



Town of Cottesloe

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

Tuesday, 28 May 2019

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

A handwritten signature in blue ink, appearing to be 'J. May', is written over a faint horizontal line.

Signed:

Presiding Member

Date: 20/8/2019

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING

MINUTES

ORDINARY COUNCIL MEETING
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6:00 PM Tuesday, 28 May 2019

MAT HUMFREY
Chief Executive Officer

5 June 2019

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6.01pm.

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

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

4 PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**Ian Goldthorpe – 10.1.8

Q1: Obviously the Council Administration and the Bike Planning Committee knew this change would occur and had seen the plans prior to the Town's IT making them available online at 4pm on Monday, 23 July 2018. How long before this time (23 July 2018) did the following individuals see the PSP landscaping plan and become aware of the widening of Curtin Avenue (CEO - Mat Humfrey, Denise Tyler-Hare - Project Manager, Cr Sadler, Cr Young, Mayor Angers, Deputy Mayor Rodda and other Councillors). When did these individuals find out that Napier Street/Curtin Avenue intersection was going to be widened and what action did each of them take, if any, and if no action, why not, what was their rationale to say or do nothing?

A1: This project is funded and managed by the State Government. Plans provided were for the Town's information. Main Roads were undertaking the consultation with affected residents.

Standing Order 8 – Questions Submitted by Cr Pyvis via email 24 April 2019

Q1. Has the TOC/TOMP depot lease been signed? If so, on what date?

A1. 29/4/2019.

Q2. Has the Minister approved the TOC/TOMP depot lease?

A2. Agreement to Lease has been approved.

Q10. Has the Minister approved the transfer of the Indiana Lease?

A10. The assignment has not been submitted for approval yet.

Q11. What are the total itemised costs of the Ocean Pool Feasibility studies, including advertising, 2017 to present?

A11. This has been previously answered.

Q12. Can a copy of the letter from the Minister for Lands indicating approval of the TOC/TOMP depot lease - referred to by CEO Humfrey in the April 2019 agenda - be provided to Elected Members?

A12. Yes.

Q13. How many TOC Rangers work in the area of issuing parking infringements?

A13. The Town currently has three Rangers. During the peak season (summer) the Town employs additional Rangers/Parking Officers.

Q14. How many TOC parking infringements were issued in each of 2016, 2017, 2018, 2019 to date?

A14. 2016 – 6,448

2017 – 6,431

2018 – 7,872

2019 (TO DATE AS OF 15 May 2019) – 3,386

Q15. What percentage of TOC parking infringements are issued in the foreshore area, Napoleon Street village area in each of 2016, 2017, 2018, 2019 to date?

A15. Foreshore

2016 – 3,617

2017 – 4,362

2018 – 4,137

2019 to date (as of 15 May 2019) – 2,351

CBD

2016 – 1,647

2017 – 873

2018 – 2,011

2019 to date (as of 15 May 2019) – 219

Q16. What is the total income from TOC parking infringements issued in each of 2016, 2017, 2018, 2019 to date?

A16. 2016 – \$649,500

2017 - \$670,150

2018 - \$778,250

2019 to date (as of 15 May 2019) – \$366,645

Q20. Has TOC received any requests from SHINE for increased funding? Will this request be brought to Council? If so when? If not, why not?

A20. Taken on Notice (refer to item 10.1.12 of this meeting).

Standing Order 8 – Questions Submitted by Cr Tucak via email 25 April 2019

10.1.10 Tender Assessment - T01/2019 Depot Design and Construct

Q4. Given that this is a design and construct tender are any of those areas where we could see areas where clarification could be sought from the tenderers?

A4. No.

Q6. How were the tenders assessed on like items across the tenders such as the

- a. hard-stand area
- b. the pallet-racking
- c. the finishing of offices and toilets, etc.

A6. As this is a design and construct tender, it would be difficult to undertake a fair comparison given that a budget has been prepared by bidders based on a concept.

4.2 PUBLIC QUESTIONS

Vidette Wood (Amberjacks) – 28/94 Marine Parade, Cottesloe – Item 10.1.2

) Surprised the Town is considering any plans because the speculators only have 68% and the new strata laws haven't come in yet.

) Before you consider the sixth storey can you please talk about the ground level because it is going to impact the whole of Cottesloe.

) Amberjacks Cottesloe is our livelihood and if we lose the business we don't have a backup to replace that income and we have five children.

) We don't own a house yet, still saving up for a deposit ourselves.

) We've had Amberjacks for 12 years. Brian Connelly had it before us for 8 years.

) I hope you all agree that Amberjacks is iconic.

) It has served Cottesloe, interstate visitors and international visitors.

) We've fed hundreds of thousands of hungry families and it's probably fed all of you or your families.

) Most of our staff have been with us for 12 years.

) We did an in-store petition and had over 1,000 signatures from local postcodes for Amberjacks to stay.

) As reported in the Post Newspaper, the speculators have had not contact with our family.

-) The structure report has come in on 16 May and the conclusion is that this business is serviceable for next 10 years.
-) There are unintended consequences for our business and I'm asking if you will help us stay on the site if redevelopment takes place or help us find a new site and help us feed our family.
- Q1. We have an iconic business that offers something very special to Cottesloe visitors. What plan does the Council have in place to ensure the activation of the ground level of any proposed building at this site so that it will be in line with the needs of the locals, interstate and international visitors to Cottesloe?
- A1. The scheme amendment as proposed requires 50% of the ground floor to be activated for active uses which includes certain types of retail shop.
- Q2. We have heard that they have specifically said 'no soggy fish and chips.' The developers have been quoted as saying high-end retail is what the building will have as it will give them the dollars with the high-end apartments.
- A2. While the Town can require active uses, we are not able to specify who is able to be given a lease. It is activated for retail, 50% down below so there is an opportunity in the future.

5 PUBLIC STATEMENT TIME

Kevin Morgan – 1 Pearse Street, Cottesloe – Items 10.1.2 and 10.1.5

-) I was on Council from the early 2000s until about 5 years ago.
-) When we first developed the five storey proposal for 21 metres it was in the knowledge that any two bit developer would try to shoehorn seven storeys in 21 metres and the the whole design building guidelines were predicated on a requirement being put in place for ground floor for six metres.
-) We wanted to get as much light into that ground floor as possible.
-) The last thing you want to do is leave the developers to shove six storeys on top in the penthouse.
-) What you're in the process of creating here (I see you're allowing four metres, that's floor to floor), it's going to be very pokey.
-) You're going to end up with worse and worse and you end up with McDonalds down that strip.
-) You'd better get a plan in place very quickly.
-) Mortified to see misrepresentation on item 10.1.5, regarding the change in the designated dog exercise areas.
-) Dogs are allowed on the course.
-) The report says that currently dogs are allowed on the golf course.

-
-) In the early 2000s, when we changed lease over, we got rid of the prohibition of dogs in that lease because we didn't need it because we had the local dog law. item 4.1 bans dogs, strictly prohibits them, whether they're on a lead or not, on all reserves, except those that are designated dog exercise areas, which is set out in item 4.2 of the local dog law.
 -) That means that dogs have been prohibited there.
 -) When I took out the lease a few mischief makers tried to make out that dogs were allowed on the course. The then CEO must have set them straight.
 -) Over the last 15 years or we've allowed people to play there and wander around with dogs if they look after them.
 -) It's a wonder some-one hasn't taken a Supreme Court writ out on the Council to enforce the law.
 -) What you're trying to do tonight is you're trying to say that you're changing it to say that dogs are currently allowed and they soon won't be allowed, other than on a lead, is the opposite that you're doing.
 -) They'll soon be allowed on a lead if you do it like this, which is a good idea except that you failed to mention in this report that you have to amend the local dog law.
 -) The local dog law needs to be amended because at the moment, 4.2 sets out the dog exercise areas and you can't change the bit of paper you've got on the website. Someone's even mischievously put it the other way around to what is set out in the local law.
 -) Very disappointed to see the integrity of the Council is sadly lacking in the way they've addressed this.
 -) They should stick with the local law, you don't have one skerrick of legal advice backing your position in this paper.

Laurie Scanlan – 20 Warnham Road, Cottesloe – Item 10.1.16

-) Last year we went to Council about the Cottesloe Pier Proposal.
-) Cottesloe Council asked for a public forum and public survey to be undertaken to determine the amount of support from the community at large in relation this particular matter.
-) We provided a detailed report to Council a week ago.
-) There's been overwhelming support, over 1,000 responses were received.
-) 75% in favour of the project and 25% against.
-) 57% of Cottesloe residents were in favour and 43% against.
-) We did an assessment of the negative respondents to try to assist Councillors in understanding the issues.
-) We broke it down to approximately nine headings.
-) It was a very detailed report. 54 parties didn't like the architecture.

-) Against that, within the respondents in favour of the report, 570 thought it was a fantastic iconic development.
-) Under the heading 'prefer Cottesloe to be left like it is' there were eight respondents who said that they shouldn't touch anything, they should do nothing.
-) There were 91 respondents who thought it would assist the iconic status of Cottesloe and the fact that the respondents who were positive felt that Cottesloe was lacking in amenity and was old, tired and this particular development would add to the environment.
-) In relation to questions from Cr Pyvis at the Agenda Forum, I tried to answer her questions on the night from memory. One of the questions was in relation to climate change and I wanted to assure Councillors that we addressed that in our written submission.
-) We believe in most cases we have satisfactorily addressed all of the concerns that were raised right across the board.
-) We believe that we've put forward to Council for consideration a very sustainable and very environmentally conscious structure and proposal.
-) We believe this proposal should be looked at positively.
-) We're completely mystified as to why the Administration has written here and said they don't want to support it.
-) The document is over 400 pages long and I'm very disappointed that it hasn't been given due consideration.
-) It appears that the Administration is concerned and is advising the biggest problem is that it's privately owned and this is all stemming from the sorrowful management issues of the Indiana Tea House and I can assure you that we have addressed all those issues.

6 ATTENDANCE

Elected Members

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

Officers

Mr Mat Humfrey	Chief Executive Officer
Mr Garry Bird	Deputy Chief Executive Officer
Ms Freya Ayliffe	Manager of Compliance and Regulatory Services
Mr Shaun Kan	Manager Engineering Services

Mr Ed Drewett	Coordinator Statutory Planning
Ms Jana Joubert	Coordinator Strategic Planning
Ms Mary-Ann Winnett	Governance Coordinator

6.1 APOLOGIES

Cr Sally Pyvis

Officers Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Nil

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 DECLARATION OF INTERESTS

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.3.2

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.3.1

Mr Humfrey declared a FINANCIAL INTEREST in item 10.1.17

8 CONFIRMATION OF MINUTES

Moved Cr Rodda

Seconded Cr Harkins

That the Minutes of the Ordinary Meeting of Council held on Tuesday 30 April 2019 be confirmed as a true and accurate record.

Carried 7/0

9 PRESENTATIONS

9.1 PETITIONS

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

For the benefit of the members of the public present, the Mayor announced that items 10.1.4, 10.1.5, 10.1.11, 10.1.16, 10.1.17, 10.3.1, 10.3.2, 11.1 have been withdrawn for discussion. All other items will be dealt with en bloc.

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

File Ref: SUB/2798
Applicant(s) Proponents: Nil
Attachments: 10.1.1(a) Open Development Applications List - May 2019
[under separate cover]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Ed Drewett, Coordinator Statutory Planning
Author Disclosure of Interest: Nil

SUMMARY

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

BACKGROUND

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

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

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

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

CONSULTATION

Nil

OFFICER COMMENT

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

Address	Owner	Applicant	Description	Delegation Notice	Date Determined
5 Mann Street	C D Esposti	Mr M Samaha	Alfresco and pool room addition at rear	05/04/2019	16/04/2019
9 Rosendo Street	J A H & N M Forrest	Element Advisory Pty Ltd	Alterations & additions (modifications to previous approval)	08/04/2019	17/04/2019
57 Margaret Street	A Miklaus	Darklight Design	Alterations & additions, including skillion roof and carport	05/04/2019	18/04/2019
104 Broome Street	C Hauff & J Millhahn	Gerard McCann Architect	Alterations & additions, including rear alfresco, side & front windows	05/04/2019	23/04/2019
7 Albion Street	K L Pitcher-Little	Cottage & Engineering Surveys	Car bay in street setback	05/04/2019	23/04/2019
7 Congdon Street	V Allen	DMG Construction (WA) Pty Ltd	Two temporary sea containers for storage of tools & equipment	15/04/2019	23/04/2019
10 Eric Street	A J York & D N Dransfield	Officer Woods Architects	Two-storey dwelling	05/04/2019	23/04/2019
12 Perth Street	A Richards	Owner	Ground and first floor additions & alterations	20/03/2019	23/04/2019

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Mayor Angers

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

Carried 7/0

10.1.2 PROPOSED SCHEME AMENDMENT 9 TO LOCAL PLANNING SCHEME NO. 3 (SEAPINES)

File Ref: SUB/2798
Attachments: 10.1.2(a) Report (modified) [under separate cover]
10.1.2(b) Schedule of Submissions [under separate cover]
10.1.2(c) Schedule of Modifications [under separate cover]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Jana Joubert, Coordinator Strategic Planning
Author Disclosure of Interest: Nil

SUMMARY

At its meeting of 11 December 2018, Council resolved to initiate a standard scheme amendment (Scheme Amendment No. 9) to the Town of Cottesloe Local Planning Scheme No. 3 (LPS3). The purpose of the proposed amendment was retain the current permissible building height, but allow an additional storey within that height limit, which is 21 meters as set out in Local Planning Scheme No. 3.

Following the statutory public advertising period, the modified Scheme Amendment No. 9 report (**attached** at Appendix (a)), which includes details of and the justification for the proposal, is now being returned to Council for adoption in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

BACKGROUND

In early 2018 an application was received from Planning Solutions Pty Ltd on behalf of the Seapines Property Group regarding the Seapines Site, Lot 92 (No.94) Marine Parade, Cottesloe. The purpose of the proposal was for Council to consider an amendment to Schedule 15 of LPS3, in order to facilitate the redevelopment of the Seapines Site. The applicant sought to achieve a 6 storey development within the permissible 21 meter building height limit instead of the currently permissible five storeys as per Schedule 15 of LPS3.

Two workshops were subsequently conducted in July 2018 and October 2018 in accordance with a Council decision that sought to defer determination of the amendment proposal until further engagement had taken place and a clear way forward in terms of the most effective approach had been established.

At its Ordinary Council Meeting of 11 December 2018, it was resolved:

THAT Council:

1. *In accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, resolve to initiate standard Scheme Amendment No. 9 to LPS3 by:*

Adding a new subclause 3(b) under Schedule 15 to read:

3(b) Seapines Site (Lot 92 Marine Parade, Cottesloe):

Notwithstanding Diagram 4 and Diagram 7, the permitted number of storeys may be increased from 5 to 6 providing-

- i) the development achieves design excellence, as determined by the Town on the advice of the Town's Design Review Panel, having due regard to State Planning Policy 7 Design of the Built Environment (as amended) as well as the contents of Draft Apartment Design, volume 2 of State Planning Policy 7.3 Residential Design Codes Guidance for multiple-dwelling and mixed-use developments, as put out for public consultation October 2016;*
- ii) the maximum building height shall not exceed 21 metres; and*
- iii) not less than 50% of the 1st storey (ground floor) street frontage of any development on the site (to a minimum depth of 9m pursuant to clause 6.4.3.5 of this Scheme) shall be used for restaurants, shops, small bars and/or convenience stores and not for any other uses.*

and renumbering subsequent clauses.

- 2. Notify the Western Australian Planning Commission of Council's decision to initiate proposed standard Scheme Amendment 9 to LPS3, and provide the Commission with a copy of the scheme amending documentation prior to proceeding to public advertising.*
- 3. Refer a copy of the proposed Scheme Amendment 9 documentation to the Environmental Protection Authority, and any other relevant public authority, for consideration and comment.*
- 4. Subject to formal assessment not being required by the Environmental Protection Authority and no objection received from the Western Australian Planning Commission, proceed to advertise proposed Scheme Amendment 9 for public comment with a submission period of not less than 42 days in accordance with the Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015.*
- 5. Further consider the proposal together with any public submissions lodged with the Town of Cottesloe following the conclusion of the statutory public advertising period.*
- 6. Request the Administration to advise the applicant that the resolution to initiate this Scheme Amendment should not be construed as Council's acceptance of the Design Concept as submitted by the applicant and included on page 17 of the Agenda Papers for the Agenda Forum held on 4th December 2018 and that the Applicant is encouraged to engage early with the Town on design for the site.*
- 7. Request the Administration to report to Council at the February OCM:*
 - ii) on what changes, if any, are required to the composition, process and procedures of the Town's Design Advisory Panel to comply with the Design Review Guide Guidance for Local Governments to set up and operate design review processes (draft put out for public comment October 2016); and*
 - iii) on the process to prepare a Local Planning Policy for the Foreshore Centre to include provisions necessary to ensure the activation of the street frontage of all buildings along the foreshore consistent with the community's expectations relating to public benefit, design quality and preferred use of beachfront buildings.*

The proposal has undergone statutory advertising and the modified scheme amendment documentation, together with a schedule of submissions (**attached** at Appendix (b)) and a schedule of modifications (**attached** at Appendix (c)) are now being returned to Council for final adoption.

STRATEGIC IMPLICATIONS

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

Priority Area 3: Enhancing beach access and the foreshore

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

State Planning Policy 7 Design of the Built Environment

FINANCIAL IMPLICATIONS

There are no perceived financial implications arising from the officer's recommendation, other than the costs associated with the gazettal of the scheme amendment text.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Consultation measures have included:

-)] Preliminary meeting between Planning Solutions and administration officers in January 2018 which outlined the requirement for a Scheme Amendment and the Scheme Amendment process only;
-)] Proposal considered by the Foreshore Planning Implementation Committee (FPIC) on 31 July 2018, who resolved to provide:
 -)] *Specific recommendations on the Scheme amendment provisions for Seapines; and*
 -)] *Design excellence criteria for a local planning policy for the foreshore precinct redevelopment area.*
-)] Workshop held on 11 October 2018 (elected members (EMs), administration officers and DAP members in attendance);

-)] EMs, administration officers and FPIC members met with WAPC on 31 October (David Caddy); and
-)] Publicly advertising the proposal for a period of not less than 42 days from 15 February to 31 May 2019, including:
 - o letters sent to surrounding landowners and relevant public authorities;
 - o public notice of proposal published in a locally circulated newspapers;
 - o public notice of proposal posted on the Town of Cottesloe's website; and
 - o copies of proposal and supporting information made available at the Town of Cottesloe's Administration Centre as well as the Grove Library for inspection.

In total of nineteen (19) submissions were received, of which two were from government agencies/service providers, two were in support of the proposal, nine were in support of the proposal subject to conditions, and six were objections. Concerns mostly related to a misperception that the advertised amendment text seemingly required little to no activation of the ground floor.

An additional four submissions were received after the conclusion of the statutory advertising period and were recorded as late submissions.

A schedule of submissions is **attached** (at Appendix (b)) containing officer responses to each submission received.

OFFICER COMMENT

The subject site is located within the 'Foreshore Centre' Zone on Marine Parade, directly opposite Cottesloe Beach to the west, Cottesloe Beach Hotel to the north and the 'Il Lido' restaurant to the south. The site is commonly known as 'Seapines' and currently contains 26 strata units, including single and two storey villas. Two existing commercial tenancies (Amberjacks Fish and Chips and an ex-laundry) currently occupy the site on the ground floor.

The site forms an integral part of the larger Foreshore Renewal Project area, and has a significant impact on the foreshore precinct generally and on the surrounding streetscape in particular.

Specifically the scheme amendment seeks to amend Schedule 15 of LPS3 which currently limits the maximum number of storeys of any redevelopment to 5 storeys, to allow for 6 storeys. The proposal as advertised also required any development to satisfy a number of conditions, including achieving design excellence as determined by the Town's Design Advisory Panel (consistent with State Planning Policy 7) and dedicating at least 50 percent of the ground floor frontage to active retail land uses.

It has been determined that the existing 21m building height limit is able to comfortably accommodate 6 storeys with generous floor-to-floor heights.

A number of modifications to the amending text have also been undertaken in response to submissions received at the conclusion of the advertising period in accordance with the schedule of modifications (**attached** at Appendix (c)).

These modifications seek to amend the requirements of Schedule 15 (Building Design Controls for Special Control Area 2) of LPS3 by not only seeking to increase the required

amount of retail floor space to half of the gross floor area of the ground floor, but also to require both Marine Parade and John Street frontages to be activated as part of any redevelopment proposal. In addition, the floor-to-floor heights of the retail tenancies will be required to be developed to a minimum of 4m, to allow flexibility of building use and to provide a more balanced sense of proportion from the streetscape.

These modifications are considered to not significantly depart from what was advertised, are consistent with community sentiment and do therefore not necessitate re-advertisement of the proposal.

Conclusion

The proposed amendment will not alter the maximum building height stipulated in LPS3 and the addition of a sixth storey will have no additional impact on views, overshadowing, or amenity than what is currently permissible under Schedule 15 of LPS3.

Post advertising modifications to the amending text will also ensure that:

- ⌋ sufficient retail floor space with ample floor-to-floor heights will be provided as part of any redevelopment;
- ⌋ both the primary and secondary street frontages will be required to be activated, and
- ⌋ any redevelopment proposal will be considered by the Town's Design Advisory Panel against the principles and provisions of State Planning Policy 7.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS

Submitted by Cr Tucak – Emailed 21 May 2019

Q1. If this Scheme Amendment 9 is adopted, to what extent (and how) can the Town control or influence:

Q1a. Service and carpark entries being off the rear lane (and not the street frontages)

A1a. Existing cl 6.4.3.5 (d) states-

'Where a rear laneway exists adjacent to a site within the Foreshore Centre Zone, all vehicular ingress and egress to the site shall be via the laneway once the site has been redeveloped, and as part of any redevelopment of the site, the laneway shall be upgraded and widened where it abuts the development site so that the total width of the laneway becomes 6 meters...'

No vehicular access is therefore permissible from Marine Parade.

Q1b. Design of the external façade and 'interface' (i.e. as experienced by the public)

A1b. These considerations will be addressed at DA stage. The modified amending text as is requires both Marine Parade as well as John Street to be activated by mandating retail uses along both frontages. The DA will also be assessed against SSP7 and by the Town's Design Advisory Panel.

Q1c. Developer contributions to surrounding public areas, including public art.

A1c. Developer contributions (if any, relating to required works to the public realm or infrastructure improvements) will be determined at DA stage. If the development proposes an impact on the public realm (for example proposing large alfresco areas that encroaches onto the footpath) the development application would be conditioned accordingly (i.e. the developer would be required to cover the costs). There is currently no mechanism under the scheme whereby the Town can require a contribution for public art.

Q1d. Inclusion of sufficient parking for the additional units in the 6th storey.

A1d. Parking provision of residential units would have to satisfy the R-Code requirements. In respect of visitor parking cl 6.4.3.1 of LPS3 modifies the provisions of the R-Codes for Multiple Dwellings with no visitor parking required. Additionally, another 20% reduction in the number of parking space may be granted for Hotel and other Short Stay uses in accordance with Schedule 13 of LPS3 subject to the provision of a Traffic Impact Assessment.

Q2. Under Amendment para 3(b)(iii), what can (or must) the other 50% of ground floor area be used for?

A2. The rest of the ground floor may be used for any use which is currently permissible and discretionary in our Scheme's zoning table in the Foreshore Centre Zone. Residential uses on the ground floor are not permitted.

Submitted by Cr Pyvis – Emailed 21 May 2019

Q1. What does the current LPS3 permit for redevelopment of the ground floor on this site that is changed by the proposed amended scheme amendment? How will it change?

A1. Currently LPS3 permits commercial uses for the ground floor (including hotel) to a minimum depth of 9m and does not mandate activation of either of the street frontages.

1. In accordance with the modified scheme amendment text, the scheme will require 50% of the gross floor area of the ground floor to be dedicated to retail uses including both Marine Parade and John Street frontage. Retail areas will be required to have a minimum depth of 9m and a minimum floor to floor height of 4m.

Q2. What does the current LPS3 prohibit for redevelopment of the ground floor of this site that is changed by the proposed amended scheme amendment? How will it change?

A2. Currently LPS3 prohibits residential uses on the ground floor. Parking (where not provided in a basement) is limited to a small portion of the ground floor. No change.

Q3. What permissible uses does the current LPS3 provide for the ground floor of this site that is changed by the proposed amended scheme amendment? How will it change?

A3. Land use permissibility for the Foreshore Centre Zone is not affected by this amendment.

Q4. Why isn't 80% ground floor public amenity of this site a better outcome for the important public amenity of this site?

A4. The intent of the modifications is to enable a vibrant, lively streetscape by activating the interface along both Marine Parade and John Street. Providing retail tenancies

along the length of these interfaces to a depth of 9m achieves this intent. In total this would amount to approx. 50% of the ground floor.

Also, the 50% is a minimum requirement.

- Q5. Why not ask for 80% of the gross floor area of the ground floor activation (as best outcome for Cottesloe amenity) and let the Minister decide if it is to be a lesser percentage?
- A5. It is considered that 50% activation is appropriate as above. The Minister is able to further modify the amendment and increase the percentage of active uses for the ground floor at her own discretion.
- Q6. As the JDAP will decide this development application, why not require the development to comply with SPP Apartment Guidelines rather than only have due regard to these, which will mean JDAP can consider and then ignore these guidelines?
- A6. The development will be assessed against the Design Principles and Acceptable Outcomes of SPP7. There is nothing to comply with as such as SPP7.3 do not contain deemed-to-comply requirements.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Mayor Angers

THAT Council:

1. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolve to adopt modified Scheme Amendment No. 9 to LPS3 by:

Adding a new subclause 3(b) under Schedule 15 to read:

3(b) Seapines Site (Lot 92 Marine Parade, Cottesloe):

Notwithstanding Diagram 4 and Diagram 7, the permitted number of storeys may be increased from 5 to 6 providing-

- i) the development achieves design excellence, as determined by the Town on the advice of the Town's Design Advisory Panel, having due regard to State Planning Policy 7 Design of the Built Environment (as amended) as well as State Planning Policy 7.3 Residential Design Codes Guidance for multiple-dwelling and mixed-use developments,
- ii) the maximum building height shall not exceed 21 metres, and
- iii) the development provides active uses including convenience store, restaurant, shop and/or small bar for a minimum of 50 percent of the gross floor area of the ground floor. This shall include both the primary and secondary street frontage to a minimum depth of 9 metres and a minimum finished floor-to-floor height of 4m;

and re-numbering subsequent clauses.

2. Confirm that the amendment is a standard amendment in light of submissions received and consistent with the reasons as previously stipulated in attached Form 2A.

3. Refer the modified Scheme Amendment No. 9 documentation together with a copy of Council's resolution to the Western Australian Planning Commission for approval in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. Notify the applicant, landowners and submitters of Council's decision.

Carried 7/0

ADMINISTRATION**10.1.3 WHALEBONE CLASSIC 2019**

File Ref: SUB/2798
Attachments: 10.1.3(a) Event application [under separate cover]
Responsible Officer: Garry Bird, Deputy Chief Executive Officer
Author: Gabrielle Hall, Events Coordinator
Author Disclosure of Interest: Nil

SUMMARY

Surfing Western Australia is seeking approval for the 22nd Annual Whalebone Longboard Classic to be held at Isolators Reef, Cottesloe on Friday 5 July until Sunday 7 July 2019 between 7.00am until 5.00pm.

BACKGROUND

The Whalebone Longboard Classic is an iconic local community sporting event, consisting primarily of a three day professional and amateur longboard surfing competition. 2019 will see the 22nd instalment of this popular event.

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

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

STRATEGIC IMPLICATIONS

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

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

Major Strategy 1.4: Continue to improve community engagement.

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

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

Major Strategy 1.4: Continue to improve community engagement.

POLICY IMPLICATIONS**Beach Policy**

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

Event/Facility Classification Policy

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Health (Public Building) Regulations 1992

Food Act 2008

Town's Health Local Law 1997

Town's Liquor (Licensed Premises) Policy

Health (Miscellaneous Provisions) Act 1911

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

FINANCIAL IMPLICATIONS

To comply with the Event and Facility Classification Policy, organisers would be charged \$3,300 for hire and a \$1,000 bond. The Town has not charged Surfing Western Australia in the past for the use of Isolator's Reef. It is therefore recommended that the hire fee be waived.

Staff recommend that the bond for this event, and other community events, be charged in accordance with the Schedule of Fees and Charges. The Town has also previously provided and waived fees for additional event bins.

In addition, the Town has sponsored the event through the annual donations program, contributing between \$2,500 and \$5,000 per annum as a contribution for event costs. The Town has been recognised as a major sponsor by the organisers in event publicity.

STAFFING IMPLICATIONS

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

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

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

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

CONSULTATION

Surfing Western Australia

Town of Cottesloe Staff

OFFICER COMMENT

Three marquee tents will be set up for local sponsors to advertise their surf wares and provide shelter from the winter elements. Surfing Western Australia engages many local business and groups, to assist with staging the event. Organisers will be responsible for providing an Independent Structural Engineering approval prior to the proposed marquee being installed.

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

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

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

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Mayor Angers

THAT Council APPROVE the application from Surfing Western Australia for the 22nd Annual Whalebone Longboard Classic at Isolators Reef, Cottesloe on Friday 5 July until Sunday 7 July 2019 between 7.00am until 5.00pm, subject to the following conditions:

- 1. Class this event as a 'community' event and the hire charges be waived, and a bond of \$1,000, to be paid prior to the event commencing.**
- 2. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event.**
- 3. Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event for the approval of the Chief Executive Officer.**
- 4. Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required.**
- 5. All signage to be approved by the Chief Executive Officer one month prior to the event.**
- 6. The event complies with all noise management conditions imposed on the event by**

the Town of Cottesloe.

7. Compliance with the Town's *Beaches and Beach Reserves Local Law 2012*.
8. Compliance with relevant sections of the Town's Beach Policy.
9. The event complies with all requirements of the:
 - Ñ1 *Health (Public Buildings) Regulations 1992*
 - Ñ1 *Food Act 2008*
 - Ñ1 *Town's Health Local Law 1997*
 - Ñ1 *Town's Liquor (Licensed Premises) Policy*
 - Ñ1 *Health (Miscellaneous Provisions) Act 1911*
 - Ñ1 *Environmental Protection (Noise) Regulations 1997*
10. No alcohol is to be served unless a valid licence or permit from the Department of Racing, Gaming and Liquor is provided to the Town prior to the event.
11. Adequate arrangements for rubbish removal and collection, including the provision for recycling.
12. The Applicant will (including by directing any parties under their control or supervision) use their best endeavours to minimise waste and litter production from the event.
13. Single use plastics including without limit balloons, plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic lined coffee cups/lids, plastic straws, plastic lolly sticks, plastic cutlery and single plastic wrapped lollies will not be used by the Applicant (and any parties under their control or supervision) in setting up, during or in clearing up after the event.
14. That the event is a non-smoking event.
15. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event.
16. That the Western Metropolitan Regional Council 'Earth Carers' Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the checklist and return to Council after the event with the aim of reducing the amount of plastics used at the event.
17. The provision of a Disability Access and Inclusion Plan.

ADVICE NOTE

No Balloons

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

Single Use Plastics Medical Exemption

Exemptions may apply if the Applicant or the council requires the use of single use

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

Fish Habitat Protection Area (FHPA)

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

Carried 7/0

10.1.4 ROTTNEST CHANNEL SWIM 2020

File Ref: SUB/2798
Attachments: 10.1.4(a) Event application - Rottnest Channel Swim 2020
- Council attachment [under separate cover]
Responsible Officer: Garry Bird, Deputy Chief Executive Officer
Author: Gabrielle Hall, Events Coordinator
Author Disclosure of Interest: Nil

SUMMARY

The Rottnest Channel Swim Association Inc. is seeking Council's approval to host the 2020 Rottnest Channel Swim at Cottesloe Beach on Saturday, 22 February 2020.

BACKGROUND

The 30th Annual Rottnest Channel Swim is a 19.7 kilometre open water swim, commencing from Cottesloe Beach to Rottnest Island. Approximately 2,500 swimmers participate, 900 of which are expected to depart from Cottesloe Beach at 5.45am. The first wave of competitors will leave at 5.45am and the last wave of team swimmers expected to leave the beach by 7.45am.

The event has five participation categories for competitors:

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

The operational set up and pack down times will commence at 8.00am on Friday, 21 February 2020 and conclude at 1.00pm on Saturday, 22 February 2020.

STRATEGIC IMPLICATIONS

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

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

Major Strategy 1.4: Continue to improve community engagement.

POLICY IMPLICATIONS**Beach Policy**

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

Event Classification Policy

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Health (Public Building) Regulations 1992

Food Act 2008

Town's Health Local Law 1997

Health (Miscellaneous Provisions) Act 1911

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

FINANCIAL IMPLICATIONS

To comply with the Event and Facility Classification Policy, organisers would be charged \$3,000 (2019/20 budget proposed changes) for hire and a \$1,000 bond. The Town has not charged the Rottnest Channel Swim Association in the past for the use of Cottesloe Beach.

Event organisers have previously paid for food vendor permits, rubbish and recycling bins.

It is therefore recommended that if the hire and below listed fees are to be waived, the Town seeks to be recognised as an official supporter of the event.

Rottnest Channel Swim have also requested the following fees be waived;

Events Fees	\$3,000 per day
Bin Hire	20 bins x \$29.50 per bin (hire and servicing)
Car bays	30 bays (approx.) x \$52 per bay
Sponsor film permit	\$500
Food vendor permit	2 x \$60 per vendor
	\$5,770

STAFFING IMPLICATIONS

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

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

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

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

CONSULTATION

Rottnest Channel Swim Association Staff

Cottesloe Surf Life Saving Club

Town of Cottesloe Staff

OFFICER COMMENT

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

To comply with the *Health (Public Buildings) Regulations 1992*, extra toilets will be provided by the organisers.

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council APPROVE the application from Rottnest Channel Swim Association Inc. for the 2020 Rottnest Channel Swim at Cottesloe Beach on Saturday, 22 February 2020, subject to the following conditions:

1. Class this event as a 'community' event and the hire charges and other miscellaneous fees be waived, and a bond of \$1000, to be paid prior to the event commencing, subject to the Town being recognised as an official sponsor of the event.
2. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event.
3. Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event for the approval of the Chief Executive Officer.
4. Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required.
5. All signage to be approved by the Chief Executive Officer one month prior to the event.
6. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe.

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

ADVICE NOTE

No Balloons

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

Single Use Plastics Medical Exemption

Exemptions may apply if the Applicant or the council requires the use of single use

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

Fish Habitat Protection Area (FHPA)

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

COUNCILLOR MOTION

Moved Cr Sadler

Seconded Cr Young

That Council:

- 1. DEFER the application from the Rottnest Channel Swim Association Inc for the 2020 Rottnest Channel Swim on Cottesloe Beach on Saturday 22 February 2020 pending a review of the Town of Cottesloe's Donation Policy in June 2019.**
- 2. That the item be brought back to the August 2019 Ordinary Council Meeting (at the latest) for consideration.**

Carried 7/0

10.1.5 AMENDMENT TO DESIGNATED AREAS FOR DOGS EXERCISE AREAS (DOG ACT 1976)

File Ref: SUB/2798
Attachments: 10.1.5(a) Proposed Amendments Designated Areas For Dogs Local Law [under separate cover]
10.1.5(b) Designated Areas For Dogs Local Law [under separate cover]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Freya Ayliffe, Manager Compliance and Regulatory Services
Author Disclosure of Interest: Nil

SUMMARY

That Council considers approving the proposed amendments to the Designated Area for Dogs Exercise Areas.

BACKGROUND

There are currently nine designated areas for dogs to exercise off their lead within the Town. The Designated Areas for Dogs Exercise Areas clearly identifies these areas, it also identifies where dogs are strictly prohibited.

The proposed amendments are minor amendments to reflect changes to infrastructure and to incorporate changes to legislation.

The attached document details the proposed amendments.

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Dog Act 1976

Designated Areas for Dogs Exercise Areas

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Chief Executive Officer

Internal staff

As there are no material changes to the areas in which dogs are permitted or able to be exercised off-lead, no consultation is recommended within the Officer's recommendation. If Council resolves to amend the areas where either dogs are permitted or permitted off-lead, it would be recommended that consultation be undertaken prior to any final determination being made.

OFFICER COMMENT

The proposed amendments are minor amendments to reflect changes to infrastructure and to incorporate changes to legislation. As stated above, there are no material changes to the areas where dogs are permitted, or permitted to be off-lead.

One area that will require an element of community education is the Sea View Golf Club. Currently dogs are permitted on the course, but it is NOT a designated dog exercise area – which means dogs are required to be on lead. A search of the Town's records indicates that this has been the case for at least a decade. If the recommended notice is adopted by Council, administration will work with the Sea View Golf Club and dog walkers in this area to ensure that the enforcement undertaken in a proactive and educative manner.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS**Submitted by Cr Pyvis – Emailed 21 May 2019**

Q1. What dog prosecutions have failed as a result of the current local law wording?

A1. None.

Q2. What exactly and specifically are the changes referred to as "*minor amendments to reflect changes to infrastructure and to incorporate changes to legislation*" and why are they necessary?

A2. The minor amendments are to take out things that are no longer relevant and also to clarify the previous notice that said the dogs were prohibited from any beach or reserve that wasn't a designated dog exercise area. This has been amended to align with the original intent that any beach that is not a designated dog exercise area, is an area where dogs are prohibited. Changes are detailed in the attachments.

- Q3. Will the proposed changes make any difference to the enforceability or otherwise of the dogs being off lead on Sea View Golf Club (SVGC)?
- A3.** The Town will need to liaise with SVGC depending on what Council approve.
- Q4. What is the SVGC approach to dogs off lead on the SVGC?
- A4.** They are not against dogs being off lead however, have some issues with dog owners not cleaning up after their dogs.
- Q5. Has the SVGC complained about dogs off lead on SVGC?
- A5.** As above.
- Q6. What formal correspondence has there been between SVGC and TOC about dog control on SVGC and can this be provided to EMs at the Agenda Forum?
- A6.** Taken on Notice.
- Q7. How many formal complaints have there been to TOC about dogs off lead on SVGC in 2018 and in 2019?
- A7.** No complaints have been recorded – however, we are aware of one complaint in a letter to the Post and another correspondent in the Post who has raised this as an issue.
- Q8. What does the amended Harvey Field Precinct Plan say about dogs off lead and dogs on lead in any of the area covered by this plan?
- A8.** It makes comment on the designated areas for dogs.
- Q9. Why is TOC going to commence a proactive enforcement of dogs on lead on SVGC?
- A9.** Changing enforcement regimes requires a proactive and educative approach. People will need to be informed of the change and allowed to make the required adjustments.
- Q10. Why are TOC officers not recommending dogs off lead on SVGC changes to Local Law to reflect what is the current practice (which is a workable coexistence between dog walkers and golfers over many decades)?
- A10.** This will be a Council decision.

OFFICER RECOMMENDATION

THAT Council APPROVE the proposed amendments to the Designated Areas for Dogs Exercise Areas as shown in the attached Notice.

COUNCILLOR MOTION

Moved Cr Tucak

Seconded Cr Thomas

THAT Council APPROVE the proposed amendments to the Designated Areas for Dogs Exercise Areas as shown in paragraphs (d) (relating to Food Act premises/vehicles) and (e) (relating to public beaches) only in the attached Notice.

Lost 2/5

For: Crs Tucak and Thomas

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

COUNCILLOR MOTION (FORESHADOWED)

Moved Cr Harkins

Seconded Cr Thomas

- 1. That Council approve the proposed amendment to the designated areas for dogs exercise areas as shown in the attached notice.**
- 2. That enforcement action in respect of dogs off-lead on the Sea View Golf Course be deferred pending further consultation with the Club and with community stakeholders.**

Carried 7/0

10.1.6 LOCAL GOVERNMENT PROPERTY LOCAL LAW DETERMINATION - BAN ON SMOKING

File Ref: SUB/2798
Attachments: 10.1.6(a) Summary of Submissions - Determination to Ban Smoking [under separate cover]
10.1.6(b) Council Meeting Attachment - Proposed Smoking Ban Area - West of Marine Parade [under separate cover]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Garry Bird, Deputy Chief Executive Officer
Author Disclosure of Interest: Nil

SUMMARY

A recent amendment to the *Town of Cottesloe Local Government Property Local Law 2011* gives Council the powers to ban smoking on local government property, by making a determination to that effect.

BACKGROUND

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

NOTICE OF MOTION

Moved Cr Pyvis, seconded Cr Downes

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

AMENDMENT

Moved Cr Walsh, seconded Cr Pyvis

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

CARRIED 7/1

COUNCIL RESOLUTION

That Council in view of the significant adverse environmental impacts of cigarette butts and in the interest of better community health and amenity that Council support a permanent ban on smoking at all Cottesloe beaches to be implemented by the 2015/2016 summer season and that this be done by amending the Town of Cottesloe's Property Local Law as outlined in staff comment.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

CARRIED 6/2

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

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

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

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

The following resolution was adopted:

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

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

CARRIED 8/0

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

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

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

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

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

COUNCILLOR MOTION & COUNCIL RESOLUTION

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

THE SUBSTANTIVE MOTION WAS PUT

CARRIED 8/0

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

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

That Council:

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

THE SUBSTANTIVE MOTION WAS PUT

CARRIED 6/3

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

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

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

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

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

CARRIED 7/0

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

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

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

One further submission was received from the public, supporting the ban.

The proposed amendment was then put to Council in September 2017, where it was subsequently resolved as follows;

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Thomas

That Council, by Absolute Majority:

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

5. *Authorise the Mayor and Chief Executive Officer to execute all necessary documentation as may be required to adopt the Town of Cottesloe Local Government Property Local Law 2017.*
6. *Thank all those respondents who provided a submission to the proposed Town of Cottesloe Local Government Property Local Law 2017.*

Carried 8/0

Since then the issue of the ban on smoking has been presented to the March 2018 and February 2019 Briefing Forums for consideration by Council.

At the March 2019 Council Meeting it was resolved as follows:

That Council, in accordance with the section 2.1 and 2.2 of the Town of Cottesloe Property Local Law, provide local public notice of its intention to ban smoking on all beaches and foreshore reserves west of Marine Parade and Curtin Avenue and invite public submissions for a period of no less than twenty one days regarding the proposal.

Carried 7/0

A total of 12 submissions were received during the consultation period with ten in support and two opposing the proposed determination.

STRATEGIC IMPLICATIONS

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

Priority Area 3: Enhancing beach access and the foreshore

POLICY IMPLICATIONS

The primary objective of the Beach Policy is:

- a. *To ensure that the land area west of the Marine Parade road pavement is maintained or restored so that:*
 - i. *the sea is accessible and free from pollutants and that the shore line is not altered except as a result of properly investigated and designed works to rehabilitate the land area;*

Further, secondary objectives are;

- a. *To maintain the areas of major recreational use, including their amenities. These areas being the major reserves of:*
 - i. *Cottesloe Beach (defined as being from Mudurup Rocks to Napier Street);*
 - ii. *North Cottesloe Beach (defined as being from Eileen Street to Grant Street).*

Making a determination to ban smoking at specified areas would be in keeping with these strategic objectives of the Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Administration) Regulations 1996

Town of Cottesloe Property Local Law 2011

Town of Cottesloe Property Local Law Amendment 2017

Tobacco Control Products Regulations 2006

Relevant extracts from the consolidated *Local Government Property Local Law 2001* (which includes the 2017 amendment) is provided below.

Determination as to use of local government property

- 2.1 (1) *The local government may make a determination in accordance with clause 2.2-*
- (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;*
 - (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;*
 - (c) as to the matters in clauses 2.7(2) and 2.8(2); and*
 - (d) as to any matter ancillary or necessary to give effect to a determination*
- (2) *The determinations in Schedule 2 –*
- (a) are to be taken to have been made in accordance with clause 2.2; may be amended or revoked in accordance with clause 2.6; and*
 - (b) have effect on the commencement day.*

Procedure for making a determination

- 2.2 (1) *The local government is to give local public notice of its intention to make a determination.*
- (2) *The local public notice referred to in subclause (1) is to state that –*
- (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;*
 - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and*
 - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.*
- (3) *If no submissions are received in accordance with subclause (2)(c), the Council is to decide whether to –*
- (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;*
 - (b) amend the proposed determination, in which case subclause (5) will apply; or*
 - (c) not continue with the proposed determination.*
- (4) *If submissions are received in accordance with subclause (2)(c) the Council is to -*
- (a) consider those submissions; and*
 - (b) decide –*

- (i) whether or not to amend the proposed determination; or*
 - (ii) not to continue with the proposed determination.*
- (5) If the Council decides to amend the proposed determination, it is to give local public notice –*
 - (a) of the effect of the amendments; and*
 - (b) that the proposed determination has effect as a determination on and from the date of publication.*
- (6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.*
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).*
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council*
 - (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;*
 - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and*
 - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.*

Discretion to erect sign

- 2.3 The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.*

Determination to be complied with

- 2.4 A person shall comply with a determination.*

Register of determinations

- 2.5 (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.*
- (2) Sections 5.94 and 5.95 of the Act, relating to the right of the public to inspect certain local government information, are to apply to the register referred to in subclause (1). For that purpose, the register is to be taken to be information within section 5.94(u)(i) of the Act.*

Amendment or revocation of a determination

- 2.6 (1) The Council may amend or revoke a determination.*
- (2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.*

- (3) *If the Council revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.*

Division 2 – Activities which may be Pursued or Prohibited under a Determination

Activities which may be pursued on specified local government property

- 2.7 (1) *A determination may provide that specified local government property is set aside as an area on which a person may –*
- (a) bring, ride or drive an animal;*
 - (b) take, ride or drive a vehicle, or a particular class of vehicle;*
 - (c) fly or use a motorised model aeroplane;*
 - (d) use a children’s playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;*
 - (e) launch, beach or leave a boat;*
 - (f) take or use a boat, or a particular class of boat;*
 - (g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;*
 - (h) play or practice –*
 - (i) golf or archery;*
 - (ii) pistol or rifle shooting, but subject to the compliance of that person with the Firearms Act 1973; or*
 - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;*
 - (i) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device*
- (2) *A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –*
- (a) the days and times during which the activity may be pursued;*
 - (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;*
 - (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;*
 - (d) may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;*
 - (e) may specify that the activity can be pursued by a class of persons or all persons; and*
 - (f) may distinguish between different classes of the activity.*

Activities which may be prohibited on specified local government property

- 2.8 (1) *A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property:*
- (a) smoking on premises or within a 5 metre radius of any entrance, exit or aperture of premises;*
 - (b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;*
 - (c) taking, riding or driving a vehicle on the property or a particular class of vehicle;*
 - (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;*
 - (e) taking or using a boat, or a particular class of boat;*
 - (f) the playing or practice of -
 - (i) golf, archery, pistol shooting or rifle shooting; or*
 - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;**
 - (g) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property;*
 - (h) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose;*
 - (i) releasing an unsecured balloon inflated with a gas that causes it to rise in the air; and*
 - (j) smoking in contravention of a sign which prohibits the act of smoking.*
- (2) *A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –*
- (a) the days and times during which the activity is prohibited;*
 - (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;*
 - (c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;*
 - (d) that an activity is prohibited in respect of a class of persons or all persons; and*
 - (e) may distinguish between different classes of the activity.*
- (3) *In this clause –*

"premises" means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field

In summary, the *Local Government Property Local Law 2001* gives Council the power to make a determination to ban smoking at specified areas, subject to the consideration of public submissions regarding the proposed determination, which if subsequently adopted needs to be signed accordingly.

Under the *Tobacco Products Control Regulations 2006*, smoking is already banned in the following places:

-)] Shopping Centres
-)] Cafes and Restaurants
-)] Pubs, Bars, Nightclubs
-)] Sporting Clubs
-)] Patrolled Beaches (between flags)
-)] Playgrounds
-)] Private vehicles where a child under 17 is present

The maximum imposed penalty is \$1,000 and for an infringement notice, \$200.

FINANCIAL IMPLICATIONS

The cost to advertise the proposed determination is estimated to be \$2,500.

Depending on the area which may be subject to a smoking ban and the type of signage to be installed, the cost of signage may possibly range from \$2,000 to \$10,000.

STAFFING IMPLICATIONS

For such a determination to be effectively enforced, additional rangers would need to be engaged so as not to disrupt or hinder existing operational requirements.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

Any ban on smoking would presumably result in less litter from cigarette butts and allow non-smokers to enjoy the beach environment free from cigarette smoke.

CONSULTATION

Elected Members

Local public notice was placed in the Post Newspaper and Western Suburbs Weekly. Public notices were also placed at the Cottesloe Civic Centre and Grove Library, sent to the Residents and Ratepayers database and placed on the Town's website. Information was also included on the Town's Facebook page.

Responses were requested by 3 May 2019.

A summary of the submissions received is attached. A copy of all the submissions received has been provided to Elected Members separate to the agenda to protect privacy details of the respondents.

OFFICER COMMENT

Although the decision made by Council received quite extensive media coverage, the total number of submissions received (12) is relatively low. This response could be viewed as general support for the proposed determination, especially as only two objections were received.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS

Submitted by Cr Pyvis – Emailed 21 May 2019

Q1. Why does the officer report state as follows "*At the request of Cr Pyvis, the banning of smoking at specified sites is presented to Elected Members for consideration.*", when Cr Pyvis' motion and all subsequent Council resolutions arising from Cr Pyvis' Notice of a Motion was clearly and only for a smoking ban on all TOC beaches (and not limited to specific Cottesloe beaches)?

A1. Advice was given in February. Cr Pyvis' concerns around the wording 'specified sites' was acknowledged and the report will be updated accordingly.

Q2. Why is there a reference to the Council resolutions relating to Council's balloon ban in the office report? How does this referenced relate to the proposed smoking ban?

A2. It's associated with the local law development to ban smoking.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Mayor Angers

THAT Council in accordance with the section 2.1 and 2.2 of the Town of Cottesloe *Local Government Property Local Law 2011*, determine to ban smoking on all beaches and foreshore reserves west of Marine Parade and Curtin Avenue.

Carried 7/0

10.1.7 AGREEMENT DEFERRING AMALGAMATION OF LOT 1 (NO.37) AND LOT 132 (NO.37F) GRANT STREET, COTTESLOE

File Ref: SUB/2798
Attachments: 10.1.7(a) Agreement deferring Amalgamation Lot 1 (no 37) and Lot 132 (No 37F) Grant Street, Cottesloe(2) [under separate cover]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Freya Ayliffe, Manager Compliance and Regulatory Services
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to obtain Council's resolution to apply the Town's Common Seal. It relates to the amalgamation of lot 1 (No.37) and Lot 132 (No.37F) Grant Street, Cottesloe.

Amalgamation of the lots is necessary to satisfy the requirements of the applicable building standards in relation to technical aspects of fire separation. The applicable standards are set out in the *Building Code of Australia 2016*.

BACKGROUND

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

STRATEGIC IMPLICATIONS

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

Priority Area 4: Managing Development

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

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

Priority Area 4: Managing Development.

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Building Act 2011

Building Regulations 2012

FINANCIAL IMPLICATIONS

There are no perceived financial implications arising from the officer's recommendation. The deed of agreement is at full cost to the landowners, with no direct cost to the Town.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Chief Executive Officer

McLeods Barristers and Solicitors

OFFICER COMMENT

The attached agreement deferring amalgamation in relation to Lot 1(No.37) and Lot 132 (No.37F) Grant Street, Cottesloe, is between the landowners, who have requested and executed the deed, and the Town. It has been prepared by McLeods under instruction from the Town, at full cost to the landowner.

The agreement includes a range of standard legal measures to ensure the amalgamation is ultimately fulfilled. It protects the Town's interests by committing the owners to complete the amalgamation, empowering the Town to do so if necessary.

The *Local Government Act 1995* requires a Common Seal to be approved by a council or its delegate. As Cottesloe Council has not delegated that authority, each time the Common Seal is required, it necessitates obtaining a Council resolution. Council can assign this power to the Chief Executive Officer; this will expedite the process as it will eliminate the need for a Council resolution, which requires the preparation of a report to Council for each request.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Mayor Angers

THAT Council AUTHORISE the Chief Executive Officer to apply the Town's Common Seal, and with the Mayor to sign the Agreement Deferring Amalgamation of Lot 1(No.37) and Lot 132 (No.137) Grant Street, Cottesloe.

Carried 7/0

ENGINEERING**10.1.8 PRINCES STREET SPECIES SELECTION**

File Ref: SUB/2209
Attachments: Nil
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Adeline Morrissey, Environmental Projects Officer
Author Disclosure of Interest: Nil

SUMMARY

Council is asked to approve a variation to the Street Tree Masterplan for the verge tree species along Princes Street between Marine Parade and Avonmore Terrace.

BACKGROUND

Verge trees along Princes Street have failed to survive as a result of unsubstantiated sources of vandalism and poisoning. Currently, the Street Tree Masterplan lists the *Melaleuca lanceolata* as the preferred species along Princes Street.

An arborist has recommended *Hakea laurina* (Pin Cushion Hakea), *Melaleuca lanceolata* (Rottneest Island Tea Tree) and *Eucalyptus foecunda* (Narrow-leaved Red Mallee) as ideal tree species for the street. Artist impression of each species were provided to residents between this section of Princes Street when consulting to identify a preferred species.

STRATEGIC IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

Under the section 4.2 of the Street Tree Policy it states, '*Species to be planted at each location shall be in accordance with the approved Street Tree Master Plan.*' Therefore it is proposed that the Street Tree Masterplan be amended for Princes Street.

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The amendments to the Street Tree Masterplan will not affect the number of trees planted on the verges. Planting methods and tree care will remain the same regardless of the species. Therefore there are no perceived sustainability implications arising from the officer's recommendation.

CONSULTATION

Once the tree species are determined a letter will be sent to all residents to advise of the outcome from the survey.

OFFICER COMMENT

Ten of the 17 respondents were supportive of trees. 40% of survey participants wanting trees selected the *Hakea laurina* as their number one preference. 30% opted for *Melaleuca lanceolata* and the remaining 30% chose *Eucalyptus foecunda*.

A map showing where the support for each species occurs has been provided under a separate cover.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS**Submitted by Cr Pyvis – Emailed 21 May 2019**

Q1. When was the last time that formal consultation was undertaken about the Princes Street trees and what was the outcome of this consultation?

A1. 7 March 2019. 10 out of 17 residents wanted trees. 4 of the 10 residents chose Hakea Pin Cushion as their preferred species.

Q2. What is the anticipated longevity of each of the three recommended species (please list by species)?

A2. This did not form part of the Arborist study – information will be forwarded to Elected Members.

Q3. What is the maximum canopy (in m²) of each if the recommended species?

A3. *Hakea laurina* & *Eucalyptus foecunda* – mature spread of approximately 3 m diameter - 14 trees would provide an anticipate 132 m² increase.

Melaleuca lanceolata – mature spread of approximately 5.5 m diameter - 14 trees would provide an anticipate 242m² increase.

Q4. Has the species Norfolk Island Pine (NIP) been considered for Princes Street? If yes, why was this species rejected? If not, why not?

- A4.** No. The height of the pine would affect views and as such would not be supported.
- Q5.** What steps have been/will be undertaken by TOC to ensure Princes Street residents are engaged and supportive of the proposed tree planting?
- A5.** A letter will be sent to residents informing them of the species adopted by Council. Residents will be encouraged to report any vandalism to the Town.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Mayor Angers

THAT Council APPROVES the amendment to the Street Tree Masterplan for Princes Street between Marine Parade and Avonmore Terrace to *Hakea laurina*.

Carried 7/0

10.1.9 VICTORIA STREET INTERSECTION UPGRADE AT CURTIN AVENUE

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

SUMMARY

Council is asked to approve works at Victoria Street and Curtin Avenue intersection to improve pedestrian safety at this location.

BACKGROUND

Main Roads have modified giveway and added chevron line markings on Victoria Street to improve safety at the intersection. Sight distance has been improved through relocating the giveway line closer to Curtin Avenue. A painted median has streamlined left turn movements from Victoria Street and prevented the inappropriate use of the wide pavement as a slip lane.

**STRATEGIC IMPLICATIONS**

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

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

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

If the officer's recommendation is approved, a budget amendment of \$10,000 would be required.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Main Roads Western Australia

Town of Cottesloe Staff

OFFICER COMMENT

Whilst the linemarking changes made by Main Roads have improved traffic safety and efficiency, its implementation has resulted in other concerns with pedestrians utilising the chevron as an unprotected refuge when attempting to cross Curtin Avenue.

Realigning the existing kerb along Curtin Avenue shown in green on the below diagram will provide pedestrians with some form of protection and at the same time reduce the crossing width.



It would also be important to note that a majority of vehicles turning left are accessing Marine Parade to head northbound through Sydney Street. The alternative would be to install a roundabout treatment at this intersection. The footprint of such a design would be more costly than the kerb widening solution and require a substantial area of verge to the west of the intersection.

Given the possible reclassification of Curtin Avenue and cost between options, realigning existing kerbing will be the preferred option to improve pedestrian safety at the intersection. A left turn only out of Sydney Street intersection would eliminate the rat running and direct all southbound vehicles from Victoria Street to utilise the roundabout south of Sydney Street to head northbound either on Marine Parade or Curtin Avenue.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS

Submitted by Cr Pyvis – Emailed 21 May 2019

Q1. Who will undertake these works?

A1. Town of Cottesloe.

Q2. Approximately how much will the works cost?

A2. Approximately \$10,000.

Q3. What is the budget line item for these works and when will they be undertaken?

A3. A budget amendment would be required and sourced from cost savings.

Q4. Why are TOC officers nor recommending public consultation about this in line with Council's Consultation Policy?

A4. The proposal does not change the functionality of the intersection and improves pedestrian safety.

Q5. Will Main Roads WA (MRWA) contribute to the cost of the works? If not, why not and has MRWA been asked?

A5. No. The road falls under the jurisdiction of the Town.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Mayor Angers

That Council APPROVE the realignment of existing kerbing as shown in this report.

Carried 7/0

FINANCE**10.1.10 FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2018 TO 30 APRIL 2019**

File Ref: SUB/2798
Attachments: 10.1.10(a) Monthly Financial Statements for the period 1 July 2018 to 30 April 2019 [under separate cover]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Wayne Richards, Finance Manager
Author Disclosure of Interest: Nil

SUMMARY

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

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

BACKGROUND

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

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

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

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

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Senior staff

OFFICER COMMENT

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

-)] The net current funding position as at 30 April 2019 was \$2,304,608 and is in line with previous financial years as shown on pages 2 and 23 of the attached Financial Statements.
-)] Rates and emergency services levies receivables at 30 April 2019 stood at \$422,268 as shown on pages 2 and 26 of the attached Financial Statements.
-)] Operating revenue is more than revised year to date budget by \$314,381 with a more detailed explanation of material variances provided on pages 21 and 22 of the attached Financial Statements. Operating expenditure is \$519,277 less than revised year to date budget with a more detailed analysis of material variances provided on pages 21 and 22.
-)] The Capital Works Program is approximately 41% complete as at 30 April 2019 and a full capital works program listing is shown on pages 34 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 30 April 2019 Employee Costs were \$94,974 less than the revised budgeted year to date amount.
-)] The balance of cash backed reserves was \$11,715,213 as at 30 April 2019 as shown in note 7 on page 28 of the monthly financial statements.

List of Accounts for April 2019

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

- ⌋ \$25,723.95 and \$42,587.95 to Superchoice Services Pty Ltd for superannuation contributions.
- ⌋ \$215,688.91 to Environmental Industries for works at the foreshore.
- ⌋ \$59,860.11 to the Australian Taxation Office for the monthly business activity statement.
- ⌋ \$45,419.00 to Roads 2000 for road resurfacing works.
- ⌋ \$32,944.76 to Surf Life Saving WA for lifeguard services
- ⌋ \$40,810.00 to Strategic Human Resources for a workplace review.
- ⌋ \$138,511.40 and \$109,204.86 to the Town of Cottesloe staff for fortnightly payroll.
- ⌋ \$940,000.00 to the Town of Cottesloe Investment account held with National Australia Bank.

Investments and Loans

Cash and investments are shown in note 4 on page 24 of the attached Financial Statements. Council has approximately 40% of funds invested with National Australia Bank, 34% with Bankwest, 14% with Commonwealth Bank of Australia and 12% with Westpac Banking Corporation. Council had a balance of \$11,715,213 in reserve funds as at 30 April 2019.

Information on borrowings is shown in note 10 on page 31 of the attached Financial Statements and shows Council had total principal outstanding of \$3,759,032 as at 30 April 2019. The final payment for loan number 106 which was taken out in 2009 for the refurbishment of the Civic Centre was made in April 2019.

Rates, Sundry Debtors and Other Receivables

Rates revenue information is shown in note 9 on page 30 of the attached Financial Statements. Rates outstanding are shown on note 6 on page 26 and show a balance of \$422,268 as compared to \$563,311 this time last year.

Sundry debtors are shown on note 6, page 26 of the attached Financial Statements. The sundry debtors show that 18% or \$12,798 is older than 90 days. Infringement debtors are shown on note 6 page 27 and stood at \$485,362 as at 30 April 2019.

Budget Amendments

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

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS**Submitted by Cr Pyvis – Emailed 21 May 2019**

Q1. p37. BM Pember - \$11,137.50 and p40. BM Pember \$2,970.00

Q1a. what specifically were these amounts for?

A1a. Mr Pember provides consultancy services (database administration) in the Authority program that we use for a number of our business applications. He has been doing a large amount of work lately around electronic building license applications and the amount there of \$11,137.50 is for a period of several months.

Q1b. did TOC obtain other quotes for these services?

A1b. We have previously tried to obtain other quotes for Mr Pember's services but unfortunately he's the only supplier in WA who is able to do this work. We will be looking to go to tender for the service next year but whether we can find anyone or not remains to be seen.

Q1c. how much has TOC paid BM Pember for IT services for financial years 2016/17, 2017/18 and 2018/19 (to date)? Please itemise.

A1c. Main IT Providers/Contractors - All Invoices

	B Pember	ManagedIT
2016-17	\$ 51,408.50	\$ 139,656.53
2017-18	\$ 71,073.75	\$ 170,747.36
2018-19	\$ 114,840.00	\$ 176,310.40

Q1d. how many different IT service providers did TOC engage for financial years 2016/17, 2017/18 and 2018/19 (to date)? Please name each provider and itemise amounts paid to each by year.

A1d. Main IT Providers/Contractors - All Invoices

	B Pember	ManagedIT
2016-17	\$ 51,408.50	\$ 139,656.53
2017-18	\$ 71,073.75	\$ 170,747.36
2018-19	\$ 114,840.00	\$ 176,310.40

Q2. p37. Burgess Rawson - Carpark rental - \$6,500.45 what specifically is this amount for?

A2. Rent for the carpark on Railway Avenue.

Q3. p38. Jackson McDonald - legal services - \$5,741.06 what specifically is this amount for?

A3. Lease Documentation for Indiana

Q4. p38. National Trust of Australia - Cottlesloe Pylon Appeal donations - \$100.00

Q4a. is this a donation from the National Trust?

A4a. This is a donation received by the Town for the pylon restoration, which is paid into a charitable fund registered with the National trust as agreed by Council.

- Q4b. how many donations (list donor names and amounts donated) has TOC received for the Cottesloe Pylon Appeal?
- A4b.** Last time we checked, the amount was approximately \$1,200.
- Q5. p39. Town of Mosman Park - Media session - \$1,430.00 what specifically was this for?
- A5.** Media training for the Mayor and Chief Executive Officer.
- Q6. p39. Enlocus - Skatepark feasibility study Phase 1 & 2 - \$2,623.50 and p42 Enlocus - Skatepark feasibility study Phase 1 & 2 - \$2,623.50
- Q6a. is a copy of this Skatepark feasibility study available to the public (ie at TOC front desk and on TOC website)? If no, when will this be available to the public?
- A6a.** Items will be presented at the July 2019 Ordinary Council Meeting to approve public consultation. The report can then then be released to the public if approved by Council.
- Q6b. what is the total amount TOC has expended to date on the skatepark feasibility study?
- A6b.** \$17,537 in 2018-19, \$194 in 2017-18 Total \$17,731.
- Q7. p39. oOh!media Street Furniture - Sculpture by the Sea bus shelter advertising - \$1,179.75 what specifically was this amount for and at what locations?
- A7.** Promotion of the Cott Cat Bus service during Sculpture by the Sea at bus shelters along Stirling Highway.
- Q8. p41. Managed IT Pty Ltd - IT services - \$13,104.15. What were specific services provided?
- A8.** IT support and system management, security software and management, server hardware and system backups.
- Q9. p41. MCLeod Barristers & Solicitors - Parking prosecutions \$1,857.70 and Legal advice \$1,755.24 what specifically were these payments for?
- A9.** They were for three parking prosecutions. We wouldn't generally name who the prosecutions were against. The other amount for legal advice was for two separate invoices being a dangerous dog declaration and materials on verge matter.
- Q10. p41. Sculpture by the Sea - Artwork by A Neill - She Sells Seashells \$75,000.00
- Q10a. does this include site installation costs? If not, how much will this be?
- A10a.** No, this is the purchase price only. Installation costs are not yet known and will depend on the chosen location.
- Q10b. has a site been selected for this sculpture? If yes, where? If no, please advise when it has been.
- A10b.** No site yet selected.
- Q11. p42. Borsa Pty Ltd trading as S&A Smash repairs - Insurance excess - \$300.00
- Q11a. which TOC vehicle was involved in this and what were the circumstances?
-

A11a. Mazda CX 5 – Manager of Compliance and Regulatory Services - Car was scratched, keyed along side on Tues evening at work.

Q11b. what was the cost of the damage to this vehicle?

A11b. Cost to Town is the excess \$300, the repairers quote is \$2443.11.

Q12. p43. G Ward - Infringement refunded - successful appeal \$100.00. What were the circumstances of the infringement that resulted in this successful appeal?

A12. A parking fine was paid in full while on appeal. When the appeal was granted, the paid amount was refunded.

Q13. p44. LSV Borello Lawyers - General legal services \$687.50 what specifically does this legal advice relate to?

A13. Short stay accommodation legal advice.

Q14. p44. Strategic Human Resources - Workplace Investigation & review - \$40,810.00

Q14a. on 11 May 2019 the Post Newspaper cited cost of this report \$27,000.00 what is the total amount TOC paid to Strategic Human Resources for this project and report?

A14a. There were two processes we engaged SHR for. One was to investigate some allegations that were made about 14 months ago and that was the precursor to the Workplace Cultural Review. The Workplace Cultural Review cost \$27,000 and the balance was the investigation that occurred before that.

Q14b. will this report be made available to the public?

A14b. We've reported it to the Minister and the Department so we'll wait for their response before coming back to Council for consideration

Q14c. were other quotes obtained by TOC for this Workplace Investigation & review?

A14c. Three proposals were received in line with the Town's Purchasing Policy.

Q15. p44. Town of Cottesloe - Stale cheques - \$1,350.03 what defines a stale cheque and specifically to whom and for what amount do these cheques refer?

A15. A stale cheque is an unpresented cheque that has been on our bank reconciliation for a period longer than the current financial year. Our auditors suggested that they be cancelled and redrawn which is what's happened in this case. It's for four cheques.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Mayor Angers

THAT Council RECEIVE the Financial Statements for the period 1 July 2018 to 30 April 2019 as submitted to the 28 May 2019 meeting of Council.

Carried 7/0

10.1.11 BUDGET AMENDMENT - REPLACEMENT OF VLAMINGH MEMORIAL PLAQUES

File Ref: SUB/2798
Attachments: Nil
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Garry Bird, Deputy Chief Executive Officer
Author Disclosure of Interest: Nil

SUMMARY

To consider an amendment to the 2018/19 Budget to fund the replacement of two memorial plaques at the Vlamingh Memorial.

BACKGROUND

The memorial plaques were installed in 1974 and 1997 to commemorate visit to the Swan River by the Dutch explorer, Willem de Vlamingh on 5 January 1697 to 13 January 1697.

They were located on or near the site where the crew came ashore on 5 January 1697.

The two plaques stolen are:





In November 2018, staff became aware that the plaques installed at the site had been stolen. Since that time prices have been obtained to replace the plaques, which has been estimated at \$9,000 due to the cost of the materials (bronze and stainless steel) and the fine engraving.

There is no budget allocation for the replacement of these plaques.

This matter was presented to the April 2018 Ordinary Meeting of Council where it was resolved as follows;

That Council DEFER consideration of the officer's recommendation until:

- 1. The outcome of the insurance claim is known.*
- 2. The cost of insuring the replacement plaques is known.*

The cost of the insurer's conditions of reinsurance of the plaques is known.

STRATEGIC IMPLICATIONS

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

Priority Area 5: Providing sustainable infrastructure and community amenities

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

Managing and maintaining assets is a core function of the Council and the replacement of these significant historical memorials is in keeping with this objective.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

The replacement cost of the two plaques is estimated to be \$9,000 and is considered to be a capital item of expenditure, for which there is no budget allocation.

It is proposed to vary the 2019/20 Budget by transferring \$9,000 from account 35.4050.2 Civic Centre Building to fund their replacement.

An insurance claim has been accepted for the stolen items, which will see the Town's costs to replace the items reimbursed by the insurer, less the applicable excess of \$1,000.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Town of Cottesloe staff

Western Australian Planning Commission

Local Government Insurance Services

OFFICER COMMENT

In regards to the additional information requested by Council in deferring this item at the April 2019 Meeting, it is advised as follows;

1. The outcome of the insurance claim is known.
The claim has been accepted and the full replacement cost will be refunded less the applicable excess of \$1,000.
2. The cost of insuring the replacement plaques is known.
Minor, the plaques are insured under the miscellaneous structures policy attached to the property insurance policy. This miscellaneous structure component covers all small items such as sculptures and memorials and the total cost of this cover is \$908.15 for the 2018/19 year.
3. The cost of the insurer's conditions of reinsurance of the plaques is known.

There are no additional reinsurance costs for the replacement plaques or new conditions imposed by the acceptance of the insurance claim.

VOTING REQUIREMENT

Absolute Majority

COUNCILLOR QUESTIONS

Submitted by Cr Pyvis – Emailed 21 May 2019

Q1. What are all the conditions that relate to insurance of the new plaques?

A1. There are no conditions that relate to the insurance.

Q2. Will this insurance claim increase the excess for any claim to be paid by TOC in the future?

A2. There will be no increase to the Town's excess.

OFFICER RECOMMENDATION

Moved Cr Rodda

Seconded Cr Young

That Council AMEND the 2019/20 Budget by transferring the sum of \$9,000.00 from Account 35.4050.2 Civic Centre Buildings to a new Capital Account 45.6160.2 Plaques Vlamingh Memorial to fund the cost of replacing the Vlamingh Memorial Plaques (noting that this replacement cost will be covered by the Town's insurance, less the applicable excess).

COUNCILLOR AMENDMENT

Moved Cr Tucak

Seconded Cr Sadler

At the end of the recommendation add the words 'subject to consideration being given to using materials other than brass or bronze, such as stainless steel or anodised aluminium'.

Carried 7/0

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

That Council AMEND the 2019/20 Budget by transferring the sum of \$9,000.00 from Account 35.4050.2 Civic Centre Buildings to a new Capital Account 45.6160.2 Plaques Vlamingh Memorial to fund the cost of replacing the Vlamingh Memorial Plaques (noting that this replacement cost will be covered by the Town's insurance, less the applicable excess) subject to consideration being given to using materials other than brass or bronze, such as stainless steel or anodised aluminium.

Carried 7/0

10.1.12 SHINE COMMUNITY SERVICES COMBINED COUNCILS BUDGET AND KEY PERFORMANCE INDICATORS

File Ref: SUB/2798
Attachments: 10.1.12(a) SHINE Community Services Combined Councils Budget 2019-20 [under separate cover]
10.1.12(b) SHINE Community Services Combined Councils KPIs 2019-20 [under separate cover]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Garry Bird, Deputy Chief Executive Officer
Author Disclosure of Interest: Nil

SUMMARY

The SHINE Community Services Combined Councils Committee consists of Elected Members from the Councils of Claremont, Cottesloe, Peppermint Grove and Mosman Park. It oversees the formal agreement between the four Councils and SHINE Community Care.

The SHINE Community Services annual budget and Key Performance Indicators are presented to the relevant Councils each year for adoption.

BACKGROUND

At the April 2019 SHINE Community Services Combined Councils Committee meeting, the Committee was provided with:

-)] The Combined Council 2019/20 Proposed Budget with a three percent increase (attached).
-)] The Key Performance Indicator results including effectiveness indicators and efficiency indicators for 1 July 2018 to 31 December 2018 (attached).

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

The recommended 3.0% increase to the Town’s annual contribution represents an increase of \$2,375 on the 2018/19 allocation of \$79,170.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

SHINE Community Services

SHINE Community Services Combined Councils Committee

OFFICER COMMENT

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Mayor Angers

THAT Council:

1. **APPROVE** the proposed 3% increase in Council contributions for the 2019/2020 financial year and endorse the draft budget.
2. **ADOPT** the proposed KPI targets for the 2019/2020 financial year.

Carried 7/0

10.1.13 ROADS TO RECOVERY BUDGET AMENDMENT

File Ref: SUB/2798
Attachments: Nil
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Shaun Kan, Manager, Engineering Services
Author Disclosure of Interest: Nil

SUMMARY

Council is asked to consider a budget amendment within the Roads to Recovery Program and Municipal Road Maintenance allocations to fund an additional road project from cost savings.

BACKGROUND

The resurfacing works along Jarrad Street (Broome Street to Curtin Avenue) was approved and funded through the Roads to Recovery Grant at the February 2019 Ordinary Council Meeting.

At the April 2019 Ordinary Council Meeting, Council approved an amendment for the following municipal budgeted road works to be funded through the Roads to Recovery Grant:

-)] Marine Parade (Vera Slow Point to North Street)
-)] Napier Street (Curtin Avenue to Broome Street)
-)] Jarrad Street and Stirling Highway
-)] Jarrad Street Level Crossing

The Jarrad Street works at Stirling Highway and the railway level crossing are complete. The kerb renewal and road resurfacing between Broome Street and Curtin Avenue are in progress. This is expected to be completed before 31 May 2019 with \$33,500 in cost savings that can be re-directed towards funding part of an additional road resurfacing project along Clarendon Street (Broome Street to Marmion Street).

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT*Local Government Act 1995**Local Government (Financial Management) Regulations 1996***FINANCIAL IMPLICATIONS**

A budget amendment of \$38,000 is required to fund Clarendon Street (Broome Street to Marmion Street) asphalt resurfacing from Jarrad Street Roads to Recovery cost savings (\$33,500) with the remaining \$4,500 sourced from Road Maintenance Allocations.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Staff

Elected Representatives

OFFICER COMMENT

The budget amendments would be required to fund the additional Clarendon Street (Broome Street to Marmion Street) asphalt resurfacing Project through Roads to Recovery Program savings and Municipal Road Maintenance allocations:

Account Number	Project Location	Funding Program	Current Budget	Revised Budget
40.1097.2	Jarrad Street Level Crossing Upgrade	Roads to Recovery	\$30,000.00	\$24,900.00
40.1098.2	Jarrad Street and Stirling Highway Asphalt Repairs	Roads to Recovery	\$70,000.00	\$58,100.00
40.1099.2	Jarrad Street (Broome Street to Curtin Avenue)	Roads to Recovery	\$115,525.00	\$99,027.00
NEW PROJECT	Clarendon Street (Broome Street to Marmion Street)	Roads to Recovery & Road Maintenance	\$0.00	\$38,000.00
Total Allocations			\$215,525.00	\$220,027.00
Funds required from 85.9000.3 - Road Maintenance				-\$4,502.00

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Mayor Angers

THAT Council APPROVES by Absolute Majority:

1. The additional New Road Construction Project – Clarendon Street (Broome Street to Marmion Street) with a budget of \$38,000.
2. The budget amendment of the current project 40.1097.2 – Jarrad Street Level Crossing Upgrade from \$30,000 to \$24,900 (reduction of \$5100).
3. The budget amendment of the current project 40.1098.2 – Jarrad Street and Stirling Highway Asphalt Repairs from \$70,000 to \$58,100 (reduction of \$11,900).
4. The budget amendment of the current project 40.1099.2 – Jarrad Street (Broome Street to Curtin Avenue from \$115,525 to \$99,027 (reduction of \$16,498).
5. The budget amendment of the current project 85.9000.3 – Road Maintenance from \$452,833 to \$448,331 (reduction of \$4,502).

Carried 7/0

EXECUTIVE SERVICES**10.1.14 COMMITTEE STRUCTURE**

File Ref: SUB/2798
Attachments: Nil
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Mat Humfrey, Chief Executive Officer
Author Disclosure of Interest: Nil

SUMMARY

Council is being asked to consider an initial report on the current committee structure and recommendations for improvements.

BACKGROUND

At the February 2019 Ordinary Council Meeting, Council resolved;

That the Administration bring back a report on the appropriateness and efficiency of the existing Committee Structure to the April Council meeting, such report to include any suggested changes to that structure.

This report provides an update on this request.

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Administration) Regulations 1996

Local Government (Audit) Regulations 1996

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

The current committee structure has resulted in additional resources (1 FTE) being engaged to complete the administration work required for the committees. It has also resulted in an increased workload for a number of the Town's specialist staff with need to prepare additional reports and attend meetings.

The recommendation will see the administration work load significantly reduced. It will also allow greater flexibility for specialist staff and in doing so create efficiencies.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

At this stage only Elected Members have been consulted. If the officer's recommendation is adopted by Council, then consultation will take place with committee members prior to any model being finalised and presented to Council for consideration.

OFFICER COMMENT

The purpose of committees has been to allow Council to receive input from community members who have specialist skills or knowledge in a particular area, which will ultimately assist the Council in its decision making. In this sense, committees form a part of the community engagement undertaken by Council on particular projects.

Committees, advisory panels and reference groups can be used interchangeably in this role. It is important to note that they do not replace broad based community consultation, however on certain issues they are able to identify issues and provide advice to Council, prior to going to broad based consultation. The advantage in this method is that the number of rounds of consultation can be reduced and the consultation can focus on key target areas, as the committee's input allows the consultation to be focused on particular issues.

The committee system has been reasonably successful, but it is not without its issues. Most notably, the committee structure creates a very high level of administrative work and has substantial governance requirements. Committee members are limited to the input they can provide in that input can really only be received during a formal committee meeting. While emails between committee members do occur, they don't form a part of the information provided to the Council on the issue at hand.

A second issue that has arisen in recent times is there can be some confusion around the authority that a committee has. Further, there has also been some confusion as to the role of the chair person of a committee in relation to the projects or programs the committee is providing advice on. It is worth noting that no committee at the Town of Cottesloe has any form of delegated authority. That is, no committee can make a decision in place of the Council. Committees can only provide recommendations to the Council, which the Council can either accept or reject.

There is also increasing concern around the role of individual committee members and their obligations around disclosure. These concerns can create reluctance from community

members to participate in committees, which can result in the committee not always providing the best possible advice to the Council.

Lastly, committee meetings, like Council meetings, are predominantly open to the public and press to attend. On one hand some people would suggest that creates an increased sense of openness and transparency. However, as stated above, the committee itself does not have any decision making powers and having open meetings may prevent some people from wishing to participate or raising ideas or concerns that they may have.

Advisory Panels or Community Reference Groups are an alternative to committees that are used by an increasing number of local governments. There are advantages to this model in certain circumstances, such as;

1. It is clear from the name and format of such groups that they do not have any form of authority and are there to advise the Council only;
2. By not using the name “committee” – it makes interpretation of the members roles and duties clearer for everyone; and
3. The Council would be able to set meeting procedure and protocols for each group as the Act and Regulations (and Standing Orders) do not apply to informal panels or reference groups.

Clearly there are committees that the Town needs to retain. For example the Audit Committee is required by the Local Government Act – and the Act and Regulations have a number of requirements that need to be adhered to for Audit Committees. In such cases, the committee should be retained.

In other cases, specifically where the committee’s role is to provide advice on specific projects or programs, it is recommended that Council investigate transitioning the committee to either an advisory panel or community reference group. Advisory Panels tend to have more formal meetings and provide specific advice to the Council, whereas reference groups tend to be less formal and are better placed to research solutions where there may be more than one answer (i.e. design of infrastructure.)

Based on legislative requirements, meeting patterns and items considered in the last 2 years, the following committees are recommended to be retained in their current format;

1. Audit Committee;
2. Disability Services Advisory Committee;
3. Foreshore Precinct Implementation Committee;
4. North Cottesloe Primary School Traffic Safety Committee; and
5. Public Events Committee.

The following committees would be recommended to be transitioned to either an “Advisory Panel” or “Community Reference Group”;

1. Art Advisory Panel (note this currently operates as a committee);
2. Beach Access Paths Committee;
3. Bike Planning Committee;
4. Community Safety and Crime Prevention Committee;

- 5. Reserves, Parks and Playgrounds Committee; and
- 6. Short Stay Use Committee.

It may also be that some of these committees, as a part of any transition, may be able to be merged where there is overlap in the expertise required. A reduction in the number of groups would obviously reduce the administrative workload.

The recommendation below does not suggest these changes should be made immediately. Rather the recommendation is for the administration to investigate and develop a model to allow these committees to transition. Once a model was developed that meets the Town’s needs, Council could then consider the appropriate time to make the transition.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS

Submitted by Cr Thomas – Emailed 15 April 2019

On page 66 in paragraph 2 there is an open ended statement without qualification - *‘the Advisory Panels or Community Reference Groups are an alternative to committees that are used by an increasing number of local governments’*.

- Q1. can the names of which local governments of a similar size or slightly larger size that have changed to Advisory Panels or Community Reference Groups from committees be provided to the TOC Elected Members so that we (the EM’s) can check with their elected members to see if the change has proved worthwhile to them?
- A1. I’m not aware of too many other local governments that are having the issues we’re currently having with the number of committees we have. What would normally happen is when a committee’s work is finished it’s just not replaced. A community engagement model might use a reference group or an advisory panel in place of a forming a committee. I’m not aware if anyone’s changed from committees to reference groups or advisory panels, we’ve just said that most of them are moving away from it over time.
- Q2. as well as providing the names of the relevant LG’s can the ToC EM’s also be informed as to the date that the Council’s put forward as examples changed from Committees to Advisory Panels or Community Reference Groups?
- A2. We can provide some examples of local governments that use reference groups or advisory panels.
- Q3. to allow EM’s and the community to be aware of the exact difference between how a committee and the proposed advisory panels / community reference groups operate can a comparison chart be produced by the Administration before next weeks OCM and included in the OCM agenda?

An example of a comparison chart is as follows:-

	Committee	Advisory Panel / CRG
Meets on regular	Yes	No

specified dates

Has delegated authority No No

Etc, etc

- A3.** Until Council actually develop a model I can't provide a table like the one you're suggesting. I could, as part of providing the model, provide that to Council. The thing with advisory panels and reference groups is that Council sets the rules and things meeting on specified dates is something Council would determine but on a case by case basis. Once we start developing that model, that's something we would come back to Council for approval for.

Additional Information

When this item was considered at the April 2019 Ordinary Council Meeting, a Councillor Motion to defer was put, but did not achieve a majority. As no motion was foreshadowed during debate, consideration of the item ceased and Council moved on to the next order of business. As such, the item is now being represented for consideration.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Mayor Angers

THAT Council;

- 1. NOTES the contents of this report; and**
- 2. REQUESTS the administration to further investigate and develop the Community Reference Group Model for Council's consideration.**

Carried 7/0

10.1.15 INDIANA TEA HOUSE - SUBLEASE

File Ref: SUB/2798
Attachments: 10.1.15(a) Sublease - Northwest Venues Pty Ltd [under separate cover]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Mat Humfrey, Chief Executive Officer
Author Disclosure of Interest: Nil

SUMMARY

Perth Venues Pty Ltd is seeking the Town's consent to sublease the Indiana Tea House to North West Venues Pty Ltd – to allow for the transition of the liquor license for the venue.

BACKGROUND

At March 2019 Ordinary Council Meeting, Council resolved;

Moved Cr Rodda Seconded Cr Young

THAT Council authorise the Mayor and the Chief Executive Officer to execute the assignment of the lease documents required for the Indiana at Cottesloe Beach to Perth Venues Pty Ltd, subject to;

- 1. Satisfactory due diligence checks to be undertaken by the Town's solicitors prior to signing of the assignment documents;*
- 2. The assignment being on the basis that all past, present and future obligations associated with the venue and lease, transfer to the new lessee on assignment;*
- 3. The assignee acknowledging they are aware and have undertaken their own due diligence on the site and lease documentation;*
- 4. The Town acknowledging its obligations under the lease and sub-lease documents remain in place; and*
- 5. Allowing the director's guarantees to be replaced by increasing the bank guarantee required to be held (3 months to 9 months rent); and*
- 6. Allowing a related entity to hold the liquor license for the facility, subject to satisfactory due diligence checks on the related entity being completed by the Town's solicitors.*

Carried 7/0

The assignment process has proceeded and is nearing completion. In order for point 6 of the above resolution to be set in place, the third party (North West Venues Pty Ltd) will need to be awarded a sublease for the venue, in order to hold the liquor license.

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT*Local Government Act 1995*

The provisions of the Local Government Act 1995 around the disposition of property (s3.58) were satisfied when the original lease was entered into. As the sublease does not result in any further disposition of property, no further action is required under the Act.

As the sublease would need to be executed under Common Seal, a resolution authorising the execution of the documents is required.

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Town's Solicitors (Jackson MacDonald)

OFFICER COMMENT

As Council have previously authorised a related entity holding the liquor license for the venue, officers have worked with the Town's solicitors to ensure the sublease does not reduce or assign any of the Town's rights under the lease itself. Further, we have instructed the solicitors to ensure that North West Venues Pty Ltd is, and remains for the life of the sublease, a related entity to Perth Venues Pty Ltd and that the sublease cannot be assigned.

As the two entities are related and the sublease will assist in the finalisation of the assignment agreed to by Council in March 2019, officers are recommending the sublease be endorsed by Council.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Mayor Angers

THAT Council AUTHORISE the Chief Executive Officer and Mayor to endorse the Sublease between Perth Venues Pty Ltd and North West Venues Pty Ltd.

Carried 7/0

10.1.16 COTTESLOE PIER - REPORT ON PUBLIC SUBMISSION PERIOD

File Ref: SUB/2798
Attachments: 10.1.16(a) Submission Report (provided by Scanlan Architects) [under separate cover]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Mat Humfrey, Chief Executive Officer
Author Disclosure of Interest: Nil

SUMMARY

Council is being presented with a report on the public consultation it requested when considering the Cottesloe Pier Proposal.

BACKGROUND

At the Ordinary Council Meeting in July 2018, Council resolved;

THAT Council in response to the enquiries made, inform the Department of Lands that;

1. *DEFER consideration of officer recommendation ONE only pending:*
 - a. *an interactive question and answer workshop being held with Elected Members, and the applicant along with and any expert the applicant wishes to attend, with community and media invited to be present as observers and permitted to ask question at the discretion of the chair; and after this workshop; and*
 - b. *A public submission period in which a support or not support question is asked and unidentified submissions will not be accepted, and the entire proposal is available for inspection at front counter and in a drop box (or similar) accessible on line before the workshop and up to the end of the submission period; and,*
2. *It does not support an amendment to the Town's boundaries at this time; and,*
3. *Is not able to support the use of the Cottesloe Groyne, for access or service easements, without a formal engineering assessment of the Groyne's suitability for such a use.*

Carried 8 / 0

Following this meeting the proponents facilitated the public information session and the submission period. They have now submitted their report on this process.

STRATEGIC IMPLICATIONS

There are no specific items in the Strategic Community Plan which would address a development occurring in this location. However it would impact on the Foreshore Area and the strategies appropriate to the Foreshore Area are listed below.

Priority Area 3: Enhancing beach access and the foreshore

Major Strategy 3.1: Implement the 'Foreshore Redevelopment Plan' in consultation with the community.

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

POLICY IMPLICATIONS

The Town's Beach Policy has one of its primary objectives

- (c) *To ensure that 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 interests of residents of Cottesloe, the people of Western Australia and visitors to the metropolitan region.*

It also has secondary objectives;

- (a) *To maintain the areas of major recreational use, including their amenities. These areas being the major reserves of;*
- (i) *Cottesloe Beach (defined as being from Mudurup Rocks to Napier Street*
- (d) *To maintain recreational uses of the foreshore and the capacity of the beach reserves to absorb the present and identifiable future recreational uses.*

In the Policy Statement sections, the following paragraphs are relevant;

- (a) *No use will be permitted within the area west of Marine Parade unless it contributes directly to the amenity of the recreational users of the beach reserves and is designed, constructed and operated in a way that protects and enhances the natural coastline environment*

And finally under the Strategies section of the policy

- (b) *Building control*
- (i) *The policy of the Town of Cottesloe shall be to limit the construction of any enclosed and roofed structures west of Marine Parade to replacement only without significant expansion of the footprint, height or mass of the structure.*

While these extracts are the main points of consideration, the policy also contains guidance on matters such as traffic and preservation of the natural environment

STATUTORY ENVIRONMENT

As the proposal is still outside of the Town's boundaries, no specific legislation applies to Council's consideration of this item.

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The entire Cottesloe Foreshore Area is a part of a Fish Habitat Protection Area (FHPA).

The proposal, as presented, has been considered by relevant State environmental agencies. Officers have not been able to make any assessment of the how the proposal would impact the natural areas at this point.

CONSULTATION

The consultation undertaken by the proponent is outlined in their report.

OFFICER COMMENT

The following is taken from the original officer's report provided in July 2018;

Issue 1 – The grant of a potentially long term lease

Officers have concerns around the granting of any long term lease to private operators, particularly so if the lease covers areas that are designated for public use. Leases to private operators should be restricted to commercial areas only, with the public access areas remaining under the care and control of the relevant agency (which in this case would be a State agency). Officers are of this opinion due to the ongoing issues around a nearby facility, which also has a long term lease and public amenities as a part of the lease area.

The concerns raised by officers in this paragraph remain – that is Council should carefully consider the creation of any lease, or lease right, that enables a private entity to acquire control of public areas, particularly so if they are providing facilities like public toilets.

As the remainder the officer's recommendation has previously been agreed by Council, that is the Town does not agree to an amendment of its boundaries nor can we provide any support to the notion of the Cottesloe Groyne being used for such a proposal, there is no requirement to consider these options any further.

Consultation Report

As mentioned in the proponent's report, the Chief Executive Officer was present at the information session provided by the proponent. The people present at the session, largely, did not support the proposal and many made statements to that effect.

Officers have presented the proponent's report as is and have not undertaken a detailed assessment of the survey or respondents at this time. However the responses in the report provided do not address the concerns raised by officers in the original report.

An analysis of the tables provided with the report show that if only Cottesloe residents are considered then there are 120 submissions supporting, 90 opposing and 4 supporting (but raising concerns). It is difficult to know what percentage of people who attended the information session made a submission.

Of interest in the submissions supporting the proposal was the common need to "activate" the area in and around Cottesloe Beach. The main thrust of support appeared to be the want to see Cottesloe Beach activated and facilities modernised.

Conclusion

As stated in the original officer's report, Council is not being asked to make a determination on the Pier itself at this stage. Officers have not undertaken a detailed assessment of the proposal itself, as the Town will not be the body that makes that decision. The Department of Lands asked the Town to consider the following to allow it to make its decision on the proposal from Mr Scanlan;

1. *If the Town considers the grant of a potentially long term lease to a private operator appropriate for this location;*
2. *A possible amendment to the Cottesloe district boundary to allow the proposal to fall within the Town's boundaries; and*
3. *The requirements for both access easements and service easements over the Groyne and Foreshore area, which are under the control of the Town.*

Council has already resolved not to provide support to points 2 and 3. Point 1 was deferred as per the Council Resolution shown above.

While the consultation has revealed some interesting responses which are worth of noting in the context for wider Foreshore Improvements, officers are still not satisfied that the granting of a long term lease for this area is in the interests of the Town. If any lease is to be entertained it should be ONLY for the commercial areas contained within the proposal and the developer should be required to contribute (either by a sinking fund or by the commercial lease rates imposed) to the upkeep of the entire structure and all public areas.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS**Submitted by Cr Pyvis – Emailed 21 May 2019**

- Q1. As no authorship is shown on the Cottesloe Pier Survey Results document (as attached in Agenda), who is/are the author/s?
- A1.** Mr Scanlan through Scanlan Architects.
- Q2. As no authorship is shown on the Cottesloe Pier Proposal document (as attached in Agenda), who is/are the author/s?
- A2.** Mr Scanlan through Scanlan Architects.
- Q3. Who is/will be the decision making authority for the Cottesloe Pier project (eg. Council, JDAP, Minister)?
- A3.** There will be a number of decision making authorities. At the very least – the Department of Lands and the WA Planning Commission, given that it would be a construction in manageable waters the Department of Transport would have quite a large say in providing approvals as well.
- Q4. Why didn't TOC undertake its own independent community consultation on this proposal (instead of the proponent conducting its own consultation) as resolved by Council (p97 Minutes OCM 24 July 2018)?

- A4.** My reading of the Council resolution was that it required the proponent at their cost to provide an information session and do the survey. It is open to Council to undertake its own survey if it wishes to.
- Q5.** Page 4 of the Cottesloe Pier Proposal document states that the public forum (10 October 2018) " ... was attended by a reporter from the Post Newspaper with an article published in the paper's next issue." Why is a copy of this article not included in the Cottesloe Pier Proposal document?
- A5.** That would be a question for Mr Scanlan but we can attach a copy to the Council report.
- Q6.** What costs were incurred by TOC in hosting the proponent's public forum held 10 October 2018?
- A6.** No direct costs. We allowed the War Memorial Hall to be used and there was staff time attending.
- Q7.** Why wasn't Cottesloe's Fish Habitat Protection Area (FHPA) and the registered Aboriginal Site Mudurup Rocks referenced in the Cottesloe Pier Proposal document?
- A7.** That would be a question for Mr Scanlan which can be forwarded to him for a response prior to the Council meeting. Any development approval would actually consider both the Fish Habitat Protection Area and any significant aboriginal sites.
- Mr Scanlan advised there is a full EPA approval and all of those were referenced in that so it was a detailed analysis of those areas.
- Q8.** As the Cottesloe Pier Survey Results document lists only the first names (not last names) of survey participants, will the full names of these participants be made public?
- A8.** That would be a question for Mr Scanlan which can be forwarded to him for a response prior to the Council meeting. We wouldn't normally release the last names or addresses of people who respond to surveys as a matter of course.
- Q9.** Why weren't all the public statements of opposition to this project made by the surfing community at the public forum held 10 October 2018 not referenced or included in the Cottesloe Pier Proposal document?
- A9.** That would be a question for Mr Scanlan. I'm not sure why the statements made at the information evening about surfing conditions weren't referenced but it's clearly on the public record that those people did attend and make statements.

Mr Scanlan advised that in the actual survey document sent in last week each one of those statements were put in, in detail. Where names and addresses were supplied they were actually inserted but a few of the people made statements but didn't supply names and addresses. All of the statements in opposition were cross-referenced. Statements were put in the report. Any people who filled out the forms at the forum were included in the electronic survey. A copy of the electronic survey has been provided to Council as has a complete detailed analysis of every statement. We did delete the names of emails unless there was a first name only, because of the Privacy Act. Mr Scanlan has a copy of that if any person wishes to check the reason.

Q10. Why wasn't the issue of climate change (in terms of changing sea levels and increased storm surge) being one of the biggest issues affecting a coastal local government like Cottesloe considered in the Cottesloe Pier Proposal document?

A10. That would be a question for Mr Scanlan which can be forwarded to him for a response prior to the Council meeting.

OFFICER RECOMMENDATION

THAT Council, in response to the enquiries made by the Department of Lands, inform the Department that it does NOT support the long term leasing to private operators of any area of Crown Land that is publicly accessible or provides any form of public amenity.

COUNCILLOR MOTION

Moved Cr Thomas

Seconded Cr Tucak

THAT Council, in response to the enquiries made by the Department of Lands, inform the Department that it does NOT support the long term leasing to private operators of any area of Crown Land that is publicly accessible or provides any form of public amenity, and confirms in writing Council's resolution in July 2018 that:

2. It does not support an amendment to the Town's boundaries at this time; and,
3. It is not able to support the use of the Cottesloe Groyne, for access or service easements, without a formal engineering assessment of the Groyne's suitability for such a use.

COUNCILLOR AMENDMENT

Moved Cr Tucak

Seconded Cr Young

Add an additional paragraph after point 3:

'And requests the department to consult with the Town on any further consideration of the proposal.'

Carried 7/0

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

THAT Council, in response to the enquiries made by the Department of Lands, inform the Department that it does NOT support the long term leasing to private operators of any area of Crown Land that is publicly accessible or provides any form of public amenity, and confirms in writing Council's resolution in July 2018 that:

2. It does not support an amendment to the Town's boundaries at this time; and,
3. It is not able to support the use of the Cottesloe Groyne, for access or service easements, without a formal engineering assessment of the Groyne's suitability for such a use,

And requests the department to consult with the Town on any further consideration of the proposal.

Carried 7/0

10.1.17 REQUEST FOR QUOTATION – CEO PERFORMANCE REVIEW CONSULTANT

File Ref: SUB/2798
Attachments: 10.1.17(a) Project Brief - CEO Performance Review [under separate cover]
10.1.17(b) CEO Performance Review - Quote One [CONFIDENTIAL] [UNDER SEPARATE COVER]
10.1.17(c) CEO Performance Review - Quote 2 [CONFIDENTIAL] [UNDER SEPARATE COVER]
Responsible Officer: Mat Humphrey, Chief Executive Officer
Author: Garry Bird, Deputy Chief Executive Officer
Author Disclosure of Interest: The CEO will be declaring an interest in this item

The CEO, Mr Mat Humphrey declared a **FINANCIAL INTEREST** in this item by virtue of “it relates to the conditions of his employment.”

At 6:50pm, the Chief Executive Officer left the meeting.

SUMMARY

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

BACKGROUND

Each year the Council is required to review the performance of the CEO under the *Local Government Act 1995*.

The CEO commenced in this role on 8 June 2015, and in previous years consultancy services to undertake the review have been provided by John Phillips Consulting (2016) and Price Consulting (2017 and 2018).

A brief to provide consultancy services to coordinate the review were invited from three organisations, with two firms providing a submission (attached).

STRATEGIC IMPLICATIONS

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

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

Priority Area 6: Providing open and accountable local governance.

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

Costs associated with engaging an independent consultant to assist Council when undertaking the CEO performance review.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Western Australian Local Government Association – Employee Relations

OFFICER COMMENT

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

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

As a general comment, Council felt that the services provided by Price Consulting for the CEO's performance review in 2017 and 2018 were more than satisfactory, and therefore the officer's recommendation is to contract Price Consulting for a third term.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Sadler

THAT Council by absolute majority appoint Price Consulting as an independent consultant to coordinate the Chief Executive Officer's performance review for the 2018/19 period.

Carried by Absolute Majority 7/0

At 6:51pm, the Chief Executive Officer returned to the meeting.

10.3 REPORTS OF COMMITTEES**FORESHORE PRECINCT IMPLEMENTATION COMMITTEE - 23 MAY 2019****10.3.1 FORESHORE MASTERPLAN OPTIONS FOR CARPARKS, TERRACES AND MARINE PARADE****File Ref:** SUB/2635**Attachments:** 10.3.1(a) Aspect Studios - Foreshore Precinct Implementation Committee Background Summary of Engagement [CONFIDENTIAL] [UNDER SEPARATE COVER]

10.3.1(b) Aspect Studios - Foreshore Precinct Implementation Committee Presentation [CONFIDENTIAL] [UNDER SEPARATE COVER]

Responsible Officer: Shaun Kan, Manager, Engineering Services**Author:** Kevin Truscott, Project Manager**Author Disclosure of Interest:** Nil

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.3.1 by virtue "Tim Judd from GTA Consultants, who is involved in the Masterplan, is known to her."

SUMMARY

The Foreshore Precinct Implementation Committee (FPIC) is asked to consider options for Carpark one and two that will advertised for public comment.

BACKGROUND

A two staged public survey approach was carried out to identify future designs for two foreshore precinct carparks, Marine Parade and the terraces. 337 responses were received during Phase one for carpark one and terraces. 168 submissions were received in Phase two for carpark two and Marine Parade.

Different options for Carpark one and two have been developed based on survey information provided.

STRATEGIC IMPLICATIONS

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

Priority Area 3: Enhancing beach access and the foreshore

Major Strategy 3.6: Develop and implement an asset management plan for coastal infrastructure which seeks to promote the enjoyment of the coastline while protecting the dune environment.

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

Priority Area 5: Providing sustainable infrastructure and community amenities.

Major Strategy 5.1: Develop sustainability and capacity criteria to assess major strategies.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

Funding sources would need to be identified for the construction of the preferred option.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Public covering residents within and outside Cottesloe

Foreshore Precinct Implementation Committee

Elected Members

Town of Cottesloe Staff

OFFICER COMMENT

Feedback provided has been used to develop a concept for Marine Parade and various options for the Terraces, Carpark one and two, consistent with the foreshore visual summary.

Marine Parade

A concept has been developed based on safe active street and shared space principles. Road design includes lateral shifts in traffic lanes and parking shoulders through built up areas. Raised intersection and road section treatments were other safety improvement considerations.

Carpark One

The four options rationalised civic outcomes to provide for a range of activities and recreation shelters. Different layouts and surfacing for plazas, piazzas and terraces were developed for this element to achieve this objective. Feedback on expectations associated with space activation would need to be provided and considered to determine the preferred option.

Carpark Two

Future development opportunities have been explored for this Class A reserve. The five mix use development options identified incorporates accommodation, retail and carparking. Consideration has been given towards the preservation of view corridors to the east of this element.

It is recommended that public feedback be obtained and considered for the various options to identify the preference for the above three components before finalising the Foreshore Masterplan.

VOTING REQUIREMENT

Simple Majority

OFFICER AND COMMITTEE RECOMMENDATION

Moved Cr Harkins

Seconded Cr Young

THAT Council, subject to the points raised in the workshop presented by Aspect Studios held prior to this meeting:

1. APPROVES the options developed for Carpark One;
2. APPROVES the options developed for Carpark Two;
3. APPROVES the design concept and principles for Marine Parade;
4. Subjected to points one, two and three SUPPORTS public consultation to seek feedback on the options developed through a stakeholder workshop and public open house on 8 June 2019;
5. NOTES that the final Masterplan will be brought back to Council for consideration after all feedback received in point four has been considered and implemented accordingly by the Foreshore Precinct Implementation Committee.

COUNCILLOR AMENDMENT

Moved Cr Tucak

Seconded Cr Young

At the end of points 1, 2 and 3 add the words '*for the purposes of public consultation under point 4*'.

Carried 7/0

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

THAT Council, subject to the points raised in the workshop presented by Aspect Studios held prior to this meeting:

1. APPROVES the options developed for Carpark One for the purposes of public consultation under point 4;
2. APPROVES the options developed for Carpark Two for the purposes of public consultation under point 4;
3. APPROVES the design concept and principles for Marine Parade for the purposes of

public consultation under point 4;

4. Subjected to points one, two and three **SUPPORTS** public consultation to seek feedback on the options developed through a stakeholder workshop and public open house on 8 June 2019;
5. **NOTES** that the final Masterplan will be brought back to Council for consideration after all feedback received in point four has been considered and implemented accordingly by the Foreshore Precinct Implementation Committee.

Carried 7/0

10.3.2 MARINE PARADE CYCLE LANES VERA SLOW POINT TO NORTH STREET

File Ref: SUB/2798
Attachments: 10.3.2(a) Marine Parade Concept Plan [under separate cover]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Shaun Kan, Manager, Engineering Services
Author Disclosure of Interest: Nil

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.3.2 by virtue "Tim Judd from GTA Consultants, who is involved in the Masterplan, is known to her."

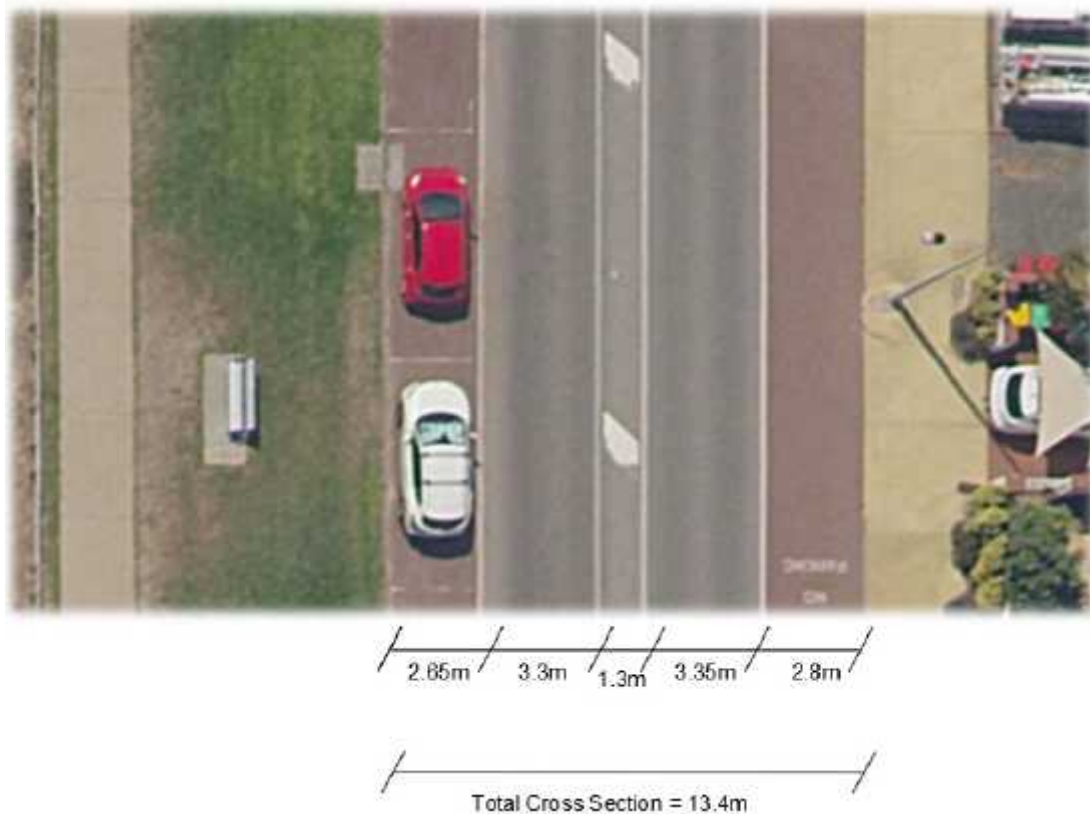
SUMMARY

Council is asked to consider the approval of a cycle lane trial along Marine Parade between Vera Slow Point and North Street roundabout.

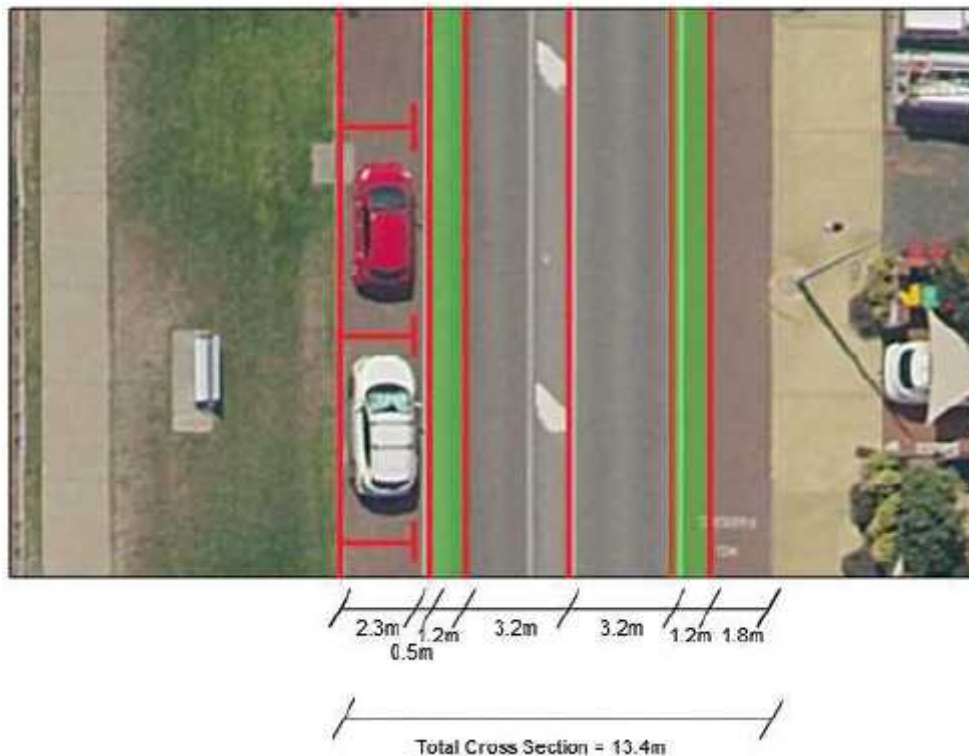
BACKGROUND

The Town has recently completed road resurfacing works along Marine Parade between Vera Slow Point and North Street roundabout. At the May 2019 Bike Planning Committee, the Committee has made a recommendation to Council to install trial cycle lanes within this section. Parking bay widths on the western side and road shoulders on the eastern side will be narrowed to accommodate the cycle lanes.

Existing Layout



Proposed Layout (On Road Cycle Lanes)



STRATEGIC IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Bike Planning Committee

No consultation with residents has been undertaken at this time.

OFFICER COMMENT

The proposed trial is expected to improve cyclist safety through this section of Marine Parade. However, no consultation has been undertaken with residents and changes to current linemarking would be required to accommodate the cycle lanes that would eventually directed back onto traffic lanes.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS**Submitted by Cr Pyvis – Emailed 21 May 2019**

- Q1. What is the purpose of this proposed cycle lane trial (eg. to extend to whole of Marine Pde)?
- A1.** To determine it's effectiveness and acceptability for this be applied to the full length of Marine Parade.
- Q2. What is the distance (length) of the proposed cycle lane trial between Vera slow point and North Street?
- A2.** 270m.
- Q3. Does the width of the proposed vehicle lane (3.2m wide) allow for the specified legal minimum passing distance of at least 1m (where speed is < 60km/h) between the cycle lane (1.2m wide) and passing vehicles?
- A3.** Yes.
- Q4. Who engaged Edge Transport Solutions to produce the cycle lane trial concept modifications plan (as attachment to this late item)?
- A4.** Manager Engineering Services.
- Q5. How much did the Edge Transport Solutions cycle lane trial concept modifications plan (as above, Q4) cost?
- A5.** \$800.
- Q6. Has TOC engaged a consultant to implement TOC's Strategic Community Plan 2013-2023 (p13) *"Major Strategy 1.1 Develop an 'integrated transport strategy' that includes cycling, park and ride, Cott Cat, public transport and parking management strategies to meet the needs of pedestrians, cyclists and other non-vehicular traffic."*

- A6.** A budget would need to be approved by Council before this can be commissioned.
- Q7.** As the proposed cycle lane trial between Vera slow point and North Street is not part of an overall integrated transport strategic plan, will this trial create uncertainty and a safety risk to cyclists and vehicle drivers (given there is no uniform consistency for cyclists using Marine Parade)?
- A7.** The risk will be mitigated with proper signage denoting the start and end of the lanes.
- Q8.** Will the proximity of the proposed cycle lane adjacent to parked cars (west side Marine Pde) create a risk of dooring (eg. a traffic collision in which a cyclist rides into a car door or is struck by a car door that is opened quickly) and a liability of negligence to TOC should dooring occur?
- A8.** The risk has been minimised with the implementation of a 500mm offset between the edges of the parking bay and cycle lane.

COMMITTEE RECOMMENDATION

THAT Council:

1. APPROVE a trial of cycle lanes line marking on Marine Parade between Vera View and the North Street roundabout as per the diagram.
2. APPROVE the attached concept provided by Edge Transport Solutions.
3. NOTES that point one and two are subjected to Main Roads Western Australia approval.
4. NOTES that points one and two are recommendations to Council from the Bike Planning Committee to reduce speed and enhance cycle safety in the area.

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr Thomas

1. That Council DEFER the approval of a trial of cycle lanes line marking on Marine Parade between Vera View and the North Street roundabout as per the diagram.
2. That the item be brought back to the June Ordinary Council Meeting.
3. That an engineering company specialising in bike infrastructure be asked for their opinion on the trial and whether the strategy aligns with on-road design treatments for the Foreshore Masterplan.
4. That the Roads to Recovery Funds for this project are instead applied to the remaining road projects that have a shortfall of \$4,502.00.

Carried 7/0

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 COUNCILLOR MOTION - AGENDA FORUM QUESTIONS**

The following motion has been proposed by Cr Tucak.

COUNCILLOR MOTION**Moved Cr Tucak****Seconded Cr Thomas**

That questions submitted by an Elected Member in advance of the Agenda Forum be included in the agenda for the Ordinary Council Meeting, and be put on the night (in each case, with answers from a Responsible Officer to the questions) even if the Elected Member is absent from the Agenda Forum.

Lost 2/5**For: Crs Tucak and Thomas****Against: Mayor Angers, Crs Rodda, Sadler, Young and Harkins****COUNCILLOR MOTION (FORESHADOWED)****Moved Cr Young****Seconded Cr Sadler**

Council requests the Administration to implement the following:

- 1. That, subject to paragraph2, questions submitted in writing by an Elected Member in advance of the Agenda Forum be put on the night (with answers from a Responsible Officer to the questions) with all questions and answers (including those of Elected Members not present at the Agenda Forum) to be circulated to Elected Members with the Agenda Papers for the relevant Council meeting;**
- 2. That questions submitted by an Elected Member not present at the Agenda Forum should not routinely be put at the Agenda Forum; and**
- 3. That the practice of printing Elected Members' Agenda questions (and answers to them) in the Agenda and Minutes of Council meetings be ceased.**
- 4. That a review of Council's Standing Orders be carried out as a priority.**

Carried 5/2**For: Mayor Angers, Crs Rodda, Sadler, Young and Harkins****Against: Crs Tucak and Thomas****COUNCILLOR RATIONALE**

- 1. The Agenda Forum is the primary opportunity for Elected Members to seek information, and proper opportunities to do this are vital to EMs performing their role under s.2.10 of the Act.**
- 2. Questions submitted in advance of the Agenda Forum allow officers time to research issues and provide answers at the Agenda Forum and achieve #1 above, so are valuable to Council.**
- 3. It is preferable to have EMs submit (or ask) questions at an Agenda Forum rather than in 'off the record' discussions, so that other EMs benefit from the answers and avoid Q**

duplication (meaning, it is more transparent for EMs to submit a written question than to ask it privately).

4. Any advance questions are addressed by the Responsible Officer before an Agenda Forum and can be answered at the Forum and OCM Agenda whether the EM is in attendance or not (meaning, there is no additional work or time used up, compared to when the EM is present).
5. Relying on another EM to verbally ask another EMs advance question at an Agenda Forum is vulnerable to EMs differences of opinion, divisions or simply oversight, and is not foolproof (meaning a properly submitted question that has already been answered is unfairly excluded).
6. EMs can use Standing Order 2.4, 12 or 17 to deal with excessive or 'off the topic' questions, which allows a proper and democratic consideration of whether any EM questions should be answered, rather than simply restricting an EMs ability to have any proper question answered.

OFFICER COMMENT

Council were advised of changes to the way the Agenda would be prepared by way of a memo earlier this year. The intent of the changes outlined in the memo was to improve efficiency.

The motion above would require the administration to print, research and answer all questions provided prior to the Council meeting – hence there would be no mechanism for Standing Orders to deal with excessive or off topic questions.

As the changes made earlier this year, as can be seen in this Agenda, still provide an opportunity for questions from Elected Members to be included (with answers) – officers do not support reverting to the previous arrangements at this time, particularly in light of recent experience with this issue.

Moved Cr Rodda

Seconded Mayor Angers

That items 10.1.1, 10.1.2, 10.1.3, 10.1.6, 10.1.7, 10.1.8, 10.1.9, 10.1.10, 10.1.12, 10.1.13, 10.1.14, 10.1.15, and 10.2.1 be considered en bloc.

Carried 7/0

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

12.1 ELECTED MEMBERS

COUNCIL RESOLUTION

Moved Cr Young

Seconded Cr Rodda

That this item be considered as a late business item.

Carried 7/0

COUNCIL RESOLUTION

Moved Cr Young

Seconded Cr Thomas

That Councillor Helen Sadler be granted permission and funding up to an amount of \$4,000 to attend the Australian Local Government Association National General Assembly.

Carried 7/0

12.2 OFFICERS

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

14 MEETING CLOSURE

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