

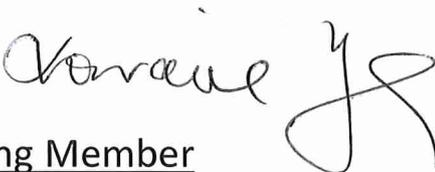


# Town of Cottesloe

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

**Tuesday, 13 December 2022**

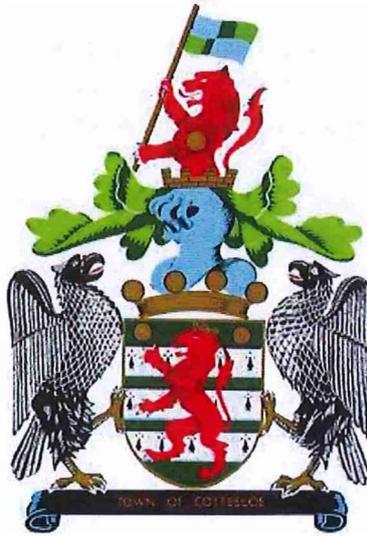
were confirmed as a true and accurate record by Council resolution.

Signed: 

Presiding Member

Date: 28.2.23

# 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, 13 December 2022

A blue ink signature of Matthew Scott, consisting of a stylized, flowing line.

**MATTHEW SCOTT**  
Chief Executive Officer

21 December 2022

## DISCLAIMER

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Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a council meeting does so at that person's or legal entity's own risk.

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Agenda and minutes are available on the Town's website [www.cottesloe.wa.gov.au](http://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 6:07 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**

Being the last Ordinary Council meeting for 2022, the Presiding Member took the opportunity to thank her fellow her fellow Elected Members for their continued hard work throughout the year. The Presiding Member also thanked the Town's staff, Members of Council Committees and Working Groups, and members of the Community who attend Council Meetings for their active participation throughout the year.

The Presiding Member commented on the tragic accident that occurred recently on Stirling Highway and expressed her condolences, on behalf of the Town, to everyone impacted, stating that the accident served as brutal reminder for all to take care on the roads over the festive season.

Finally, the Presiding Member wished everyone a Merry Christmas and Happy New Year.

**4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Phil Paterson 16A Barsden St, Cottesloe

Q2: How many replies have been received from the 63 residents sent a play equipment permit application and covering letter on 27 September?

R2: To date, The Town has received 3 valid replies.

Stephen Mellor – 8 Graham Court, Cottesloe Local Planning Policy No 1 Parking Matters

Q1: How is it the Town is only now "developing amendments to the Local Planning Policy to address changes to State Planning Regulations associated with cash in lieu for parking" when the WAPC had set July 2021 as the requirement date, and that the parking pressures of the Foreshore Precinct Development, the forthcoming Marine Parade

developments at 88, 94, 1044, 110, 120, 122 and OBH 140 and the Indiana are 'known' by the Council and that the Electors Meeting resolution reminded Council of the need for a comprehensive parking plan?

- R1: The Town's Local Planning Policy No.1 – Parking Matters (LPP 1), refers to clause 5.8.3 of LPS3 regarding cash in lieu payments for a shortfall of parking spaces required in *Town Centre, Foreshore Centre, Restricted Foreshore Centre, Hotel, Development and Residential Office zones*. The Town is currently preparing a payment in lieu of parking plan in accordance with clause 77J of the *Planning & Development (Local Planning Schemes) Regulations 2015* and this is to be completed by 1 July 2023. In the interim the Town's LPP 1 can be applied.
- Q2: Why did the Council not make a deputation at the WAPC meeting that approved the 120 Marine Parade Development, to contest that no parking cash in lieu provision condition be made part of the approval when the WAPC Agenda report had forewarned?
- R2: The Town was first advised of the WAPC meeting on Monday, 17 October 2022, after applications for deputations or presentations had closed. The notification from SDAU did not include an invitation to attend the WAPC meeting.
- Q3: As Car Park 2 must be part of any parking plan, what is the schedule for completion of the parking plan requirements as the Council will certainly not be ready for 1 July 2023 WAPC completion date?
- R3: Refer to R1.

Will Council request Administration to:

- Q4: Seek permission to publish the [WALGA Public Information Access Guide] on the ToC website?
- R4: WALGA has confirmed that WALGA's Public Information Access Guide is available to the Town via the Town's subscription with WALGA, and therefore it is not to be made publically available (via the Town's website).
- Q5: Update the website 100% Foreshore Design plans to incorporate the cycle path/route connectivity to East – West cycle paths, removal of the toilet block proposal and North Cottesloe Rooftop?
- R5: Only the toilet block location will be revised and the relevant section of the Eric Street Shared Path incorporated as part of any future revisions.

Q6: Provide the Officer Report for 94 Marine Parade Development application response for community review as soon as available and at least one week before the close of the public consultation period?

R6: The development application for 94 Marine Parade (Seapines) is an application that has been lodged with the State Development Assessment Unit (SDAU) only at this stage and it is not yet open for comment. A report to Council will be prepared when the Town is provided with an opportunity to comment as per the usual Council Agenda process, unless there is a need for a Special Council Meeting.

Q7: I was told the Aspect Studios Foreshore Detail Design \$288,744.93 was for Council approved Foreshore Detailed Design work. This did not answer my question.

100% design was approved ages ago. Was this work detail design on the approved 100% or was it for reworking of the concept to include dedicated cycle paths along Marine Parade?

R7: This was for outstanding invoices as part of that detail design consultancy.

10.1.3 (Oct OCM) Purchasing Policy – staffing

Q8: In last month’s officer report I have seen changes to staff titles. Will the Council please request Administration to provide on the website a staff tree structure diagram with staff titles and areas of responsibility?

R8: The Town’s Executive Team is currently on the Website.

Q9: Where there any cost savings or budget or staff increases as part of the job title amalgamations?

R9: The changes were made to better reflect roles and responsibilities within the Administrations, resulting in no direct savings or costs.

Q10: How many FTE positions are on the ToC payroll as at 30 September 2022 and how does this compare with the previous three years?

R10:	2019	47.3
	2020	47.5
	2021	47.5
	2022	53.62

The increase in staff numbers full time has resulted primarily through the transfer of casual employees to full time and through increased operating requirements.

Indiana

Q11: At this stage, is it planned for any aspect of the Indiana proposal to be on the December OCM agenda in three week's time?

R11: No.

Q12: When is it estimated the community can see the full Indiana proposal information and business plan?

R12: Subject to receiving the information necessary to complete the Business Plan, sometime in 2023.

Thomas Jowett – 31 Eric St, Cottesloe

ERP system

Q1: Can you confirm there is a \$1.295m (1.175m + 120k) budget for an "ERP" system implementation, which represents - \$400 per rate paying household in Cottesloe?

R1: The 2022/23 budget allocation for the ERP system is \$1,175,000.

Q2: How much has actually been spent to date on the "ERP" system?

R2: As of the end of October this financial year is \$320,257.

Q3: There is a variance of \$792,797 in the 21/22 budget review due to the ERP system amongst other things. How much more is predicted to be spent?

R3: \$854,743 (\$1,175,000-\$320,257).

Q4: On November 23 2021 Cr Bulbeck motioned to transfer funds from IT reserve to Municipal fund for ERP system. Accordingly, how much was the authorisation? How much has been moved? When were the movements made?

R4: As per the 2022/23 Annual Budget, the budgeted transfer is \$695,000, and will transferred once total costs are determined and the project is finalised. No reserve transfers have occurred to date.

Q5: Who is the provider of the ERP system? How were they chosen?

R5: Datacom. The selection was made via a competitive selection process of five suppliers on WALGA's preferred supplier panel (which included Datacom) and in accordance with Regulation 11, Local Government (Functions and General) Regulations 1996.

“IT expenses”

Q6: Is it common to have charges mislabelled?

R6: The current Accounts Payable System has a limitation on the number of characters to describe a payment, requiring staff to summarise information to meet these restrictions.

Q7: What are the separate charges from the same supplier in the same month for \$24,295.18 and \$3960 for?

R7: In summary this includes Microsoft Office 365 Licences, preventative maintenance, system optimisation, service and support, asset and server maintenance, security services, strategy planning, Telstra Ethernet, firewall and antivirus, backup and recovery services, and data centre storage.

Q8: An “SLA” is service level agreement, so clearly there is no such thing as a “managed license SLA license”. What is the charge for?

R8: Network Services and associated licences as per the SLA.

Bike Path

Q10: On 22<sup>nd</sup> August 2022, the night before councillors here voted to build the path, one of the best bike path safety auditors in WA emailed the town. How was this considered by councillors when they voted the next night to build the path?

R10: Resolution OCM 125/2022 indicates that the safety concerns raised were considered.

Q11: How has the LGIS been consulted on the path? Have they indicated any change to insurance premiums due to it having safety issues?

R11: LGIS was not consulted, as the design has been certified by an independent certifying Engineer. The Town does not expect any changes to it’s Insurance Premiums as result of the Eric Street Shared Path.

Q12: On 24<sup>th</sup> August the TOC emailed safety Auditors and cancelled their request for a safety audit to be done on the path with the following message: “unfortunately due to some unavoidable circumstances, [the] [T]own is not proceeding with the safety audit.” What were the unavoidable circumstances, and why didn’t the Town perform a safety audit on the path?

R12 The “unavoidable circumstances” was Resolution OCM 125/2022, from the 23 August 2022 Ordinary Council Meeting, which provided specific instructions from Council for the Administration to implement. As the

Shared Path has been certified by an independent certifying Engineer, a safety audit is not required until the installation is completed.

Q13: Can the town commit to saving the Norfolk Island Pines in front of 29 and 27 Eric Street by making the shared path closer to the street and 2.5m wide?

R13: Until there is evidence that the Norfolk Island Pines are threatened, the Town is not considering changing that section of the design. Should the situation change, the design will be amended to mitigate any risk to the Norfolk Island Pines.

#### 4.2 PUBLIC QUESTIONS

Yvonne Hart 26 Mann Street Cottesloe

Q1 In reference to Item 10.1.3 Long Term Financial Plan, how much of the \$66m includes Developer Contributions for known developments and based on the latest information from the WAPC?

R1 The CEO advised that at this stage there is no exact figure in regards to Developer Contributions within Non-operating Grants and Subsidies. The Town is developing a Planning Policy to provide for developer contributions, however at this stage it is not possible to quantify the amount that could be received.

Q2 Could you please identify each year, 2023-2026 and itemise where these Non Operating Grants and Subsidies will come from?

R2 The CEO advised that the Long Term Financial Plan that is a 10 year plan and is based on what the Town would generally expect for capital projects. Given the timeframe (10 years) it is not possible to individually identify every individual future funding programs, as they may change during this timeframe.

Q3 Have these non operating grants and subsidies been confirmed, guaranteed or secured and if so what proportions?

R3 The CEO advised, as per R2 it is not possible to confirm, guarantee or secure funding for future projects. The LTFP is guide to demonstrate what is currently expected, and identifies the possible consequences on the long term sustainability of the Town if funding (capital or operating) is not received.

- Q4 It is important to know, nothing has been confirmed, guaranteed or secured is it subject to submissions?
- R4 The CEO advised that everything within the LTFP is subject to the Annual Budget process for each year and in regards to grants, the application process relating to individual grants (Operating and Capital).
- Q5 Why is the Adoption of the Audit Committee Minutes not on the Agenda tonight and when will the Minutes be put to Council to receipt?
- R4 The CEO advised the that recommendation that was in the Agenda Forum was to discuss the matter Behind Closed Doors was so that Councillors that were not part of the Audit Committee could raise queries regarding the Confidential Attachments within the Minutes when considering to adopt the Minutes. In the discussion last Tuesday, the CEO formed the view that there was not a clear understanding by all Elected Members of the purpose of the recommendation or consequences if Council decided not to go behind closed doors. CEO has since advised Council that a workshop will be arranged so the Administration can provide Council expert advice on the implications of going Behind Closed Doors and the best practice for dealing with confidential information at future meetings. The aim is that the Audit Committee Minutes will be represented to Council at the February OCM for consideration.

Kevin Morgan – 4/1 Pearse Street, Cottesloe

With reference to the Department of Local Government Guidelines on the Integrated Planning Process.

- Q1a(i). Why has the Council prepared a new Corporate Business Plan without having first prepared a new Strategic Community Plan?
- Q1a(ii) Why is Corporate Business Plan adopting priorities of Council, rather than from community input?
- Q1a(iii) Why are these priorities being incorporated into a Long Term Financial Plan, prior to community input being sought?
- Q1b. Does not preparing the Strategic Community Plan after preparing the Corporate Business Plan and Long Term Financial Plan, deprive the community of any real input?
- Q2. Why is Council's long term financial plan to be driven Council's priorities, rather than instead driven by the aspirations and priorities of the community?

- Q3. Why is this Council now targeting community organisations to extract more money via leases from them for sites they use for the well-being of our community?
- Q4. If that is Council's priority, why has Council not already negotiated a lease of the proposed new Anderson Pavilion to the Cottesloe Football Clubs, given that Council's scope to negotiate will be much more limited after it is rebuilt?
- Q5. Should not this new financial focus of Council, not be acted upon until you first put it out for community consultation to include in the Strategic Community Plan?

These questions were taken on notice.

Stephen Mellor – 8 Graham Court, Cottesloe

- Q1 Why is this item 13.1.2 East Cottesloe Play ground confidential?
- R1 The CEO advised the East Cottesloe Playground report discusses costing information associated with the proposed upgrade and could provide a commercial advantage to potential tenderers if made public.
- Q2 Why is this item 13.1.3 Receipt of Committee Minutes – Recreation Verge uses confidential?
- R2 The CEO advised the Minutes contain Legal Advice discussed behind doors by the Taskforce.
- Q3 Tonight's agenda Page 5 RI Can you explain how, without a Payment in lieu of Parking Plan, you can say "In the interim the Town's LPP 1 can be applied"?
- Q4 Why are there no summaries in tonight's Agenda of the two public questions I asked that were responded to at last week's Agenda Forum?
- These question were taken on notice
- Q5 Why were my subsequent questions not 'taken on notice' at the Agenda Forum and responded to in tonight's Agenda papers?
- R5 The CEO advised that the Presiding Member chose to not deal with those questions at the Agenda Forum, as they didn't relate to the Agenda Forum papers.
- Q6 Has the Council received, developed, discussed or agreed to any Development Contribution Plans or Developer Contribution Agreements for any of the forthcoming Marine Parade developments at 88, 94, 104, 110, 120, 122 and OBH 140?

- R6 The CEO Advised that it needs to be recognized that Council is not the decision maker of a SDAU application, it is the WAPC. The Council can only provide submissions in regards to SDAU applications. The Town has no authority to enter into any agreement with SDAU applicants regarding development contributions. It can only request that such contributions be conditions applied on the approval by the WAPC.
- Q7 Has the Council received a request or suggestion from the proponent for the Indiana boutique hotel plan to include a Contribution Agreement being made for infrastructure facilities such as the redevelopment of Car Park 2?
- R7 The CEO advised no.
- Q8 Further to the non answer in Public Questions regarding Car Park 2, should not the Council immediately initiate community consultation to prepare a redevelopment plan for Car Park 2?
- R8 The CEO advised that this would require a decision of Council to proceed to community consultation
- Q9 Can you explain how/why a Strategic Plan can be developed after, rather than before, a LTFP which should be informed by the planned strategies?

This question was taken on notice

Thomas Jowett – 31 Eric Street, Cottesloe

- Q1 How does the crossover policy address Eric Street resident's crossovers being made good as a result of construction?
- R1 The Presiding Member advised that the Eric Street crossovers will be covered by the new policy if the policy is adopted (In relation to new crossovers). The CEO advised that the intention is that the policy will not be applied retrospectively. The Town has been in discussion with Eric Street residents prior to the matter coming to Council tonight and reinstating their crossovers is part of the Eric Street shared path project.
- Q2 A number of the crossovers which are to be reclaimed by council are aggregate. How does the new crossover policy deal with aggregate crossovers?
- R2 The Director of Engineering Services advised aggregate crossovers are covered within the policy.
- Q3 Why is the town blocking the Federal Government from releasing the Eric Street Shared Path LRCI grant application documents via my FOI request?

- R3 The CEO advised that the Town has been requested to provide its views in regards to a FOI application, which it has. It is the decision of the Federal Government as to whether or not to the release the information requested, not the Town of Cottesloe.
- Q4 Can the town please confirm whether a "local route" on the LTCN is or is not at risk of having a 3m bike path such as currently being built on Eric Street?
- R4 Given the cost of cycle infrastructure and the Town's limited resources, it is likely that the decision on the treatment on future "local routes" on the LTCN will be a decision for a future Council.
- Q5 What is the ABN for MS Consulting?
- Q6 Can you please break out expenses as line items when they are larger than \$5,000 as you do in the manner of card charges?
- Q7 What software does the town use for accounts payable which has a "character limitation" to describe invoices?
- Q8 How much has the town spent to date with Datacom on the ERP project?
- Q9 Has the CEO reported the former Manager of projects and assets to the Department of Local Government for not filing an Annual Return and what was the result of the investigation?
- Q10 Did former Councillor Harben receive meeting fees after selling her home and prior to resigning from council?

These questions were taken on notice.

Gina Gliddon - 31 Eric Street, Cottesloe

- Q1 Can the Town commit to having an arborist from Classic Tree Services, which is the preferred arborist of Advantearing to visit the residents to report on the trees prior to continuing construction past Chamberlain Street?
- R1 The Presiding Member advised The Council can not commit to a particular arborist as there is a procurement policy depending on how much money is involved. Further advice will needed from Engineering Services prior to this being considered.
- Q2 Could Council advise if there was a decision on the Norfolk Island Pine replacement?

- R2 The Presiding Member advised that there has been no decision from Council at this stage. The Presiding member confirmed with the CEO as to the outcome on the possibility of Norfolk Island Pine replacement. The CEO confirmed that there was a decision of Council to carry out an aerial survey (study) of the entire district to determine the current status of the Norfolk Island Pines and whether or not it has improved since a pathogen attack a couple of years ago. Council will be briefed on options moving forward subject to the outcome of the study.

## 5 PUBLIC STATEMENT TIME

Nil

## 6 ATTENDANCE

### Elected Members

Mayor Lorraine Young  
Cr Helen Sadler  
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 & Executive Office 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**

Nil

**6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 DECLARATION OF INTERESTS**

Deputy Mayor Sadler declared an IMPARTIALITY INTEREST in Item 10.1.5 by virtue "I am a Member of the Board of Reconciliation WA.

Deputy Mayor Sadler declared an IMPARTIALITY INTEREST in 13.1.1 by virtue "some of the potential Tenderers are known to me"

Cr Harkins declared an IMPARTIALITY INTEREST in 13.1.1 by virtue "some of the potential Tenderers are known to me"

Cr Bulbeck declared an IMPARTIALITY INTEREST in 10.1.5 by virtue "I am a Member of Reconciliation WA"

Cr Bulbeck declared an IMPARTIALITY INTEREST in 13.1.1 by virtue "some of the potential Tenderers are known to me"

Cr Masarei declared an IMPARTIALITY INTEREST in 13.1.1 by virtue "some of the potential Tenderers are known to me"

Cr Barrett declared an IMPARTIALITY INTEREST in 13.1.1 by virtue "some of the potential Tenderers are known to me"

Mayor Young declared an IMPARTIALITY INTEREST in 13.1.1 by "some of the potential Tenderers are known to me"

**8 CONFIRMATION OF MINUTES****OCM181/2022**

Moved Cr Bulbeck

Seconded Cr Wylynko

**That the Minutes of the Ordinary Meeting of Council held on Tuesday 22 November 2022 with the following corrections below and are confirmed as a true and accurate record.**

- 1) Cr Wylynko declared an IMPARTIALITY INTEREST in item 10.1.3 by virtue "as the ~~Principles~~ Principals of the Planning Advisors are known to me"
- 2) OCM167/2022 be corrected to show moved Cr Masarei seconded Cr Sadler.

Carried 8/0  
For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett, MacFarlane, Bulbeck and  
Wynlynko  
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**

Nil

**10 REPORTS**

**10.1 REPORTS OF OFFICERS**

**OCM182/2022**

**Moved Cr Harkins**

**Seconded Cr Sadler**

**COUNCIL RESOLUTION**

**That Council adopts en-bloc the following Officer Recommendations contained in the Agenda for the Ordinary Council Meeting 13 December 2022:**

**Item # Report Title**

**10.1.4 Monthly Financial Statements for the period 1 July 2022 to 31 October 2022**

**10.1.5 Reconciliation Action Plan**

**10.1.6 Lot 500 (Strata Lots 1-7) 120 Marine Parade, Cottesloe – Application to State Development Assessment Unit (SDAU)**

**Carried 8/0**

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

**Against: Nil**

**CORPORATE AND COMMUNITY SERVICES****10.1.4 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2022 TO 31 OCTOBER 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:** D22/47319  
**Applicant(s):** Nil  
**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 October 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 October 2022 was \$10,592,840 as compared to \$10,496,780 this time last year.
  - Operating revenue is more than the year to date budget by \$193,284 with a more detailed explanation of material variances provided on page 19 of the attached
-

financial statements. Operating expenditure is \$2,176,343 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 \$8,286,082 as at 31 October 2022 as shown in note 7 on page 26 of the attached financial statements.

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

The list of accounts paid during October 2022 is shown on pages 35 to 39 of the attached financial statements. The following material payments are brought to Council's attention:

- \$148,271.38 to LGIS for the 2<sup>nd</sup> Instalment of the Town's annual insurances
- \$43,360 and \$24,317.27 to WMRC for Transfer Station Waste disposal and verge valet services
- \$56,421.43 to the Australian Taxation Office for payroll deduction amounts
- \$49,500 to Eco Shark Barrier Pty Ltd for Shark Barrier Installation charges
- \$32,419.80 for employee Superannuation Contributions

#### **Investments and Loans**

Cash and investments are shown in note 4 on page 21 of the attached financial statements. The Town has approximately 44% of funds invested with the National Australia Bank, 37% with the Commonwealth Bank of Australia and 19% with Westpac Banking Corporation.

Information on borrowings is shown in note 10 on page 30 of the attached financial statements. The Town had total principal outstanding of \$2,655,873 as at 31 October 2022.

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

Rates outstanding are shown on note 6 on page 23 and show a balance of \$3,172,568 outstanding as compared to a larger \$4,543,581 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 21% or \$20,613 is older than 90 days. Infringement debtors are shown on note 6 on page 25 and were \$400,179 as at 31 October 2022.

#### **ATTACHMENTS**

- 10.1.4(a) Monthly Financial Statements for the Period 1 July 2022 to 31 October 2022**  
**[under separate cover]**

#### **CONSULTATION**

Nil.

#### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

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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

**OCM183/2022**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Harkins**

**Seconded Cr Sadler**

**THAT Council RECEIVES the Monthly Financial Statements for the period of 1 July 2022 to 31 October 2022 as submitted to the 13 December 2022 meeting of Council.**

**Carried by En Bloc Resolution 8/0**

**10.1.5 RECONCILIATION ACTION PLAN**

**Directorate:** Corporate and Community Services  
**Author(s):** Shane Collie, Director Corporate and Community Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D22/49136  
**Applicant(s):**  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The Reconciliation Action Plan (RAP) Working Group have developed the Town's first RAP and following the adoption of the draft Plan the document was forwarded to Reconciliation Australia for review and assessment. Some minor amendments have been recommended.

**OFFICER RECOMMENDATION IN BRIEF**

For Council to adopt the "Reflect" Reconciliation Action Plan with minor amendments as recommended by Reconciliation Australia.

**BACKGROUND**

Council formed a Reconciliation Action Plan (RAP) Working Group following the October 2021 Council elections with the intention of developing a "Reflect" RAP. That work has now been completed and Council adopted the following resolution at its 25 October 2022 meeting:

*"THAT Council adopt the draft "Reflect" Reconciliation Action Plan as developed through the Reconciliation Action Working Group to be submitted to Reconciliation Australia for endorsement."*

**OFFICER COMMENT**

The above action emanating from the October 2022 has subsequently occurred and Reconciliation Australia have responded with some minor changes recommended for inclusion in the "Reflect" RAP.

This first RAP is due to commence on 1 January 2023 and run for 12 months by which time the second stage of the RAP process being the "Innovate" RAP will be progressed. The "Innovate" Plan is to run for 2 years.

The Reconciliation Action Working Group reviewed the changes recommended by Reconciliation Australia at their meeting held on 5 December 2022. The changes were accepted and the Plan updated accordingly. Additionally should there be any further minor non consequential alterations it is recommended that the Chief Executive Officer be authorised to make any such changes without further reference to Council.

**ATTACHMENTS**

- 10.1.5(a) Town of Cottesloe Reflect 2022-2023 V2 - Marked Up [under separate cover]  
10.1.5(b) Town of Cottesloe reflect Reconciliation Action Plan 2022-2023 V2 - Clean [under separate cover]  
10.1.5(c) Reconciliation Australia - Guide to Inclusive and Respectful Language [under separate cover]

**CONSULTATION**

Reconciliation Australia.

Reconciliation Action Working Group.

**STATUTORY IMPLICATIONS**

Nil.

**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 1.4: Continue to improve community engagement.

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation. \$20,000 has been allocated in the town's Budget in 2022/23 for the development of and implementation of initiatives in the RAP.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

OCM184/2022

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Harkins

Seconded Cr Sadler

**THAT Council adopt the "Reflect" Reconciliation Action Plan in its final form as attached inclusive of the minor changes as recommended by Reconciliation Australia and that if any**

**further minor non consequential alterations that the Chief Executive Officer be authorised to make any such changes without further reference to Council.**

**Carried by En Bloc Resolution 8/0**

**10.1.6 LOT 500 (STRATA LOTS 1-7) 120 MARINE PARADE, COTTESLOE - APPLICATION TO STATE DEVELOPMENT ASSESSMENT UNIT (SDAU) TO AMEND A DEVELOPMENT APPROVAL (FORM 17C) - EXTENSION OF TIME TO SUBSTANTIAL COMMENCEMENT**

**Directorate:** Development and Regulatory Services  
**Author(s):** Wayne Zimmermann, Manager of Planning  
**Authoriser(s):** Freya Ayliffe, Director Development and Regulatory Services  
**File Reference:** D22/49799  
**Applicant(s):** Planning Solutions  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

An application for an extension of time of 24 months for substantial commencement of the Western Australian Planning Commission (WAPC) Development Approval for Lot 500 (Strata Lots 1-7) 120 Marine Parade, Cottesloe has been referred to the Town for comment and/or recommended conditions. This report provides Council comments on the application and recommends that should the application be supported, it be limited to a further 12 month extension of time, not 24 months.

**OFFICER RECOMMENDATION IN BRIEF**

That Council advise the WAPC that given the amendment report and works program provided by the applicant, Council considers that the application for an extension of time should be limited to 12 months, not 24 months.

**BACKGROUND**

On 5 August 2021, the WAPC approved under Part 17 of the *Planning and Development Act 2005*, an application for development approval for a mixed use development at Lot 500, (Strata Lots 1-7) 120 Marine Parade, Cottesloe. Condition 1 of the development approval required the development to be substantially commenced within 18 months from the date of the approval.

On 20 October 2022, the WAPC approved an amended application for development approval reconfiguring the basement, ground and first floor of the mixed use development at Lot 500 (Strata Lots 1-7) 120 Marine Parade, Cottesloe. The approval issued for the amended application amended Conditions 2, 11 and 13 of the initial approval and included two new conditions 22 and 23. There was no change to Condition 1 of the initial approval.

The applicant has since submitted to the SDAU, pursuant to Section 279(2)(a) of the *Planning and Development Act 2005*, an application to amend Condition 1 of the development approval to extend the substantial commencement by an additional two years (24 months). The SDAU has provided, by email, the following links to information supporting the application:

[Applicant Amendment Report.PDF](#)

[Applicant Works Program.PDF](#)

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No changes to the development plans are proposed. The report submitted indicates that following approval, the proponent has made considerable progress toward substantial commencement, including progressing to detailed design, preparing a separate package of documents for forward works, liaising with the Water Corporation in respect to a temporary sewer diversion and final sewer line upgrade, obtaining ownership of all strata lots, and commissioning additional consultants to inform building documentation. In addition, the report indicates the extension of time for an additional two years is in response to factors including the “*very heated construction market...labour shortages, supply chain issues and cost escalations*”.

### **OFFICER COMMENT**

Although Council did not support the WAPC approval of the development application on 5 August 2021 and subsequent approval to an amended application on 20 October 2022, the applicant has provided information demonstrating that the landowner has actively pursued implementation of the approval and meeting the conditions imposed. The report and work program submitted, however, does not adequately demonstrate that an additional 24 month extension of time to substantially commence the development is warranted.

The actions outlined on page four of the report submitted, particularly in respect to securing finance for the development, obtaining ownership of all strata lots and engaging consultants are considered matters that should have been well advanced prior to lodging the initial SDAU application. This is also evident in respect to the work program and both these documents indicate that the SDAU application was not well enough advanced to be approved when it was.

Under the current circumstances however, it is unlikely that the WAPC will not support an additional timeframe to substantially commence the development. From examination of the information submitted, including the works schedule provided by the applicant that shows mains works construction commencing in September 2023, it is considered that a 12 month extension is warranted.

### **ATTACHMENTS**

Nil

### **CONSULTATION**

Nil (insufficient time provided by WAPC)

### **STATUTORY IMPLICATIONS**

Part 17 into the *Planning and Development Act 2005*

### **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

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

**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

**OCM185/2022**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Harkins

Seconded Cr Sadler

**THAT Council advise**

- 1. The Western Australian Planning Commission that the application for an extension of time of 24 months to substantially commence development at Lot 500 (Strata Lots 1-7) 120 Marine Parade is not supported.**
- 2. A 12 month extension period will be supported**

**Carried by En Bloc Resolution 8/0**

**10.1.1 BAD DEBT WRITE OFF**

**Directorate:** Corporate and Community Services  
**Author(s):** Sarah Jessop, Finance Manager  
**Authoriser(s):** Shane Collie, Director Corporate and Community Services  
**File Reference:** D22/47085  
**Applicant(s):**  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The purpose of this report is to write off food and outdoor eating fees and associated penalty interest totalling \$4,224.18 as at 22 November 2022.

**OFFICER RECOMMENDATION IN BRIEF**

That Council write off an outstanding amount of \$4,224.18 owed by a Sundry Debtor.

**BACKGROUND**

The debt recommended for write off relates to food and outdoor eating fees for January 2021 and its' associated penalty interest totalling \$4,224.18 for debtor 1040.03. The Debtor was deregistered as a company by ASIC on 8<sup>th</sup> December 2021.

**OFFICER COMMENT**

The debtor incurred food and outdoor eating fees of \$3,852.44 in January 2021 and has since been incurring penalty interest on the outstanding amount.

Collection of the debt was referred to the Town's Debt Recovery Agency when all attempts to recover the amount were unsuccessful. A subsequent ASIC and Business name search has since discovered that the company was deregistered on 8<sup>th</sup> December 2021, and therefore there are no further avenues available for recovery of the outstanding amount.

In accordance with *section 110 of the Food Act 2008*, a food premises must be registered with the appropriate enforcement agency/Local Government. The registration of the food business remains in force until cancelled. Therefore a food business is required to pay a registration fee once only, and thereafter an annual surveillance fee is charged based on the risk classification of the food business. Subsequently this fee does not apply to the registration of the food business.

The majority of this write off relates to outstanding alfresco dining fees. These fees are also charged annually.

The Chief Executive Officer has delegated authority to write off amounts up to \$1,000.00 however the outstanding debt exceeds the delegated authority.

**ATTACHMENTS**

Nil

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**CONSULTATION**

This matter has been referred to an external debt recovery specialist.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995 s 6.12*

*Food Act 2008, S110*

**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**

The Officer Recommendation will reduce the Town's net income by the amount of the write off, however this is not expected to have a significant impact on the Town's net financial position.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Absolute Majority

OCM186/2022

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Wylynko

Seconded Cr Sadler

**THAT Council by Absolute Majority write off food and outdoor eating fees for January 2021 and associated penalty interest totalling \$4,224.18 for Debtor 1040.03.**

**Carried by Absolute Majority 8/0**

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

**10.1.2 Council Meeting Dates 2023**

**Directorate:** Corporate and Community Services  
**Author(s):** Jacquelyne Pilkington, Governance Coordinator  
**Authoriser(s):** Shane Collie, Director Corporate and Community Services  
Matthew Scott, Chief Executive Officer  
**File Reference:** D22/47144  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

A proposed Council Meeting schedule for the 2023 calendar year has been prepared and a resolution of Council is required to formalise the dates, times and locations for the next 12 months of Ordinary Council Meetings.

**OFFICER RECOMMENDATION IN BRIEF**

For Council to adopt the proposed meeting dates for Agenda Forum and Ordinary Council Meetings for 2023.

**BACKGROUND**

The Local Government Act 1995 requires local governments to give local public notice of the dates, times and location of the Ordinary Council Meetings for the following twelve months.

Council sets these dates, times and locations late in the calendar year, for the following calendar year.

In addition to the Ordinary Council Meetings, the Town has also advertised the Agenda Forum dates which are open to members of the public and are held on the week prior to the Ordinary Council Meeting. Adverts for the 2022 Council/Forum meeting dates occurred in both local papers in January 2022.

Generally the Ordinary Meeting is scheduled for the fourth Tuesday of the month and the Agenda Forum on the third Tuesday. The exception to this in past years has been the December meetings.

Taking the above into account, a proposed Council Meeting schedule for the 2023 calendar year has been prepared and included in the recommendation.

**OFFICER COMMENT**

In 2023 Anzac Day is a direct conflict with the normal Ordinary Council Meeting date, therefore it is proposed to have this meeting on Wednesday 26 April 2023.

The December meeting is recommended to be brought forward one week from the normal cycle, to avoid clashing with the festive season.

It is proposed that Forum dates again be included in the local public notice and placed on the Town's website for electors' information.

Any Special Council Meetings will be advertised individually (if/when they are set).

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The 2022 Council/Forum Meeting dates were advertised in both local papers in January 2022 and it is proposed that the approved dates will be advertised similarly, in January 2023.

**ATTACHMENTS**

Nil

**CONSULTATION**

Whilst no consultation has occurred prior to the report's preparation, in addition to the formal local public notice, the date, times and locations of the meetings will also be placed on the Town's website for electors' information.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995 S. 5.25*

*Local Government (Administration) Regulations 1996 Reg. 12*

**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 6.3: Implement technologies to enhance decision making, communication and service delivery.

**RESOURCE IMPLICATIONS**

Local public notice of the dates, times and locations will be placed in January, the cost of which is in accordance with the existing budgetary allocation for advertising.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. OBSERVES a recess for January 2023, with no Ordinary Meeting of Council;
2. ADOPTS the following Ordinary Council Meeting dates for 2023, which are to commence at 6.00pm in the Council Chambers, 109 Broome Street, Cottesloe;  
Tuesday 28 February  
Tuesday 28 March  
Wednesday 26 April  
Tuesday 23 May  
Tuesday 27 June  
Tuesday 25 July  
Tuesday 22 August  
Tuesday 26 September  
Tuesday 24 October  
Tuesday 28 November, and  
Tuesday 12 December
3. ADOPTS the following Agenda Forum dates for 2023 which are to commence at 6.00pm in the Council Chambers, 109 Broome Street, Cottesloe;  
Tuesday 21 February  
Tuesday 21 March  
Tuesday 18 April  
Tuesday 16 May  
Tuesday 20 June  
Tuesday 18 July  
Tuesday 15 August  
Tuesday 19 September  
Tuesday 17 October  
Tuesday 21 November, and  
Tuesday 5 December
4. ADVERTISE, in January 2023, the Ordinary Council meeting and Agenda Forum meeting dates for 2023, and also publish this information on the Town's website

OCM187/2022

**COUNCILLOR MOTION**

Moved Cr Barrett

Seconded Cr Wylynko

**THAT COUNCIL:**

1. **OBSERVES** a recess for January 2023, with no Ordinary Meeting of Council;
2. **ADOPTS** the following Ordinary Council Meeting dates for 2023, which are to commence at 6.00pm in the Council Chambers, 109 Broome Street, Cottesloe;  
Tuesday 28 February  
Tuesday 28 March  
Wednesday 26 April  
Tuesday 23 May  
Tuesday 27 June  
Tuesday 25 July  
Tuesday 22 August  
Tuesday 19 September  
Tuesday 24 October  
Tuesday 28 November, and  
Tuesday 12 December
3. **ADOPTS** the following Agenda Forum dates for 2023 which are to commence at 6.00pm in the Council Chambers, 109 Broome Street, Cottesloe;  
Tuesday 21 February  
Tuesday 21 March  
Tuesday 18 April  
Tuesday 16 May  
Tuesday 20 June  
Tuesday 18 July  
Tuesday 15 August  
Tuesday 12 September  
Tuesday 17 October  
Tuesday 21 November, and  
Tuesday 5 December
4. **ADVERTISE**, in January 2023, the Ordinary Council meeting and Agenda Forum meeting dates for 2023, and also publish this information on the Town's website

Carried 6/2

For: Mayor Young, Crs Masarei, Harkins, Barrett, Bulbeck and Wylynko

Against: Crs Sadler and MacFarlane

REASON: Council wanted to remove the conflict with the September School Holidays.

**10.1.3 LONG TERM FINANCIAL PLAN**

**Directorate:** Corporate and Community Services  
**Author(s):** Shane Collie, Director Corporate and Community Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D22/47148  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to adopt a Long Term Financial Plan for the period 2022/23 to 2032/33.

**OFFICER RECOMMENDATION IN BRIEF**

It is recommended that Council adopt a Long Term Financial Plan for the period 2022/23 to 2032/33 being a key financial planning component of its suite of planning documents.

**BACKGROUND**

The Town's last Long Term Financial Plan (LTFP) dates back to 2016. A Budget allowance was set aside in 2021/22 to update the Plan and though there have been some delays the required work has now been completed.

A key part of the development of the LTFP is the flow on ability to then develop an up to date Asset Management Plan which can now be completed also. Council looked at the development of an Asset Management Plan in December 2021 however paused work pending the finalisation of the LTFP.

Both the LTFP and the Asset Management Plan are key informing documents for Council's Strategic Community Plan, Corporate Business Plan and ultimately the Annual Budget. The timing in completing the LTFP and ultimately the Asset Management Plan is good given that Council will be embarking on a full review of its Strategic Community Plan and Corporate Business Plan in 2023.

**OFFICER COMMENT**

The completed LTFP includes as the first year the adopted 2022/23 Budget which forms the base for the following outer years.

The LTFP was developed with the assistance of recognised Local Government Consultant DL Consulting (Darren Long) and various meetings at the Administration level have occurred to mould the plan into a key working document covering the next 10 years. Council members were presented with an early draft of the Plan at the 3 May 2022 Elected Members Workshop for the purposes of generating discussion on options to ensure that the Plan is balanced when it is submitted for adoption. Feedback from those discussions has been taken into account in the further development of the Plan as well as other matters that have changed since the first draft was produced.

Though there has been some time elapse since the earlier work was completed the Plan in its current form is as up to date as all current information can provide. There were initially

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significant deficits produced in the early years of the Plan which have been smoothed out to ensure that all years end in a balanced position with neither a surplus nor deficit present.

The following actions were taken in the initial drafting of the LTFP in order to ensure that all years of the Plan balance:

- The inclusion of a conservative estimate for a Developer Contributions for known Developments based on the latest information from the WA Planning Commission.
- There has been no Developer Contribution included for the Indiana site nor any increased lease fee as these are not known at this stage and are dependant on the Development proceeding.
- There were some double ups of expenditure on projects which were picked up and removed from the Plan.
- A reduction in quantum of a number of capital works and an extension of time for a number of capital works.
- There are no new borrowings contained in the Plan which would see the Town be debt free once the Library Loan is paid off in 2029/30. Council does have the option of considering borrowings in the future if it feels it is justified for any works.
- Valuation growth rates have been increased slightly however are still considered conservative. This refers to future Developments that occur in the life of the Plan which will lead to a greater rate intake due to higher valuations.

The LTFP should be considered an informing and guiding document for Council, and it does not restrict Councils discretion in developing and approval of the Annual Budgets, which may vary from the LTFP.

The Long Term Financial Plan is submitted for Council's consideration and adoption.

### **ATTACHMENTS**

#### **10.1.3(a) Long Term Financial Plan [under separate cover]**

### **CONSULTATION**

DL Consulting, Councillors, Finance and Executive staff.

### **STATUTORY IMPLICATIONS**

Local Government (Administration) Regulations 1996

- (3) A Corporate Business Plan for a district is to —
- (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
  - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and

- (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

### **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 5.2: Manage assets that have a realisable value.

### **RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation. The LTFP, if adopted will be used by Council to develop its future budgets.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **VOTING REQUIREMENT**

Simple Majority

### **OCM188/2022**

#### **OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Bulbeck

Seconded Cr MacFarlane

**THAT Council ADOPTS the 2022/23 to 2032/33 Long Term Financial Plan, placing the Plan on the Town's website and utilising the document as a key reference tool in the development of future Budgets and Strategic Planning documents**

Lost 3/5

For: Crs Harkins, MacFarlane and Bulbeck

Against: Mayor Young, Crs Sadler, Masarei, Barrett and Wylynko

### **OCM189/2022**

#### **COUNCILLOR MOTION AND COUNCIL RESOLUTION FORSHADOWED**

Moved Cr Wylynko

Seconded Cr Barrett

**DEFERS consideration of item 10.1.3 Long Term Financial Plan to the February Workshop to better understand this item.**

Carried 8/0

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

**DEVELOPMENT AND REGULATORY SERVICES****ENGINEERING SERVICES****10.1.7 REVISED CROSSOVER CONSTRUCTION POLICY**

**Directorate:** Engineering Services  
**Author(s):** Shaun Kan, Director Engineering Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D22/48162  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider revoking the 2013 Crossover Construction Policy and adopt the attached Crossover Management Policy.

**OFFICER RECOMMENDATION IN BRIEF**

That Council revokes the 2013 Crossover Construction Policy (attached) and adopt the attached Crossover Management Policy.

**BACKGROUND**

The 2013 Crossover Construction Policy is limited to a once off \$300 contribution for the first crossover construction to any property and its subsequent payment of \$200 for resurfacing when asphalt works occurs on that street.

This policy requires an expansion to include the crossover application process and technical standards to ensure assessment consistency, streetscape preservation and safety at footpath interfaces.

Council at the November 2022 Ordinary Council Meeting (OCM) deferred considering the revised policy.

The attached Crossover Management Policy covers these additional aspects and maintenance responsibilities. This is further discussed in the officer's comment section of the report.

**OFFICER COMMENT**

The attached Crossover Management Policy provides Council's position on the following matters including the officer delegated to making the determination:

- **Application Process**  
Outlines the Town of Cottesloe specific statutory requirements and workflow process when requesting for a new crossover or carrying out works on the existing.
  - **Design and Construction Specifications**
-

Establishes design and construction technical requirements. This information is available on the Town's website (<https://www.cottesloe.wa.gov.au/business-development/engineering/crossovers.aspx>) and is used to assess the engineering component of all applications. Formalisation will preserve streetscape and maintaining safety by prioritising footpath traffic over vehicular access at interfaces.

Documents on the hyperlink are attached (application form, specifications and standard drawings);

- **Management of Redundant Crossover and Infrastructure Bonds**

Provides guidelines to the removal of crossovers that are no longer in use and when infrastructure bonds are refunded or used.

- **Maintenance Responsibilities**

This provides the position that all crossovers are the responsibility of property owners. It also outlines situations when the Town will carry out repairs and pass on half the charges to the property owner (Local Government Act 1995 Schedule 9.1 Clause 7(3)).

Council is to note that this new policy only incorporates the Local Government Act 1995 Schedule 9.1 Clause 7(4) and the Local Government Act (Uniform Local Provisions) Regulations 1996 Section 15 provisions relating to Council's obligation to bear half the cost of constructing the first crossover to a lot.

Notwithstanding the above, below are comments to Council's queries raised at the November 2022 Agenda Forum. Matters relating to financials are included in the Resource Implication section of the report.

#### **Boundary and ownership definition of a crossover**

It is confirmed that the Crown is the owner of crossovers given its locality within Council verges. However, most Local Government would require property owner to be responsible for the care and maintenance of the crossover as a condition of the permitting/approving the installation of the crossover on Council controlled land.

The Local Government Act (1995) Schedule 9.1 Clause 7 defines a crossover as a crossing from a public thoroughfare to private land or private thoroughfare.

Clause 7(1) defines private land as land that is neither Crown nor Local Government Land and Clause 7(2) defines private thoroughfare as thoroughfare that is principally used for access to private land that abuts the thoroughfare and, for the purpose of this clause, that land is land served by that thoroughfare.

#### **WALGA, Main Roads and Other Local Government Policy Comparisons**

The attached WALGA Guideline suggest that a crossover should be at least 3 metres wide for single garages and can increase to 4.5 metres for double garages to a maximum of 6 metres for lots with frontages in excess of 12.5 metres.

Main Roads standard widths spans from 4.5 metres to 9 metres depending on vehicle usage. Typical drawings can be found at the following link (<https://www.mainroads.wa.gov.au/globalassets/technical-commercial/technical-library/guideline-drawings/driveways-drawings/200431-0198.pdf?v=48f16e>), (<https://www.mainroads.wa.gov.au/globalassets/technical-commercial/technical->

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[library/guideline-drawings/driveways-drawings/200431-0199.pdf?v=48f166](https://www.mainroads.wa.gov.au/globalassets/technical-commercial/technical-library/guideline-drawings/driveways-drawings/200431-0199.pdf?v=48f166)) and  
(<https://www.mainroads.wa.gov.au/globalassets/technical-commercial/technical-library/guideline-drawings/driveways-drawings/200431-0200-urban-driveway-setout-details-single-unit-truck.pdf?v=4ada58>)

The City of Perth and the Town of Mosman Park specifications allows 3 to 6 metre widths.

The item has been further discussed with Council further to its deferral at the November 2022 OCM and the following additional changes incorporated into the revised policy:

- Policy only applies to residential crossovers as commercial ones are dependent on the type of heavy vehicle use;
- Widths for single garaged crossovers remain at 2.75 metres whilst those with double vehicle storage will vary between 4.5 and 5.5 metres subject to traffic safety factors such as road widths, classification and traffic volumes;
- Crossover edge rises with the road (lips) should ideally be flushed and where required up to a maximum of 25 millimetres in thickness. This is dependent on drainage and practicality in achieving tolerable gradients;
- Reinforcing statement relating to footpaths taking priority over crossover such that vehicles must give way to pedestrians at interfaces;
- To assure the above point, intersection footpaths will be built in its material through the crossover that includes construction joints;
- Due consideration be given to crossover material colour to ensure it befits street aesthetics;
- Council contribution to a crossover as per the Local Government Act (1995) schedule 9.1 is limited to the lower of cost between asphalt and concrete only. Brick paving estimate is disallowed in the calculations;
- Any matters not mentioned within the policy will be addressed using relevant standards and guidelines including the WALGA Crossover Specifications.

For the above reasons and given the limited scope of the current policy, a recommendation is made to revoke the 2013 Crossover Construction Policy and adopt the attached Crossover Management Policy.

Council is to note that a contemporary set of specifications and drawings will be developed based on the principles within the officer's comment including those within the current document. This can be circulated for comment before they are placed on the Town's website.

This policy will not be applied retrospectively and will be in effect 14 December 2022 should Council adopt this the evening before. Applications before this date will be determined based on the then policy.

## **ATTACHMENTS**

- 10.1.7(a) Crossover Management Policy - Reviewed November 2022 [under separate cover]**

- 10.1.7(b) Crossovers - Combined Specifications for Asphalt, Brick Paving and Concrete [under separate cover]
- 10.1.7(c) Town of Cottesloe -Crossover Construction Policy (1) [under separate cover]
- 10.1.7(d) WALGA Crossover Guidelines Rev1 [under separate cover]

### **CONSULTATION**

Manager Parks and Operations

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995* Section 2.7(2)(b) states, “the council is to determine the local government’s policies.

*Local Government Act 1995 Schedule 9.1 Clause 7 – Crossing from Public Thoroughfare to Private land or Private Thoroughfare*

*Local Government (Local Uniform Provisions) 1996 Section 15 - Contribution to cost of crossing*

### **POLICY IMPLICATIONS**

The recommendation is for the revocation of the 2013 Crossover Construction Policy and adoption of the attached Crossover Management Policy. This new document provides a consistent and comprehensive approach when assessing such applications and the management crossovers post their construction.

### **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.

### **RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation as this policy is based on fee for service principles.

There is capacity within staffing to administer the officer’s recommendation.

The reimbursement mentioned in the *Local Government Act (1995)* has minimal cost implications, as this would only be applicable to sub-divisions within the district as this generates a new lot and its first crossover.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

The attached Crossover Management Policy will optimise the green spaces within Council’s verges by standardising the design parameters of crossovers and only allowing turf penetrating hardstand surfaces for portions exceeding fixed widths. It is envisaged that the formalisation of such technical elements will improve Cottesloe’s streetscape.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

THAT Council:

1. REVOKES the 2013 Crossover Construction Policy;
2. ADOPTS the attached Crossover Management Policy; and
3. Subject to Point two, NOTES that a contemporary set of drawings and specifications will be developed based on the policy principles and the current technical documents, circulated to Council before they are placed on the website.

**OCM190/2022**

Moved Cr Sadler

Seconded Cr Harkins

**COUNCILLOR AMENDMENT**

2. SUBJECT to "3 - issues" be replaced with the following wording:

- Providing clarity for managing the construction of new and upgraded crossovers to ensure preservation of the greenspace and streetscape and maximise safety
- Providing a mechanism to require property owners to remove redundant crossovers outside of subdivision approvals where such matters are conditions in this process
- Providing clarity regarding the responsibilities of property owners and The Town
- Providing clarity that pedestrians take priority over vehicles at crossover and footpath interfaces

Carried 8/0

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

**OCM191/2022****SUBSTANTIVE MOTION**

Moved Cr Sadler

Seconded Cr Harkins

THAT Council:

1. REVOKES the 2013 Crossover Construction Policy;
  2. ADOPTS the attached Crossover Management Policy;
  3. Subject to Point 2 the wording for "3 Issues" be replaced with the following wording:
    - Providing clarity for managing the construction of new and upgraded crossovers to ensure preservation of the greenspace and streetscape and maximise safety
-

- Providing a mechanism to require property owners to remove redundant crossovers outside of subdivision approvals where such matters are conditions in this process
  - Providing clarity regarding the responsibilities of property owners and The Town
  - Providing clarity that pedestrians take priority over vehicles at crossover and footpath interfaces
4. Subject to Point two, NOTES that a contemporary set of drawings and specifications will be developed based on the policy principles and the current technical documents, circulated to Council before they are placed on the website.

**Carried 8/0**

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

#### COUNCILLOR RATIONALE

While the previous wording encapsulated the issues that we have had with the past policy, changing the wording to more clearly the intent of the current policy will provide even greater clarity for the administration and residents going forward.

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

**OCM192/2022**

**MOTION FOR BEHIND CLOSED DOORS**

**Moved Mayor Young                      Seconded Cr Sadler**

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

**Carried 8/0**

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

*The public and members of the media were requested to leave the meeting at 7:12 pm*

**13.1.1 REQUEST 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.

OCM193/2022

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Barrett

Seconded Cr Wylynko

That Council:

- 1) NOTE the actions relating to the proposed Request for Tender (RFT) for Lot 149 Marine Parade contained within the report; and
- 2) REQUEST the Chief Executive Officer to provide an update to the four (4) shortlisted Expressions of Interest entities as part of the previous Expression of Interest process of the progress of the Request for Tender.

Carried 8/0

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

**13.1.2 EAST COTTESLOE PLAYGROUND DETAIL DESIGN**

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (c) and (e(i)) 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 a trade secret.

Cr Bulbeck left the meeting at 7:36 pm.

Cr Bulbeck returned to the meeting at 7:37 pm.

OCM194/2022

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Harkins

Seconded Cr Wylynko

THAT Council

1. NOTES the attached detail designs;
2. NOTES the feedback provided by the Public Open Space Working Group; and
3. APPROVES a Construct Only Expression of Interest for:
  - a. The scope endorsed by Council (Attached Design 1); and
  - b. Provisional Sums for the additional scope requested by the Public Open Space Working Group (Attached Design 2 highlighted).

Carried 7/1

For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett, Bulbeck and Wylynko  
Against: Crs MacFarlane

**13.1.3 TASK FORCE ON RESIDENTIAL AND RECREATIONAL VERGE USES 1 DECEMBER 2022  
RECEIPT OF COMMITTEE MINUTES**

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (d) as it contains information relating to legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

OCM195/2022

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Barrett

Seconded Cr Masarei

THAT Council

1. **ADOPT** the Minutes of the Task Force on Residential and Recreational Verge Uses Meeting of the 1 December 2022;
2. **ENDORSES** the Resolution(s) of the Task Force on Residential and Recreational Verge Uses Meeting of the 1 December 2022; and
3. **EXTENDS** the term of the Task Force on Residential and Recreational Verge Uses (the Task Force) until such time as the Task Force is satisfied with the revised application form and covering letters.

Carried 8/0

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

OCM196/2022

**MOTION FOR RETURN FROM BEHIND CLOSED DOORS**

Moved Mayor Young

Seconded Cr MacFarlane

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: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett, MacFarlane, Bulbeck and Wylynko  
Against: Nil

*The public and members of the media returned to the meeting at 7:45 pm*

**13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC****13.1.1 REQUEST FOR TENDER - LOT 149 MARINE PARADE**

The resolution for item 13.1.1 was read aloud.

**13.1.2 EAST COTTESLOE PLAYGROUND DETAIL DESIGN**

The resolution for item 13.1.2 was read aloud.

**13.1.3 TASK FORCE ON RESIDENTIAL AND RECREATIONAL VERGE USES 1  
DECEMBER 2022 RECEIPT OF COMMITTEE MINUTES**

The resolution for item 13.1.3 was read aloud.

**14 MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 7:48 pm