



Town of Cottesloe

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

Tuesday, 5 February 2019

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

Signed:

A handwritten signature in blue ink, appearing to be 'D. Wray', is written over the printed text 'Signed:'.

Presiding Member

Date: 19/3/2019

TOWN OF COTTESLOE



SPECIAL COUNCIL MEETING

MINUTES

**SPECIAL COUNCIL MEETING
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6:00 PM Tuesday, 5 February 2019**

MAT HUMFREY
Chief Executive Officer

14 February 2019

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Agenda and minutes are available on the Town's website www.cottesloe.wa.gov.au

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

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

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

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

4 PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****Standing Order 8 – Questions Submitted by Cr Boulter via email 16 December 2018**

- Q1. In relation to the answers provided to Cr Boulter SO8 questions to and answered at the December 2018 Council meeting which exact s6(1) exemption under the definition of public works did the TOC administration rely on for not obtaining a Development Approval from the WAPC for the foreshore works and the new Beach Access Paths?
- A1. This is covered under works that are incidental to 'parks or gardens or grounds for public recreation' which is referenced in part (l) and (zb) of the 'public works' definition under the *Public Works Act 1902*.
- Q2. In relation to the answers provided to Cr Boulter SO8 questions to and answered at the December 2018 Council meeting who granted the building licence for the foreshore works and the Beach Access Paths and can a copy of the licences be circulated to Elected Members on request?
- A2. The Town's Principal Building Surveyor. Yes a copy of the building licence issued by the Town of Cottesloe can be circulated.
- Q3. In relation to the answers provided to Cr Boulter SO8 questions to and answered at the December 2018 Council meeting how much extra did the "unforeseen site conditions" cost in redrawing, change of works, change of building licence?
- A3. The applicant was requested to separate the CDC and drawings as it included two parcels of land and further information was also requested regarding the landing at both the top and bottom of the ramp.
- Q4. In relation to the answers provided to Cr Boulter SO8 questions to and answered at the December 2018 Council meeting how much extra did the "unforeseen site conditions" cost in redrawing, change of works, change of building licence?
- A4. \$60,000.
-

- Q5. Were the extra costs for the “unforeseen site conditions” taken from a contingency allowance and how much was this amount?
- A5. Allowances were made within the contract.

Standing Order 8 – Questions Submitted by Cr Boulter via email 28 December 2018

- Q1. What is the state of repair of the Sun Dial sculpture at Mudurup Rocks and when was this last assessed?
- A1. Taken on Notice
- Q2. What is the inspection and maintenance schedule for the Sun Dial?
- A2. Taken on Notice
- Q3. When was the Sun Dial last repaired?
- A3. Taken on Notice
- Q4. How much has been spent on Sun Dial maintenance and repairs since it was installed?
- A4. Taken on Notice
- Q5. What specific line item is in the current TOC budget for Sun Dial repairs?
- A5. Taken on Notice
- Q6. What general line item in the current TOC budget can be drawn from for Sun Dial repairs?
- A6. Taken on Notice
- Q7. What Aboriginal consultation (and with whom) took place for the installation of the Sun Dial Sculpture and what Aboriginal consultation takes place (and with whom) when repairs and maintenance are proposed to take place?
- A7. Taken on Notice

Standing Order 8 – Questions Submitted by Cr Pyvis via email 30 January 2019

1-9 ROSENDO STREET (TUKURUA SITE)

- Q1. What date was the Development Approval for 1-9 Rosendo Street (TUKURUA site, and including the new dwelling at the front) (the DA) granted?
- A1. Taken on Notice
- Q2. In reference to the DA what condition/s relating to noise management and parking were placed on the development approval?
- A2. Taken on Notice
- Q3. What was the text of these conditions?
- A3. Taken on Notice

- Q4. In reference to any building licence/s granted based on the DA what is the text of each of the condition/s placed on the building licence and development approval relating to noise management and parking/traffic?
- A4. Due to the size and complexity of the development, the building licence was issued in stages, with the final stage/building permit being issued in July 2018.
- Q5. How many building licences have been issued based on the DA and on what dates were they issued?
- A5. Due to the size and complexity of the development, the building licence was issued in stages, with the final stage/building permit being issued in July 2018.
- Q6. Were noise management and parking/traffic management plans made for the site of the DA works? Were these plans made as a condition of the DA or building licences?

NOTE – Noise and Traffic Management Plans are separate documents as they address separate issues/criteria.

- A6. Noise associated with construction works is administered by the *Environmental Protection (Noise) Regulations 1997*. The Town requested a noise management plan in November 2017; this was in response to a noise complaint.

In accordance with *regulation 13 (5A) of the Environmental Protection (Noise) Regulations 1997*, the CEO may require an occupier of a construction site on which construction work is being carried out to prepare a noise management plan in respect of -

- (a) *The premises or part of the premises*
- (b) *The type of construction work being carried out on the construction site*

The purpose of a noise management plan is to detail measures that will be implemented during a development to minimise the disruption to nearby residents and/or businesses.

As per the *Environmental Protection (Noise) Regulations 1997* construction works can be carried out between 7am and 7pm Monday to Saturday (excluding public holidays).

- Q7. Who drafted the noise and parking/traffic management plans for the DA works?
- A7. Noise Management Plan – Site Environmental and Remediation Services and Herring Storer.
- Q8. What date were the noise and parking/traffic management plan(s) issued for the DA works?

- A8. Noise Management Plan – first requested in November 2017, with multiple revisions of the plan submitted based on the Town’s comments/requests.
- Q9. Can EMs be provided with a copy of the noise management and parking/traffic plans for the DA works?
- A9. Yes - a copy of the final Noise Management can be provided.
- Q10. Who drafted and who settled the parking and/or traffic management plan(s) for the DA works?
- A10. . Taken on Notice
- Q11. On what date was parking and/or traffic management plan(s) signed off for the DA works?
- A11. Taken on Notice
- Q12. How many complaints to the Town of Cottesloe have there been about noise relating to the DA site since works commenced?
- A12. Three noise complaints, all from the same complainant.
- Q13. How many complaints to the Town of Cottesloe have there been about traffic and/or parking relating to the DA site since works commenced?
- A13. Two complaints.
- Q14. How many parking infringements have been issues since the DA works started?
- A14. Approximately 40 infringements have been issued to vehicles on Rosendo Street.
- Q15. How many noise infringements have been issued since the DA works started?
- A15. Zero however, there has been ongoing correspondence and meetings with the Builder and Site Supervisor.
- Q16. On what dates since project commencement was noise monitoring undertaken at the DA site?
- A16. Noise monitoring has not been carried out by the Town however, the builder has had an independent acoustic consultant submit noise modelling for the works, and this was requested by the Town, as part of the noise management plan.
- Q17. If noise monitoring has been undertaken at the DA site who undertook this?
- A17. As above.
- Q18. If noise monitoring was undertaken at the DA site, what were the noise monitoring results and did results demonstrate any breaches of noise management plan?

A18. The purpose of a noise management plan is to detail measures that will be implemented during a development to minimise the disruption to nearby residents and/or businesses.

Such measures include;

- i. Types of activity
- ii. Predictions of noise levels
- iii. Control measures
- iv. Complaint response

Q19. Can EMs be provided with a copy of these noise monitoring outcomes?

A19. Yes - Predicted noise level limits can be provided.

Q20. Did TOC administration (including Ranger/s) respond to any noise complaints re 1-9 Rosendo Street (TUKURUA site including the new dwelling) and if so, on what date/s?

A20. Yes, the Rangers attended the site in November and several phone calls occurred between The Towns administration, the complainant and the Builder. Several meetings were also held with the Builder and site Supervisor.

Q21. Did TOC administration (including Ranger/s) make a written report in response to investigating any noise complaint re 1-9 Rosendo Street (TUKURUA site including the new dwelling)?

A21. Rangers would have taken notes in their daily notebooks. All other correspondence is in Trim.

Q22. Can EMs be provided with a copy of any TOC administration (including Ranger/s) report/s?

A22. Please see above.

Q23. Can a neighbour who is being adversely affected by noise and traffic from the DA works have a copy of those plans without requiring an FOI application? Who makes the decision about access to /publication of the noise and traffic management plans?

A23. Noise Management Plan – is a confidential document between the developer/builder that engaged the acoustic consultant and the authority requesting the Noise Management Plan.

Q24. Are the noise management plan and traffic/parking plans public documents?

A24. No.

Q25. Has an FOI been made to TOC in relation to the parking and/or parking/traffic management documents relating to 1-9 Rosendo Street (TUKURUA site including the new dwelling)?

A25. Yes.

Q26. On what date/s were FOI applications received by TOC?

A26. Taken on Notice

Q27. On what date/s were FOI applications finalised by TOC?

A27. Taken on Notice

Q28. Were copies of the parking and traffic management plan provided to the FOI applicants?

A28. Yes, with personal details redacted.

Q29. If not, why not?

A29. As above.

Q30. If yes, did TOC provided these documents in full or in part?

A30. As above.

Q31. How many complaints/concerns/inquiries have been made to TOC relating to any aspect of the development at 1-9 Rosendo Street (TUKURUA site including the new dwelling), including noise, parking and traffic?

A31. As detailed earlier for complaints – inquiries will require further research.

Q32. If yes, on what dates were these complaints/concerns/inquiries made to TOC?

A32. Taken on Notice

Q33. Is there a register of complaints relating to 1-9 Rosendo Street (TUKURUA site including the new dwelling)?

A33. All complaints will be recorded in CRM and/or Trim.

Q34. Can EMs be provided with a copy of any register of complaints relating to 1-9 Rosendo Street (TUKURUA site including the new dwelling) in confidence?

A34. Taken on Notice

ABORIGINAL CONSULTATION FOR BEACH SIGNAGE NAMES

Q35. What was the total amount paid to Mr Danny Ford/Aboriginal consultants who were engaged by TOC staff (Ms Tyler-Hare and MES Shaun Kan) for 8 October 2018 workshop held with Traditional Owners and Elders to provide BAP Aboriginal signage names?

A35. Taken on Notice

Q36. Was this a "one off" payment or was it part of an ongoing contractual arrangement TOC has with Mr Ford?

A36. Taken on Notice

Q37. What were the amounts paid (and dates paid) to individual Traditional Owners and Elders whom TOC staff (Ms Tyler-Hare and MES Shaun Kan) engaged in the workshop held October 2018 to provide BAP Aboriginal signage names?

A37. Taken on Notice

Q38. Who were the Aboriginal Traditional Owners and Elders (please list consultants' names) TOC staff (Ms Tyler-Hare and MES Shaun Kan) engaged in a workshop held October 2018 to provide BAP Aboriginal signage names?

A38. Taken on Notice

Q39. Has TOC made any payment/s to the Gidgup family representatives?

A39. Taken on Notice

Q40. If payment/s were made to Gidgup family representatives, can you advise what amount/s and on what date/s payment/s were made?

A40. Taken on Notice

Q41. Why weren't Elected Members notified of the workshop held 8 October 2018 with Traditional Owners and Elders to provide BAP Aboriginal signage names?

A41. Taken on Notice

Q42. Will TOC be notifying Elected Members of future meetings involving indigenous consultants?

A42. Taken on Notice

Q43. Will TOC be inviting Elected Members to future meetings involving indigenous consultants?

A43. Taken on Notice

Q44. Further to the dog attack (German Shepherd) on Mr Michael O'Connor in Cottesloe on 20 October 2018

- (a) Did TOC administration/Ranger write a report on the dog attack?
- (b) If yes, can Elected Members be provided with a copy of this report?
- (c) Since the attack, has TOC administration/Ranger communicated with the dog attack victim?
- (d) If yes, on what date/s and via what means (eg phone call, email, letter, in person) has TOC administration/Ranger communicated with the dog attack victim?
- (e) Since the attack, has TOC administration/Ranger communicated with the dog owner?

- (f) If yes, on what date/s and via what means (eg phone call, email, letter, in person) has TOC administration/Ranger communicated with the dog owner?
- (g) What action, if any, has TOC administration/Ranger taken against the dog owner?
- (h) What were the consequences for the dog owner?
- (i) What were the consequences for the dog?
- (j) Were the Police (or other government agency/organisation) involved in this matter?
- (k) Has TOC administration/Ranger received any complaints/communication from the public regarding the same dog that attacked Mr Leaversuch?
- (l) If yes, how many complaints/communications were received from the public regarding the same dog that attacked Mr Leaversuch, and on what dates were these received?
- (m) Is TOC administration/Ranger aware of any other attacks this same dog has made?
- (n) What measures has TOC administration/Ranger taken against this same dog to prevent it attacking again?

Q45. What conditions/restrictions are put on the owner of a dog that is declared a dangerous dog?

A45. Taken on Notice

Q46. Which organisations/authorities are notified if a dog is declared a dangerous dog?

A46. Taken on Notice

Q47. How many dog attacks were reported to TOC administration/Rangers in 2016, 2017 and 2018? (Please list attack dates).

A47. Taken on Notice

Q48. How many of the dog attacks reported to TOC administration/Rangers in 2016, 2017 and 2018 resulted in prosecutions against the dog owners?

A48. Taken on Notice

4.2 PUBLIC QUESTIONS

Keith Campbell – 14 Forrest Street Cottesloe - item 9.1.3

) In the submissions I notice that 31 supports had the identical wording “For the record, I do not and would never support, the relocation of the Cottesloe’s Depot Facility” and 33 had “I fully support the relocation of Cottesloe’s Depot Facility to Mosman Park in accordance with the Major Land Transaction”.

-) The petition for a local depot must be added to the agenda, in that 527 signatures were received with 328 from our ratepayers.
-) Having said that – I submit that the finances be included in each monthly agenda:
 1. The costs for the inter-council agreement including all associated staff time.
 2. Cost to build the necessary infrastructure at Mosman Park.
 3. Any remedial costs requested by Mosman Park Council.
 4. Extra costs due to implementation of CPI and GST.
 5. Any reliance costs due to using Mosman Park facilities.

5 PUBLIC STATEMENT TIME

Brad Osborne – 124 Railway Street, Cottesloe – item 9.1.1

-) Spoke in support of the recommendation.
-) He was a submitter on the development application.
-) The development application as it stands does exceed, in a number of areas, what was contemplated.
-) Reiterated the level of frustration that this process has taken and many, many years of his time and the developer's time in arguing over this case.
-) When we got to the end of last year I thought we had finally agreed on something that provided certainty to affected neighbours.
-) The developer in this instance has actively made a choice to ignore that development plan, something that they themselves asked for to be put in place a couple of months ago.
-) Collectively as a Council you agreed that that was the rules that they had to abide by.
-) Frustrating from our perspective, that it continually roles down this path of saying something complies and then asking for something that exceeds that compliance and the requirement that is set by the LDP.
-) Having said that the I think the RARreport calls out all those issues and very supportive of the recommendation.

Katina Law – 26 Ozone Parade, Cottesloe - item 9.1.1

-) Supportive of the recommendation prepared by Town.
-) Report goes into great detail about why this proposal is not compliant with the LDP approved by Council in October 2018.
-) The zoning is for R60, really important to ensure the development that goes there is actually compliant with R60 because I think any concessions would be

used for an excuse to exceed the zoning requirements for other blocks of land throughout Cottesloe.

-) The development exceeds allowances under the LDP for the plot ratio, the height, open spaces, setbacks, doesn't comply with parking spaces, no public parking spaces provided for the public access area which is the Yoga studio.
-) Support the finding in the RAR that the application should be refused.

Katina Law – 26 Ozone Parade, Cottesloe - item 9.1.3

-) Concerned that Council is considering this proposal - by 21 yrs sounds like a long time but it's not.
-) We need to consider whether's there's an alternate option within the Town of Cottesloe or we need to ensure the lease has an option to extend after 21 years.
-) What happens in 21 years' time?
-) I don't support the recommendation to allow the CEO and Mayor to sign the lease without anyone else seeing it.
-) The lease should be reviewed at least by all members of the Council.

Michael Finn – 26 Dean St, Cottesloe – item 9.1.3

-) My family has a history of over 100 years in Cottesloe.
-) I'm 100% opposed to the Mosman Park Depot proposal.
-) Spoken to a lot of residents and ratepayers, had phone chats with some of the Councillors.
-) Sent quite a number of emails to Crs, the Mayor and the CEO.
-) There is a better way.
-) I've carried out a 5 day working week survey – driving from the proposed Mosman Park Depot in the morning peak hour and various times from 7:30 to 9:00am and back again later in the afternoon, trying to represent the drive that would be faced by Council representative trucks and other vehicles.
-) I tried various routes to and from the depot. All of these locations are very busy in mornings and very busy in the afternoons – Cottesloe Council trucks would contribute to the congestion in Mosman Park and Peppermint Grove for 21 years.
-) It's a horrendous suggestion, we should not have the depot in Mosman Park.
-) I've met with quite a few very well-respected architects, not only Cottesloe based, and we believe we have the solution and it's nothing to do with Mosman Park at all.
-) The solution, I believe, after considerable consultations and measuring, there are many locations in Cottesloe. The solution is for permanent Cottesloe-based state-of-the-art below ground depot.

-) After a lot of research I've come to the decision that parameters by WA's leading architects Cameron, Chisholm and Nicholl, if we engage them we can do a proper survey because there are a number of good locations for underground depots in Cottesloe.
-) It's environmentally accepted, it's internationally accepted, we won't lose any of our beautiful Cottesloe land.
-) There are areas in Cottesloe – Seaview Golf Course, Civic Centre, railway line, other locations as well that can be used and achieve something that can be forever.
-) Mr Finn provided a photo of an underground building in England.

6 ATTENDANCE

Elected Members

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

Apologies

Nil

Staff

Mr Mat Humfrey	Chief Executive Officer
Mr Garry Bird	Deputy Chief Executive Officer
Mr Freya Ayliffe	Manager of Compliance and Regulatory Services
Mr Shaun Kan	Manager Engineering Services
Mr Ed Drewett	Coordinator Statutory Planning
Ms Jana Joubert	Coordinator Strategic Planning
Ms Mary-Ann Winnett	Governance Coordinator

Officers Apologies

Nil

6.1 APOLOGIES**6.2 APPROVED LEAVE OF ABSENCE****6.3 APPLICATIONS FOR LEAVE OF ABSENCE****7 DECLARATION OF INTERESTS**

Mayor Angers – declared an IMPARTIALITY INTEREST in item 9.1.1.

Cr Tucak – declared an IMPARTIALITY INTEREST in item 9.1.1.

Cr Young – declared an IMPARTIALITY INTEREST in item 9.1.1.

Cr Thomas – declared an IMPARTIALITY INTEREST in item 9.1.1.

8 PRESENTATIONS**8.1 PETITIONS**

Nil

8.2 PRESENTATIONS

Nil

8.3 DEPUTATIONS

Nil

For the benefit of the members of the public present, the Mayor announced that items 9.1.1, 9.1.2, 9.1.3 have been withdrawn for discussion. All other items will be dealt with en bloc.

9 REPORTS**9.1 REPORTS OF OFFICERS****PLANNING****9.1.1 LOT 26 (126) RAILWAY STREET - RESIDENTIAL (MULTIPLE DWELLINGS), OFFICES, COMMUNAL WORKSHOP & YOGA PERFORMANCE VENUE**

File Ref: SUB/2798
Applicant(s) Proponents: Urbanplan
Attachments: 9.1.1(a) Responsible Authority Report & Attachments
[under separate cover]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Ed Drewett, Coordinator Statutory Planning
Author Disclosure of Interest: Nil

Mayor Angers – declared an **IMPARTIALITY INTEREST** in item 9.1.1 “the owners of the property are known to him.”

Cr Tucak – declared an **IMPARTIALITY INTEREST** in item 9.1.1 by virtue “the applicants are known to him.”

Cr Young – declared an **IMPARTIALITY INTEREST** in item 9.1.1 by virtue “having been on the record previously as having been an objector to the rezoning of the site.”

Cr Thomas – declared an **IMPARTIALITY INTEREST** in item 9.1.1 by virtue “he was on the Committee of West Tree Canopy.”

SUMMARY

A planning application has been received for:

-)] A two-storey dwelling with private roof terrace;
-)] Eight multiple dwellings, four with private roof terraces;
-)] 213.18m² of office space, with a communal roof terrace; and
-)] 12 basement level car parking for residents, 3 visitor bays, storerooms, bin storage, service areas, communal workshop (27.81m²), and strata owners meeting place/yoga performance venue (107.58m²).

The application is to be determined by the Metro-West Joint Development Assessment Panel (JDAP).

A Responsible Authority Report (RAR) is required to be submitted by the Town to the JDAP by noon on Tuesday 5 February 2019. This is prior to the Special Council meeting.

The JDAP meeting is scheduled to be held at the Town of Cottesloe at 10.00am on Tuesday 15 February 2019.

Given the assessment that has been undertaken, the recommendation is to refuse the application. However, an alternative recommendation to conditionally support the

ADMINISTRATION**9.1.2 ADOPTION OF THE 2017/2018 ANNUAL REPORT AND DATE OF ANNUAL GENERAL MEETING OF ELECTORS**

File Ref: SUB/2798
Attachments: 9.1.2(a) 2018 Annual Report [under separate cover]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Garry Bird, Deputy Chief Executive Officer
Author Disclosure of Interest: Nil

SUMMARY

A recommendation is made to accept the Annual Report for the 2017/2018 financial year, including the Annual Financial Statements and to hold the Annual General Meeting of Electors on Thursday 28 February 2019.

BACKGROUND

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

The last Annual General Meeting of Electors was held on Wednesday, 19 December 2017.

The Town of Cottesloe Audit Committee met on Tuesday 22, January 2019, to discuss the Annual Financial Statements and matters raised by the Auditor in their Audit Report and Audit Concluding Memorandum.

The Committee subsequently resolved as follows;

COMMITTEE RECOMMENDATION

Moved Cr Rodda, seconded Prof Gilchrist

That the Audit Committee recommends;

That Council, by absolute majority:

- 1. ADOPT the Financial Report and Audit Report for the 2017/18 year as attached.*
- 2. INSTRUCT the Chief Executive Officer to submit to the Minister a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters.*
- 3. INCLUDE the two matters raised on page 12 of the Audit Concluding Memorandum relating to the inspection schedule of all assets and the methodology of future valuations of freehold land in the Officer's report to Council and the actions to be taken in regards to these matters.*

Carried 4/0

At this Audit Committee Meeting, there was a general discussion regarding the Town's financial performance and specific comment on the matters raised in the Auditors report and related issues. These issues are summarised below with comment from Officers.

Audit Report

The Auditor has found that the Annual Financial Report:

1. Is based on proper accounts and records; and
2. Fairly represents, in all material aspects, the results of the operations of the Town for the year ended 30 June 2018 and its financial position at the end of that period in accordance with the *Local Government Act 1995* and (the Act) and, to the extent that they are not consistent with the Act, Australian Accounting Standards.

Notwithstanding the above audit opinion, the Audit Report did identify two matters as follows:

1. Asset Sustainability Ratio (Note 30 of the Financial Report)

It was noted that the Asset Sustainability Ratio has been below the Department of Local Government and, Sport and Cultural Industries standard for the past three years.

Staff Comment

This matter has been brought to the attention of Elected Members previously and reflects the lack of capital investment in assets by the Town in recent years. The ongoing improvements to the foreshore and other capital works will address this in future years and the Long Term Financial Plan does show this trend reversing towards the end of the ten year life of the Plan.

2. Accounting Journal Entries

Accounting journal entries were posted by one employee, with no evidence of review by a second employee.

Staff Comment

Although disputing this is a requirement of the Act as stated in the Audit Report, staff agree this is an effective control and have implemented this once after it was raised during the interim audit.

Audit Concluding Memorandum

In addition to the Audit Report, the Town also received the above document as part of the exit interview with the Office of the Auditor General, held on 4 December 2018.

This Memorandum further discusses the two issues raised in the Audit Report and others identified in the Interim Audit.

In accordance with the Part 3 of the Committee recommendation, the Audit Concluding memorandum raised two matters for future consideration as follows;

1. Physical inspection of all property, plant and equipment and infrastructure assets should be scheduled on a more regular basis to help ensure the existence and condition of all assets.

Staff Comment

Noted. An inspection regime which also includes the revaluation of asset requirements is currently being developed by staff.

2. Future valuations of freehold land should take restrictions on use into account when determining fair value.

Staff Comment

Noted and agreed. At the Committee Meeting it was agreed to seek advice from the Valuer General in regards to valuation of land assets to provide a more consistent approach. There has been considerable fluctuation in the two land and building revaluations undertaken since this was introduced as a requirement.

Given the new role of the Office of the Auditor General being responsible for local government auditing, it is hoped that a set of “instructions” or “briefing notes” will be developed to further improve this process.

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

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

5.27. Electors' general meetings

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

5.29. Convening electors' meetings

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

to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.*
- (2) The annual report contain -
 - (a) a report from the mayor or president;*
 - (b) a report from the CEO;*
 - [(c), (d) deleted];*
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;*
 - (f) the financial report for the financial year;*
 - (g) such information as may be prescribed in relation to the payments made to employees;*
 - (h) the auditor's report for the financial year;*
 - (ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;*
 - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including –
 - (i) the number of complaints recorded in the register of complaints;*
 - (ii) how the recorded complaints were dealt with; and*
 - (iii) any other details that the regulations may require; and**
 - (i) such other information as may be prescribed.**

5.54. Acceptance of annual reports

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

Absolute majority required.

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

5.55. Notice of annual reports

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

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

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

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

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

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

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation. The cost to produce, print and distribute the Annual Report is minimal and contained within existing operating budget allocations.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

The Annual Report is presented to the Annual General Meeting of Electors for the community to be able to comment. At this stage, the Annual General Meeting of Electors is proposed for Thursday 28 February 2019.

OFFICER COMMENT

The Annual Report as attached contains a thorough analysis of the year ended 30 June 2018. As can be seen from these reports, Council and staff have been exceptionally busy during the last financial year and this will continue through the current financial year.

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

It is recommended that the Town hold its Annual General Meeting of Electors on Thursday 28 February 2019. It is proposed to hold the meeting in the Lesser Hall.

The meeting cannot be held less than 14 days and not more than 56 days from the Council meeting at which the Annual Report is adopted. The date recommended complies with

these restrictions, while ensuring that staff have sufficient time to publish the Annual Report for residents to consider prior to the Annual General Meeting of Electors.

VOTING REQUIREMENT

Absolute Majority

COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr Rodda

That Council by absolute majority:

1. **ADOPT the Annual Report for 2017/2018 as attached.**
2. **ADOPT the 2017/2018 Annual Financial Statements as attached to the Annual Report.**
3. **SET the Annual General Meeting of Electors for 6.00pm on Thursday 28 February 2019 in the Lesser Hall.**

Carried by Absolute Majority 7/2

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

Against: Crs Boulter and Pyvis

ENGINEERING**9.1.3 SHARED DEPOT - BUSINESS PLAN - COMMUNITY CONSULTATION FEEDBACK**

File Ref:	SUB/2798
Attachments:	9.1.3(a) Business Plan - Major Land Transaction - Lot 501 McCabe Street, Mosman Park
	9.1.3(b) Major Land Transaction - Cottesloe Depot - Feedback Table [under separate cover]
	9.1.3(c) Agreement to Lease - McCabe Street Depot [CONFIDENTIAL] [UNDER SEPARATE COVER]
Responsible Officer:	Mat Humfrey, Chief Executive Officer
Author:	Shaun Kan, Manager, Engineering Services
Author Disclosure of Interest:	Nil

SUMMARY

Council is being asked to note the feedback received from community consultation and consider approving the Major Land Transaction as proposed within the advertised Business Plan.

BACKGROUND

At the March 2018 Ordinary Council Meeting, Council authorised the Chief Executive Officer to execute the Heads of Agreement with the Town of Mosman Park. The Administration has since worked with the Town of Mosman Park to finalise the Shared Depot Business Plan for community consultation and negotiated an offer to lease.

In accordance with the *Local Government Act 1995*, Council at the October 2018 Ordinary Council Meeting, approved the advertising of the Major Land Transactions Business Plan.

The Town of Mosman Park, at its December 2018 Ordinary Council Meeting, unanimously voted in support for the Major Land Transaction at Lot 501 McCabe Street to proceed.

STRATEGIC IMPLICATIONS

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

Priority Area 5: Providing sustainable infrastructure and community amenities

POLICY IMPLICATIONS

The proposal is in accordance with the Regional Cooperation Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation. Approval of this relocation will achieve savings in leasing related cost.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The relocation of the depot will reduce travel time between the Town area and the depot.

CONSULTATION

Elected Members

State wide consultation has been undertaken on the business plan.

Public submissions were invited for a six week period as per the requirements of the *Local Government Act 1995*.

The submission period closed on 10 December 2018. A total of 118 submissions were received with an additional ten submissions received after the deadline. A summary of submissions (including those received late) is attached.

A copy of all the submissions received will be provided to Elected Members separate to the agenda to protect privacy details of the respondents.

OFFICER COMMENT

Following the advertising of the Business Plan, the Town received 129 submissions. Of these submissions 90 (69%) supported the plan, 38 (29%) objected to the plan and one was undecided. Attached to this report is a summary of the submissions received in table form and Elected Members have been provided with a copy of the submissions as well (under a separate cover).

Overall the level of submissions is low and indicates broad support for the plan. The plan was well advertised and received editorial coverage in local newspapers as well.

Within the objections received a number of concerns were raised and these are addressed below;

1. Not all alternatives were considered or included in the Business Plan.

This needs to be addressed in two parts. Firstly, the requirements for a Business Plan are contained within the Local Government Act, but in summary, the Business Plan has to show what the intended transaction is. It is not intended to be used to select options (which should occur well before this stage) but rather to inform the community what the impact of the intended transaction is.

The second part, leading on from the first, is that a very wide range of options has been considered for a depot site, by the Town, over the last decade. Prior to the former depot site being sold, many options were considered and ruled out either on a cost basis or because they were unacceptable to the wider community.

The advertising of the Business Plan is the last step in an exhaustive process for relocating the Town's Depot – and over the time the issue has been before Council (this Council and previous Council) a great number of options have been considered.

2. The Town should lease a portion of the PTA land in the Town itself.

This has been looked into previously and ruled out for several reasons. The first is that the PTA has consistently shown that they will only enter into short term leases or licenses with a short notice cancellation option in favour of the PTA. This is understandable as their mandate is to maintain the public transport network. As such, their licenses and agreements need to be able to be cancelled in the event they need to alter their network or place new infrastructure.

While it is true that there are a number of examples of shops or other businesses that have been existence for a long time on PTA land, we have also seen recently where changes to the network (or network infrastructure) can see long term tenants given notice to vacate with relatively short notice.

Secondly, leasing land from the PTA is not going to create a significant saving. The PTA will require a market rent to be paid on any land leased from them, particularly so if it is being used for operational purposes. As the Town would still be required to construct any buildings or infrastructure it requires, there are no savings in leasing the land from the PTA – however the long term risk is significantly greater.

3. The Town should investigate sites within the Town, such as Seaview.

With regards to Seaview Golf Club, this has been investigated several times and for many reasons, has not proceeded. In summary those reasons are;

1. The land is currently fully used and taking any portion of that land for a depot would reduce the land available for recreation purposes;
2. Placing the full depot on an 'A' Class reserve, vested for the purposes of recreation is problematic. A number of approvals would need to be obtained and there is no certainty that such approvals would be received;
3. Each time the issue is raised, there is significant feedback received by the Town stating this option is NOT supported by the wider community; and
4. Given the location and value of the land as a community resource, a depot is not considered the best use of this land.

With regards to other sites within the Town, there are very few that can be considered. Some have suggested the Tennis Club or John Black Dune Park, but these would have all of the same issues as Seaview Golf Club listed above. Others have suggested the Cottesloe Civic Centre, but again, taking a part of the Civic Centre and converting it to a depot would be costly, and would reduce the benefit that the community gains from the facility.

4. The Depot could be built underground.

A recent email forwarded to Elected Members suggested that the depot could be built within the Town, but built underground. There are number of concerns with this as an option which include cost, safety and impact on the amenity of adjoining areas.

With regards to cost, the Town has recently undertaken a detailed study for the Harvey Field Precinct. In the second iteration of that plan, a second rugby ground was shown, built on a raised platform with storage underneath. In essence, this is what would be required to house the Town's depot below ground. The cost to build this structure, from a qualified Quantity Surveyor was just over \$10 million. This is without any form of mechanical

ventilation or any fire suppression system, both of which would be needed for a works depot below ground.

While an innovative option, the cost of building such a facility is well beyond the Town's current resources and is far greater than the cost of leasing a facility at the Town of Mosman Park.

5. The increased cost of having the depot at Mosman Park.

There has been a great deal of discussion around the increased transport time and cost of having the depot within Mosman Park. However, in reality, the Town's main depot is currently in Stack Street, Fremantle - moving these operations to Mosman Park will actually reduce travel times. Further, the time taken to travel from the Town of Mosman Park depot site to the Town of Cottesloe is not significant, compared to the amount travel that the crew will do during the course of an ordinary work day. Most local governments have one depot that services multiple suburbs as it is far more efficient than maintaining multiple depots across multiple suburbs.

It is anticipated that the savings that will be made in sharing waste facilities and other common facilities as a part of locating our depot at the Town of Mosman Park site, will outweigh any cost associated with an increase in travel time (as compared to having a depot site in the Town of Cottesloe).

Conclusion

The Town has been investigating the depot location issue for nearly 10 years. In each process where it has been considered, collocating with the Town of Mosman Park has been shown to be the best option. In the current process, locating our depot at the Town of Mosman Park site will;

-)] Provide a cost saving;
-)] Provide security of tenure for the Town;
-)] Provide the opportunity to pursue other resource sharing opportunities with the Town of Mosman Park which can reduce costs for both local governments; and
-)] Preserves the Town's current, high value community assets for use by the community.

This being the case and given the results of the submissions received, officers are recommending that the Council proceed with the transaction as outlined within the advertised Business Plan.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That Council, by absolute majority:

1. NOTE the submissions received following the advertising of the Town's Business Plan in relation to the Major Land Transaction at Lot 501 McCabe Street, Mosman Park.
2. THANK those who provided a submission.
3. APPROVE the Major Land Transaction at Lot 501 McCabe Street, Mosman Park in accordance with section 3.59(5) of the *Local Government Act 1995*, as described in the

attached Business Plan; and

4. AUTHORISE the Chief Executive Officer and the Mayor to execute the Agreement to Lease Document with the Town of Mosman Park and any other document required, subject to any minor changes required (with such changes being the subject of legal advice and legal opinion that they do not materially alter the intentions of the Major Land Transaction Business Plan).

COUNCILLOR MOTION

Moved Cr Young

Seconded Cr Thomas

1. NOTE the submissions received following the advertising of the Town's Business Plan in relation to the Major Land Transaction at Lot 501 McCabe Street, Mosman Park.
2. THANK those who provided a submission.
3. APPROVE the Major Land Transaction at Lot 501 McCabe Street, Mosman Park in accordance with section 3.59(5) of the *Local Government Act 1995*, as described in the attached Business Plan; and
4. AUTHORISE the Chief Executive Officer and the Mayor to execute the Agreement to Lease Document with the Town of Mosman Park, and any other document required to give effect to the Major Land Transaction Business Plan, subject to first obtaining (and circulating to Elected Members) legal advice from the Town of Cottesloe's solicitors that the Agreement to Lease and any other document required are consistent with the intent of the Major Land Transaction Business Plan.

COUNCILLOR AMENDMENT

Moved Cr Tucak

Seconded Cr Boulter

Remove point 4 from the motion and proceed with points 1-3.

Lost 3/6

For: Crs Tucak, Boulter and Pyvis

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

SUBSTANTIVE MOTION

1. NOTE the submissions received following the advertising of the Town's Business Plan in relation to the Major Land Transaction at Lot 501 McCabe Street, Mosman Park.
2. THANK those who provided a submission.
3. APPROVE the Major Land Transaction at Lot 501 McCabe Street, Mosman Park in accordance with section 3.59(5) of the *Local Government Act 1995*, as described in the attached Business Plan; and
4. AUTHORISE the Chief Executive Officer and the Mayor to execute the Agreement to Lease Document with the Town of Mosman Park, and any other document required to give effect to the Major Land Transaction Business Plan, subject to first obtaining (and circulating to Elected Members) legal advice from the Town of Cottesloe's solicitors that the Agreement to Lease and any other document required are consistent with the intent of the Major Land Transaction Business Plan.

Carried by Absolute Majority 6/3

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

Against: Crs Tucak, Boulter and Pyvis

10 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

11.1 ELECTED MEMBERS

Cr Boulter tendered her resignation from Council.

11.2 OFFICERS

12 MEETING CLOSED TO PUBLIC

12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

12.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

13 MEETING CLOSURE

The Mayor announced the closure of the meeting at 6:49pm.