



# Town of Cottesloe

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

**Tuesday, 22 September 2020**

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

Signed:

A handwritten signature in black ink, appearing to read 'R. Tracy', is written over a horizontal line.

Presiding Member

Date: 27/10/2020

# TOWN OF COTTESLOE



## ORDINARY COUNCIL MEETING

# MINUTES

ORDINARY COUNCIL MEETING  
HELD IN THE  
War Memorial Hall, Cottesloe Civic Centre, 109 Broome Street, Cottesloe  
6:00pm Tuesday, 22 September 2020

**MATTHEW SCOTT**  
Chief Executive Officer

30 September 2020

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

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

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**Stephen Mellor – 8 Graham Court, Cottesloe – Items 4.1 and 10.1.7

I refer to my questions asked at the Agenda Forum on 18 August about the status of the Cottesloe Recreation Precinct Masterplan and responses given at A1 and A3 of tonight's Agenda.

Q1. Is the Council prepared to commit to expenditure on this item whilst locking in the location and resulting restrictions on design elements prior to more formalised planning, notwithstanding the grant application process and the status of the Masterplan?

A1. There are necessary preliminary costs for all projects of this nature such as plan preparation, project costing and grant preparation. These can all be done in conjunction with or prior to formal design and more formalised planning. Council has a budgetary commitment to expenditure on the project in the present financial year.

Q2. How much of the allocated \$1,000,000 can be expected to be used in this financial year?

A2. The amount of funds that will be spent from the current budget allocation in this financial year will be dependent on a number of factors, including whether the Town's CSRFF application is successful. It is difficult to estimate the amount of actual expenditure at this early stage of the project.

Q3. What is the anticipated date for the results of the ToC Grant applications?

A3. The anticipated date is currently December 2020.

- Q4. What is the status/future of the current Harvey Field Rugby Club building and its Lessee? The location of a new shared facility for the Rugby Club seems particularly impractical if they are to retain the Clubhouse?
- A4. This is unknown at this stage and will be the subject of future planning involving the Club.

Stephen Mellor – 8 Graham Court, Cottesloe – Items 4.1, 10.1.7 and 10.1.9

I refer to my questions asked at the Agenda Forum on 18 August about providing slightly more detailed descriptions in the monthly list of accounts and responses given on pages 7 and 8 of tonight's Agenda.

- Q1. I ask again, can a very general project association in the accounts listing be provided particularly for larger expenditure items such as Legal Fees?
- A1. This question has been answered previously.
- Q2. What specific part/clauses of the *Local Government Act 1995* is referred to in the answer provided?
- A2. This refers to Section 5.23 (2)(d) of the *Local Government Act 1995*.
- Q3. Would Council please request Administration to introduce/include in each monthly report an overall 'rolling total' project summary for large on-going projects and associated grants and income forecasts? The answer given to this question raised at the Agenda Forum does not address the question asking for 'whole of project' summary reports.
- A3. This question has been answered previously.

Stephen Mellor – 8 Graham Court, Cottesloe – Items 4.1, 10.3 and 10.3.1

- Q1. Can Council confirm they took notice of the Public Consultation responses and decided to proceed to the next design stage in spite of the 52% majority against the proposal? The answer given to this question raised at the Agenda Forum is unclear – is it the 'internal Council process' rather than the feedback that is consistent with policy?
- A1. Both are consistent with the policy.
- Q2. Will the ToC expenditure on this project from previous years and this year be recouped from the expected Government funds?
- A2. The State Government has only funded this financial year's design work.

Yvonne Hart – 26 Mann Street, Cottesloe – Proposed Skate Park

- Q1. The most recent *Cottesloe Newsletter*, where Capital Expenditure shows allocations set aside on projects for the coming year – Blackspot projects for Eric Street and Railway Street \$210,000; North Cottesloe Primary School car park works \$208,000; Railway Street

realignment \$550,00 (an increase of \$340,00). Why has Council approved this 62% increase? Could you please explain and justify why this has occurred?

- A1. There is only \$100,000 allocated to the Blackspot Project – Railway and Eric Street, not \$210,000, attracting \$66,000 in potential Blackspot funding. North Cottesloe Primary School Car Park works \$208,000, and Railway Street Realignment \$550,000 are both expected to be fully externally funded. Total project costs are currently \$858,000, with \$824,000 externally funded (\$34,000 net cost to Municipal Funds). The Town is unaware how the purported 62% increase has been calculated.
- Q1. Does Cottesloe Council intend to approach the Department of Education for further funding?
- A2. The Town is currently negotiating funding only for the works associated with the North Cottesloe Primary School Kiss and Drop Relocation.
- Q2. Does Cottesloe Council intend to ask Main Roads to fund a Railway St realignment especially when the Eric St Bridge will be upgraded within the next 3-5 years?
- A3. This is part of the negotiations mentioned in Answer 2 above.
- Q3. Is there no other solution?
- A4. The current resolution is to progress the approved concept and there has been no direction from either the Committee or Council to investigate other options while this occurs.

#### **Questions Taken on Notice at Agenda Forum Meeting – 15 September 2020**

##### Stephen Mellor – 8 Graham Court, Cottesloe – Items 4.1 and 10.1.4

I previously asked how much of the Sports Precinct allocated \$1,000,000 could be used in this financial year? The answer given A2 (page 2) was at this stage too early in the project, so cost estimates are not available.

- Q1. Can you confirm the allocation is in fact \$2million (on Page 31) and not \$1million as previously stated?
- A1. Under the Capital Works Program in the 20/21 Annual Budget (page 31) there is an allocation of \$3,000,000 for the Sports Precinct Development, with funding being \$1,000,000 from Reserves and \$2,000,000 from Grants Income/Non Operating Contributions.
- Q2. Can you clarify the Original Annual Budget \$3million (on page 34) and the \$19,460 Year to date actual?
- A2. Refer to responses to Q1. \$19,460 is the actual Year To Date.
- Q3. Can you confirm that if the funds are not spent in this financial year and the Grant application is successful, will the allocation will be put into a reserve for the next financial year?



- A3. As per response for Q1, the Town's contribution is already funded from Reserves, if these funds are not used in this Financial year, they will remain in the reserve.
- Q4. Can you confirm if the Grant application is unsuccessful, that the Anderson Pavilion development will not proceed and that funds be re-allocated by a new Council decision?
- A4. That will be a Council decision.
- Q5. Can you outline how the Anderson Pavilion (locked-in site location) development can possibly fit within the Sports Precinct Masterplan which is still in the current Public Open Spaces Policy and referenced tonight (Dutch Inn item 10.1.1)?
- A5. The location of the sports pavilion is consistent with the Draft Master Plan.
- Q6. At the previous meeting I asked the Administration to provide slightly more detailed descriptions in the monthly accounts (when confidentiality allows). The answer I received quoted section 5.23 (2)(d) of the *Local Government Act 1995* but I contend it's not relevant as it's for meeting procedures, not financial reporting.
- A6. Regulation 13, Local Government (Financial Management) Regulations 1996 deals with what needs to be disclosed in the monthly list of payments, principally being:
1. The payee's name;
  2. The amount of the payment;
  3. The date of the payment; and
  4. Sufficient information to identify the transaction;

There is no statutory obligation to provide a reason for the payment, however the Town does provide a brief description of payments. Legal Fees are always associated with specific legal advice. Legal advice could be sourced for various reasons, for example current projects, commercial proposals, interpretation and applying legislation and staffing matters (to name a few). Dealing with legal advice is normally dealt with behind closed doors by virtue of Section 5.23(2)(d), Local Government Act 1995 (as per the previous response). Publically identifying reasons for legal advice or even linking legal advice with specific projects, via the list for payments, could jeopardise the Town's position on a particular matter. Likewise it could create public speculation on issues the Council cannot discuss openly. To therefore protect the Town from these potential risks, the Administration will not be selective in which legal fees are provided with additional information as this is considered an unreasonable administrative burden for officers to determine when additional information is disclosed. Council by a majority decision can override this position.

- Q7. I see item 13.1.2 tonight Sculpture by the Sea Agreement reference to legal advice so there's nothing confidential about legal advice actually being sought. The associated invoice will be tabled in future financial statement reports. No reason therefore to not incorporate project descriptions in the statement of accounts so ratepayers can review. Can the Finance Manager add simple project descriptions to the financial statements?
- A7. Unless formally resolved by Council the Administration will not be identifying the reason for any legal fees in the list for payments; refer to response to Q6.
- Q8. At previous meetings I asked Administration to include the monthly report overall rolling totals of project costs for large projects. The question has not been directly answered. Can you please produce this reporting in financial statements to assist ratepayers in understanding large expenditure, particularly on protracted projects?
- A8. This question has been answered previously.

#### 4.2 PUBLIC QUESTIONS

Stephen Mellor – 8 Graham Court, Cottesloe – Anderson Pavilion Design Principles and Items 4.1, 4.2 and Financial Statements

- Q1. What is the status of the Cottesloe Recreation Precinct Masterplan, May 2018?
- Q2. When will the Recreation Plan be brought to Council again to progress further and to ensure the design parameters of the Anderson Pavilion development are inclusively considered?
- Q3. When does the lease of the Harvey Field Rugby Clubhouse expire?
- Q4. When does the lease of the Seaview Golf Course Clubhouse expire?
- Q5. When does the lease of the Seaview Kindergarten expire?
- Q6. My previous request was '*Would Council please request Administration to introduce/include in each monthly report an overall 'rolling total' project summary for large on-going projects and associated grants and income forecasts?*' Councilors, will you support this request by instructing Administration to provide whole project budgets as outlined above?
- Q7. Councilors, if you are not prepared to support this request for whole of project budget statements to assist your community in understanding the expenditure of their rates, can you please give your reasons and which also support your commitment to the Town's Communication Policy – particularly point d.

*To encourage effective communication within the Town of Cottesloe administration, elected body, community and absentee ratepayers.*

*The objectives of this policy are to:*

- a. *Keep people informed of the issues being considered by council and of decisions made.*
- b. *Provide avenues for input and feedback on major issues before decisions are made.*
- c. *Establish effective mechanisms to enable concerns to be raised.*
- d. *Create a continuous improvement system for council communication.*
- e. *Provide guidelines for communication between elected members and staff; Council and the media, and Council and the community?*

The Chief Executive Officer made the point that a number of the questions were of Council, and the Administration could not provide a response as they require a decision of Council, so it would be up to Council to consider if they wish to. The rest of the questions will be taken on notice.

## 5 PUBLIC STATEMENT TIME

### Stephen Jones – 1A Clarendon Street, Cottesloe – Item 10.1.2

Mr Jones spoke in relation to the verge tree planting at 3 Margaret Street, Cottesloe.

### Alana Clarke – 12 Federal Street, Cottesloe – Item 10.1.5

Ms Clarke spoke on behalf of the North Cottesloe Primary School Primary School and the Splash and Dash donation.

## 6 ATTENDANCE

### Elected Members

Mayor Philip Angers  
Cr Lorraine Young  
Cr Caroline Harben  
Cr Helen Sadler  
Cr Craig Masarei  
Cr Melissa Harkins  
Cr Michael Tucak  
Cr Kirsty Barrett  
Cr Paul MacFarlane

### Officers

Mr Matthew Scott	Chief Executive Officer
Mr Shane Collie	Executive Manager Corporate Services and Governance
Ms Freya Ayliffe	Executive Manager Compliance and Regulatory Services
Mr Shaun Kan	Executive Manager Engineering Services
Ms Mary-Ann Winnett	Governance Coordinator

**6.1 APOLOGIES**

Nil

**Officers Apologies**

Nil

**6.2 APPROVED LEAVE OF ABSENCE****6.3 APPLICATIONS FOR LEAVE OF ABSENCE****COUNCIL RESOLUTION**

**Moved Mayor Angers**

**Seconded Cr Sadler**

**That Cr Tucak be granted leave of absence from 5 October 2020 to 30 October 2020.**

**Carried 9/0**

**7 DECLARATION OF INTERESTS**

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "some of the effected people are known to me."

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "I still have a child in the North Cottesloe Primary School."

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.3.1 by virtue "I still have a child in the North Cottesloe Primary School."

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "I am a former member of the North Cottesloe Primary community."

Cr Young declared an IMPARTIALITY INTEREST in item 10.3.1 by virtue "I am a former member of the North Cottesloe Primary community."

Cr Tucak declared an IMPARTIALITY INTEREST in item 13.1.1 by virtue "I know the competitors of the applicant."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "the residents at no.1 and 1a Geraldine Street are known to me."

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "the residents at no.1 and 1a Geraldine Street are known to me."

**8 CONFIRMATION OF MINUTES**

**Moved Mayor Angers**

**Seconded Cr Masarei**

**That the Minutes of the Ordinary Meeting of Council held on Tuesday 25 August 2020 be confirmed as a true and accurate record.**

**Carried 9/0**

**9 PRESENTATIONS****9.1 PETITIONS*****Section 9.4 - Procedure of Petitions***

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

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

Nil

**9.2 PRESENTATIONS**

Nil

The Mayor advised that during the COVID-19 emergency period, item 9.2 (Presentations) will only be utilised for matters of significant importance.

**9.3 DEPUTATIONS**

Nil

**10 REPORTS**

**10.1 REPORTS OF OFFICERS**

**COUNCIL RESOLUTION**

**Moved Mayor Angers                      Seconded Cr Masarei**

**That Council adopts en-bloc the following Officer Recommendations contained in the Agenda for the Ordinary Council Meeting 22 September 2020:**

<b>Item #</b>	<b>Report Title</b>
<b>10.1.3</b>	<b>Amendment To Purchasing Policy</b>
<b>10.1.4</b>	<b>Financial Statements For The Period 1 July 2020 to 31 August 2020</b>
<b>10.2.1</b>	<b>Receipt of Committee Minutes</b>
<b>10.3.1</b>	<b>North Cottesloe Primary School Kiss and Drop Relocation - Detailed Design and Road Safety Audit North Cottesloe Primary School Board Feedback</b>
<b>10.3.2</b>	<b>Interim Audit Results for the year ending 30 June 2020</b>
<b>10.3.3</b>	<b>Audit Plan for the year ending 30 June 2020</b>
<b>13.1.1</b>	<b>Event proposal - Castaway</b>

**Carried 9/0**

**ENGINEERING****10.1.1 DUTCH INN PLAYGROUND**

<b>File Ref:</b>	<b>SUB/2798</b>
<b>Attachments:</b>	<b>10.1.1(a) Dutch Inn Playground Plans Revision B Ship Images [under separate cover]</b>
	<b>10.1.1(b) Dutch Inn Playground Revision B Plan [under separate cover]</b>
	<b>10.1.1(c) Opinion of Probable Costs Stage 1 - TDL - Dutch Inn Playground [CONFIDENTIAL] [UNDER SEPARATE COVER]</b>
<b>Responsible Officer:</b>	<b>Shaun Kan, Executive Manager Engineering Services</b>
<b>Author:</b>	<b>Harshil Uckiah, Project Engineer - Temp</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**SUMMARY**

Council is asked to consider approving the attached Dutch Inn Playground Upgrade detail design plans for the purpose of engaging with directly impacted stakeholders and public tender.

Residents living between Beach Street and Salvado Street along Marine Parade will be engaged on the proposed works. Feedback received will then be considered and changes made to the plans, if required, before a contractor is appointed through a public tender process.

Council will be notified of any design changes and an item will only be brought back to the October 2020 Ordinary Council Meeting for consideration should there be the need to significantly vary the plans. A tender recommendation would otherwise be brought to either next month's or the November 2020 Ordinary Meeting.

**BACKGROUND**

The Public Open Space and Playground Strategy was adopted at the November 2019 Ordinary Council Meeting. In addition to concepts for each playground, the document also identified a priority list for all these facilities to be upgraded over the next five to 10 years. This has been developed based on information received from community consultation and feedback from the Public Open Space Working Group. The final version of the strategy can be found at the following link on the Town's website: [https://www.cottesloe.wa.gov.au/Profiles/cottesloe/Assets/ClientData/Public\\_open\\_space\\_and\\_playground\\_strategy\\_-\\_amended\\_-\\_UDLA.pdf](https://www.cottesloe.wa.gov.au/Profiles/cottesloe/Assets/ClientData/Public_open_space_and_playground_strategy_-_amended_-_UDLA.pdf).

Dutch Inn is the first playground on that list and \$215,000 has been allocated in the 2020/2021 budget for the improvement works.

Attached is the draft detail design for Council's approval for the purpose of consulting with directly affected residents living along Marine Parade between Beach Street and Salvado Street as shown on the diagram within the Consultation Section of this report.

These plans have been developed in consultation with the Public Open Space Working Group over a series of meetings.

### **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.

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 3: Enhancing beach access and the foreshore.

Major Strategy 3.2: Continue to improve access to beach facilities.

### **POLICY IMPLICATIONS**

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

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

### **FINANCIAL IMPLICATIONS**

The scope of works within the attached confidential attachment have been broken down into two categories, namely, essential works (category one) and additional "nice to have" items (category two). The works in category two can either be undertaken through cost savings either at a project or program level. Council approval would be required should a budget amendment be required to carry out such additional works (program cost savings from other projects).

Given the above, it would be reasonable to conclude that resource requirements are in accordance with the existing budgetary allocation of \$215,000 within account number 30.7031.2 – Dutch Inn Playground Upgrade under the 2020/2021 approved budget.

### **STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation. The works will be carried out by a contractor procured through a public tender process.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

Town of Cottesloe staff

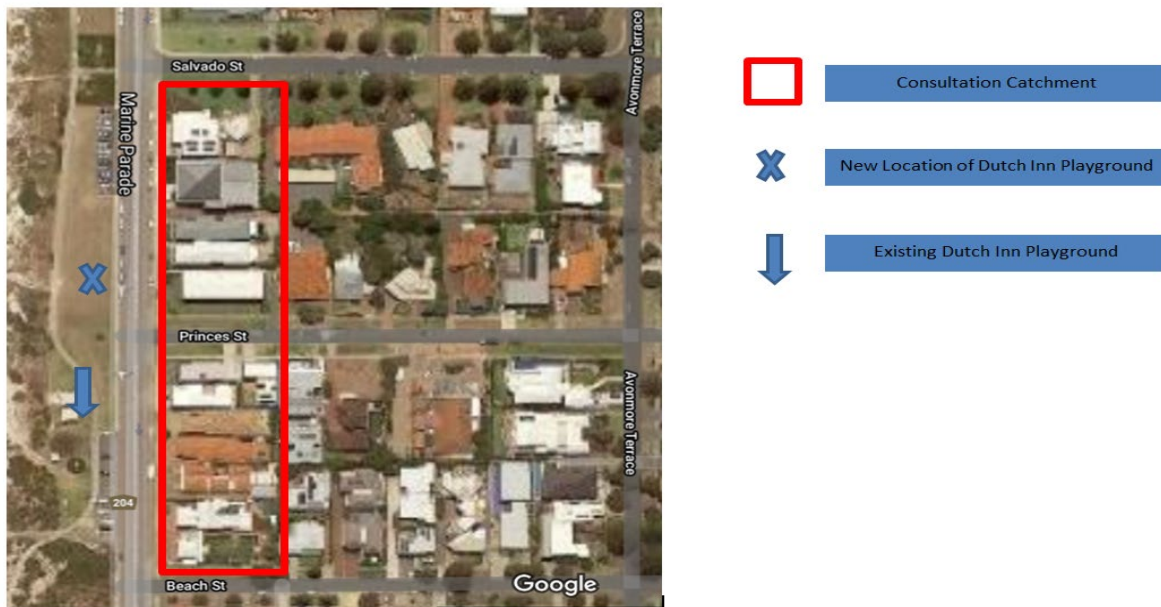
Elected members



The public Open Space Working Group (Notes Attached)

Further consultation will be undertaken with residents as shown on the diagram below. These directly impacted residents will be invited and allowed 10 calendar days to provide written submissions on the proposed design. Feedback from stakeholders outside the catchment shown below will be considered, should they be received.

Council do have the option to amend the officer’s recommendation to include other parties that need to be engaged.



**OFFICER COMMENT**

**Detail Design Development**

The attached drawings have been developed from the following a series of meetings with the Public Open Space Working Group:

- 19 March 2020 - Presentation and obtained feedback on the concept within the approved masterplan for the purpose of identifying play equipment options and rationalisation;
- 30 April 2020 – Discussed and agreed on the preferred play equipment for the purpose of developing a set of preliminary design drawings for feedback; and
- 17 August 2020 TDL presented the preliminary design drawings and feedback received has been incorporated to further progress the drawings to a set of detail design plans for Council approval.

**Upgrade Scope**

Following the design process above, the attached Dutch Inn detail design can be summarised as follows:

- Shared playground space in-lieu of age specific.

- A feature 'ship' structure with climbing ropes, slides and deck areas. The ship is an open skeleton style which creates small cubby type spaces for the children to use as well as climbing opportunities and different uses;
- An extensive set of monkey bar climbing structures that will be both standalone and have bespoke connections to the ship to create a journey for the children to climb through gradually decreasing from a height of three metres to sand level;
- Carousel;
- Bucket swing;
- Seating area adjacent to the beach access path with the new provision of seating grass mounds adjacent to the space;
- Allowance for limited nature play type elements which are more heavily used by younger age groups; and
- Surf wobble boards.

Other items that have been asked to be considered include bicycle racks and provision for food van type infrastructure. This would require further consultation with the Active Transport Working Group and adoption of relevant policies. Whilst not recommended, Council can ask for these to be implemented should it wish to do so, noting that a budget amendment would most likely be required, given the anticipated cost for these additional works.

#### **Engagement with Directly Impacted Stakeholders and Procurement**

Given the relocation of the playground further north of its existing site and closer to properties, it is recommended that residents living along Marine Parade between Beach Street and Salvado Street be engaged to make them aware of the proposed design.

These stakeholders will be invited and allowed 10 calendar days to provide written submissions. The Administration will then consider the information received and make changes to the design if required. Once this is completed, the project will be publicly advertised to appoint a contractor to carry out the upgrade works.

Council is asked to note that an item relating the design will only be brought to the October 2020 Ordinary Council Meeting should there be major variations needed to the plans deemed necessary within residents' submissions. Otherwise, the next decision for Council would be to consider a recommendation to appoint a contractor from the public tender process. This would most likely be in November 2020.

Given that one of the 2016 Ordinary Council Meeting resolution on a similar matter was for this playground to be urgently relocated for safety reasons and impacts on the ability to deliver other capital projects on time, it would be prudent for Council to be aware of a four week project delay should it ask for the final plans to be brought back to an Ordinary Council Meeting before proceeding to tender. This would prolong the tender award to December 2020.

However, whilst not ideal, a Special Council Meeting could be considered to compress timeframes, should the preferred approach be to subject the design approval for Council to consider the submissions received.

To promptly address the children safety concerns of residents associated with conflicting use by ocean sport participants (as per the 2016 resolution), consideration could be given to remove the aged playground to coincide with the commencement of the new facility construction. This would potentially allow more separation from the construction site to set up for the sporting activity and thus minimising the impact, if any for these users.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Harkins

Seconded Cr Young

**THAT Council**

1. **THANKS** the Public Open Space Working Group members for their valuable time in contributing towards the detail design development for Dutch Inn Playground.
2. **APPROVES** the attached plans for the purpose of engaging with directly impacted stakeholders as highlighted within the Consultation Section of the report and for minor design amendments to be made before proceeding with the public tender process to appoint a builder for the works; and
3. **NOTES** that the matter will only be brought back to the October 2020 Ordinary Council Meeting should there be major variations required to the design, otherwise Council will be asked to consider a tender recommendation, most likely at the November 2020 Ordinary Meeting.

Carried 9/0

**10.1.2 STREET TREE MASTERPLAN AMENDMENT**

**File Ref:** SUB/2798  
**Attachments:** 10.1.2(a) Street Tree MasterPlan - Street Review responses - Arborcarbon [under separate cover]  
**Responsible Officer:** Matthew Scott, Chief Executive Officer  
**Author:** Shaun Kan, Executive Manager Engineering Services  
**Author Disclosure of Interest:** Nil

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "some of the effected people are known to me."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "the residents at no.1 and 1a Geraldine Street are known to me."

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "the residents at no.1 and 1a Geraldine Street are known to me."

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**SUMMARY**

Council is asked to consider a variation to the Street Tree Masterplan.

**BACKGROUND**

Over the 2020 planting season, different requests have been received for either the species within the street tree masterplan to be varied or for no trees to be planted on verges fronting their properties for different reasons.

In September 2020, Arborcarbon, the developers of the masterplan, briefed Council on the principles behind the design and selection of species along verges. The approach can be summarised as follows:

- Based on the Town of Claremont Street Tree Masterplan model.
- Document comprised of a table identifying proposed trees along streets within different wards and provided comments should there be special conditions associated with each street.
- The table information within the report is also summarised on a map.
- The design intends to provide a consistent theme for each street and existing tree species to be maintained if possible.
- The tree species selection principles are typically:
  - Resilience – achieved through providing a variety of tree species selection.
  - Urban Tolerance – ensuring that only trees with a proven track record of doing well in a particular environment are selected.
  - Maintains Existing Character – Norfolk Island Pines are a good example as they are the iconic tree species of Cottesloe.

- Local Characteristic – consideration to any unique soil and environmental properties of a location. In the case of Cottesloe, it would be coastal surrounds that generally have an alkali soil with varying verge widths.

### **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.

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 5: Providing sustainable infrastructure and community amenities.

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

### **POLICY IMPLICATIONS**

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

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

Street Tree Policy

Street Tree Masterplan

### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

### **STAFFING IMPLICATIONS**

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

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

Any decision resulting in any trees not being planted will impact the future canopy coverage over Cottesloe.

### **CONSULTATION**

Town of Cottesloe Staff

Elected members

Affected Residents

### **OFFICER COMMENT**

The following table provides a summary of the outstanding tree planting issues.

Street	Number of New Trees	Masterplan Species	Existing species	Comment
Hamersely	10	Coastal Sheoak	Peppermint	Petition received requesting for Pepperming Trees
MacArthur	18	Olive	Paperbark	Some residents want the Paperbark species
78D Marine Pde Dean Street frontage	1	Norfolk Island Pine	Norfolk Island Pine	Resident has 2 large Pine trees within the property that has caused structural damages and does not want a tree on the Deane Street verge.
Napier Street between Marine Parade and Broome Street (central ward)	3	Tuart	Peppermint and Norfolks	Resident has asked for a Pine tree to be installed to be consistent with the existing streetscape
92 Napier Street (Eastern Ward)	1	Sugar Gum	Sugar Gum	Resident has asked for a smaller species
6 Margaret Street	1	Rottnest Island Tea Tree	Rottnest Island Tea Tree	Resident has asked for the verge to be kept clear for the convenience of manoevrng a camper van onto the property.
3 Margaret Street	1	Rottnest Island Tea Tree	Rottnest Island Tea Tree	Resident has an approved structure opening onto the verge
12 Margaret Street	1	Rottnest Island Tea Tree	Rottnest Island Tea Tree	Resident is concerned that the verge is too small and claims to have not been consulted before the planting
111 Grant Street	1	Paperbark	Paperbark	Property is for sale and house on land will eventually be demolished. Resident has asked for the planting to be delayed
32 North Street	1	Peppermint	Peppermint	Resident is concerned of sight distance issues

251 Napier Street	1	Tuart	Norfolk Island Pine	Approval has previously been provided in June 2018 by the Administration for a Peppermint Tree to be planted by the Town instead of the approved species.
8 Nailsworth Street	1	Rottnest Island Tea Tree	Rottnest Island Tea Tree	Resident wants species changed to compliment their succulent garden at the front of their property.

Arborcarbon's advice on species change requests and the Administration's recommendations on other non-species related matters have been summarised below:

#### **Hamersley Street species change from Coastal Sheoks to Peppermint Trees**

There are no concerns with the proposed changes to plant Peppermints. Coastal Sheoaks have been chosen for the purpose of 'phasing out' WA Peppermints to increase the diversity of species and resilience if abiotic or biotic disorders (e.g. Myrtle Rust) arrive.

#### **MacArthur Street species change from Olive Tree to Paperbarks**

Paperbarks are not suited to small verges and streets within close proximity to the coast.

#### **78D Marine Parade, Dean Street Frontage – Resident does not want tree**

The Street Tree Masterplan has prescribed the Norfolk Island Pine along the property frontage of Deane Street. Given the damage the same tree growing within the property has caused, the resident has requested that no tree be planted. Council is asked to consider the planting of a Coastal Sheoak, a smaller species. The arborist has no objection to this suggestion by the Administration.

#### **Napier Street between Marine Parade and Broome Street species change from Tuarts to Norfolk Island Pines**

This would have been an acceptable suggestion in 2017. Given the current health issues it is recommended that no new Norfolk Island Pines are planted until the current disease issue is resolved and a long term management strategy is developed.

The consultants agree for Tuarts to remain as the Masterplan species between Broome Street and Curtin Avenue.

#### **92 Napier Street – Resident requests for smaller tree species**

The consultants have informed the Town that the Sugar Gum species as per Masterplan, would be too large for the verge but have suggested a smaller variant of the Sugar Gum.

#### **8 Nailsworth Street**

Following initial consultation, the owners agreed for a tree to be planted but have recently asked for the species to be changed from a Rottnest Island Tea Tree to a Paperbark to compliment their succulent garden within their property. This is not consistent with the provisions of our street tree policy. Advice from the Arborist recommends the Rottnest

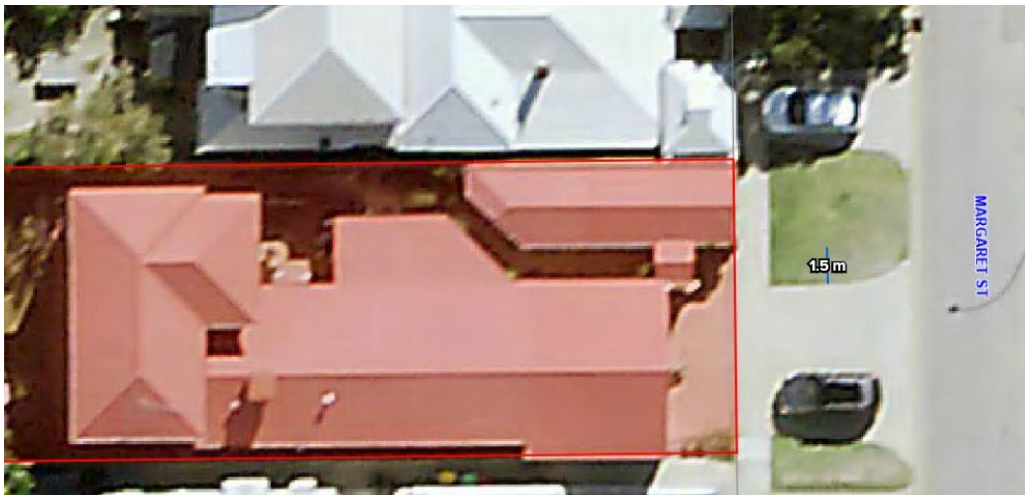
Island Tea Tree as the preferred species given the size of the verge as the Paperbark roots are known to cause damage to road infrastructure. However, they do not strongly object to the Paperbark should the Town be acceptable to such risks.

On this basis, the Administration does not support this change and does suggest that Council considers consulting with Nailsworth Street residents before deciding to vary the Masterplan species for this location.

In summary, notwithstanding the information provided by the consultants, Council is asked to note that section 4.2 of the street tree policy does not support variations to species should this be associated with dislike, litter or perceived problems towards a particular tree type. However, Council can consider the merits of each request when deciding on whether to approve changes.

### **3 Margaret Street**

Similar to tree removals, residents should not be able to refuse a tree within the Town's verge adjacent to their properties due to any form of inconveniences listed in section 4.5 of the Street Tree Policy.



Whilst there may be an approved boat storage structure for the property, the tree can be planted 1.5 metres from their driveway edge as shown above to provide reasonable access to this shed. We are of the opinion that the maximum sized vessel, assumed based on the dimension of the shed, would reasonably be able to manoeuvre into the storage facility.

For these reasons, the Administration will be proceeding to plant trees within the verge adjacent to 3 Margaret Street.

### **6 Margaret Street**

The resident has agreed for a tree to be planted.

### **111 Grant Street**

The resident has asked for the planting to be delayed a further four weeks for the sale of the property and the demolition of the house is complete to avoid the tree being damaged during the initial works. The tree location has been marked "X" in the diagram below. The Town's records show that there is no approved permit for such works to occur.





In addition to unideal planting weather conditions and alternative demolition access being available through Grant Street and possibly McNamara Way, it would not be reasonable to delay the planting. Council can however ask for this to be deferred should it deem this to be appropriate.

Given that the initial tree planted had been damaged, Council is asked to note that a sign associated will be installed in conjunction with the replacement planting at this location. This approach would be consistent with previous responses by the Administration to other damages within the Town.

**12 Margaret Street**



Letters were sent to residents in May 2020 to provide notification and consult on the tree planting. A stake indicating the location of the planting was also placed on the verge. We did not receive any objection at the time and the tree was then installed. The verge, as shown in the diagram above is sufficiently wide for the Rottnest Island Tea Tree to be planted.

Given that the tree has already been planted, the recommendation would be for this to remain.

**32 North Street**

This verge already has a tree. This resident is concerned that the tree planted at 34 North Street would create sight line issues. The resident at 34 North Street has no objections to the tree. This safety issue can be resolved by planting the tree 1.5 metres back from the kerb line. The resident at 32 North Street has been informed of this analysis.

Given this, the recommendation would be for the planting to proceed with special consideration being given to periodic pruning to ensure safe sight lines are consistently maintained. Residents will also be encouraged to notify the Town when additional trimming is required.

**251 Napier Street**

In June 2018, before the adoption of the most recent Street Tree Policy in 2019, the Town approved for a change in species only at the front of this property from a Tuart to a Peppermint Tree. Whilst this may not be consistent with the current policy whereby only Council can approve the variation from the Street Tree Masterplan, it would be important to note that the predecessor document was silent on such matters that allowed the Administration the discretion at the time.

Given this and the timing to which the approval was provided, it is recommended that Council approve this one-off request.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Mayor Angers**

**Seconded Cr Young**

THAT Council:

1. APPROVES the Street Tree Masterplan species along Hamersley Street to be changed from Coastal Sheoak to Peppermint trees;
2. DECLINES the change of the Street Tree Masterplan species from an Olive to Paperbark trees along MacArthur Street;
3. DECLINES the change of the Street Tree Masterplan species from a Rottnest Island Tea Tree to Paperbark tree at 8 Nailsworth Street;
4. APPROVES for a Coastal Sheoak species to be planted only on the Deane Street frontage to 78D Marine Parade and NOTES that the Street Tree Masterplan species remains as a Norfolk Island Pine for Deane Street;
5. APPROVES the planting of a Peppermint Tree on the verge at 251 Napier Street which is different to the Tuart species within the endorsed Street Tree Masterplan;
6. DEFERS the planting along Napier Street between Marine Parade and Broome Street until the Norfolk Island Pine Study commissioned by the Administration is complete and a management plan is in place to mitigate against the declining health of these trees;
7. NOTES that in conjunction with point six, all planting of Norfolk Island Pine Trees will be deferred;

8. NOTES that a tree will be planted on the verges at 3 Margaret Street, 6 Margaret Street, 111 Grant Street and 34 North Street;
9. NOTES that the Rottnest Island Tea Tree planted on the verge at 12 Margaret Street will remain;
10. NOTES that an Arborist will be consulted on all future Street Tree Masterplan species variation request and such advice will be included in the officer's report for Council's consideration; and
11. NOTES that the Administration will write to residents informing them of Council's decision.

**COUNCILLOR AMENDMENT 1****Moved Cr Masarei****Seconded Cr Tucak****That point 8 be amended and a point 9 be inserted as follows:**

8. NOTES that a tree will be planted on the verges at 6 Margaret Street, 111 Grant Street and 34 North Street but not at 3 Margaret Street;
9. Notes that should the resident of 3 Margaret Street no longer require access to the garage/boat shed on the northern frontage of the property a tree will be planted on the verge.

**Carried 8/1****COUNCILLOR AMENDMENT 2****Moved Cr Young****Seconded Mayor Angers****That point 4 be amended as follows:**

4. DIRECTS that no tree be planted on the verge at 78D Marine Parade while the Norfolk Island Pines in the front courtyard of the property remain.

**Carried 9/0****COUNCILLOR AMENDMENT 3****Moved Cr Young****Seconded Cr Tucak****That a point 10 be inserted as follows:**

10. DIRECTS that no sign regarding damage to verge trees be erected on the verge of 111 Grant St unless the replacement tree is deliberately damaged;

**Carried 6/3****COUNCILLOR AMENDMENT 4****Moved Cr Young****Seconded Cr Barrett****That a point 12 be inserted as follows:**

12. Requests that a Peppermint tree be planted on the verge at 92 Napier St, as per the resident's request, instead of the Street Tree Masterplan Sugar Gum tree.

**Carried 5/4**

**COUNCILLOR AMENDMENT 5**

Moved Cr MacFarlane

Seconded Cr Masarei

That a point 6 be inserted as follows:

6. **APPROVES** the removal of the unauthorised street tree planted in front of 1A Geraldine Street and plants a replacement species that is in accordance with the Street Tree Masterplan;

Carried 7/2

**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

THAT Council:

1. **APPROVES** the Street Tree Masterplan species along Hamersley Street to be changed from Coastal Sheoak to Peppermint trees;
2. **DECLINES** the change of the Street Tree Masterplan species from an Olive to Paperbark trees along MacArthur Street;
3. **DECLINES** the change of the Street Tree Masterplan species from a Rottnest Island Tea Tree to Paperbark tree at 8 Nailsworth Street;
4. **DIRECTS** that no tree be planted on the verge at 78D Marine Parade while the Norfolk Island Pines in the front courtyard of the property remain;
5. **APPROVES** the planting of a Peppermint Tree on the verge at 251 Napier Street which is different to the Tuart species within the endorsed Street Tree Masterplan;
6. **APPROVES** the removal of the unauthorised street tree planted in front of 1A Geraldine Street and plants a replacement species that is in accordance with the Street Tree Masterplan;
7. **DEFERS** the planting along Napier Street between Marine Parade and Broome Street until the Norfolk Island Pine Study commissioned by the Administration is complete and a management plan is in place to mitigate against the declining health of these trees;
8. **NOTES** that in conjunction with point six, all planting of Norfolk Island Pine Trees will be deferred;
9. **NOTES** that a tree will be planted on the verges at 6 Margaret Street, 111 Grant Street and 34 North Street but not at 3 Margaret Street;
10. **Notes** that should the resident of 3 Margaret Street no longer require access to the garage/boat shed on the northern frontage of the property a tree will be planted on the verge.
11. **DIRECTS** that no sign regarding damage to verge trees be erected on the verge of 111 Grant St unless the replacement tree is deliberately damaged;
12. **NOTES** that the Rottnest Island Tea Tree planted on the verge at 12 Margaret Street will remain;
13. **Requests** that a Peppermint tree be planted on the verge at 92 Napier St, as per the

resident's request, instead of the Street Tree Masterplan Sugar Gum tree.

14. **NOTES that an Arborist will be consulted on all future Street Tree Masterplan species variation requests and such advice will be included in the officer's report for Council's consideration; and**
15. **NOTES that the Administration will write to residents informing them of Council's decision.**

**Carried 9/0**

COUNCILLOR RATIONALE (Amendment 1):

1. The Town of Cottesloe approved the construction of a garage/boat shed at 3 Margaret Street, Cottesloe
2. The owners of the property house their boat in the garage/boat shed
3. The planting of a tree on the verge in front of the garage/boat shed will make it difficult to access the shed for the purpose of mobilising their boat to and from the shed and in all probability will cause significant damage to any tree planted on the verge.
4. Having approved the construction of the garage/boat shed the Town of Cottesloe has a duty to facilitate reasonable and proper access to the garage/boat shed or not hinder the access.
5. The current owners are agreeable to the planting of a tree on the verge should they no longer require access to the garage/boat shed.

COUNCILLOR RATIONALE (Amendment 2):

1. The owner of the property at 78 d Marine Pde is an elderly widow who has lived at the property for some 35 years;
2. The property is a modest strata villa with a small westerly courtyard on the Marine Pde frontage;
3. There are currently 2 very large fully mature NIP's in the courtyard;
4. The two NIP's on the property are planted within metres of each other, in a very confined space. They appear excessive in scale and inappropriate for their context;
5. The existing NIP's have caused significant damage to the boundary wall on Marine Pde, to the paving in the courtyard and to the walls of the house. The owner cannot remove the trees without permission from the Strata Company. She has requested the Strata Company to permit removal but the permission has been denied;
6. The trees are the occasional nesting location for some Osprey. While the retention of the trees represents a good outcome for the community it does leave the owner with the burden of dealing with the trees and the damage they are causing;
7. The owner of the property, being an elderly widow, also finds it physically challenging to deal with the debris from the two existing NIPs and she is extremely distressed by the prospect of having this burden increased by another NIP planted on the relatively

narrow Deane St verge;

8. The owner has some on-going health problems which are exacerbated by stress. The issue of the damage caused by the NIP's and the media attention it attracted have been very stressful for the owner. The prospect of another tree on the verge has significantly increased her stress;
9. The owner has requested that no further trees be planted around her property until the existing NIP's fail and are removed;
10. The circumstances of this case are unique and exceptional and are not likely to set a precedent for other cases;
11. It is not appropriate to plant an alternative tree for this verge, as the NIP is the designated street tree and it is likely that a NIP can be planted at some time in the future, when the current NIP's in the courtyard fail (noting that they are very mature trees). That would allow the street to maintain the attractive appearance which the NIP's provide.

COUNCILLOR RATIONALE (Amendment 3):

The property adjacent to the verge at 111 Grant St has recently been sold and the house is to be demolished imminently. The house is currently vacant. Local residents have been contacted by Administration via letterbox drop, requesting information regarding damage to the tree. In the circumstances there is little to be gained from erecting a sign regarding tree damage.

COUNCILLOR RATIONALE (Amendment 4):

1. The resident has raised concerns about likely damage caused by the Sugar Gum tree proposed for the verge and has requested a Peppermint Tree instead. Photos of damage caused to neighbouring crossovers have been circulated to Elected Members by email.
2. The relevant section of Napier St has a mix of Peppermint trees and Sugar Gum trees, so it would not be inconsistent with the current streetscape to substitute the proposed Sugar Gum with a Peppermint Tree.
3. There is no indication of the likely damage which might be caused by a smaller variant of the Sugar Gum, but in any event that in itself represents a deviation from the Street Tree Masterplan. If substitution is contemplated it is appropriate to allow substitution with a tree species which is already in the location and which the resident has requested.

COUNCILLOR RATIONALE (Amendment 5):

1. The street tree selected planted by the owner of 1A Geraldine Street was not approved by the Council administration and does not comply with the Street Tree Masterplan.
2. Furthermore the reasons offered by the owner that the planted tree complements the landscaped garden on the property is not a valid reason to deviate from the Street Tree Masterplan.

**FINANCE****10.1.3 AMENDMENT TO PURCHASING POLICY**

**File Ref:** SUB/2798  
**Attachments:** 10.1.3(a) Current Purchasing Policy [under separate cover]  
**Responsible Officer:** Matthew Scott, Chief Executive Officer  
**Author:** Shane Collie, Executive Manager Corporate Services and Governance  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to endorse a minor amendment to the Town's Purchasing Policy.

**BACKGROUND**

Council adopted an updated Purchasing Policy at its meeting held on 28 April 2020. A minor amendment is required to address an inadvertent contradiction in the Policy.

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

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

**POLICY IMPLICATIONS**

A minor Policy amendment is recommended.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

Local Government (Functions and General) Regulations 1996.

**FINANCIAL IMPLICATIONS**

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

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Nil.

**OFFICER COMMENT**

On page 4 of the Policy (attached) Table 6 has purchases over \$150,000 being required to be conducted by a formal public Tender Process, which is consistent with the Local Government (Functions and General) Regulations 1996. The subsequent Table 9.1 on page 5 of the Policy document contains the statement *"The Chief Executive Officer may authorise Purchase Orders above this amount (\$150,000) without calling Tenders if the Tender threshold amount is amended by the State in the instance of an emergency."*

To ensure that both sections of the Policy are consistent it is recommended that the above statement be inserted in Table 6 contained on page 4 as well as where it appears in Table 9.1 on page 5.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Mayor Angers                      Seconded Cr Masarei

**THAT Council INSERTS the following statement in the Town's Purchasing Policy in Table 6 on page 4:**

*"The Chief Executive Officer may authorise Purchase Orders above this amount (\$150,000) without calling Tenders if the Tender threshold amount is amended by the State in the instance of an emergency."*

Carried by En Bloc Resolution 9/0



**10.1.4 FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2020 TO 31 AUGUST 2020**

**File Ref:** SUB/2798  
**Attachments:** 10.1.4(a) Monthly Financial Report For The Period 1 July 2020 to 31 August 2020 [under separate cover]  
**Responsible Officer:** Matthew Scott, Chief Executive Officer  
**Author:** Wayne Richards, Finance Manager  
**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 ensure that income and expenditure are compared to budget forecasts.

The attached financial statements and supporting information are presented for the consideration of Elected Members. Council staff welcomes enquiries in regard to the information contained within these reports.

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

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

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**FINANCIAL IMPLICATIONS**

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

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Senior staff

**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 August 2020 was \$10,685,281 as compared to \$11,014,711 this time last year.
- Rates receivables at 31 August 2020 stood at \$7,163,835 as shown on page 25 of the attached Financial Statements.
- Operating revenue is more than year to date budget by \$8,575 with a more detailed explanation of material variances provided on page 21 of the attached Financial Statements. Operating expenditure is \$508,830 less than revised year to date budget due in main part to depreciation charges not having been posted, this will occur once the 2019/20 Annual Report has been audited and finalised in the coming months.
- The Capital Works Program is shown in detail on pages 33 to 37.
- The balance of cash backed reserves was \$9,093,995 as at 31 August 2020 as shown in note 7 on page 27 of the monthly financial statements.

**List of Accounts for August 2020**

The List of Accounts paid during August 2020 is shown on pages 38 to 45 of the attached Financial Statements. The following significant payments are brought to Council's attention:

- \$56,599.52 to Solo Resource Recovery for waste collection and disposal services.
- \$25,915.92 and \$24,872.28 to Superchoice Services Pty Ltd for superannuation contributions.
- \$36,780.78 to the West Australian Local Government Association for the Town's annual subscriptions.
- \$1,500,000.00 to the Commonwealth Bank of Australia for a new term deposit.

**Investments and Loans**

Cash and investments are shown in note 4 on page 23 of the attached Financial Statements. The Town has approximately 42% of funds invested with National Australia Bank, 34% with Commonwealth Bank of Australia and 24% with Westpac Banking Corporation. A balance of \$9,093,995 was held in reserve funds as at 31 August 2020.

Information on borrowings is shown in note 10 on page 30 of the attached Financial Statements and shows Council had total principal outstanding of \$3,451,436 as at 31 August 2020.

**Rates, Sundry Debtors and Other Receivables**

Rates revenue information is shown in note 9 on page 29 of the attached Financial Statements. Rates outstanding are shown on note 6 on page 25 and show a balance of \$7,163,835 as compared to \$4,295,240 this time last year. This is mainly due to the fact that rates were issued a week later this financial year compared to last year.

Sundry debtors are shown on note 6, page 25 of the attached Financial Statements. The sundry debtors show that 10% or \$21,786 is older than 90 days. Infringement debtors are shown on note 6 page 26 and stood at \$390,934 as at 31 August 2020.

**Budget Amendments**

There have not been any budget amendments as at 31 August 2020.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Mayor Angers**

**Seconded Cr Masarei**

**THAT Council RECEIVES the Financial Statements for the period 1 July 2019 to 31 August 2020 as submitted to the 22 September 2020 meeting of Council.**

**Carried by En Bloc Resolution 9/0**

**10.1.5 SPLASH AND DASH DONATION**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Matthew Scott, Chief Executive Officer  
**Author:** Shane Collie, Executive Manager Corporate Services and Governance  
**Author Disclosure of Interest:** Nil

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "I still have a child in the North Cottesloe Primary School."

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "I am a former member of the North Cottesloe Primary community."

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**SUMMARY**

This report recommends that Council not provide the approved donation of \$5,000 for the 2021 North Cottesloe Splash and Dash event.

**BACKGROUND**

The North Cottesloe Splash and Dash event has been operated successfully for a number of years however did not occur in 2020 due to COVID-19. The organisers have advised that the event will also not occur for the same reason in 2021.

The Town has made a contribution of \$5,000 as a regular community group donation for the event, including in 2020 when the event did not proceed.

**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

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Major Strategy 1.4: Continue to improve community engagement.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

Nil.

**FINANCIAL IMPLICATIONS**

Should the Officer's recommendation be adopted the Town will "save" \$5,000 in expenditure from its present year budget which would be accounted for in the mid year Budget review.

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**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

North Cottesloe Splash and Dash.

**OFFICER COMMENT**

In 2020 the Town provided \$5,000 as a community contribution to this event despite the event not proceeding. The provision was still made as the group had incurred significant cost in terms of advertising and preparing for the event which had to be cancelled at the last minute due to COVID-19.

The situation is quite different in 2021 as no such costs have been incurred as the event has been cancelled well in advance of preparations for it. Therefore it is not considered that a contribution should be made.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

THAT Council:

1. ADVISES the North Cottesloe Splash and Dash that the community donation amount of \$5,000 for the Splash and Dash event will not be made in 2021 due to the event not occurring.
2. THANKS the North Cottesloe Splash and Dash for the holding of the Splash and Dash events advising that any future requests for funding would be assessed on their merits in accordance with the Town's Policy on donations.

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

**Moved Cr Harkins**

**Seconded Cr Barrett**

**THAT Council APPROVES the community donation amount of \$5000 originally approved for the Splash and Dash event to be held in 2021 to be re-directed towards the North Cottesloe Primary School Nature Play facilities.**

**Carried 6/3**

**COUNCILLOR RATIONALE:**

- This is consistent with the fundraising purpose outlined in the P&C's April 2020 grant application for the Splash and Dash - i.e. funds raised from the SnD 2021 would be put

toward the nature play facilities.

- COVID-19 has significantly impacted the fundraising effort of the NCPS P&C. Not being able to hold the event in 2020 and 2021 has left a fundraising gap of approximately \$40,000 in their budget.
- These nature play improvements at the school will be enjoyed for years to come as children throughout our suburb filter through the school (our only school in the Town of Cottesloe). Families are the lifeblood of our community. It will increase the diversity of play experience at the school to increase relevance to older children in the 7 – 13 age bracket.

**10.1.6 BUDGET AMENDMENT**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Matthew Scott, Chief Executive Officer  
**Author:** Shaun Kan, Executive Manager Engineering Services  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is asked to consider a budget amendment within the right of way, footpath and road construction program.

**BACKGROUND**

Council at a July 2020 Special Meeting endorsed the 2020/2021 financial year budget. A budget amendment is required for the following road and footpath projects:

- Salvado Street Road Resurfacing - budget increase from \$28,000 to \$39,000;
- Roads to Recovery Project – budget reduction from \$150,000 to \$139,000;
- Reginald Street footpath replacement - budget reduction from \$9500 to \$0;
- New Broome Street footpath replacement project in front of Town of Cottesloe Civic Centre – new budget allocation of \$9500; and
- Right of Way 20C and 20D Resurfacing – budget increase from \$65,000 to \$70,000 with additional funds being obtained from the Right of Way Reserve.

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

**FINANCIAL IMPLICATIONS**

The following provides a summary of the budget amendment either between projects or from reserves:

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Account Number	Project Location	Current Budget	Revised Budget
40.1168.2	Salvado Street (Broome Street to George Street)	\$28,000.00	\$39,000.00
24.2100.2	Right of Way 20C and 20D	\$65,000.00	\$70,000.00
40.9000.2	Roads to Recovery Project	\$150,000.00	\$139,000.00
15.1158.2	Reginald Street Southside (George Street to Curtin Avenue) - Footpath Construction	\$9,500.00	\$0.00
New Project	Broome Street fronting Civic Centre - Footpath Construction	\$0.00	\$9,500.00
<b>Total Allocations</b>		\$252,500.00	\$257,500.00
<b>Budget Transfer from Right of Way Reserve</b>		<b>-\$5,000.00</b>	

### STAFFING IMPLICATIONS

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

### ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

### CONSULTATION

Staff

Elected Representatives

### OFFICER COMMENT

#### Road Construction

Quotes obtained for the Salvado Street road resurfacing works exceed the approved budget item by approximately \$11,000. The shortfall in available budget was a result of thicker layer of asphalt being required to treat the type of pavement failure caused by the stop-go nature of traffic around intersections.

The additional cost can be financed through the unallocated \$150,000 in road construction funds. Other road construction projects will be identified for the remaining unassigned monies at the mid year budget review, in line with the new Corporate Business Plan priorities to ensure that the Town continues to qualify for the Roads to Recovery Program.

#### Footpath Construction

Since the adoption of the budget, Engineering Services have determined the footpath directly in front of the Town of Cottesloe's Administration Centre would need to be replaced before that length on the southern side of Reginald Street (George Street to Curtin Avenue). The \$9,500 has been transferred between projects.



**Right of Way Resurfacing**

Additional earthworks were identified by the contractor at the time of quotation. The \$5,000 required to award the works can be sourced from the Right of Way Reserve.

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Sadler

Seconded Cr Masarei

**THAT Council by absolute majority APPROVES:**

1. A budget transfer of \$11,000 from the unallocated \$150,000 in road construction funding within the 2020/2021 to Resurfacing Project 40.1168.2 – Salvado Street (Broome Street to George Street) increasing the budgeted item from \$28,000 to \$39,000;
2. A change in Footpath Replacement Project budget description from 15.1168.2 – Reginald Street Southside (George Street to Curtin Avenue) to a new project along Broome Street (directly in front of 109 Broome Street) with no change to the \$9,500 budget item;
3. A budget transfer of \$5,000 from the Right of Way Reserve to 24.2100.2 – Right of Way 20C and 20D with an increase in the budget item from \$65,000 to \$70,000; and
4. NOTES that there is a net increase of \$5,000 in the 2020/2021 budget as a result of the budget transfer from reserves mentioned in point three.

Carried by Absolute Majority 9/0

**10.2 RECEIPT OF COMMITTEE MINUTES**

**10.2.1 RECEIPT OF COMMITTEE MINUTES**

- Attachments:**
- 10.2.1(a) Unconfirmed Minutes - Audit Committee 9 September 2020 [under separate cover]**
  - 10.2.1(b) Unconfirmed Minutes - North Cottesloe Primary School Traffic Safety Committee 14 September 2020 [under separate cover]**

**Moved Mayor Angers                      Seconded Cr Masarei**

**THAT Council note the attached Unconfirmed Minutes of the Committee Meetings.**

- Audit Committee – 9 September 2020**
- North Cottesloe Primary School Traffic Safety Committee – 14 September 2020.**

**Carried by En Bloc Resolution 9/0**

**10.3 REPORTS OF COMMITTEES****NORTH COTTESLOE PRIMARY SCHOOL TRAFFIC SAFETY ADVISORY COMMITTEE - 14 SEPTEMBER 2020****10.3.1 NORTH COTTESLOE PRIMARY SCHOOL KISS AND DROP RELOCATION - DETAILED DESIGN AND ROAD SAFETY AUDIT NORTH COTTESLOE PRIMARY SCHOOL BOARD FEEDBACK****File Ref:** SUB/2630**Attachments:** 10.3.1(a) North Cottesloe Primary School Board - Response to Road Safety Audit Report [under separate cover]**Responsible Officer:** Matthew Scott, Chief Executive Officer**Author:** Shaun Kan, Executive Manager Engineering Services**Author Disclosure of Interest:** Nil

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.3.1 by virtue "I still have a child in the North Cottesloe Primary School."

Cr Young declared an IMPARTIALITY INTEREST in item 10.3.1 by virtue "I am a former member of the North Cottesloe Primary community."

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**SUMMARY**

At the August 2020 Ordinary Meeting, Council accepted the committee's recommendation for the matter to be deferred to allow the North Cottesloe Primary School more time to provide feedback to the findings within the road safety audit.

The Town's Administration has met with the school representatives to discuss their feedback and attached is correspondence providing a response to the road safety audit report.

Given the impacts of the future Eric Street Bridge Upgrade design on both the school's existing (on Eric Street) and proposed (on Railway Street) Kiss and Drop facilities are uncertain, the committee is asked to consider the following recommendations to Council:

That the Town's Administration engages with Main Roads Western Australia and the Department of Education to determine the:

- Extent of impact by the Eric Street Bridge Upgrade design developed to date on the current North Cottesloe Primary School Kiss and Drop facility along Eric Street;
- Level of State Government support for the 85% kiss and drop design presented at the July 2020 North Cottesloe Primary School Committee; and
- Compatibility of the 85% Kiss and Drop design presented at the July 2020 North Cottesloe Primary School Committee with Eric Street Bridge Upgrade design developed to date.

Following the completion of the above, a report recommending to Council the future of the North Cottesloe Primary School Kiss and Drop Relocation Project will then be brought back to the committee for consideration.

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**BACKGROUND**

At the July 2017 Ordinary Council Meeting, Council rejected the initial design that involved the removal of several trees including a number of Norfolk Island Pines. A revised concept has since been developed.

At the June 2018 Ordinary Council Meeting, Council accepted and resolved to advertise the amended concept design for broad public consultation before the detailed design is developed.

In September 2019, the concept was approved by Council for public consultation in October 2019. A total of 286 responses were received of which 52% were against and 48% in support of the project.

Council then noted the survey results at the February 2020 meeting and asked the Administration to liaise with the State Government to:

- Determine the timing of the Eric Street upgrade design; and
- Obtain written confirmation that the approved kiss and drop concept will improve safety for all road users.

In April 2020, following Administration meetings with the State Government, the Department of Education and Main Roads Western Australia provided a contribution for the detailed design development and two road safety audits. Council then approved the concept for the purpose of detailed design development and required for the final drawings to be brought back to a council meeting for endorsement before submitting to the State Government for construction funding consideration.

In August 2020, a copy of the concept road safety audit and 85% detailed design was provided to the committee for endorsement whereby a recommendation was made to and accepted by Council for the matter to be deferred. This was to allow the North Cottesloe Primary School more time to review and provide feedback on both documents.

In September 2020, following meetings with the Town's Administration, the North Cottesloe Primary School sent the attached letter providing their feedback.

**STRATEGIC IMPLICATIONS**

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

Priority Area 2: Achieving connectivity between east and west Cottesloe

Major Strategy 2.4: Proactively pursue solutions for improved access to North Cottesloe Primary School, with a view to reducing congestion on Eric Street.

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 5: Providing sustainable infrastructure and community amenities.

In the 2017-2018 Corporate Business Plan, 4 actions were contained to the strategy, being:

- a. Develop a costed project that relocates the school's parking and drop off point from Eric Street to Railway Street;
- b. Develop a costed solution for the intersection of Railway Street and Eric Street;

- c. Lobby the State Government to make an appropriate allocation for the parking relocation; and
- d. Lobby to the State Government to upgrade the Eric Street rail bridge and the intersection of Curtin Avenue and Railway Street.

Actions a. and b. were allocated to the 2017/2018 year in the Corporate Business Plan, with actions c. and d. to commence in the 2018/2019 financial year.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

**FINANCIAL IMPLICATIONS**

The Department of Education has contributed \$60,000 to develop the detailed design. Main Roads Western Australia has provided \$8000 for the Administration to appoint their accredited Road Safety Auditor to carry out the safety analysis for the approved concept and final detailed design.

The final financial implications will only be known once a cost estimate is completed for the detailed design. State Government will then be approached again to discuss opportunities for construction funding contributions.

Depending on the outcome of subsequent negotiations with the State Government, Council will need to determine how (or if) any shortfall is funded.

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There will be a number of small trees that would need to be removed or relocated.

**CONSULTATION**

The consultation period ran from 21 October 2019 to 12 November 2019.

A Concept Design, Arborist Report and a list of Frequently Asked Questions were presented with a survey to the community for comment.

Two Information Sessions with site walkthroughs were conducted at the school on 21 October with a total of 30 people attending.

The survey was available from 22 October 2019.

48 percent were supportive and 52 percent were against the proposed project.

Ongoing consultation with MRWA and Education Department.

Fire and Emergency Services (Congdon Street Fire Station) were consulted to ensure that sufficient emergency access has been considered as part of the detailed design development.

**OFFICER COMMENT**

The feedback from the North Cottesloe Primary School Board can be summarised as follows:

- Co-linear arrangement of the crossing within the proposed facility and across Railway Street proves to be unsafe for pedestrians;
- Support from the school for the Administration to liaise with both the Department of Education and Main Roads Western Australia to determine the impact of the future Eric Street Bridge Upgrade on the proposed design;
- Further consideration of accessible parking and safe pedestrian thoroughfare to the Wanslea Early Childhood Centre including sufficient car bays for staff;
- Take any future widening of Eric Street into consideration in the design of any parking or drop of facilities; and
- Additional 14 points of comment within the attached letter in relation to the findings of the Road Safety Audit Report

Given the feedback provided by the school and their support for the Administration to further discuss the Eric Street Bridge Project with the State Government, it is recommended that the Kiss and Drop project be deferred until such discussions have occurred. This would allow for informed decisions to be made.

The outcome of this engagement with the State Government should provide answers to the following matters to determine the best approach to move the project forward. This would be particularly important especially when it comes to working with the school to address their concerns in line with the concept approved by Council:

- Impact of the bridge project on the existing Kiss and Drop facility along Eric Street;
- Is the State Government supportive of the 85% detailed design; and
- Compatibility and required changes to the proposed Kiss and Drop design along Railway Street

Once this is completed, a committee report recommending the future of the Kiss and Drop Project will then be prepared for Council's consideration.

**VOTING REQUIREMENT**

Simple Majority

**SUBSTANTIVE MOTION AND COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION****Moved Mayor Angers****Seconded Cr Masarei****THAT the North Cottesloe Primary School Traffic Safety Advisory Committee recommends;****THAT Council:**

- 1. Thanks the North Cottesloe Primary School Board and the Parent and Citizens Association (P and C) for their letter providing feedback on the detailed design and road safety audit report;**
- 2. APPROVES for the Administration to engage with both the Department of Education and Main Roads Western Australia on the future of Eric Street Bridge Upgrade Project and particularly to determine the following matters:**
  - a. Impact of the Eric Street Bridge Upgrade Project on the existing Kiss and Drop facility along Eric Street;**
  - b. State Government feedback on the 85 percent detailed design drawings and concept road safety audits for the proposed relocation of the kiss and drop to Railway Street, to include consideration of whether the concept will result in a significantly safer environment, as compared to the current arrangement, for pedestrians and cyclists entering and exiting the school grounds.**
  - c. The compatibility of the 85% detailed design drawings for the kiss and drop relocation to Railway Street with the proposed Eric Street Bridge Upgrade design**
- 3. REQUESTS that the Administration provide a response to the North Cottesloe Primary School Board and the P and C letter mentioned in point one with the proposed intentions in point two; and**
- 4. NOTES that the North Cottesloe Primary School Kiss and Drop Project will be deferred till the matters in point two have been resolved and a report to Council recommending the future of this project will be submitted through the North Cottesloe Primary School Traffic Safety Committee for Council's further consideration.**

**Carried by En Bloc Resolution 9/0**

**AUDIT COMMITTEE - 9 SEPTEMBER 2020****10.3.2 INTERIM AUDIT RESULTS FOR THE YEAR ENDING 30 JUNE 2020**

<b>File Ref:</b>	<b>SUB/2791</b>
<b>Applicant(s) Proponents:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>10.3.2(a) Interim Audit Results For The Year Ending 30 June 2020 [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Shane Collie, Executive Manager Corporate Services and Governance</b>
<b>Author:</b>	<b>Wayne Richards, Finance Manager</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**SUMMARY**

The Interim Audit for the 2019/2020 financial year was undertaken remotely due to the Covid-19 pandemic during the final quarter of 2019/2020. The results of this Audit have now been received from the office of the Auditor General and are attached for Committee Members consideration.

**BACKGROUND**

The Interim Audit is a process whereby the appointed Auditors and their assistants undertake a review of various financial management and reporting matters. This essentially assists the Auditors with a forming a view of the accuracy etc. of the Annual Financial report, which is further scrutinised after its completion.

The 2019/2020 Interim Audit has identified one issue which is summarised below:

**1. Lack of documentation of reasons for purchasing policy variations****Rating: Minor**

There is a section on the purchase order form that requires the preparer to record the vendor names and prices for all quotations that were obtained in accordance with the purchasing policy. Where quotations are required by the purchasing policy but were not obtained, the preparer must document the reasons for the variation from the policy.

As a part of the audit test controls across the procurement to payables cycle, the interim audit tests observed 1 out of 40 instances in which a quotation was required by the policy however no quotation was obtained and no reason for the variation from the policy was recorded on the purchase order form.

**Staff Comment**

Management accepts this finding and has reminded staff to adhere to the policy.

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

#### **POLICY IMPLICATIONS**

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

#### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

*Local Government (Audit) Regulations 1996*

#### **FINANCIAL IMPLICATIONS**

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

#### **STAFFING IMPLICATIONS**

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

#### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

#### **CONSULTATION**

- Town of Cottesloe staff
- Ernst & Young

#### **OFFICER COMMENT**

See 'Staff Comment' above.

Generally staff support the comments received during the interim audit process and view this feedback as an opportunity to improve systems wherever possible.

#### **VOTING REQUIREMENT**

Simple Majority

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

**Moved Mayor Angers**                      **Seconded Cr Masarei**

**THAT the Audit Committee recommend to Council that Council:**

- 1. NOTE the matters identified in the 2019/2020 Interim Audit Report; and,**
- 2. ENDORSE the actions of staff in responding to the outlined issues.**

**Carried by En Bloc Resolution 9/0**

**10.3.3 AUDIT PLAN FOR THE YEAR ENDING 30 JUNE 2020**

<b>File Ref:</b>	<b>SUB/2791</b>
<b>Applicant(s) Proponents:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>10.3.3(a) Audit Plan for the year ending 30 June 2020 [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Shane Collie, Executive Manager Corporate Services and Governance</b>
<b>Author:</b>	<b>Wayne Richards, Finance Manager</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**SUMMARY**

Ernst and Young audit the financial statements of the Town of Cottesloe on behalf of the Office of the Auditor General. The audit plan for the year ended 30 June 2020 is presented.

**BACKGROUND**

The audit plan has been co-developed with management and is conducted in accordance with the Australian Auditing Standards and practices, to enable the formation of opinions by the Auditor General on the financial statements of the Town.

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

*Local Government (Audit) Regulations 1996*

**FINANCIAL IMPLICATIONS**

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

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

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**CONSULTATION**

- Town of Cottesloe staff
- Ernst & Young
- Office of the Auditor General

**OFFICER COMMENT**

That the Audit Committee endorses the Audit Plan for the year ending 30 June 2020 report attached and forward it to Council for its consideration.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER AND COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Mayor Angers                      Seconded Cr Masarei**

**THAT the Audit Committee recommend to Council that Council ACCEPTS the Audit Plan for the year ending 30 June 2020 as attached.**

**Carried by En Bloc Resolution 9/0**

**10.3.4 CONTRACT MANAGEMENT PLAN**

<b>File Ref:</b>	<b>SUB/2791</b>
<b>Applicant(s) Proponents:</b>	
<b>Attachments:</b>	<b>10.3.4(a) Focus Audit - Local Government Management of Contract Renewals or Extensions and Variations [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Matthew Scott, Chief Executive Officer</b>
<b>Author:</b>	<b>Shane Collie, Executive Manager Corporate Services and Governance</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**SUMMARY**

This report responds to findings identified by the Office of the Auditor General (OAG) in respect of Contract Management.

**BACKGROUND**

The OAG raised three principal findings following visitation to the Town in December 2019. These are as follows:

- Contracts Register Maintenance
- Contractor Performance Evaluation
- Financial Parameters for Contract Renewals, Extensions and Variations

Work has been undertaken to address these findings which are set out on pages 2 and 3 of the attached letter from the OAG received in February 2020.

Additionally there were two other identified matters that were considered to require attention to develop best practice in the Contract and Procurement space. These are:

- Contract Variation Approval Process
- Procurement Conflict of Interest

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

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

**POLICY IMPLICATIONS**

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

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**STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Office of the Auditor General.

Executive Manager Engineering Services

**OFFICER COMMENT**

While the three areas of concern identified are operational matters it is important for the Audit Committee and Council to note that the processes in place for managing contracts at the Town is accountable, robust and transparent. The suggestions made by the OAG have all been taken on board and implemented to ensure that the management of contracts at the Town is industry best practice and that the likelihood of fraud or error is minimised as best possible.

In addressing the three findings the following has been implemented with detail contained in the attached documentation:

- Contracts Register Maintenance

The Contracts Register is regularly maintained including having a set limit as to when contracts are to be included in the Register.

- Contractor Performance Evaluation

A comprehensive Contractor Performance Evaluation Process has been introduced and is attached.

- Financial Parameters for Contract Renewals, Extensions and Variations

The OAG have recommended that the Delegated Authority Register be updated to include specific delegated authorisation limits for the approval of contract renewals or extensions and variations. Recommendation 2 to this reports seeks to confirm this.

- Contract Variation Approval Process

A Contract Variation Approval Process Template has been developed by the Executive Manager Engineering Services and is attached (last pages).

- Procurement Conflict of Interest

A Procurement Conflict of Interest form has been developed by the Executive Manager Engineering Services and is attached. All Tender or Request for Quotation (RFQ) Panel members will be required to complete this form prior to assessing any competitive Tender or RFQ.

### **VOTING REQUIREMENT**

Absolute Majority (Recommendation 2 Only)

### **OFFICER AND COMMITTEE RECOMMENDATION**

**Moved Cr Young**

**Seconded Mayor Angers**

That the Audit Committee recommend to Council:

1. THAT Council NOTE the findings of the Office of the Auditor General and the action taken in respect of Contracts Register Maintenance and Contractor Performance Evaluation.
2. THAT Council UPDATE the Delegated Authority Register (item 1.13) to include specific financial parameters for the approval of contract renewals or extensions and variations to be consistent with the Purchasing Authority limits as set out in Council's Purchasing Policy.
3. THAT Council NOTE the development of the Contract Variation Renewal Process and the Conflict of Interest form.

### **COUNCILLOR AMENDMENT**

**Moved Cr Sadler**

**Seconded Cr Tucak**

That a point 4 be added as follows:

4. REQUEST that actions taken in points 1, 2 and 3 are monitored and a report brought to the Audit Committee prior to the next external financial audit.

**Lost 1/8**

### **SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

That the Audit Committee recommend to Council:

1. THAT Council NOTE the findings of the Office of the Auditor General and the action taken in respect of Contracts Register Maintenance and Contractor Performance Evaluation.
2. THAT Council UPDATE the Delegated Authority Register (item 1.13) to include specific financial parameters for the approval of contract renewals or extensions and variations to be consistent with the Purchasing Authority limits as set out in Council's Purchasing Policy.
3. THAT Council NOTE the development of the Contract Variation Renewal Process and the Conflict of Interest form.

**Carried 9/0**

**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****MOTION FOR BEHIND CLOSED DOORS**

Moved Mayor Angers                      Seconded Cr Masarei

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

Carried 9/0

*The public and members of the media were requested to leave the meeting at 7:20pm*

**13.1.1 EVENT PROPOSAL - CASTAWAY**

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

**File Ref:** SUB/2792

**Attachments:** 13.1.1(a) Castaway Proposal - Zaccaria **[CONFIDENTIAL]**  
**[UNDER SEPARATE COVER]**

**Responsible Officer:** Shane Collie, Executive Manager Corporate Services and Governance

**Author:** Gabrielle Hall, Events Coordinator

**Author Disclosure of Interest:** Nil

Cr Tucak declared an IMPARTIALITY INTEREST in item 13.1.1 by virtue "I know the competitors of the applicant."

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Mayor Angers                      Seconded Cr Masarei

**THAT Council APPROVES the proposal to hold the Castaway concert at Cottesloe Beach, subject to the following conditions:**

- 1. A mutually beneficial event date and time to be approved for the Chief Executive Officer;**
- 2. On confirmation on the event capacity, the appropriate commercial fees are charged in accordance with the Schedule of Fees and Charges, and are to be paid prior to the**

- event commencing;
3. This Approval is conditional upon compliance with any directive imposed by the Federal or State Government in respect of events which supersedes the Town approval;
  4. Evidence of appropriate Public Liability Insurance, with cover no less than \$20 million, provided prior to the event;
  5. Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event for the approval of the Chief Executive Officer;
  6. Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event;
  7. All signage to be approved by the Chief Executive Officer one month prior to the event;
  8. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe;
  9. Compliance with the Town's Beaches and Beach Reserves Local Law 2012;
  10. Compliance with relevant sections of the Town's Beach Policy;
  11. The event complies with all requirements of the:
    - *Health (Public Buildings) Regulations 1992*
    - *Food Act 2008*
    - *Town's Health Local Law 1997*
    - *Town's Liquor (Licensed Premises) Policy*
    - *Health (Miscellaneous Provisions) Act 1911*
    - *Environmental Protection (Noise) Regulations 1997*
  12. No alcohol is to be served unless a valid licence or permit from the Department of Racing, Gaming and Liquor is provided to the Town prior to the event;
  13. Adequate arrangements for rubbish removal and collection, including the provision for recycling;
  14. The Applicant will (including by directing any parties under their control or supervision) use their best endeavours to minimise waste and litter production from the event;
  15. Single use plastics including without limit balloons, plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic lined coffee cups/lids, plastic straws, plastic lolly sticks, plastic cutlery and single plastic wrapped lollies will not be used by the Applicant (and any parties under their control or supervision) in setting up, during or in clearing up after the event;
  16. That the event is a non-smoking event;
  17. That the Western Metropolitan Regional Council 'H2O to Go' Water Station facilities



- are investigated for use at the event;
18. That the Western Metropolitan Regional Council Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the checklist and return to Council after the event with the aim of reducing the amount of plastics used at the event; and
  19. Provision of a Disability Access and Inclusion Plan.

#### ADVICE NOTE

##### No Balloons

The Town of Cottesloe Local Government Property Local Law 2001 (Consolidated) prohibits at clause 2.8(1)(i) “releasing an unsecured balloon inflated with a gas that causes it to rise in the air. Fines apply for breach of this Local Law, and applies to all events and food vans (and the like) approvals.

##### Single Use Plastics Medical Exemption

Exemptions may apply if the Applicant or the council requires the use of single use plastic items for medical reasons, where there is no reasonable alternative and the single use plastics are properly recycled or disposed of or stored safely and sustainably, or are removed from the Town of Cottesloe.

##### Fish Habitat Protection Area (FHPA)

The full length of the Cottesloe Reef is protected by a Fish Habitat Protection Area (FHPA), the only one in the Perth Metropolitan Area. The principal aim of the Cottesloe Reef FHPA is to preserve valuable fish and marine environments for the future use and enjoyment of all people. Plastic and balloon litter pose a significant risk to this very special marine environment. A Cottesloe Reef FHPA brochure is enclosed for your further attention.

##### Possible Construction Works

The Town has adopted a Foreshore Masterplan and is to be embarking on upgrade works in and around the Foreshore Precinct over the coming years. While it is not known if any such works would be in progress that may impact this event, particularly as an event date has not yet been confirmed, it should be noted that this is a possibility. Should there be any disruption every endeavour will be undertaken to ensure that this is minimised and that event impact is negligible.

Carried by En Bloc Resolution 9/0

#### 13.1.2 SCULPTURE BY THE SEA AGREEMENT

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

File Ref: SUB/2792

Attachments: 13.1.2(a) Letter from Sculpture by the Sea  
[CONFIDENTIAL] [UNDER SEPARATE COVER]



3. The attached Confidential Term Sheet contains a number of instructions to the Town's lawyers to achieve a clear and concise Licence Agreement. Each clause has a "rationale" for the instruction.
4. It is intended that the Town's lawyers will draft the Licence Agreement, circulate it to Councillors, and at the same time the Administration will negotiate the Agreement with Sculpture by the Sea.
5. The matter will come back to Council for final endorsement in October 2020.

**MOTION FOR RETURN FROM BEHIND CLOSED DOORS****Moved Mayor Angers****Seconded Cr Sadler**

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

**Carried 9/0**

*The public and members of the media returned to the meeting at 7:47pm.*

**13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC****13.1.1 EVENT PROPOSAL - CASTAWAY**

The resolution for item 13.1.1 was read aloud.

**13.1.2 SCULPTURE BY THE SEA AGREEMENT**

The resolution for item 13.1.2 was read aloud.

**14 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 7:50pm.