

# Charter – Task Force on Residential and Recreational Verge Uses



Town of Cottesloe

This Charter document defines the membership, authority, purpose, operational guidelines, responsibilities and resources of the Town of Cottesloe Task Force on Residential and Recreational Verge Uses, as an Advisory Committee, established by Council, pursuant to Section 5.8 of the *Local Government Act 1995* (the Act).

## 1. Name

The name of the Committee is “Task Force on Residential and Recreational Verge Uses”. All references to ‘Committee’ in this charter mean “Task Force on Residential and Recreational Verge Uses”.

## 2. Establishment

This Committee is established under the provisions of section 5.8 of the Local Government Act 1995.

## 3. Guiding Principles

This Committee is established with its guiding principles in accordance with the *Local Government Act 1995*, sections 5.8 to 5.25.

## 4. Purpose

The purpose of this Committee is to assist the Town of Cottesloe Council in developing either a new or revision of an existing policy to provide an approval and management solution relating to the installation of recreational play equipment and other infrastructure by adjacent landowners and residents on land that the Town has care, control and maintenance for (Council controlled verges).

## 5. Terms of Reference

- a. The types of recreational equipment that can be permitted to be installed on Council controlled verges, with or without approval, inclusive of, but not limited to, size, scale, access, and impact on neighbourhood amenity;
- b. The minimum requirements and standards for approving recreational equipment installed on Council controlled verges;
- c. The initial assessment framework and annual review process of approved recreational equipment installed on Council controlled verges; and
- d. Creating and/or amending current Town of Cottesloe Local Laws, policies and guidelines in relation to recreational equipment on Council controlled verges;
- e. The level of risk and liability acceptable with regards to recreational equipment installed on Council controlled verges;
- f. Community Consultation initiatives to seek community feedback with regards to the above.

To achieve the above the Committee will have due regards to:

- a. Current Town of Cottesloe Local Laws, policies and guidelines in relation to recreational equipment installed on Council controlled verges;
- b. Risk assessments of currently installed recreational equipment installed on Council controlled verges;
- c. Current insurance options available to mitigate risk and/or liability of the Town of Cottesloe;
- d. Current strategies, local laws, policies and guidelines implemented by other Metropolitan Local Governments in relation to recreational equipment on Local Government controlled verges;
- e. Legal and related professional advice;

Previous documented concerns raised by Elected Members and Residents;

### 6. Membership

Membership of this Committee will generally comprise of:

- Three (3) Town of Cottesloe Elected Members; and
- **Three (3) Cottesloe Community members appointed by the Council.**

Ex-Official Membership of Committee with no voting rights will comprise of:

- The Chief Executive Officer (CEO) of the Town of Cottesloe (or delegate)
- The Director of Engineering Services of the Town of Cottesloe (or delegate)
- The Director of Development and Regulatory Services of the Town of Cottesloe (or delegate)
- A Representative from Kidsafe WA
- A Representative from the Western Australian Local Government Association (WALGA)
- A Representative from Local Government Insurance Services (LGIS)

Organisations that provide representatives are free to select and endorse their representative as per their governing rules and processes. Council will endorse each organisation which provides a representative following each Ordinary Council Election. Organisations will be able to be represented until they write to the Town formally requesting to be relieved of representation on the Committee, the Committee is disbanded or Council resolves to amend the representation on the Committee.

### 7. Meetings

#### 7.1 Annual General Meeting

Nil

#### 7.2 Committee Meetings

Meetings shall be held not more frequently than every month, unless a special meeting of the Committee is called for a specified purpose.

#### 7.3 Quorum

The quorum for any meeting of this Committee shall be 50 percent of the voting members appointed by Council and no less than two (2) Town of Cottesloe Elected Members present at the time of the meeting.

#### 7.4 Voting

Shall be in accordance with section 5.21 of the Act, with all members endorsed as voting members entitled and required to vote, subject to the provisions of the Act which deal with Financial and Proximity Interests.

#### 7.5 Minutes

The Minutes of the meeting shall be recorded and prepared as per the provisions of section 5.22 of Act.

#### 7.6 Who acts if the presiding member is unavailable

Shall be in accordance with section 5.14 of the Act.

#### 7.7 Meetings

Meetings shall be generally open to the public as per the provisions of section 5.23 of the Act.

#### 7.8 Public Question Time

As the Committee has no delegated powers (section 5.24 of the Act), there is no specific provision for public question time.

#### 7.9 Members' Conduct

Council Members of the Committee shall be bound by the following

- The provisions of section 5.65 of the Act;
- Town of Cottesloe *Standing Orders Local Law 2021*;
- Town of Cottesloe Elected Members, Committee Members and Candidates Code of Conduct 2021;
- *Local Government (Rules of Conduct) Regulations 2007*; and
- Regulation 34C of the *Local Government (Administration) Regulations 1996*,

with respect to their conduct at meetings and their duty of disclosure.

Elected Members and Officers of the Town of Cottesloe will be bound by these provisions, relating specifically to their participation in the Committee, at all times.

#### 7.10 Secretary

The Chief Executive Officer (or their nominated representative) shall undertake the following secretarial duties;

- Prepare and distribute meeting papers as required
- Attend and record the Minutes of the meeting
- Provide the administrative support required to present the outcomes of the meeting to Council for consideration where required.

#### 7.11 Presiding Member

The members (voting) will elect a presiding member and deputy member at the first meeting after these positions become vacant for any reason. The voting on and appointment of the presiding member and deputy member shall be in accordance with the provisions of section 5.12 of the Act. Only a Town of Cottesloe Elected Member may be elected as a presiding member.

**7.12 Meeting attendance fees**

Nil

**7.13 Duration of Committee**

The duration of committee, unless extended by Council Resolution, is until 31 December 2021. At the last meeting of the Committee, prior to its termination, Committee members will be provide feedback to the Administration on the effectiveness of the Committee, information received and considered, and Committee meeting process, in order to look for improvements to be implemented for other and future Council Committees.

**8. Delegated Authority**

This committee has no delegated authority.

**9. Endorsement**

This Charter was endorsed by the Town of Cottesloe Council at its meeting on .