



# Town of Cottesloe

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

**Tuesday, 27 September 2022**

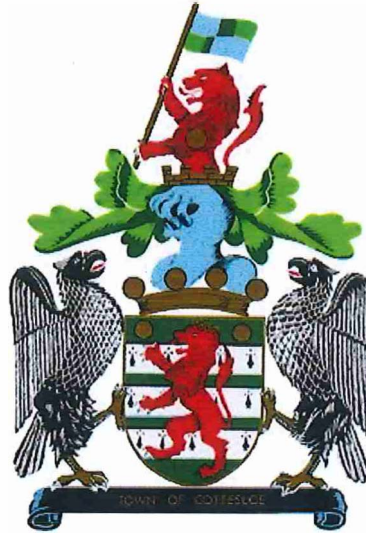
were confirmed as a true and accurate record by Council resolution.

Signed: 

Presiding Member

Date: 25/10/22

# 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, 27 September 2022

A handwritten signature in black ink, appearing to read 'Matthew Scott', is written over a white, irregularly shaped background.

**MATTHEW SCOTT**  
Chief Executive Officer

6 October 2022

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

The Presiding Member announced the meeting opened at 6 pm.

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****Ordinary Council Meeting – 23 August 2022**

Kevin Morgan – 1 Pearse Street, Cottesloe

Q1: Has there been a significant cost increase for the building of the new Anderson Pavilion?

R1: No significant cost increase (or decrease) has been agreed to with regards to building of the new Anderson Pavilion.

Q2: Has the cost increased by about \$165,000 during the last quarter since this year's budget?

R2: Refer to Answer 1

Q3: What entitles the builder to now increase costs?

R3: Regulation 21A, Local Government (Functions and General) Regulations 1996, prescribes the conditions under which a cost increase (or other variation) could be considered. Should those conditions be met, both parties (the contractor and the Town) would also need to agree to any variation prior to being implemented.

Q4: Is it due to a variation being made to the contract?

R4: To date no cost variation to the contract has been agreed to by the parties.

Q5: Is any increase related to the location of the build, such as wrongly located on a street reserve?

R5: The building footprint is not proposed to be located within the Road Reserve. A tree (Street Tree) within the Road Reserve was removed in order to connect services.

- Q6: Is the builder now revising its costs, and if so, why were those costs not locked in before now?
- R6: Refer to Answer 3
- Q7: How many football seasons, one, two or three, before users of Cott oval have change rooms again?
- R7: The current contract requires the new Pavilion to be completed this financial year, subject to any future agreed variation (if any). The Town will provide temporary facilities if the New Pavilion is not completed by the next football season.
- Q8: What benefit is there to residents and ratepayers of Cottesloe from the Pineapple Club event, particularly given that its use of the beach area clashes with a Surf Club event to interest local kids in surf lifesaving?
- R8: That is for Council to determine (OCM117/2022)
- Q9: Why subject local residents to more problems from Marine Parade being half closed as it has throughout the whole of winter?
- R9: Refer to Answer 8
- Q10: Why locate this event at the main beach for everyday users rather than on other little used parts of the beach?
- R10: The location of the event was proposed by the applicant, not the Town of Cottesloe. Furthermore the event is consistent with the prescribed uses identified within the Town of Cottesloe Beach Policy for the proposed location.
- Q11: Did any other event organisers get a chance to bid for the use of the beach for this type of event, or was the organiser of the event lucky enough to be the only person given this windfall opportunity to profit from doing so?
- R11: Events are based on Applications received not a competitive process.
- Q12: Were the Surf Clubs given an opportunity to profit from this event?
- R12: The Town is not party to any arrangements the Applicant may have made with the Surf Clubs.
- Q13: How is that the reports for item 10.1.2 are marked 'confidential', even though contrary to your Meeting Procedures local law 6.15(a) this can only be done if that item is in the Agenda under the part for matters for which the meeting may be closed?
- R13: The Council Report was not confidential. The Attachments were marked confidential as it contained commercial and business information of the Applicant.
- Q14: Why is it that all the report on the Eric Street Cycle path tender is confidential, despite the Civil Contractor Federation WA website showing this council is an absolute outlier in not ticking criteria for proper transparency in local government tenders, and despite it also

showing only a few words and figures in the report should be kept confidential and not publicly discussed?

R14: It is the Administration's long standing practice to recommend tenders are considered behind closed doors, pursuant to Local Government Act 5.23(2)(c). The Council is not bound accept any recommendation from the Administration (including to go behind doors) nor agree to the purported views of the Civil Contractor Federation.

Q15: Why is it that if feedback to council was that the community's top priority is a new cycle way separated from traffic on Marine Parade, that the Cottesloe Foreshore Plan still does not have any such cycle way, but instead Eric Street gets a cycle way even though it's clearly the community's second option, and it will take riders to Marine Parade where there's still no cycle way?

R15: A major aim of the Foreshore Masterplan is to slow down all traffic (vehicle, cycle and pedestrian) along that section of Marine Parade (including the Eric Street Intersection). A dedicated cycleway (for cyclists only) would not help in achieving this aim. However, the Foreshore Masterplan and approved detail design includes shared path(s) for cyclists to utilise. The Eric Street cycleway will create another East West connection between Curtin Avenue and Marine Parade, similar to the Forrest Street cycleway. Both these plans have been developed with community feedback and are being implemented as appropriate funding opportunities become available.

Emma Pugsley – 29 Eric Street, Cottesloe

Q2: Path grant (Eric Street Cycleway) – when was the Grant applied for?

R2: August 2020

Columba Tierney – Princes Street Cottesloe

Q3: Last month there was a \$16,000 budget item listed for Pavilion maintenance. As there is no building, am I right in assuming this is for the sea container storage hire?

R3: This is a budget provision to cover the general maintenance and utilities for the new building.

Q4: In the Parking Local Law document there is an infringement penalty for driving /parking on reserves. Will the Oval and Harvey Sporting Fields perimeter spectator's vehicles be exempt?

R4: There is a similar infringement in the current Parking Local law, and the existing enforcement practice will continue, being that infringements are not issued during game or training time.

Q5: In the last month's OCM papers under Parking there is a 'contribution' of \$67,000. What is this for? Is this a developer's payment in lieu of car parking space and if so which development?



R5: This is a contribution from the developer of 1 Airlie Street, Claremont, for the Town to provide parking compliance, control and management as a result of increased parking (due to their contractors) during the construction of the development.

**Special Council Meeting – 6 September 2022**

Kevin Morgan – 1 Pearse Street, Cottesloe

Q1(b)\_What legislative provision entitles the CEO to instead identify the documents as “confidential reports”?

R1(b) Under Regulation 14(2), the Local Government, (Administration) Regulations 1996, it was the CEO’s opinion that the matter that the reports related to would most likely be considered behind closed doors. Generally, the CEO will seek guidance from S5.23 in determining whether documents are marked confidential. As stated in the agenda papers, Section 5.32(2)(d) provides for the matter to be discussed behind doors as legal advice has been obtained which relates to the matter.

Alternatively, Council could close the meeting using the following provisions of S5.23:

5.23(c) – A contract entered into or which may be entered into by the Town –the Town has a current contractual arrangement with the proponent, and the matter discussed either deal with their existing contract (lease) with the Town (via the redevelopment provisions) or a future contract they would be proposing the Town to enter into;

5.23(e)(ii) – Information is of a commercial value to a person – The information to be considered by Council is potentially of commercial value to the proponent should the matter (the proposal) be progressed to lease negotiations.

5.23(e)(iii) - Information about the commercial or financial affairs of a person – The Information to be considered includes commercial and financial information about the proponent.

5.23(h) and Regulation 4A – discussion relating to the price for the sale of property by the local government (as referred to in question 2(b)).

The decision to close the meeting can only be made by Council. The CEO can only make recommendations. If Council determines to close the meeting it may specify any or each of these grounds as its reason for closing the meeting to the public.

Q2: Given that the council’s last resolution on the Indiana proposal instructed the CEO to seek (and provide to the council for it to deliberate on):

Firstly, comment from the Design Review Panel;

Secondly, comment from the Foreshore Precinct Advisory Committee;

Thirdly, comment from the Cottesloe Surf Life Saving Club;

Fourthly, commercial advice;

Fifthly, legal advice;

Sixthly, heritage advice; and

Seventhly, environmental advice,

(a) Are 7 such documents at least some of the “confidential documents” referred to in tonight’s agenda?

R2(a):Yes – As per the title of the report.

Q2(b)What legislative provision entitles the closure of that part of tonight’s meeting that deals with those 6 such documents other than the ‘legal advice’ (whereby this would entitle the CEO to mark those 6 documents as confidential in tonight’s agenda), even though none of those 6 documents are “legal advice” (as per section 5.23(2)(d) of the *Local Government Act 1995*) and even though none of those 6 documents disclose or discuss the price of the Indiana lease (as per section 5.23(2)(h) of the *Local Government Act 1995* and Regulation 4A of the *Local Government (Administration) Regulation 1996*)?

R2(b)Please see the answer to Q1(b), above.

Q3: Given that s. 5.23(2)(d) of the *Local Government Act 1995* only empowers the council to close the part of the meeting that deals with legal advice obtained which relates to a matter to be discussed at the meeting:

Q3(a): What legislative provision entitles the council to close the part of the meeting that deals with the matter to which the legal advice relates, rather than only the part that deals with the legal advice?

R3(a): Refer to answer 1(b) above and note that this is a special council meeting called for the sole purpose of considering reports. The part of the meeting that deals with the issues in s 5.23 (2) are, in this case, the entire meeting.

Q3(b): Does the council or the CEO have legal advice that tonight’s Agenda and proposed closure is legal?

R3(b): No. For the reasons provided above, the Agenda and the closure of the meeting (if that is what Council decides) is lawful.

Q4: Should not tonight’s meeting be postponed until the Agenda has been corrected and re-published?

R4: The meeting has been properly called – as per section 5.4 of the Act. It will be up to Council to consider whether the Agenda is incorrect or whether the meeting needs to be adjourned.

- Q5: Is the Indiana proposal a “major land transaction” under section 3.59 of the *Local Government Act 1995*, such that the council will prepare a business plan and provide an opportunity for public submissions?
- R5: It will be up to Council to determine the process going forward in relation to the proposal. The statutory process mentioned requires the business plan to include details of the financial effect on the local government and the expected effect on the provision of facilities and services by the local government and other parties. Council cannot proceed with the Proposal without going through the process outlined in the Act, including consulting the community.
- Q6: Have any elected members met with the representatives of the Indiana proponent, if so, who and when?
- R6: This question was asked in the April OCM and full answer was provided in the minutes of the May OCM. Nothing has changed to require an updating of that answer.
- Q7: Have elected members of council met by way of a closed door ‘workshop’ relating to the Indiana proposal?
- R7: Yes, given the volume of information to be considered, it is not unusual for Councillors to be briefed on material to be considered prior to Councils formal consideration.

#### 4.2 PUBLIC QUESTIONS

##### Paul Henharen – 275 Marmion Street, Cottesloe – Item 10.1.4 Section 3

- Q1: Is the risk analysis, [for the Eric Street Shared Path] in the public domain, and can a link be provided?
- Q2: The "Shared Path" will conform to the Aus Road standards, I understand through verbal communication with the Council officials that this is not the case, and can Council advise what standards have been used in the design?
- Q3: How no sections of affected driveways or verges are available, nor the accompanying designs for required additional retaining walls. How has the budget for these changes been allowed in the tender?
- Q4: At this stage of the Project one assumes a HAZID was conducted at 50% and a HAZOP at 85% to be incorporated into the final design. Were these conducted and can Council provide a link to these documents?
- Q5: Returning to the Duty of Care that all councillors and officials are to incorporate into the decisions for residents and visitors and the fact that no cross sections have been completed along driveways (or at least not

mine) how has the Council officials and Councillors made themselves comfortable with the safety aspects of the current design?

Q6: Given that we understand the Council is proceeding with the current design, can the Councillors confirm that in complying with the duty of care and the recommendations of the MRWA Supplement to Austroads Guide to Road Design - Part 6A, that takes precedence over State regulations and the Guide to Traffic Engineering Part 14: Bicycle which states - relatively few driveway crossings exist - particularly here the route is used by children to avoid "ride out"; each one of you has visited the following crossovers as a minimum and reviewed sight lines when a vehicle is stationary 6,1 m behind the verge (driver location 1.2-1.4m above the revised driveway ) waiting to move onto the Shared Path: with a minimum sight stopping distance between 25 - 87m?

- a. 19 Eric Street
- b. 21 Eric Street
- c. 23A Eric Street
- d. 23B Eric Street
- e. 25A Eric Street
- f. 25B Eric Street
- g. 37 Eric Street
- h. 39 Eric Street
- i. 43 Eric Street
- j. 49 Eric Street
- k. 52 Eric Street and 275 Marmion Street

Q9: Has the Council arranged an alternate approach to collecting the refuse bins now that they will be placed >4m from the verge along Eric Street?

Q10: Finally, as Councillors are no doubt aware very few cyclists are insured for damage to property or persons in a collision caused by the cyclist. In NSW legislators consider the Local Govt and one assumes Councillors who approved such designs can be liable for such accidents if the design of shared paths is not compliant with MRWA and Aus Roads policy guidelines?

The above questions were taken on notice

Jack Henharen – 275 Marmion Street, Cottesloe – Item 10.1.4 Section 3

Q1: The "PSP / Shared path by its very nomenclature is to provide safe access to the amenities of Cottesloe for both pedestrian and bicycle users. On the basis that the Forest Street shared path links the railway station and the bike path to Marine Parade is there a safety reason for

the same approach not being taken on a shared path through the North of Cottesloe?

The above question was taken on notice.

## 5 PUBLIC STATEMENT TIME

Paul Henharen - 275 Marmion Street, Cottesloe item 10.1.4

Mr. Henharen spoke of his concerns regarding the duty of care and safety designs and risk of the shared path with reference to Item 10.1.4.

## 6 ATTENDANCE

### Elected Members

Acting Mayor 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
Ms Freya Ayliffe	Director Development and Regulatory Services
Mr Shaun Kan	Director Engineering Services
Ms Jacquelyne Pilkington	Governance Coordinator

### 6.1 APOLOGIES

Nil

### Officers Apologies

Mr Wayne Zimmermann	Manager of Planning
Mr Ed Drewett	Coordinator Statutory Planning

### 6.2 APPROVED LEAVE OF ABSENCE

Mayor Lorraine Young

### 6.3 APPLICATIONS FOR LEAVE OF ABSENCE

**7 DECLARATION OF INTERESTS**

Acting Mayor declared an IMPARTIALITY INTEREST in item 10.1.3 by virtue of "I live in the neighborhood and that Norfolk Island Pines are located in my street"

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.3 by virtue of "I live in the neighborhood and that Norfolk Island Pines are located in my street"

Cr Harkins declared an IMPARTIALITY INTEREST in item 10.1.3 by virtue of "I live in the neighborhood and that Norfolk Island Pines are located in my street"

Cr Bulbeck declared an IMPARTIALITY INTEREST in item 10.1.3 by virtue of "I live in the neighborhood and that Norfolk Island Pines are located in my street"

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.3 by virtue of "I live in the neighborhood and that Norfolk Island Pines are located in my street."

**8 CONFIRMATION OF MINUTES****OCM134/2022**

Moved Cr MacFarlane                      Seconded Cr Wylynko

**That the Minutes of the Ordinary Meeting of Council held on Tuesday 23 August 2022 be confirmed as a true and accurate record.**

**Carried 8/0**

**For: Crs Sadler, Harben, Masarei, Harkins, Barrett, MacFarlane, Bulbeck and Wylynko**

**Against: Nil**

**OCM135/2022**

Moved Cr Bulbeck                      Seconded Cr Harkins

**That the Minutes of the Special Meeting of Council held on Tuesday 6 September 2022 be confirmed as a true and accurate record.**

**Carried 8/0**

**For: Crs Sadler, Harben, Masarei, Harkins, Barrett, MacFarlane, Bulbeck and Wylynko**

**Against: Nil**

**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**

### **9.3.1 DEPUTATION – APPLICATION TO THE METRO INNER-NORTH JOINT DEVELOPMENT ASSESSMENT PANEL – 19 (LOT 20) NAPOLEON STREET – FOUR-STOREY OFFICE BUILDING WITH ROOFTOP TERRACE, AND CHANGE OF USE OF THE EXISTING GROUND FLOOR BUILDING TO “RESTAURANT AND SMALL BAR”**

Bianca Sandri of Urbanista Town Planning spoke against the Officer Recommendation of item 10.1.2((a). Ms. Sandri outlined to Council, the Urbanista Town Planning client will be preserving the integrity, retaining and bringing back the heritage building to its original state. Ms. Sandri also advised that all care will be taken with minimal impact on Napoleon Street during construction and welcome any conditions to the Construction Maintenance Plan.

**10      REPORTS**

**10.1    REPORTS OF OFFICERS**



**CORPORATE AND COMMUNITY SERVICES****10.1.1 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2022 TO 31 JULY 2022**

**Directorate:** Corporate and Community Services  
**Author(s):** Sarah Jessop, Finance Manager  
**Authoriser(s):** Shane Collie, Director Corporate and Community Services  
Matthew Scott, Chief Executive Officer  
**File Reference:** D22/37188  
**Applicant(s):**  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

It is a requirement of the *Local Government Act 1995* that monthly and quarterly financial statements are presented to Council, in order to allow for proper control of the Town's finances and 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 2022 to 31 July 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 July 2022 was \$12,797,847 as compared to \$1,587,248 this time last year. This is due to rates having been levied in July of this year as compared to August last year.

- Operating revenue is more than the year to date budget by \$188,034 with a more detailed explanation of material variances provided on page 19 of the attached financial statements. Operating expenditure is \$699,020 less than year to date budget, with a more detailed analysis of material variances provided on page 19.
- The Capital Works Program is shown in detail on pages 33 to 34 of the attached financial statements.
- The balance of cash backed reserves was \$8,296,621 as at 31 July 2022 as shown in note 7 on page 26 of the attached financial statements.

#### **List of Accounts Paid for July 2022**

The list of accounts paid during July 2022 is shown on pages 35 to 40 of the attached financial statements. The following material payments are brought to Council's attention:

- \$331,846.37 and \$136,504.20 to Menchetti Consolidated for Rotunda Reconstruction and Dune Restoration.
- \$87,243.93 to Classic Contractors for Anderson Pavilion Development.
- \$32,529.91 and \$29,194.22 to SuperChoice Services Pty Ltd for staff superannuation contributions.
- \$55,799.64 to Civica for IT Support.
- \$40,084.31 to WMRC for transfer station waste disposal.
- \$33,271.51 to Roads 2000 for road resurfacing works of Florence Street.
- \$31,469.88 to Environmental Industries for Dutch Inn Playground upgrade.

#### **Investments and Loans**

Cash and investments are shown in note 4 on page 21 of the attached financial statements. The Town has approximately 39% of funds invested with the National Australia Bank, 24% with the Commonwealth Bank of Australia and 24% with Westpac Banking Corporation. Municipal term deposits were called in prior to 30 June, which is why more funds continue to be with National Australia Bank at 31 July 2022.

Information on borrowings is shown in note 10 on page 30 of the attached financial statements. The Town had total principal outstanding of \$2,810,904 as at 31 July 2022.

#### **Rates, Sundry Debtors and Other Receivables**

Rates outstanding are shown on note 6 on page 23 and show a balance of \$11,900,056 outstanding as compared to a smaller \$238,570 this time last year. This is due to rates having been levied in July of this year as compared to August last year.

Sundry debtors are shown on note 6 on page 23 of the attached financial statements. The sundry debtors report shows that 22% or \$23,040 is older than 90 days. The majority of this was paid in August 2022. Infringement debtors are shown on note 6 on page 25 and were \$453,137 as at 31 July 2022.

#### **ATTACHMENTS**

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

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**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

**OCM136/2022**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Harkins**

**Seconded Cr Masarei**

**THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2022 to 31 July 2022 as submitted to the 27 September 2022 meeting of Council**

**Carried 8/0**

**For: Crs Sadler, Harben, Masarei, Harkins, Barrett, MacFarlane, Bulbeck and Wylenko**  
**Against: Nil**

**DEVELOPMENT AND REGULATORY SERVICES****10.1.2 APPLICATION TO THE METRO INNER-NORTH JOINT DEVELOPMENT ASSESSMENT PANEL - 19 (LOT 20) NAPOLEON STREET - FOUR STOREY OFFICE BUILDING WITH ROOFTOP TERRACE, AND CHANGE OF USE OF EXISTING GROUND FLOOR BUILDINGS TO 'RESTAURANT AND SMALL BAR'**

**Directorate:** Development and Regulatory Services  
**Author(s):** Ed Drewett, Coordinator Statutory Planning  
**Authoriser(s):** Freya Ayliffe, Director Development and Regulatory Services  
**File Reference:** D22/35845  
**Applicant(s):** Urbanista Town Planning  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Planning approval is sought for a four-storey office building with rooftop terrace, and a change of use of the existing ground floor to 'Restaurant and Small Bar'.

The applicant has opted for this application to be referred to the Metro Inner-North Joint Development Assessment Panel (JDAP) for determination.

A Responsible Authority Report (RAR) has been prepared and is due to be submitted to the JDAP on or before noon on Tuesday 11 October 2022.

The purpose of this report is for Council to:

- i. Consider the Officer Recommendation in the attached RAR;
- ii. Be informed that the RAR will be referred to the JDAP on or before noon on Tuesday 11 October 2022 for its determination in accordance with the *Planning and Development (Development Assessment Panel) Regulations 2011* (DAP Regs).

Given the assessment that has been undertaken, the recommendation is that the JDAP refuse the application.

**OFFICER RECOMMENDATION IN BRIEF**

That Council support the Officer Recommendation in the Responsible Authority Report (RAR).

**BACKGROUND**

Please refer to attached RAR.

**OFFICER COMMENT**

The proposal has been assessed against all the relevant legislative requirements of the Scheme, State and Local Planning Policies outlined in the Legislation and Policy section of the RAR report.

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**ATTACHMENTS**

- 10.1.2(a) RAR [under separate cover]
- 10.1.2(b) Development Plans and Elevations [under separate cover]
- 10.1.2(c) Applicant's Covering Report [under separate cover]
- 10.1.2(d) Waste Management Plan [under separate cover]
- 10.1.2(e) Traffic Impact Statement [under separate cover]
- 10.1.2(f) Heritage Impact Statement [under separate cover]
- 10.1.2(g) Applicants Legal Advice [under separate cover]
- 10.1.2(h) ESD Briefing Note [under separate cover]
- 10.1.2(i) MJA Design Report [under separate cover]
- 10.1.2(j) Submissions (redacted) [under separate cover]
- 10.1.2(k) Design Review Report [under separate cover]

**CONSULTATION**

Please refer to attached RAR.

**STATUTORY IMPLICATIONS**

Please refer to attached RAR.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

Please refer to attached RAR.

**RESOURCE IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**1. THAT Council RECOMMENDS that the Metro Inner-North Joint Development Assessment Panel resolves to:**

**Refuse DAP Application reference DAP/22/02276 and accompanying plans (DA0.01-rev. A; DA0.02-rev. A; DA1.01-rev. A; DA1.02-rev. A; DA1.03-rev. A; DA1.04-rev. A; DA1.05-rev. A;**

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DA1.06-rev. A; DA2.01-rev. A; DA2.02-rev. A; DA3.01-rev. A; DA3.02-rev. A; DA3.03-rev A; DA3.04-rev. A) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Town of Cottesloe Local Planning Scheme No. 3, for the following reasons:

#### Reasons

- a) The proposed development is contrary to the established local planning framework or the desired future character of the area as identified in the draft *Cott Village Precinct Plan*, particularly due to its height, scale, functionality, and absence of orderly and proper planning;
- b) The proposed development does not adequately respect the permitted scale and built form of the surrounding single-storey and two-storey properties in Napoleon Street;
- c) There is insufficient justification for proposed variations to the Scheme to be allowed based on the preservation of the existing heritage building on the site, including significant variations to building height, storeys, parking and plot ratio;
- d) There is insufficient on-site parking proposed, the parking and manoeuvring areas do not satisfy AS2890.1, and the parking shortfall does not satisfy subclause (1)(b) in Schedule 2, Part 9A of the *Planning & Development (Local Planning Schemes) Regulations 2015*;
- e) There is inadequate provision for an on-site loading bay or bin pick-up area at the rear thereby creating a potential obstruction to other users in Clapham Lane;
- f) The proposal will set an undesirable precedence for developments that do not conform to the adopted local planning framework;
- g) The proposal will not sustain the amenity, character and streetscape quality of the area

OCM137/2022

Moved Cr Wylynko

Seconded Cr Bulbeck

#### COUNCILLOR MOTION

THAT Council:

- 2) ADVISES the Metro Inner-North Joint Development Assessment Panel that the merits of the application are recognised and Council is prepared to support the proposal subject to modifications, including the following:

- a) **The height of the development being reduced to a maximum of three storeys (plus terrace);**
- b) **The number of on-site parking bays being to the satisfaction of the Town;**
- c) **Parking and manoeuvring areas being modified to satisfy AS2890.1;**
- d) **The provision for an on-site loading bay or bin pick-up area at the rear of the property adjacent to Clapham Lane, to the satisfaction of the Town; and**
- e) **The provision of a cash-in-lieu contribution to a maximum of 25% of the total car parking requirement in accordance with the Town of Cottesloe Local Planning Policy No.1 - Parking Matters.**

COUNCILLOR RATIONALE:

1. Council is supportive of the officer recommendation and proposed Responsible Authority Report recommendations that align with Local Planning Scheme 3.
2. Noting that JDAP is the decision maker, Council has discretion regarding demonstration of its support of the development due to the heritage status of the property. Given that the heritage element of the building is to be preserved, Council wishes to demonstrate its support for a three storey (plus terrace) development. The Draft Cottesloe Village Precinct Plan has been through initial community consultation and is now a document of due regard. The Draft Precinct Plan already entertains three storey development along Napoleon Street.
3. A cash-in-lieu of parking agreement is requested in order to maintain and improve the surface, drainage and surrounding amenity of Clapham Lane which will receive increased use as a result of the development. The Draft Precinct Plan entertains increased use and activation of the laneways, which are a feature of the Village.
4. Parking and manoeuvring changes are required to insure that the amenity and functionality of the laneway is preserved for all users.
5. The provision of an on-site loading bay or bin pick-up area is required to insure that the amenity and functionality of the laneway is preserved for all users.

**Carried 8/0**

**For: Crs Sadler, Harben, Masarei, Harkins, Barrett, MacFarlane, Bulbeck and Wylynko**  
**Against: Nil**

**ENGINEERING SERVICES****10.1.3 NORFOLK ISLAND PINE TREES**

**Directorate:** Engineering Services  
**Author(s):** Emma Saikovski, Coordinator Environmental Projects  
**Authoriser(s):** Shaun Kan, Director Engineering Services  
**File Reference:** D22/36629  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider the pathway for future management of Norfolk Island Pines (NIP).

**OFFICER RECOMMENDATION IN BRIEF**

That Council implements option one and two mentioned within the officer's comment section of the report.

**BACKGROUND**

The Town engaged ArborCarbon in June 2020 to diagnose the potential causes of decline in mature *Araucaria heterophylla* (Norfolk Island Pines) and to provide recommendations for future management of affected trees. Council at the November 2020 Ordinary Council Meeting resolved to:

- 1. ACCEPTS the attached ArborCarbon report;**
- 2. NOTES that the ArborCarbon report has been made public and has been communicated to the Town's neighbouring local councils, and REQUESTS the Town continues to progress a desire to collaborate and mutually share knowledge (or costs where appropriate); and**
- 3. NOTES the treatment trial within the officer's comment.**
- 4. REQUIRES a seventh control group with 10 healthy trees with standard maintenance only.**

A series of investigative reports were prepared before a resulting treatment trial proposal was quoted at \$45,000 ex GST. This included the training of relevant local government staff for application of the management options.

With this treatment trial proposal, the Town approached all WESROC Councils to seek participation to conduct a joint project. Two Councils initially expressed interest in the project, however later declined to participate for budgetary reasons.

Over the last 12 to 18 months the conditions of the affected NIPs seems to have improved, with no removals since April 2021. Preliminary evidence suggests that the recent decline



may be an episodic event in response to an atypical weather event, rather than a terminal pathogen incursion.

Item 10.1.10 (Norfolk Island Pine Decline) within the hyperlink below, presented to the November 2020 Ordinary Council Meeting provides background information on the matter. Included within the Council item is a preliminary investigation report by an Arborist summarising the root cause of the problem.

<https://www.cottesloe.wa.gov.au/council-meetings/ordinary-council-meeting/24-november-2020-ordinary-council-meeting/274>

It is predicted that the extreme summer experienced over 2019- 2020 was the catalyst for the decline in tree health, with a couple of wet winters consequently improving the situation.

While tree morbidity is no longer a pressing issue, the Town has a contingency plan should a relapse occur and for now, will continue to monitor the situation to ensure longevity of these iconic trees. This report presents a management pathway moving forward.

#### **OFFICER COMMENT**

During the 2021 budget review, \$15,000 was allocated for the NIP Treatment Trial, anticipating a shared uptake with two other Councils. The Town has consulted with an expert on potential management options that fall within the allocated funding. The possible pathway options are as follows:

##### **Option one: Monitor- Airborne data and analysis**

The September 2020 report prepared by ArborCarbon outlined that the key to avoiding or reducing the impacts of future episodes of NIP decline is an effective monitoring system and predefined management actions when trends of decline occur in the future. This is through acquiring airborne 'ArborCam' data and its analysis to provide real metrics and outputs.

This approach enables monitoring of change and early deteriorating condition detection of the NIP population as well as accurately measure change in urban forest cover condition of all trees throughout Cottesloe. This approach represents the best value for money option, considering the current health improvement of the trees and forecasted climate conditions.

Given that the Town has completed an Arborcam flyover in March 2020, baseline data already exists. This means that a further Arborcam flyer will be able to measure precise change in condition and cover of each tree. The data can also be used for further applications like delineating building footprints/dwellings, and species classification for biosecurity response (i.e. Polyphagous shot hole borer) if desired, representing additional benefits from investment.

For consistency with the data collection period in 2020, the Consultants will attempt to acquire, process and analyse the ArborCam imagery in early March 2023. This will cost approximately \$22,000 will allow the identification of changes that have occurred over the past three years. Advice from the Arborist is enclosed.

**Option two: Review and Rationalise Future NIP Plantings**

NIPs are synonymous with Cottesloe and it is important to retain this heritage and character. However, continuing to plant such species could present longer-term implications considering their precarious future and the now known consequences associated with dry summers and extreme temperatures.

To this end, it would be prudent for Council to consider rationalising the plantings of NIPs within the district. The review of the Street Tree Masterplan has now commenced following Council's recent adoption of the revised street tree policy and this would be the opportunity for the rationalisation to occur.

As a suggestion, the management criteria could include streets of strategic significance such as entry roads into or main streets within Cottesloe and corridors that have heritage listed trees. This will be done in consultation with an arborist and the draft revised street tree master plan will be provided to Council for consideration. Council can then put this out for consultation before accepting a final version of implementation. It is recommended that all NIP planting (including replacements) remains on hold until such time.

**Option three: Proceed with Treatment Trial**

While option one and two presents a more conservative and cost effective approach, it is open for Council to ask for the trial to proceed. Without the participation from other Local Governments, Council would need to by Absolute Majority, approve this option with a budget amendment of \$22,000 to provide a revised budget of \$45,000 to commission the works.

**Preferred Option**

Considering the current available budget and the current improved condition of the remaining NIPs, the preferred management is option one (monitor) and option two (review and rationalise).

The approved \$23,000 within the current budget (57.9000.910 – Green Infrastructure Management Plan) will be redeployed for this purpose. A recommendation specifically relating to the NIP rationalisation will be included in the Street Tree Masterplan item when the matter comes to Council for consideration.

Council is to note that it will cost approximately \$120,000 per annum of preventive watering (twice per week in summer and once outside this period) based on an estimated 550 NIPs that currently exists. Normally only trees in their initial three year establishing period are watered using this regime with matured plantings reliant on rainfalls.

Notwithstanding this, the water is drawn from the Town's bores and implementing the preventive watering for all trees will impact Council continuing being a waterwise Local Government, a prestigious award given to a selected number of Municipals.

The \$45,000 trial is a once off investment to determine an appropriate treatment for the preventive measure, that is not expected to be at the same annual cost quantum of watering the 550 trees.

Further research will be carried out on the NIP situation for surrounding Councils and commentary will be provided in a future report, possibly when Elected Members are asked to consider the revised Street Tree Masterplan.

### **ATTACHMENTS**

**10.1.3(a) NIP Trial - Email Advice from Arbor Carbon - Aug 2022 - Redacted [under separate cover]**

### **CONSULTATION**

Arborist Consultants

Surrounding Local Governments

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995 Section 2.7 Role of Council*

### **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 1: Protecting and enhancing the wellbeing of residents and visitors

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

### **RESOURCE IMPLICATIONS**

Option one and two is achievable within the approved budget.

Option three would require a budget amendment of \$22,000 to bring the funding to \$45,000.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

The proposed management option favours a 'monitor, review and rationalise approach' which means that there is the possibility of early detection and treatment should the NIPs have a reoccurrence in deterioration. The Town can then pursue treatment or a treatment trial anyway.

While any management option of the NI Pines poses some environmental sustainability implications, the impact of inaction is significantly greater than the proposed management option.

### **VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

Moved Cr Barrett

Seconded Cr Sadler

THAT Council

1. APPROVES the preferred options one and two mentioned in the officer's comment section of the report;
2. Subject to point one, NOTES that the \$23,000 within Operating Account 57.9000.910 (Green Infrastructure Management Plan) will be redirected to option one for the collection of airborne data and analysis to determine the condition of the Norfolk Island Pine Trees within the district since 2020; and
3. NOTES that a future report will be brought to Council to provide an update on point two to determine whether there is the need to implement option three and any further intervention.
4. NOTES that the Norfolk Island Pine street tree planting will only recommence following the adoption of the Street Tree Masterplan.

OCM138/2022

**COUNCILLOR AMENDMENT**

Moved Cr Harkins

Seconded Cr Masarei

THAT Council

5. Ask the CEO to bring an item to an elected member workshop upon the completion of point 2 and the review of the street tree masterplan.

Carried 8/0

For: Crs Sadler, Harben, Masarei, Harkins, Barrett, MacFarlane, Bulbeck and Wylynko

Against: Nil

OCM139/2022

**SUBSTANTIVE MOTION**

Moved Cr Harkins

Seconded Cr Masarei

THAT Council

1. APPROVES the preferred options one and two mentioned in the officer's comment section of the report;
2. Subject to point one, NOTES that the \$23,000 within Operating Account 57.9000.910 (Green Infrastructure Management Plan) will be redirected to option one for the collection of airborne data and analysis to determine the condition of the Norfolk Island Pine Trees within the district since 2020; and
3. NOTES that a future report will be brought to Council to provide an update on point two to determine whether there is the need to implement option three and any further intervention.
4. NOTES that the Norfolk Island Pine street tree planting will only recommence following the adoption of the Street Tree Masterplan.

5. Ask the CEO to bring an item to an elected member workshop upon the completion of point 2 and the review of the street tree master plan.

**Carried 8/0**

**For: Crs Sadler, Harben, Masarei, Harkins, Barrett, MacFarlane, Bulbeck and Wylenko**

**Against: Nil**

Councillor Rationale

- It is certainly important that the comparison outcome between the 2020 and 2023 aerial condition survey, be analysed.
- So that the Street Tree Masterplan is brought back to a workshop as soon as possible after the above analysis, hopefully in time for the 2023 winter planting season.

**10.1.4 CITIES POWER PARTNERSHIP PLEDGE UPDATE**

**Directorate:** Engineering Services  
**Author(s):** Emma Saikovski, Coordinator Environmental Projects  
**Authoriser(s):** Shaun Kan, Director Engineering Services  
**File Reference:** D22/36838  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to note the update on the Cities Power Partnership pledges.

**OFFICER RECOMMENDATION IN BRIEF**

For Council to note the Cities Power Partnership update.

**BACKGROUND**

At the March 2021 OCM, Council resolved to join the Cities Power Partnership, a national network of cities and towns tackling climate change hosted by the Climate Council.

As a part of the registration, Councils are then required to make five key action pledges and provide annual updates upon request, in the form of a detailed survey.

The following key action pledges were adopted by Council at the July 2021 OCM:

1. Power council operations by renewable energy, and set targets to increase the level of renewable power for council operations over time;
2. Adopt best practice energy efficiency measures across all council buildings and support community facilities to adopt these measures;
3. Support cycling through provision of adequate cycle lanes, bike parking and end-of trip facilities;
4. Set city-level renewable energy or emissions reduction targets;
5. Set up meetings and attend events to work with other cities on tackling climate change;

The following is a summary of the updates provided in the 2022 annual survey, completed in August 2022 and represent works completed in the time since joining the Cities Power Partnership.

**OFFICER COMMENT**

Council is to note the following achievements within each pledge since the registration with Cities Power Partnership:

1. **Power council operations by renewable energy, and set targets to increase the level of renewable power for council operations over time;**
-

The WALGA Sustainable Energy Project formally commenced on 1 April 2022, after Council, approved unbundled brown energy and the adoption of 100% renewable energy in the Energy Sustainability Project

**2. Adopt best practice energy efficiency measures across all council buildings and support community facilities to adopt these measures;**

The Town continues to upgrade old lighting with low energy using LEDS, as old globes reach their practical end of life. Recent upgrades have included:

- Three flood lights at the Civic Centre
- Harvey Field Playing fields (to lower wattage LEDS)
- All lights in the first floor of the administration building were upgraded to LEDS in March 2021
- All lighting for the new Anderson Pavilion will be LED.

**3. Support cycling through provision of adequate cycle lanes, bike parking and end-of-trip facilities;**

Three mid-trip bicycle facilities have recently been installed along the Curtin Ave Principle Shared Path. The facilities are available within close proximity to each of the three train stations in Cottesloe and include a bicycle repair stand, tyre pump and a filtered water drinking station at the main Cottesloe station site. This project was made possible by funding from the Department of Transport.

The Eric St Shared Path project is currently underway as a part of the Long Term Cycle Network (LTCN). Once completed this will establish a key link between Curtin Avenue and Marine Parade and facilitate active transport in Cottesloe.

A shared e-bike trial began in Cottesloe in September 2021, with support from the Town. There are 12 bikes available across three locations. The Town was the first local government to trial mobile e-bike rental, making the Town a leader in the smart mobility space.

**4. Set city-level renewable energy or emissions reduction targets;**

Setting robust targets is difficult without baseline data and monitoring systems in place, however this may be something Council wishes to explore in the future particularly with the initiative mentioned under pledge one.

While no overarching targets have been set, renewable energy and emissions reduction continues to be factored into key decision making in the Town. Converting the Council's fleet to hybrid models as part of its renewal program is one of the many initiatives the Town could explore.

**5. Set up meetings and attend events to work with other cities on tackling climate change;**

The Town is part of numerous environmental working groups and has recently established the Natural Areas Alliance in partnership with Cottesloe Coastcare and

Perth Natural Resource Management. Staff and Elected Members have attend conferences to ensure best practice and knowledge sharing across other LGAs.

This is further complemented by Corporate Day dune planting events and coastal monitoring projects as part of monitoring to ensure adverse climate change is properly managed. In 2021, Council also embarked on the Coastal Hazard Risk Management and Adaptation Risk Planning (CHRMAP) to mitigate against the effects of sea level rises.

### **ATTACHMENTS**

Nil

### **CONSULTATION**

Cities Power Partnership

Town of Cottesloe

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995 Section 2.7 Role of Council*

### **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 5: Providing sustainable infrastructure and community amenities

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

### **RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

Any future projects that require additional funding will be sought as required.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

The Cities Power Partnership provides a sustainability benefit to the Town, by providing overarching goals to work towards and a reporting framework to measures progress against these each year.

### **VOTING REQUIREMENT**

Simple Majority





**EXECUTIVE SERVICES****10.1.5 WALGA AGM VOTING DELEGATES**

**Directorate:** Executive Services  
**Author(s):** Matthew Scott, Chief Executive Officer  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D22/37398  
**Applicant(s):**  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to select two voting delegates (and a proxy) for the WA Local Government Association (WALGA) Annual General Meeting (AGM).

**OFFICER RECOMMENDATION IN BRIEF**

That Council appoints two (2) elected members as voting delegates and one (1) elected as a proxy delegate to the 2022 WALGA AGM.

**BACKGROUND**

The WALGA AGM is scheduled to be held on Monday 3 October 2022, as part of the 2022 Local Government Week Convention. The Town normally has delegates attend the AGM to represent the interests of the Town of Cottesloe.

**OFFICER COMMENT**

The WALGA AGM, is held every year in order for the membership of WALGA (all Local Governments in WA) to review WALGA's activities for the previous financial year and consider possible Executive or Member Motions. There is no formal protocol as to which elected member(s) should be appointed, however it is strongly recommended that voting delegates be reasonably familiar with current WALGA advocacy activities and state-wide local government industry issues, which would normally include the Mayor (Mayor Young), Deputy Mayor (Cr Sadler) and/or the Town's current WALGA Zone representatives (Cr Sadler and Cr Masarei). It should be noted that any motion resolved at the WALGA AGM does not bind the Town of Cottesloe to any formal position on any matter considered at WALGA AGM.

**ATTACHMENTS**

Nil

**CONSULTATION**

Nil

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**STATUTORY IMPLICATIONS**

There are no statutory implication associated with this item.

**POLICY IMPLICATIONS**

Pol/102 Elected Member Training and Professional Development

Pol/106 Elected Member and Chief Executive Officer Attendance at Events and Functions

**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

**OCM142/2022**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Harkins**

**Seconded Cr Masarei**

**THAT Council:**

- 1. APPOINT Cr Masarei and Cr Sadler as the voting delegates for the 2022 WALGA Annual General Meeting; and**

**Carried 8/0**

**For: Crs Sadler, Harben, Masarei, Harkins, Barrett, MacFarlane, Bulbeck and Wylynko**

**Against: Nil**

**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:**

Nil

**12.1 ELECTED MEMBERS**

Nil

**12.2 OFFICERS**

Nil

**13 MEETING CLOSED TO PUBLIC**

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

**OCM143/2022**

**MOTION FOR BEHIND CLOSED DOORS**

**Moved Cr Barrett**

**Seconded Cr MacFarlane**

**That, in accordance with Section 5.23(2)(d), Council discuss the confidential reports behind closed doors**

**Carried 8/0**

**For: Crs Sadler, Harben, Masarei, Harkins, Barrett, MacFarlane, Bulbeck and Wylynko**

**Against: Nil**

*The public and members of the media were requested to leave the meeting at 6:54 pm*

**13.1.1 ANDERSON PAVILION PROJECT**

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.

OCM144/2022

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Barrett

Seconded Cr Harkins

THAT Council by absolute majority

1. APPROVES a budget amendment of \$120,000 to cover the variation associated with the significant rise in material cost for the project that has resulted from supply shortage within the construction industry since the award of the tender in late 2021, noting that the builder has absorbed a significant portion of the overall increase to the project as shown within the officer's comment of the report;
2. NOTES the legal advice and that the variation in point one is necessary in order to deliver the project intent approved by Council;
3. Subject to point one, APPROVES the:
  - a. Transfers the \$120,000 from Property Reserves;
  - b. new contract value of \$1,564,280 for the Anderson Pavilion Design and Construct Tender;
  - c. the budget amendment in point three (b) revises the capital account 35.4010.2 – Anderson Pavilion Development from \$1,343,198 to \$1,463,198
4. NOTES that part of the construction for the new building has started with the completion of the earth pad and this is in the same location on Harvey Field approved by Council at the May 2021 Ordinary Council Meeting; and
5. NOTES that subject to point one, the remaining construction will continue in approximately one month to allow for design and material supply to be finalised with a new Anderson Pavilion completed no later than 30 June 2023.

Carried by Absolute Majority 8/0

For: Crs Sadler, Harben, Masarei, Harkins, Barrett, MacFarlane, Bulbeck and Wylynko  
Against: Nil

OCM145/2022

**MOTION FOR RETURN FROM BEHIND CLOSED DOORS**

Moved Cr Wylynko

Seconded Cr Harkins

In accordance with Section 5.23 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 8/0

For: Crs Sadler, Harben, Masarei, Harkins, Barrett, MacFarlane, Bulbeck and Wylynko  
Against: Nil

The public and members of the media returned to the meeting at 7:10 pm.

**13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**

**13.1.1 ANDERSON PAVILION PROJECT**

The resolution for item 13.1.1 was read aloud.

**14 MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 7:12 pm.