



Town of Cottesloe

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

Tuesday, 26 July 2022

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

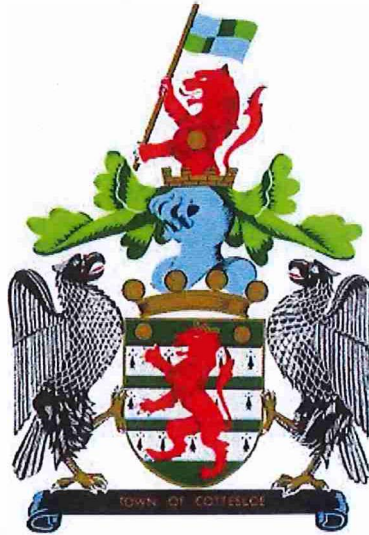
A handwritten signature in black ink, appearing to read 'Amanda J...', is written over the 'Signed:' label.

Signed:

Presiding Member

Date: 23/8/2022

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING CONFIRMED MINUTES

ORDINARY COUNCIL MEETING
HELD IN THE
Council Chambers, Cottesloe Civic Centre, 109 Broome Street, Cottesloe
6:00pm Tuesday, 26 July 2022



MATTHEW SCOTT
Chief Executive Officer

28 July 2022

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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 6:02pm.

I would like to begin by acknowledging the Whadjuk Nyoongar people, Traditional Custodians of the land on which we meet today, and pay my respects to their Elders past and present. I extend that respect to Aboriginal and Torres Strait Islander peoples here today.

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Presiding Member 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**

Nil

Questions Taken on Notice at the Agenda Forum Meeting – 19 July 2022

Nil

4.2 PUBLIC QUESTIONS**5 PUBLIC STATEMENT TIME**

Nil

6 ATTENDANCE**Elected Members**

Mayor Lorraine Young
Cr Helen Sadler
Cr Caroline Harben
Cr Craig Masarei
Cr Melissa Harkins
Cr Kirsty Barrett
Cr Paul MacFarlane
Cr Chilla Bulbeck
Cr Brad Wylynko

Officers

Mr Matthew Scott	Chief Executive Officer
Mr Shane Collie	Director Corporate and Community Services
Mr Shaun Kan	Director Engineering Services

Ms Jacquelyne Pilkington Governance Coordinator

6.1 APOLOGIES

Nil

Officers Apologies

Ms Freya Ayliffe Director Development and Regulatory Services
Mr Wayne Zimmermann Manager of Planning
Mr Ed Drewett Coordinator Statutory Planning

6.2 APPROVED LEAVE OF ABSENCE

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL RESOLUTION

Moved: Mayor Young

Seconded Cr Masarei

That Cr MacFarlane be granted leave of absence from 20 August, 2022 to 30 August, 2022 inclusive.

Carried: 9/0

7 DECLARATION OF INTERESTS

Mayor Young declared an IMPARTIALITY INTEREST in item 13.1.1 by virtue "Some of applicants are known to me."

Cr Sadler declared an IMPARTIALITY INTEREST in item 13.1.1 by virtue "Some of the applicants are known to me"

Cr Harkins declared an IMPARTIALITY INTEREST in item 13.1.1 by virtue "Some of the applicants are known to me"

Cr Bulbeck declared an IMPARTIALITY INTEREST in item 13.1.1 by virtue "Some of the applicants are known to me"

Cr Masarei declared an IMPARTIALITY INTEREST in item 13.1.1 by virtue "Some of the applicants are known to me"

Cr Barrett declared an IMPARTIALITY INTEREST in item 13.1.1 by virtue "Some of the applicants are known to me"

CEO Matthew Scott declared an FINANCIAL INTEREST in item 13.1.3 by virtue "This relates to my contract of Employment"

8 CONFIRMATION OF MINUTES

OCM096/2022

Moved Mayor Young

Seconded Cr Bulbeck

That the Minutes of the Ordinary Meeting of Council held on Tuesday 28 June 2022 be confirmed as a true and accurate record.

Carried 9/0

9 PRESENTATIONS

9.1 PETITIONS

Section 9.4 - Procedure of Petitions

The only question which shall be considered by the council on the presentation of any petition shall be -

- a) that the petition shall be accepted; or*
- b) that the petition not be accepted; or*
- c) that the petition be accepted and referred to a committee for consideration and report; or*
- d) that the petition be accepted and dealt with by the full council.*

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

10 REPORTS**10.1 REPORTS OF OFFICERS****OCM097/2022****Moved Mayor Young****Seconded Cr Barrett****COUNCIL RESOLUTION**

That Council adopts en-bloc the following Officer Recommendations contained in the Agenda for the Ordinary Council Meeting 26 July 2022:

Item #	Report Title
10.1.2	Monthly Financial Statements for the period 1 July 2021 to 31 May 2022
10.1.3	Proposed Local Planning Policy – Advertising Signage
10.1.4	Proposed Scheme Amendment No. 13 to Local Planning Scheme No. 3 – Residential Building Heights
10.1.5	Right Of Way 14A & 14B Resident Consultation
10.1.6	Quarterly Information Bulletin

Carried 9/0

10.1.2 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2021 TO 31 MAY 2022

Directorate: Corporate and Community Services
Author(s): Lauren Davies, Finance Manager
Authoriser(s): Shane Collie, Director Corporate and Community Services
File Reference: D22/30259
Applicant(s): Internal
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 to ensure that income and expenditure are compared to budget forecasts.

OFFICER RECOMMENDATION IN BRIEF

That Council receives the Monthly Financial Statements for the period 1 July 2021 to 31 May 2022.

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.
- Allocation of costs from administration, public works overheads and plant operations.
- Reconciliation of loans and investments.

OFFICER COMMENT

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

- The net current funding position as at 31 May 2022 was \$4,527,934 as compared to \$1,834,043 this time last year. This is due to a combination of higher revenue from Infringements, and less payments YTD, with a number of projects to be carried forward to the 22/23 budget.
 - Rates receivables as at 31 May 2022 was \$357,699 as compared to \$361,499 this time last year as shown on page 25 of the attached financial statements. The variance is minimal.
-

- Operating revenue is more than year to date budget review by \$744,755 with a more detailed explanation of material variances provided on page 21 of the attached financial statements. Operating expenditure is \$1,714,081 less than year to date budget review, with a more detailed analysis of material variances provided on page 21.
- The capital works program is shown in detail on pages 35 to 36 of the attached financial statements.
- The balance of cash backed reserves was \$8,612,420 as at 31 May 2022 as shown in note 7 on page 28 of the attached financial statements.

List of Accounts Paid for May 2022

The list of accounts paid during May 2022 is shown on pages 37 to 40 of the attached financial statements. The following material payments are brought to Council's attention:

- \$30,835.49 and \$32,446.66 to SuperChoice Services Pty Ltd for staff superannuation contributions.
- \$28,597.46 to ATO for payroll deductions.
- \$147,625.50 to Shire of Peppermint Grove for Library contributions.
- \$179,118.32 to Menchetti Consolidated for the former Rotunda drainage works.

Investments and Loans

Cash and investments are shown in note 4 on page 23 of the attached financial statements. The Town has approximately 38% of funds invested with the National Australia Bank, 38% with the Commonwealth Bank of Australia and 24% with Westpac Banking Corporation. A balance of \$8,609,258 was held in reserve funds as at 31 May 2022.

Information on borrowings is shown in note 10 on page 32 of the attached financial statements. The Town had total principal outstanding of \$2,810,904 as at 31 May 2022.

Rates, Sundry Debtors and Other Receivables

Rates outstanding are shown on note 6 on page 25 and show a balance of \$357,699 outstanding as compared to a similar \$361,499 this time last year.

Sundry debtors are shown on note 6 on page 25 of the attached financial statements. The sundry debtors report shows that 8% or \$14,044 is older than 90 days. Infringement debtors are shown on note 6 on page 27 and were \$460,820 as at 31 May 2022.

ATTACHMENTS

10.1.2(a) Monthly Financial Report 1 July to 31 May 2022 [under separate cover]

CONSULTATION

Senior Staff.

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

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

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.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OCM098/2022

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Young Seconded Cr Bulbeck

THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2021 to 31 May 2022 as submitted to the 26 July 2022 meeting of Council

Carried by En Bloc Resolution 9/0

DEVELOPMENT AND REGULATORY SERVICES**10.1.3 PROPOSED LOCAL PLANNING POLICY - ADVERTISING SIGNAGE**

Directorate:	Development and Regulatory Services
Author(s):	Ed Drewett, Coordinator Statutory Planning
Authoriser(s):	Freya Ayliffe, Director Development and Regulatory Services
File Reference:	D22/29979
Applicant(s):	N/A
Author Disclosure of Interest:	Nil

SUMMARY

The purpose of this report is to consider preparing a Local Planning Policy to address advertising signage.

OFFICER RECOMMENDATION IN BRIEF

That Council requests the Administration to seek a planning consultant to prepare a draft Local Planning Policy to address advertising signage within the Town.

BACKGROUND

Advertising signage is guided and regulated by the *Signs, Hoardings and Billposting* Local Law, which was last modified on 25 November 1988. It covers signage on both private property and in public thoroughfares.

Local Planning Scheme No. 3 (LPS 3), Schedule 5, exempts some advertising signage from requiring Development Approval where it does not exceed a certain size or where it is in accordance with the Local Law or a Local Planning Policy. However, whilst this is still applicable it is not consistent with the “deemed provisions” in the *Planning and Development (Local Planning Schemes) Regulations 2015*, which provides the following exemption under clause 61 (10):

Works	Conditions
The erection or installation of a sign of a class specified in a local planning policy or local development plan that applies to the works as not requiring Development Approval.	<p>(a) The sign complies with any requirements specified in the Local Planning Policy or Local Development Plan in relation to the exemption from the requirement for Development Approval.</p> <p>(b) The sign is not erected or installed within 1.5m of any part of a crossover or street truncation.</p> <p>(c) The works are not located in a heritage-protected place.</p>

It is therefore appropriate to prepare a Local Planning Policy to provide consistency with the deemed provisions. Furthermore, a Large Format Digital Sign (LFDS) recently approved by the State Government's Development Assessment Panel (DAP) on Stirling Highway highlighted a concern that the decision could set a precedent for similar large signage to be approved elsewhere in the locality, as the Town's Local Law does not prevent it and there is no Local Planning Policy to address it.

OFFICER COMMENT

The deemed provision in the *Planning and Development (Local Planning Schemes) Regulations 2015* require a local planning policy to address signage that is to be exempted from requiring development approval.

A Local Planning Policy would provide clarity as to the Town's expectations in respect to appropriate advertising signs from a planning perspective, rather than being reliant on the Town's outdated *Signs, Hoardings and Billposting* Local Law.

An initial review of other Local Government signage policies has revealed that there does not appear to be one preferred format or set of advertising standards for this type of policy. However, there are similarities such as having regard to *Main Roads WA Policy and Application Guidelines for Advertising Signs* within and beyond State road reserves.

ATTACHMENTS

Nil

CONSULTATION

Nil

STATUTORY IMPLICATIONS

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*

POLICY IMPLICATIONS

To prepare a local planning policy for advertising signage.

STRATEGIC IMPLICATIONS

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

Priority Area 4: Managing Development

Major Strategy 6.4: Enhance the Town's ability to embrace and manage change.

RESOURCE IMPLICATIONS

Resources will be required from the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OCM099/2022

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Young Seconded Cr Bulbeck

THAT Council

- 1. Requests that the Administration seek a planning consultant to prepare a draft Local Planning Policy to address advertising signage within the Town.**
- 2. That the draft Local Planning Policy be referred to Council prior to advertising.**

Carried by En Bloc Resolution 9/0

10.1.4 PROPOSED SCHEME AMENDMENT NO.13 TO LOCAL PLANNING SCHEME NO. 3 - RESIDENTIAL BUILDING HEIGHTS

Directorate: Development and Regulatory Services
Author(s): Ed Drewett, Coordinator Statutory Planning
Authoriser(s): Freya Ayliffe, Director Development and Regulatory Services
File Reference: D22/29179
Applicant(s): N/A
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present a proposed amendment to Local Planning Scheme No. 3 (LPS 3) to introduce discretion to building height controls for new residential development.

The change is considered necessary due to some of the building height provisions in LPS 3 being redundant as they have been superseded by the “deemed provisions” in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

OFFICER RECOMMENDATION IN BRIEF

That Council resolves to initiate Amendment No. 13 to LPS 3 as a basic amendment to refine the residential height provisions in clause 5.7.5, consistent with the *Planning and Development (Local Planning Schemes) Regulations 2015* and State Planning Policy 7.3 - *Residential Design Codes (R-Codes)*.

BACKGROUND

The fundamental height regime for residential and non-residential development in the Town (apart from Special Control Area 2 and the Development zone areas) is contained in clause 5.7: Building Height, related Schedule 11, and Table 2: Development Requirements of LPS 3.

The definitions in LPS 3 relating to Building height, Wall height and the diagrams in Schedule 11 however, are redundant as they have been superseded by the “deemed provisions” in the *Planning and Development (Local Planning Schemes) Regulations 2015* (see below):

Superseded height definitions in LPS 3

Building Height means the maximum vertical distance between any point of natural ground level and the uppermost part of the building directly above that point (roof ridge, parapet, or wall), excluding minor projections.

Wall Height means the vertical distance between –

- a) any point of natural ground level; and
- b) the level of the roof or the top of a parapet from that point in accordance with Figures 1, 2, 3 or 4 in Schedule 11.

Replacement height definitions in the “deemed provisions” - *Planning and Development (Local Planning Schemes) Regulations 2015*

Building height, in relation to a building –

- a) if the building is used for residential purposes – has the same meaning given in the R-Codes; or
- b) if the building is used for purposes other than residential purposes – means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes.

Wall height, in relation to a wall of a building –

- a) if the building is used for residential purposes – has the same meaning given in the R-Codes; or
- b) if the building is used for a purpose other than residential purposes – means the vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet.

R-Codes height definitions referred to in the “deemed provisions”

Height, building – This is the distance between the point where the base of the wall meets the natural ground level and measured to the highest point of a wall or roof of a building vertically above that point (for measurement guidance refer to Figure Series 7) excluding minor projections.

Height, wall – This is the vertical distance between the point where the base of the wall meets the natural ground level at the boundary immediately adjacent to the wall to the roof or top of the parapet.

Change to definition of natural ground level

The definition of natural ground level in the R-Codes has been replaced by the following definition in the “deemed provisions”:

Natural ground level, in relation to land subject to development, means –

- (a) the ground level specified in either of the following that applies to the land (or, if both of the following apply to the land, the more recent of the following) –
 - (i) a condition on an approval of a plan of subdivision that specifies a ground level;
 - (ii) a previous development approval for site works on the land that specifies a ground level;

or

- (b) if paragraph (a) does not apply – the level of the land before any disturbance to the land relating to the development.

Previous “Building height” Scheme amendments

Since LPS 3 was gazetted in 2014, there have been three (3) amendments to the Scheme that have applied discretion to the building height provisions:

- Amendment 1 (gazetted 24 March 2015) - to create discretion to increase height for extensions to existing dwellings, and for heritage buildings;
- Amendment 3 (gazetted 14 July 2015) - to restore the maximum building height limit for single storey buildings of 6m; and

- Amendment 6 (gazetted 4 November 2016) - to make changes to clause 5.7.5 in pursuance of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

State Administrative Tribunal (SAT) decision (WASAT 115)

The decision of the SAT in September 2021 to uphold an appeal against the Council's decision to refuse a development application for a property located at 7 Avonmore Terrace, Cottesloe, reinforced the proviso that where the Scheme is inconsistent with a deemed provision, the deemed provision prevails. The SAT also determined how natural ground level (NGL) should be interpreted for the purposes of assessing building height and wall height and determined in that instance, NGL should be taken from existing approved site levels, not the level of the land before any disturbance took place relating to the development.

OFFICER COMMENT

The gazettal of the *Planning and Development (Local Planning Schemes) Regulations 2015* relating to the definition of building height, wall height, and natural ground level is significant as it has made some of the provisions in LPS 3 redundant. This is particularly true for new residential development which under the current LPS provisions is excluded from any height discretion being allowed.

If no change is made to LPS 3, the non-discretionary maximum building height for new residential development may result in an undesirable streetscape that does not satisfy the aims and objectives of the Scheme. This is largely due to the building heights being measured from existing approved site levels (including sites that have been excavated), in accordance with the "deemed provisions".

The proposed change will give the Town discretion to consider heights of residential dwellings consistent with surrounding development. It is not proposed to extend the discretion to non-residential development at this stage as these are not assessed under the R-Codes.

Proposed Scheme Amendment No. 13 is considered a "basic" amendment under the *Planning and Development (Local Planning Schemes) Regulations 2015* as it modifies the Scheme text to be consistent with the Regulations and the R-Codes.

Clause 5.1.6 in the R-Codes (Volume 1) refers to "Building height" and allows development to demonstrate compliance with the following design principles:

Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:

- *adequate access to direct sun into buildings and appurtenant open spaces;*
- *adequate daylight to major openings into habitable rooms; and*
- *access to views of significance.*

Clause 2.2 in the R-Codes (Volume 2 – Apartments) refers to "Building height" and requires the following element objective to be satisfied:

- *The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change;*
- *The height of buildings within a development responds to changes in topography;*
- *Development incorporates articulated roof design and/or roof top communal open space where appropriate;*
- *The height of development recognises the need for daylight and solar access to adjoining and nearby residential development, communal open space and in some cases, public spaces.*

Proposed modification to clause 5.7.5 in LPS 3

It is recommended that clause 5.7.5 in LPS 3 be refined to include new dwellings, and to read as follows (changes highlighted):

In the case of new dwellings, or alterations, additions or extensions to existing dwellings in the Residential, Residential Office, Town Centre, Local Centre, Foreshore Centre and Restricted Foreshore Centre zones, the local government may vary the maximum heights specified in Table 2 and clause 5.7.2, where in its opinion is warranted due the circumstances and merits of the proposal, having regard to (as applicable) -

- a) the existing heights of the dwelling;*
- b) any relevant Local Planning Policy or Design Guidelines;*
- c) any heritage considerations relating to the dwelling;*
- d) relevant planning considerations identified in clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015;*
- e) adequate direct sun into buildings and appurtenant open spaces;*
- f) adequate daylight to major openings into habitable rooms;*
- g) access to views of significance;*
- h) building design to ameliorate the visual effects of height including consideration of setting-back the side walls of added storeys from the side walls of existing buildings; and*
- i) the amenity of adjoining properties, including road and public open space reserves, and the character of the streetscape;*

and subject to the development -

- a) not exceeding the permitted number of storeys; or where that is already exceeded, not exceeding the existing number of storeys;*
- b) not exceeding the height of the existing dwelling, unless the Council is satisfied with the design and its implications having regard to the above criteria; and*
- c) in the Foreshore Centre Zone, the development not exceeding the requirements of clause 6.4.3.1 (a) and (b).*

An application for planning approval requiring the exercise of the discretion under this clause is to be advertised in accordance with clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the notice of the application is to include such

reference to the variation sought to any height standard or requirement as the local government thinks fit.

In addition to this, the LPS 3 text on the WAPC's website has not been updated to reflect all the changes made in Amendment 6 (gazetted 4 November 2016). In particular, the second part, point (a), in clause 5.7.5 needs to be updated to read:

Not exceeding the permitted maximum number of storeys; or where that is already exceeded, not exceeding the existing number of storeys.

The basic amendment does not require advertising as the proposed changes to the Scheme text are consistent with the *Planning and Development (Local Planning Schemes) Regulations 2015* and the R-Codes.

Within 21 days of passing a resolution to prepare or adopt a basic amendment, or such longer time approved by the Commission, it is required to be referred to the Western Australian Planning Commission (WAPC).

If on receipt of the amendment the WAPC considers that it is a complex or standard amendment then it can direct the Town –

- a) to advertise the amendment as a complex amendment or standard amendment as the case requires; or
- b) to take any other steps it considers appropriate to advertise the amendment.

ATTACHMENTS

Nil

CONSULTATION

The Scheme Amendment does not require advertising if accepted as a basic amendment.

STATUTORY IMPLICATIONS

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Town of Cottesloe Local Planning Scheme No. 3

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 4: Managing Development

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OCM100/2022

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Young

Seconded Cr Bulbeck

THAT Council:

1. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolve to initiate Scheme Amendment No. 13 to Local Planning Scheme No. 3 (LPS 3) by:
 - 1.1 Modifying clause 5.7.5 as follows:
 - i. amend the first paragraph to read:

In the case of new dwellings, or proposed alterations, additions or extensions to existing dwellings, in the Residential, Residential Office, Town Centre, Local Centre, Foreshore Centre and Restricted Foreshore Centre zones, the local government may vary the maximum heights specified in Table 2 and clause 5.7.2, where in its opinion it is warranted due the circumstances and merits of the proposal, having regard to *(as applicable)*;
 - ii. amend the last paragraph to read:

An application for planning approval requiring the exercise of the discretion under this clause is to be advertised in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the notice of the application is to include such reference to the variation sought to any height standard or requirement as the local government thinks fit.
 2. Request the WAPC to update point (a) in the second part of clause 5.7.5 in accordance with Amendment 6, gazetted 4 November 2016, to read :

Not exceeding the permitted maximum number of storeys; or, where that is already exceeded, not exceeding the existing number of storeys.
 3. Resolve that this is a basic amendment as it is consistent with the *Planning and Development (Local Planning Schemes) Regulations 2015 and Residential Design Codes*.
-

4. Refer a copy of proposed Scheme Amendment No. 13 to the Environmental Protection Authority for consideration and comment.
5. Request the administration to progress Amendment No. 13 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*

Carried by En Bloc Resolution 9/0

ENGINEERING SERVICES**10.1.5 RIGHT OF WAY 14A AND 14B RESIDENT CONSULTATION**

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D22/30042
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider resident feedback as per Section 3.5 of the current right of way policy (ROW) for the exempted sections of 14A and 14B to be resurfaced.

OFFICER RECOMMENDATION IN BRIEF

That Council considers the feedback received (summary attached) and resurfaces the east-west section of Right of Way (ROW) 14B as shown in the background section of the report.

Council is ask to note that the north-south section of ROW 14B is in asphalt that was done separately in 2005 and 2008.

BACKGROUND

A right of way policy (ROW) prior to 2017 exempted ROW 21, 14A and 14B (east-west section) from resurfacing as adjacent residents preferred the status quo of the laneway. A resident's petition was required for Council to consider should they want the laneway resurfaced.

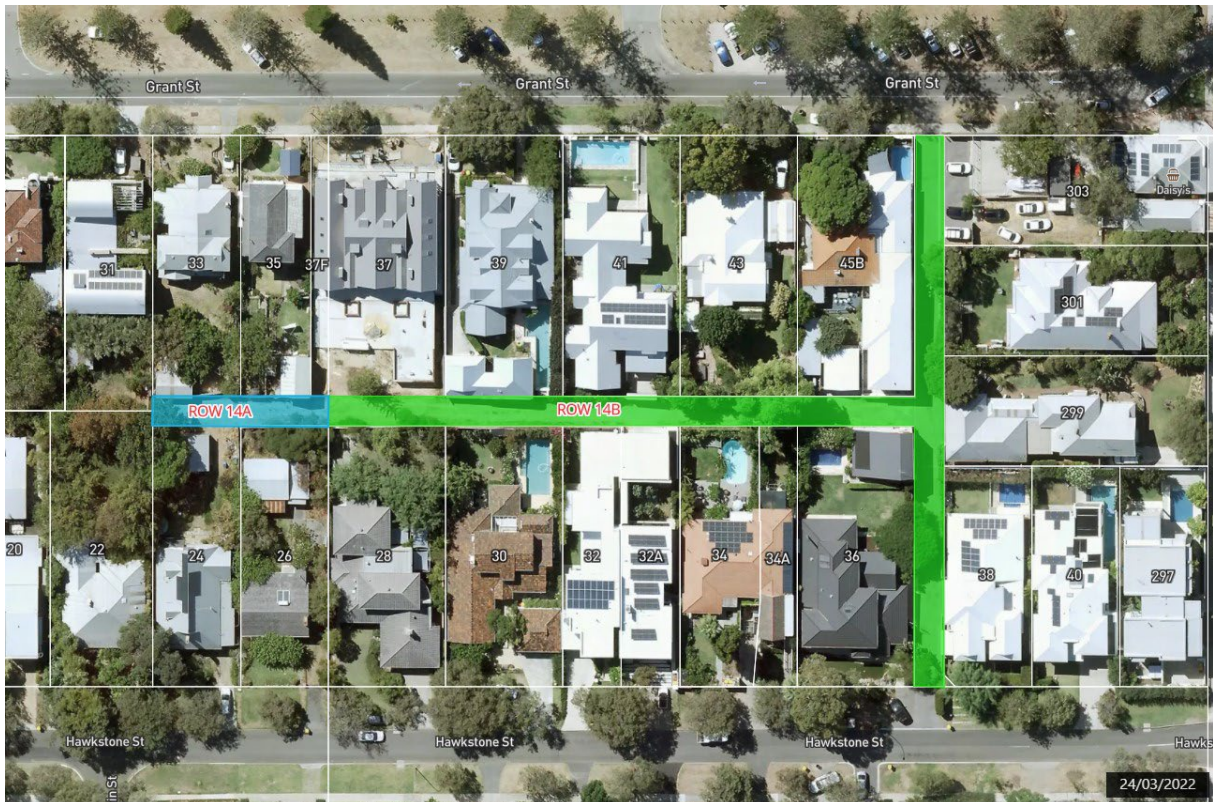
The north-south section of ROW 14B was sealed at that time (done in 2005 and 2008).

In 2017, Council removed ROW 21 exemption and this laneway asphalted. The October 2017 Ordinary Council Meeting Minutes provides further information dating back to 2011. The east-west section of ROW 14A and 14B remains exempted.

In June 2020, a revised ROW Policy was adopted by Council.

<https://www.cottesloe.wa.gov.au/documents/1446/right-of-way-policy-adopted-23-june-2020>

The exempted section of ROW 14A and 14B (east-west section) remains on this policy as shown on the diagram.



Council at the June 2022 Ordinary Council Meeting resolved for residents and property owners to be consulted on the proposed sealing of ROW 14A and 14B (east-west section). Works in progress are on hold until Council makes a determination on the matter.

The attached letter was distributed to residents and property owners on 6 July 2022. 18 responses were received at consultation closing of 20 July 2022. The diagram within the officer’s comment section of the report provides an overview of all responses received.

The attached register provides an overview of the 17 responses. Submission 18 from 24 Hawkstone Street, was received immediately before closing and could not be registered onto the Town’s record keeping system in time for inclusion in the attached table but is narrated in the officer’s comment section of this report.

OFFICER COMMENT

Based on the results above, the following options are open to Council for consideration:

- Option one: Resurface only the east-west section of ROW 14B; or
- Option two: Resurface ROW 14A and 14B (east west section); or
- Option three: Does not proceed with any resurfacing and asks for the current works to be reinstated back to its original condition; or

Depending on the final decision of Council, the exempted table in section 3.5 of the current policy will be updated accordingly.

Resident’s preference is in the diagram below. Based on the results, a recommendation is for option one, seal ROW 14B only.



Council is ask to note that:

- Option two (not recommended) will cost an additional \$19,000 and a budget amendment funded through the ROW Reserve will be required. Any amendment motion will need to reference absolute majority;
- This report deals with only the east-west section of ROW 14B as the north-south section had been sealed in two separate portions in 2005 and 2008;
- This item is brought to the July 2022 Ordinary Council Meeting instead of August 2022 as the works have commenced but suspended to allow this consultation to occur. Deferring the item may result in the contractor applying delay cost; and
- Submission 18 from 24 Hawkstone Street (within ROW 14A section) received just before closing was not registered within the Town’s record system on time to be included in the attached table of comments. Notwithstanding this, based on information received, it can be concluded that the resident is not supportive of 14A and 14B (east-west section) being asphalt or gravel surface. They have asked for the pavement to be in soil that is not an available option. Their feedback has been reflected in the overview diagram.

ATTACHMENTS

- 10.1.5(a) Letter to Residents - Consultation Seeking Feedback - Right of Way 14A & 14B Resurfacing [under separate cover]**
- 10.1.5(b) Right of Way 14A and 14B – Resident Consultation Feedback [under separate cover]**

CONSULTATION

Residents living adjacent to or around ROW 14A and 14B

STATUTORY IMPLICATIONS

There are no anticipated statutory implications from the officer's recommendation.

POLICY IMPLICATIONS

There are no perceived policy implications arising from the officer's recommendation. The required consultation has occurred and Council's decision will determine whether the laneway should be resurfaced.

STRATEGIC IMPLICATIONS

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

Priority Area 5: Providing sustainable infrastructure and community amenities

Major Strategy 5.2: Manage assets that have a realisable value.

Not upgrading the laneway will continue to create maintenance issues for the Town.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

Works will be done by contractors, no additional costs have been incurred to date, however as discussed any further delays may result in additional costs.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

Residents have mentioned that wildlife living along the laneway are impacted by the proposed upgrade.

VOTING REQUIREMENT

Simple Majority

OCM101/2022

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Young

Seconded Cr Bulbeck

THAT Council:

- 1. THANKS residents and property owners along ROW 14A and 14B for taking the time to provide feedback;**
- 2. APPROVES Option one as mentioned in the officer's comment section of the report;**

3. NOTES that the north-south section of ROW 14B is already sealed; and
4. NOTES that the works on hold will recommence as soon as possible.

Carried by En Bloc Resolution 9/0

EXECUTIVE SERVICES**10.1.6 QUARTERLY INFORMATION BULLETIN**

Directorate: Executive Services
Author(s): Matthew Scott, Chief Executive Officer
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D22/30634
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

To provide Council information and statistics on key activities during the year on a quarterly basis, as requested by Council or recommended by the Administration.

OFFICER RECOMMENDATION IN BRIEF

THAT Council notes the information provided in the Quarterly Information Bulletin (Attachments).

BACKGROUND

This report is consistent with the Town's Strategic Community Plan 2013 – 2023. Priority Area 6: Providing open and accountable local governance.

This report is consistent with the Town's Corporate Business Plan 2020 – 2024. 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.

OFFICER COMMENT

Nil

ATTACHMENTS

10.1.6(a) 2022 07 26 - Town of Cottesloe CEO Quarterly Report to Council v2 [under separate cover]

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

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

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.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OCM102/2022

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Young Seconded Cr Bulbeck

THAT Council notes the information provided in the Quarterly Information Bulletin

Carried by En Bloc Resolution 9/0

CORPORATE AND COMMUNITY SERVICES**10.1.1 ADOPTION OF 2022/23 BUDGET**

Directorate: Corporate and Community Services
Author(s): Shane Collie, Director Corporate and Community Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D22/29801
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

The 2022/23 Budget is attached for the consideration and adoption by Council.

OFFICER RECOMMENDATION IN BRIEF

For Council to adopt the 2022/23 Budget and associated resolutions.

BACKGROUND

Council is required under the *Local Government Act 1995* to adopt a budget for each financial year.

The budget cannot be adopted before 1 June in the financial year immediately prior to the year it applies and must be adopted before 31 August in the year it applies to. The budget must be in the prescribed format and set expenditure levels and type for the year.

The budget must also contain a forecast of all income and set the rate in the dollar for the rates levied in the financial year it applies to.

There have been two Council workshops to directly discuss formulating the budget. These workshops provided Elected Members with an opportunity to ask questions and provide direction to staff on the Draft Budget and its various components.

OFFICER COMMENT

The Draft 2022/23 Budget contains a number of key strategic projects including those highlighted below:

OPERATING EXPENDITURE

Enterprise Resource Planning (IT) Upgrade	\$1,175,000
(\$480,000 Carried Forward and Reserve Fund Transfer of \$695,000. Includes once off salaries backfill estimate of \$200,000 as well as Project Management and Change Management during implementation phase).	
Grove Library (Operating)	\$551,811
Verge Valet Service	\$130,000
(Offset by fees paid for service)	
Strategic Plan	\$50,000

FOGO Bin Introduction (Offset by a reduction in General Collection)	\$249,000
FOGO Transfer Station Costs	\$208,000
Volunteer Recognition Event and Youth Event	\$10,000
CCTV strategy & Policy C/F	\$50,000
Public Health Planning C/F	\$20,000
Local Planning Strategy & Scheme Review (\$195,000 C/F)	\$365,914
Cottesloe Village Precinct Plan (\$135,534 C/F)	\$321,052
Dune Restoration/Planting Tube Stock	\$60,000
CHRMAP Development Stage 2 (plus C/F of Stage 1)	\$185,328
Shine Community Services	\$83,991
Reconciliation Action Plan implementation	\$20,000
Skate Park Preliminaries	\$20,000
Natural Areas Management	\$200,000
Bike Plan Concepts & Design	\$20,000
Lifeguard Service at Cottesloe Main Beach	\$248,075
Sculpture by the Sea	\$74,000
Carols by Candlelight	\$24,000
Donations and contributions to various local community groups	\$18,246

Additional Positions (including super):

Planning Officer (0.6 FTE)	\$59,706
Rates Officer (0.5 FTE)	\$45,591
Asset Engineer	\$94,194
Parks and Gardens Position - Charge to various parks and garden jobs	\$73,774

Other positions that are subject to various forms of income such as fees and charges include labour cost for Verge Equipment Inspections (would be proportionate to fees generated) and Parking Administration depending upon infringement revenue and resulting administration.

CAPITAL EXPENDITURE

The Capital Works Expenditure Program includes a number of significant projects to be undertaken over the coming year including;

Anderson Pavilion Replacement C/F	\$1,343,198
East Cottesloe Playground Upgrade	\$445,000
Dutch Inn Shade Sails	\$15,000
John Black Dune Landscaping	\$80,000
Beach Access Paths	\$150,000

Street Tree Planting	\$258,868
Grove Library (Capital – Transferred to Reserve)	\$43,000
Seaview Kindergarten Kitchen Upgrade	\$20,000
Rugby Clubhouse Access Improvements	\$48,000
Marine Parade (Forrest to Eric Street)	\$585,277
Eric Street Shared Path	\$700,000
Right of Way Construction	\$96,000
Turf Refurbishment Grant Marine Park	\$40,000
Extra Parking Sensors installation	\$56,500

The draft Budget contains a 5% increase in rates for the 2022/23 financial year after a 3.5% increase last year.

From Budget Workshop 2 there was a surplus of \$22,230. There has been some minor adjustments following Budget Workshop 2 resulting in an adjusted surplus of \$20,000 which has been allocated in the following manner:

- \$20,000 is proposed to be added to the Property Reserve.

Should Council be happy with this allocation there is no need for any further action and the Budget can be adopted with a balanced position.

The Town has not been immune to the significant cost increases being experienced across the board and is impacted to a degree more than most with high exposure in the goods and materials area, wage increases, insurance and utility charges and fuel.

ATTACHMENTS

10.1.1(a) 2022/2023 BUDGET [under separate cover]

CONSULTATION

At the Ordinary Council Meeting held 28 June 2022 Council resolved of its intention to raise the following differential general rates and minimum rates for the 2022/2023 financial year:

<i>Differential Rate Category</i>	<i>Rate in the \$</i>	<i>Min Rate</i>
<i>Differential Rate – Town Centre Commercial (GRV)</i>	<i>0.086397</i>	<i>\$1,262.00</i>

Local Public Notice was provided with a close date of Wednesday 20 July 2022. No submissions have been received. There was one enquiry (which neither supported nor objected to the proposed differential rate) and this has been responded to administratively.

STATUTORY IMPLICATIONS*Local Government Act 1995***6.2. Local government to prepare annual budget**

1. *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*
** Absolute majority required.*
2. *In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —*
 - a. *the expenditure by the local government;*
 - b. *the revenue and income, independent of general rates, of the local government; and*
 - c. *the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*
3. *For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.*
4. *The annual budget is to incorporate —*
 - a. *particulars of the estimated expenditure proposed to be incurred by the local government;*
 - b. *detailed information relating to the rates and service charges which will apply to and within the district including —*
 - i. *the amount it is estimated will be yielded by the general rate; and*
 - ii. *the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;*
 - c. *the fees and charges proposed to be imposed by the local government;*
 - d. *the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;*
 - e. *details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;*
 - f. *particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and*
 - g. *such other matters as are prescribed.*
5. *Regulations may provide for —*

- h. *the form of the annual budget;*
- i. *the contents of the annual budget; and*
- j. *the information to be contained in or to accompany the annual budget*

Local Government (Financial Management) Regulations 1996

Regulations 22 to 33 of the *Local Government (Financial Management) Regulations 1996* contain the requirements for the form of the budget document and the information to be contained within it.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The 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.

The budget sets out how funds will be allocated to all projects during the financial year, including all strategic projects.

The annual budget contains funding for a number of strategic objectives of the Town.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

Moved Cr Sadler

Seconded Cr Bulbeck

THAT Council by Absolute Majority

1. Adopt the Budget for the year ended 30 June 2023, as attached, including:
 - a. Statement of Comprehensive Income (by Nature and Type)
 - b. Statement of Cash flows;
 - c. Rate Setting Statement;

- d. Endorsing Note 8 – Statement of Reserves for the year ended 30 June 2023;
 - e. Endorsing Note 3 – Net Current Assets as at 30 June 2023; and
 - f. Fees and Charges for the year ended 30 June 2023.
2. Adopt the Differential General Rates (as per Section 6.32 of the *Local Government Act 1995*) and impose rates in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June 2023 as follows;
- a. GRV – Residential Improved (RI) – 7.4551 cents in the dollar;
 - b. GRV – Residential Vacant (RV) – 7.4551 cents in the dollar;
 - c. GRV – Commercial Improved (CI) – 7.4551 cents in the dollar;
 - d. GRV – Commercial Town (CT) – 8.63971 cents in the dollar; and
 - e. GRV – Industrial (II) – 7.4551 cents in the dollar.
3. Impose a minimum rate of \$1,262.00 for the financial year ended 30 June 2023;
4. Include in the rate charge for residential properties:
- a. a once per week service of 240 litre green mobile garbage bin (MGB) for FOGO;
 - b. a once per fortnight service of a 240 litre MGB for recyclable household rubbish; and
 - c. a once per fortnight service of a 120 litre MGB for general household rubbish.
5. Apply the following charges to residential properties for additional waste services (per annum GST inclusive):
- a. General Waste – each service per fortnight (120 litre MGB) - \$200.00;
 - b. General Waste – each service per week (660 litre MGB) - \$2,000.00;
 - c. Recycling – each service per week (240 litre MGB) - \$110.00; and
 - d. FOGO Waste – each service per week (240 litre MGB) - \$300.00.
6. Apply the following charges to commercial properties (per annum GST inclusive):
- a. General Waste – each service per week (240 litre MGB) - \$500.00;
 - b. General Waste – each service per week (660 litre MGB) - \$2,000.00;
 - c. Recycling – one service per fortnight (240 litre MGB) - \$141.00; and
 - d. Recycling – one service per week (240 litre MGB) - \$282.00.
7. Imposes, by absolute majority, in accordance with section 6.51 (1) of the *Local Government Act 1995* and clause 8 of the *Local Government (COVID-19 Response) Ministerial Amendment Order 2022*, gazetted on 24 June 2022, an interest rate of 7% applicable to overdue and unpaid rate and service charges, subject to:
- a. This interest rate cannot be applied to an excluded person, as defined in the *Local Government (Covid-19 Response) Ministerial Amendment Order 2022*, that has been determined by the Town of Cottesloe as suffering financial hardship as a consequence of the COVID-19 pandemic. .
-

8. Adopt the following rate instalment plans:
- a. Option 1
To pay the total amount of rates and charges included in the notice in full by 23 September 2022.
 - b. Option 2
To pay by four instalments, as detailed on the rate notices with the following anticipated due dates;

First instalment	23 September 2022
Second Instalment	25 November 2022
Third Instalment	27 January 2023
Fourth Instalment	28 March 2023
9. Adopt, by absolute majority, in accordance with section 6.13 of the *Local Government Act 1995* and clause 8 of the *Local Government (COVID-19 Response) Ministerial Amendment Order 2022*, gazetted on 24 June 2022, a rate of interest of 7% applicable to any amount of money owing to the local government (other than rates or service charges), with interest calculated from the due date, which is 35 days from the date of issue shown on the account for payment, subject to:
- a. This interest rate cannot be applied to a person who is considered by the Town of Cottesloe to be suffering financial hardship as a consequence of the COVID-19 pandemic.
10. Adopt a Telecommunications Allowance of \$1,600 for Elected Members as per section 5.99A of the *Local Government Act 1995*.
11. Adopt Members Attendance Fees –set an annual meeting attendance fee of \$15,750 for Council members and \$24,400 for the Mayor as per section 5.99 of the *Local Government Act 1995*.
12. Adopt the Mayor’s Allowance of \$28,000 as per sections 5.98 and 5.98A of the *Local Government Act 1995*.
13. Adopt the Deputy Mayor’s Allowance of \$7,000 as per sections 5.98 and 5.98A of the *Local Government Act 1995*.
14. Maintain the materiality levels of 15% and \$25,000 for the monthly reporting of significant variances of income and expenditure in the Statement of Financial Activity

OCM103/2022**Moved Mayor Young****Seconded Cr Barrett****COUNCILLOR AMENDMENT**

That Council ADOPTS the Budget for the year ended 30 June 2023, as attached, subject to the inclusion of a donation of \$3,500 to Cottesloe Primary School to assist in meeting the costs of the school’s 125th anniversary celebrations as outlined in their submission to the Town’s Community Donations scheme, with a corresponding adjustment to the surplus to

be transferred to the Property Reserve.

Carried by Absolute Majority 9/0

Councillor Rationale:

1. Cottesloe Primary School celebrates its 125th anniversary this year.
2. The main celebratory event being organised is a Fair to celebrate, honour and acknowledge both the school's 125th year milestone and the more extensive history of the land and culture from which the school has grown.
3. The Fair will include a drone light show by Stellar Lights. The show will depict the indigenous history of the land on which the school is situated and will honour the rich history of the Traditional Custodians of the area, the Whadjak Nyoongar people.
4. Over the past 5 years Cottesloe Primary School has received significantly less financial support than has been given to North Cottesloe Primary School. For example, Council approved three years of funding for the North Cottesloe Splash'n'dash community event, totalling \$15,000.
5. It appears that decisive factors in the recommendation to reject the donation request are that the school is situated outside the District and is a State Government entity.
6. However, a significant number of the school's students reside in Cottesloe, primarily residents from South Ward.
7. In relation to the applicant being a state government entity: While Council should be circumspect in encouraging "dependency" on the Town for general funding of schools (which in the case of State Schools should be the responsibility of the Education department) or in encouraging expectations of funding of "recurring" items, this event falls outside general school activities and is a relatively unique event.
8. The event is a free public event to be held in November this year. It is to be promoted throughout the District and is likely to be attended and enjoyed by many Cottesloe residents.
9. Support of the event by contributing to the funding of the Drone show is consistent with the Town's direction and work on Reconciliation with Aboriginal and Torres Strait Island peoples.
10. The school supports the Town's work on Reconciliation and its Reconciliation Action Plan Working Group.
11. The school's original request for funding assistance was \$10k. This motion reflects a pro-rated amount assuming support from neighbouring local governments. The school continues its engagement with the Shire of Peppermint Grove and the Town of Mosman Park for funding of the event.
12. In the circumstances the Town should be proud to support this event.

OCM104/2022

Moved Cr Harkins

Seconded Cr Sadler

COUNCILLOR AMENDMENT**1. Adopt the Budget for the year ended 30 June 2023, as attached, including:****a. Statement of Comprehensive Income (by Nature and Type)****b. Statement of Cash Flows;****c. Rate Setting Statement; d. Endorsing Note 8 – Statement of Reserves for the year ended 30 June 2023;****e. Endorsing Note 3 – Net Current Assets as at 30 June 2023; and****f. Fees and Charges for the year ended 30 June 2023, with the following amendment:****i) Reduce Outdoor Dining Application Fee and Annual Fee from \$165.00/m² to \$100.00/m², and request to the CEO to review the costs associated in providing this service, and options for alternative arrangements for consideration by Council prior to budget deliberations for 2023/2024.****Carried by Absolute Majority 9/0**

Rationale

1. Council strongly supports al fresco dining in the Town. It brings increased amenity for residents and visitors by creating a welcoming, lively and attractive streetscape and a safe environment. It is a key feature of the Council (and community) endorsed Foreshore Masterplan and is something that we wish to encourage on the foreshore and in the town centre.
2. The activation of alfresco areas supports our local businesses. This is particularly important in the hospitality sector which has struggled through COVID.
3. Health experts are advising the community to use outdoor settings wherever possible to help reduce the risk of spreading COVID-19. The use of outdoor areas for alfresco is likely to be of continued importance for the health of our residents.
4. This is backed up by State Government initiative *COVID-19 Activating Alfresco program*, to encourage and support updating and activation of alfresco areas via reimbursement grants.
5. The fee is currently \$165/m², so this change reflects a reduction of 40% of current fees.
6. This is an amount which the Town can accommodate for the 2022/2023 financial year. Council can then undertake a review of its position following consideration of the costs associated with providing this service and exploring alternative maintenance arrangements.
7. As part of its local government reforms, the State Government is currently developing a model where small business with not require local government approvals for al fresco areas, so it is important that we at the Town of Cottesloe, look at reforms to transition to this new model.

OCM105/2022

Moved Cr Masarei

Seconded Cr Barrett

COUNCILLOR AMENDMENT

That Council **ADOPT** the officer's recommendation subject to the following changes to paragraph 1.f, as shown in red:

f. Fees and Charges for the year ended 30 June 2023, with the following amendments:

i) Reduce the Play Equipment on Verges Permit Application Fee (Exempted Play Equipment) from \$300.00 to \$0.00, and proportionally and equally reduce associated income and expenditure Budgets associated with this service;

Carried by Absolute Majority 9/0

RATIONALE:

1. Council strongly encourages the use of our verges for play equipment, because it activates our streets, gets our kids outdoors and helps to create a sense of community. Our goal is to see more activation of verge spaces across Cottesloe.
2. Council last month endorsed a system aimed at allowing our residents to use their verges for play equipment. We modelled our approach on that taken by the City of Vincent, and we commend them for taking the initiative to tackle this contentious issue.
3. To that end, simple traditional tree attachments such as rope ladders and swings should be exempted from the application fee and the annual permit fee. This proposed amendment brings the fees in the Schedule into line with Council's intentions.
4. Our residential verges are large, and they lend themselves to more complex equipment, different in nature and scale to that being permitted elsewhere, for example in Vincent.
5. This is great from a community -creation perspective, but it does carry significantly greater risk and insurance complications than traditional rope ladders and swings.
6. It was therefore necessary for us to tailor our approach to suit our circumstances.
7. Consequently, more complex verge play equipment should attract an initial application fee and an annual permit fee.
8. This fee is calculated on a cost recovery basis, to cover the cost of inspections necessary to preserve the Town's insurance position.

OCM106/2022

Moved Cr Sadler

Seconded Cr Bulbeck

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**OFFICER RECOMMENDATION**

THAT Council by Absolute Majority

1. Adopt the Budget for the year ended 30 June 2023, as attached, subject to the inclusion of a donation of \$3,500 to Cottesloe Primary School to assist in meeting the costs of the school's 125th anniversary celebrations as outlined in their submission to the Town's Community Donations scheme, with a corresponding adjustment to the surplus to be transferred to the Property Reserve, including:
 - a. Statement of Comprehensive Income (by Nature and Type)
 - b. Statement of Cashflows;
 - c. Rate Setting Statement;
 - d. Endorsing Note 8 – Statement of Reserves for the year ended 30 June 2023;
 - e. Endorsing Note 3 – Net Current Assets as at 30 June 2023; and
 - f. Fees and Charges for the year ended 30 June 2023, *with the following amendments:*
 - i) Reduce Outdoor Dining Application Fee and Annual Fee from \$165.00 to \$100.00, and request to the CEO to review the costs associated in providing this service for consideration at the Annual Mid Year Budget Review; and*
 - ii) Reduce the Play Equipment on Verges Permit Application Fee (Exempted Play Equipment) from \$300.00 to \$0.00, and proportionally and equally reduce associated income and expenditure Budgets associated with this service;*
 2. Adopt the Differential General Rates (as per Section 6.32 of the *Local Government Act 1995*) and impose rates in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June 2023 as follows;
 - a. GRV – Residential Improved (RI) – 7.4551 cents in the dollar;
 - b. GRV – Residential Vacant (RV) – 7.4551 cents in the dollar;
 - c. GRV – Commercial Improved (CI) – 7.4551 cents in the dollar;
 - d. GRV – Commercial Town (CT) – 8.63971 cents in the dollar; and
 - e. GRV – Industrial (II) – 7.4551 cents in the dollar.
 3. Impose a minimum rate of \$1,262.00 for the financial year ended 30 June 2023;
-

4. Include in the rate charge for residential properties:
 - a. a once per week service of 240 litre green mobile garbage bin (MGB) for FOGO;
 - b. a once per fortnight service of a 240 litre MGB for recyclable household rubbish; and
 - c. a once per fortnight service of a 120 litre MGB for general household rubbish.
5. Apply the following charges to residential properties for additional waste services (per annum GST inclusive):
 - a. General Waste – each service per fortnight (120 litre MGB) - \$200.00;
 - b. General Waste – each service per week (660 litre MGB) - \$2,000.00;
 - c. Recycling – each service per week (240 litre MGB) - \$110.00; and
 - d. FOGO Waste – each service per week (240 litre MGB) - \$300.00.
6. Apply the following charges to commercial properties (per annum GST inclusive):
 - a. General Waste – each service per week (240 litre MGB) - \$500.00;
 - b. General Waste – each service per week (660 litre MGB) - \$2,000.00;
 - c. Recycling – one service per fortnight (240 litre MGB) - \$141.00; and
 - d. Recycling – one service per week (240 litre MGB) - \$282.00.
7. Imposes, by absolute majority, in accordance with section 6.51 (1) of the *Local Government Act 1995* and clause 8 of the *Local Government (COVID-19 Response) Ministerial Amendment Order 2022*, gazetted on 24 June 2022, an interest rate of 7% applicable to overdue and unpaid rate and service charges, subject to:
 - a. This interest rate cannot be applied to an excluded person, as defined in the *Local Government (Covid-19 Response) Ministerial Amendment Order 2022*, that has been determined by the Town of Cottesloe as suffering financial hardship as a consequence of the COVID-19 pandemic. .
8. Adopt the following rate instalment plans:
 - a. Option 1
To pay the total amount of rates and charges included in the notice in full by 23 September 2022.
 - b. Option 2
To pay by four instalments, as detailed on the rate notices with the following anticipated due dates;

First instalment	23 September 2022
Second Instalment	25 November 2022
Third Instalment	27 January 2023

Fourth Instalment

28 March 2023

9. **Adopt, by absolute majority, in accordance with section 6.13 of the *Local Government Act 1995* and clause 8 of the *Local Government (COVID-19 Response) Ministerial Amendment Order 2022*, gazetted on 24 June 2022, a rate of interest of 7% applicable to any amount of money owing to the local government (other than rates or service charges), with interest calculated from the due date, which is 35 days from the date of issue shown on the account for payment, subject to:**
 - a. **This interest rate cannot be applied to a person who is considered by the Town of Cottesloe to be suffering financial hardship as a consequence of the COVID-19 pandemic.**
10. **Adopt a Telecommunications Allowance of \$1,600 for Elected Members as per section 5.99A of the *Local Government Act 1995*.**
11. **Adopt Members Attendance Fees –set an annual meeting attendance fee of \$15,750 for Council members and \$24,400 for the Mayor as per section 5.99 of the *Local Government Act 1995*.**
12. **Adopt the Mayor’s Allowance of \$28,000 as per sections 5.98 and 5.98A of the *Local Government Act 1995*.**
13. **Adopt the Deputy Mayor’s Allowance of \$7,000 as per sections 5.98 and 5.98A of the *Local Government Act 1995*.**
14. **Maintain the materiality levels of 15% and \$25,000 for the monthly reporting of significant variances of income and expenditure in the Statement of Financial Activity.**

RATIONALE:

As per each Amendment Rationale.

Carried by Absolute Majority 9/0

10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES

Nil

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12.2 OFFICERS**13 MEETING CLOSED TO PUBLIC****13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

OCM107/2022

MOTION FOR BEHIND CLOSED DOORS

Moved Mayor Young Seconded Cr MacFarlane

That, in accordance with Standing Orders 15.10, Council discuss the confidential reports behind closed doors.

Carried 9/0

The public and members of the media were requested to leave the meeting at 6:33pm

13.1.1 SHORTLIST FOR TENDER - LOT 149 MARINE PARADE

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (c) and (e(ii)) as it contains information relating to 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 a matter that if disclosed, would reveal information that has a commercial value to a person.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

OCM108/2022

Moved Cr Masarei

Seconded Cr Sadler

That Council:

1. Selects the top 4 ranking Expressions of Interest received as being acceptable to be invited to submit a formal Tender for the operation of a café/restaurant at Lot 149 Marine Parade.
2. Advise all those who submitted an Expression of Interest for the operation of a café/restaurant at Lot 149 Marine Parade of this outcome.
3. Instruct the Chief Executive Officer to:
 - a. Seek input for inclusion in the proposed Request for Tender from Elected Members, within the parameters of the Expression of Interest issued and the operation of a café/restaurant at Lot 149 Marine Parade;
 - b. Engage a suitably qualified expert in contemporary food and beverage commercial leasing and evaluation services, for the purposes of:
 - i. Assistance in the preparation of the Request for the Tender document, taking into consideration input received via 3(a);
 - ii. Assist the Administration in the assessment of all tenders received.
 - c. Submit the Request to Tender document for Council's consideration prior to formally calling Tenders.

COUNCILLOR AMENDMENT

OCM109/2022

Moved Cr MacFarlane

Seconded Cr Sadler

That Council REMOVES paragraph 3 (c) from the proposed Resolution

- 3(c) Submit the Request to Tender document for Council's consideration prior to formally calling Tenders.

Crs voting for the amendment Crs Sadler and MacFarlane

Crs voting against the amendment Crs Mayor Young, Crs Harben, Masarei, Harkins, Barrett,
Bulbeck and Wylynko

The original motion was returned to and was Carried 9/0

13.1.2 T01/2022 - CLEANING SERVICES TENDER RECOMMENDATION

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (c) as it contains information relating to 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.

OCM110/2022**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION****Moved Cr Sadler****Seconded Cr MacFarlane****THAT Council:**

- 1. AWARDS the Cleaning Services Tender Part A and B to CHARLES SERVICE COMPANY for a period of three years;**
- 2. AUTHORISES the Mayor and/or Chief Executive Officer to sign the Contract and affix the Town's Common Seal (if required); and**
- 3. AUTHORISES the Chief Executive Officer to manage the cleaning contract, including provision of possible variations (provided the variation is necessary in order for the goods or services to be supplied, does not change the general scope of the contract and is managed within the allotted budget allocation).**

Carried 9/0

Chief Executive Officer, Matthew Scott, Mr Shaun Kan and Mr Shane Collie left the meeting at 6:52 pm.

13.1.3 CHIEF EXECUTIVE PERFORMANCE REVIEW

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (a) as it contains information relating to a matter affecting an employee or employees.

OCM111/2022**CONSULTANTS RECOMMENDATION AND COUNCIL RESOLUTION****Moved Mayor Young****Seconded Cr Masarei****THAT Council:**

- 1. Notes that the appraisal of Mr Matthew Scott, Chief Executive Officer, has been completed for the period of July 2021 to June 2022**
- 2. Endorses the findings of the 2021-22 Annual Performance Review Report as presented by Price Consulting, noting the outcome of "Meet Expectation" and**

thanked Mr Scott for his efforts.

3. Endorses Mr Scott to undertake professional development aligned to delivery of the 2021-2022 performance criteria up to the value of \$2,000.00, with a learning proposal and business case circulated to Elected Members for information and agreed to prior by the Mayor.
4. Approves an increase of 1.4% to the Salary component of Mr Scott's Total Remuneration Package, effective 27 July 2022.
5. Approves the CEO's Performance Criteria for the 2022-2023 period, as per *Attachment 1*.

Carried 9/0

OCM112/2022

MOTION FOR RETURN FROM BEHIND CLOSED DOORS

Moved Mayor Young Seconded Cr Sadler

In accordance with Standing Orders 15.10 that the meeting be re-opened to members of the public and media, and motions passed behind closed doors be read out if there are any public present.

Carried 9/0

The public and members of the media returned to the meeting at 6:56pm.

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

13.1.1 SHORTLIST FOR TENDER - LOT 149 MARINE PARADE

The resolution for item 13.1.1 was read aloud.

13.1.2 T01/2022 - CLEANING SERVICES TENDER RECOMMENDATION

The resolution for item 13.1.2 was read aloud.

13.1.3 CHIEF EXECUTIVE PERFORMANCE REVIEW

The resolution for item 13.1.3 was read aloud.

14 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 7:02pm.