

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING

MINUTES

**HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
7.00 PM, Tuesday 31 October 2017**

MAT HUMFREY
Chief Executive Officer

9 November 2017

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 7.02 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

Nil.

4 PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****QUESTIONS PROVIDED BY CR BOULTER - EMAILED 3 SEPTEMBER 2017**

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

Q1. What was the cost of the Report?

A1. \$48,830

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

A2. The Report has not been updated however it was reviewed in 2015. There are no plans to update the document at this stage – this could be arranged if Council were to resolve to do so.

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

A3. Yes

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

A4. Following the geotechnical investigation and review of the Report the below sections of coastline were deemed to be most at risk of coastal impact;

-) Between North Street and Grant Street
-) South of Grant Street, opposite Grant-Marine Park
-) Between Eric Street and Eileen Street
-) Between Napier Street and Warnham Road
-) Between Beach Street and Gibney Street

- Q5. How has the mode of planning identified in the report been incorporated into council decision-making? see page 6 of the Report?
- A5. The plan is referred to whenever coastal works are being designed.
- Q6. What adaptation planning has been undertaken by the TOC since the Report? see page 82 of the Report
- A6. The Town undertakes regular coastal monitoring to collect data on shoreline movements. This began in 2014 and will continue for another 2 years. Once this data is collected, further adaptation planning will occur.
- Q7. Which actions have been undertaken by the TOC as identified in the Report to be done at 3 months, 3-12 months and over 12 months? see page 84-86
- A7. A8-12, A14, B1, B5, B10, C9
- Q8. What information has been gathered by the TOC about the location of sub-surface rock? see page 80 of the Report
- A8. A geotechnical investigation was completed in 2010
- Q9. If the subsurface rock has been identified where is the information kept?
- A9. The report is kept within the Town's records system, a copy is available upon request.

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

- Q1. Is it possible to come up with an alternative plan that doesn't remove any trees and impinge on public open space?
- A1. The plan presented for Council's consideration showed one tree being removed and the built form remaining largely within the existing footprint, with the path being the exception.

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

- Q1. Why isn't public consultation being done?
- A1. The plan was presented to Council for the purposes of consultation.
- Q2. Why isn't there an environmental and/or active transport expert recommended as part of the committee?
- a. Will you appoint one?

- A2. Committees, like Council can seek advice from experts as they see appropriate. This can be in the form of a report, study or to appoint an expert (via Council) to the committee.
- Q3. Has an alternative plan encouraging active transport been considered?
- a. If not, why not?
 - b. If yes, is the plan available to the public to view?
- A3. In recent times the school community has instigated a number of active transport projects. However, it is expected that for a number of reasons there will still be a need for parking and a drop off point for the school.
- Q4. Why are there more parking spaces proposed than the last plan?
- A4. As the Town didn't set the design parameters for the project we are not able to comment.
- Q5. Wouldn't it be better to deter the number of cars that park in the area and encourage children to get to school by alternative methods than the car?
- A5. As per A3, it is envisaged that due to the nature of schooling, there will be a need for parking and drop off facilities into the future.
- Q6. Has the 5 year natural management plan been considered in this or an alternative plan?
- a. If not, why not?
 - b. If yes, how?
- A6. The plan was provided to the Town and would require updating before any works could proceed. The implications of the NAMP would be considered at a detailed design phase – however as stated above, the bulk of the project appears to be placed within the existing footprint.
- Q7. Will any of the green space identified in the 5 year natural management plan be eroded?
- a. If yes, how much?
- A7. The plans submitted show the bulk of the infrastructure within the existing footprint.
- Q8. Have the impacts of the new road on the roots and viability of the mature trees been considered?
- a. If yes, what are the results?
 - b. If not, why not?
- A8. The Town constructs near existing trees regularly and engages suitable experts to assist in the design of the infrastructure to protect the nearby vegetation.

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

- Q1. Are the proposed new car bays on Education Department land, or on the Town of Cottesloe's land?
- A1. They are in the road reserve, which is Crown land, managed (but not owned) by the Town of Cottesloe.
- Q2. How far north of the North Cottesloe Primary School do the proposed road works extend? Do they go as far as Greenham Street, or do they go up to John Street?
- A2. The works proposed are limited to the drawings that were attached to the Agenda.
- Q3. The proposed car park with 38 extra car bays, appears to require significant road works. Who will cover the cost of these roadworks?
- A3. There is currently no funding in place, however, subject to consultation and development, the Town would seek funding assistance from the Department of Education and Main Roads WA.
- Q4. Why has 'kiss and drop' not been implemented on a trial basis in the Eric Street car park?
- A4. There have been kiss and drop facilities within the Eric Street carpark previously.
- Q5. What is envisaged for the current Eric Street car park?
- A5. There are no current plans to alter Eric Street or the carpark on it.
- Q6. Will Council please request a fully costed business plan, with funding sources clearly identified and itemised, before this item is considered?
- A6. At this stage, only a concept is being considered for further consultation. If the project progresses beyond the concept stage, a detailed design would be developed and then fully costed. Before Council agrees to a budget amendment, funding would need to be finalised.

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

- Q1. Will Council defer approval or reconsider the Town's executive recommendation to provide the North Cottesloe Surf Life Saving Club Inc. (NCSLSC) a \$10,000 grant in view of recent correspondence from NCSLSC (Lavan) with respect to issuance of S39 and S40 Certificates (Ref Item 10.1.1) for the Restricted Club Licence application and if not
- A1. No. The celebrations to commemorate 100 years of the club will occur whether or not a liquor license is issued.

QUESTIONS TAKEN ON NOTICE 26 SEPTEMBER 2017 ORDINARY COUNCIL MEETING

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

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

A1. The Committee will be looking at the feedback received on the concept plan and making recommendations to Council on the best way to move forward.

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

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

A1. No.

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

A2. The composition of committees will be addressed at this meeting.

QUESTIONS PROVIDED BY CR BOULTER – TAKEN ON NOTICE 17 OCTOBER 2017 SPECIAL COUNCIL MEETING

Q1. Why is the on-line version of the TOWN OF COTTESLOE PARKING & PARKING FACILITIES LOCAL LAW not signed and sealed?

A1. The only way the sealed version can be included on the website is as a scanned document, which makes it slower to download and not able to be searched using readily available software.

Q2. Is the typed information accurate on page 1 of the TOWN OF COTTESLOE PARKING & PARKING FACILITIES LOCAL LAW that it was Adopted on 28 April, 2009 and Gazetted on 10 July, 2009?

A2. Yes.

Q3. Has the TOWN OF COTTESLOE PARKING & PARKING FACILITIES LOCAL LAW been amended since it was adopted by Council 28 April 2009? If so, when and how was it amended?

A3. No

Q4. Can the online and current version on the TOC website of the TOWN OF COTTESLOE PARKING & PARKING FACILITIES LOCAL LAW be updated to show the latest sealed and signed version?

- A4. It can be, but it would create issues for end users.
- Q5. When is the TOWN OF COTTESLOE PARKING & PARKING FACILITIES LOCAL LAW due for review?
- A5. 2018
- Q6. How many formal and informal complaints to the TOC administration have there been in the last 2 years about the operation of TOWN OF COTTESLOE PARKING & PARKING FACILITIES LOCAL LAW?
- A6. We can't provide a definitive answer, rangers regularly receive informal complaints when on patrol – not all can be recorded. However, it would be fair to say we receive many.
- Q7. Do any of the complaints relate to faulty functioning of the Town's parking timing mechanisms? If so, how many?
- A7. There are suggestions that the methods of timing parking, can be wrong, but they are not always sustained.
- Q8. What litigation has the TOC been engaged in respect of the TOWN OF COTTESLOE PARKING & PARKING FACILITIES LOCAL LAW and can the TOC administration advise Council of the substance and outcomes of any litigation – but not by using any personal identifying information?
- A8. There are regularly a small number of infringements that people elect to have heard by a Court, rather than paying an infringement. Generally the Town is successful in such cases.
- Q9. Do any of these outcomes referred to in no 7 above suggest review and amendment of the TOWN OF COTTESLOE PARKING & PARKING FACILITIES LOCAL LAW would be a timely and prudent exercise of Council's discretion to review a local law?
- A9. No.
- Q10. What is the text of the delegated authority to the TOC administration from Council in respect of the TOWN OF COTTESLOE PARKING & PARKING FACILITIES LOCAL LAW?
- A10. There are no delegations made to officers under the Parking and Parking Facilities Local Law. The Local Law provides power to "authorised persons" - which can be appointed by the Chief Executive Officer under the delegation made for s9.10 of the Local Government Act.

4.2 PUBLIC QUESTIONS

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. This question was taken on notice.

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. This question was taken on notice.

5 PUBLIC STATEMENT TIME

Jane King, 149 Marine Parade, Cottesloe – 10.1.5 Barchetta Café – Request For New Lease - Confidential

Spoke in favour of a new lease agreement between Barchetta and the Town of Cottesloe, and urged Councillors to vote in favour of the new lease.

Billie Chellen, 75 Grant Street, Cottesloe – 10.1.7 Grant Street Cycle Lanes – Preliminary Concept Plan

Spoke in opposition of the proposed preliminary Concept Plan for the Grant Street Cycle Lanes. Enquired as to whether or not any research had been carried out regarding cyclist numbers in this area, and queried where visitors to Grant Street may park if the cycle lanes are installed.

Sam Kaye, 305 Marmion Street, Cottesloe – 10.1.7 Grant Street Cycle Lanes – Preliminary Concept Plan

Spoke in opposition of the proposed preliminary Concept Plan for the Grant Street Cycle Lanes. Commented that the grassed area outside Daisies is heavily used by patrons of the café daily, removing this under the proposed Concept Plan also introduces safety concerns for with close-range cyclists speeding past.

Richard Atkins, 301 Marmion Street, Cottesloe – 10.1.7 Grant Street Cycle Lanes – Preliminary Concept Plan

Spoke in opposition of the proposed preliminary Concept Plan for the Grant Street Cycle Lanes. Objected to additional expenditure of \$40,000 to further develop this plan, and commented that the installation of concrete blocks on the road is both unnecessary and a danger to cyclists. The existing principal shared path on Forrest Street is adequate.

Jack Walsh, 35 Grant Street, Cottesloe – 10.1.7 Grant Street Cycle Lanes – Preliminary Concept Plan

Spoke in opposition of the proposed preliminary Concept Plan for the Grant Street Cycle Lanes. Commented that community consultation on this Item ought to have been carried out before the funding was applied for. The plan is not suited for Cottesloe as a beach-side suburb, and a more reliable bike count needs to be carried out on Grant Street.

Mark Powell, 43 Lyons Street, Cottesloe – 10.1.7 Grant Street Cycle Lanes – Preliminary Concept Plan

Spoke in opposition of the proposed preliminary Concept Plan for the Grant Street Cycle Lanes. Raised concerns about the loss of parking on Grant Street, as well as the \$550,000 expenditure of ratepayer money and the removal of picnicking space outside Daisies Café.

June Allen, 81 Grant Street, Cottesloe – 10.1.7 Grant Street Cycle Lanes – Preliminary Concept Plan

Spoke in opposition of the proposed preliminary Concept Plan for the Grant Street Cycle Lanes. Commented that Grant Street property owners are still grappling with the permit parking situation, and the proposed protected cycle lanes on Grant Street will further exacerbate the parking problem, and increased safety concerns.

Norman Clough, 57 Grant Street, Cottesloe – 10.1.7 Grant Street Cycle Lanes – Preliminary Concept Plan

Spoke in opposition of the proposed preliminary Concept Plan for the Grant Street Cycle Lanes. The road is already too narrow without the 1.8m proposed cycle lane installed.

Diana Salvaris, 80 Grant Street, Cottesloe – 10.1.7 Grant Street Cycle Lanes – Preliminary Concept Plan

Spoke in opposition of the proposed preliminary Concept Plan for the Grant Street Cycle Lanes. Commented that it seems there has been a lack of research carried out before this report was written, and to state that increased cyclist numbers is only a 'likely' result is alarming. There are many other concerns that ought to be addressed in this area before a cycle path.

Glenn Stannard, 68 Grant Street, Cottesloe – 10.1.7 Grant Street Cycle Lanes – Preliminary Concept Plan

Spoke in opposition of the proposed preliminary Concept Plan for the Grant Street Cycle Lanes. Objected to the loss of green space outside Daisies Café and expressed concerns for cyclist safety if a concrete barrier is installed on Grant Street.

Andris Blankeburgs, 155 Broome Street, Cottesloe – 10.1.7 Grant Street Cycle Lanes – Preliminary Concept Plan

Spoke in opposition of the proposed preliminary Concept Plan for the Grant Street Cycle Lanes. Objected to the loss of green space outside Daisies Café.

6 ATTENDANCE**Present**

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

Officers Present

Mr Mat Humfrey	Chief Executive Officer
Mr Garry Bird	Manager Corporate and Community Services
Mr Nick Woodhouse	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Ms Samantha Hornby	Governance Coordinator

6.1 APOLOGIES

Nil.

6.2 APPROVED LEAVE OF ABSENCE

Nil.

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

7 DECLARATION OF INTERESTS

Mayor Angers declared an impartiality interest in Item 10.1.5 Barchetta Café – Request For New Lease.

Cr Boulter declared an impartiality interest in Item 10.1.5 Barchetta Café – Request For New Lease.

Cr Harkins declared an impartiality interest in Item 10.1.5 Barchetta Café – Request For New Lease.

Cr Sadler declared an impartiality interest in both Item 10.1.5 Barchetta Café – Request For New Lease and 10.1.7 Grant Street Cycle Lanes – Preliminary Concept Plan.

Cr Young declared an impartiality interest in Items 10.1.5 Barchetta Café – Request For New Lease, Item 10.1.3 North Cottesloe Splash N Dash – 2018 and

10.1.2 Seaview Community Kindergarten Inc – Request For Financial Assistance.

Cr Rodda declared an impartiality interest in Item 10.1.2 Seaview Community Kindergarten Inc – Request For Financial Assistance.

8 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Council Meeting held Tuesday 26 September 2017 be confirmed.

**Moved Cr Rodda, seconded Mayor Angers
CARRIED 8/1**

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

That the Minutes of the Special Council Meeting held Tuesday 17 October 2017 be confirmed.

**Moved Cr Rodda, seconded Cr Boulter
CARRIED 9/0**

That the Minutes of the Special Council Meeting held Tuesday 24 October 2017 be confirmed.

**Moved Cr Rodda, seconded Cr Boulter
CARRIED 9/0**

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 and guests present, the Mayor determined to consider Items 10.1.7, 10.1.2, 10.1.4 and 10.1.5 first and then return to the published order of the agenda.

Items 10.1.2, 10.1.4, 10.1.5, 10.1.6, 10.1.7, 10.1.8, 10.1.9, 10.1.10 and 10.1.11 were withdrawn. Items 10.1.1, 10.1.3 and 10.2 were dealt with 'en bloc'.

ADMINISTRATION**10.1.1 melanomaWA COMMUNITY SKIN SCREENING WEEK**

File Ref: SUB/2338
Attachments: Event Application
Responsible Officer: Garry Bird
Manager Corporate and Community Services
Author: Elizabeth Nicholls
Senior Administration Officer
Proposed Meeting Date: 31 October 2017
Author Disclosure of Interest: Chief Executive Officer

SUMMARY

melanomaWA is seeking approval for their Lion's Cancer Institute Inc. free mobile skin cancer screening unit to be set up at Cottesloe Beach foreshore, from Monday 20 November to Friday 24 November 2017, between 9.30am and 3.30pm daily.

BACKGROUND

Approval has been granted to melanomaWA for free skin cancer screening in 2014, 2015 and 2016. Over the course of the Skin Screening Week in 2016, melanomaWA screened 517 members of the public and found a total of 48 life threatening lesions (until proven otherwise with further investigation). The service is free and provides information to participants raise awareness of melanoma.

melanomaWA, is a registered through the Australian Charities and Not-for profits Commission. melanomaWA focuses on providing support for people, and their families and carers, who have been diagnosed with melanoma, as well as educating the Western Australian community about melanoma prevention and sun and skin safety.

The screening unit will consist of a fully autonomous mobile clinic, together with its attached trailer. Three qualified Dermatologists will staff the clinic and will undertake the free skin screening examinations. Similar screenings would usually cost members of the public approximately \$250 per session.

Four 3m x 3m shade tents will be used for melanomaWA staff to engage with members of the public, with one used as a waiting area for the screening unit. Free sunscreen for members of the public visiting the screening unit will be housed in one of the tents, provided by one of the screening unit's sponsors. The tents will also provide shade from the elements.

Information brochures about melanoma and National Skin Cancer Action Week, and a few associated products, will be available for members of the public to access and take away with them when visiting the community engagement tents.

Objectives of the free skin cancer screening unit initiative are:

-) To remove obstacles that prevent people from getting their skin screened, such as cost, and inconvenient General Practitioner or Dermatologist appointment times;
-) To change people's behaviour when it comes to being proactive about their health;

-) To highlight the importance of early detection as a way of preventing skin cancer, and in particular, potentially deadly melanoma;
-) To showcase the work that melanomaWA does in the local Western Australian community; and to
-) Highlight National Skin Cancer Action Week.

Organisers have indicated that they may invite interested local media/radio to attend the screening unit site on one of the days of operation, with a purpose to promote the skin screening unit as well as National Skin Cancer Action Week. At this stage, details of this are yet to be determined.

Organisers will have comprehensive Public Liability Insurance in place to cover the event.

Toilets facilities in the vicinity of the screening unit have been sufficient in the past. Additional bins will be required for the event similar to the previous events.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013 – 2023

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

Corporate Business Plan 2017 – 2021

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

POLICY IMPLICATIONS

Beach Policy

This event appears to be in compliance with the Town of Cottesloe's Beach Policy.

Event/Facility Classification Policy

Under the Event/Facility Classification Policy the event would be considered a Charitable Event as, *'the primary aim of the event is to promote awareness of a significant community or health issue'*.

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

In accordance with the Town's Schedule of Fees and Charges, this event would be classified as a Charitable event and as such, pay no fees.

STAFFING IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Town of Cottesloe Staff

STAFF COMMENT

As the events main purpose is to provide a free skin cancer screening consultation together with information about the importance of early detection as a way of preventing skin cancer, which provides a valuable service to the community, as well as the low impact expected, the application is recommended for approval.

VOTING

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda, seconded Cr Boulter

That Council approve the application to hold the 2017 melanomaWA Community Skin Screening Week event at Cottesloe Beach foreshore, from Monday 20 November to Friday 24 November 2017, from 9.30am to 3.30pm daily, with the following conditions:

1. That the venue hire fees and bin hire fees be waived;
2. All signage to be approved by the Chief Executive Officer one month prior to the event;
3. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe;
4. 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*
5. Adequate arrangements for rubbish removal and collection, including the provision for recycling;
6. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event;
7. No balloons to be used during the event;
8. That the event is a non-smoking event;
9. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and
10. That the Western Metropolitan Regional Council 'Earth Carers' Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the checklist and return to Council after the event with the aim of reducing the amount of plastics used at the event.

ADVICE NOTE

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

CARRIED 9/0

Crs Rodda and Young declared an impartiality interest in this Item.

10.1.2 SEAVIEW COMMUNITY KINDERGARTEN INC – REQUEST FOR FINANCIAL ASSISTANCE.

File Ref: SUB/1397
Attachments: Seaview Community Kindergarten Inc.
Correspondence
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Garry Bird
Manager Corporate and Community Services
Proposed Meeting Date: 31 October 2017
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider a request from the Seaview Community Kindergarten Inc. for financial assistance to assist with maintaining the premises on Broome Street, Cottesloe.

BACKGROUND

The Seaview Community Kindergarten Inc. has requested financial assistance to pay for water rates, water consumption and lawn mowing at the kindergarten. The current costs for these expenses, as advised by the Seaview Kindergarten Inc. are \$932 for water and \$850 for lawn mowing per annum.

Under the terms of the lease between Council and the Seaview Kindergarten Inc. these costs and other normal maintenance of the facilities are the responsibility of the lessee.

The lease was signed in 2013 and expires in December 2022, with the option of a further ten year term.

The former lease stipulated that Council was responsible for many of these maintenance requirements, with a peppercorn rental payable by the Seaview Kindergarten Inc. The new lease has transferred these maintenance responsibilities to Seaview Kindergarten Inc. and with a peppercorn rent still payable.

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

Donations Policy

Assessment Criteria

Donation requests will not be considered where;

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

Priority will be given where;

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

From the above criteria, the request from the Seaview Kindergarten Inc. is in keeping with this Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

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

The funds requested by the Seaview Community Kindergarten Inc. comprise two components, one being for a direct cash contribution to pay for water rates and consumption, the other being indirect financial assistance by having Council maintenance staff mow the lawns at the kindergarten.

The Seaview Kindergarten Inc. is non-rateable in accordance with the provisions of the *Local Government Act 1995* and currently pays \$507 per annum for commercial waste and \$680 for the Emergency Services levy.

STAFFING IMPLICATIONS

There will be some staff resources required to mow the lawns of the kindergarten if Council was to approve this request. Council's works crew estimates that the time required maintaining the lawns would be approximately \$1,000 per annum and could be accommodated in the existing maintenance program for Cottesloe Oval and Harvey Field.

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Seaview Community Kindergarten Inc.

Town of Cottesloe Staff and Elected Members.

STAFF COMMENT

While the request from the Seaview Community Kindergarten Inc. is modest in terms of the amount of the contribution requested, it should be noted that maintenance responsibility of the facility is theirs under the terms of the lease.

Other similar leases between Council and other local community organisations have similar clauses and approving this request would encourage other organisations to seek similar support from Council.

If Council was inclined to support the request, it is the view of staff that this should be limited to in-kind lawn mowing of the facility by Council staff. This is due to the relatively low cost and the convenience of staff attending to this work while undertaking other maintenance in the area. That said this argument could be applied to many of the other community organisations who lease Council facilities.

VOTING

Simple Majority for Officer Recommendation.

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

OFFICER RECOMMENDATION

That with respect to the request from the Seaview Kindergarten Inc. for financial assistance, Council not support the request on the basis of the precedent it would set for other local community organisations to request similar financial support from Council.

COUNCILLOR MOTION

Moved Mayor Angers, seconded Cr Rodda

That Council;

- 1. Approve the request from Seaview Kindergarten Inc. for the mowing of lawns at the Kindergarten to be undertaken by the Town's staff, for a period of two years, after which it would be reviewed; and**
- 2. Decline the request for financial support.**

CARRIED 9/0

Cr Young declared an impartiality interest in this item.

10.1.3 NORTH COTTESLOE SPLASH N DASH - 2018

File Ref: SUB/2491
Attachments: Letter from North Cottesloe Primary School
Parents and Citizens Association
Letter of Support from North Cottesloe Surf
Lifesaving Club
Event Operations & Risk Assessment Plan
Responsible Officer: Garry Bird
Manager Corporate & Community Services
Author: Sherilee Macready
Community Development Officer
Proposed Meeting Date: 31 October 2017
Author Disclosure of Interest: Nil.

SUMMARY

North Cottesloe Primary School Parents and Citizens Association (Inc) are seeking approval to host the second North Cottesloe Splash N Dash event at North Cottesloe Beachfront from 5.30am to 11.00am on Saturday, 24 March 2018.

BACKGROUND

The North Cottesloe Splash N Dash is an Aquathon community family event which is similar in format to a mini triathlon, minus the cycling component. The first North Cottesloe Splash N Dash event was held successfully on 1 April 2017. The event is open to children and adults, and includes a swim from North Cottesloe Beach in a northerly direction with a returning soft sand run. There will be no use of shared paths or roads in terms of the course location as the event is confined to the beach.

Members of the local community will be invited to participate in the event, although it is expected that the bulk of participants will be derived from the students and parents of North Cottesloe Primary School. Organisers are expecting between 100 and 300 participants to take part in the event.

The event consists of three sections –

-) Race 1: 50m swim and 250m run
-) Race 2: 150m swim and 500m run
-) Race 3: 1km swim and 1km run

The event is being coordinated by the North Cottesloe Splash N Dash Organising Committee, made up of members of the school's Parents and Citizens Association and the School Board. The primary function of the Committee is to run a successful and engaging family event for the local community, whilst raising funds for North Cottesloe Primary School Parents and Citizens Association projects. This year part of the funds will be donated to melanomaWA which is located adjacent to the school at the Cottesloe Cancer Wellness Centre.

Some of the key school infrastructure projects the Parents and Citizens Association hope will benefit from funds raised at the event are the improvement of the school's outdoor play spaces and refurbishment of the school's undercover area.

The Organising Committee has been consulting with Triathlon Australia for advice in the planning stage of this event.

The event set up will occur on the morning of the event and will be packed down on the same day. It is anticipated that the competition component will commence at approximately 8.30am and conclude at approximately 10.00am with presentations to follow. The grassed area north of the surf club will be utilised for competitor registrations and presentations at the conclusion of the event.

North Cottesloe Surf Life Saving Club has been engaged by the school to undertake water safety at the event. A letter of support indicating this has been provided. Surf Club volunteers will be supported on land in terms of first aid by St John's Ambulance Event Services.

A comprehensive Event Operational and Risk Assessment Plan have been provided.

Organisers envisage that street parking in the vicinity, particularly on Grant Street, will be adequate for the number of competitors and spectators attending the event. Organisers will be encouraged to notify local residents living in the vicinity that the event is taking place.

Additional bins to cater for the participants and event volunteers will be provided by the organisers.

STRATEGIC IMPLICATIONS

There are no strategic implications arising from the Officer Recommendation.

POLICY IMPLICATIONS

Beach Policy.

Event Classification Policy – This event meets the criteria to be classified as a 'Charitable Event' under the Event Classification Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995.

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

FINANCIAL IMPLICATIONS

If Council were to charge fees for use of North Cottesloe Beach this would include \$480 (excluding GST) for hire fees and \$300 bond.

As this event is primarily a fundraiser for North Cottesloe Primary School Parents and Citizens Association and melanomaWA, this event meets the criteria to be classified as a 'Charitable' event under the Event Classification Policy which carries no hire or bond

fees. Therefore, Council has the ability to waive the fees in support of this family orientated community event.

STAFFING IMPLICATIONS

There are no staffing implications arising from the Officer Recommendation.

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

A letter of support for the event has been provided by North Cottesloe Surf Life Saving Club indicating the Club will provide water safety at the event.

STAFF COMMENT

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

-) North Cottesloe Surf Life Saving Club will provide water safety for the event, with additional first aid services provided by St John's Ambulance Event Services.
-) An Event Operational Plan together with a Risk Assessment Plan has been provided for the event.
-) A Public Liability Insurance Certificate has been provided to cover the event.

Of note, the applicant is a local community organisation who have planned a family orientated event with a purpose to engage the local community and raise funds for their organisation, namely the North Cottesloe Primary School Parents and Citizens Association, as well as a for a local not-for-profit organisation, namely melanomaWA.

Based on these factors, the officer recommendation is to approve the application.

As this event is primarily a fundraiser for North Cottesloe Primary School Parents and Citizens Association and melanomaWA, this event meets the criteria to be classified as a 'Charitable' event under the Event Classification Policy. The officer recommendation is to classify this event as 'Charitable' and charge no fees.

VOTING

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda, seconded Cr Boulter

That Council approve the application to hold the North Cottesloe Splash N Dash event at North Cottesloe Beachfront including the grassed area north of North Cottesloe Surf Life Saving Club, on Saturday, 24 March 2018 from 5.30am to 11.00am, subject to the following conditions:

- 1. Class this event as a 'Charitable' event and charge no fee.**
- 2. Adequate arrangements for rubbish removal and collection, including the provision for recycling.**

3. All signage to be approved by the Chief Executive Officer one month prior to the event.
4. The event complies with all requirements of the:
 -) *Health (Public Buildings) Regulations 1992*
 -) *Food Act 2008*
 -) *Town's Health Local Law 1997*
5. The event complies with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
6. The event complies with the Town's *Beaches and Beach Reserves Local Law 2012*.
7. The event complies with relevant sections of the Town's *Beach Policy*.
8. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, provided prior to the event.
9. No balloons to be used during the event.
10. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and
11. That the Western Metropolitan Regional Council 'Earth Carers' Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the checklist and return to Council after the event with the aim of reducing the amount of plastics used at the event.

ADVICE NOTE

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

CARRIED 9/0

**10.1.4 PUBLIC TRANSPORT AUTHORITY - LICENCE TO OCCUPY LAND
(COTTESLOE TRAIN STATION)**

File Ref: SUB/610
Attachments: Letter from the Public Transport Authority
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Garry Bird
Manager Corporate and Community Services
Elizabeth Nicholls
Senior Administration Officer
Proposed Meeting Date: 31 October 2017
Author Disclosure of Interest: Nil

SUMMARY

To consider the present and future use of a portion of land occupied by the Town of Cottesloe, under licence from the Public Transport Authority, adjacent to the Cottesloe Train Station.

BACKGROUND

Council currently occupies a portion (highlighted in yellow on the below map) of land adjacent to the Cottesloe Train Station under licence from the Public Transport Authority. The license states that the permitted use is for '*landscaping and beautification*'. The current licence expires 31 March 2024.



Council has received correspondence from the Public Transport Authority requesting that the Town of Cottesloe '*ensure that the land is utilised as per the licence agreement*'

and not for parking'. Staff are aware that the land is used for parking, predominantly by train commuters. The area is not signed 'No Parking' and Rangers do not issue infringements in this area.

Council currently pays zero rent for the licence. It is understood if Council wished to amend the Licence to allow for parking, a commercial rent would be payable to the Public Transport authority for the land.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013 – 2023

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

Priority Area Two: Achieving connectivity between east and west Cottesloe

Corporate Business Plan 2017 – 2021

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

Priority Area Two: Achieving connectivity between east and west Cottesloe.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Parking and Parking Facilities Local Law 2009

Should it be determined that Council will implement and enforce parking restrictions, provisions are made in the local law regarding prescribed offences.

FINANCIAL IMPLICATIONS

Should parking restrictions be enforced, the Town would receive revenue from parking infringements. The value of these infringements is difficult to quantify and could be expected to decrease after the initial change in parking restrictions are imposed.

STAFFING IMPLICATIONS

If parking restrictions are enforced, Rangers would issue infringements as part of their regular duties.

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Public Transport Authority

Elected Members

STAFF COMMENT

As it presently stands, there appears to be no advantage for Council to retain the licence and enforce the no parking provisions, effectively forcing local residents to use the adjacent, Public Transport Authority paid parking bays.

If the site was to be considered of long term, strategic advantage, it may be advantageous to retain the licence. For example, Council may wish to beautify the site

(which would be in keeping with the license's permitted use) as an entry statement for visitors travelling to Cottesloe on the train.

The sculpture 'Lucky Country' is located outside of the southern boundary of the licenced area.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council advise the Public Transport Authority that it no longer requires the licence for the site near the Cottesloe Train Station and that as such all management and maintenance of the site will become the responsibility of the Authority from the date of surrender.

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Cr Boulter, seconded Cr Pyvis

That Council:

- 1. Advise the Public Transport Authority that the Town of Cottesloe requires the site near the Cottesloe Train Station and that the management and maintenance of the site will become the responsibility of the Town of Cottesloe.**
- 2. That the Chief Executive Officer commence discussions with the Public Transport Authority about transferring the land as a reserve for the management of the Town of Cottesloe on the basis that no parking is permitted on the land, and that the reserve will be used for planting trees and landscaping.**
- 3. In consultation with the Public Transport Authority the Administration will erect a sign outlining the reasons for the changed parking arrangements.**

CARRIED 7/2

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

PROCEDURAL MOTION**Moved Mayor Angers, seconded Cr Sadler****That the meeting be closed to the public to address confidential Item 10.1.5****CARRIED 9/0**

The meeting was closed to the public at 9.06 PM and all members of the public and media representatives left the room.

Mayor Angers and Crs Boulter, Harkins, Sadler and Young declared an impartiality interest in this Item.

10.1.5 BARCHETTA CAFÉ – REQUEST FOR NEW LEASE - CONFIDENTIAL

File Ref:	VIT/65
Attachments:	Yellowdot Enterprises Pty Ltd Redevelopment Proposal CONFIDENTIAL Yellowdot Enterprises Pty Ltd Ground Lease Proposal CONFIDENTIAL Jones Lang LaSalle Lease Recommendations CONFIDENTIAL Jones Lang LaSalle Response to Disputed Terms CONFIDENTIAL
Responsible Officer:	Mat Humfrey, Chief Executive Officer
Author:	Garry Bird, Manager Corporate & Community Services
Proposed Meeting Date:	31 October 2017
Author Disclosure of Interest:	Nil

SUMMARY

To consider a request from the current lessee (Yellowdot Enterprises Pty Ltd) of the Cafe and Kiosk at North Cottesloe Beach (Barchetta) for a new lease to facilitate a redevelopment of the premises.

BACKGROUND

Refer to the confidential report.

STRATEGIC IMPLICATIONS

Refer to the confidential report

POLICY IMPLICATIONS

Refer to the confidential report

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

3.58. *Disposing of property*

(1) *In this section —*

- dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;*
- property includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2) *Except as stated in this section, a local government can only dispose of property to —*
- (a) the highest bidder at public auction; or*
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) it gives local public notice of the proposed disposition —*
 - (i) describing the property concerned; and*
 - (ii) giving details of the proposed disposition; and*
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
 - and*
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) the names of all other parties concerned; and*
 - (b) the consideration to be received by the local government for the disposition; and*
 - (c) the market value of the disposition —*
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) any other disposition that is excluded by regulations from the application of this section.*

5.23 Meeting Generally Open to the Public

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

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

FINANCIAL IMPLICATIONS

Refer to the confidential report.

STAFFING IMPLICATIONS

Refer to the confidential report.

SUSTAINABILITY IMPLICATIONS

Refer to the confidential report

CONSULTATION

Refer to the confidential report

STAFF COMMENT

Refer to the confidential report

VOTING

Simple Majority

COUNCIL RESOLUTION

Moved Cr Rodda, seconded Cr Young

That Council advertise the intention to enter into a new lease with Yellowdot Enterprises Pty Ltd, subject to an environmental impact statement having been completed on any proposed works prior to any new lease being executed, for a new lease of 15 years for the Café and Kiosk at North Cottesloe Beach (Barchetta Café) and invite public submissions regarding the proposal.

Advice Note

Nothing in this Council Resolution should be in any way construed by the tenant of Barchetta Café, or any other person, as Council's support or approval of a proposed new lease of Barchetta Café. Council will consider whether or not to support and approve the proposed new lease in the ordinary course following consideration of the draft lease documentation to be prepared by the Town of Cottesloe's legal advisers and consideration of public submissions received in response to the advertisement referred to in this Resolution.

CARRIED 9/0

PROCEDURAL MOTION

Moved Cr Rodda, seconded Cr Tucak

That the meeting be reopened to the public

CARRIED 9/0

The meeting was reopened to the public at 10.23 PM and the Chief Executive Officer read out the Council Resolution

Mr Garry Bird left the meeting at 10.23 PM and returned at 10.23 PM
Cr Rodda left the meeting at 10.23 PM and returned at 10.25 PM
Cr Young left the meeting at 10.23 PM and returned at 10.26 PM

ENGINEERING

10.1.6 PETITION – REQUEST TO SEAL RIGHT OF WAY 21

File Ref: SUB/261
Attachments: Petition
Rights Of Way Laneway Policy
Council Report (November 2011 Item 11.2.7)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Nick Woodhouse
Manager Engineering Services
Proposed Meeting Date: 31 October 2017
Author Disclosure of Interest: Nil

SUMMARY

Council is requested to consider a petition submitted by residents of Eric Street and Florence Street.

BACKGROUND

Right Of Way 21 runs between Marmion Street and Curtin Avenue. Homes on Florence Street, Eric Street, Marmion Street and Curtin Avenue back onto Right Of Way 21. Please refer to the below image.



Figure 1: Right Of Way 21

Council received a survey in 2011 requesting that Right Of Way 21 be exempted from being bitumen sealed. The reason given in the survey for the rejection of laneway upgrading is, *“that this would protect our bobtails who live and commute from house to house. To protect our Flora and Fauna for our children’s future”*.

In 2011, Council exempted Right Of Way 21 from being bitumen sealed under the Right Of Way Upgrade Program. Council resolved to:

1. *In relation to its Rights of Way Laneways Policy, exempts the existing non-sealed east-west aligned sections of ROW 21 from the need for sealing or drainage improvement, and lists that exemption in the table attached to the policy.*
2. *Advise in writing the landowners adjacent to ROW 21 that Council has granted the exemption.*
3. *Modify the five year Laneway Upgrading Program by removing all mention of ROW 21.*

Carried 9/0

In September 2017, residents of Eric Street and Florence Street submitted a petition seeking the removal of the exemption. The petition contained 27 letters from residents and ratepayers, and an email from the Western Australian Planning Commission. It is noted that the Rights Of Way Laneways Policy *“requires the signatures of at least two thirds of all landowners that are affected by the proposal”*. The number of residents affected by the laneway upgrade is 37, therefore, the required number of signatures has been met.

A project has been listed on the 2017/18 Capital Works Program for the laneway to be bitumen sealed. This was due to resident requests in 2016. It was not known at the time that a resolution had been passed in 2011 to exempt the laneway from the program.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013 to 2023

Priority Area Five: *Providing sustainable infrastructure and community amenities.*

POLICY IMPLICATIONS

Rights Of Way Laneways Policy

Item five of the policy states that Right Of Way 21 has been granted an exemption from upgrading pursuant to clauses 14 - 16 of the Rights Of Way Laneways Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

FINANCIAL IMPLICATIONS

\$68,000 has been budgeted in the 2017/18 Capital Works Program for the laneway to be bitumen sealed. It was not known at the time that the project was put into the draft budget that a resolution had been passed in 2011 to exempt the laneway from the program. These funds could be reallocated should the project be cancelled for the 2017/18 financial year.

It is noted that Item 15 (page five) of the Rights Of Way Laneways Policy states that, *‘any future request to Council from any affected landowner to upgrade or seal that laneway must include an acceptance of two thirds of those owners for a differential*

rating payment system for those properties to fund such improvement works'. Therefore, affected landowners may be subject to increased rates due to this request. The petition does not refer to the acceptance of a differential rating system.

STAFFING IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

The reason given in the 2011 survey for the rejection of laneway upgrading is, *'that this would protect our bobtails who live and commute from house to house. To protect our Flora and Fauna for our children's future'.*

CONSULTATION

Town of Cottesloe Staff

Cottesloe Residents and Ratepayers adjacent to Right Of Way 21.

STAFF COMMENT

The Rights Of Way Laneways Policy is due for review in December 2017. It is recommended that the review give consideration to the petition with a view to remove the bitumen sealing exemption of Right Of Way 21 subject to landowner support.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Accept the petition seeking the removal of the exemption of Right Of Way 21 from the Laneway Upgrade Program.
2. Inform all residents and landowners adjacent to the laneway in writing of the proposal to seal the laneway and allow 14 days from the sending of the letter for any objections to be received; and
3. If less than one third of the number of landowners object; authorise the project to proceed.
4. Request the Administration undertake a formal review of the Right of Way Laneways policy.

COUNCILLOR MOTION

Moved Cr Sadler, seconded Cr Tucak

That Council:

1. Defer consideration of this matter pending review of the Laneways Policy in December 2017.
2. Request the review cover matters such as the choice of pavements, use of the laneways other than our cars and environmental considerations to best meet the needs of all users.

AMENDMENT

Moved Cr Rodda, seconded Cr Tucak

That a third point be added to the Resolution as follows:

- 3. That at the earliest convenience the Town undertake any required maintenance on Right of Way 21**

CARRIED 8/1

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

COUNCIL RESOLUTION

Moved Cr Sadler, seconded Cr Tucak

That Council:

- 1. Defer consideration of this matter pending review of the Laneways Policy in December 2017.**
- 2. Request the review cover matters such as the choice of pavements, use of the laneways other than our cars and environmental considerations to best meet the needs of all users.**
- 3. That at the earliest convenience the Town undertake any required maintenance on Right of Way 21**

CARRIED 8/1

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

Cr Sadler declared an impartiality interest in this Item.

10.1.7 GRANT STREET CYCLE LANES – PRELIMINARY CONCEPT PLAN

File Ref: SUB/457
Attachments: Preliminary Concept Plan
Funding Application
Connectivity Map
Letter to residents
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Nick Woodhouse
Manager Engineering Services
Proposed Meeting Date: 31 October 2017
Author Disclosure of Interest: Nil

SUMMARY

Council is requested to consider the endorsement and advertising of the Grant Street Cycle Lane Project for the purpose of community consultation.

BACKGROUND

As part of the Bike Planning Committee activities the Town submitted an Expression of Interest to the Department of Transport for the construction of on-road protected cycle lanes along Grant Street. The Expression of Interest was successful and the Town has submitted a formal funding application.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013 to 2023

Priority Area One: *Protecting and enhancing the wellbeing of residents and visitors.*
Priority Area Two: *Achieving connectivity between east and west Cottesloe.*
Priority Area Three: *Enhancing beach access and the foreshore.*
Priority Area Five: *Providing sustainable infrastructure and community amenities.*

POLICY IMPLICATIONS

Climate Change (Human Enhanced) Policy – the Grant Street cycle lane project complies with the policy as adopted by Council.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

FINANCIAL IMPLICATIONS

The estimate of probable costs for the project is in the order of \$1.1 million. If the funding application is successful, the Department of Transport proposes to contribute half of the construction costs with the Town contributing the balance (\$550,000).

A detailed design and survey will be required prior to construction. This is expected to cost in the order of \$40,000, which the Town will be required to fund.

There are currently no funds in the 2017/18 Five Year Capital Works Program for the design or construction component of this project. Council would be required to approve the allocation of funds prior to the design phase of the project going ahead.

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

Bike riding uses minimal fossil fuels and is a pollution-free mode of transport. Bikes reduce the need to build, service and dispose of cars. Cycling 10km each way to work would save 1500kg of greenhouse gas emissions each year. Also, as traffic delays and interruptions to traffic flow in Australia's six major cities account for around 13 million tonnes of greenhouse gas emissions each year, cycling during peak hours would contribute to further emission reductions by reducing congestion and improving traffic flow.

CONSULTATION

Bike Planning Committee
Department of Transport
Town of Cottesloe Staff

STAFF COMMENT

A preliminary concept plan has been developed to meet the requirements of the funding application. To progress the project it is necessary to obtain Council endorsement of the concept plan for the purpose of public consultation. The Bike Planning Committee proposes to schedule an information session with the residents of Grant Street prior to initiating the detailed design phase of the project.

Council should note that formalising the bicycle lanes along Grant Street would result in the loss of on-street parking adjacent to the verge, however, considerable space exists in the median strip for resident parking. The project will also provide an opportunity to improve the aesthetics of the area, further plantings and to preserve existing mature vegetation.

Alternative option – bike lane in median strip

It is likely that this option would cost more than the protected on road cycle lanes as a new path would have to be constructed along the centre of the median. The on road cycle lane option utilises existing road infrastructure. Treatments at the roundabouts would still be required to enable the safe transition of cyclists from the median through, or around the intersection, and back onto the median. The median island option would also increase the heat island effect and area of impermeable surface as new asphalt infrastructure would have to be constructed where there is currently a permeable surface. The Town of Cottesloe has not received a response from the Department of Transport as to whether the option to construct the cycle lane in median will receive grant funding.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Endorse the attached preliminary concept plan to construct on road protected cycle lanes along Grant Street between Curtin Avenue and Marine Parade, to allow for consultation and further development of the plan.
2. Hold an information session with residents and landowners of Grant Street in December 2017.

PROCEDURAL MOTION

Moved Cr Pyvis, seconded Cr Boulter

That Council suspend standing orders to permit discussion on this Item.

CARRIED 7/2

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

COUNCILLOR MOTION

Moved Cr Rodda, seconded Cr Young

1. Defer consideration of this matter pending the creation and adoption by Council of a Bike Plan for the whole of the Town of Cottesloe (Bike Plan) which covers the following:
 - a. Identification of the bicycle routes through Cottesloe (current and planned);
 - b. A program of community engagement and consultation on projects and project priorities;
 - c. The resources that the Town has available to allocate to the creation and maintenance of cycle specific infrastructure;
 - d. The key features of the Cottesloe Foreshore Redevelopment and how bicycle infrastructure will be integrated with that redevelopment; and
 - e. Integration with the State Government's Principal Shared Path and with neighbouring local government bike paths.
2. Commit funding to engage a suitably qualified consultant, to collaborate with the Bike Planning Committee, to produce a Bike Plan in accordance with Item 1 above.

CARRIED 5/4

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

Council resumed standing orders at 7.23PM following the conclusion of the Item.

FINANCE**10.1.8 FINANCIAL STATEMENTS FOR THE MONTH ENDING 30 SEPTEMBER 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: 31 October 2017
Author Disclosure of Interest: Nil

SUMMARY

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

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

BACKGROUND

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

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

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

Investments Policy.
Investment of Surplus Funds Policy.

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

STAFFING IMPLICATIONS

There are no staffing implications arising from the Officers Recommendation.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications arising from the Officers Recommendation.

CONSULTATION

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

STAFF COMMENT

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

-) The net current funding position as at 30 September 2017 was \$9,267,058 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 30 September 2017 stood were \$4,224,664 as shown on pages 2 and 25 of the attached Financial Statements.
-) Operating revenue is more than year to date budget by \$190,314 with a more detailed explanation of material variances provided on page 21 of the attached Financial Statements. Operating expenditure is \$684,332 less than year to date budget with a more detailed analysis of material variances provided on page 21. Please note depreciation expenses of approximately \$475,000 are unable to be posted until the 2016/17 Financial Report is signed off by the Town's auditors.
-) The Capital Works Program is approximately 12% complete as at 30 September 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 30 September 2017 Employee Costs were \$5,712 less than at the same time in the previous financial year.
-) The balance of cash backed reserves was \$11,397,881 as at 30 September 2017 as shown in Note 7 on page 27 of the monthly financial statements.

List of Accounts for September 2017

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

-) \$468,807.38 to the Department of Fire and Emergency Services for monies collected on their behalf.
-) \$42,794.40 to F J Fitzsimmons for asphalt works.
-) \$168,688.30 to the Shire of Peppermint Grove for the Library service.
-) \$223,274.72 \$ 123,515.20 to WA Treasury for loan repayments.
-) \$43,304.91 to Solo Resource Recovery for waste collection and disposal fees.

-) \$39,627.05 to the Western Metropolitan Regional Council for waste disposal fees.
-) \$750,000 & \$450,000 to the National Australia Bank being new term deposit and a transfer to the investment account.
-) \$122,153.75 and \$98,162.73 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 37% of funds invested with National Australia Bank, 25% with Bankwest, 26% with Commonwealth Bank of Australia and 12% with Westpac Banking Corporation. Council had a balance of \$11,397,881 in reserve funds as at 30 September 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 30 September 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 was \$3,532,692 as compared to \$3,132,658 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 24% or \$40,316 is older than 90 days. Infringement debtors are shown on note 6(a) and stood at \$394,966 as at 30 September 2017.

Budget Amendments

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

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Boulter

That Council receive the Financial Statements for the period ending 30 September 2017 as submitted to the 31 October 2017 meeting of Council.

CARRIED 9/0

EXECUTIVE SERVICES**10.1.9 DELEGATED AUTHORITY REGISTER**

File Ref: SUB/2040
Attachments: Delegated Authority Register 2017/18
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Mat Humfrey
Chief Executive Officer
Proposed Meeting Date: 31 October 2017
Author Disclosure of Interest Nil

SUMMARY

In order to expedite decision making within the Town of Cottesloe, a recommendation is made to delegate a number of powers and duties to the Chief Executive Officer as provided for in the *Local Government Act 1995* and other related Acts, Regulations and Local Laws.

BACKGROUND

Delegations allow the Chief Executive Officer to make decisions under the authority of Council without having to constantly refer business of a routine nature to Council.

Section 5.46 of the Local Government Act requires that at least once every financial year, delegations are to be reviewed. Council last reviewed its delegations in July 2016.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013-2023

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

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Sections 5.42, 5.43, 5.44 and 5.46 of the *Local Government Act 1995* regulate the ability of a local government to delegate the exercise of its powers or discharge its duties under the Act.

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended by No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) borrowing money on behalf of the local government;*
- (g) hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) any power or duty that requires the approval of the Minister or the Governor;*
- (i) such other powers or duties as may be prescribed.*

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,*

are subject to any conditions imposed by the local government on its delegation to the CEO.

- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*

- (5) *In subsections (3) and (4) —*

conditions *includes qualifications, limitations or exceptions.*

[Section 5.44 amended by No. 1 of 1998 s. 14(1).]

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Nil

STAFF COMMENT

Officers undertook a comprehensive review of the Delegated Authority Register in 2016, focussing on assessing the suitability and relevance of each delegation and incorporating the following measures:

-) A revised layout for each instrument of delegation
-) Improvements to the wording and referencing of each delegation

Delegations are recommended on the basis of operational efficiency as it is considered more practical for these activities to be delegated, with the responsibility for administration held by the Chief Executive Officer or respective specialist officers who are both “registered” and qualified to administer such delegations.

Where appropriate some delegations are “delegated” by the Chief Executive Officer to other specialist officers such as Principal Environmental Health Officer, Manager Development Services, Manager Engineering Services, and Manager Corporate and Community Services. However the Chief Executive Officer remains responsible for any decision made under a delegation to him.

VOTING

Absolute Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Young

That Council, by absolute majority, approve the delegations made to the Chief Executive Officer, as detailed in the attached Delegated Authority Register 2017/18.

PROCEDURAL MOTION

Moved Cr Boulter, seconded Cr Pyvis

That Council defer any decision on the Delegated Authority Register pending a Councillor Workshop on delegations.

CARRIED 5/4

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

Mr Garry Bird left the room at 10.47 PM and returned at 10.49 PM

10.1.10 COTT CAT SHUTTLE BUS 2017/2018 SEASON

File Ref: SUB/2496
Attachments: Cott Cat Route Original
Cott Cat Route 2016/2017
Passenger Survey Results 2016/2017
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Melissa Rachan
Sustainability Officer
Proposed Meeting Date: 31 October 2017
Author Disclosure of Interest: Nil

SUMMARY

This report recommends that Council consider limiting operation of the upcoming Cott Cat shuttle bus season to Sculpture by the Sea exhibition days, removing the weekend and public holiday service between December to March, for a more targeted approach to achieve the initiative's sustainability outcomes. Furthermore, it recommends reinstatement of the original Cott Cat route, prior to the 2016/2017 season.

BACKGROUND

The Cott Cat initially emerged as an initiative suggested by the community. Accordingly, the service commenced during the summer of 2002/2003. Support for the service was further consolidated in the Sustainable Development Plan, developed by the former Care for Cottesloe Committee, and adopted by Council in 2003.

Transport was recognised as a major issue in the plan. This resulted in the recommendation to implement a shuttle bus service. The initiative set out to reduce congestion and limit greenhouse gas emissions by providing an alternative to driving to Cottesloe's beachfront.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013 – 2023

Priority area 1: *Protecting and enhancing the wellbeing of residents and visitors*

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

Corporate Business Plan 2014 – 2018

Priority area 3.4: *Increase public transport services and solutions for moving people to and from the beach area.*

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

By removing weekend and public holiday services between December and March, it is anticipated that Council will save \$11,950. When taking into account Public Transport Authority's fifty percent funding contribution the true cost saved amounts to \$23,900.

STAFFING IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

Due to the bus fleet procurement model for charter operators in Western Australia, buses fuelled with sources alternative to diesel are limited.

Often operators purchase used Transperth vehicles from Public Transport Authority when the State Government upgrades its fleet. These buses can be up to two decades old. It is, therefore, cost prohibitive for operators to acquire high specification vehicles such as compressed natural gas, diesel electric hybrid or hydrogen fuelled vehicles, outside of this process.

It is recommended that through the process of engaging a charter operator to run the Cott Cat service, the Town request a vehicle with specifications that meet the highest Euro emissions standard. However, this may attract increased costs.

CONSULTATION

Nil

STAFF COMMENT

Survey results reveal that a majority of Cott Cat users do not have access to a car. As such, the initiative is not preventing cars from entering the road network, and therefore, is not meeting its environmental objective of limiting greenhouse gas emissions.

For this reason it is recommended that resources are concentrated towards operating and promoting the service during the peak Sculpture by the Sea exhibition period. This will allow for a more targeted approach to promoting public transport, reducing congestion and reducing emissions while minimising operating costs.

Remaining resources resulting from saved costs and reduced administrative hours can be directed toward implementing more effective sustainable travel initiatives such as improved wayfinding signage in the Town.

Additionally, it is recommended that the Cott Cat shuttle bus route be amended to reflect its original route, previous to the 2016/2017 season, to mitigate the risk of receiving noise complaints. The original route minimises the need for the bus to traverse uphill, avoids residential housing, while retaining minimal travel distance to Cottesloe foreshore from Cottesloe train station.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Endorse limiting operation of the upcoming Cott Cat shuttle bus season to Sculpture by the Sea exhibition days.
2. Endorse reinstatement of the original Cott Cat shuttle bus route.

COUNCILLOR MOTION

Moved Cr Tucak, seconded Cr Thomas

That Council:

1. Endorse limiting operation of the upcoming Cott Cat shuttle bus season to Sculpture by the Sea exhibition days; and
2. Endorse reinstatement of the original Cott Cat shuttle bus route but with a left turn into Napier St off Curtin Ave and a right turn into Broome St off Napier St to join Eric St, in order to avoid long delays at Eric St/Curtin Ave traffic lights.

Subject to Council having consulted with ProCott Inc. on whether ProCott has any input upon the season limitation and any improvements to the service itself (other than its season or route) that may provide benefit to Village traders.

CARRIED 6/3

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

10.1.11 COMMITTEE MEMBERSHIP

File Ref: SUB
Attachments: Nil
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Elizabeth Nicholls
Senior Project Officer
Proposed Meeting Date: 31 October 2017
Author Disclosure of Interest: Nil

SUMMARY

To appoint the Presiding Member and Deputy Members for the Audit Committee, various Advisory Committees, delegates to other Local Government bodies, community organisations and informal working groups.

Audit Committee

Council is required to appoint an Audit Committee. The relevant regulation requires the following:

- (1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) *The members of the audit committee of a local government are to be appointed by the local government and at least 3 of the members, and the majority of the members, are to be council members.*
- (3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.*
- (4) *An employee is not to be a member of an audit committee.*

Previous appointments included:

Cr Rodda (Presiding)
Cr Angers
Cr Boulter
Cr Downes (Deputy)

Council may wish to consider appointing an expert member to this committee. It would be recommended that such a person hold accounting or auditing qualifications.

In addition, the Town's Auditor, Chief Executive Officer and Manager, Corporate and Community Services attend Audit Committee meetings.

VOTING

Absolute Majority.

COUNCIL RECOMMENDATION

Moved Cr Rodda, seconded Mayor Angers

That Council appoints Cr Rodda, Cr Young, and Cr Boulter as members and Mayor Angers as deputy member of the Audit Committee.

CARRIED 9/0

Advisory Committee Membership**Art Acquisition Committee**

The Towns Acquisition of Artworks Policy states:

Art Acquisition Panel

- (a) *Recommendations for the purchase of art works are to be made by an Art Acquisition Panel consisting of:*
 -) the Mayor;*
 -) the Chief Executive Officer; and*
 -) two nominees of the Council with relevant experience in the acquisition of art works.*
- (b) *Committee members shall act in a voluntary capacity and be appointed for a maximum term of 2 years effective until the next ordinary local government elections.*
- (c) *Members may be re-nominated to serve on the panel for a further term.*
- (d) *The Mayor shall act as the Presiding Member of the panel and shall exercise a casting vote in the event of a tied vote.*

Previous appointments included:

Mayor Dawkins (Presiding)

Cr Birnbrauer (Deputy)

Cr Downes

Cr Burke

Please note that the Officer Recommendation does not include the appointment of the Chief Executive Officer to this committee, despite the Policy statement. The Chief Executive Officer exercises a delegated authority to purchase the Artwork recommended by the committee. In order to preserve an appropriate separation of duties, it is not recommended that the Chief Executive Officer be given voting rights for this committee.

VOTING

Absolute Majority

OFFICER RECOMMENDATION

Moved Cr Thomas, seconded Cr Rodda

That Council appoints Mayor Angers, Cr Thomas, Cr Tucak and Cr Pyvis be appointed member of the Art Acquisition Committee.

CARRIED 9/0

PROCEDURAL MOTION

Moved Cr Rodda, seconded Mayor Angers

That Council suspend standing orders for 15 minutes to consider the nominations of Committees.

CARRIED 9/0

Beach Access Paths Committee

The Beach Access Paths Advisory Committee assists with the development and implementation of Beach Access Paths.

Previous appointments included:

Cr Pyvis (Presiding)

Cr Boulter (Deputy)

Cr Angers

Cr Birnbrauer

VOTING

Absolute Majority.

OFFICER RECOMMENDATION

Moved Cr Boulter, seconded Cr Thomas

That Council

1. **Appoints Cr Boulter, Cr Pyvis and Cr Tucak be appointed member and Mayor Angers as deputy member of the Beach Access Paths Committee;**
2. **Appoints Ms Vicki Woods as a member of this Committee; and**
3. **Allows one representative of Cottesloe Coastcare Association as a voting member of this Committee.**

CARRIED 9/0

Bike Planning Committee

The Bike Planning Committee assists with the development and implementation of Bike Paths in Cottesloe.

Previous appointments included:

Cr Boulter (Presiding)

Cr Pyvis

Cr Thomas

Cr Sadler (as a community representative)

Mayor Dawkins (Deputy)

VOTING

Absolute Majority.

OFFICER RECOMMENDATION

Moved Cr Boulter, seconded Cr Harkins

That Council appoints Cr Sadler, Cr Boulter, Cr Pyvis be appointed member and Cr Young as deputy member of the Bike Planning Committee.

CARRIED 9/0

Community Safety and Crime Prevention Committee

This committee was created by Council at its April 2005 meeting and its original purpose was to draft a *Community Safety and Crime Prevention Plan* for Cottesloe. It now has carriage of the implementation of the plan.

The committee is comprised of:

-) two members of Council;
-) four community representatives;
-) one representative from the Western Australia Local Government Association – Roadwise; and
-) at least one officer from the Cottesloe Police Station.

Previous appointments included:

Cr Thomas (Presiding)

Cr Pyvis (Deputy)

Cr Burke

VOTING

Absolute Majority.

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Tucak

That Council appoints Cr Thomas be appointed member and Cr Harkins as deputy member of the Community Safety and Crime Prevention Committee.

Design Advisory Panel

The Design Advisory Panel consists of six community members and one elected member of Council.

The Panel advises Council on;

-) Significant or potentially contentious development proposals.
-) Proposals that significantly impact on environmental values and the natural heritage.
-) Precinct and major site design issues, including town centre, open space or transport proposals with urban design implications.
-) Urban design guidelines for built form and the public domain.
-) Amendments to the town planning scheme that have an important design component.
-) The relationship of a proposal to built heritage in an urban design sense.

The elected member appointed to the panel presides over meetings of the panel. As is the case with all Council-sponsored meetings it is open to all elected members to attend meetings of the Design Advisory Panel.

VOTING

Absolute Majority.

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Pyvis

That Council

1. Appoints Cr Boulter as a member and Cr Tucak as deputy member of the Design Advisory Panel; and
2. Authorises the Chief Executive Officer to call for expressions of interest for further Design Advisory Panel Members for Council's consideration.

AMENDMENT

Moved Cr Boulter, seconded Cr Pyvis

That the word '*further*' in point two be removed and replaced with the word '*expert*'; and

That a third and fourth point be added as follows:

3. That each nominee be asked to submit their curriculum vitae along with their nomination.
4. That the CEO bring the nominations back to the December Ordinary Council Meeting, noting how long each nominee has served on the Design Advisory Panel.

CARRIED 9/0

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda, seconded Cr Pyvis

That Council

1. Appoints Cr Boulter as a member and Cr Tucak as deputy member of the Design Advisory Panel;
2. Authorises the Chief Executive Officer to call for expressions of interest for expert Design Advisory Panel Members for Council's consideration.
3. That each nominee be asked to submit their curriculum vitae along with their nomination.
4. That the Chief Executive Officer bring the nominations back to the December Ordinary Council Meeting, noting how long each nominee has served on the Design Advisory Panel.

CARRIED 9/0

Disability Services Advisory Committee

The Disability Services Advisory Committee assists with the development and implementation of Council's *Disability Access and Inclusion Plan*.

Previous appointments included:

Cr Birnbrauer (Presiding)

Cr Pyvis (Deputy)

VOTING

Absolute Majority.

OFFICER RECOMMENDATION

Moved Cr Thomas, seconded Cr Pyvis

That Council appoints Cr Sadler be appointed member and Cr Thomas as deputy member of the Disability Services Advisory Committee.

CARRIED 9/0

Foreshore Precinct Implementation Advisory Committee

The Foreshore Precinct Implementation Committee assists with the development and implementation of the Foreshore Masterplan.

Previous appointments included:

Mayor Dawkins

Cr Rodda

VOTING

Absolute Majority.

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Thomas

That Council

1. Appoints Cr Rodda, Mayor Angers, Cr Sadler and Cr Young be appointed member and Cr Harkins as deputy member of the Foreshore Precinct Implementation Committee.
2. Appoints Deon White, Adrian Fini, Simon Rodrigues and Dick Donaldson as committee members.

Mr Garry Bird left the room at 11.31 PM and returned at 11.50 PM

PROCEDURAL MOTION

Moved Cr Rodda, seconded Mayor Angers

That standing orders be suspended for a further 10 minutes to complete the nominations of Committees.

CARRIED 9/0

AMENDMENT

Moved Cr Boulter, seconded Cr Pyvis

That the Chair of the Beach Access Paths Committee and the Bike Planning Committee by virtue of their office be appointed members of the Foreshore Precinct Implementation Committee.

LOST 4/5

For: Crs Boulter, Pyvis, Thomas and Sadler

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda, seconded Cr Thomas

That Council

1. **Appoints Cr Rodda, Mayor Angers, Cr Sadler and Cr Young be appointed member and Cr Harkins as deputy member of the Foreshore Precinct Implementation Committee.**
2. **Appoints Deon White, Adrian Fini, Simon Rodrigues and Dick Donaldson as committee members.**

CARRIED 9/0

Public Events Committee

The role of the Public Events Committee is to:

1. Consider the community concerts, festivals and events that are currently held in Cottesloe and identify:
 - a. the aims, objectives and target audience for each event,
 - b. whether any event(s) should no longer continue,
 - c. improvements that could be made to any event(s),
 - d. any new event(s) that could be held; and

2. Provide feedback to the Chief Executive Officer, Manager, Corporate and Community Services and Community Development Officer in relation to community events in Cottesloe.

Previous appointments included:

Cr Rodda (Presiding)

Mayor Dawkins (Deputy)

Cr Downes

Cr Angers

Cr Burke

Cr Birnbrauer

VOTING

Absolute Majority.

OFFICER RECOMMENDATION

Moved Mayor Angers, seconded Cr Rodda

That Council appoints, Cr Harkins, Cr Tucak, and Cr Thomas as members and Cr Rodda as deputy member of the Public Event Committee.

CARRIED 9/0

Appointment of Council Delegates to Other Local Government Bodies**SHINE Community Services Combined Councils Committee**

This committee consists of elected members from the Councils of Claremont, Cottesloe, Peppermint Grove and Mosman Park. It oversees the formal agreement between the four Councils and SHINE Community Care. It meets at least annually and on other occasions as required. One delegate and a deputy delegate are required.

Previous appointments included:
Cr Thomas

VOTING

Absolute Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Thomas

That Council appoints Cr Tucak be appointed member and Cr Thomas as deputy member of the SHINE Community Services Combined Council Committee.

CARRIED 9/0

The Grove Library Management Committee

This committee was formed to determine issues of policy and all other matters associated with the day to day management of the library. This committee consists of elected members from the Councils of Cottesloe, Peppermint Grove and Mosman Park as well as the Library Manager and library support staff.

Library meetings are usually held 3-4 times a year. One delegate and a deputy delegate are required.

VOTING

Absolute Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Young

That Council appoints Cr Pyvis be appointed member and Cr Tucak as deputy member of the Grove Library Management Committee.

CARRIED 9/0

Western Australian Local Government Association (WALGA) – Central Metropolitan Zone

Western Australian Local Government Association zone meetings occur every two months. Two delegates are required. The CEO attends as a non-voting member.

These delegates are also entitled to attend the Annual State Conference of WALGA.

The following Local Government Authorities are members of the WALGA Central Metropolitan Zone;

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

The WA Local Government Association (WALGA) is the voice of Local Government in Western Australia. As the peak industry body WALGA advocates on behalf of the State's 139 Local Governments and negotiates service agreements for the sector. WALGA is not a government department or agency and its mission is to *provide strong representation, strong leadership, enhance the capacity of and build a positive public profile for, Local Government.*

Previous appointments included:
Mayor Dawkins
Cr Boulter

VOTING

Absolute Majority.

OFFICER RECOMMENDATION

Moved Cr Harkins, seconded Cr Thomas

That Council appoints Mayor Angers and Cr Boulter as delegate and Cr Sadler as deputy delegate of the Western Australian Local Government Association - Central Metropolitan Zone.

CARRIED 9/0

Western Suburbs Regional Organisation of Councils (WESROC)

The agreement between the six local governments which are members of WESROC provides for the delegate and deputy delegate to be the Mayor and Deputy Mayor. The WESROC Board meet six monthly. The Executive for WESROC (Chief Executive Officer's) meet monthly.

The following Local Government Authorities are members of WESROC;

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

Note: the Town of Cambridge is an observer and casual participant.

The municipal authorities of the western suburbs of Perth have established a variety of initiatives to enhance regional cooperation and improve service delivery to their respective communities over a number of years. WESROC is a voluntary collaborative

partnership of Councils which aims to facilitate and coordinate activities designed to promote community and economic development within the region and to enhance that capacity of member local governments.

VOTING

Absolute Majority.

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Sadler

That the Mayor and Deputy Mayor be appointed delegate and deputy delegate to the Western Suburbs Regional Organisation of Councils.

CARRIED 9/0

Western Metropolitan Regional Council (WMRC)

This Committee is usually attended by a Council delegate and a staff representative. (Principal Environmental Health Officer).

The following Local Government Authorities are members of the WMRC;

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

The WMRC is a statutory local government authority established in 1989 by five western suburbs local government's to undertake waste management functions. Like all local governments the WMRC is administered by a "Council" of members, one member from each of the participating local governments. The Regional Council meets regularly to administer the functions and duties of the organisation.

The principal activity is the operation of the Brockway Waste Transfer Station situated on the corner of Brockway Road and Lemnos Street, Shenton Park. Here municipal solid waste (MSW) from member councils and others is received and aggregated into larger loads for transport in sealed containers to landfill sites located on the outer fringes of the Perth metropolitan area.

In addition to this the Regional Council operates a green waste recycling operation where readily separate able green waste is diverted from the waste stream, ground up into mulch and sold to the horticultural industry.

One delegate and one deputy delegate are required.

VOTING

Absolute Majority.

OFFICER RECOMMENDATION

Moved Rodda, seconded Tucak

That Council appoints Cr Rodda be appointed member and Cr Tucak as deputy member of the Western Metropolitan Regional Council.

CARRIED 9/0

Western Suburbs District Planning Committee

This Committee is established under the Planning & Development Act. It is resourced and coordinated by the Department of Planning and focuses on regional planning issues. It is usually attended by Council delegates from the Western Suburbs local governments and relevant Council and Department of Planning staff.

The Western Australian Planning Commission (WAPC) on 25 August 2009 resolved that this Committee would become an advisory committee with meetings scheduled at the discretion and direction of the WAPC.

One delegate and a deputy delegate are required.

VOTING

Absolute Majority.

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Boulter

That Council appoints Cr Boulter be appointed member and Cr Young as deputy member of the Western Suburbs District Planning Committee.

CARRIED 9/0

Development Assessment Panel

Under the DAP regulations each local government nominates four elected members of the Council, comprising two local members and two alternate deputy local members to sit on the local DAP as required.

Local government elections may result in a change to DAP membership if current councillors who are DAP members are not re-elected.

Council must consider replacement of DAP members where there is a vacancy.

Council is free to nominate from its elected members whoever is willing and able to be a DAP member and is considered well-suited for the purpose. Elected members with a leading role in the affairs of the Town would be appropriate.

Elected members who have completed the required training are;

Mayor Angers,
Cr Boulter and
Cr Pyvis.

It would be recommended that a combination of at least two of these members are appointed as delegate / deputy delegate in case any applications are referred to the Development Assessment Panel prior to the mandated training being made available for new members.

VOTING

Absolute Majority.

OFFICER RECOMMENDATION**Moved Cr Rodda, seconded Cr Pyvis**

That Council notify the Department of Planning that Crs Boulter and Cr Pyvis as its primary delegates and Mayor Angers and Cr Young are nominated as deputy delegates to the Joint Development Assessment Panel.

CARRIED 9/0**Appointments to Community Organisations**Cottesloe Coastcare Association

This group is an incorporated body and its constitution provides for a nominee of Council.

One delegate and one deputy delegate are required.

VOTING

Absolute Majority.

OFFICER RECOMMENDATION**Moved Cr Rodda, seconded Cr Sadler**

That Council appoints Cr Thomas as its delegate and Cr Boulter as deputy delegate of the Cottesloe Coastcare Association.

CARRIED 9/0ProCott (Cottesloe Business Association)

This is an incorporated body promoting the interests of the Cottesloe business community in the town centre using differential rates income provided by the Town of Cottesloe.

Under the agreement between ProCott Inc and the Town of Cottesloe, ProCott Inc is required to give the Town of Cottesloe reasonable notice in writing of all proposed meetings of its directors and permit two elected members of the Town of Cottesloe to attend and participate in the discussions at all meetings of its directors.

Two delegates are required.

VOTING

Absolute Majority

OFFICER RECOMMENDATION**Moved Cr Rodda, seconded Cr Boulter**

That Cr Young and Cr Boulter be appointed as delegates and Cr Sadler as deputy delegate to ProCott (Inc.)

CARRIED 9/0SHINE Community Care (Inc.)

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

The board of Shine operates independently of the Combined Councils Committee (mentioned above) and it would be best practice if the delegates below are not the same elected members as those who serve on the Combined Councils Committee.

One delegate and a deputy delegate are required.

VOTING

Absolute Majority.

OFFICER RECOMMENDATION

Moved Cr Pyvis, seconded Cr Rodda

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

CARRIED 9/0

Membership of Informal Working Groups**Hotels Working Group**

The Town hosts regular meetings with the major beachfront Hotels and these meetings are also attended by representatives from Indiana, Ocean Beach Hotel, Cottesloe Beach Hotel, Barchetta, the two surf clubs, Cottesloe Police, and a number of local residents. The meeting is chaired by a Councillor and is open to all elected members to attend.

Meetings occur primarily during the summer period (November to April).

VOTING

Absolute Majority.

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Mayor Angers

That Cr Harkins be appointed delegate and Cr Young deputy delegate to Hotels Working Group.

CARRIED 9/0

Nomenclature Working Group

The Nomenclature Working Group was established to develop a list of names to be used for the naming of roads, right of ways and public places within Cottesloe. In addition this Working Group also recommends to Council development of interpretive signage to tell stories of notable people, offices, developments and buildings, and to recognise Indigenous history within the Town.

VOTING

Absolute Majority.

OFFICER RECOMMENDATION

Moved Cr Boulter, seconded Cr Rodda

That Cr Pyvis be appointed delegate to Nomenclature Working Group.

CARRIED 9/0

10.2 REPORT OF COMMITTEES

That Council note the Minutes of the following Committee Meetings;

-) Disability Services Advisory Committee Meeting (29 August 2017 Minutes attached).
-) Beach Access Paths Committee (12 September 2017 Minutes attached).
-) Foreshore Precinct Implementation Committee (9 October 2017).
-) Community Safety and Crime Prevention Committee (17 October 2017).

**Moved Cr Rodda, seconded Cr Boulter
CARRIED 9/0**

11 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12 NEW BUSINESS OF AN URGENT NATURE

12.1 Elected Members

Nil.

12.2 Officers

Nil.

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

14 MEETING CLOSURE

The Presiding Member declared the meeting closed at 11.57 PM

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PRESIDING MEMBER:
POSITION:



DATE: 28 / 11 / 2017