

# TOWN OF COTTESLOE



## ORDINARY COUNCIL MEETING

# MINUTES

HELD IN THE  
Council Chambers, Cottesloe Civic Centre  
109 Broome Street, Cottesloe  
7.00 PM, Tuesday 28 November 2017

**MAT HUMFREY**  
Chief Executive Officer

15 December 2017

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

The Presiding Member declared the meeting open at 7.01 PM.

**2 DISCLAIMER**

The Presiding Member drew attention to the Town's Disclaimer and announced that the meeting is being recorded.

**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Presiding Member delivered a brief tribute to honour the memory of Cr Jay Spencer Birnbrauer, who passed away peacefully on 01 November 2017.

**4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****QUESTIONS TAKEN ON NOTICE 31 OCTOBER 2017 ORDINARY COUNCIL MEETING**Paul House, 61 Grant Street, Cottesloe – 10.1.7 Grant Street Cycle Lanes – Preliminary Concept Plan

Q1. Will residents have access to their verges under the construction of this bike path?

A1. From time to time access to verges can be reduced while capital works are completed. The Town liaises with affected residents when this occurs.

Q2. Daisies itself is a destination in our small community, has any thought been given to how the loss of space might be compensated, or what this area may look like in future?

A2. Yes – although it is noted that the plan was not endorsed by Council at this stage.

**4.2 PUBLIC QUESTIONS**Phillipa Wiggins, John Street, Cottesloe – Re: Item 10.1.9 - 2017/18 Budget Amendment – Foreshore Renewal

Q1: Is it correct that Council want to spend over a quarter of a million dollars of ratepayer's money for a summer trial, removing car bays from Car Park 1, to take place over four weeks?

A1: This question was taken on notice.

Paul Macfarlane, 177 Broome Street, Cottesloe – Re: Item 10.1.1 Short-Term Accommodation – Draft Local Law

Q1: Is there going to be equity and fairness when dealing with operators of short term rental properties, and normal residents?

A1: This question was taken on notice.

Jack Walsh, 35 Grant Street, Cottesloe – Re: Item 10.1.9 - 2017/18 Budget Amendment – Foreshore Renewal

Q1: Why are the detailed breakdowns of the Foreshore Renewal marked 'Confidential' in the Officer's Report?

A1: It is standard practice that any estimates and costings relating to a project are kept confidential so as not to release this commercially sensitive information prior to receiving quotes or tender applications.

Q2: Submissions were asked for in an advertisement, would a mail survey of all of Cottesloe be justified for something this important, rather than the submissions of support from approximately 50 residents?

A2: Prior to this advertisement, consultation on the Foreshore Renewal Project undertaken by the Town over the last 12 months was extensive. This information has been carried forward and included with other feedback received.

Q3: How many of these submissions were pro formas?

A3: This question was taken on notice.

Q4: The report states that specific consultation sessions were held with clubs, committees and a selected community association; given that this item is approximately 15 percent of the budget should this not be extended to every resident in a survey?

A4: See Q2.

Q5: Do these budget items called for include G.S.T?

A5: G.S.T is not included in any budget figures.

Q6: One month of activating the number one car park is costed at \$265,000; would two months of activation cost \$530,000? Can Cottesloe afford to activate this site at this cost each summer?

A6: The estimated costing for the Car Park 1 activation is for five-six weeks. If the activation period was doubled, the cost would not also double. There are mobilisation and demobilisation costs that would not be incurred a second time.

Lynda Kenny, 118 Marine Parade, Cottesloe – Re: Item 10.1.9 - 2017/18 Budget Amendment – Foreshore Renewal

Q1: Queried if existing business owners on Marine Parade are being factored into the decision-making process re allowing pop-up vendors to

conduct business within the proposed Car Park 1 Activation. Also raised a query as the Town's focus does not seem to be on shark mitigation and the availability of toilet facilities.

A1: This question was taken on notice.

Peter Rattigan, 9 Grant Street, Cottesloe – Re: Item 10.1.9 - 2017/18 Budget Amendment – Foreshore Renewal

Q1: Is the Summer Trial being funded through the sale of the depot? Have the dates proposed for the Summer Trial been published for Cottesloe residents? If so, what are the dates and will they be scheduled alongside Sculpture by the Sea?

A1: The dates cannot be set formally until Council have voted to allocate a budget for the Summer Trial. Yes, the Summer Trial will in part be funded by proceeds from the sale of the former depot.

Q2: What is the present situation with the Town's depot? What is the annual cost of the depot? Is a permanent depot planned? If so, when, where and at what cost?

A2: Presently the Town rents a commercial space in Fremantle for the bulk of our depot operations, at an approximate cost of \$135,000 per annum plus outgoings. We are moving towards a shared depot arrangement with the Town of Mosman Park.

Claire Orb, 49 Brighton Street, Cottesloe – Re: Various

Q1: Will Mayor Angers, who has used the North Cottesloe Surf Life Saving Club's emailed newsletter for the past two Council elections where he allowed himself to be endorsed by the Club, as well as allowing a significant blurb about his personal campaign and endorsement of other candidates to be published, take it upon himself to make a public declaration that he will not breach the Club's policy again in any further elections or permit any other future candidates from doing so at both the North Cottesloe and Cottesloe Surf Life Saving Clubs?

A1: This question was taken on notice.

Q2: Can I please ask why the entire recipient list of my email dated 16 October 2017 (sent to Mayor Angers, cc'd to all other Councillors at the time and select Council Staff, regarding Mayor's Facebook video called False News and Rumours, in which I exposed that everyone who attended the July 25th Ordinary Meeting clearly heard the Chairman of the Board of North Cottesloe Primary School state that there was to be development at Eric Street and widening of the Bridge with extra lanes) has ignored such

a serious matter? Will I receive an educated reply? And will Mayor Angers reverse his claims in his video?

A2: It is the policy of the Town of Cottesloe that only the designated recipient or addressee of an email is to respond to said email. Any persons who are carbon copied (cc) into an email are not required to reply.

Q3: Being that it was stated by Sonja Heath in that July 25th Meeting that "there was a lot of consultation", referring to the Council and Main Roads WA, now Mayor Angers has had time to consult with the Council staff that are fully informed as a consequence of this extensive consultation, when will this information become transparent to the public, and in particular, the residents of Eric Street whose houses stand to devalue?

A3: The consultation being referred to was carried out around the North Cottesloe Primary School's proposal to relocate the drop off zone. Despite rumours that may be circulating to the contrary, the Town is not aware of any plans by Main Roads WA, now or at the time of the 25 July Ordinary Council Meeting, to undertake any works on Eric Street between the bridge and Stirling Highway. The Town has no control over what members of the public choose to say during Public Statement/Question Time. Therefore, there is nothing that Council can advise residents living on Eric Street at this stage.

Kirsty Barrett, 45 John Street, Cottesloe – Re: Item 10.1.9 - 2017/18 Budget Amendment – Foreshore Renewal

Q1: Can Council please advise if the Summer Trials received unanimous support from the Foreshore Precinct Implementation Committee at the meeting of that Committee last week? And whether Crs Rodda, Young, Sadler and Mayor Angers voted in support of the Trials at that meeting.

A1: The Foreshore Precinct Implementation Committee voted unanimously on the Summer Trials subject to a condition being added that where appropriate, grant funding be sought to assist with financing the project elements contained within the Officer Recommendation

Q2: Can Council please clarify if commercial food trucks are now being considered for the Summer Trials, or if in fact the plan is to create work for local businesses?

A2: At this stage there is no intention to allow food trucks or any other food vendor to operate in the Summer Trials site.

Q3: Of the \$260,000 estimated for the Summer Trials, what portion of this money can be reused by Council elsewhere, or form part of the recurring expenditure? Therefore what is the net cost of the Summer Trials?

A3: Of the \$260,000 it is estimated that a little over half of these expended funds could be reused at a later date. We do not have a firm figure at this stage as we have not run similar trials in the past.

Q4: If the Summer Trials do not proceed can council estimate the cost required to re-bituminise the car park and carry out much needed work on that area?

A4: The bitumen surface in Car Park 1 is damaged and badly worn; it is estimated that the cost to bring the bitumen and the pavement to an as-new level will be approximately \$500,000.

Q5: Is Council able to outline the process with regards to tenders and quotes to be sure that Town minimises costs?

A5: All of Council's expenditure is covered by the Town's Purchasing Policy and requirements of the *Local Government Act 1995*. Any single amount over \$150,000 would require a tender to be let prior to the Town being able to engage any services. The Purchasing Policy has varying levels of requirements covering other expenditure under \$150,000, but typically three written quotes are required before a purchase order may be written.

Q6: With respect to the permanent infrastructure changes, can you confirm that the feedback from the public consultation will be taken into account in the detailed design process, and that tonight we are just approving the budget value for the Council to work to?

A6: The detailed designs have not been agreed to by Council.

Q7: Can it also be confirmed that the detailed design brief will come back to Council to be voted on in future.

A7: It is likely that the detailed designs along with the acceptance of the tender would need to be brought back to Council for its endorsement.

Barb Dobson, 20 Florence Street, Cottesloe – Re: Item 10.1.9 - 2017/18 Budget Amendment – Foreshore Renewal

Q1: Why are we frittering away ratepayer's money to the tune of \$265,000 on a fun fair?

A1: This question was taken on notice.

Q2: Where are people going to park if we're having Sculpture by the Sea as well as a fun fair? Is there a parking plan that I am not aware of?

A2: This question was taken on notice.

Ken MacIntyre, 20 Florence Street, Cottesloe – Re: Item 10.1.9 - 2017/18 Budget Amendment – Foreshore Renewal

Q1: Does Cottesloe have an identity crisis? Why does Cottesloe need a 'place making strategy' to the tune of \$264,000 when it is already an international icon?

A1: This question was taken on notice.

## **5 PUBLIC STATEMENT TIME**

Yvonne Hart, Cottesloe Residents and Ratepayers Association – Re: Item 10.1.1 Short-Term Accommodation – Draft Local Law

Spoke in concern of the Town of Cottesloe delaying the development of a short-term accommodation policy, and not upholding the Local Planning Scheme 3, under which short-term accommodation and AirBnB is not permitted in residential

areas. Spoke in regards to Mayor Angers' own short-term listing on AirBnB and urged him to take down this listing due to his own financial interests.

Natalie Kendal, 19 Princes Street, Cottesloe – Re: Item 10.1.9 - 2017/18 Budget Amendment – Foreshore Renewal

Spoke in support of the Foreshore Renewal project to freshen and progress the face of Cottesloe after years of rejecting any new and innovative initiatives for this area. Applauds the Town of Cottesloe and individual Councillors for bringing their own perspectives and working hard to deliver this infrastructure, sense of community, and outcomes that we would all like to see.

Jack Walsh, 35 Grant Street, Cottesloe – Re: Item 10.1.9 - 2017/18 Budget Amendment – Foreshore Renewal

Voiced concerns re the Council spending sums of money, without State Government contribution, to redevelop the foreshore when a Town of Cottesloe survey (February 2013) has shown that more than 80 percent of beach users are not local residents. Referred to a State Government series of workshops held in 2005/6 to guide their State Planning Policy 2.6, during which 86 percent of those involved considered it quite important to have grassy areas with shade etc. amongst other outcomes. The Town's February 2013 survey showed that 30 percent of respondents named more available parking at the main beachfront area as 'very important' – whereas this proposal reduces parking for one month at a cost of \$265,000.

Jaime Atkinson, 84 Hawkstone Street, Cottesloe – Re: Item 10.1.9 - 2017/18 Budget Amendment – Foreshore Renewal

Spoke in support of the Foreshore Renewal project and the drive of Mayor Angers and several other like-minded Councillors to progress this initiative. Referred to the 80 percent of public feedback received and commented that despite the apparent costliness of the Summer Trials, the Council ought to be thrilled to have such expertise donating their time on the Foreshore Precinct Implementation Committee.

Chris Shellabear, 575 Stirling Highway, Cottesloe – Re: Item 10.1.9 - 2017/18 Budget Amendment – Foreshore Renewal

Spoke in support of the Foreshore Renewal project and the sense of legacy that it will create within the community for generations to come. Commented on how well the Council have gone about engaging residents in this process, and urged the Town to now keep the momentum going on this project.

Chris Wiggins, 50 John Street, Cottesloe – Re: Item 10.1.9 - 2017/18 Budget Amendment – Foreshore Renewal

Spoke in objection to the proposed creation of a boardwalk/decking as part of the Foreshore Renewal project. Also commented on the lack of detailed information supporting the expenditure for the Summer Trials, and stated that is largely unclear to the community as to what Council will be spending these funds on.

Anna Gould, 16 Edward Street, Cottesloe – Re: Road Safety Concern, Corner Edward Street and Gordon Street.

Spoke in relation to a perceived road safety concern on the corner of Edward Street and Gordon Street in Cottesloe. Commented that the existing onsite No Parking/Standing zones ought to be extended to remedy this issue. Submitted a number of site photographs of the issue to the Town's Administration.

Mark Powell, 43 Lyons Street, Cottesloe – Various

In regards to Item 10.1.1 Short-Term Accommodation – Draft Local Law, commented that the Local Law change must encompass all types of short-term accommodation and include a Local Planning Scheme amendment supporting permissible use in all residential zones subject to the appropriate registration system. In regards to Item 10.1.7 Skatepark Feasibility Study, urged Council not to delay this initiative for too long, but understood that the Foreshore Renewal is a priority. In regards to Item 10.1.9 - 2017/18 Budget Amendment – Foreshore Renewal, spoke in favour of the proposed budget amendments to permit this project going ahead, and urged Councillors to back the Summer Trials. In regards to Item 11.1 Cr Pyvis Notice of Motion – Request for Nomination to Committees of Council, spoke against Cr Pyvis' notice of motion to nominate for the Foreshore Precinct Implementation Committee due to the already high number of Councillors and local experts already on this Committee.

David Sharp, 219 Broome Street, Cottesloe – Re: 10.1.1 Short-Term Accommodation – Draft Local Law

Spoke in support of short-term accommodation in Cottesloe, but urged Councillors to consider that short-term should simply be listed as just another permissible form of accommodation under the Scheme, and does not require its own series of rules and policies to govern it.

## **6 ATTENDANCE**

### **Present**

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

### **Officers Present**

Mr Mat Humfrey  
Mr Garry Bird  
Mr Nick Woodhouse  
Mr Andrew Jackson  
Ms Samantha Hornby

Chief Executive Officer  
Manager Corporate & Community Services  
Manager Engineering Services  
Manager Development Services  
Governance Coordinator

**6.1 APOLOGIES**

Cr Mark Rodda

**Officer Apologies**

Nil.

**6.2 APPROVED LEAVE OF ABSENCE**

Nil.

**6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**7 DECLARATION OF INTERESTS**

Crs Sadler, Pyvis, Tucak and Boulter all declared an impartiality interest in Item 13.1.1 Consideration of the Recommendations from the Public Events Committee meeting of 21 November 2017.

Cr Tucak and Mayor Angers declared a financial interest in 10.1.1 Short-Term Accommodation - Draft Local Law, and both left the room prior to the voting on this Item.

**8 CONFIRMATION OF MINUTES**

**The Minutes of the Ordinary Council Meeting held Tuesday 31 October 2017 be confirmed.**

**Moved Cr Young, seconded Cr Tucak  
CARRIED 8/0**

**9 PRESENTATIONS****9.1 PETITIONS**

Nil.

**9.2 PRESENTATIONS**

Nil.

**9.3 DEPUTATIONS**

Nil.

**10 REPORTS****10.1 REPORTS OF OFFICERS**

For the benefit of the members of the public present, the Mayor determined to consider Items 10.1.1 and 10.1.9 first and then return to the published order of the agenda.

Items 10.1.1, 10.1.5, 10.1.6, 10.1.7, 10.1.9, 10.2 and 11.1 were withdrawn. Items 10.1.2, 10.1.3, 10.1.4, and 10.1.11 were dealt with 'en bloc'.

*Cr Tucak and Mayor Angers declared a financial interest in this Item and left the room at 8.07 PM*

*In the absence of both the Mayor and the Deputy Mayor, under section 5.35 of the Local Government Act 1995, the Chief Executive Officer called for nominations from amongst the remaining Councillors to act as Presiding Member during consideration of Item 10.1.1.*

*Cr Pyvis was nominated by Cr Boulter and accepted the nomination. As there were no other nominations, Cr Pyvis was declared elected as the Presiding Member during Item 10.1.1 only.*

## **PLANNING**

### **10.1.1 SHORT-TERM ACCOMMODATION – DRAFT LOCAL LAW**

**File Ref:** SUB/2068  
**Attachments:** [Draft local law \(as refined\)](#)  
[Land use definitions overview](#)  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Andrew Jackson, Manager Development Services  
**Proposed Meeting Date:** 28 November 2017  
**Author Disclosure of Interest:** Nil

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## **SUMMARY**

The phenomenon and growth of Airbnb-type short-term accommodation is acknowledged as a reality that warrants a degree of regulation by local governments.

A local law is one measure available as a framework for dealing with the low-key letting of private dwellings, as distinct from commercial short-stay accommodation.

This report presents a draft local law for Council's consideration of the aspects, restrictions and provisions that the local law to encompass.

## **BACKGROUND**

Further to an earlier discussion paper and briefings, Council on 23 May 2017 resolved to:

- 1. Note the contents of the Discussion Paper, consideration at the Briefing Forums and this update report on the short-stay accommodation situation and ways to address it.*
- 2. Authorise the Chief Executive Officer to prepare a Local Law to control short-stay accommodation, in particular informal/occasional letting, for Council's consideration.*
- 3. Organise a specific Councillor Workshop to discuss amendment of the Local Planning Scheme No. 3 regulation of short stay accommodation use, at the earliest convenience of the administration and Councillors.*

This report deals with point 2 above.

By way of background, a summary of the main aspects from the earlier discussion paper is as follows:

- ) Short stay accommodation is characteristic of and prevalent throughout Cottesloe as an attractive seaside suburb and visitor destination.
- ) The land use legality of short-stay accommodation in its various forms is controlled by Local Planning Scheme No. 3, and such uses have limited permissibility in the Residential zone generally. A Scheme Amendment would be required to tighten or loosen restrictions and requirements for short-stay accommodation.
- ) Strata-title law is a complicating factor in the matter and may impose its own restrictions and remedies.
- ) Airbnb-type short-term accommodation tends to escape conventional planning regulation and is a source of conflicts and complaints between property owners, neighbours and the community.
- ) To date the Town has not strongly pursued prosecution of unauthorised short-term activities; however, augmentation of controls would help guide its policy position and practice in this respect.
- ) The Scheme provisions do not deal with the operational aspects and implications of short-term accommodation, hence other management controls appear necessary.
- ) The Western Australian Planning Commission provides some broad policy guidance on the matter, although that has become outmoded as short-stay accommodation has evolved and spread. Nonetheless it identifies typical impacts and appropriate management measures, including a registration system.
- ) To address short-stay accommodation a local planning policy made under the Scheme would have limited force and effect.
- ) A local law complimenting the Scheme would have more regulatory bearing, including enforcement powers.
- ) Self-regulation by the holiday accommodation industry or by property owners is considered insufficient; however, the management codes and house rules devised and adopted are of assistance.
- ) A few other Local Governments have adopted a mixture of different policy or local law measures for short-stay accommodation.
- ) Options available to the Town include:
  - o Amend and apply the Scheme for greater certainty and consistency.
  - o Formulate a local law to address the practical issues of short-term accommodation.
  - o Introduce a local planning policy for strategic guidance and educative improvements.

## **STRATEGIC IMPLICATIONS**

There are no specific strategies contained in the Strategic Community Plan 2013 – 2023 relating to short-term accommodation. When the plan is reviewed early in the New Year, it would be recommended that consideration be given to including a strategy which looks at either specifically dealing with short-term accommodation and/or a strategy to monitor for and provide responses to emerging technologies.

**POLICY IMPLICATIONS**

The proposed local law if adopted would provide a mechanism for incidental short-term accommodation to be regulated efficiently and consistently within the Town of Cottesloe. Officers will continue working on the development of other policy documents and instruments that contemplate the wider short-stay accommodation issues.

**STATUTORY ENVIRONMENT**

- ) *Local Government Act 1995*
- ) *Planning and Development Act 2005*
- ) *Planning and Development (Local Planning Schemes) Regulations 2015*
- ) Local Planning Scheme No. 3
- ) Residential Design Codes

**FINANCIAL IMPLICATIONS**

There are costs associated with the development and implementation of a new local law, which primarily relate to legal advice and advertising. These costs can be met within existing operational budgets.

**STAFFING IMPLICATIONS**

If the local law is enacted by Council, it is likely that staff resources will need to be dedicated to its enforcement, particularly in the first year of operation. This may require the hiring of additional casual staff to work through the initial uptake. However in the longer term, the local law should be able to be managed with the existing staff resources.

**SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

There is a mandated process for the advertising of and consultation on a proposed local law. This will allow for consultation with the community as well as key stakeholders on this issue.

**STAFF COMMENT**

From Council's previous consideration the overall view was that it is desirable to address the grey area of residential short-term accommodation that has largely avoided other controls and are in need of governance to ameliorate social and amenity issues.

The method should be aimed at improving practices and ensuring compliance, noting the difficulties of enforcement. A local law is seen as a pragmatic mechanism, offering a registration and management framework for the benefit of operators, users and the community.

Therefore, the focus of the local law is on the private letting of dwellings for Airbnb-type short-term accommodation where the property owner, permanent occupier or long term tenant residing at the property manages the operation, which is incidental to the residential purpose of the property.

The reference to “short-term accommodation” is to distinguish that from the words “short-stay accommodation” as expressed as common parlance and as defined in planning schemes and regulations.

Ideally the local law should be straightforward, concise and clear to all involved. Also associated house rules and management plans should be thorough but easy to understand and reasonable to satisfy.

The proposed local law would not alter the provisions in relation to short-stay accommodation contained in Local Planning Scheme No. 3 and would function in conjunction with the Scheme to provide an additional layer of control in that regard.

The process to create a local law entails Council support in-principle, initial formulation (the present stage), advertising, consideration of submissions, final drafting (with legal assistance), and Council approval; followed by forwarding to the Minister for Local Government and Parliamentary committee examination, leading to acceptance or rejection..

## **CONCLUSION**

The aim of the local law is to facilitate the registration and effective operation of private residential short-term accommodation, as an incentive to compliance and with the benefit of enforcement power.

The local law will be the tool to regulate this type of short-term accommodation, providing provisions and powers for the operational management of the activity.

It will serve to identify and monitor private residential short-term letting, for equity, consistency and equilibrium. It will also educate and guide the operators, users and nearby owners/residents for improved amenity and harmony.

## **ADDITIONAL INFORMATION FOLLOWING AGENDA FORUM**

At the Agenda Forum on 21 November 2017 there was discussion about the proposed local law in relation to Local Planning Scheme No. 3, including land use definitions and the terminology involved.

An additional attachment is provided which overviews the current land use definitions in Local Planning Scheme No. 3 for different types of short-stay accommodation (in the generic sense), as well as the range of land use definitions in the *Planning and Development (Local Planning Schemes) Regulations 2015* for such.

As explained, the proposed local law deals with the unregulated private residential sector of short-stay accommodation in relation to dwellings. It does not address the investment rental or commercial accommodation sectors and does not apply to any planning-approved short-stay operation.

As can be seen, there is no specific land use category for Airbnb-type short-stay accommodation, which might be capable of planning approval in some situations but not in others, and tends to occur without planning control.

As can also be seen, the definitions in the Regulations utilise the terminology of short-term rather than short-stay accommodation, and the proposed local law follows suit.

Note, too, that the definitions in the Regulations provide clearer distinctions between the nature and scale of short-term accommodation on the spectrum from home-based to commercial activities.

In summary, there is scope for Council to consider amending Local Planning Scheme No. 3 to address short-term accommodation in more detail.

It is in this context that the proposed local law has been drafted, given the limited land use definitions in Local Planning Scheme No. 3 and adopting the contemporary reference to short-term accommodation. The proposed local law concentrates on the residential-based private informal/occasional letting of dwellings, which is not clearly covered by the current controls in Local Planning Scheme No. 3.

A few technical refinements have been made to the attached draft local law, for improved or consistent wording and some minor adjustments.

### **PROCEDURAL REQUIREMENT**

Before Council makes a resolution in this matter, in accordance with the provisions of the *Local Government Act 1995*, the presiding person is required to read aloud the following statement of purpose and effect of the proposed local law:

Purpose:

The purpose of the proposed local law is to regulate private residential short-term accommodation in the Town of Cottesloe.

Effect:

The effect of the proposed local law will be that Council administers an application and registration system to authorise and regulate private residential short-term accommodation in the Town of Cottesloe.

### **VOTING**

Absolute Majority

### **OFFICER RECOMMENDATION**

That Council:

1. Note this report on the proposed local law for residential short-term accommodation.
2. Advertise the proposed local law for a period of not less than 42 days and inviting public submissions.
3. Consider all submissions received at a future Meeting of Council.

### **ALTERNATIVE MOTION**

**Moved Cr Boulter, seconded Cr Sadler**

1. Defer consideration of the Short Term Accommodation - Draft Local Law (presented by Town of Cottesloe Administration to the November 2017 Ordinary Meeting of Council).

2. Establishes a Town of Cottesloe Short Stay Use Committee with nominations from Cr Boulter and Cr ..... and Cr ..... for the purpose of:
  - a. Developing a comprehensive Cottesloe Short Stay Use Strategy for consideration by Council and the community; and
  - b. Defining the parameters of a short stay use brief to an expert planning law solicitor for an opinion about short stay use regulation under LPS3, LPS3 short stay scheme amendment recommendations and the efficacy of using Local Laws to supplement LPS 3.
3. Recommends that the first meeting of the Short Stay Use Committee be held not later than the December Agenda Forum.

**AMENDMENT**

**Moved Cr Young, seconded Cr Harkins**

**That Point 2(b) of the Alternative Motion be amended as follows:**

- b. **Draft for the consideration of Council of a short stay use brief to an expert planning law solicitor for an opinion about short stay use regulation under LPS3, LPS3 short stay scheme amendment recommendations and the efficacy of using Local Laws to supplement LPS3**

**CARRIED 4/2**

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

**Against: Crs Boulter and Pyvis**

**AMENDMENT**

**Moved Cr Thomas, seconded Cr Boulter**

**That Cr Boulter, Cr Young, Cr Harkins, and Cr Pyvis be named as members of the Short Stay Use Committee.**

**CARRIED 6/0**

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

**Moved Cr Sadler, seconded Cr Thomas**

**That Council:**

1. **Defer consideration of the Short-Term Accommodation – Draft Local Law (presented by Town of Cottesloe Administration to the November 2017 Ordinary Meeting of Council).**
2. **Establishes a Town of Cottesloe Short Stay Use Committee with Cr Boulter, Cr Young, Cr Harkins, and Cr Pyvis as members for the purpose of:**
  - a. **Developing a comprehensive Cottesloe Short Stay Use strategy for consideration by Council and the Community;**
  - b. **Draft for the consideration of Council of a short stay use brief to an expert planning law solicitor for an opinion about short stay use regulation under LPS3, LPS3 short stay scheme amendment**

recommendations and the efficacy of using Local Laws to supplement LPS3

3. Recommends that the first meeting of the Short Stay Use Committee be held not later than the December Agenda Forum.

CARRIED 6/0

*Mayor Angers and Cr Tucak returned to the room at 8.32 PM*

**10.1.2 PLANNING APPLICATIONS DETERMINED UNDER DELEGATION  
(SEPTEMBER)**

**File Ref:** SUB/2040  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Andrew Jackson  
Manager Development Services  
**Proposed Meeting Date:** 28 November 2017  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

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

**BACKGROUND**

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

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

**STRATEGIC IMPLICATIONS**

Nil.

**POLICY IMPLICATIONS**

Nil.

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Nil.

**STAFFING IMPLICATIONS**

Nil.

**SUSTAINABILITY IMPLICATIONS**

Nil.

**CONSULTATION**

Nil.

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**STAFF COMMENT**

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

<b>Address</b>	<b>Description</b>	<b>Date Determined</b>
5 Geraldine Street	Decking	5 September 2017
20B North Street	Additions and alterations	14 September 2017
4 Brighton Street	Alfresco area	14 September 2017
36 Eric Street	Change of use (dentist)	14 September 2017
7 Kathleen Street	Carport, additions and alterations	14 September 2017
32 Hawkstone Street	Single-storey dwelling	18 September 2017
150 Broome Street	Amendments to planning approval (boundary fence)	18 September 2017
125 Grant Street	Single storey dwelling	18 September 2017
6 Kiln Lane	Two-storey dwelling	19 September 2017
14 Florence Street	Additions and alterations	27 September 2017
30 Salvado Street	Additions and alterations	27 September 2017
533 Striling Highway	Demolition (BP)	28 September 2017
33 Lyons Street	Two-storey dwelling	28 September 2017
239 Broome Street	Two-storey dwelling	29 September 2017
1/5 Princes Street	Additions and alterations	29 September 2017

**VOTING**

Simple Majority

**UPDATED OFFICER RECOMMENDATION**

**Moved Cr Harkins, seconded Cr Boulter**

**That Council**

1. Receive this report on the planning applications determined under delegation for the month of September 2017.
2. Requires all future delegated authority tables in the Delegated decision reports to Council to include a column that identifies on which date Crs were notified of the DA in the Friday Notice that advises Crs of the development applications proposed to be decided under delegated authority.

**CARRIED 8/0**

**10.1.3 PLANNING APPLICATIONS DETERMINED UNDER DELEGATION  
(OCTOBER)**

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

**Proposed Meeting Date:** 28 November 2017  
**Author Disclosure of Interest:** Nil

---

**SUMMARY**

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

**BACKGROUND**

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

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

**STRATEGIC IMPLICATIONS**

Nil.

**POLICY IMPLICATIONS**

Nil.

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Nil.

**STAFFING IMPLICATIONS**

Nil.

**SUSTAINABILITY IMPLICATIONS**

Nil.

**CONSULTATION**

Nil.

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**STAFF COMMENT**

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

<b>Address</b>	<b>Description</b>	<b>Date Determined</b>
13 Congdon Street	Garage	05/10/2017
459 Stirling Highway	Fence in Front Setback	06/10/2017
73 John Street	Alterations & Additions to Residence	06/10/2017
6 Bird Street	Amendments to Planning Approval	09/10/2017
3 Warton Street	Alterations & Additions to Residence	09/10/2017
291A Curtin Avenue	Two Storey Residence and Ancillary Accommodation	09/10/2017
19 Pearse Street	Front retaining wall and rear deck	09/10/2017
242 Marine Parade	Fence in Front Setback	17/10/2017
11 Federal Street	Alterations & Additions	30/10/2017

**VOTING**

Simple Majority

**UPDATED OFFICER RECOMMENDATION**

**Moved Cr Harkins, seconded Cr Boulter**

**That Council**

1. Receive this report on the planning applications determined under delegation for the month of October 2017.
2. Requires all future delegated authority tables in the Delegated decision reports to Council to include a column that identifies on which date Crs were notified of the DA in the Friday Notice that advises Crs of the development applications proposed to be decided under delegated authority.

**CARRIED 8/0**

**ADMINISTRATION****10.1.4 ADOPTION OF THE 2016/2017 ANNUAL REPORT AND ANNUAL ELECTORS MEETING**

**File Ref:** SUB/2507  
**Attachment:** 2016/2017 Annual report  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Garry Bird  
Manager Corporate & Community Services  
**Proposed Meeting Date:** 28 November 2017  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

A recommendation is made to accept the Annual Report for the 2016/2017 financial year, including the Annual Financial Statements and to hold the Annual General Electors Meeting on Tuesday, 19 December 2017.

**BACKGROUND**

The Annual Report (see attached) is made up of a number of reports including those of the Mayor and Chief Executive Officer, an overview of progress towards the Strategic Community Plan and the Corporate Business Plan, the Annual Financial Statements, the Auditor's Report and other statutory and prescribed reports and information.

The last General Meeting of Electors was held on Wednesday, 14 December 2016.

The Town of Cottesloe Audit Committee met on Wednesday, 15 November 2017, to discuss the Annual Financial Statements and matters raised by the Auditor in their Audit Report and Management Letter. The Committee subsequently resolved as follows;

***“OFFICER & COMMITTEE RECOMMENDATION***

*Moved Cr Young, seconded Cr Boulter*

*THAT the Town of Cottesloe Audit Committee recommend to Council adoption of the 2016/2017 Audit Report and Management Letter.*

*Carried 3/0”*

At this Audit Committee Meeting, there was a general discussion regarding the Town's financial performance and specific comment on the financial ratios. This discussion is summarised in the following extract from the Audit Committee Minutes;

***“COMMENT ON RATIOS***

*Ratios provide useful information when compared to industry and internal benchmarks and assist in identifying trends.*

*By providing this overview, we aim to improve the understanding of the trends and how they interact. This is beneficial for the allocation of scarce resources and planning for the future.*

*Information relating to the statutory ratios disclosed in the financial report is summarised in the table below and our commentary is provided on the following pages.*

---

	Target Ratio <sup>1</sup>	Actual 2017	Council's Adjusted Ratios					Council's 5 Year Trend <sup>2</sup>	5 Year Average <sup>3</sup>	
			2017	2016	2015	2014	2013		Regional	State
Current Ratio	1	1.35	1.35	1.08	1.03	1.26	1.20	↑	1.46	2.22
Asset Sustainability Ratio	1.1	0.69	0.69	0.54	0.82	0.49	0.53	↑	1.05	1.18
Debt Service Cover Ratio	5	4.49	4.49	4.20	3.03*	3.38	3.89*	↑	22.76	12.41
Operating Surplus Ratio	0.15	0.06	0.06	0.01	(0.05)*	0.00	0.04*	↑	0.06	(0.11)
Own Source Revenue Coverage Ratio	0.9	1.01	1.01	0.98	0.91*	0.98	1.01*	↑	0.94	0.67
Asset Consumption Ratio	0.75	0.87	0.87	0.80	0.89	0.46	0.32	↑	0.70	0.73
Asset Renewal Funding Ratio	1.05	0.99	0.99	1.06	1.05	1.05	1.05	↓	1.00	0.94

<sup>1</sup>Target ratios per Department of Local Government Guidelines.

<sup>2</sup>The 5 year trend compares the 2017 ratio to the average of the adjusted ratios/or the last 5 years (except/or the Asset Consumption and the Asset Renewal Funding Ratios which are a 4 year trend).

<sup>3</sup>The average in relation to the Regional and State comparisons is a 5 year average of 2012, 2013, 2014 and 2015 and 2016.

\*Adjusted for "one-off" timing/non-cash items.

## COMMENT ON RATIOS (CONTINUED)

### Regional and State 5 Year Averages

Regional and State 5 year averages are based on the statutory ratios which have been reported in published financial reports. They provide a useful reference point as they are indicative of trend.

### Commentary on Specific Ratios

#### Asset Sustainability Ratio

The Asset Sustainability ratio (ASR) expresses capital expenditure on renewal and replacement of existing assets as a percentage of depreciation costs. This ratio is used to identify any potential decline or improvement in asset conditions. A percentage of less than 100% on an ongoing basis indicates assets may be deteriorating at a greater rate than spending on renewal or replacement.

This ratio has improved in the current year due to a significant increase in capital renewal expenditure for the year and a decrease in depreciation. However, it is still below the target level but trending upwards over the longer term. Continued improvement to this ratio will assist the Town maintain its asset base at current levels into the future.

As mentioned in our management report for the year ended 30 June 2016, further analysis of renewal and replacement expenditure levels and depreciation costs, (particularly with respect to remaining useful life assessments) may provide greater insights to this ratio. We noted one possible reason relates to the Remaining Useful Life

*(RUL) assessments performed on individual assets especially roads may not have been comprehensive enough to adjust to more realistic conditions which would have resulted in a lower depreciation expense.*

*We also recommend Council review the useful lives of buildings as there has been a significant increase in values following the revaluation this year.*

*Interpretation of this ratio should be considered together with the Asset Consumption Ratio (0.87) and the Asset Renewal Funding Ratio (0.99) which are both above target levels.*

### **Summary**

**Overall, as a general comment, the Town's ratio position appears consistent with prior years.**

**Whilst some ratios are below the accepted industry benchmark, given the relative strength of the other ratios and the Town's balance sheet and own source revenue capability, lower ratios may be expected and acceptable in the short term, provided other measures/strategies are maximised.**

**We would also like to take this opportunity to stress one-off assessments of ratios at a particular point in time can only provide a snapshot of the financial position and operating situation of the Town. As is the case with all ratios and indicators, their interpretation is much improved if they are calculated as an average over time with the relevant trends being considered.**

**We will continue to monitor the financial position and ratios in future financial years and suggest it is prudent for Council and management to do so also as they strive to manage the scarce resources of the Town.**

*If the Town requires, we have a report available which is able to compare your ratios against other Local Governments across the State and by Region. The report is also able to incorporate a selection of your peer Local Governments, whether they be of near neighbours or similar type in nature. This may be of particular relevance in your case as you are included in the Metropolitan region when comparison to other, more similar local governments, may be more relevant.*

*If you are interested in such an expanded report, please contact us.*

### **COMMENT ON RATIOS (CONTINUED)**

#### **Related Party Transactions**

*During the course of our audit we noted the Town did not have procedures in place to collect related party transactions for disclosure in the financial report.*

**Comment: To help ensure all related party transactions have been properly recorded and disclosed, we recommend a declaration form should be completed by all Council members, the CEO and Directors of the Town who were elected or employed at any time during the financial year.**

#### **Changes to supplier's banking details**

*We are aware of many recent incidents of payment scams/frauds within the local government industry. As a consequence of this activity, we have had a specific focus on the controls around the changes to supplier's banking details within the EFT payment system.*

*During our review of the procedures surrounding changes in supplier's banking details, we noted the creditor's officer did not phone the suppliers directly to confirm the change in banking details.*

***Comment: To help ensure all changes to supplier's banking details in the system are correct and hence all payments are bona fide, the creditor's officer should confirm changes to banking details by telephonically confirming the change with the supplier."***

## **STRATEGIC IMPLICATIONS**

Priority Area Six: Providing Open and Accountable Local Governance

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

The Town is now well placed to proceed with capital upgrades and improvements. The Town's reserves are sound and its assets are generally well maintained. This combination means that with well planned projects, the Town can move forward on some of the more pressing capital improvements required.

## **POLICY IMPLICATIONS**

Nil.

## **STATUTORY ENVIRONMENT**

The relevant sections of the *Local Government Act 1995* read as follows:

### ***"5.27. Electors' general meetings***

- (1) A general meeting of the electors of a district is to be held once every financial year.*
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.*

### ***5.29. Convening electors' meetings***

- (1) The CEO is to convene an electors' meeting by giving -
  - (a) at least 14 days' local public notice; and*
  - (b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.**
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.*

### ***5.53. Annual reports***

- (1) The local government is to prepare an annual report for each financial year.*
- (2) The annual report contain -
  - (a) a report from the mayor or president;*
  - (b) a report from the CEO;*
  - [(c), (d) deleted];*
  - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;*
  - (f) the financial report for the financial year;**

- (g) such information as may be prescribed in relation to the payments made to employees;
- (h) the auditor's report for the financial year;
- (ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;
- (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including –
  - (i) the number of complaints recorded in the register of complaints;
  - (ii) how the recorded complaints were dealt with; and
  - (iii) any other details that the regulations may require; and
- (i) such other information as may be prescribed.

#### **5.54. Acceptance of annual reports**

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.

#### **Absolute majority required.**

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

#### **5.55. Notice of annual reports**

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government."

Regulations 15 and 19B of the Local Government (Administration) Regulations, 1996 require that:

#### **"15. Matters for discussion at general electors' meetings s. 5.27(3)**

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

#### **19B. Annual report to contain information on payments to employees s.5.53(2)(g)**

For the purposes of section 5.53(2)(g) the annual report of a local government for a financial year is to contain the following information -

- (a) the number of employees of the local government entitled to an annual salary of \$100 000 or more;
- (b) the number of those employees with an annual salary entitlement that falls within each band of \$10 000 over \$100 000."

#### **FINANCIAL IMPLICATIONS**

The cost to produce, print and distribute the Annual Report is minimal and contained within existing operating budget allocations.

**STAFFING IMPLICATIONS**

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

**SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

The Annual Report is presented to the Annual Electors Meeting for the community to be able to comment. At this stage, the Annual Electors Meeting is proposed for Tuesday, 19 December 2017.

**STAFF COMMENT**

The Annual Report as attached contains a thorough analysis of the year ended 30 June 2017. As can be seen from these reports, Council and staff have been exceptionally busy during the last financial year and this will continue through the current financial year.

The report shows that the Town is in a strong position and will be able to progress many strategic projects in the short to mid term. With increasing costs, such as staffing, utilities and waste disposal charges, there continues to be pressure on the Town's operating budgets. This pressure will need to be managed to ensure it does not overly affect rates in future years.

It is recommended that the Town hold its Annual General Meeting of Electors on Tuesday, 19 December 2017. It is proposed to hold the meeting in the Lesser Hall.

The meeting cannot be held less than 14 days and not more than 56 days from the Council meeting at which the Annual Report is adopted. The date recommended complies with these restrictions, while ensuring that staff have sufficient time to publish the Annual Report for residents to consider prior to the Annual Elector's Meeting.

**VOTING**

Absolute Majority

**UPDATED OFFICER RECOMMENDATION**

**Moved Cr Harkins, Seconded Cr Boulter**

**That Council:**

- 1. Adopt the Annual Report for 2016/17 as attached.**
- 2. Adopt the 2016/17 Annual Financial Statements as attached to the Annual Report.**
- 3. Set the Annual General Meeting of Electors for 6:00 PM on Tuesday, 19 December 2017 in the Lesser Hall.**

**CARRIED 8/0**

**10.1.5 REVIEW OF SUSTAINABLE TRAVEL ALLOWANCE (STAFF) POLICY**

**File Ref:** POL/86  
**Attachments:** Updated Draft Sustainable Travel Allowance (Staff) Policy  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Garry Bird  
Manager Corporate and Community Services  
**Proposed Meeting Date:** 28 November 2017  
**Author Disclosure of Interest:** The author discloses a financial interest in this item, being eligible to claim the allowance.

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**SUMMARY**

A recommendation is made to adopt a revised Sustainable Travel Allowance (Staff) Policy.

**BACKGROUND**

Council adopted the current Sustainable Travel Allowance (Staff) Policy in accordance with requirements of the Section 5.50 *Local Government Act* in July 2014 and was scheduled for review in July 2017.

Main changes recommended for inclusion and/or amendments of the Policy are summarised as follows:

- ) Expanding the allowance to allow for the driver of a vehicle used to car pool staff to and from work to claim the allowance; and
- ) Minor formatting and set out of the Policy to improve clarity of the policy guidelines and conditions.

**STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2013 – 2023.*

Priority Area Six: Providing open and accountable local governance.

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

The adoption of the draft Sustainable Travel Allowance (Staff) Policy would be in keeping with this strategy.

**POLICY IMPLICATIONS**

The officer's recommendation is to replace the current Sustainable Travel Allowance (Staff) Policy with the attached, revised Policy.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

In recent years the allowance has cost Council the following:

2014/2015	\$6,715
2015/2016	\$9,415
2016/2017	\$5,400

The recommended change to the Policy of allowing the driver of a vehicle used for car pooling to access claim the allowance is not expected to add significantly to the amount currently paid.

### **STAFFING IMPLICATIONS**

Minor staff costs are incurred in processing the Sustainable Travel Allowance claims when doing the fortnightly payroll.

### **SUSTAINABILITY IMPLICATIONS**

The objectives of the Policy are to encourage staff to use alternative means of transport for commuting to and from work to assist in the reduction of corporate greenhouse gas emissions.

The Town of Cottesloe Sustainability Officer, Ms Melissa Rachan has provided the following comment in regards to the Policy achieving this stated aim:

*“Fuel use is large contributor to Council’s environmental footprint and the STA is a cost effective approach to reducing fuel related emissions and rewards staff for positive behaviour. Encouraging staff to commute via more sustainable means involves identifying and removing barriers. One barrier is the cost of public transport, and provision of the STA makes the option of leaving the car at home more appealing to staff.*

*Although the primary motivation for initiating the policy is of an environmental nature – to progress Council’s resolution to reduce corporate greenhouse gas emissions – the STA can be attributed to a number of other benefits including:*

- ) Regular exercise through active transport has well-documented health benefits for staff and improves productivity, reduces stress and results in fewer sick days.*
- ) The use of public transport by staff reduces local congestion and frees up parking space for ratepayers and visitors.*
- ) Council benefits from staff attraction and retention, particularly of non-management staff that do not have the option of a Council car in their salary package, as well as positive publicity.*
- ) Through the STA the Town demonstrates its commitment to reducing its environmental impact through leading by example.*

*While not all staff are equally placed to take up the opportunity to utilise the allowance due to proximity to public transport, anecdotally, the allowance successfully fulfils its objective of incentivising staff to adopt sustainable travel habits over driving to work, at a small cost to Council.”*

### **CONSULTATION**

Town of Cottesloe Staff  
Elected Members

Staff were consulted during the review process, with the following comments received:

- ) Great incentive to use public transport and promoting healthy lifestyle;
- ) No incentive for the driver of the vehicle when car pooling i.e. passengers can claim the allowance but not the driver;
- ) Effective incentive to reduce fuel, which is a large contributor to Council's environmental blueprint.
- ) Depending on location of residence, is easier for some staff to access the allowance than others who may live further away from train stations etc.

**STAFF COMMENT**

Given the Policy is mostly administrative in nature; it is not recommended that the Policy be advertised for public comment.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Cr Young, seconded Cr Thomas**

That Council adopt the reviewed Sustainable Travel Allowance (Staff) Policy.

**PROCEDURAL MOTION**

**Moved Cr Tucak, seconded Cr Sadler**

**That voting on this Item be deferred to permit further consideration of this policy.**

**CARRIED 8/0**

**10.1.6 ZACCARIA CONCERTS AND TOURING - CHANGE OF EVENT DATE**

**File Ref:** SUB/2402  
**Attachments:** Minute Extract - 26 April 2017 Meeting of Council, Item 10.1.4  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Garry Bird  
Manager Corporate and Community Services  
**Proposed Meeting Date:** 28 November 2017  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

To consider a change of date for a beach concert event that was given in-principle support from Council at the April 2017 Council Meeting.

**BACKGROUND**

At the April 2017 Council Meeting, approval was given for Zaccaria Concerts and Touring (Zaccaria) to stage a major concert event at Cottesloe Beach on Sunday 29 October or Sunday 19 November 2017, as per the following Resolution:

*“OFFICER RECOMMENDATION AND COUNCIL RESOLUTION*

*Moved Cr Rodda, seconded Cr Burke*

*THAT Council provide in-principle support for the application by Zaccaria Concerts and Touring to stage a concert event at Cottesloe Beach on Sunday 29 October 2017 or 19 November 2017 and authorise the Chief Executive Officer to issue final approval of the event subject to the requirements of the Town of Cottesloe being met by the applicant 30 days prior to the event.*

*CARRIED 6/3”*

An extract from the minutes of this Council Meeting and the Executive Summary for the event proposal are attached to this report for the information of Elected Members.

Due to difficulties in signing the proposed artist, Zaccaria have requested a change of date. The original application was for Sunday 29 October or Sunday 19 November 2017, with a start time of 3.00pm, finishing at 8.00pm. It is proposed that the concert date be changed to Sunday 8 April 2018, with a new start time of 2.00pm rather than the earlier requested time of 3.00pm.

Security fencing will be erected to prevent access to the concert area from 12.00pm as per the previous arrangements.

**STRATEGIC IMPLICATIONS**

The April 2017 Council Report indicated the strategic implications from the original application.

Priority Area One: Protecting and Enhancing the Wellbeing of Residents and Visitors.  
Major Strategy 1.3: Identify places to host more cultural events and activities.

The change of date would be in keeping with this stated strategic objective.

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**POLICY IMPLICATIONS**

The report presented to Council at the April 2017 Council Meeting included details of three policies. These were:

- ) Events Classification Policy;
- ) Outdoor Concerts and Large Public Events Policy; and
- ) Beach Policy.

There are no differing policy implications arising from the Officer Recommendation to what was outlined in the previous report.

**STATUTORY ENVIRONMENT**

The report presented to Council at the April 2017 Council Meeting included the following:

*Local Government Act 1995*

*Environmental Protection (Noise) Regulations 1997*

*Health (Public Buildings) Regulations 1992*

*Town of Cottesloe Local Government Property Local Law 2001*

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

*Metropolitan Region Scheme*

The statutory environment does not differ to what was outlined in the previous report.

**FINANCIAL IMPLICATIONS**

The April 2017 Council Meeting report provided information regarding the fees that would apply for a commercial event. The financial implications would not differ to the previous report.

**STAFFING IMPLICATIONS**

There are no staffing implications arising from the Officer Recommendation.

**SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

The Cottesloe Surf Life Saving Club has been consulted. The Club supports the change of date and would change their club day hours to accommodate the event.

**STAFF COMMENT**

The date chosen has no existing bookings for a beach event and will be after the completion of the 2018 Sculpture by the Sea event.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Cr Thomas, seconded Cr Sadler**

That Council support the change of date for in-principle approval for Zaccaria Concerts and Touring beach concert to be held on Sunday 8 April 2018.

**AMENDMENT**

Moved Cr Boulter, seconded Cr Tucak

That the Officer Recommendation be amended to include the following:

That the minutes of this Ordinary Council Meeting include all the conditions of approval as advised to Council and as adopted by Council above.

**CARRIED 7/1**

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

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Thomas, seconded Cr Sadler

That Council:

1. Support the change of date for in-principle approval for Zaccaria Concerts and Touring beach concert to be held on Sunday 8 April 2018; and
2. That the minutes of this Ordinary Council Meeting include all the conditions of approval as advised to Council and as adopted by Council above.

**CARRIED 7/1**

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

**CONDITIONS OF APPROVAL**

That Council approve the application to hold the By the C Beach Concert event at Cottesloe Beach on Sunday 8 April 2018 with the following conditions:

1. Hire fees (including parking bay hire, bin hire etc.), bond and statutory fees be charged according to the Schedule of Fees and Charges;
2. Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event for the approval of the Chief Executive Officer.
3. No vehicle activity to occur before 8.30am and after 6.00pm on Sunday 8 April 2018;
4. Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required;
5. All signage to be approved by the Chief Executive Officer one month prior to the event;
6. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe;
7. The event complies with all requirements of the:
  - Health (Public Buildings) Regulations 1992
  - Food Act 2008
  - Town's Health Local Law 1997
  - Town's Liquor (Licensed Premises) Policy

8. No alcohol is to be served unless a valid licence or permit from the Department of Racing, Gaming and Liquor is provided to the Town prior to the event;
9. Adequate arrangements for rubbish removal and collection, including the provision for recycling;
10. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event;
11. No balloons to be used during the event;
12. That the event is a non-smoking event;
13. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and

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

#### **ADVICE NOTE**

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

To meet the conditions, documentation required from Zaccaria Concerts and Touring Pty Ltd 30 days prior to the date of the event will include (but is not limited to):

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

**ENGINEERING****10.1.7 SKATEPARK FEASIBILITY STUDY**

**File Ref:** SUB/960  
**Attachments:** Site Selection Checklist  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Nick Woodhouse  
Manager Engineering Services  
**Proposed Meeting Date:** 28 November 2017  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is requested to consider a report addressing the feasibility of a skate park in Cottesloe.

This project is not currently listed in the Five Year Capital Works Budget or the Strategic Community Plan. Given the number of large strategic projects already listed and following consultation with Elected Members it is recommended to defer this item until such time as a Parks and Playgrounds Committee is established.

**BACKGROUND**

A petition containing over 1000 signatures was presented to Council at the September Ordinary Meeting of Council. Council resolved to.

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

CARRIED 8/0

**STRATEGIC IMPLICATIONS**

This project is not currently included in the Strategic Community Plan 2013 to 2023.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Functions and General) Regulations 1996*

**FINANCIAL IMPLICATIONS**

There are no funds currently listed in the Five Year Capital Works Program for the provision of a skate park. A budget amendment is required should Council wish to fund the project in the 2017/18 financial year.

**STAFFING IMPLICATIONS**

The Town of Cottesloe currently has a number of large strategic projects including the Foreshore Renewal, Beach Access Path Upgrade, Ocean Pool and New Depot and also the minor capital works projects. The consultation, design and construction of a skate park would likely result in the requirement to increase current staffing resources.

**SUSTAINABILITY IMPLICATIONS**

Permeable space will be reduced as a result of a skate park.

**CONSULTATION**

Town of Cottesloe Staff  
Elected Members

**STAFF COMMENT**

Preliminary research has been undertaken to determine suitable locations, costs, funding opportunities and construction timeframes.

Location

A checklist from the City of Stirling has been used to determine the preferred site location. Please refer to the attachment for details of each site. The Town has investigated the sites that were presented with the petition and also additional locations at the Sea View Golf Club and Railway Street. Distances from homes have been measured from the closest point of the available footprint to the closest home. Greater distances from homes can be achieved if the skate park area is decreased.

- ) Grant Marine Park – whilst this site provides relatively close proximity to amenities a skate park would be very close to residential homes (50m). It would be likely that the playground may need to be upgraded as part of the project which could add an additional \$250,000 to the project budget.
- ) John Black Dune Park – whilst this site provides close proximity to amenities a skate park would be very close to residential homes (50m). A skate park in this location would result in the clearing of the Towns natural bushland areas.

- J Marine Parade (west of Car Park 2) – whilst this site provides close proximity to amenities a skate park would be very close to residential homes (80m). There are also existing trees in the space which will need to be considered. The skate park may be able to be designed around them but the design will be compromised and the footprint size limited. The trees may be able to be relocated.
- J Isolated (west of Sea View Golf Club) – this site is not close to amenities but it does meet the criteria of being 100m away from residential homes.
- J Railway Street – a skate park would be very close to residential homes (20m). The site is not close to amenities. There are also existing street trees on the site and overhead power and high pressure gas services in the area.
- J Sea View Golf Club (opposite Il Lido) – whilst this site provides close proximity to amenities and provides good natural surveillance a skate park would be very close to residential homes (50m).

The checklist from the City of Stirling indicates that skate parks should be 100m from residential homes. The only site that meets this criteria is 'Isolated'. This site is not ideal as it does not have natural surveillance or close proximity to amenities.

Harvey Field may be a preferred site (as part of the Cottesloe Recreation Precinct Masterplan) as it is further away from residential homes and the footprint may not be as restrictive as some of the sites that have been assessed to date. The Town is currently seeking a quote to include the provision of a skate park in the masterplan.

### Size

Skate park sizes can vary. A local facility can be 450m<sup>2</sup>, a district facility can be 1500m<sup>2</sup>, a regional facility can be 3,500m<sup>2</sup>. Council may wish to consider a local type facility with an area up to 1,000m<sup>2</sup> due to the limited availability of land and the objective to cater for the local Cottesloe community rather than attracting visitors from surrounding areas.

### Cost

A typical cost for construction of a skate park is \$600/m<sup>2</sup>. Therefore a 1000m<sup>2</sup> site would cost in the order of \$600,000.

### Funding opportunities

The funding alternatives are from Lotterywest and the Department of Local Government, Sport and Cultural Industries. It appears that Lotterywest typically fund these projects in a 50/50 arrangement with the local government.

### Timeframe

The likely design and construction timeframe is two years.

### Additional information

The petition submitted to Council had 437 Cottesloe resident signatures and 552 non Cottesloe signatures.

Allen Park (Swanbourne)

The Allen Park Precinct is currently being explored for sustainable redevelopment opportunities by the City of Nedlands. Whilst the Master Plan Report identifies that people would like to see youth activations the location of a skate park and skateable elements has been objected to.

General comment

This project is not currently listed in the Five Year Capital Works Budget or the Strategic Community Plan. Given the number of large strategic projects already listed and following consultation with Elected Members it is recommended to delay this item until such time as progress has been made with the Foreshore Renewal tenders, Beach Pool feasibility study and a Parks and Playgrounds Committee has been established.

**VOTING**

Absolute Majority

**OFFICER RECOMMENDATION**

**Moved Cr Young, seconded Cr Sadler**

That Council:

1. Note the preliminary findings.
2. Delay the presentation to Council of a formal assessment of the feasibility of constructing a permanent skatepark facility in the Town of Cottesloe for public recreational use until the earlier of the following:
  - a. The Council Meeting immediately following completion of:
    - i. The establishment of a Parks and Playgrounds Committee;
    - ii. Awarding of tenders associated with stage one of the foreshore renewal works (as detailed in item 10.1.8 of the November 2017 Ordinary Council Meeting Agenda); and
    - iii. Awarding of the tender for the Beach Pool Feasibility Study.
  - or;
  - b. The April 2018 Ordinary Council Meeting.

**AMENDMENT**

**Moved Cr Boulter, seconded Cr Thomas**

That the Officer Recommendation be amended as follows:

- ) Delete Officer Recommendation 2.
- ) Add the following to the Officer Recommendation 1:
  2. Establishes a Town of Cottesloe *“Reserves, Parks and Playgrounds Committee”* with nominations from Cr Boulter, Cr ..... and Cr ..... with a charter to be developed by the Town of Cottesloe Administration that considers including the following:

- i. identifying all the relevant places applicable to the Committee's deliberations;
  - ii. setting a program for the renewal and rejuvenation of, and tree planting in the Cottesloe Reserves, Parks and Playgrounds; and
  - iii. the feasibility and priority of a skatepark in the Town of Cottesloe.
3. Requests that an advertisement be published within a month calling for community members who are interested in serving on the Town of Cottesloe "*Reserves, Parks and Playgrounds Committee*".
4. Requests that the first meeting of the Town of Cottesloe "*Reserves, Parks and Playgrounds Committee*" be held before the February 2018 Council meeting.
5. Requests that the Town of Cottesloe administration report back to the December 2017 Council Meeting what the added cost would be of extending the brief to Aecom (presently contracted to provide future planning for the Harvey Field Precinct) to identify any potential skatepark locations within or near the locality of Harvey Field Precinct, the subject of the present Aecom contract (paying due regard to the work already undertaken by the Manager of Engineering Services reported in this officer report).

#### **PROCEDURAL MOTION**

**Moved Mayor Angers, seconded Cr Boulter**

**That Council suspend standing orders for five minutes to permit discussion on this Item.**

**CARRIED 8/0**

*Council suspended standing orders at 11.00 PM*

*Cr Thomas and Cr Harkins nominated to be members of the Reserves, Parks and Playgrounds Committee, with Cr Sadler as Deputy.*

#### **AMENDMENT**

**Moved Cr Boulter, seconded Cr Thomas**

- ) **Delete Officer Recommendation 2.**
- ) **Add the following to the Officer Recommendation 1:**
  - 2. Establishes a Town of Cottesloe "*Reserves, Parks and Playgrounds Committee*" with nominations from Cr Boulter, Cr Thomas, Cr Harkins and Cr Sadler (Deputy) with a charter to be developed by the Town of Cottesloe Administration that considers including the following:**
    - i. identifying all the relevant places applicable to the Committee's deliberations;
    - ii. setting a program for the renewal and rejuvenation of, and tree planting in the Cottesloe Reserves, Parks and Playgrounds; and
    - iii. the feasibility and priority of a skatepark in the Town of Cottesloe.
  - 3. Requests that an advertisement be published within a month calling for community members who are interested in serving on the Town of Cottesloe "*Reserves, Parks and Playgrounds Committee*".**

4. Requests that the first meeting of the Town of Cottesloe “*Reserves, Parks and Playgrounds Committee*” be held before the February 2018 Council meeting.
5. Requests that the Town of Cottesloe administration report back to the December 2017 Council Meeting what the added cost would be of extending the brief to Aecom (presently contracted to provide future planning for the Harvey Field Precinct) to identify any potential skatepark locations within or near the locality of Harvey Field Precinct, the subject of the present Aecom contract (paying due regard to the work already undertaken by the Manager of Engineering Services reported in this officer report).

CARRIED 8/0

*Council resumed standing orders at 11.01 PM*

#### **AMENDMENT**

Moved Cr Tucak, seconded Cr Boulter

That Point 1 of the Officer Recommendation be amended such that it reads:

1. Note the preliminary findings and provide these to the Cottesloe resident(s) who presented the skatepark petition to Council.

CARRIED 8/0

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

Moved Cr Boulter, seconded Cr Thomas

That Council:

1. Note the preliminary findings and provide these to the Cottesloe resident(s) who presented the skatepark petition to Council.
2. Establishes a Town of Cottesloe “*Reserves, Parks and Playgrounds Committee*” with nominations from Cr Boulter, Cr Thomas, Cr Harkins and Cr Sadler (Deputy) with a charter to be developed by the Town of Cottesloe Administration that considers including the following:
  - i. identifying all the relevant places applicable to the Committee’s deliberations;
  - ii. setting a program for the renewal and rejuvenation of, and tree planting in the Cottesloe Reserves, Parks and Playgrounds; and
  - iii. the feasibility and priority of a skatepark in the Town of Cottesloe.
3. Requests that an advertisement be published within a month calling for community members who are interested in serving on the Town of Cottesloe “*Reserves, Parks and Playgrounds Committee*”.
4. Requests that the first meeting of the Town of Cottesloe “*Reserves, Parks and Playgrounds Committee*” be held before the February 2018 Council meeting.
5. Requests that the Town of Cottesloe administration report back to the December 2017 Council Meeting what the added cost would be of extending the brief to Aecom (presently contracted to provide future planning for the Harvey Field Precinct) to identify any potential skatepark

locations within or near the locality of Harvey Field Precinct, the subject of the present Aecom contract (paying due regard to the work already undertaken by the Manager of Engineering Services reported in this officer report).

CARRIED 8/0

**FINANCE****10.1.9 2017/18 BUDGET AMENDMENT – FORESHORE RENEWAL**

**File Ref:** SUB/2114  
**Attachments:** Community Feedback Summary  
Foreshore Renewal Summary Strategy  
Preliminary Opinion of Probable Cost  
Cost Estimate Visual Map  
Detailed Breakdowns (**CONFIDENTIAL**)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Nick Woodhouse  
Manager Engineering Services  
**Proposed Meeting Date:** 28 November 2017  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is requested to consider:

1. The community feedback received from the advertising of the Foreshore Renewal Summary Strategy.
2. The approval of the Foreshore Renewal Summary Strategy.
3. An amendment to the 2017/18 Budget for renewal works along the Cottesloe Foreshore.

**BACKGROUND**

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

Emerge Associates have been commissioned by Council to deliver the design component of stage one of the foreshore renewal works. Elements of the brief include:

- ) Short term works (Infrastructure Reduction Strategy, Style Guide and Beach Access Ramp and associated works);
- ) Summer Trials (Car Park One and Marine Parade); and
- ) Design Review.

Emerge Associates have developed the Foreshore Renewal Summary Strategy which was endorsed by the Foreshore Precinct Implementation Committee. The strategy addressed the following elements:

- ) Universal access to Indiana and the main beach;
- ) Shade and shelter replacement;
- ) Placemaking Strategy for Car Park One;
- ) Infrastructure Reduction Strategy; and

) Signage reduction and consolidation.

At the September 2017 Ordinary Council Meeting, it was resolved that Council:

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

*CARRIED 8/0*

The advertising period has ended and the Town has consulted with the key stakeholders. 78 submissions were received during the advertising period with 82% of respondents supporting all or a majority of the proposal.

At the November 2017 Foreshore Precinct Implementation Committee meeting it was resolved that the Committee:

1. *Consider the community feedback and progress with the detailed design of the works.*
2. *Endorse the Foreshore Renewal Summary Strategy.*
3. *Endorse the allocation of \$619,566 for the 'Access for All' component of the Cottesloe Foreshore Renewal Project.*
4. *Endorse the allocation of \$635,212 for the 'Beach Structures' component of the Cottesloe Foreshore Renewal Project.*
5. *Endorse the allocation of \$436,650 for the 'Shady Seating' component of the Cottesloe Foreshore Renewal Project.*
6. *Endorse the allocation of \$264,854 for the 'Car Park One Activation' component of the Cottesloe Foreshore Renewal Project.*
7. *Endorse the allocation of \$50,000 for the 'Infrastructure Reduction Strategy' component of the Cottesloe Foreshore Renewal Project.*

8. *Endorse the allocation of \$32,900 for the 'Signage' component of the Cottesloe Foreshore Renewal Project.*
9. *Endorse the allocation of \$55,000 for the 'Project Management and Supervision' component of the Cottesloe Foreshore Renewal Project.*
10. *Endorse the allocation of \$103,243 for the 'Project Contingency' component of the Cottesloe Foreshore Renewal Project.*
11. *Endorse the seeking of grants to assist with funding the project elements listed above.*

## **STRATEGIC IMPLICATIONS**

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

### *Strategic Community Plan (2013 to 2023)*

Priority Area Three: Enhancing beach access and the foreshore.

### *Corporate Business Plan (2014 – 2018)*

Priority Area Three: Enhancing beach access and the foreshore.

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

## **POLICY IMPLICATIONS**

Beach Policy – the Foreshore Renewal Masterplan complies with the policy as adopted by Council.

## **STATUTORY ENVIRONMENT**

### *Local Government Act 1995*

As the cost of the works is not currently included in the adopted 2017/18 Budget, a budget amendment is required which requires an absolute majority of Council.

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

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

## **FINANCIAL IMPLICATIONS**

This project is expected to require significant resources over the next five years. To enable the Town to progress with the objectives of the stage one strategy it is necessary to allocate \$2,198,890 to the 2017/18 Capital Works Budget.

\$6,261,170 exists in the Town's Long Term Financial Plan to fund works in the foreshore area.

**STAFFING IMPLICATIONS**

Additional design or project management expertise may be employed by the Town on a short term, contract basis, to assist with the work required. All staff costs will be met within existing operating or capital budgets.

**SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Foreshore Precinct Implementation Committee  
Town of Cottesloe Staff  
Elected Members  
Disability Services Advisory Committee  
Beach Access Paths Committee  
Bike Planning Committee  
Cottesloe Coastcare  
North Cottesloe Surf Life Saving Club  
Cottesloe Residents  
General Public

69 submissions were received from Cottesloe residents.  
8 submissions were received from non-Cottesloe residents.  
1 submission was received from a Cottesloe ratepayer group.

Copies of the community feedback were presented to Elected Members at the November 2017 Briefing Forum. A redacted summary is attached to this report.

**STAFF COMMENT**

A majority of the Town's infrastructure along the foreshore is in a state of disrepair and is long past its useful life. For example, lighting poles have had to be removed due to safety reasons and the access ramp adjacent to the groyne collapsed earlier this year and is in urgent need of repair or removal. Car Park One and other asphalt surfaces are also in a very poor state, and will require significant expenditure should they be retained. Other infrastructure, such as shelters, walls, balustrades and seating, will continue to fail if no renewal works are carried out in the near term. The poor condition of the Town's infrastructure is a safety concern for Cottesloe residents and visitors to Cottesloe who use the beach. The poor state of infrastructure represents a liability issue for the Town of Cottesloe.

The feedback provided from the Cottesloe community and stakeholders showed significant support (82%) for all or a majority of the Foreshore Renewal Summary Strategy. The two items which had the most negative focus was signage and the summer trials. It is noted that the lower support for signage (13% against) was based on the misunderstanding that this signage would be in addition to existing signage. The

summary strategy proposes to achieve the goal of a significant reduction in signage overall. The lower support for the summer trails (10% against) was based on the desire to either retain Car Park One in full or concerns about the summer trials creating a theme park. The Towns consultants have noted the feedback in relation to the desired effect of Car Park One and are progressing with the detailed plan accordingly.

To enable the Town to progress with the objectives of the strategy it is necessary to allocate \$2,198,890 to the 2017/18 Capital Works Budget. These costs have been generated from the Preliminary Opinion of Probable Cost document supplied by Emerge Associates. It is important for Council to note the following:

- ) The cost estimates are indicative and based on sketch concepts to date. Further refinement and design development is required to confirm any final budgets.
- ) Lighting is not included.
- ) Marine Parade works are not included.
- ) Removal of infrastructure as outlined in the Infrastructure Reduction Strategy has not been included (the Town has suggested a provisional sum of \$50,000 so that priority works can begin immediately).
- ) Works to the groyne are not included.
- ) A provisional sum for contingency has been included to address any unforeseen additional design or construction works required (such as services that require altering). The estimates that have been provided are based on sketch concepts and as the project progresses into detailed design there is often previously unforeseen works and costs that become apparent.

## **VOTING**

Absolute Majority

## **OFFICER RECOMMENDATION**

### **Moved Mayors Angers, seconded Cr Young**

That Council:

1. Thank the community for the feedback received.
2. Note the community feedback.
3. Approve the Foreshore Renewal Summary Strategy.
4. Amend the 2017/18 Budget to include \$619,566 for the 'Access for All' component of the Cottesloe Foreshore Renewal Project.
5. Amend the 2017/18 Budget to include \$635,212 for the 'Beach Structures' component of the Cottesloe Foreshore Renewal Project.
6. Amend the 2017/18 Budget to include \$436,650 for the 'Shady Seating' component of the Cottesloe Foreshore Renewal Project.
7. Amend the 2017/18 Budget to include \$264,854 for the 'Car Park One Activation' component of the Cottesloe Foreshore Renewal Project.
8. Amend the 2017/18 Budget to include \$50,000 for the 'Infrastructure Reduction Strategy' component of the Cottesloe Foreshore Renewal Project.

9. Amend the 2017/18 Budget to include \$32,900 for the 'Signage' component of the Cottesloe Foreshore Renewal Project.
10. Amend the 2017/18 Budget to include \$55,000 for the 'Project Management and Supervision' component of the Cottesloe Foreshore Renewal Project.
11. Amend the 2017/18 Budget to include \$103,243 to be allocated for 'Project Contingency'.
12. Amend the 2017/18 Budget to reflect the above allocations being taken from the Depot Funds Reserve.
13. Endorse the seeking of grants to assist with funding the project elements listed above.

**PROCEDURAL MOTION**

**Moved Cr Thomas, seconded Cr Sadler**

**That the Items be considered individually.**

**CARRIED 8/0**

**PROCEDURAL MOTION**

**Moved Cr Boulter, seconded Cr Pyvis**

That Council move into Committee as a whole for the purpose of this debate.

**LOST 3/5**

For: Cr Pyvis, Cr Boulter, Cr Thomas

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

**POINT 1**

1. Thank the community for the feedback received.

**AMENDMENT**

**Moved Cr Tucak, seconded Cr Boulter**

**That Point 1 of the Officer Recommendation be amended such that it reads:**

1. Thank the community for the feedback received and acknowledge how helpful it has been to Council's deliberation.

**CARRIED 8/0**

**POINT 1 (AS AMENDED)**

1. Thank the community for the feedback received and acknowledge how helpful it has been to Council's deliberation.

**CARRIED 8/0**

**POINT 2**

2. Note the community feedback.

**CARRIED 8/0**

**POINT 3**

3. Approve the Foreshore Renewal Summary Strategy.

**AMENDMENT**

**Moved Cr Boulter, seconded Cr Pyvis**

**That the following amendments be applied to Point 3 of the Officer Recommendation:**

**3(a) Note the Foreshore Renewal Strategy.**

**CARRIED 5/3**

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

3(b) That the Town of Cottesloe Design Advisory Panel (DAP) advise Council:

- i. On design consistency between each of the projects and whether or not the DAP has advice to Council about the design elements of each of the various projects having regard to the importance of the visual landscape values of this beach locality and the Town of Cottesloe Mission Statement
- ii. About building into the tender documents such things as identification of Maintenance costs of materials used and Durability of materials used
- iii. The pros and cons of a "design only" first tender OR a "design and build" first tender for each of the projects
- iv. If consideration of the public submissions on the Cottesloe Foreshore Renewal Project suggest any amendments to the Project
- v. About any other advice they might have about the overall Foreshore Renewal Project and each element of the project.

**LOST 3/5**

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

**AMENDMENT**

**Moved Cr Boulter, seconded Cr Pyvis**

That an additional point be added as follows:

That the detail costings as provided to Crs, are not confidential.

**LOST 2/6**

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

**POINT 4**

4. Amend the 2017/18 Budget to include \$619,566 for the 'Access for All' component of the Cottesloe Foreshore Renewal Project.

**AMENDMENT**

**Moved Cr Tucak, seconded Cr Young**

**That the words 'subject to the detailed design plans being returned to Council prior to committing any expenditure for Council approval' be added to Points 4-11**

**CARRIED 8/0**

**POINT 4 (AS AMENDED)**

4. Amend the 2017/18 Budget to include \$619,566 for the 'Access for All' component of the Cottesloe Foreshore Renewal Project, subject to the detailed design plans being returned to Council prior to committing any expenditure for Council approval.

**CARRIED 8/0**

**POINT 5**

5. Amend the 2017/18 Budget to include \$635,212 for the 'Beach Structures' component of the Cottesloe Foreshore Renewal Project, subject to the detailed design plans being returned to Council prior to committing any expenditure for Council approval;

**AMENDMENT**

**Moved Cr Boulter, seconded Cr Pyvis**

**That Point 5 of the Officer Recommendation be amended such that it reads:**

5. Amend the 2017/18 Budget to include \$635,212 for the 'Beach Structures' component of the Cottesloe Foreshore Renewal Project, subject to;
  - a. the detailed design plans being returned to Council prior to committing any expenditure for Council approval;
  - b. the old beach shade structures are not removed until the new replacement structures are ready to replace them contemporaneously with the removal; and
  - c. the new Beach Structures provide solid shade.

**CARRIED 8/0**

**POINT 5 (AS AMENDED)**

5. Amend the 2017/18 Budget to include \$635,212 for the 'Beach Structures' component of the Cottesloe Foreshore Renewal Project, subject to;
  - a. the detailed design plans being returned to Council prior to committing any expenditure for Council approval;
  - b. the old beach shade structures are not removed until the new replacement structures are ready to replace them contemporaneously with the removal; and
  - c. the new Beach Structures provide solid shade.

**CARRIED 8/0**

**POINT 6**

6. Amend the 2017/18 Budget to include \$436,650 for the 'Shady Seating' component of the Cottesloe Foreshore Renewal Project, subject to the detailed design plans being returned to Council prior to committing any expenditure for Council approval.

**CARRIED 8/0**

**POINT 7**

7. Amend the 2017/18 Budget to include \$264,854 for the 'Car Park One Activation' component of the Cottesloe Foreshore Renewal Project subject to the detailed design plans being returned to Council prior to committing any expenditure for Council approval;

**AMENDMENT**

Moved Cr Boulter, seconded Cr Pyvis

That the following words be added to Point 7 of the Officer Recommendation and that each point be voted on separately:

“subject to:

- the space not being used for Sculpture by the Sea events/installations;

CARRIED 6/2

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

- a parking and traffic management plan being prepared by an expert to manage the trial, (including the number of drop off and acrod bays, use of a traffic warden/controller);

CARRIED 7/1

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

- consultation with beachfront food businesses;

CARRIED 8/0

- no alcohol being sold in the space;

CARRIED 8/0

- invitation to Fisheries to have display on the Cottesloe Fish Habitat Protection Area;

CARRIED 8/0

- a partnership being sought with “Take Three for the Sea” and/or “Tangaroa Blue” or similar organisation re public education about effects of litter on marine life;

CARRIED 8/0

- the trial being smoke and balloon free; and

CARRIED 8/0

- employment of a full-time person on site during trial hours to clean and maintain Indiana and extra public toilets.

CARRIED 8/0

**AMENDMENT**

Moved Cr Tucak, seconded Cr Harkins

That the following words be added to the Officer Recommendation for Point 7

“Subject to the Foreshore Precinct Implementation Committee seeking community input into the nature of the activation being sought as part of the detailed design stage.”

CARRIED 8/0

**FORESHADOWED MOTION – Cr Boulter**

Cr Boulter foreshadowed a motion in the event that Point 7 of the Officer Recommendation was unsuccessful.

**POINT 7 (AS AMENDED)**

7. Amend the 2017/18 Budget to include \$264,854 for the ‘Car Park One Activation’ component of the Cottesloe Foreshore Renewal Project, subject to the detailed design plans being returned to Council prior to committing any expenditure for Council approval, and;
- ) the space not being used for Sculpture by the Sea events/installations;
  - ) a parking and traffic management plan being prepared by an expert to manage the trial, (including the number of drop off and acrod bays, use of a traffic warden/controller);
  - ) prior consultation with beachfront food businesses;
  - ) no alcohol being sold in the space;
  - ) invitation to Fisheries to have display on the Cottesloe Fish Habitat Protection Area;
  - ) invitation to “Take Three for the Sea” and/or “Tangaroa Blue” or similar organisation re public education about effects of litter on marine life;
  - ) the trial being smoke and balloon free; and
  - ) employment of a full-time person on site during trial hours to clean and maintain Indiana and extra public toilets.

and;

subject to the Foreshore Precinct Implementation Committee seeking community input into the nature of the activation being sought as part of the detailed design stage.

LOST 4/4

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

*The motion was lost for lack of an Absolute Majority*

**PROCEDURAL MOTION**

**Moved Mayor Angers, seconded Cr Boulter**

**That standing orders be suspended to permit further consideration of this Item.**

**CARRIED 8/0**

*Council suspended standing orders at 10.20 PM*

*Council returned to standing orders at 10.29 PM*

**FORESHADOWED MOTION**

**Moved Cr Boulter, seconded Cr Pyvis**

**That Council request that the Foreshore Precinct Implementation Committee in consultation with Emerge develop preliminary design (having regard to Dr Lutton’s plan) and costings for the part/complete closure of Car Park 1 that will include the removal of bitumen and replacement with grass, trees, shade structures and public amenities, for the December 2017 Ordinary Council Meeting.**

**CARRIED 8/0**

**POINT 8**

8. Amend the 2017/18 Budget to include \$50,000 for the 'Infrastructure Reduction Strategy' component of the Cottesloe Foreshore Renewal Project, subject to the detailed design plans being returned to Council prior to committing any expenditure for Council approval.

**CARRIED 8/0**

**POINT 9**

9. Amend the 2017/18 Budget to include \$32,900 for the 'Signage' component of the Cottesloe Foreshore Renewal Project subject to the detailed design plans being returned to Council prior to committing any expenditure for Council approval.

**AMENDMENT**

**Moved Cr Boulter, seconded Cr Pyvis**

**That the following words be added to the Officer Recommendation for Point 9:**

**“, including low key signage re Fish Habitat Protection Area and Marine Debris Risk”.**

**CARRIED 8/0**

**POINT 9 (AS AMENDED)**

9. Amend the 2017/18 Budget to include \$32,900 for the 'Signage' component of the Cottesloe Foreshore Renewal Project, subject to the detailed design plans being returned to Council prior to committing any expenditure for Council approval, including low key signage about the Fish Habitat Protection Area and Marine Debris Risk.

**CARRIED 8/0**

**POINT 10**

10. Amend the 2017/18 Budget to include \$55,000 for the 'Project Management and Supervision' component of the Cottesloe Foreshore Renewal Project subject to the detailed design plans being returned to Council prior to committing any expenditure for Council approval.

**LOST 0/8**

**POINT 11**

11. Amend the 2017/18 Budget to include \$103,243 to be allocated for 'Project Contingency'.

**CARRIED 8/0**

**POINT 12**

12. Amend the 2017/18 Budget to reflect the above allocations being taken from the Depot Funds Reserve.

**CARRIED 8/0**

**POINT 13**

13. Endorse the seeking of grants to assist with funding the project elements listed above.

CARRIED 8/0

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION****That Council:**

1. Thank the community for the feedback received and acknowledge how helpful it has been to Council's deliberation
2. Note the community feedback.
3. Note the Foreshore Renewal Summary Strategy.
4. Amend the 2017/18 Budget to include \$619,566 for the 'Access for All' component of the Cottesloe Foreshore Renewal Project, subject to the detailed design plans being returned to Council prior to committing any expenditure for Council approval.
5. Amend the 2017/18 Budget to include \$635,212 for the 'Beach Structures' component of the Cottesloe Foreshore Renewal Project, subject to;
  - a. the detailed design plans being returned to Council prior to committing any expenditure for Council approval;
  - b. the old beach shade structures are not removed until the new replacement structures are ready to replace them contemporaneously with the removal; and
  - c. the new Beach Structures provide solid shade.
6. Amend the 2017/18 Budget to include \$436,650 for the 'Shady Seating' component of the Cottesloe Foreshore Renewal Project, subject to the detailed design plans being returned to Council prior to committing any expenditure for Council approval.
7. That Council request that the Foreshore Precinct Implementation Committee in consultation with Emerge develop preliminary design (having regard to Dr Lutton's plan) and costings for the part/complete closure of Car Park 1 that will include the removal of bitumen and replacement with grass, trees, shade structures and public amenities, for the December 2017 Ordinary Council Meeting.
8. Amend the 2017/18 Budget to include \$50,000 for the 'Infrastructure Reduction Strategy' component of the Cottesloe Foreshore Renewal Project, subject to the detailed design plans being returned to Council prior to committing any expenditure for Council approval.
9. Amend the 2017/18 Budget to include \$32,900 for the 'Signage' component of the Cottesloe Foreshore Renewal Project, subject to the detailed design plans being returned to Council prior to committing any expenditure for Council approval, including low key signage about the Fish Habitat Protection Area and Marine Debris Risk.
10. Amend the 2017/18 Budget to include \$103,243 to be allocated for 'Project Contingency', subject to the detailed design plans being returned to Council prior to committing any expenditure for Council approval.

11. Amend the 2017/18 Budget to reflect the above allocations being taken from the Depot Funds Reserve.
12. Endorse the seeking of grants to assist with funding the project elements listed above.

*The Presiding Member adjourned the meeting at 10.37 PM.*

*The Presiding Member reopened the meeting at 10.41 PM.*

**10.1.11 FINANCIAL STATEMENTS FOR THE MONTH ENDING 31 OCTOBER 2017**

**File Ref:** SUB/2459  
**Attachments:** Monthly Financial Statements  
**Responsible Officer:** Garry Bird  
Manager of Corporate and Community Services  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 28 November 2017  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

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

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

**BACKGROUND**

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

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

**STRATEGIC IMPLICATIONS**

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

**POLICY IMPLICATIONS**

Investments Policy.  
Investment of Surplus Funds Policy.

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

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**STAFFING IMPLICATIONS**

There are no staffing implications arising from the Officers Recommendation.

**SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications arising from the Officers Recommendation.

**CONSULTATION**

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

**STAFF COMMENT**

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

- ) The net current funding position as at 31 October 2017 was \$8,181,283 and is in line with previous financial years as shown on pages 2 and 22 of the attached Financial Statements.
- ) Rates and emergency services levies receivables at 31 October 2017 stood were \$3,644,627 as shown on pages 2 and 25 of the attached Financial Statements.
- ) Operating revenue is more than year to date budget by \$303,885 with a more detailed explanation of material variances provided on page 21 of the attached Financial Statements. Operating expenditure is \$287,347 less than year to date budget with a more detailed analysis of material variances provided on page 21. Please note depreciation expenses of approximately \$634,534 are unable to be posted until the 2016/17 Financial Report is signed off by the Town's auditors. This has occurred in the last few days and the changes will be reflected in the Financials Statements for the period ending 30 November 2017.
- ) The Capital Works Program is approximately 17% complete as at 31 October 2017 and a full capital works program listing is shown on pages 33 to 36.
- ) Whilst Salaries and Wages are not reported specifically, they do represent the majority proportion of Employee Costs which are listed on the Statement of Financial Activity (By Nature and Type) on page 7 of the attached Statements. As at 31 October 2017 Employee Costs were \$9,827 less than at the same time in the previous financial year.
- ) The balance of cash backed reserves was \$10,924,018 as at 31 October 2017 as shown in Note 7 on page 27 of the monthly financial statements.

List of Accounts for October 2017

The List of Accounts paid during October 2017 is shown on pages 37 to 44 of the attached Financial Statements. The following significant payments are brought to Council's attention;-

- ) \$40,883.42 to the Australian Taxation Office for the monthly business activity statement.
- ) \$550,000.00 to the Department of Education being the refund of grant monies paid to the Town.

- ) \$33,021.29 to Roads 2000 for road resurfacing works.
- ) \$54,477.39 & \$43,318.48 to Solo Resource Recovery for waste removal services.
- ) \$79,861.64 to Local Government Insurance Service for insurance cover.
- ) \$34,371.63 to Surf Life Saving WA for lifeguard services.
- ) \$700,000.00 to the National Australia Bank for a transfer to the investment account.
- ) \$96,941.75 and \$97,232.08 to Town of Cottesloe staff for fortnightly payroll.

### Investments and Loans

Cash and investments are shown in Note 4 on page 23 of the attached Financial Statements. Council has approximately 33% of funds invested with National Australia Bank, 30% with Bankwest, 25% with Commonwealth Bank of Australia and 12% with Westpac Banking Corporation. Council had a balance of \$11,397,881 in reserve funds as at 31 October 2017.

Information on borrowings is shown in Note 10 on page 30 of the attached Financial Statements and shows Council had total principal outstanding of \$4,461,656 as at 31 October 2017.

### Rates, Sundry Debtors and Other Receivables

Rates revenue information is shown in Note 9 on page 29 of the attached Financial Statements. Rates outstanding is shown in Note 6 on page 25 and shows a balance of \$3,808,235 as compared to \$3,346,436 this time last year.

Sundry debtors are shown on Note 6, pages 25 and 26 of the attached Financial Statements. The sundry debtors show that 22% or \$42,920 is older than 90 days. Infringement debtors are shown on note 6(a) and stood at \$395,274 as at 31 October 2017.

### Budget Amendments

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

## **VOTING**

Simple Majority

## **OFFICER RECOMMENDATION**

**Moved Cr Harkins, seconded Cr Boulter**

**That Council receive the Financial Statements for the period ending 31 October 2017 as submitted to the 31 October 2017 meeting of Council.**

**CARRIED 8/0**

**EXECUTIVE SERVICES****10.1.12 LOCAL GOVERNMENT ACT 1995 REVIEW: PHASE 1**

**File Ref:** SUB/2478  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Mat Humfrey  
Chief Executive Officer  
**Proposed Meeting Date:** 28 November 2017  
**Author Disclosure of Interest:**

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**SUMMARY**

The State Government has released its consultation paper for the first phase of the review of the Local Government Act. This report seeks to put in place a process for providing a response.

**BACKGROUND**

In the lead up to the 2017 State Election, the now State Government announced its intention to undertake full review of the Local Government Act 1995. Following the election, the Minister has set in place a process to formally undertake the review.

Prior to the October 2017 Local Government Elections, the WA Local Government Association (WALGA) undertook its own consultation on the proposed review. That process largely looked at the position WALGA held on behalf of the sector and how this could be amended if the Act was being reviewed. While WALGA's consultation process has concluded, we have not yet seen the outcomes of their process.

The State released its own consultation paper on the Local Government Act review on 08 November 2017. The paper is available on their website ([www.dlqc.wa.gov.au](http://www.dlqc.wa.gov.au)) and a copy has been provided to Elected Members.

**STRATEGIC IMPLICATIONS**

The Local Government Act 1995 and its associated Regulations control most aspects of local government operations – including the need to have and the requirements of our strategic planning documents. It is likely any change to the Act could have significant strategic implications for the Town.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

Local Government Act 1995 – sections 5.8 to 5.10 – Appointment of Committees

**FINANCIAL IMPLICATIONS**

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

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**STAFFING IMPLICATIONS**

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

**SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

No formal consultation has occurred on this item.

**STAFF COMMENT**

The State has allowed three months for responses to be provided to its consultation paper, released on 08 November 2017. Unfortunately, this period is over the Christmas break which means that there is only one further meeting between this meeting and the deadline, and that is only two weeks away.

The consultation paper is lengthy and officers are still working their way through it. Broadly speaking the paper appears to concern itself with governance matters, being the availability of information, elected member training and standards and defining the roles of elected members and the administration.

The State is proposing to receive comments on the paper from a variety of sources, including, but not limited to, Councils. It appears that any member of the public is able to make their own submission, as can individual elected members and officers. Council will need to firstly decide if it wishes to make a submission (which is recommended) and then how such a submission will be created.

The recommendation below is for a 3 person committee to be appointed to guide the development of the Town's position. Given the due date for submissions, it is likely the committee will need to meet at least fortnightly over the Christmas period if a submission is to be completed in time.

Due to the very short time frame involved and that the committee (as recommended) has a single purpose, it is not proposed to have a charter written for this committee, however it is also recommended that the committee disband in March 2018, following the completion of the required submission.

**VOTING**

Absolute Majority

**OFFICER RECOMMENDATION**

**Moved Cr Thomas, seconded Cr Sadler**

**That Council appoint Cr Boulter, Cr Tucak and Cr Young as members and Cr Thomas as deputy member of the Local Government Act Review Committee, for the period of 01 December 2017 to 31 March 2018.**

**CARRIED 8/0**

## 10.2 REPORT OF COMMITTEES

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

- ) Bike Planning Committee (18 July/01 August Minutes attached).
- ) Bike Planning Committee (21 September 2017 Minutes attached).

### COMMITTEE RESOLUTION

*That Bike Planning Committee provides the following recommendation to Council for Ratification:*

*All modifications to footpath and road design in Cottesloe are reviewed by the Bike Planning Committee prior to funding approval or Grant application.*

*Moved Helen Sadler, seconded Cr Pyvis  
UNANIMOUS*

### PROCEDURAL MOTION

**Moved Cr Young, seconded Cr Sadler**

**The consideration of the Bike Planning Committee resolutions be deferred.**

**CARRIED 8/0**

- ) Hotels Committee Meeting (17 October 2017 Minutes attached).
- ) Community Safety and Crime Prevention Committee (17 October 2017 Minutes attached).
- ) Disability Services Advisory Committee Meeting (7 November 2017 Minutes attached).
- ) Audit Committee Meeting (15 November 2017 Minutes attached).
- ) Public Events Committee Meeting (12 November 2017 **CONFIDENTIAL** Minutes Attached)

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

**11.1 Cr Pyvis Notion of Motion – Request for Nomination to Committees of Council.**

- 1. That Council appoint Cr Pyvis to the Western Suburbs Regional Organisation of Councils (WESROC).**
- 2. That Cr Harkins be moved from a deputy member of the Foreshore Precinct Implementation Committee to a member.**

**Moved Cr Boulter, seconded Cr Thomas  
CARRIED 8/0**

**11.2 Cr Sadler Notice of Motion – Request for Councillor Workshop**

- 1. That the Town of Cottesloe arrange a workshop for Councillors and relevant Staff about Curtin Avenue, the train line and future plans for land along the rail corridor through Cottesloe.**
- 2. That the workshop is to be held within the next three months.**

**Moved Cr Sadler, seconded Cr Thomas  
CARRIED 8/0**

**12 NEW BUSINESS OF AN URGENT NATURE**

**12.1 Elected Members**

*Withdrawn – Cr Boulter – Parking Safety in Edward Street, Cottesloe*

**12.2 Officers**

Nil.

**13 MEETING CLOSED TO PUBLIC**

*The Meeting was closed to the public at 11.33 PM. All members of the public and media representatives left the room.*

*Cr Tucak left the room at 11.33 PM and returned at 11.36 PM*

**13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**13.1.1 Consideration of the Recommendations from the Public Events Committee meeting of 21 November 2017**

*The Meeting was reopened to the public at 12.00 AM*

**14 MEETING CLOSURE**

The Presiding Member declared the Meeting closed at 12:00 AM

CONFIRMED MINUTES OF 28 November 2017 PAGES 1 – 63 INCLUSIVE.

PRESIDING MEMBER:

POSITION:



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DATE: 12 / 12 / 2017