd</sup> floor); (6.55m to balcony and 5.49m to planter).</li> </ul> |                  |
| <p><b><u>Comment</u></b></p> <ul style="list-style-type: none"> <li>• The proposed street setback exceeds the minimum 2m setback of the deemed-to-comply requirements of the Residential Design Codes for a dwelling in a Residential R60 zone. However, in 1999 Council in considering development on the subdivided lots resolved, inter alia:<br/><i>Buildings, including balconies and parking structures, to be setback 6.0m from Overton Gardens and Napier Street, in order to provide equity in terms of views from the proposed development.</i></li> <li>• The revised plans show that the proposed dwelling will be setback a minimum 6m from the front boundary, with the exception of a small, angled planter and a pool overflow at the 1<sup>st</sup> floor level, which will have a minimum 5m and 5.1m front setback respectively. A proposed 2<sup>nd</sup> floor planter will have a 5.49m front setback.</li> <li>• Both the planters and pool overflow are considered similar to minor projections that would otherwise be allowed within the front setback under the deemed-to-comply requirements of the Residential Design Codes. Furthermore, the angled design of the 1<sup>st</sup> floor planter will assist in ensuring that ocean views from eastern neighbouring properties are not unduly disrupted.</li> </ul> <p><b><u>Conclusion</u></b></p> <p><b>The proposed front setbacks may be supported as they satisfy the deemed-to-comply requirements of the Residential Design Codes and will provide equity in terms of views from adjoining properties.</b></p> |   |                  |

| Residential Design Codes – Lot boundary setback | Deemed-to-comply provision  | Design principles  |
|---|---|--|
| Requirement                                     | <p><u>Eastern setback</u></p> <ul style="list-style-type: none"> <li>• 1.5m (ground floor – rear section).</li> </ul> | <p>Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> <li>• reduce impacts of building bulk on adjoining properties;</li> <li>• provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>• minimise the extent of overlooking and resultant loss of privacy on adjoining</li> </ul> |

| Residential Design Codes – Lot boundary setback   | Deemed-to-comply provision   | Design principles |
|---|--|-------------------|
|   |  | properties.       |
| Applicant’s proposal  | <u>Eastern setback</u> <ul style="list-style-type: none"> <li>• 1.2m (ground floor – rear section);</li> </ul> |                   |
| <p><b><u>Comment</u></b></p> <ul style="list-style-type: none"> <li>• The eastern side of the proposed ground floor will be abutting the neighbour’s existing parapet wall and therefore will not impact on building bulk, light, ventilation or visual privacy.</li> </ul> <p><b><u>Conclusion</u></b></p> <p><b>The proposed reduced ground floor setback to the eastern boundary satisfies the design principles of the Residential Design Codes and is supported.</b></p> |  |                   |

| Residential Design Codes – Sight lines   | Deemed-to-comply provision  | Design principle   |
|--|---|--|
| Requirement  | Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street. | Unobstructed sight lines provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, rights-of-way (ROW), communal streets, crossovers, and footpaths. |
| Applicant’s proposal   | Driveway abutting existing western boundary fence.  |  |
| <p><b><u>Comment</u></b></p> <ul style="list-style-type: none"> <li>• The Town has no objection to supporting the proposed location of the driveway next to the existing western boundary fence as it has an open aspect above a low wall which will not significantly reduce sightlines and it is consistent with existing residential development in the locality.</li> </ul> <p><b><u>Conclusion</u></b></p> <p><b>The proposed vehicle sightline satisfies the design principles of the Residential Design Codes and is supported.</b></p> |   |  |

| Residential Design Codes – Visual privacy | Deemed-to-comply provision   | Design principles  |
|---|--|--|
| Requirement                               | Major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than | Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: |

| Residential Design Codes – Visual privacy  | Deemed-to-comply provision  | Design principles   |
|--|---|---|
|  | <p>0.5m above natural ground level and overlook any part of any other residential property behind its street setback line are:</p> <p>i. set back, in direct line of sight within the cone of vision, from the lot boundary, a minimum distance as prescribed in the Residential Design Codes or;</p> <p>ii. are provided with permanent screening to restrict views within the cone of vision from any major opening or an unenclosed outdoor active habitable space.</p> <p>Screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 1.6m in height, at least 75 per cent obscure, permanently fixed, made of durable material and restrict view in the direction of overlooking into any adjoining property.</p> | <ul style="list-style-type: none"> <li>• building layout and location;</li> <li>• design of major openings;</li> <li>• landscape screening of outdoor active habitable spaces; and/or</li> <li>• location of screening devices.</li> </ul> <p>Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> <li>• offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;</li> <li>• building to the boundary where appropriate;</li> <li>• setting back the first floor from the side boundary;</li> <li>• providing higher or opaque and fixed windows; and/or</li> <li>• screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).</li> </ul> |
| Applicant’s proposal   | The proposed 1 <sup>st</sup> floor, south-facing, living room window and the 2 <sup>nd</sup> floor front balcony do not satisfy the deemed-to-comply requirements of the Residential Design Codes.  |   |
| <p><b><u>Comment</u></b></p> <ul style="list-style-type: none"> <li>• The revised proposal avoids any direct overlooking of adjoining active habitable spaces and outdoor living areas as the areas that may be overlooked are the front driveways of the adjoining properties.</li> </ul> |   |   |



| Residential Design Codes – Visual privacy  | Deemed-to-comply provision | Design principles |
|--|----------------------------|-------------------|
| <p><b><u>Conclusion</u></b></p> <p>The proposed 1<sup>st</sup> floor front living room window and 2<sup>nd</sup> floor balcony satisfy the design principles of the Residential Design Codes with respect to visual privacy and are supported.</p> |                            |                   |

| Residential Design Codes – Site works and retaining walls   | Deemed-to-comply provision   | Design principle  |
|---|--|---|
| Requirement   | <p>All excavation or filling behind a street setback line and within 1m of a lot boundary, not more than 0.5m above the natural ground level at the lot boundary except where otherwise stated in the scheme, local planning policy, local structure plan or local development plan.</p> <p>Where a retaining wall less than 0.5m high is required on a lot boundary, it may be located up to the lot boundary or within 1m of the lot boundary to allow for an area assigned to landscaping, subject to the provisions of clause 5.3.7.</p> | <p>Development that considers and responds to the natural features of the site and requires minimal excavation/fill.</p> <p>Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.</p> <p>Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.</p> |
| Applicant's proposal  | Retaining walls/fill up to 0.6m proposed in north-western corner of lot.   |   |
| <p><b><u>Comment</u></b></p> <ul style="list-style-type: none"> <li>The proposed external drying area in the north-western corner of the site is approximately 0.6m above the neighbours' ground levels. However, this is the lowest part of the lot and is a relatively minor increase in height above that which is otherwise permitted as-of-right. It will also be adjoining an existing single-storey parapet wall along the western boundary and will be screened by existing trees from the lot to the north. It is therefore considered that it will have a benefit to the occupants of the proposed dwelling without detrimentally impacting on the adjoining properties.</li> </ul> |  |   |

**Conclusion**

**The proposed 0.6m high fill/retaining wall in the north-western part of the lot satisfies the design principles of the Residential Design Codes and is supported.**

**CONCLUSION**

The amended plans that have been submitted following the State Administrative Tribunal mediation satisfy the requirements of Local Planning Scheme No. 3 and the relevant design principles of the Residential Design Codes for Council to exercise its judgement on the assessment criteria of the proposal that do not otherwise satisfy the deemed-to-comply requirements.

The adjoining neighbour's have been invited to view the amended plans submitted on 7 June 2016 and have expressed support for the changes. The modifications made on 14 June 2016 were necessary to address building height and do not directly impact on the adjoining neighbours.

In view of the significant improvements made to the design since the original refusal it is considered that the application can now be recommend for approval. However, if Council decides not to approve the application then it is likely that the matter will proceed to a full hearing at the State Administrative Tribunal at additional cost to Council. Furthermore, the applicant could decide to revert to the original plans which it is considered would have a far greater detrimental impact on the amenity of adjoining residents and the streetscape.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Dawkins, seconded Cr Downes**

**THAT under s.31 of the *State Administrative Tribunal Act 2004 (WA)* Council set aside its decision of 26 April 2016 and substitute a new decision to GRANT its approval to commence development for the proposed three-storey dwelling at 5B (Lot 42) Overton Gardens, Cottesloe, as shown on the plans received on 14 June 2016, subject to the following conditions:**

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

4. The roof surface shall be treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
5. The finish and colour of the western boundary wall shall be to the satisfaction of the Town.
6. A separate application for construction of a crossover meeting the Town's specifications and Australian Standards shall be submitted for approval by the Town.
7. A comprehensive Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things): maintaining access for residents; traffic management and safety for the streets and site; worker parking, including off-site parking in consultation with and approval by the Town; and verge protection.
8. The applicant/owner shall be responsible for producing a comprehensive dilapidation report, to the satisfaction of the Town, to ascertain and monitor any damage caused to the eastern and western neighbouring properties as a result of the construction works, with copies being provided to the Town.
9. The first- and second-floor planters shall be inaccessible, except for maintenance.
10. The first-floor north- and west-facing louvres shown on the approved plans shall be designed so as to not allow more than 25% visual permeability. Details to be submitted at the Building Permit stage to the satisfaction of the Town.

**Advice Notes:**

1. The applicant/owner is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.

Carried 9/0

**10.1.2 NO. 78 (LOT 77) ERIC STREET - FRONT FENCE - REVISED DESIGN  
PURSUANT TO STATE ADMINISTRATIVE TRIBUNAL MEDIATION**

|                                       |   |
|---------------------------------------|---|
| <b>File Ref:</b>                      | <b>3348</b>   |
| <b>Attachments:</b>                   | <a href="#">78 Eric Street Aerial</a><br><a href="#">78 Eric Street Plans</a> |
| <b>Responsible Officer:</b>           | <b>Mat Humfrey</b><br><b>Chief Executive Officer</b>                          |
| <b>Author:</b>                        | <b>Andrew Jackson</b><br><b>Manager Development Services</b>                  |
| <b>Proposed Meeting Date:</b>         | <b>28 June 2016</b>   |
| <b>Author Disclosure of Interest:</b> | <b>Nil</b>  |
| <b>Property Owner:</b>                | <b>Mr DA Oldmeadow</b>  |
| <b>Applicant</b>                      | <b>Mike Richardson Architect</b>  |
| <b>Date of Application</b>            | <b>10 March 2016</b>  |
| <b>Zoning:</b>                        | <b>Residential</b>  |
| <b>Use:</b>                           | <b>P - A use that is permitted under this Scheme</b>                          |
| <b>Lot Area:</b>                      | <b>447m<sup>2</sup></b>   |
| <b>M.R.S. Reservation:</b>            | <b>Not applicable</b>   |

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**SUMMARY**

On 29 March 2016 delegated planning approval was granted for front fencing to the above property, subject to a condition as follows:

- (3) *The proposed fencing within the primary street setback area is to be visually permeable above 1.2m in accordance with the deemed-to-comply requirements of the Residential Design Codes. Details to be submitted at the building permit stage.*

The owner initiated a State Administrative Tribunal review of the condition. This proceeded to an on-site Mediation meeting on 2 June 2016 attended by the owners, officers and a Tribunal member. The Mediation reached agreement towards revised plans. The subsequent Order of the Tribunal has invited the Town to reconsider its decision on or before 26 July 2016.

This report presents the revised design for determination by Council.

**BACKGROUND**

The attached original plans received on 10 March 2016 proposed fencing to the front and western side boundaries comprising solid and open-aspect sections, including gates. This was assessed as not satisfying the requirements of the Residential Design Codes for open-aspect fencing and sightlines, hence the condition.

The deemed-to-comply standards are for front fences within the primary street setback area to be visually permeable above 1.2m (ie solid lower section with open-aspect upper section) and for fences to be low (maximum 0.75m) or open-aspect adjacent to driveway exits for sightlines.

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**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Local Planning Scheme No. 3  
Residential Design Codes  
*State Administrative Tribunal Act 2004*

**SUSTAINABILITY IMPLICATIONS**

Nil

**MEDIATION**

The Mediation reviewed the original proposal, the relevant deemed-to-comply standards and design principles of the Residential Design Codes, and the design of the fencing in relation to the nature of the dwelling, street and streetscape.

It was agreed that a balance could be achieved between the applicant's objectives for security, a buffer from busy Eric Street and a screened private area to the dwelling's entrance and the Town's objectives for open-aspect fencing in the interests of streetscape amenity and effective sightlines for safety.

Accordingly, the architect has submitted the attached revised plans received on 8 June 2016 for further consideration.

**PLANNING COMMENT**

The original plans proposed three sections of solid wall to the front boundary, totalling 4.2m in width, plus open-aspect gates for vehicles and pedestrians. The side fencing to the eastern boundary proposed three 0.5m wide pillars and two open-aspect sections. Whilst this fencing was predominantly open-aspect, it presented as a degree of solidity and compromised sightlines.

The revised plans confine the solid wall to one section at a reduced width of 3.4m, which screens the entrance courtyard and accommodates the automatic sliding gate. The remainder of the front and side fencing and the gates are all full-height open-aspect, which provides the desired barrier, streetscape amenity and good sightlines. The full-height open-aspect design assists vehicles and pedestrians exiting the property and footpath users including school children in this locality.

Although the revised plans still involve a full-height solid section rather than being open-aspect above 1.2m, the amount of solidity has been reduced and overall there is now a high degree open-aspect. This can be supported under the design principles of the Residential Design Codes in terms of providing surveillance, enhancing streetscape (ie open-aspect), attenuating traffic impacts, private outdoor areas and

unobstructed sightlines. In this situation the revised proposal is assessed as superior to solid fencing at 1.2m high with open-aspect above.

On a matter of detail, as the letterbox indicated to the western corner would affect sightlines it should be conditioned to be placed in the solid wall section.

## **CONCLUSION**

The Mediation has resulted in revised plans which satisfy the design principles of the Residential Design Codes with respect to front fencing. The improved extent of open-aspect fencing and sightlines is a much better outcome in the context of the dwelling and streetscape. An amended approval is therefore recommended.

## **ADDITIONAL INFORMATION FOLLOWING COUNCIL BRIEFING SESSION**

The owner has liaised with the western neighbour regarding the proposed fence, which would have a shared section on the side boundary, including providing a copy of the revised plans. This neighbour has advised by email that he has no objection to the proposal. As the eastern adjacent property has solid front and side fencing it is unaffected by the proposal.

## **VOTING**

Simple Majority

## **OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Dawkins, seconded Cr Downes**

**THAT Council, having reconsidered the application pursuant to s.31 of the *State Administrative Tribunal Act 2004*, GRANT planning approval to the front fencing for 78 Eric Street, Cottesloe, as shown on the revised plans received on 8 June 2016, subject to the following conditions:**

- 1. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction sites.**
- 2. The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.**
- 3. To ensure sightlines, the letterbox shall not be located at the western corner of the fencing and shall be located within the section of solid wall. The details shall be shown in the plans submitted for a Building Permit.**

### **Advice Notes:**

- 1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.**
  - 2. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.**
-

3. Under the Dividing Fences Act 1961 the owner/applicant is responsible for notifying relevant neighbours of alterations to boundary fences and obtaining their prior consent.

Carried 9/0

**10.1.3 PLANNING INSTITUTE OF AUSTRALIA 2016 NATIONAL CONGRESS -  
UPDATE**

**File Ref:** SUB/38  
**Responsible Officer:** Andrew Jackson  
Manager Development Services  
**Author:** Ed Drewett  
Senior Planning Officer  
**Proposed Meeting Date:** 28 June 2016  
**Author Disclosure of Interest:** Subject relates to a congress attended by the author

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**SUMMARY**

On 29 March 2016 Council resolved to:

*APPROVE the attendance of the Senior Planning Officer at the Planning Institute of Australia 2016 National Congress in Brisbane from 11-13 May 2016, to a maximum cost to the Town of \$3,500 and request that a report on the congress be provided within two months of attending the event.*

The congress was attended and this report provides a summary of the topics discussed.

**STAFF COMMENT**

Key presentations are summarised as follows:

Brendan Nelson, Planning Institute of Australia National President

An overview of the Planning Institute of Australia's lead in the debate on the need for a coordinated national strategy to manage population growth was provided to the congress, which identified a range of demographic and disruptive megatrends that will shape the future of Australia through the 21<sup>st</sup> Century.

Bernard Salt, Partner, KPMG

This presenter gave an overview of population growth in our major cities, which is predicted to increase to between 38 million and 50 million by 2061. Perth is projected to experience the largest percentage increase in population between 2012 and 2061, more than doubling the 2012 population of 2.4 million to 6.4 million. Such increases are largely dependent on migration workers travelling from the eastern states and from overseas, although it will fluctuate during this time due to the resources boom and bust cycles. Increasing population is likely to result in good business growth in Australia, which is anticipated to rise around 54% by 2050. Much of this growth is expected in the health, science, construction and retail industries. Increased business and population growth will continue to put pressure on Australian cities, especially Perth, and it is likely that more self-contained sub-regions with decentralised offices, retail outlets, hospitals and universities are necessary around the CBD. As Australian cities grow the model for urban housing needs to change and

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planners needs to change the ways the community thinks about density and decentralisation to avoid unsustainable urban sprawl.

Martin Spencer and Anna Kelderman, City of Melville

The topic of this discussion was the Canning Bridge Precinct, Perth. It discussed the challenges that Council and developers have faced whilst trying to implement a new transit-orientated development around the train station to encourage a diverse community hub with a mix of office, retail, residential and recreational uses. Despite the precinct being aligned with the State Government's Directions 2031 and Beyond, it proposed a substantial increase in residential density and building heights that were met with strong opposition from the local community. Compromises were therefore made by the developers of the precinct to lower building heights from 20 storeys to 15 storeys and to introduce descriptive design guidelines, exceptional green star ratings, view corridors, high quality street frontages, community spaces, and to pay additional rates to the benefit of the community. Cottesloe faces similar, albeit much smaller challenges, from developers and the State Government for transit-orientated development (eg around the Swanbourne and Town Centre Precincts). The includes engaging with the community to listen and act on constructive feedback, and ensuring that the Town's Local Planning Strategy and Local Planning Scheme are reviewed on a 5-yearly basis in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

Anna Evangilisti

This discussion was regarding an infill development strategy being implemented in White Gum Valley, Perth. It is Western Australia's first One Planet Community which aims to demonstrate the very best in modern, sustainable design to create a community where it is easy and affordable for people to live in a way that makes smart use of the Earth's resources. It is being developed by Landcorp in conjunction with the City of Fremantle and the local community. A Gen Y demonstration multi-unit housing project was an example of a new sustainable development that has been specifically designed for younger first-time home buyers.

David Cowan, Taree Town Centre

Taree is on the north-west coast of New South Wales with a population of approximately 20,000. The population was in decline and so local businesses and members of the community decided that it was necessary to put pressure on the Council to relax its regulations in the Town Centre to enable more vibrancy by allowing businesses to display goods freely on pavements without being burdened by very high public liability insurance costs and unnecessary red tape, to organise public events such as community clean-ups and a night-bazaar, and to take a direct hands-on approach that is led by the local community, rather than being stifled by bureaucracy. This type of place-making is very topical and applicable to Cottesloe and elsewhere.

Erin Barnes, Brooklyn, New York

This discussion was about an organisation set up in the United States of America called 'ioby'. It mobilises neighbours who have good ideas to become powerful

leaders who plan, fund and make positive change in their own neighbourhoods. It is community-led and is entirely funded by donations from individuals who wish to contribute to positive changes in their community. It aims to inform, engage, involve, collaborate and empower individuals to taking small steps to bring new open spaces, fresh food, educational opportunities – whatever the neighbourhood needs. It is the opposite of NIMBY (not in my backyard) and is known as ‘Incremental Urbanism’, as it is change on a small scale, happening block by block. Examples of community-organised and fully-funded local projects include the installation of signs on lamp-posts to tell people how long it would take to walk to nearby shops, rather than using the car, in order to reduce obesity, and providing timetables at bus stops so that locals and visitors could easily identify what buses used a particular route and the times that they operated, as this was not provided by the transport company.

Hon. Jacklyn Trad, Deputy Premier, Minister for Infrastructure, Local Government and Planning and Minister for Trade and Investment

The Minister discussed a recent decision to pass a Planning Reform Bill by the Queensland Government, as the previous Planning Bill was not meeting the expectations of the community. The projected population increase in the City of Brisbane was discussed, which is expected to rise to between 7 million to 10 million by 2061, and the government expressed the desire to transform the City with a ‘knowledge corridor’ and with Fortitude Valley becoming the new Silicon Valley. A Community Consultation Plan was also being developed, which is to encompass ideas and expectations over the next 50 years for the City, and 5 billion dollars is being committed to the Gold Coast to ensure its continued growth and development.

John Wynne, URBIS

This discussion encouraged a national approach to City Planning in Australia which was necessary to respond to the Nation’s growth potential, especially with Asia. A National Settlement Strategy and National Urban Policies were also necessary to incorporate issues such as Accessibility, Affordability, Efficiency and Liveability. He emphasised the need for further reform of the Planning Approvals process to provide better consistency across the country, to simplify land use controls and introduce performance-based planning with mandatory timeframes.

Angus Taylor, Federal Assistant Minister for Cities and Digital Transformations

The Minister discussed the challenges of employment growth, housing affordability, traffic congestion and population growth within the nation’s cities and emphasised the need for more private investment in infrastructure, rather than state investment. Examples given included private initiatives such as ‘Uber’ and AirB&B which are challenging mainstream ideas.

Professor Wulf Daseking, Former Chief Planning Officer, City of Freiburg

This discussion was about World population trends, climate change, the cost of increasing urban sprawl and the increasing cost of providing infrastructure, energy and clean water. He emphasised the need to consider the quality of living in the development of cities, not just higher densities, and stated that projected levels of car dependency were not sustainable. Examples were given of where urban sprawl had

been contained such as in Copenhagen and Singapore, which relied heavily on providing affordable public transport, rather than building more roads that results in increased congestion and pollution.

#### Geoscience Australian

The presenter discussed an increasing risk of natural disasters affecting Australian cities including earthquakes, tsunamis and cyclones. Predictive mapping is of significant importance to assist in predicting potential hazards, exposure, vulnerability, impact and risk to high populated urban areas.

#### Maha Sinnathamby, Chairman Springfield Land Corporation

This discussion looked at Greater Springfield which is located 26kms outside Brisbane CBD. It is Australia's fastest emerging new city and drives one of the nation's fastest urban growth corridors. It is the only fully master-planned city to be built in Australia other than Canberra and aims to be a substantial regional city and services hub by 2030. It's location was chosen as it was a poor socio-economic area but now it has grown to have a population of approximately 32,000 people and has had more than \$11.7 billion invested by public and private stakeholders, including a \$1.2 billion major rail and transport hub.

#### **CONCLUSION**

The Senior Planner thanks Council for the opportunity of attending the congress, which provided a high level of training and exposure to new ideas which will be useful in developing better planning outcomes for the Town.

#### **VOTING**

Simple Majority

#### **OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Dawkins, seconded Cr Downes**

**THAT Council receive this report on the 2016 Planning Institute of Australia National Congress.**

**Carried 9/0**

**ADMINISTRATION****10.1.4 AWARD OF TENDER T01/2016 - CUSTOMER RELATIONSHIP MANAGEMENT SYSTEM**

**File Ref:** SUB/2141  
**Attachments:** [Request for Tender Document](#) [Customer Relationship Management System](#) [CONFIDENTIAL Tender Evaluations](#)  
**Responsible Officer:** **Mat Humfrey**  
**Chief Executive Officer**  
**Author:** **Garry Bird**  
**Manager Corporate & Community Services**  
**Elizabeth Nicholls**  
**Administration Officer**  
**Proposed Meeting Date:** 28 June 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is requested to consider the award of Tender T01/2016 – Customer Relationship Management System.

**BACKGROUND**

The Town of Cottesloe Corporate Business Plan identifies the implementation of a Customer Relationship Management System as an action in order to meet the stated objective in the Strategic Community Plan - Major Strategy 6.3 Implement technologies to enhance decision making, communication and service delivery.

Accordingly, in the 2015/2016 financial year, Council included an amount in the annual budget of \$100,000 to purchase the necessary software.

In order to progress this project, a tender has been called for the implementation of the Customer Relationship Management system.

The tender was advertised in the West Australian newspaper on Wednesday 16 March 2016. The tender was also advertised in the Post newspaper on Saturday 19 March and the Western Suburbs Weekly on Tuesday 15 March 2016.

In response to this tender a total of ten tenders were received by the closing date of 6 April 2016. An assessment of shortlisted submissions against the stated criteria, is included as a confidential attachment.

The objective of the tender, as stated in the Request for Tender document was to:

- (a) *manage all internal and external service requests,*
  - (b) *allow customised workflows based on the category of request,*
  - (c) *integrate to existing back end systems (Authority, Trim and Intramaps), and*
  - (d) *be mobile enabled.”*
-

The stated criteria are as follows;

| Criteria   | Weighting |
|--|-----------|
| Demonstrated capacity of software to meet specifications | 50%       |
| Demonstrated experience in completing similar projects   | 10%       |
| Skills and experience of key personnel                   | 10%       |
| Price  | 30%       |

Tenders were assessed by the Project Team comprising the Chief Executive Officer, Manager of Corporate and Community Services, Finance Manager and Council's information technology consultant.

### STRATEGIC IMPLICATIONS

Priority Area 6 – Providing Open and Accountable Governance

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

### POLICY IMPLICATIONS

Council's Purchasing Policy requires tenders to be called for any contract exceeding \$150,000.

### STATUTORY ENVIRONMENT

*Local Government Act 1995 Section 3.57*

*Local Government (Functions and General) Regulations 1996 Part 4*

In summary, the above statutory provisions require tenders to be called for any contract with a value exceeding \$150,000. Council is not obligated to award a tender, and, notwithstanding any selection criteria used to rank tenderers, may choose, with reasons, to award a contract to any of the tenderers.

### FINANCIAL IMPLICATIONS

The Draft 2016/17 Budget contains a provision of \$230,000 for the purchase and implementation of the Customer Relationship Management System.

The cost of the preferred tender received from Civica Pty Ltd, provides for the following costs;

|                                       |             |
|---------------------------------------|-------------|
| Purchase, implementation and training | \$98,688.00 |
| Annual licence and support            | \$7,752     |
| Total                                 | \$106,440   |

In order to implement the system, in addition to the above costs, several software upgrades are required to ensure integration with Council's other business systems.

These upgrades, which would have been required in the short to medium term regardless of this project, are as follows;

- Civica Authority Upgrade \$15,000
- TRIM records system upgrades \$10,000
- New agenda and minutes program \$35,000

As such, assuming Council adopts the Officers recommendation, the estimated total project cost will be \$166,440

Annual licence and support costs will be \$7,752 thereafter.

Once the project is completed and all systems operating effectively, it is proposed that any budget saving is used to create a new reserve fund entitled "*Information Technology Reserve*" which will be the subject of a future item to Council for further consideration.

### **STAFFING IMPLICATIONS**

The implementation of a Customer Relationship Management System will require significant staff resources to develop and document the information that will be crucial to the system's successful introduction. These resources will be funded from the existing salaries and wages budget.

### **SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

Town of Cottesloe staff  
Brenton Pember – IT Consultant  
Town of Cottesloe Elected Members  
Various WA local authorities.  
Shortlisted Tenderers

### **STAFF COMMENT**

It is relevant to note that Council is not obliged to award a tender, or even proceed with the implementation of a CRM system. Accordingly, Council should not feel pressure to proceed with this project.

Of the thirteen tenders received, five were shortlisted by the Project Team for detailed analysis and a product demonstration by the tenderer of the product.

The biggest distinguishing feature of the preferred tender from Civica Pty Ltd was the ability of this system to integrate more effectively into business systems used by Council. The Civica Authority System is used by Council for all financial functions, hence the ease of integration relative to the other products tendered.

The significant capital outlay of the Customer Relationship Management system is in keeping with the cost of other business systems used by Council such as the Electronic Record Keeping system (TRIM) and the Civica Authority programs used by staff for financials and other core business processes.

While the Customer Relationship Management system is not expected to deliver any direct cost savings, it will:

1. Provide a higher level of customer service and interaction with residents of the Town of Cottesloe.
2. Provide greater accountability and performance analysis of customer service functions.
3. Allow existing staff resources to be used more effectively by reducing waiting times and improving customer and staff access to information.

Assuming Council chooses to award the tender, it is envisaged that the full roll out of the system will take approximately twelve months. This timeframe will allow for the system to be developed in stages and ensure quality control and effective management of staff resources.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION****Moved Mayor Dawkins, seconded Cr Angers**

THAT Council award tender T01/2016, Customer Relationship Management System, to Civica Pty Ltd for the total price of \$98,688.00 (ex GST).

**PROCEDURAL MOTION****Moved Cr Thomas, seconded Cr Pyvis**

**THAT Council defer the item until the July 2016 Council Meeting.**

**Lost 3/6**

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

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

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**THAT Council award tender T01/2016, Customer Relationship Management System, to Civica Pty Ltd for the total price of \$98,688.00 (ex GST).**

**Carried 6/3**

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

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

**10.1.5 AMENDMENT TO BEACHES AND BEACH RESERVES LOCAL LAW 2102  
– RESTRICTIONS ON THE USE OF WATERCRAFT**

**File Ref:** SUB/2112  
**Attachments:** [Summary of Submissions Received](#)  
[Copy of Submissions Received](#)  
[Cottesloe Kite Surfing Map](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Garry Bird  
Manager Corporate & Community Services  
**Proposed Meeting Date:** 28 June 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Following concerns raised by Councillors in regards to kite and wind surfing activities along the Cottesloe beach foreshore, at the December 2015 meeting of Council it was resolved to amend the Town of Cottesloe Beaches and Beach Reserves Local Law 2012 (the Local Law) to further restrict these activities to certain areas and prohibit them in the main swimming and recreational areas.

Council resolved as follows;

*THAT Council, with respect to the proposed amendment to the Town of Cottesloe Beaches and Beach Reserves Local Law 2012:*

1. *Advertise the following proposed amendment for a period of not less than 42 days invite public submission in regards to the proposal.*  
*8.1 (d) sailing craft and sail boards between Rosendo Street and South Cottesloe Groyne.*
2. *Invite public submission in regards to the proposed amendment and consider at a Meeting of Council after the specified closing date for submissions.*
3. *Provide for alterations to the playground in the 2015/2016 budget review and installation of additional combined shower and tap at the beach access west of Salvado Road.*

Following the required statutory advertising period, 51 submissions were received in regards to the proposal which are attached for the information of Elected Members. A summary of the submissions is also provided.

Since the closing date for submissions, a further 4 submissions have been received which have been added to those previously received.

Elected Members are now required to consider the submissions received.

**BACKGROUND**

The Town of Cottesloe local law currently prohibits the use of watercraft (as defined in the local law) within the town boundary and extending 200 metres out to sea, with exceptions as specified including:

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**8.1 Restrictions on the use of watercraft**

*Watercraft are prohibited within defined area with the following exceptions -*

- a) surf life saving craft, used in their capacity as training and competition boats of a Life Saving Club, at both Cottesloe Beach and North Cottesloe Beach;*
- b) surf life saving boats being used for water rescue by a Surf Life Saving Club or authorised person;*
- c) subject to clause 4.2 surf skis may be used -
  - (i) at Cottesloe Beach and North Cottesloe Beach only for the purposes of entering and leaving the beach to a distance of one hundred metres seaward from the low water mark as measured at ordinary spring tides; and*
  - (ii) At other beaches where safe to do so;**
- d) sailing craft and sail boards south of the Cottesloe Groyne and north of the northern boundary of the North Cottesloe Surf Saving Club building; and*
- e) any watercraft taking part in an event authorised by the local government in accordance with these local laws.*

The proposed amendment to the Local Law was prepared as a result of an incident at "South Groyne Playground" where a beach goer was accidentally hit by a windsurfer and concerns were expressed by Elected Members about kite surfers and windsurfers being in such close to a playground. As such, staff were requested to examine how this situation could be remedied.

An amendment to the existing Local Law was considered the most suitable mechanism to control these activities and the following amendment to 8.1 (d) of the Local Law was suggested for consideration;

- 8.1 (d) sailing craft and sail boards south of the Cottesloe Groyne to *Rosendo Street* and north of the northern boundary of the North Cottesloe Surf Saving Club building

**STRATEGIC IMPLICATIONS**

Priority Area 3 – Enhancing Beach Access and Foreshore

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

Adoption of the proposed amendment to the Local Law would be in keeping with this stated strategic objective by ensuring windsurfers, kite surfers etc. have continued access to their preferred locations on Cottesloe beaches for set up and launching of their craft while ensuring other recreation assets such as playgrounds are safe and free from potential obstacles.

**POLICY IMPLICATIONS**

There are no direct implications arising from the Town of Cottesloe Beach Policy.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Functions and General) Regulations 1996*

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*Town of Cottesloe Local Government Beaches and Beach Reserves Local Law 2012*

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

### **3.12. PROCEDURE FOR MAKING LOCAL LAWS**

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
  - (a) *give Statewide public notice stating that —*
    - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
    - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
    - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
  - and*
  - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
  - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.*

*\* Absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
  - (a) *stating the title of the local law; and*
  - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
  - (c) *advising that copies of the local law may be inspected or obtained from the local government's office.*

(7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*

(8) *In this section —*

**making** *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

The above provision requires the Presiding Officer of the Meeting where the amendment is being considered to give notice to the meeting of the purpose and effect of the proposed amendment. In order to satisfy this requirement, the following Statement of Purpose and Effect was provided.

Amendment to Town of *Cottesloe Beaches and Beach Reserves Local Law 2012* - Section 8.1 Restrictions on the use of watercraft

*Purpose To improve safety of beach users by restricting the use of sailing craft and sailboards in the area north of the southern Groyne to Rosendo Street.*

*Effect Users of sailing craft and sailboards will not be permitted to use this area for set up, beach launch or use their watercraft in the water for 200 metres offshore.*

## **FINANCIAL IMPLICATIONS**

Works have not yet commenced on the carpark and playground improvements approved in the Council resolution, which will be budgeted for in 2016/17.

The Local Law prescribes a \$100 penalty for use of a watercraft in a prohibited area however income to be received is expected to be minimal, with Council Rangers undertaking an education first approach with those who may use their craft in a prohibited area.

If the officer's recommendation was to be adopted by Council, there will be some legal expenses incurred in the drafting of any repeal of the Beaches and Beach Reserves Local Law and the drafting of new clauses and definitions for the Local Government Property Local Law.

## **STAFFING IMPLICATIONS**

Rangers will ensure compliance with the amendment if adopted by Council, which will be done as part of their regular patrols and as such there will be no major staffing implications.

## **SUSTAINABILITY IMPLICATIONS**

Nil

## **CONSULTATION**

Town of Cottesloe Staff  
Kite Suring Association of Western Australia Inc  
Windsurfing Association of WA (Inc)  
Department of Local Government and Communities

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Western Australian Local Government Association  
Joint Standing Committee on Delegated Legislation

### **STAFF COMMENT**

The number of submissions received on the proposal indicates a high degree of community interest in the recommended changes, with many acknowledging the need for improvement and while not agreeing with the amendment as such, have provided various alternatives that are worth considering by Council in further detail.

In particular the need to distinguish between kite and wind surfing is repeated in many of the submissions and staff are of the view that this has considerable merit.

These submissions noted that kite and wind surfing have different requirements in terms of set up and access to the water. The propose amendment however would treat the two sports equally, other than signage to encourage their use in certain areas.

Bearing this in mind, staff have formed the view that the proposed amendment should be abandoned and that Council's intent would be better achieved by:

1. Repealing Part 8 of the *Beaches and Beach Reserves Local Law 2012*.
2. Installing a similar clause in the Local Government Property Local Law where other permitted and prohibited activities are specified.
3. Inserting definitions of kite and wind surfing (and other types of sailing craft and sail boards if so determined) in the Local Government Property Local Law and provide greater flexibility to Council to determine what activities are permitted in specified areas.

Further to point 1 above, it is suggested that a comprehensive review of the *Beaches and Beach Reserves Local Law 2012* be undertaken to indentify other clauses that are better suited to the Local Government Property Local Law.

### **VOTING**

Simple Majority

### **OFFICER RECOMMENDATION**

#### **Moved Cr Pyvis, seconded Mayor Dawkins**

THAT Council with respect to the proposal to amend the Beaches and Beach Reserves Local Law 2012, Council

1. Determine not to proceed with the proposed amendment.
2. Undertake a comprehensive review of the Beaches and Beach Reserves Local Law to identify parts of the Law that are in more in keeping with the permitted activities in the Local Government Property Local Law and report back to Council on these various sections with a view to repealing them and inserting into the Local Government Property Local Law.

3. Undertake the Salvado Street carpark works and install a shower and drinking fountain to encourage kite surfers to use this area for set up, due to the additional space available.
4. As an interim measure, encourage kite and windsurfers to use the area's specified on the attached map for their set up and access to the water.
5. Consolidate the playground equipment at the Southern Groyne into a smaller area and fence to separate windsurfers and children using the playground.
6. Undertake as a matter of priority the beach access path upgrades contained in the 2016/17 Budget.
7. Monitor the impact of these works over the 2016/17 season to identify patterns of usage arising from these new facilities and implement restrictions as required in the Local Government Property Local Law if deemed necessary.
8. Thank each person who made a submission and advise them of the outcome.

#### **AMENDMENT**

**Moved Cr Birnbrauer, seconded Cr Downes**

**That the words "with first priority being given to the beach access path at Salvado Street" be added to point six (6), after the word "Budget".**

**Carried 9/0**

#### **COUNCIL RESOLUTION**

**THAT Council with respect to the proposal to amend the Beaches and Beach Reserves Local Law 2012, Council**

1. **Determine not to proceed with the proposed amendment.**
2. **Undertake a comprehensive review of the Beaches and Beach Reserves Local Law to identify parts of the Law that are in more in keeping with the permitted activities in the Local Government Property Local Law and report back to Council on these various sections with a view to repealing them and inserting into the Local Government Property Local Law.**
3. **Undertake the Salvado Street carpark works and install a shower and drinking fountain to encourage kite surfers to use this area for set up, due to the additional space available.**
4. **As an interim measure, encourage kite and windsurfers to use the area's specified on the attached map for their set up and access to the water.**
5. **Consolidate the playground equipment at the Southern Groyne into a smaller area and fence to separate windsurfers and children using the playground.**
6. **Undertake as a matter of priority the beach access path upgrades contained in the 2016/17 Budget, with first priority being given to the beach access path at Salvado Street.**

- 7. Monitor the impact of these works over the 2016/17 season to identify patterns of usage arising from these new facilities and implement restrictions as required in the Local Government Property Local Law if deemed necessary.**
- 8. Thank each person who made a submission and advise them of the outcome.**

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 9/0**

**10.1.6 DELETION OF REDUNDANT POLICIES**

|                                       |  |
|---------------------------------------|--|
| <b>File Ref:</b>                      | <b>SUB/587</b>   |
| <b>Attachments:</b>                   | <a href="#">1 Uniforms Office Staff</a><br><a href="#">2 Sale of Council Property</a><br><a href="#">3 Annual Financial Planning and Reporting</a><br><a href="#">4 Disposal of Abandoned Vehicles</a><br><a href="#">5 Donations Refuse Services</a><br><a href="#">6 Rangers Uniforms</a><br><a href="#">7 Marmion Street Community Centre</a><br><a href="#">8 Disposal of Surplus Goods and Equipment</a><br><a href="#">9 Expenditure Variations</a><br><a href="#">10 Reserve Accounts</a><br><a href="#">11 Accounting</a><br><a href="#">12 Windfall Gains</a> |
| <b>Responsible Officer:</b>           | <b>Mat Humfrey</b><br><b>Chief Executive Officer</b>   |
| <b>Author:</b>                        | <b>Mat Humfrey</b><br><b>Chief Executive Officer</b>   |
| <b>Proposed Meeting Date:</b>         | <b>28 June 2016</b>  |
| <b>Author Disclosure of Interest:</b> | <b>Nil</b>   |

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**SUMMARY**

Following a review of the Town's Policy Handbook, a number of policies are being recommended for deletion as they are either no longer relevant or have been replaced by other legislative documents.

**BACKGROUND**

The Town is required to regularly review its policies and where required, make amendments. Following a review of the Policy Handbook, a number of policies were identified as either outdated or redundant.

As the first step in refreshing the Town's Policy Handbook, it is recommended that policies that are no longer required be deleted. In the coming months, outdated policies will be reviewed and updated, and presented to Council for consideration.

**STRATEGIC IMPLICATIONS**

As the policies in question are redundant, there are no anticipated strategic implications.

**POLICY IMPLICATIONS**

As the policies in question are redundant, there are no perceived policy implications contained within the officer's recommendation.

**STATUTORY ENVIRONMENT**

There are a number of areas that could be considered in this report. Essentially, the main reason that policies have become redundant has been through a change in other legislation (or statutory documents) that in effect make the policy now

redundant. These areas are listed in the table included in the staff comment section of the report.

### FINANCIAL IMPLICATIONS

As the policies are considered redundant, there are no perceived financial implications from the officer's recommendation.

### STAFFING IMPLICATIONS

As the policies are considered redundant, there are no perceived staffing implications from the officer's recommendation.

### SUSTAINABILITY IMPLICATIONS

As the policies are considered redundant, there are no perceived sustainability implications from the officer's report.

### CONSULTATION

As per the Town's Consultation Policy, the recommendation is to advertise the intention to delete the policies from the Town's Policy Handbook and seek submissions accordingly. Following the advertising period, a further report will be presented to Council to consider the submissions received.

### STAFF COMMENT

The legislative framework in which local governments operate is constantly evolving. From time to time, changes to the Local Government Act and Regulations, make existing policies either redundant or in need of modification. Further, other statutory changes, such as changes to work place law, can also have an effect on the Town's policies.

The policies listed below have become redundant either through a change in the statutory environment, or the activity involved is no longer undertaken by the Town. Each policy has been considered and comments provided in the table below.

| <b>Policy Name</b>       | <b>Reason for deletion</b>  | <b>Document that contains the relevant provisions</b>   |
|--------------------------|---|---|
| Uniforms – Office Staff  | The Town's 2010 Enterprise Bargaining Agreement has been replaced with a new Enterprise Agreement. The new Enterprise Agreement does not contain the provision referred to in the policy. | Town of Cottesloe Enterprise Agreement 2015   |
| Sale of Council Property | The requirements for advertising a disposition and attaining a valuation are now contained in the Local Government Act and Financial Management Regulations                               | <i>Local Government Act 1995</i><br><i>Local Government (Financial Management) Regulations 1996</i> |
| Annual Financial         | The preparation of a principal activity plan has been removed   | Integrated Planning and Reporting Framework.  |



| Policy Name                     | Reason for deletion   | Document that contains the relevant provisions  |
|---------------------------------|---|---|
| Planning and Reporting          | from the Act. The Integrated Planning and Reporting Framework now sets out the requirements contained within this policy.   |   |
| Disposal of Abandoned Vehicles  | The disposal of property is now covered by section 3.58 of the Local Government Act and applies to impounded goods.   | <i>Local Government Act 1995</i>  |
| Donations – Refuse Services     | This policy hasn't operated for some time   | -   |
| Rangers' Uniforms               | The requirement to provide adequate uniforms and personal protective equipment are covered in the Enterprise Agreement  | Town of Cottesloe Enterprise Agreement 2015   |
| Marmion Street Community Centre | The facility has now been leased to the Cottesloe Community Child Care Centre.  | -   |
| Disposal of Surplus Goods       | The disposal of local government property is covered by s3.58 of the Local Government Act 1995  | <i>Local Government Act 1995</i>  |
| Expenditure Variations          | Local Government Act 1995<br>Local Government (Financial Management) Regulations 1996<br>Annual Budget  | Allowable variances are set each year as a part of the budget process.  |
| Windfall Gains                  | Windfall gains should be handled through either the Budget or Budget Review Process   | -   |
| Reserve Account                 | The establishment and management of reserves is governed by the Act and Regulations. The need for a specific reserve and consideration of the alternatives are covered in the formulation of the Long Term Financial Plan | <i>Local Government Act 1995</i><br><i>Local Government (Financial Management) Regulations 1996</i><br>10 Year Long Term Financial Plan |
| Accounting                      | The policy statements cover matters reviewed and adopted as a part of the budget process.   | <i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996, and the Annual Budget</i>                       |

There are a number of other policies that will require review and updating in the coming months. Administration are currently working on the drafting of these policies and they will be presented to Council progressively in the near future.

**VOTING**

Simple majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Dawkins, seconded Cr Rodda**

**THAT Council authorise the Chief Executive Officer to give public notice that the following policies will be deleted, and seek submissions from the public over a period not less than 28 days on the proposed deletions.**

- 1. Uniforms Office Staff**
- 2. Sale of Council Property**
- 3. Annual Financial Planning and Reporting**
- 4. Disposal of Abandoned Vehicles**
- 5. Donations – Refuse Services**
- 6. Rangers’ Uniforms**
- 7. Marmion Street Community Centre**
- 8. Disposal of Surplus Goods and Equipment**
- 9. Expenditure Variations**
- 10. Reserve Accounts**
- 11. Accounting**
- 12. Windfall Gains**

**Carried 8/1**

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

**10.1.7 STRATEGIC COMMUNITY PLAN – FINAL ADOPTION OF NEW STRATEGIES**

**File Ref:** SUB/2166  
**Attachments:** [Copy of Public Notice](#)  
[Summary of Community Feedback New Strategies](#)  
[Submissions Received](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Mat Humfrey  
Chief Executive Officer  
**Proposed Meeting Date:** 28 June 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Following community consultation, Council is being presented with seven additional strategies for inclusion in the Strategic Community Plan.

**BACKGROUND**

Council has considered the Strategic Community Plan twice previously. In November 2015, a desktop review was undertaken of the current Strategic Community Plan and advertised for comment. At the close of the submission period, it became apparent from the submissions received, that several new strategies would be required to satisfy the issues raised. The new Strategies were developed by the administration and presented to Council for consideration in March 2016. At that meeting Council resolved to adopt the Strategic Community Plan as presented and advertise seven new strategies for possible inclusion.

**STRATEGIC IMPLICATIONS**

If the officer's recommendation is adopted by Council, seven new strategies will be added to the Strategic Community Plan.

**POLICY IMPLICATIONS**

Of the new strategies advertised, three will require amendments to existing policies or the development of new policies.

Strategy 1 will require amendments to the Town's trees policies, Strategy 4 will require changes to several existing policies and Strategy 5 will likely result in new policies being written.

The development of these policies can be undertaken with existing resources.

**STATUTORY ENVIRONMENT**

Section 5.56 of the *Local Government Act 1995*, requires that each local government has a plan for the future, and that such a plan needs to be made in accordance with the Regulations made.

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*Local Government (Administration) Regulations 1996*, specifically Regulations 19C and 19D apply to this report. In essence, these Regulations require that any modification must be the subject of community consultation and any modification agreed to by the local government, must be advertised.

### **FINANCIAL IMPLICATIONS**

The new strategies as advertised are capable of being met within the Town's existing financial resources. The exact impacts and costs would be addressed during the formulation of yearly budgets.

### **STAFFING IMPLICATIONS**

There are no perceived changes to the staffing requirements in the officer's recommendation.

### **SUSTAINABILITY IMPLICATIONS**

There are considerable sustainability implications in the strategies as advertised. In particular Strategies 1, 5 and 7 are expected to assist the Town in terms of long term sustainability. Until the final projects are determined, the exact benefit is not able to be calculated.

### **CONSULTATION**

Following the March meeting, the new strategies were advertised for community submissions. Overall, the level of submissions received would be categorised as low.

### **STAFF COMMENT**

Overall the number of submissions was relatively low. However, the low return this time should be considered against the response that was received prior to the March meeting, which was healthy.

Only one submission was received that suggested several of the strategies should not be supported. The submission stated that strategies 2, 3, 4, 5 and 7 should not be supported. While no specific submissions were received supporting these strategies, this must be considered against the submissions received in March, which resulted in the new strategies being developed in the first instance. As such, the recommendation is still to endorse these strategies.

Three of the submissions received suggested additional strategies or changes, that were not being advertised. While we cannot incorporate these changes at this time, they will be noted and considered the next time the Strategic Community Plan is reviewed, which is due in the second half of next year.

### **VOTING**

Absolute Majority required.

### **OFFICER RECOMMENDATION**

**Moved Cr Rodda, seconded Cr Birnbrauer**

THAT Council by absolute majority:

1. Endorse the inclusion of the seven new strategies in the Strategic Community Plan as advertised; and
2. Thank each person who made a submission and advise them of the outcome.

**AMENDMENT**

**Moved Cr Boulter, seconded Cr Pyvis**

**That point two (2) become point three (3) and a new point two (2) be added that reads “that the submission regarding helping families to flourish and connect in Cottesloe be incorporated into the Corporate Business Plan”.**

**Carried 9/0**

**COUNCIL RESOLUTION**

**THAT Council by absolute majority:**

1. Endorse the inclusion of the seven new strategies in the Strategic Community Plan as advertised;
2. That the submission regarding helping families to flourish and connect in Cottesloe be incorporated into the Corporate Business Plan; and
3. Thank each person who made a submission and advise them of the outcome.

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 9/0**

*The Chief Executive declared an interest in item 10.1.8 as it directly relates to his performance review.*

*The Chief Executive Officer left the meeting at 9:08 PM.*

### **10.1.8 CHIEF EXECUTIVE OFFICER – PERFORMANCE REVIEW – CONSIDERATION OF PROCESS AND CONSULTANT**

**File Ref:** SUB/2192  
**Attachments:** [CONFIDENTIAL CEO Performance Review Proposal](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Mat Humfrey  
Chief Executive Officer  
**Proposed Meeting Date:** 28 June 2016  
**Author Disclosure of Interest:** The Chief Executive Officer declared an interest in this matter as it directly relates to his performance review.

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#### **SUMMARY**

Council is being asked to consider appointing a consultant to prepare the Chief Executive Officer's annual performance review.

#### **BACKGROUND**

Council is required under the *Local Government Act 1995* to undertake a review of the Chief Executive Officer's performance on an annual basis. The Chief Executive Officer was appointed on 08 June 2015, as such the first annual performance review is now able to be undertaken.

Traditionally, the Town has appointed a consultant to liaise with all necessary parties in preparing the review for Council to then consider. This process allows all Elected Members and the Chief Executive Officer to participate in the review.

Under the former committee system, the Strategic Planning Committee also became the Chief Executive Officer's Performance Review Committee. With the introduction of the Briefing Session system, the Strategic Planning Committee has ceased meeting.

#### **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.

#### **POLICY IMPLICATIONS**

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

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**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**

The cost of engaging the consultant to prepare a report of the Chief Executive Officer's performance, as set out in the recommendation, is able to be met within approved operating budgets.

**STAFFING IMPLICATIONS**

There are no perceived impacts on staffing levels within the officer's recommendation.

**SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability impacts within the officer's recommendation.

**CONSULTATION**

Western Australian Local Government Association – Employment Solutions

**STAFF COMMENT**

In order for the performance of the Chief Executive Officer to be reviewed, a report will need to be prepared for Council's consideration. Preparation of the report will require someone discussing the past year's Key Result Areas and progress made on them with the Chief Executive, while also providing a forum for each Elected Member to provide feedback on their perception of the Chief Executive Officer's performance and areas that could be improved.

As the report will be about the Chief Executive Officer's performance, there would be a clear conflict if they, or any staff members that report to the Chief Executive Officer, were to prepare this report. It could also create a situation where Elected Members are not as comfortable providing their feedback.

In order to proceed in the most efficient manner possible, it is recommended that Council engage an appropriately experienced consultant to undertake this work. With this in mind, officers have contacted the Western Australian Local Government Association to see if they had anyone who could undertake the work or if they could recommend an appropriate consultant.

The Western Australian Local Government Association provided the name of Mr John Phillips, who specialises in Chief Executive Officer performance appraisals. Mr Phillips has been engaged by the Town previously, to undertake the performance appraisals of the former Chief Executive Officer. Mr Phillips has several references and comes highly recommended.

When considering the most appropriate pathway for the report to come to Council, administration looked at what the Town has previously undertaken and what other local governments are currently doing.

The Strategic Planning Committee historically was appointed as the Chief Executive Officer's Performance Review Committee. This provided a readymade committee, that had set meetings, which could then forward the report to Council for final consideration. As the Strategic Planning Committee has not met this year, there does not appear to be any benefit in this system remaining.

In place of this it would be more efficient to have the whole Council appointed to the Chief Executive Officer's Performance Review Committee, which could meet the week prior to the Council meeting, immediately following the briefing session.

**VOTING**

Absolute Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Dawkins, seconded Cr Angers**

**THAT Council by absolute majority:**

- 1. Appoint Mr John Phillips to prepare a report on the Chief Executive Officer's performance for the period 08 June 2015 to 08 June 2016 as per the proposal attached; and**
- 2. Appoint all Elected Members to the Chief Executive Officer's Performance Review Committee.**

**Carried 9/0**

*The Chief Executive Officer returned to the meeting at 9:12 PM.*



**10.1.9 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – 2016  
ANNUAL GENERAL MEETING DELEGATES**

Withdrawn.

**10.1.10 EVENT APPLICATION - ZACCARIA CONCERTS AND TOURING  
PTY LTD - BEACH CONCERT**

**File Ref:** SUB/2091  
**Attachments:** [Executive Summary](#)  
[Site Plan](#)  
[Traffic Management Plan](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Garry Bird  
Manager Corporate & Community Services  
Elizabeth Nicholls  
Administration Officer  
**Proposed Meeting Date:** 28 June 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

To consider an application received from Zaccaria Concerts and Touring Pty Ltd (Zaccaria Concerts), requesting approval for a concert at Cottesloe Beach on Saturday 26 November 2016.

The event hopes to attract 6,000 patrons with the concert to operate between the hours of 3.00pm and 8.00pm.

A comprehensive application proposal has been received, which is available for the consideration of Elected Members. It should be noted at this stage, the supporting information provided is in a draft form, with Zaccaria Concerts to liaise with staff to further refine and improve these documents if Council approval is obtained.

**BACKGROUND**

Zaccaria Concerts is a concert promoter in Australia and Asia with significant experience in the promotion and production of large scale concert events including outdoor concerts. Some of the more recent concerts scheduled in Western Australia include;

- The Hoodoo Guru's at Rottnest Island.
- John Farnham at Sandalford Winery in the Swan Valley.

The "By The C" event is described by Zaccaria Concerts as "*a proposed new cultural event to be located on the picturesque Cottesloe Beach. We aim to deliver a music and arts experience that engages local businesses and organisations in the Cottesloe Beach vicinity while being respectful to local flora and fauna. Our goal is for this event to be a showcase of just how magical Cottesloe beach really is*".

**STRATEGIC IMPLICATIONS**

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.

Consideration of the application to stage a concert event at Cottesloe Beach is in keeping with this stated strategic objective.

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**POLICY IMPLICATIONS****Events Classification Policy**

The above Policy categorises events into 4 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*

*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 will also be required for the event. Preliminary advice from the Western Australian Planning Commission indicates that this is not an insurmountable obstacle and that such requests can be fast tracked to facilitate the event.

## **FINANCIAL IMPLICATIONS**

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

|                                   |                  |
|-----------------------------------|------------------|
| Commercial (<1000 people)         | \$3,000 per day  |
| Commercial (>1000 ~ <2000 people) | \$6,000 per day  |
| Commercial (<2000 ~ <3000 people) | \$10,000 per day |

The event organisers have indicated that they are anticipating 6,000 patrons and as such, a fee of \$10,000 would apply. A bond of \$3,000 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 2015/16 financial year.

### **STAFFING IMPLICATIONS**

There are no staffing implications arising from the Officers Recommendation.

### **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.

### **CONSULTATION**

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

Due to the commercial nature of the event, public consultation is constrained due to the applicant's desire for the artist to be kept confidential until support or otherwise is obtained. As such, 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.

### **STAFF 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 have demonstrated their awareness of these issues and invested considerable funds in preparing 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.

If Council approval (conditional) was forthcoming, it is recommended that Council's insurance broker Local Government Insurance Services be engaged to undertake an independent risk assessment of the proposal and recommend measures to alleviate or minimise these risks.

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.

Zaccaria Concerts have staged similar events at prime beach front locations in Western Australia in the past. Discussions with the local authorities where these have been held demonstrate their ability to manage such events and further evidenced by their approval to hold subsequent events. A prime example of this is the concerts staged at Rottenest Island which pose more substantial logistical challenges around transport and waste, and involve a similar number of patrons.

The Town of Cottesloe has given approval for other large events at the beach in the past with the Havaianas' Thong Challenge the most recent example. The Rottnest Swim event also attracts a large number of competitors and spectators to the beach.

The most recent example of a concert being staged at the beach is a Beach Boys concert in February 2004, which it is understood, had some problems around transport and noise although only a small number of formal complaints were received by Council.

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 and presented to council for consideration 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.

If Council was to approve the event and it was considered a success, Zaccaria Concerts have indicated they would like to stage similar events in the future at Cottesloe beach.

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 approval, subject to ongoing review of the various management plans.

**VOTING**

Simple Majority

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

THAT Council provide in-principle support for the application by Zaccaria Concerts and Touring to stage a concert event at Cottesloe Beach on Saturday 26 November 2016 and authorise the Chief Executive Officer to issue final approval of the event subject to the requirements of the Town of Cottesloe being met by the applicant 30 days prior to the event.

**AMENDMENT****Moved Cr Angers, seconded Cr Thomas**

That a point two (2) be added that reads "That consideration be given to the Cott Catt being rerouted through the Town Centre".

Lost 2/7

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**THAT Council provide in-principle support for the application by Zaccaria Concerts and Touring to stage a concert event at Cottesloe Beach on Saturday 26 November 2016 and authorise the Chief Executive Officer to issue final approval of the event subject to the requirements of the Town of Cottesloe being met by the applicant 30 days prior to the event.**

Carried 6/3

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

**10.1.11 ICEA CLASSIC - 2016**

**File Ref:** SUB/2091  
**Attachments:** [ICEA 2016 Event Application Form](#)  
[ICEA 2016 Executive Summary](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Authors:** Garry Bird  
Manager Corporate & Community Services  
Sherilee Macready  
Community Development Officer  
**Proposed Meeting Date:** 28 June 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The Indigenous Communities Education and Awareness ('ICEA') Foundation is seeking approval for the 7<sup>th</sup> ICEA Classic Event, to be held at The Cove, Cottesloe, and its adjacent car park, on Sunday 11 September 2016, between 6.00am and 6.00pm. Cottesloe has been involved in the event since its inception in 2010.

**BACKGROUND**

The ICEA Classic is an annual youth run surfing event and cultural day organised by not-for-profit organisation, Indigenous Communities Education and Awareness, with primary aims to:

- promote mutual respect in the community;
- raise participant's awareness of indigenous cultures;
- create positive experiences for indigenous and non-indigenous relationships; and
- to grow community awareness of environmental sustainability.

The event has to date been held successfully at The Cove, 100m north of Isolators Reef, with primary support from North Cottesloe Surf Life Saving Club and additional support from Cottesloe Surf Life Saving Club.

The 2013 event saw the event site space increase to include the utilisation of the car park adjacent to The Cove. This was repeated at the 2014 and 2015 events. Organisers would like to again include this space as part of their 2016 event as it has proved a successful addition to their event.

With 70 competitors expected, together with a few thousand spectators, extra toilets and rubbish bins will be provided by the organisers.

Event commentators will make brief announcements from 8.00am to 5.00pm on the day of the competition.

**STRATEGIC IMPLICATIONS**

Nil

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**POLICY IMPLICATIONS**

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

Event Classification Policy.

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

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

If Council charges beach hire for this event, under community classification, it would total \$550. The Town has not charged in the past for the use of The Cove and adjoining land based activities, classifying the event as charitable as per the definitions prescribed in the Event Classification Policy.

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

The Sustainability Officer was asked for comment regarding the sustainability implications of this event. It was advised that event organisers are encouraged to manage access to the reef and vegetation areas at The Cove by competitors and members of the public attending the event, by encouraging people to use designated pathways.

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

**CONSULTATION**

The Sustainability Officer has indicated that she will again look to employ the Cott Cat bus for peak times of the event to assist with transportation of spectators to and from the train station.

**STAFF COMMENT**

Organisers will again engage North Cottesloe Surf Life Saving Club to provide water safety and first aid assistance for this year's event, with support from Cottesloe Surf Life Saving Club. The Club has also provided a letter of support for the event. Cottesloe Surf Life Saving Club stated that they will support the event by working together with North Cottesloe Surf Life Saving Club as part of the event.

A comprehensive Risk Management Plan has been provided together with a draft Event Executive Summary. A map of the event site, including the location of the marquee has been provided. A current Public Insurance Certificate to cover the event will be provided prior to the event. A comprehensive Event Management Plan will be provided to Council prior to the event.

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

Officers provided feedback to organisers with regards to the 2014 event, particularly in terms of concerns the Town had around: spillage of the event out of the event space; excessive event signage on display; and noise concerns. Most of these concerns stemmed from the fact that the event has grown in size since its inception. Organisers of the 2015 event were able to successfully address the Town's concerns, for example, installing fencing at key points at the road's edge to contain event spillage; employing noise control measures; employing a event coordinator to manage the event; managing the number of event signs displayed; and reviewing the contents of their 'Program of Events'. Organisers of the 2016 event have indicated that they will be again including the above measures for this year's event. Officers will again work with the organisers to encourage them to employ these and other safety and noise measures.

## **VOTING**

Simple Majority

## **OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Dawkins, seconded Cr Downes**

**THAT Council approve the application to hold the 7<sup>th</sup> ICEA Classic Event at The Cove and its adjacent car park on Sunday 11 September 2016, from 6.00am to 6.00pm, subject to the following conditions:**

- 1. Class the event as a "Charitable Event" and charge no fee for the event;**
- 2. Adequate arrangements for rubbish collection and removal, including the provision for recycling;**
- 3. All signage to be approved by the Chief Executive Officer one month prior to the event;**
- 4. The event complies with the *Environmental Protection (Noise) Regulations 1997*;**
- 5. The event complies with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*;**
- 6. Additional toilets are provided to the satisfaction of the Chief Executive Officer;**
- 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. Provision of a 'certificate of currency' to satisfy that the organisers have adequate public liability and event insurance;**

- 10. Permission is granted to close the car park adjacent to The Cove, from 6.00am on Saturday 10 September to 12.00pm on Monday 12 September 2016;**
- 11. No balloons to be used during the event; and**
- 12. Earth Carers 'H2O to Go' Water Station facilities are investigated for use at the event.**

**Carried 9/0**

**10.1.12 2016 WHALEBONE CLASSIC**

**File Ref:** SUB/2204  
**Attachments:** [Event Application Form](#)  
[Site Map](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Authors:** Garry Bird  
Manager Corporate & Community Services  
Sherilee Macready  
Community Development Officer  
**Proposed Meeting Date:** 28 June 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

On Friday 8 July, Saturday 9 July and Sunday 10 July 2016, Surfing Western Australia would like to hold their annual Whalebone Classic at Isolators Reef Cottesloe. The event will be organised by Surfing Western Australia, with support from Funs Back Surf and the Cottesloe Longboard Club.

**BACKGROUND**

The Whalebone Classic is a local event, consisting primarily of a three day professional longboard surfing competition. It has been running for the past 18 years without incident.

A marquee tent will be set up for local sponsors to advertise their surf wares. Profits over the weekend are then distributed to Surf Aid International and other not-for-profit organisations.

With 130 competitors expected, together with attending spectators, extra toilets will be provided by the organisers. Rubbish bins are required, which have been supplied by the Council in previous years in support of this community event.

There will also be a designated licensed area for wine and beer tasting by gold coin donation from 11.30am – 4.00pm each day, as per previous years. The licensed area will be fully fenced off and security staff will be in place. A liquor licence is to be finalised from the Department of Racing, Gaming and Liquor before the event date. Proceeds from the licensed area collection will be donated to the Motor Neurone Association of Western Australia.

This year to add an extra element to the event, organisers would like to include a small vintage car display for spectators located on the grassed area north of the event site (refer attached map). The vintage vehicles that comprise the display will be provided by some of the competitors in the event. Vehicle engines will not be running during the event.

Event commentators will make brief announcements from 7.00am – 5.00pm on each day of the competition.

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**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Beach Policy.  
Event Classification Policy.

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

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

If Council charges beach hire for this event, under community classification, it would total \$550 per day. The Town has not charged in the past for the use of Isolators Reef and adjoining land based activities, classifying the event as charitable as per the definitions prescribed in the Event Classification Policy.

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

The Sustainability Officer and the Coast Care Officer were asked for comment regarding the sustainability implications of this event. It was advised that event organisers are encouraged to manage access to Isolators Reef by competitors and members of the public attending the event, by encouraging people to use designated pathways.

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

**CONSULTATION**

Nil

**STAFF COMMENT**

As this is an annual event that has been successfully run in the past, officers support the 2016 application.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Dawkins, seconded Cr Downes**

**THAT Council approve the application to hold the 2016 Whalebone Classic at Isolators Reef on Friday 8 July, Saturday 9 July and Sunday 10 July 2016, subject to the following conditions:**

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1. That the event organisers are able to provide proof of adequate public liability insurance for all aspects of the event, for no less than \$10 million;
2. Additional toilets are provided to the satisfaction of the Chief Executive Officer;
3. That the \$550 fee be waived subject to this support being appropriately acknowledged;
4. Compliance with the *Environmental Protection (Noise) Regulations 1997*;
5. Compliance with requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*;
6. 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;
7. Permission to use the grassed area north of Isolators Reef to house the vintage car display;
8. No balloons to be used during the event;
9. Compliance with the Town's *Beaches and Beach Reserves Local Law 2012*; and
10. Compliance with relevant sections of the Town's *Beach Policy*.

Carried 9/0

**10.1.13 CELEBRATION OF THE MOTORCAR - 2016**

**File Ref:** SUB/2094  
**Attachments:** [Celebration of the Motorcar 2016 Event Application Form](#)  
[Celebration of the Motorcar 2016 Event Management Plan](#)  
[Celebration of the Motorcar 2016 Exhibition Layout](#)  
**Responsible Officer:** **Mat Humfrey**  
**Chief Executive Officer**  
**Author:** **Garry Bird**  
**Manager Corporate & Community Services**  
**Elizabeth Nicholls**  
**Administration Officer**  
**Proposed Meeting Date:** 28 June 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Celebration of the Motorcar is a motoring exhibition event held in the grounds of the Cottesloe Civic Centre. Automotive Events Management is seeking approval for the fifth Celebration of the Motorcar event to be held at the Cottesloe Civic Centre, on Sunday 27 November 2016, between 10.30am and 3.30pm.

**BACKGROUND**

The event invites members of the public to view an exhibition of Australia's classic, exotic and prestige cars in the grounds of the Cottesloe Civic Centre as part of a charity fundraising event. The specific locations of the public exhibition will be on the Main Lawn, Lower Lawn and Playground 2 as shown on the attached Exhibition Layout.

The primary aim of the event is to raise funds and profile for the organiser's chosen charity, Wheels for Hope. Wheels for Hope is a charity that supports WA families with disabilities who do not have the benefit of mobility. These are families who do not have suitable transportation to access critical medical and remedial care, educational opportunities and community events. Wheels for Hope have a fleet of 60 wheelchair hoist vehicles which are loaned to eligible families as part of the programme. This year, funds raised by the Celebration of the Motorcar event, will support Wheels for Hope maintain and grow its fleet, and assist more WA families to gain mobility and have a better chance of contributing to, and taking part in community life.

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

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

100% of admission fees, after costs, are donated to the organisation's chosen charity organisation, Wheels for Hope.

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The Vintage Sports Car Club of WA is celebrating its 30<sup>th</sup> Anniversary, their very first meeting was held at the Cottesloe Civic Centre. As such, a special display consisting exclusively of historic racing cars is planned for Playground 2 which will be accessible to all visitors.

Rubbish bins are required for the event, which were supplied by the Council at last year's event in support of this charitable event.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications arising from the Officers Recommendation.

### **POLICY IMPLICATIONS**

- Outdoor Concerts and Large Public Events Policy
- Events Classification Policy

The proposed event is in keeping with the above policies

### **STATUTORY ENVIRONMENT**

*Environmental Protection (Noise) Regulations 1997*

### **FINANCIAL IMPLICATIONS**

The fees associated with Public Events / Multiple Area Events for over 500 people, as per the Town's Schedule of Fees and Charges for the year ending 30 June 2016 are as follows:

|                                   |                  |
|-----------------------------------|------------------|
| Charity                           | Nil              |
| Community (<1000 people)          | \$550 per day    |
| Community (>1000 ~ <3000 people)  | \$1,100 per day  |
| Commercial (<1000 people)         | \$3,000 per day  |
| Commercial (>1000 ~ <2000 people) | \$6,000 per day  |
| Commercial (<2000 ~ <3000 people) | \$10,000 per day |

The event organisers have indicated that they are anticipating approximately 2000 paid participants to the event – which would attract a fee of \$6,000.

However, the organisers are contributing 100% of the admission fees collected, after costs, to their chosen charity, Wheels for Hope, which supports WA families with disabilities who do not have the benefit of mobility. As such it is recommended that Council classify this event as a “charitable” event – which has no fees. The Town has not charged fees in the past for this event.

### **STAFFING IMPLICATIONS**

There are no staffing implications arising from the Officers Recommendation.

### **SUSTAINABILITY IMPLICATIONS**

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



**CONSULTATION**

Noise limits will be put into place for activities on the Lower Lawn and in Playground 2, with no vehicle activity at the Civic Centre before 8.30am or after 6.00pm on Sunday 27 November 2016.

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

**STAFF COMMENT**

The 2012, 2013, 2014 and 2015 events were well organised and drew interest from local residents, who appreciated the type and value of the cars on display. The Town did not receive any formal noise complaints from surrounding residents to the Cottesloe Civic Centre following the 2015 event, and as such is supportive of the event.

Event organisers have advised officers that event signage will be at a minimum and will consist primarily of directional signage. Event signage will also consist of one 'Celebration of the Motorcar' banner at the public entrance from Napier Street as per the 2014 and 2015 event, and specific car trade display signage, which will be restricted to individual car sites. With the focus of the event being the cars themselves, advertising will be kept to an absolute minimum.

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

On the Saturday 26 November, between 10.00am and 2.00pm, some cars will be delivered in preparation for their display placement. Event organisers will be required to keep the noise associated with this to a minimum. A security guard will be in place overnight to guard the vehicles.

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

The cars will leave the Civic Centre between 3.45pm and 5.45pm on Sunday 27 November, with all activity ceased for the evening by 6.00pm. This again should minimise noise impacts on nearby residents. Given the times of the event and low level nature of the activities, it is not proposed to require the application to engage noise monitoring services.

The event is open to the public between 10.30am and 3.30pm.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Dawkins, seconded Cr Downes

THAT Council approve the application to hold the Celebration of the Motorcar event at Cottesloe Civic Centre, on Sunday 27 November 2016, from 10.30am to 3.30pm, with the following conditions:

1. Adequate arrangements are made for rubbish collection and removal, including the provision for recycling;
2. Compliance with the *Environmental Protection (Noise) Regulations 1997*;
3. Compliance with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*;
4. Class this event as a “charitable” event and charge no hire fees;
5. Any additional applicable fees are to be paid prior to the event, including fees to cover additional costs of cleaning the public toilets and ranger services (if required);
6. Provision of ‘certificates of currency’ to certify that organisers have adequate public liability and event insurance, to the satisfaction of the Chief Executive Officer, prior to the event;
7. Provision of an ‘event management plan’ and ‘risk assessment document’, to the satisfaction of the Chief Executive Officer, prior to the event;
8. That support vehicles are parked at Harvey Field and not in public parking areas;
9. No vehicle activity at the Civic Centre before 8.30am and after 6.00pm on Sunday 27 November 2016;
10. Neighbouring properties to the Cottesloe Civic Centre are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required; and
11. No balloons to be used during the event.

Carried 9/0

**10.1.14 COASTAL MONITORING SUMMARY REPORT (YEAR TWO)**

**File Ref:** SUB/2150  
**Attachments:** [Cottesloe Coastal Monitoring Annual Summary Report 2015\\_16](#)  
**Responsible Officer:** Mat Humfrey  
**Author:** Chief Executive Officer  
Melissa Rachan  
Sustainability Officer  
**Proposed Meeting Date:** 28 June 2016  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The Cottesloe coastline experiences short-term, event based and seasonal storm erosion and has been identified as vulnerable to long-term erosion. Given the highly dynamic nature of coastal processes, a detailed understanding of shoreline change is necessary to enhance Council's capacity to make decisions concerning long-term planning for coastal management and adaptation.

The Town's ongoing coastal monitoring program, now in its second year, aims to build an understanding of coastal processes which impact Cottesloe's coastline. The attached report, 'Cottesloe Coastal Monitoring Annual Summary 2015/2016', provides a comparative analysis on year two data and baseline data (collected in 2014/2015), and provides recommendations based on key observations from the monitoring period.

**BACKGROUND**

A multitude of negative impacts are associated with the incidence of climate change, including sea level rise. As noted by the Commonwealth Scientific and Industrial Research Organisation, consequences of sea level rise in Australia include flooding of low-lying coastal areas, higher storm surges that will affect coastal communities and infrastructure as well as wide-spread coastal erosion.

Cottesloe foreshore has undergone significant development and modification, including the construction of sea walls, groynes and other stabilisation works, in response to ongoing erosion issues. Such erosion can lead to loss of beaches, reduction of coastal access, as well as diminished recreational opportunities and aesthetic values. Assets and services to be preserved in close proximity to the Cottesloe coastline include:

- key services and utilities such as sewerage, gas, electricity and water mains;
  - public facilities such as toilets/change rooms, playgrounds, park furniture and drink fountains;
  - Marine Parade, a key coastal access road;
  - walk/cycle-ways and beach access paths;
  - cafes, shops and restaurants including well known establishments such as Indiana Teahouse, Cottesloe Beach Hotel, Ocean Beach Hotel; and
  - surf clubs, a golf course, aged care facility and residential properties of high value.
-

Although the Cottesloe foreshore has been the subject of a number of coastal studies over the last few decades, an ongoing dataset measuring beach profile change does not currently exist. The 2008 Coastal Vulnerability Assessment recommended that the Town undertake a geotechnical study, which was completed in 2010, as well as establish a coastal monitoring program.

The ongoing monitoring program commenced in November 2014, with half of the project funded through the Department of Transport's Coastal Adaptation and Protection Grant. The program involves photogrammetric monitoring as well as beach profile and bathymetric survey monitoring. The former methodology entails the regular capture of imagery at two key sections along the coastline, including Cottesloe main beach and North Cottesloe Beach, while the latter entails biannual surveys of beach profiles and ocean transects over 100 metre intervals. Collected data is analysed in conjunction with water level, wave and weather data to provide context to the observations.

### **STRATEGIC IMPLICATIONS**

The key outcomes of the project align with the objectives set out in 'Priority Area 3 and 5' of the Strategic Community Plan.

Datasets obtained through the monitoring program will enable Council to appropriately manage the coast with a proactive approach, enhancing its capacity to make decisions into the long-term and, therefore, ensuring that sustainable beach access and amenity are preserved for the enjoyment of the community at large.

### **POLICY IMPLICATIONS**

The Town recognises that climate change management is the responsibility of all local government authorities, made evident through its policies.

The Town's Climate Change (Human Enhanced) Policy notes, "Acting to ameliorate and/or adapt to climate change is important because it will decrease maintenance and legal liability issues for the Town in the long term." Furthermore, the Policy relays, "The Town will determine how the impacts of climate change will affect the physical coastal environment and the implications for existing infrastructure..."

In addition to this, the Town's Beach Policy identifies the beach as a dynamic environment and states, "The effective and appropriate management of the beach front requires substantial funding. An understanding of the pressures on the beach is essential..."

As such, the coastal monitoring program is central to meeting the objectives of the Town's Beach Policy and Climate Change (Human Enhanced) Policy.

### **STATUTORY ENVIRONMENT**

The Town is vested with the maintenance and management of the four kilometre coastline and foreshore lying within its jurisdiction. Cottesloe beach is predominantly a "C" class reserve, classified as Local Parks and Reserves.

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocations. In previous years the project has amounted to \$30,000, with a financial contribution provided by the Department of Transport's Coastal Adaptation and Protection Grant.

A recommendation in the 2015/2016 Annual Summary Report states, "Following completion of year 5 of monitoring, the data should be analysed for medium term trends, as well as for input into coastal management." The report also highlights the importance of ongoing data collection, during and following this analysis. Ongoing monitoring provides a more complete understanding of the cyclical nature of Cottesloe's beaches, accounting for inter-annual variability in weather and metocean conditions as well as longer term weather patterns such as El Niño/La Niña.

As such, in the event that external sources of funding become unavailable to the Town, it is recommended that Council take the following course of action:

- a) Fund the difference to continue the project in its current format, or
- b) Reduce the scope of the project.

As a minimum, it is recommended that photogrammetric and survey data is collected on a continuous basis, while data analysis and reporting, comprising a large portion of project costs, can be undertaken at a later stage when funding permits.

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

The long-term trends of coastal hazards are not well understood along the stretch of coast lying within the Town's jurisdiction. As the authority responsible for managing and maintaining both built infrastructure and natural assets, it is imperative to identify such hazards that will be exacerbated by the effects of climate change at an early stage.

By establishing long-term datasets to bridge this knowledge gap, the Town is better placed in making well-informed decisions in the best interest of the local community, and for future generations. Furthermore, the Cottesloe coast contains significant environmental value through the provision of habitat along the coastal dunes. The loss of this area would have a profound negative impact on local biodiversity.

**CONSULTATION**

Nil

**STAFF COMMENT**

Given the close proximity of infrastructure to the shoreline and the inherent value provided by the coast itself, potential changes to sea level and coastal processes in the area, as a result of climate change, pose management challenges for the Town.

For this reason, coastal monitoring is imperative to improving the Town's understanding of the processes that affect and shape Cottesloe's coastline, such as sea level rise as well as potential changes to meteorological and hydrodynamic

conditions. Additionally, reactive measures to protect the beach after severe erosion, for example sand renourishment and sea walls, are costly to the Town and can often result in reduced beach amenity.

Data collected through the program will be used to develop an adequate basis for future planning; to mitigate potential coastal hazards through protective management and adaptation. Other councils engaging in similar coastal monitoring programs include the City of Busselton, the City of Joondalup, the City of Cockburn and the Shire of Augusta Margaret River.

With major threats to the coastline being those associated with the effects of climate change, the practice of monitoring the Town's coastline should continue as a long-term initiative. A minimum dataset of five to ten years is deemed as sufficient to define shoreline movements with some confidence, while, further monitoring beyond this timeframe will allow better planning and budgeting for proactive adaptation options into the future.

### **VOTING**

Simple Majority

### **OFFICER RECOMMENDATION**

**Moved Cr Rodda, seconded Cr Boulter**

THAT Council:

1. Note the attached summary report on the Town's coastal monitoring project;
2. Endorse the continuation of the Town's coastal monitoring project, subject to budgeting/funding arrangements; and
3. Publish the Cottesloe Coastal Monitoring Annual Summary Report – 2015/2016 on the Town's website.

### **AMENDMENT**

**Moved Cr Thomas, seconded Cr Boulter**

**That a point four (4) be added that reads "Advise Cottesloe residents and ratepayers of the existence of the Coastal Monitoring Summary Report via a media release and a link on our website".**

**Carried 9/0**

### **COUNCIL RESOLUTION**

THAT Council:

1. **Note the attached summary report on the Town's coastal monitoring project;**
2. **Endorse the continuation of the Town's coastal monitoring project, subject to budgeting/funding arrangements;**
3. **Publish the Cottesloe Coastal Monitoring Annual Summary Report – 2015/2016 on the Town's website; and**

- 4. Advise Cottesloe residents and ratepayers of the existence of the Coastal Monitoring Summary Report via a media release and a link on our website**

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 9/0**

**ENGINEERING****10.1.15 CONSIDERATION OF PETITION REQUESTING EXPANDED PLANTING OF TREES IN PRINCES STREET**

**File Ref:** SUB/2209  
**Attachments:** [Princes Street Trees Petition](#)  
[Summary of Responses](#)  
[CONFIDENTIAL Submissions](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Doug Elkins  
Manager Engineering Services  
**Proposed Meeting Date:** 28 June 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

At the Ordinary Council Meeting of 24 May 2016, Council accepted a petition, requesting further street tree planting in Princes Street, for the purpose of officers preparing a report to guide a decision. Council is asked to consider this petition.

**BACKGROUND**

Council, at the Ordinary Council Meeting of 24 May 2016, accepted a petition requesting the further planting of trees on verges in Princes Street, including the planting of Norfolk Island Pines. The petition claims to be representative of the views of the majority of the street. The petition notes that the Town planted trees on un-treed verges, other than where residents opted out, last winter. A copy of the petition is included in the attachments.

In order to make a recommendation for Council consideration, officers have consulted residents of the street.

**STRATEGIC IMPLICATIONS**

The Town has recently completed consultation on a strategy intended to see larger scale planting of trees on residential verges. The petition is seeking to achieve an isolated outcome outside of the context of the greater strategy.

The feedback from the Princes Street consultation should be taken into account when considering the strategy.

**POLICY IMPLICATIONS**

Previous additional tree planting in Princes Street has been on the basis of residents opting out, if a tree was not desired. Planted trees have been local native trees, consistent with mature trees in the street and the adjacent Avonmore Terrace. Proceeding on the basis of the petition will be a new policy direction from Council.



**STATUTORY ENVIRONMENT**

The Town of Cottesloe *Standing Orders Local Law 2012* ('*Local Law*'), at 9, sets the requirements for petitions and how Council responds to a petition. In this case, Council has accepted a petition for the purpose of considering an officer report.

Section 55(2) of the *Land Administration Act 1997*, vests the care, control and management of roads (including verges) in the local government.

**FINANCIAL IMPLICATIONS**

The estimated cost of planting and initially maintaining verge trees, on residential verges, is in the order of \$500 per tree.

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

- The planting of additional trees creates a carbon sink.
- The planting of suitable trees, particularly local native trees, will provide habitat for native fauna, and will support the ongoing viability of local flora species.
- Norfolk Island Pines use a large amount of water and do not add to local biodiversity. Longer term, the Norfolk Island Pine will result in private and public infrastructure damage requiring the use of scarce resources to repair. The leaf litter generated by Norfolk Island Pines is normally carted away.

**CONSULTATION**

A letter requesting comment was sent to each owner, and, where the mailing list of the owner was not the residential address, a letter was also sent to the residence. A total of 115 letters were sent. Accordingly, every owner and resident in the street has been provided an opportunity to comment.

In response to the sent letters, 33 submissions were received (the Town received more than 33 responses, however, where an owner owns multiple properties, their comments have been tallied only once).

A summary of the feedback is included in the attachments. Copies of the individual submissions and a petition against planting trees, is included in the confidential attachments.

**STAFF COMMENT**

A starting point to considering the petition is to consider the validity of the petition. Under the *Local Law*, at 9.1(2)(c), a petition is required to state the request on each page of the petition. Ordinarily, some grace is given to the public, and a petition that does not exactly conform is accepted. However, in this case, a signatory to the petition has included in his submission to the consultation process, a statement that the text included in the petition is not the petition that he was asked to sign (this signatory is against the petition). The Town has also received telephone advice from other residents of Princes Street who were approached, but did not sign the petition,

who claim that the petition they were asked to sign is not the petition that has been presented.

The purpose of the *Local Law* provision is to prevent the situation that has arisen. However, the effect of the petition being accepted by Council has been to cause the Town to consult on the issue and prepare a report for consideration. Accordingly, it is the view of officers that the petition has served a legitimate purpose, but Council should now consider the result of the consultation completed, and place no weight in the petition itself.

Councillors may note that a common theme in the public submissions is the lack of signatories from Princes Street. It is noted that the petition claims to represent the views of the street, however, the signatories to the petition are generally not residents of the street, with one of the signatories not even a resident of the Town.

As noted in the submission table contained within the attachments, 26 (80%) of the 33 responders do not agree with the petition, with only seven responders supporting the petition. Based on the large response rate, and the clear message from the local community, it is recommended that Council take no further action on the petition.

## **VOTING**

Simple Majority

## **OFFICER RECOMMENDATION**

**Moved Mayor Dawkins, seconded Cr Downes**

THAT Council take no further action on the petition, requesting further street tree planting in Princes Street, as included in the attachments.

## **AMENDMENT**

**Moved Cr Downes, seconded Cr Rodda**

**That an additional point be added that reads “All decisions on street trees be deferred until such time that Council has a workshop to discuss the \$100,000 in the 2016/2017 Budget and Council has a cohesive plan to implement the Street Trees policy”.**

**Carried 5/4**

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

## **COUNCIL RESOLUTION**

*Note: The Mayor determined to vote on points one and two separately.*

- 1. THAT Council take no further action on the petition, requesting further street tree planting in Princes Street, as included in the attachments.**

**Carried 5/4**

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

2. All decisions on street trees be deferred until such time that; Council has a workshop to discuss the \$100,000 in the 2016/2017 Budget and Council has a cohesive plan to implement the Street Trees policy.

Carried 5/4

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

Against: Crs Boulter, Birnbrauer, Thomas, and Pyvis

**COUNCIL RESOLUTION (CONSOLIDATED)**

1. THAT Council take no further action on the petition, requesting further street tree planting in Princes Street, as included in the attachments.
2. All decisions on street trees be deferred until such time that; Council has a workshop to discuss the \$100,000 in the 2016/2017 Budget and Council has a cohesive plan to implement the Street Trees policy.

**FINANCE****10.1.16 ADOPTION OF THE 2016/2017 BUDGET**

**File Ref:** SUB/2128  
**Attachments:** [2016/2017 Budget](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Wayne Richards  
Manager of Finance  
Garry Bird  
Manager Corporate & Community Services  
**Proposed Meeting Date:** 28 June 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The 2016/17 Budget is attached for the consideration of Elected Members and adoption.

**BACKGROUND**

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

**STRATEGIC IMPLICATIONS**

The budget sets out how funds will be allocated to all projects during the financial year, including all strategic projects. In the 2016/2017 there is funding allocated to a wide range of strategic projects. All of the capital works outlined in the Town's five year asset replacement schedules for the 2015/2016 budget have been incorporated into the budget.

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT*****Local Government Act 1995 (s6.2)******6.2. Local government to prepare annual budget***

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

*\* Absolute majority required.*

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- (2) *In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —*
- (a) *the expenditure by the local government;*
  - (b) *the revenue and income, independent of general rates, of the local government; and*
  - (c) *the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*
- (3) *For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.*
- (4) *The annual budget is to incorporate —*
- (a) *particulars of the estimated expenditure proposed to be incurred by the local government;*
  - (b) *detailed information relating to the rates and service charges which will apply to and within the district including —*
    - (i) *the amount it is estimated will be yielded by the general rate; and*
    - (ii) *the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;*
  - (c) *the fees and charges proposed to be imposed by the local government;*
  - (d) *the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;*
  - (e) *details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;*
  - (f) *particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and*
  - (g) *such other matters as are prescribed.*
- (5) *Regulations may provide for —*
- (a) *the form of the annual budget;*
  - (b) *the contents of the annual budget; and*
  - (c) *the information to be contained in or to accompany the annual budget*

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

- (1) *Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —*
-

- (a) *an interest common to a significant number of electors or ratepayers; or*
- (b) *an interest in the imposition of any rate, charge or fee by the local government; or*
- (c) *an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers; or*
- (d) *an interest relating to the pay, terms or conditions of an employee unless —*
  - (i) *the relevant person is the employee; or*
  - (ii) *either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person; or*
- (e) *[deleted]*
- (f) *an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects; or*
- (g) *an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or*
- (h) *a prescribed interest.*

### **Local Government (Financial Management) Regulations 1996**

Regulations 22 to 33 contain the requirements for the form of the budget document and the information to be contained within it.

### **FINANCIAL IMPLICATIONS**

The budget allocates the Town's financial resources for the financial year ending 30 June 2017. Overall the budget reflects the strong financial position the Town now finds itself in.

Rates revenue is estimated to increase by 3.50%, which when excluding growth to the rates base in 2015/16 represents an increase of approximately 2.60% for many properties. The minimum rate has been increased by 3.50% for all classes of properties.

### **STAFFING IMPLICATIONS**

All associated staffing costs are contained within the draft 2016/2017 Budget.

### **SUSTAINABILITY IMPLICATIONS**

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

## **CONSULTATION**

### **Public Consultation**

As Council raises a differential rate, it is required to advertise its intention to do so. Council resolved to advertise its intention to raise a differential rate at its May round of meetings. The advertisements and notices were placed as required and no comment or feedback has been received.

The Town also advertised the community grants program and sent letters to community and sporting groups requesting submissions. The requests have been summarised within the budget document (page 41).

### **Council Workshops**

There have been three Council workshops to directly discuss formulating the budget and Council has previously adopted the 5 Year Asset Replacement Schedules. These workshops provided Elected Members with an opportunity to give feedback on draft budgets and the documents that guide the formation of the budget. The final draft of the budget presented for consideration by Council incorporates the feedback received during these workshops.

The use of the Long Term Financial Plan and 5 Year Asset Replacement Schedules shows a strategic budgeting process, rather than a reactive budgeting process. Council now anticipates its expenditures several years in advance and the administration allocate those expenditures to best ensure there are no significant increases in rates in any one year.

## **STAFF COMMENT**

The process of compiling the 2016/2017 Budget began in February 2016, with Council reviewing its Long Term Financial Plan. This plan seeks to show all of Council's financial commitments over the 10 year period and allows for the allocation of that expenditure, such that rate shocks can be avoided. In March Council then considered and adopted the Corporate Business Plan and the 5 year Capital Works Plan as the second part of formulating its budget. These plans form the basis for the "Capital" section of the budget. In April 2016, the current year's budget was reviewed and projections were made for the anticipated end of year position. In May the final budget workshops were held to ensure that all of the required issues were covered and that the budget reflected Council's strategic position.

The Town is in a strong financial position, having healthy reserves and operating at a very high level of operational efficiency. Much work has been done to ensure that operating revenue is maximised and that expenditure is undertaken in the most efficient way possible.

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

With an increase in rates revenue of 3.50%, with all of the Town's operating and asset management obligations being met – as well as their still being discretionary

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capital items within the budget – the Town is operating in the most sustainable way possible. Low rate increases with cuts to operating or asset management obligations are not sustainable – but neither are budgets that continue to raise rates well above the level inflation. If the Town can maintain the financial discipline it currently has, then the short to mid-term financial outlook for the Town is very positive.

## **VOTING**

Absolute Majority

## **OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Dawkins, seconded Cr Burke**

**THAT Council:**

1. **ADOPT the Budget for the year ended 30 June 2017, as attached, including:**
  - (a) **Adopting the Statement of Cashflows for the year ended 30 June 2017;**
  - (b) **Adopting the Rate Setting Statement for the year ended 30 June 2017;**
  - (c) **Endorsing the Statement of Comprehensive Income (by Nature and Type) for the year ended 30 June 2017;**
  - (d) **Endorsing Note 6 – Statement of Reserves for the year ended 30 June 2017;**
  - (e) **Endorsing Note 7 – Net Current Assets as at 30 June 2017; and**
  - (f) **Adopting the Fees and Charges for the year ended 30 June 2017.**
2. **ADOPT the rates (as per Section 6.32 of the *Local Government Act 1995*) as follows;**
  - (a) **Differential General Rates**

Impose rates in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June 2017 as follows;

    - (i) **GRV – Residential Improved (RI) – 5.5100 cents in the dollar**
    - (ii) **GRV – Residential Vacant (RV) – 5.5100 cents in the dollar**
    - (iii) **GRV – Commercial Improved (CI) – 5.5100 cents in the dollar**
    - (iv) **GRV – Commercial Town (CT) – 6.3900 cents in the dollar**
    - (v) **GRV – Industrial (II) – 5.5100 cents in the dollar**
  - (b) **Minimum Rate**

Impose a minimum rate of \$1,069 for the financial year ended 30 June 2017
  - (c) **Refuse Collection**



**Include in the rate charge for residential properties**

- (i) a once per week service of 120 litre mobile garbage bin (MGB) for general household rubbish
- (ii) a once per fortnight service of a 240 litre MGB for recyclable household rubbish
- (iii) a once per fortnight service of a 240 litre MGB for household green waste

**Apply the following charges to residential properties for additional services (per annum GST inclusive)**

- (i) General Rubbish – each service per week (120 litre MGB) - \$342

**Apply the following charges to commercial properties (per annum GST inclusive)**

- (i) General Rubbish – each service per week (240 litre MGB) - \$373
- (ii) Recycling – one service per fortnight (240 litre MGB) - \$125
- (iii) Recycling – one service per week (240 litre MGB) - \$249

- (d) Administration Charge – *Local Government Act 1995* – S6.45(3)

Impose an administration charge of \$24.00 where a payment of a rate of service charge is paid in instalments, except that eligible pensioners will be exempted from paying the charge

- (e) Interest on Outstanding Rates and Charges – *Local Government Act 1995* – S6.51

Apply an interest rate of 11% per annum to rates and services levied in the year ended 30 June 2017 which remain unpaid after they become due and payable and where no election has been made to pay the rate or service charge by instalments

- (f) Rates Instalment Payment Options

**Adopt the following rate instalment plans**

- (i) Option 1

To pay the total amount of rates and charges included in the notice in full by the 31 August 2016.

- (ii) Option 2

To pay by four instalments, as detailed on the rate notices with the following anticipated dates;

|                   |                 |
|-------------------|-----------------|
| First instalment  | 31 August 2016  |
| Second Instalment | 2 November 2016 |
| Third Instalment  | 11 January 2017 |
| Fourth Instalment | 15 March 2017   |

After the due date for the first instalment, accounts paid by instalment will have an interest rate of 5.5% applied to the outstanding balance until the account is paid in full of the due date for an instalment lapses. At that point the rates will become due and payable and interest of 11% will be applied to the outstanding balance at that time.

3. **ADOPT a rate of interest on money owing – *Local Government Act 1995* – S6.13**

That Council apply an interest rate of 11% per annum to any amount not paid by the due date of 31 August.

4. **ADOPT a Telecommunications Allowance – *Local Government Act 1995* – S5.99A**

That Council adopt a Telecommunications Allowance of \$1,600 for elected members

5. **ADOPT Members Attendance Fees – *Local Government Act 1995* – S5.99**

That Council set an annual meeting attendance fee of \$15,500 for Council members and \$24,000 for the Mayor

6. **ADOPT the Mayor's Allowance – *Local Government Act 1995* – S5.98 and S5.98A**

That Council set a Mayoral Allowance of \$27,500

7. **ADOPT the Deputy Mayor's Allowance – *Local Government Act 1995* – S5.98 and S5.98A**

That Council set a Deputy Mayoral Allowance of \$6,875

8. **Maintain the materiality levels of 15% or \$25,000 for the monthly reporting of significant variances of income and expenditure in the Statement of Financial Activity.**

Carried 9/0

**10.1.17 FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2015 TO 31 MAY 2016**

**File Ref:** SUB/2153  
**Attachments:** [Financial Statements](#)  
**Responsible Officer:** Garry Bird  
**Author:** Manager Corporate & Community Services  
Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 28 June 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

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

The attached financial statements and supporting information are presented for the consideration of Elected Members. Council staff welcome 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**

Nil

**POLICY IMPLICATIONS**

Town of Cottesloe Accounting Policy  
Town of Cottesloe Investments Policy  
Town of Cottesloe Investment of Surplus Funds Policy

**STATUTORY ENVIRONMENT**

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

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**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

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

- The net current funding position as at 31-05-2016 is \$1,650,488 and is in line with previous financial years as shown on pages 6 and 22 of the attached Financial Statements.
- Rates receivable as at 31-05-2016 stood at \$408,180 of which \$169,104 relates to deferred rates.
- Operating revenue is more than year to date budget by \$649,401 and Operating expenditure is \$59,239 less than year to date budget. A more detailed explanation of material variances provided on page 21 of the attached Financial Statements.
- The Capital Works Program is approximately 40% complete as at 31-05-2016 and a full capital works program listing shown on pages 33 to 36.
- Whilst Salaries and Wages are not reported specifically, they do represent the majority proportion of Employee Costs which are listed on the Statement of Financial Activity (By Nature and Type) on page 7 of the attached Statements. As at 31-05-2016 Employee Costs were \$43,631 more than year to date forecasts.

The majority of Reserve Funds have been made for 2015/2016 with a more detailed breakdown shown in note 7 on page 27.

**List of Accounts for May 2016**

The List of Accounts paid during May 2016 is shown on pages 37 to 45 of the attached Financial Statements. The following significant payments are brought to Council's attention;-

- \$152,905.50 to the Shire of Peppermint Grove for the Library
- \$25,062.05 to Jackson McDonald for various legal services
- \$40,676.16 to Roads 2000 for road resurfacing works
- \$44,385.00 to FJ Fitzsimmons & Co for right of way works
- \$48,730.80 to Perthwaste Green Recycling for was collection and removal services
- \$90,377.21, \$84,777.36 & \$29,891.73 to Town of Cottesloe staff for fortnightly and interim payroll

**Investments and Loans**

Cash and investments are shown in Note 4 on page 23 of the attached Financial Statements. Council has approximately 38% of funds invested with National Australia Bank, 35% with Bankwest, 14% with the Commonwealth Bank of Australia and 13% with Westpac Banking Corporation.

Information on borrowings is shown in Note 10 on page 30 of the attached Financial Statements. As at 31-05-2016 the Town had \$5,093,359 of borrowings outstanding which includes a recent advance of \$320,000.00 from WA Treasury for a new self supporting loan to a community organisation.

**Rates, Sundry Debtors and Other Receivables**

Rating information is shown in Note 9 on page 29 of the attached Financial Statements. As displayed on page 2, rates receivable is trending in line with the previous year.

Sundry debtors are shown on Note 6, pages 25 and 26 of the attached Financial Statements with 10% or \$5,356 older than 90 days. Infringement debtors raised on the new software platform are shown on page 26 and all infringements from the legacy system have now been transferred across to Council's authority software platform.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Dawkins, seconded Cr Burke**

**THAT Council receive the Financial Statements for the period ending 31 May 2016 as attached.**

**Carried 9/0**

**10.2 REPORT OF COMMITTEES****COMMUNITY SAFETY AND CRIME PREVENTION COMMITTEE MEETING - 21 JUNE 2016****10.2.1 EMERGENCY CONTACT NUMBERS FRIDGE MAGNETS****BACKGROUND**

Previously, cards with the details of Important Phone Numbers have been provided to the local community. These cards have not been updated recently, as such, some details are now incorrect. Printing new Emergency Contact Numbers fridge magnets and including them with rates notices to be sent to residents, will provide a reminder of which organisation to call in the event of an emergency.

Quotes have been obtained for a solid magnetic backed product. A quote from supplier one for 5000 90x55mm fridge magnets with artwork, layout and design charges; comes to a total of \$1,845.00 including GST. Supplier two quotes \$1,397.74 including GST for the same item. Supplier two also quoted a similar style to the previous cards; 5000 Silk Card Stock business cards with an adhesive magnetic tab on the reverse for \$875.30 including GST and set up. By comparison, Supplier one recommended that it would be cheaper for a solid magnetic back product than printing the cards and applying 5000 magnetic tabs by hand. There may also be some additional postage and handling costs, depending upon the weight of the magnet.

**COMMITTEE DISCUSSION**

Important Phone Numbers cards were previously distributed some years ago. As some of the details are now incorrect, Cr Thomas suggested that new ones be printed and included with rates notices.

Cr Burke suggested a media release be circulated to local newspapers every 6 months to remind residents.

**STAFF COMMENT**

Staff are of the view that Emergency Contact Numbers fridge magnets with a solid magnetic back should be distributed with the rates notices for the 2016/2017 financial year. The additional cost will ensure the magnet will be long wearing and beneficial to residents. The cost of the magnets can be deducted from the Printing and Stationery Budget.

**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Thomas, seconded Cr Burke**

**THAT Council obtain quotes to print "Emergency Contact Numbers" cards and include them with 2016/2017 rates notices to be sent to all property owners.**

**Carried 9/0**

**11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****11.1 COUNCILLOR MOTION – 2016 AUSTRALIAN COASTAL COUNCILS CONFERENCE**

The following motion has been proposed by Cr Boulter:

1. That Council accept the report about the 2016 Australian Coastal Councils Conference held 4-6 May Rockingham WA from Councillor Boulter, presented as a Rationale below.
2. That the Town of Cottesloe administration write to the Prime Minister, the Federal Minister responsible for Infrastructure and the Federal Minister for the Environment advising them that the Town of Cottesloe Council:

*Endorses 2016 Australian Coastal Councils Conference Rockingham 6 May 2016 communiqué ; and*

Urges the federal government to continue ongoing funding for the CoastAdapt Tool, being delivered by NCCARF, which would be a free on line tool for support Town of Cottesloe to assess risks from climate change and to identify appropriate adaptation planning policies for our particular coast line, which is specifically addressed in the tool, as it is for every specific Australian coastline.

3. Town of Cottesloe administration liaise with Ms Lisa Conolly, Director of Regional, Family and Community Statistics, of the Australian Bureau of Statistics about improving/adding to Town of Cottesloe local data collection with a view to having Ms Conolly, or someone from her department, giving a forum about collecting local government statistics for other western suburbs councils, the community and Councillors.
4. That the Town of Cottesloe administration report back to Council about the pros and cons, and costs of joining the Australian Coastal Councils Association Inc. and in the report back to Council, advise Council - simply in table form - of the names and membership costs of all associations, groups etc that Town of Cottesloe is a member of, including whether or not each of the Town of Cottesloe memberships is obligatory, by December 2016.
5. That the Town of Cottesloe administration invite Cottesloe Coastcare to partner with Town of Cottesloe in a Western Suburbs community presentation by Joanne Ludbrook about the award winning project, Coastal Adaptation In The Peron Naturaliste Region Of Western Australia: A Five Year Journey to talk about their community engagement practices and procedures.
6. That the Town of Cottesloe review its Town of Cottesloe Policy Human Induced Climate Change in light of any new relevant information from the presentations from this conference and report to Council about the progress of the "Local Climate Change Adaptation Plan: 2011-2016" anticipated by the Town of Cottesloe Policy Human Induced Climate Change (the Policy was due for review in September 2014) by October 2016.

*Note: The Mayor determined to consider each point of the Councillor Motion separately.*

**COUNCILLOR MOTION POINT ONE & COUNCIL RESOLUTION**

Moved Cr Boulter, seconded Cr Angers

That Council accept the report about the 2016 Australian Coastal Councils Conference held 4-6 May Rockingham WA from Councillor Boulter, presented as a Rationale below.

Carried 9/0

**COUNCILLOR MOTION POINT TWO & COUNCIL RESOLUTION**

Moved Cr Boulter, seconded Cr Pyvis

That the Town of Cottesloe administration write to the Prime Minister, the Federal Minister responsible for Infrastructure and the Federal Minister for the Environment advising them that the Town of Cottesloe Council:

*Endorses 2016 Australian Coastal Councils Conference Rockingham 6 May 2016 communiqué ; and*

Urges the federal government to continue ongoing funding for the CoastAdapt Tool, being delivered by NCCARF, which would be a free on line tool for support Town of Cottesloe to assess risks from climate change and to identify appropriate adaptation planning policies for our particular coast line, which is specifically addressed in the tool, as it is for every specific Australian coastline.

Carried 9/0

**COUNCILLOR MOTION POINT THREE & COUNCIL RESOLUTION**

Moved Cr Boulter, seconded Cr Pyvis

Town of Cottesloe administration liaise with Ms Lisa Conolly, Director of Regional, Family and Community Statistics, of the Australian Bureau of Statistics about improving/adding to Town of Cottesloe local data collection with a view to having Ms Conolly, or someone from her department, giving a forum about collecting local government statistics for other western suburbs councils, the community and Councillors.

Carried 9/0

**COUNCILLOR MOTION POINT FOUR & COUNCIL RESOLUTION**

Moved Cr Boulter, seconded Cr Pyvis

That the Town of Cottesloe administration report back to Council about the pros and cons, and costs of joining the Australian Coastal Councils Association Inc. and in the report back to Council, advise Council - simply in table form - of the names and membership costs of all associations, groups etc that Town of Cottesloe is a member of, including whether or not each of the Town of Cottesloe memberships is obligatory, by December 2016.

Carried 8/1

**COUNCILLOR MOTION POINT FIVE**

Withdrawn by Cr Boulter.



**COUNCILLOR MOTION POINT SIX****Moved Cr Boulter, seconded Cr Pyvis**

That the Town of Cottesloe review its Town of Cottesloe Policy Human Induced Climate Change in light of any new relevant information from the presentations from this conference and report to Council about the progress of the "Local Climate Change Adaptation Plan: 2011-2016" anticipated by the Town of Cottesloe Policy Human Induced Climate Change (the Policy was due for review in September 2014) by October 2016.

**AMENDMENT****Moved Mayor Dawkins, seconded Cr Pyvis**

That the word "October" be removed and replaced with "the end of".

Carried 9/0

**COUNCIL RESOLUTION**

That the Town of Cottesloe review its Town of Cottesloe Policy Human Induced Climate Change in light of any new relevant information from the presentations from this conference and report to Council about the progress of the "Local Climate Change Adaptation Plan: 2011-2016" anticipated by the Town of Cottesloe Policy Human Induced Climate Change (the Policy was due for review in September 2014) by the end of 2016.

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

Carried 9/0

**COUNCIL RESOLUTION (CONSOLIDATED)**

1. That Council accept the report about the 2016 Australian Coastal Councils Conference held 4-6 May Rockingham WA from Councillor Boulter, presented as a Rationale below.
2. That the Town of Cottesloe administration write to the Prime Minister, the Federal Minister responsible for Infrastructure and the Federal Minister for the Environment advising them that the Town of Cottesloe Council:

*Endorses 2016 Australian Coastal Councils Conference Rockingham 6 May 2016 communiqué ; and*

**Urges the federal government to continue ongoing funding for the CoastAdapt Tool, being delivered by NCCARF, which would be a free on line tool for support Town of Cottesloe to assess risks from climate change and to identify appropriate adaptation planning policies for our particular coast line, which is specifically addressed in the tool, as it is for every specific Australian coastline.**

3. Town of Cottesloe administration liaise with Ms Lisa Conolly, Director of Regional, Family and Community Statistics, of the Australian Bureau of Statistics about improving/adding to Town of Cottesloe local data collection with a view to having Ms Conolly, or someone from her department, giving a forum about collecting local government statistics for other western suburbs councils, the community and Councillors.

4. That the Town of Cottesloe administration report back to Council about the pros and cons, and costs of joining the Australian Coastal Councils Association Inc. and in the report back to Council, advise Council - simply in table form - of the names and membership costs of all associations, groups etc that Town of Cottesloe is a member of, including whether or not each of the Town of Cottesloe memberships is obligatory, by December 2016.
5. That the Town of Cottesloe review its Town of Cottesloe Policy Human Induced Climate Change in light of any new relevant information from the presentations from this conference and report to Council about the progress of the “Local Climate Change Adaptation Plan: 2011-2016” anticipated by the Town of Cottesloe Policy Human Induced Climate Change (the Policy was due for review in September 2014) by the end of 2016.

### COUNCILLOR RATIONALE

Thank you to Council and the Town of Cottesloe administration for affording me the opportunity to attend this most inspiring and informative conference.

The link to the website is at <https://coastalcouncils.org.au/2015/10/27/registration-now-open-2015-australian-coastal-councils-conference/>

The report and presentations from the 2016 Australian Coastal Conference held at Rockingham WA are now available at Australian Coastal Councils web site - <https://coastalcouncils.org.au>

Please note, you can now follow the Australian Coastal Councils network on Facebook at - <https://www.facebook.com/coastalcouncils/>

The Town of Cottesloe is not a member of the Australian Coastal Councils Association Inc.

The Theme for this Conference was Sustainable Futures. We were informed about risks from erosion, sea level rise and weather events – all being experienced already by some coastal communities all around Australia. Indeed, some coastal communities are already facing **mitigate or retreat** decisions, such as Port Fairy in Victoria from whom we heard.

The presentations (links above) that I attended included:

1. **Introduction to City of Rockingham** by CEO Andrew Hammond: with an emphasis on the COR economic and development strategy. There was an emphasis in Rockingham’s approach to their development of viewing other local governments as competitors for the economic dollar.
2. **Economic Development Case Study – City of Fremantle Strategy** by Mayor Dr Brad Pettit with an emphasis on the COF economic and development strategy, and in particular about attracting people to live in the centre of the COF, for example COF is looking at density bonus for developers who apply for residential development near railway stations but do not provide car parking; and about developing a State Heritage Precinct. (Building the Kwinana Port with PFL

funds would see development of much of the port area now used for parking incoming cars, as accommodation units and retails areas to make a more welcoming gateway for tourism.)

3. **Coastal Hazard and Sea Level Rise – The Clock is Ticking:** Oliver Moles Director of Sustainable Development Moyne Shire Council. This was the highlight of the presentations for me which was all about the real statistics from climate change and the real impact it is having on coastal communities and coastal Local Government decision making. HE believes we need different development standards near the coast, especially in those areas marked as Coastal Hazard Areas.
  4. **Augusta Boat Harbour:** Johan Louw Director of Infrastructure Services Shire of Augusta Margaret River
  5. **Coastal Populations - New Approaches to Regional Data:** Lisa Conolly Director of Regional, Family and Community Statistics, Australian Bureau of Statistics. Some very interesting statistics and this would be good presentation for Town of Cottesloe administration to have. For example, 42% of Australian population moves every 5 years but the census is not catching this mobility. Local governments are starting to do their own population movements census, eg pedestrian counts and visitors: see website [regional.statistics@abs.gov.au](http://regional.statistics@abs.gov.au)
  6. **Marine Projections for NRM Regions of Australia:** Dr Kathleen McInnes Research Group Leader, Sea Level, Waves and Coastal Extremes, Coastal Dynamics Program CSIRO.
  7. **NCEDA, Desalination, Coastal Intakes And Outfalls As Well As Control of Estuarine And Marine Nutrient Discharge:** Professor Wendell Ela, Professor of Desalination and Water Treatment, National Centre of Excellence in Desalination Australia, Murdoch University.
  8. **Retreat, Existing Coastal Settlements And The Effects of Climate Change – Is There A Role For Rolling Easements in Western Australia?:** John Watson, Phd Candidate, School of Law, University of South Australia. I was not persuaded that these would be efficacious for local governments and may cause unwanted financial implications.
  9. **Coastal Management Case Studies:**
    - a. **Towards Best Practice Council-Based Coastal Planning: Valuing Local Knowledge and Shared Responsibility:** Phil Watson, NRM Planner, Clarence City Council, Tasmania
    - b. **Reconciliation In The Grasslands; Themeda Grass Headland Endangered Ecological Communities:** Cr Danielle Brice, Eurobodalla Shire Council NSW (Award Winner)
    - c. **Coastal Adaptation In The Person Naturaliste Region Of Western Australia: A Five Year Journey:** Joanne Ludbrook Coordinator, Person Naturalise Partnership WA (Award Winner) – fabulous and inspirational work on how to communicate with a community in an ongoing effective and meaningful way that lead to great outcomes, as the award shows.
  10. **Field Tour: Rockingham Foreshore Master Plan**
  11. **Water Management in the Coastal Zone:** A/Professor James Pittock, Fenner School of Environment and Society, Australian National University
-

**12. Introducing A Climate Risk Management Tool For Coastal Australia:** David Rissik, Deputy Director, National Climate Change Adaptation Research Facility <https://stokes2013.files.wordpress.com/2016/05/t2-rissik-compressed.pdf>

The COAST ADAPT tool is framework to support climate change adaptation on the Australian coast. We were advised that federal funding for this work may be terminated.

It has taken NCCARF years to develop and in a nutshell will support Town of Cottesloe and other local governments with an on line tool, which includes:

- Supporting adaptation planning
- Guidance on accessing, interpreting and using climate change and sea level rise projections
- Guidance on assessing risk (data, tool, worked examples, case studies)
- Available coastal adaptation options (engineering, planning, environmental etc.)
- How to evaluate adaptation options (how to value non market attributes)
- How to make the best use of consultants

**13. Mid-West Camping Nodes:** Nicole Nelson, Manager Tourism and Library Services, Shire of Irwin This was done to improve tourism in the area, and was inspiring – made we want to go to each of the nodes and check them out.

**14. Coastal Dolphin Research In Western Australia:** Murdoch University Cetacean Research Unit's Activities and Key Findings 2006-2016 Dr Alexander Brown, Researcher Cetacean Research Unit, Murdoch University

**15. Penguin Island Field Tour**

**16. Coastal Policy Workshop**

**17. Conference Communique to Federal Government**

*Representatives of Australian coastal councils and other coastal stakeholders attending the Australian Coastal Councils Conference from 4 to 6 May, 2016, issued a conference communiqué calling on the Australian Government to establish a national collaborative effort to secure a sustainable future for the Australian coastal zone.*

*The communiqué points out that the coast is one of Australia's most highly valued social, economic and environmental assets. It is home to our state capitals and to more than 85% of our population.*

*While the coastal zone plays a pivotal role in the life of the nation, however, it is under increasing threat from a complex range of pressures.*

*Coastal councils and their communities call on the Australian Government to play a leadership role by adopting a set of policy initiatives based on the recommendations of the bi-partisan Australian Parliamentary Coastal inquiry.*

*The inquiry, conducted by the House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts, was acknowledged as the*

*most comprehensive examination of coastal pressures ever conducted in Australia.*

## **2016 AUSTRALIAN COASTAL COUNCILS CONFERENCE ROCKINGHAM 6 MAY 2016 COMMUNIQUÉ**

### **Preamble**

*Representatives of Australian coastal councils and other coastal stakeholders attending the Australian Coastal Councils Conference at Rockingham, Western Australia, from 4 to 6 May, 2016, agreed to issue the following communiqué in relation to these issues having considered the risks facing Australia's coastal environment and communities.*

### **Communiqué**

*We call on the Australian Government to establish a national collaborative effort to secure a sustainable future for the Australian coastal zone. The coast is one of our most highly valued social, economic and environmental assets.*

*It is home to our state capitals and to more than 85% of our population. Most of our commercial assets are located in coastal areas and many coastal communities face the pressures of keeping pace with some of the highest rates of population growth in the nation.*

*While the coastal zone plays a pivotal role in the life of the nation, however, it is under increasing threat from a complex range of pressures. These pressures include widespread coastal erosion, more frequent and severe extreme weather events, projected sea level rise and other climate impacts. These threats are impacting on coastal councils and communities in every state and placing at risk the high biodiversity and scenic values of the coastal zone.*

*Coastal councils and their communities call on the Australian Government to play a leadership role in developing a coordinated national approach to coastal management by adopting a set of policy initiatives based on the recommendations of the bi-partisan Australian Parliamentary Coastal inquiry. The inquiry, conducted by the House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts, was acknowledged as the most comprehensive examination of coastal pressures ever conducted in Australia.*

- 1. We propose that the following recommendations of the coastal inquiry be adopted: That the Australian Government, in cooperation with state, territory and local governments, and in consultation with coastal stakeholders, develop an Intergovernmental Agreement on the Coastal Zone to be endorsed by the Council of Australian Governments. Inquiry Recommendation 44) And that: 1 House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts (2009), Managing our coastal zone in a changing climate: The time to Act is now, Canberra*

*[www.aph.gov.au/parliamentary\\_business/committees/house\\_of\\_representatives\\_committees?url=ccwea/coastalzone/report.htm](http://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ccwea/coastalzone/report.htm)*

2. *The Australian Government ensure that the Intergovernmental Agreement on the Coastal Zone forms the basis for a National Coastal Zone Policy and Strategy, which should set out the principles, objectives and actions that must be taken to address the challenges of integrated coastal zone management for Australia. (Inquiry Recommendation 45)*

*We call on the Australian Government to adopt these recommendations to address the lack of an effective decision-making framework which is essential to achieving a collaborative national approach to coastal management. Implementing the recommendations would also address the lack of effective institutional arrangements in relation to the coastal zone.*

*Friday, 6 May 2016*

**11.2 COUNCILLOR MOTION – INVESTMENT DIVESTMENT FROM FOSSIL  
FUELS**

Withdrawn by Cr Boulter.

**11.3 COUNCILLOR MOTION - ADOPT A VERGE INCENTIVE PROGRAM**

The following motion has been proposed by Cr Birnbrauer:

**COUNCILLOR MOTION & COUNCIL RESOLUTION**

**Moved Cr Birnbrauer, seconded Cr Boulter**

- 1. That Council initiate an Adopt a Verge Incentive Program to encourage residents to convert their verges to native, water-wise gardens.**
- 2. That the program offer a \$500 grant to residents on satisfactory completion of their project.**

**Carried 8/1**

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

**COUNCILLOR RATIONALE**

Council does not need to hear my arguments for encouraging water wise, native gardens which may include trees. This is an opportune time to initiate this incentive program since Water Corporation will reimburse up to \$10,000 per year for qualifying projects. The Town of Victoria Park implemented this program about 18 months ago and it has been successful in establishing about 25 qualifying verges. The Victoria Park scheme is low cost. With Water Corporation paying successful residents, cost will be about 2 hours per week of staff time plus advertising. Council verge policy is consistent with the Victoria Park plan but may need revision to meet Water Corporation requirements.

**STAFF COMMENT**

This program presents an opportunity to encourage the reduction in the use of water, and enhance biodiversity, within the Town. Already, the Town encourages the planting of local native vegetation through the native plant subsidy scheme, and there is an informal policy of assisting residents who want to convert existing verges to water wise native gardens. This program should give profile to the benefits of converting verges to native water wise gardens.

In support of this initiative, the Water Corporation has announced funding to Councils to encourage water wise gardens. It is unlikely the Town will be able to take advantage of the funding in the first round, however, with the adoption of this initiative, there are likely to be opportunities to take advantage of this funding into the future.

If Council supports this resolution, staff will fund this initiative through the proposed Street Tree budget. This program, and the use of this funding, is considered to be complementary to the existing practice of the Town planting a street tree on the verge of any resident who desires a tree.

It is recommended that this Councillor Motion be supported.



*Cr Angers declared an impartiality interest in item 11.4 due to his wife letting a room through Airbnb, and stated that as a consequence there may be a perception that his impartiality may be affected and declared that he could consider the matter on its merits and vote accordingly.*

#### **11.4 COUNCILLOR MOTION – SHORT STAY ACCOMMODATION**

The following motion has been proposed by Cr Boulter:

##### **COUNCILLOR MOTION**

**Moved Cr Boulter, seconded Cr Angers**

- 1. That the Town of Cottesloe administration advise Council, in a confidential session to the July Council meeting, of all complaints that the Town of Cottesloe have received in the last two years about any form of short stay accommodation in the Town of Cottesloe including but not limited to short stay, bed and breakfast, and serviced apartments uses.**
- 2. That the Town of Cottesloe administration advise Council, in a confidential session to the July Council meeting, in relation to the answer to question one, the date of the complaint, the name of the complainants, the short stay business to whom the complaint relates, the nature of the complaint and the Town of Cottesloe response to date of that complaint.**

**Lost 1/8**

**For: Cr Boulter**

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

##### **COUNCILLOR RATIONALE**

- 1. I have had a complaint from a ratepayer that the way the Town of Cottesloe administration treats such complaints is not open and accountable, and that there are many short stay businesses operating in the Town of Cottesloe, which do not appear to have approval/cannot get approval who are not asked to explain, shut down and/or prosecuted by the Town of Cottesloe administration.**
- 2. I need to understand how the process works within the administration in anticipation of/while waiting for the recommendations from the Town of Cottesloe administration – as requested by Council - as to how this Council should respond to any short stay businesses currently operating in Cottesloe without development approval.**

##### **STAFF COMMENT**

The information requested in this motion is very specific, and is not something that would be routinely provided to Council. The reason for this is that the complaints will mostly be from residents about residents.

If Council were considering adopting a short stay accommodation policy, staff would prepare a summary of complaints received, however, this wouldn't contain the names and addresses of the people involved. It would ordinarily be considered prudent to know the number of complaints received and the nature of complaints received. It is not known how the names and addresses of the person making the complaint or the subject of the complaint would assist in decision making.

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Under the Freedom of Information Act, personal information (names and addresses) of third parties are exempt information. Further, any information that could reasonably allow the name and address of a third party to be known, is also exempt information. In issues involving complaints, the person whom the complaint is made about is not able to find out who made the complaint under the Freedom of Information Act. They are entitled to see the nature of the complaint only, and only if doing so would not reveal the identity of the third party (i.e. the person making the complaint).

Lastly, administration attends to complaints when they involve any potential prosecution. In this instance, if a person is complaining about an unapproved short stay accommodation, then there is the potential for that situation to lead to a prosecution. In such cases, officers investigate the complaint to see if it has basis. If so, the subject of the complaint is informed and provided the opportunity to correct the situation and comply. As a last resort, if compliance cannot be achieved a prosecution may be initiated. The decision on whether or not to prosecute is rarely given Council consideration – the few times that such a decision is referred to Council is when the cost of the prosecution is likely to be significant (i.e. not able to be met within normal operating budgets).

The process for achieving compliance is the same for all compliance issues across the administration. Officers are either authorised (under the Act or Regulations) to undertake these processes, or delegated the power by Council where appropriate. It would be unusual for any Elected Member to seek to involve themselves in the process of achieving compliance, due to the possibility of conflicts of interest arising and because both parties to the issue are normally residents.

*The Manager Corporate and Community Services left the meeting at 10:10 PM and did not return.*

### **11.5 COUNCILLOR MOTION – RECORDING OF ELECTED MEMBERS NAMES FOR EACH VOTE TAKEN AT COUNCIL MEETINGS**

The following motion has been proposed by Cr Thomas:

#### **COUNCILLOR MOTION**

**Moved Cr Thomas, seconded Cr Pyvis**

**That each time a vote is taken, on any matter before Council, the names of the Elected Members for and against the motion is recorded, in separate columns under headings - FOR/AGAINST**

**Lost 4/5**

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

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

#### **COUNCILLOR RATIONALE**

By recording the names of those who voted for or against any item we have a transparent record of the democracy of the Council voting system in action and we also eliminate the problem which sometimes arises whereby, in the heat of debate a Councillor forgets to ask for the vote to be recorded. This way it will happen automatically.

#### **STAFF COMMENT**

The *Local Government Act 1995*, at section 5.21 (4) states:

*If a member of a council or committee specifically requests that there be recorded;*

*(a) his or her vote; or*

*(b) the vote of all members present,*

*on a matter voted on at a meeting of the council or committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.*

When previous attempts to have rules added (via the Standing Orders Local Law) to have all votes recorded as suggested, the advice that has been provided is that as the Act specifically covers this, and provides a specific mechanism by which that is to occur, any move to expand or amend this would not be supported. As such, officers are not able to recommend an amendment to the Standing Orders Local Law to include such a provision.

However, should Council choose to support the motion, there are ways the intent can be put into practice. As per similar arrangements with the recording of the meeting, it can become standard practice that when a vote is declared, that the words “and the vote be recorded” be added to that announcement.

If the motion is supported by Council, administration staff can note each vote as they are taken, prior to a request being made, to enable “late” requests to be facilitated. In such circumstances, if there is a small delay in the recording of the vote being requested, the vote would not need to be retaken.

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

Nil

**12.2 OFFICERS**

Refer to Item 13.1.

**13 MEETING CLOSED TO PUBLIC****13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED****MOTION FOR BEHIND CLOSED DOORS**

Moved Mayor Dawkins, seconded Cr Rodda

In accordance with Standing Orders 15.10 that Council discuss the confidential report behind closed doors.

**Carried 9/0**

*Cr Thomas left the meeting at 10:17 PM.*

*Public and members of the media were requested to leave the meeting at 10:18 PM.*

Moved Cr Rodda, seconded Cr Boulter

That item 13.1.1 *Indiana Tea House – Legal Briefing* be considered as urgent business.

**Carried 8/0**

*Cr Downes left the meeting at 10:20 PM.*

*Cr Thomas returned to the meeting at 10:20 PM.*

*Cr Downes returned to the meeting at 10:22 PM.*

**13.1.1 INDIANA TEA HOUSE – LEGAL BRIEFING**

**File Ref:** SUB/2215  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Mat Humfrey  
Chief Executive Officer  
**Proposed Meeting Date:** 28 June 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

This report recommends that Council note the information contained in the confidential officer report in relation to a legal briefing regarding Indiana Tea House.

**BACKGROUND**

Refer to the confidential report.

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**STRATEGIC IMPLICATIONS**

Refer to the confidential report.

**POLICY IMPLICATIONS**

Refer to the confidential report.

**STATUTORY ENVIRONMENT**

**Local Government Act 1995**

**5.23 Meeting Generally Open to the Public**

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

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

**FINANCIAL IMPLICATIONS**

Refer to the confidential report.

**STAFFING IMPLICATIONS**

Refer to the confidential report.

**SUSTAINABILITY IMPLICATIONS**

Refer to the confidential report.

**CONSULTATION**

Refer to the confidential report.

**STAFF COMMENT**

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

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Dawkins, seconded Cr Rodda**

**THAT Council note the update provided.**

**Carried 9/0**

*Cr Birnbrauer left the meeting at 10:29 PM and did not return.*

**Moved Mayor Dawkins, seconded Cr Pyvis**

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

**Carried 8/0**

*The Meeting returned from behind closed doors at 10:30 PM.*

**13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC**

As there were no members of the public or media present the resolution for 13.1.1 was not read aloud.

**14 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 10:31 PM.

CONFIRMED MINUTES OF 28 June 2016 PAGES 1 – 117 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: ..... / ..... / .....