




# Town of Cottesloe

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

**Tuesday, 23 June 2020**

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

Signed: 

Presiding Member

Date: 3/6/2020

# 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, 23 June 2020

**NEIL HARTLEY**  
Acting Chief Executive Officer

26 June 2020

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

The Presiding Member announced the meeting opened at 6:05pm.

**2 DISCLAIMER**

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

**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Presiding Member announced that the meeting is being recorded, solely for the purpose of confirming the correctness of the Minutes.

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

Nil

**4.2 PUBLIC QUESTIONS**Tom Carmody – 5 Hawkestone Street, Cottesloe – Proposed Skate Park

Q1. Is this the appropriate time for Council to be spending ratepayers' hard-earned funds on a prime waterfront skate park project, when there is significant financial hardship in the community and within striking distance to other alternative facilities at Fremantle and Mosman Park?

A1. Taken on Notice.

Q2. Does Council feel it is an appropriate use of funds to dismantle the perfectly functional, well utilised, and immaculately maintained existing playground and replace with a new skate park? Has the opportunity cost of the existing facility that will be lost, been considered?

A2. Taken on Notice.

Q3. Does Council feel there is sufficient space for a new skate park, an all ages playground, a junior playground (proposed next to the busy Grant Street carpark) and toilet block all within the space of a current functional playground?

A3. Taken on Notice.

Robyn Chew – 16 Grant St, Cottesloe – Proposed Skate Park

Q1. Given the POS and Playground Strategy appeared to be approved in mid-2019 and a Skate Park was not mentioned in this location, can Council give more time for fuller community consultation and consideration of the Enlocus Report?

A1. From time to time surveys are extended, if there's a demand, but the Town couldn't commit to that at the moment on the basis of one person asking.

John Fogarty - 2 Hawkestone St, Cottesloe – Proposed Skate Park

- Q1. What justification does the Cottesloe Council have for the convenience of 10 - 12 skateboarders, to spend potentially upward of \$750,000 dollars on a skate park?
- A1. Taken on Notice.
- Q2. In relation to the legal liability for injuries from skate parks is it fair to load this significant, known legal liability, to Cottesloe ratepayers for the benefit of maybe 12 local skateboarders and potentially many more skateboarders from other suburbs, as welcomed in the independent report?
- A2. Taken on Notice.
- Q3. Given the remarkable high academic and professional achievement of Cottesloe residents, as confirmed in the 2016 census being 78% having achieved a minimum of year 12 up to a degree or doctorate, is it not possible that Cottesloe parents would prefer their children to be participating in higher valued activities, like after school study or community building team sports like surf club or football, rather than hanging at a skatepark?
- A3. Taken on Notice.
- Q4. Why does the Cottesloe Council think that a low socio-economic facility like a skate park is in the top 20 assets or facilities that their children should be supplied with?
- A4. Taken on Notice.
- Q5. Can the Cottesloe Council list any of the top 200 ASX listed company CEO's who spent their youth hanging at skateparks?
- A5. Taken on Notice.

Michael O'Connor – 46 Forrest St, Cottesloe – Dogs on Golf Course

With regard to Council's proposal to allow dog owners to walk their dogs off-lead on the golf course only between the hours of 6:00pm to 6:00am.

- Q1. Would Councillors be happy with your spouse or partner being on a darkened golf course at 11-12 at night walking a dog off-lead and being exposed to someone else in the dark who could approach them and take advantage of them in some unacceptable manner?
- A1. That is a question for individual Councillors to answer so it would be best to email Councillors as per the email addresses provided on the website.

Roger Weston – 3 De Bernales Court, Cottesloe – AGM Questions 2019

- Q1. Why is there no PA System here tonight?

- A1. This is not our regular meeting room, we are using it because of Covid-19 and social distancing requirements.
- Q2. At the ratepayers' meeting in March 2019 I asked a series of questions and filled out the appropriate form with all my details and submitted it at the end of the meeting. At the end of the meeting I approached the Mayor about why he hadn't answered any of the questions and he advised that a reply would be provided in due course. It's now 15 months since that meeting and I have still received no response.
- A2. Taken on Notice.
- Q3. On the 1 April 2020 I contacted the Town with regards to the dogs and Car Park Number number 2 and I received a response saying my email had been received and I would receive notice in due course and it is now three months since I submitted that and I am wondering what you regard as appropriate response times to questions.
- A3. Taken on Notice.
- Q4. Why would Council have such a draconian response about having dogs on leads? If there are people who don't look after dogs or their droppings or their bones in the bunkers we have rangers for that. Why aren't rangers looking around and saying they have not done the right thing and fine them?
- A4. Taken on Notice.
- Q5. Car Park Number number 2 - following on from the focus consultations I read that you had - when is the Town going to bring those back (the designs and proposed expenditures) back to the community for consultation?
- A5. Taken on Notice.
- Q6. When am I going to get some responses, why did you not consult with dog owners and when are you going to hold community meetings so people can talk about Car Park 2?
- A6. Taken on Notice.

Peter Rattigan – 9 Grant St, Cottesloe – Proposed Skate Park

- Q1. Will Council do a proper study that is by locals, by the staff or local people for the locals, not someone from Melbourne who doesn't understand the State or how people operate here?
- A1. Taken on Notice.
- Q2. Has the Town spoken to the City of Nedlands as there are a couple of sites in the City of Nedlands - one behind the Swanbourne Surf Club, the other one is where the old bowling club used to be and it would be possible to build a much better skate park there than where it's proposed at the moment, without causing damage?



A2. Taken on Notice.

Q3. Would the Council be prepared to put the survey off until the middle of summer and Councillors actually turn up at the park and talk to the residents and the people who use it to get a feel for the use and what damage would be done?

A3. Taken on Notice.

Stephen Mellor – 8 Graham Court, Cottesloe – item 10.1.5

Q1. Can you confirm that an annual report on the Town of Cottesloe's art collection has been carried out in each of the past three years? If so, can you explain why the active AAP and PAAC committees in the last three years have not been provided with these reports?

A1. Taken on Notice.

Q2. Can the Manager of Engineering Services confirm there are condition report photographs on file for each work in the Collection documenting its progressive condition and can he comment on any condition of concern of any of the works in the Collection? For example, the Liquorice Allsorts work outside the North Cottesloe Primary School?

A2. Taken on Notice.

Q3. Is there a comprehensive collection database linked to the foregoing answers? If so, was it updated and managed by any Town of Cottesloe Administrative staff over the last two and a half years? If there is such a database, can you confirm the collection database is not the one created by the AAP/PAAC Committee in 2018?

A3. Taken on Notice.

Q4. Can you confirm who made the recommendation to have the Public Art collection made available on the Council website?

A4. Taken on Notice.

Q5. Do you think it is strange to consider revising Art Acquisition and Art Management Policies without the intent to draw up or revise policies and guidelines for:

- Acquisition of works
- Donations of works and associated acknowledgement guidelines
- De-acquisition of works
- Commissioning of works
- Outward loans/inward loans
- Private works on verges
- Ephemeral art projects

A5. Taken on Notice.

Jack Walsh – 35 Grant Street, Cottesloe – Town of Cottesloe Surveys

Q1. Given Council's responses to the views of the majority of residents in Council surveys, why should residents respond to such surveys when the majority views are ignored and dismissed?

A1. The Presiding Member advised that as far as he's concerned the majority of views are not just dismissed, they are considered. Every view is taken into consideration. The Mayor apologised if someone had not given you the answer you wanted but stated all submissions were considered.

**5 PUBLIC STATEMENT TIME**Peter Rattigan – 9 Grant St, Cottesloe - 10.1.14 Street Tree Masterplan

Mr Rattigan congratulated Council on the survey, stating that it was a good approach and allowed people to comment. He also congratulated Council on the steps at the bottom of Grant Street, which have increased patronage tenfold.

Stephen Mellor – 8 Graham Court, Cottesloe – item 10.1.5

Mr Mellor expressed his disappointment in the report to disband the Public Art Advisory Committee, the lack of consultation with the Committee about disbanding it and urged Council not to disband the Committee tonight and allow consultation.

Jack Walsh – 35 Grant Street, Cottesloe – items 10.1.9 and 10.1.10

Mr Walsh outlined his concerns in relation to the results of surveys in relation to items 10.1.9 and 10.1.10 and other surveys and felt the views expressed in submissions were being ignored.

**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 Neil Hartley	Acting Chief Executive Officer
Mr Shane Collie	Manager Corporate Services and Governance
Ms Freya Ayliffe	Manager Compliance and Regulatory Services
Mr Shaun Kan	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 Young**

**That Cr Masarei be granted leave of absence from 29 July to 7 August 2020.**

**Carried 9/0**

**7 DECLARATION OF INTERESTS**

Mayor Angers declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "I'm a member of the Public Art Advisory Committee."

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.9 by virtue "I have a laneway behind my property. This isn't a development, it's an interest I share with a significant number of ratepayers. The motion primarily deals with the rating system for the cost of maintaining right of ways and I don't believe it's caught under the Act as a proximity interest."

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.10 by virtue "I live diagonally opposite the median strip at the eastern end of Grant street."

Cr Barrett declared an IMPARTIALITY INTEREST in item 13.1.1 by virtue "The organisers are known to me."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "Directors are known to me and I've been a donor previously."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "I'm a current member of the Public Art Advisory Committee and I work in art."

Cr Tucak declared an IMPARTIALITY INTEREST in item 13.1.1 by virtue "The organisers are known to me."

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.1.8 by virtue "Residents on the laneways backing on are known to me."

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.1.12 by virtue "One business owner, who's debt may be written off, is known to me."

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.1.9 by virtue "I own two properties in the Town backing onto a right of way."

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.8 by virtue "Several of the property owners are known to me."

Cr Harben declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "I'm the Presiding Member of the Public Art Advisory Committee."

Cr Harben declared an IMPARTIALITY INTEREST in item 10.1.11 by virtue "I'm the Council representative on Cottesloe Coast Care in relation to the Vlamingh Nature Discovery Space naming item."

Cr MacFarlane declared an IMPARTIALITY INTEREST in item 10.1.9 by virtue "I have a property adjacent to a right of way".

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.8 by virtue "Some of the residents are known to me."

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.9 by virtue "Some of the residents are known to me."

## **8 CONFIRMATION OF MINUTES**

**Moved Mayor Angers**

**Seconded Cr MacFarlane**

**That the Minutes of the Ordinary Meeting of Council held on Tuesday, 26 May 2020 be confirmed as a true and accurate record subject to the addition of the text of the amendment moved by Cr Tucak as follows:**

**'In the second paragraph of 3.4, after the word CEO, add the words 'or not approved by Council.'**

**Carried 9/0**

## **9 PRESENTATIONS**

### **9.1 PETITIONS**

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.

**10        REPORTS****10.1     REPORTS OF OFFICERS****COUNCIL RESOLUTION**

**Moved Mayor Angers                      Seconded Cr Young**

**That Council adopts en-bloc the following Officer Recommendations contained in the Agenda for the Ordinary Council Meeting 23 June 2020:**

<b>Item #</b>	<b>Report Title</b>
<b>10.1.1</b>	<b>Rottnest Channel Swim 2021</b>
<b>10.1.7</b>	<b>Financial Hardship Policy</b>
<b>10.1.12</b>	<b>Financial Statements For The Period 1 July 2019 to 31 May 2020 Including Sundry Debtor Write Off</b>

**Carried by Absolute Majority 9/0**

**ADMINISTRATION****10.1.1 ROTTNEST CHANNEL SWIM 2021**

**File Ref:** SUB/2798  
**Attachments:** 10.1.1(a) Event Application - Rottnest Channel Swim  
[under separate cover]  
**Responsible Officer:** Shane Collie, Manager Corporate Services and Governance  
**Author:** Gabrielle Hall, Events Coordinator  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The Rottnest Channel Swim Association Inc. is seeking Council's approval to host the 2021 Rottnest Channel Swim at Cottesloe Beach on Saturday, 20 February 2021.

**BACKGROUND**

The 31<sup>st</sup> Annual Rottnest Channel Swim is a 19.7 kilometre open water swim, commencing from Cottesloe Beach to Rottnest Island. Approximately 2,500 swimmers participate, 900 of which are expected to depart from Cottesloe Beach at 5.45am. The first wave of competitors will leave at 5.45am and the last wave of team swimmers expected to leave the beach by 7.45am.

The event has five participation categories for competitors:

- Champions of the Channel (elite Solo swimmers)
- Solo
- Duo
- Team (of four)
- Charity Challenge (teams of four)

The operational set up and pack down times will commence at 8.00am on Friday, 19 February 2021 and conclude at 1.00pm on Saturday, 20 February 2021.

**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 1.3: Identify places to host more cultural events and activities.

**POLICY IMPLICATIONS****Beach Policy**

This event is in compliance with the Town of Cottesloe's Beach Policy.

**Event Classification Policy**

The event meets the assessment criteria of a Community Event as outlined in the policy as it is organised by a not for profit, incorporated organisation and satisfies two of the criteria. 'The event does not seek to promote a product, service or company (sponsorship excepted)' and 'spectating at the event is free'.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Health (Public Building) Regulations 1992*

*Food Act 2008*

*Town's Health Local Law 1997*

*Health (Miscellaneous Provisions) Act 1911*

*Beaches and Beach Reserves Local Law 2012* has provisions for maintenance and management of the beaches and beach reserves.

**FINANCIAL IMPLICATIONS**

To comply with the Event and Facility Classification Policy, organisers would be charged \$1,100 (2019/20 budget) for hire and a \$1,000 bond. The Town has not charged the Rottnest Channel Swim Association in the past for the use of Cottesloe Beach.

It is therefore recommended that if the hire and below listed fees are to be waived, the Town seeks to be recognised as an official supporter of the event.

Rottnest Channel Swim has also requested the following fees be waived;

Events Fees	\$1,100 per day
Bin Hire	6 bins x \$31 per bin (hire and servicing)
Car bays	30 bays (approx.) x \$52 per bay
Sponsor film permit	\$500
Food vendor permit	2 x \$60 per vendor
<b>Total</b>	<b>\$3,466</b>

**STAFFING IMPLICATIONS**

If approved, the Manager Compliance and Regulatory Services will liaise with event organisers to review the relevant event plans and discuss the requirements of the *Health (Public Building) Regulations 1992* and the *Food Act 2008*.

Officers will be required to attend the event to ensure compliance with the officer's recommendation and statutory obligations including traffic management, risk management and relevant Acts. Rangers will be required to attend to assist with parking requirements.

Staff will meet with event organisers after the event to de-brief.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

Adequate arrangements are made for rubbish collection and removal of recyclable materials.

Staff will assist organisers to avoid the use of any form of single use plastic in accordance with the event conditions.

**CONSULTATION**

Rottnest Channel Swim Association Staff

Cottesloe Surf Life Saving Club

Town of Cottesloe Staff

**OFFICER COMMENT**

Event organisers take advantage of infrastructure already in place at the beachfront for the Rottnest Channel Swim. This saves the organiser's funds and also reduces the impact on residents of additional infrastructure and equipment being bumped in.

To comply with the *Health (Public Buildings) Regulations 1992*, extra toilets will be provided by the organisers.

Competitor drop off zones on Marine Parade which are used for the Rottnest Channel Swim will be in place for the open water swim portion of the event.

Operational and Council efficiencies can be gained if a system of controlled approvals was developed, allowing event approvals to occur at operational level, with referrals to Council occurring when there are meaningful variations proposed to standard approval procedures/conditions, or complex applications requiring consideration.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Mayor Angers

Seconded Cr Young

1. **THAT Council APPROVES the application from Rottnest Channel Swim Association Inc. for the 2021 Rottnest Channel Swim at Cottesloe Beach on Saturday, 20 February 2021, subject to the following conditions:**
  1. **Class this event as a 'community' event and the hire charges and other miscellaneous fees be waived, and a bond of \$1000, to be paid prior to the event commencing, subject to the Town being recognised as an official sponsor of the event.**
  2. **Evidence of appropriate Public Liability Insurance, with cover no less than \$20 million, be provided prior to the event.**
  3. **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.

4. Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required.
5. All signage to be approved by the Chief Executive Officer one month prior to the event.
6. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe.
7. Compliance with the Town's *Beaches and Beach Reserves Local Law 2012*.
8. Compliance with relevant sections of the Town's *Beach Policy*.
9. 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*
10. 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.
11. Adequate arrangements for rubbish removal and collection, including the provision for recycling.
12. 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.
13. 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.
14. That the event is a non-smoking event.
15. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event.
16. That the Western Metropolitan Regional Council 'Earth Carers' 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.
17. The provision of a Disability Access and Inclusion Plan.
18. Any usage of drones is to comply with Civil Aviation Safety Authority by

regulations. A copy of the Pilots licence and Public Liability Insurance, be provided prior to the event.

2. THAT Council SUPPORTS the principle of developing a more time efficient but suitably accountable approvals process for events, and requests that an officer report be presented to Council outlining how the event approval process might be modified to achieve those goals.

#### 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.

Carried by En-Bloc Resolution 9/0

**10.1.2 REVIEW OF DELEGATED AUTHORITY REGISTER**

**File Ref:** SUB/2798  
**Attachments:** 10.1.2(a) Delegated Authority Register [under separate cover]  
**Responsible Officer:** Neil Hartley, Acting Chief Executive Officer  
**Author:** Shane Collie, Manager Corporate Services and Governance  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is being asked to endorse the reviewed Delegated Authority Register.

**BACKGROUND**

Delegations allow the Chief Executive Officer (and appropriate staff) to make decisions on behalf of Council in certain circumstances. This allows for the more efficient operation of the Town and improves the level of services that the Town is able to offer residents.

The Delegated Authority Register contains all such delegations made to the Chief Executive Officer and where the Chief Executive Officer has then on-delegated to other staff. The Register also contains any limits on the types of decisions that can be made under the Delegation, but importantly, it doesn't set out what decision has to be made (which would be contained in the appropriate policies).

The Delegated Authority Register must be reviewed at least once every financial year. The Register was last adopted by Council at the November 2018 Ordinary Council Meeting therefore to ensure compliance with Section 5.46 (2) of the *Local Government Act 1995* the June 2020 meeting is the last meeting that the 2019/20 Review can take place.

**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.

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

**POLICY IMPLICATIONS**

Council's Policy Manual is presently being reviewed. A number of Delegations are linked to the various Policies of Council. As Policies are reviewed Delegations relevant will need to be reviewed also to ensure consistency.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

Sections 5.42, 5.43, 5.44 and 5.46 of the *Local Government Act 1995* (the Act) regulate the ability of a local government to delegate the exercise of its powers or discharge its duties under the Act.

**5.42. Delegation of some powers and duties to CEO**

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
  - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

*\* Absolute majority required*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

**5.43. Limits on delegations to CEO**

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (i) any power or duty that requires the approval of the Minister or the Governor; (i) such other powers or duties as may be prescribed.

**5.44. CEO may delegate powers and duties to other employees**

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
- (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and

*(b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.*

- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) In subsections (3) and (4) — conditions includes qualifications, limitations or exceptions.*

**5.46. Register of, and records relevant to, delegations to CEO and employees**

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

**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**

WA Local Government Association (WALGA).

**OFFICER COMMENT**

Work commenced on reviewing the Register in February 2020 with a request to WALGA to provide feedback and guidance on the current Register. This is a free service and assists greatly in ensuring that not only is compliance achieved with the review but industry best practice is followed.

WALGA were unable to provide their feedback until May 2020 and the feedback contains a number of complex suggestions, some which will require further research and possible legal advice across a number of Delegations. To meet the June 2020 compliance deadline some of the more complex advice received from WALGA will not be able to be fully analysed until a later point in time. Any changes that come out of this would be picked up in subsequent reviews of the Delegations Register.

Some minor changes are recommended to the current Delegations Register, generally based on the WALGA advice. Other potential changes identified will be addressed as and when a more comprehensive assessment can be achieved, that is in the coming 12 months for the

2020/21 Review. It is intended to meet with the WALGA reviewing person to go through some of the more complex recommendations to ascertain whether they should be included in future reviews of the document.

Additionally, WALGA have also provided a separate list of functions that are not currently delegated. These will be considered in due course and included in future reviews if relevant. An example of non relevance is the appointment of Bush Fire Control Officers as the Town does not have a role in rural fire fighting therefore this does not apply.

The Delegations Register only refers to decisions that are made under delegation; it does not contain all of the authorities that staff have. For example, the Act itself enables staff to undertake a range of functions and authorises them to do so. Sections of the Act provide that the Chief Executive Officer is responsible for the day to day administration, and many sections of the Act (and other legislation) empower 'Authorised Officers' to undertake certain functions and make prescribed decisions. As these powers are not provided to Council in the first instance, there is no requirement for them to be recorded in the Delegation Register. In some instances matters such as this have been included in the Delegations Register, and while there is no harm in this, in due course they will be recommended for removal if they are not required to be there.

The recommendations to this report satisfy the Review requirements of the Act and identify other actions in respect of a number of Delegations.

## **VOTING REQUIREMENT**

Absolute Majority

## **OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Young

Seconded Cr MacFarlane

That Council:

1. **By Absolute Majority APPROVES the Delegations made to the Chief Executive Officer in the Delegated Authority Register attached subject to the amendments in paragraph 3 and 5 to 14, below.**
2. **Notes those functions identified by WALGA that currently are not delegated and investigate the requirement for any of these functions to be delegated including but not limited to the following Legislation:**  
*Local Government Act 1995 (Infringements), Local Government (Functions and General) Regulations 1996 (Tenders), Local Government (Uniform Local Provisions) Regulations 1996 (Crossovers), Building Act 2011 (Information and Conditions), Building Regulations 2012 (Permits, Appointments, Pool Barriers and Fire Safety), Bush Fires Act 1954 (Notices), Cat Act 2011 (Registration and Fees), Dog Act 1976 (Registration Officers), Graffiti Vandalism Act 2016 (Notices), Public Health Act 2016 (Authorised Officers), and Health (Asbestos) Regulations 1992 (Authorised Officers).*
3. **Note that Delegation 1.15, Waive, Grant Concessions or Write Off Individual Debts to a Maximum of \$500, (page 23) has been amended to a maximum of \$1,000 at the Ordinary Council meeting held on Tuesday 26 May 2020.**
4. **Review Delegations 1.1, 1.2, 1.3, 1.5, and 1.6 to determine if they are necessary or**

whether they are already provided for in higher legislative areas (Local Government Act) or Authorised Persons and if found to be unnecessary that these Delegations be removed from the Delegations Register.

5. Delegation 1.4 (Powers of Entry to Land) remove reference to Sections 3.29 and 3.31 *Local Government Act 1995* which are not required with no function being delegated relating to these two areas.
6. Remove reference to the *Disposal of Abandoned Vehicles Policy* in Delegation 1.6 as the Policy has been revoked.
7. Revoke Delegation 1.14 *Employment of Persons other than the Chief Executive Officer*.
8. In Delegation 1.16 add the Executive Manager Corporate Services and Governance, and the Finance Manager, as sub-delegates.
9. In Delegation 1.17 correct the title of the Executive Manager Corporate Services and Governance, and add the Rates/Accounts Clerk as a sub-delegate.
10. In Delegation 1.18 include the delegation of *Local Government Act 1995* Clause 6.56 (Recovery of Rates and Service Charges in Court) as well as the Power of Sale Clause 6.64.
11. In Delegation 1.19 include an additional Clause stating that the original decision maker is not to be the person who then reviews any appeal.
12. In Delegation 3.4 replace “7” with “8”.
13. Delegation 4.1 to be renamed “Appointment of Authorised Persons”.
14. In Delegations 6.3 and 6.4 include a sub delegation to the Executive Manager Compliance and Regulatory Services.

Carried by Absolute Majority 8/1

**10.1.3 PRIVACY POLICY**

**File Ref:** SUB/2798  
**Attachments:** 10.1.3(a) Draft Privacy Policy [under separate cover]  
**Responsible Officer:** Shane Collie, Manager Corporate Services and Governance  
**Author:** Ann-Marie Donkin, Governance Officer  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

A recommendation is made for the adoption of a Privacy Policy.

**BACKGROUND**

The Town of Cottesloe collects personal information in the course of its daily business and through various activities such as community engagement.

**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.

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

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**

The officer's recommendation is to adopt a new Policy of Council, which, when adopted should be applied in conjunction with the Town's Code of Conduct and the following Council Policies:

- Community Engagement Policy.
- Email Management Policy.
- Media Policy.
- Records Management Policy.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

*Freedom of Information Act 1992*

*State Records Act 2000*

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*Federal Privacy Act 1988*

*Privacy Amendment (Enhancing Privacy Protection) Act 2012*

### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

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**

The Office of the Australian Information Commissioner (OAIC) mainly deals with issues that are covered by the Privacy Act 1988. The Privacy Act is a federal law which does not cover local, state or territory government agencies, except the Norfolk Island Administration.

The Federal Legislation provides some guidance in terms of the 13 Privacy principles contained therein and is referenced in the draft Town of Cottesloe Privacy Policy.

In acknowledgement of the Federal Privacy Act 1988 the Town has an obligation to protect personal data and only use it for the purposes for which it is collected.

The adoption of a Privacy Policy will provide a framework that governs the way in which the Town collects, uses and discloses personal information, ensuring this information is handled appropriately.

It should be noted that the draft Policy does not cover surveillance devices (listening device, an optical surveillance device or a tracking device), which are covered by the *Surveillance Devices Act 1998*.

The Town does operate CCTV Surveillance and recently the Town's Rangers have been wearing body cameras on patrol. It has been recognised by the administration that due to the complexity of this function a separate Policy and set of guidelines /operating procedures is required and is presently being developed.

### **VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

THAT Council ADOPTS the Draft Town of Cottesloe Privacy Policy as attached.

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

**Moved Cr Masarei**

**Seconded Cr Barrett**

**That Council DEFERS this item to the July Ordinary Council Meeting to enable the policies suggested to be altered at the Agenda Forum Meeting to be attached to the officer report.**

**Carried 9/0**

**10.1.4 SCULPTURE BY THE SEA - NEW LICENCE AGREEMENT****File Ref:** SUB/2798**Attachments:** 10.1.4(a) Sculpture by the Sea suggested Amendments and Additions [CONFIDENTIAL] [UNDER SEPARATE COVER]  
10.1.4(b) Sculpture by the Sea - Licence Agreement (Previous) [CONFIDENTIAL] [UNDER SEPARATE COVER]**Responsible Officer:** Neil Hartley, Acting Chief Executive Officer**Author:** Neil Hartley, Acting Chief Executive Officer**Author Disclosure of Interest:** Nil

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "Directors are known to me and I've been a donor previously."

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**SUMMARY**

In February 2020, the Town authorised the Acting Chief Executive Officer to enter into negotiations with Sculpture by the Sea Inc., for a new Licence Agreement to enable future Sculpture by the Sea Events to continue to be held in Cottesloe. Sculpture by the Sea Incorporated has now provided a list of suggested modifications to the current Licence Agreement, and is prepared to facilitate the event continuing into the future.

There is a major shift in the style of the contribution being sought of the Town, namely, from purchasing art piece(s) to making a cash/in-kind contribution.

It is recommended that the CEO continue to negotiate a new Licence Agreement, following clarification by Council on a couple key variation suggestions by Sculpture by the Sea.

**BACKGROUND**

The existing four year Licence Agreement concluded following the Sculpture by the Sea Exhibition 2020 (which commenced on Friday, 6 March 2021). It was the sixteenth year of operation. 2020 was affected by COVID-19 and only operated for just over half of its normal season. The 2019 even attracted over 200,000 people (as calculated by Oxford Economics).

The Town currently owns 23 sculptures, some of which have been donated.

The State Government and other private contributors support Sculpture by the Sea.

In 2020, the Town, on request by Sculpture by the Sea, changed its contribution mix. The most significant component of that change was to move away from purchasing a piece of public art (as per the Licence) and to instead use those funds to provided a direct financial injection (albeit in the main through the provision of third party provide traffic management and toilet facilities). The Town continued to provide in-kind and other cash contributions of for example, office space, and rubbish bins/collection.

A copy of the Sculpture by the Sea Audited Financial Statements for 2019 showed a surplus of \$59,529 but 2020 financials are not yet to hand.

In February 2020, the Town authorised the Acting Chief Executive Officer to enter into negotiations with Sculpture by the Sea Inc., for a new Licence Agreement to enable future

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Sculpture by the Sea Events to continue to be held at Cottesloe Beach. Sculpture by the Sea has now provided its initial contribution towards that process. A table of the suggested changes is outlined in the attachment as is a copy of the previous Licence.

### **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 1.3: Identify places to host more cultural events and activities.

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

Priority Area 1: Protect and enhance the wellbeing of residents and visitors.

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

### **POLICY IMPLICATIONS**

Acquisition of Artworks Policy

Beach Policy

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Public Health Act 2016*

*Health (Public Buildings) Regulations 1992*

*Town's Health Local Law 1997*

*Health (Miscellaneous Provisions) Act 1911*

*Road Traffic Act 1974*

*Beaches and Beach Reserves Local Law 2012* has provisions for maintenance and management of the beaches and beach reserves.

Licence Agreement – Portion of Reserves 44617, 6896 and 13718, Cottesloe (expired).

### **FINANCIAL IMPLICATIONS**

#### **2020-2021 Budget (draft and unendorsed)**

The draft 2020-2021 budget has \$70,000 allocated for the purpose of *Art and Cultural Project* (funded from the Art Purchase Reserve Account). Whilst these funds could be used for the acquisition of a piece of public art, they could alternatively be reallocated from the capital area of the budget, to operating, to enable the funds to be used as sponsorship contributions, similarly as for the March 2020 event.

There is also a separate allocation for maintenance of existing sculptures and artworks.

**STAFFING IMPLICATIONS**

The event consumes a considerable amount of the Town's officer time, amounting to "a few hundred hours" each year. It would be suggested that this cost is estimated and included in the Licence Agreement as part of the overall "sponsorship package" that the Council might like to provide.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Sculpture by the Sea

**OFFICER COMMENT**

The Sculpture by the Sea proposal for the new Licence contains a number of suggested changes, but the most significant is that it wishes for the financial situation that prevailed in 2020 to continue, but with the Town to provide all funds to the organisers and it then arranges all services (like toilets and traffic management).

If the Council was to agree to the new funding model, officers hold the view that the Town should continue making the arrangements for the provision of toilets and traffic management. These are activities familiar to events and engineering staff and the provision of those services through those officers saw the 2020 event run more smoothly than has historically been the case.

A financial value should also be attributed to the other in-kind contributions historically provided (like rubbish collections, office space, and staff time). Savings can as for 2020, be forwarded to the Licensee following the conclusion of the actual event and all costs are known. Reverse value (vis. from the Town to Sculpture by the Sea) can also be offered - for example, Sculpture by the Sea might be able to provide a service in the form of art curation and maintenance/valuation checks of the Town's art collection.

Another significant clause is the term, requested to be 10 years (vis. more than twice the length of the recently expired Licence). Any extension beyond say five years, is recommended to require mutual agreement.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

THAT Council:

1. NOTES that Sculpture by the Sea is being engaged in negotiations for a new Licence Agreement (Portion of Reserves 44617, 6896 and 13718) for the provision of future Sculpture by the Sea events;
2. NOTES the schedule of initial requests from Sculpture by the Sea and that a draft Licence Agreement will be presented to Council for consideration once an agreed

position has been reached on these and any other issues; and

3. SUPPORTS the principle that a future Licence:
  - a. should have a term of five years, with any extension clause upon mutual agreement; and
  - b. could include a cash and in-kind based support clause (in the form of a sponsorship arrangement) in lieu of the historic art purchase provisions.

#### **COUNCILLOR MOTION**

**Moved Cr Tucak**

**Seconded Cr Harkins**

THAT Council:

1. NOTES that Sculpture by the Sea is being engaged in negotiations for a new Licence Agreement (Portion of Reserves 44617, 6896 and 13718) for the provision of future Sculpture by the Sea events;
2. NOTES the schedule of initial requests from Sculpture by the Sea and that a draft Licence Agreement will be presented to Council for consideration once an agreed position has been reached on these and any other issues; and
3. SUPPORTS the principle that a future Licence:
  - a. should have a term of five years, with any extension clause upon mutual agreement; and
  - b. could include a cash and in-kind based support clause (in the form of a sponsorship arrangement) in lieu of the historic art purchase commission.

**Lost 2/7**

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

**Moved Cr Young**

**Seconded Cr Masarei**

THAT Council:

1. **NOTES that Sculpture by the Sea is being engaged in negotiations for a new Licence Agreement (Portion of Reserves 44617, 6896 and 13718) for the provision of future Sculpture by the Sea events;**
2. **NOTES the schedule of initial requests from Sculpture by the Sea and that a draft Licence Agreement will be presented to Council for consideration once an agreed position has been reached on these and any other issues; and**
3. **SUPPORTS the principle that a future Licence:**
  - a. **should have a term of five years, with any extension clause upon mutual agreement; and**
  - b. **could include a cash and in-kind based support clause (in the form of a sponsorship arrangement) in lieu of the historic art purchase provisions.**

**Carried 8/1**

**For: Mayor Angers, Crs Young, Harben, Sadler, Masarei, Harkins, Barrett and MacFarlane**

**Against: Cr Tucak**

**10.1.5 REVIEW - ACQUISITION OF ARTWORKS POLICY AND THE PUBLIC ART ADVISORY COMMITTEE**

**File Ref:** SUB/2798

**Attachments:** 10.1.5(a) DRAFT Acquisition of Public Artworks Policy [under separate cover]  
10.1.5(b) DRAFT Management of Public Artworks Policy [under separate cover]  
10.1.5(c) Acquisition of Artworks Policy - Adopted June 2017 [under separate cover]  
10.1.5(d) Public Art Advisory Committee Charter - Adopted October 2019 [under separate cover]

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

**Author:** Ann-Marie Donkin, Governance Officer

**Author Disclosure of Interest:** Nil

Mayor Angers declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "I'm a member of the Public Art Advisory Committee."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "I'm a current member of the Public Art Advisory Committee and I work in art."

Cr Harben declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "I'm the Presiding Member of the Public Art Advisory Committee."

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**SUMMARY**

This report presents a review of the Town's Art Acquisition Policy and recommends Council adopts an updated Acquisition of Public Artworks Policy (**Attachment a**) and a new Management of Artworks Policy (**Attachment b**).

The existing Policy intended for revocation is provided for reference (**Attachment c**).

The Public Art Advisory Committee role and function has been reviewed in conjunction with the Policy review and this report also recommends the disbanding of the Public Art Advisory Committee and revoking the Public Art Advisory Committee Charter (**Attachment d**).

**BACKGROUND**

The Art Acquisition Policy (the Policy) was first adopted by Council in April 2005.

The Policy provided for the establishment of an Art Acquisition Panel, which was originally intended to comprise of the Mayor (as Chair and with a casting vote), the Chief Executive Officer (CEO) and two community art experts (with experience in art acquisition).

The Panel was intended to be a small Panel which included an expert, for the purpose of providing guidance on the acquisition of a sculpture from the Sculpture by the Sea (SXS) event.

Council amended the draft Policy (April 2005), to include the wording shown in blue below:

*"After the receipt and consideration of advice from the Arts Acquisition Panel Committee, the Chief Executive Officer has authority to approve the acquisition of any*

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*collection items within the limits of available funding, subject to prior consultation with the Mayor and Presiding Member of the Works & Corporate Services Committee”.*

This arrangement ensured that the Mayor (representing Council and by extension the community) and the Presiding member of the then Works and Corporate Services Committee would provide the political input to the ultimate decision, with the CEO adding the financial input.

The Policy was reviewed without change in October 2011. The Policy was further reviewed in 2017 and the CEO removed as a member of the Panel. The extra requirement for the CEO to consult with the Mayor and Presiding Member of the WCS Committee was also removed. The rationale for this is unknown.

### **History of Appointments to the Panel/Committee**

Whilst the Policy was adopted in April 2005, there is no record of any Council Minutes of appointments to the Panel until 2011. It appears that until 2011 the Panel was constituted and worked as intended under the current Art Acquisition Policy.

After the 2011 election, at the October 2011 Council meeting, a Panel (for the first time) was considered under the item dealing with appointments to committees. Notwithstanding the terms of the Policy, Council appointed as members to the Panel the Mayor (as Presiding Member), the CEO, one art expert and two other Elected Members. This continued until 2017, where the election of a Presiding Member was not the Mayor, contrary to the provisions of the Policy which provides that the Mayor is to be the Presiding Member.

Following the 2017 Elected Member appointments two community representatives were recommended for appointment as ‘Art Experts’ by the Committee at the 20 February 2018 Art Acquisition Panel (AAP) Committee Meeting. However, it was noted when reviewing the AAP Minutes from early 2018 that the community representatives (experts) were listed in attendance as non voting (Observers).

In October 2019 Council adopted the Charter for the Public Art Advisory Committee (PAAC). The Charter establishes the PAAC to comprise of, three Town of Cottesloe Elected Members and two ‘expert’ Community Representatives appointed by Council. The Committee is governed by the rules in the *Local Government Act 1995*, sections 5.8 to 5.25. Of note the Mayor is no longer expressly included as a member of the Committee or as its Presiding Member.

Elected Members were appointed to the Committee by Council at the Ordinary Council Meeting (OCM) October 2019 and three Community Representatives were appointed to the Committee by Council at the OCM December 2019.

### **Frequency of Panel/Committee Meetings**

It is to be noted that 2017 is the last year that the ‘Panel’ dealt solely with the acquisition of artworks from SXS, convening two meetings for this purpose (January and March).

The next time the panel reconvened was 14 February 2018, with another two meetings held that month. This was followed by a further seven meetings, totalling ten meetings for that year. In 2019 a total of nine meetings were held.



**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.

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

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**

The report recommends that Council adopts an updated Acquisition of Public Artworks Policy, a new Management of Public Artworks Policy and revokes the existing Acquisition of Artworks Policy.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation where a portion of the Governance Officer's time is allocated to supporting the committee. However, it should be noted that if retaining the Public Art Acquisition Committee in its current form, the Administration suggests a specific budget allocation to fund an appropriately qualified Arts Officer to provide support to the Committee. This is estimated to be in the vicinity of approximately one day per week (0.2FTE).

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.

Again, it is noted that retaining the Public Art Acquisition Committee in its current form requires an additional administrative resource, which, without funding would place an increased workload on current staffing resources.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Nil

**OFFICER COMMENT**

The current Policy in principal is adequate, however, the review has highlighted a disparity between the Policy and the Charter for the Public Art Acquisition Committee.

**Resourcing**

Prior to 2018 the Art Advisory Panel met annually and early in the year to assess and make recommendation for the purchase of a sculpture, or would align their meetings with the annual Sculpture by the Sea event, holding two to three organised meetings per year to facilitate this. Administration support was provided (as required) from the Office of the CEO and Planning but was minimal.

Since 2018 the committee/panel meetings have increased significantly – 10 in 2018 and 9 in 2019. Along with the increased meetings the scope of the committee has evolved to more than what was originally planned by Council when adopting the Art Acquisition Policy in 2005 and subsequent updates.

From 2018 the administration needs of the Committee grew to the extent that the CEO allocated an administrative resource of approximately 20-25 days per year (3 to 4 hrs a week) to meet the needs of the Committee. This allocation was not a newly created role but deducted from the existing allocation to the CEO and Planning team. The allocation was exhausted quite quickly and with the Administration Officer resigning in November 2019, the CEO made no further resources available to the committee other than for meetings.

In 2020 the Committee's requirements were to be assessed, with support provided as current staffing resources allowed. However the list of administrative actions requested by the Committee became extensive, giving rise to the need to review the role and scope of the Art Advisory Committee.

**The Town's Administrative Role and Functions - Current**

Council makes provision annually for the care and maintenance of the Art Collection through the annual budget.

Ongoing work related to the Town's sculptures is part of the Engineering Teams' schedule of works and overseen by the Coordinator Building and Conservation Projects. An annual sculpture maintenance check is undertaken, which includes a report detailing the condition of each sculpture. This report also includes the acquisition details and the last known valuation where possible. The Engineering team ensure sculptures requiring maintenance are attended to as soon as possible and undertaken in consultation with the artist/s and advice is provided to the donor/s (if the sculpture has been donated).

Administration Officers take care of cataloguing and recording purchases, agreements and liaison where required with artists and donors. The administrative team take responsibility for ensuring all related documentation is filed within the Town's record keeping system.

On review, a number of administrative actions have been identified that need updating to provide a more accessible and transparent view of the work the Town undertakes related to acquiring artwork and the maintenance of the collection.

Solutions are underway to provide an updated electronic register within existing systems. Art Work Maintenance and Art Acquisition Criteria Assessment proformas, and internal procedures and guidelines, are in development.

In addition, the Policy review has seen the development of a separate Management of Public Artworks Policy, clearly defining the role and responsibility of the Town in this regard.

### **Sculpture by the Sea**

The Town has previously entered into a contractual agreement with Sculpture by the Sea Incorporated. The contract has stipulated the Town's financial commitments to the event, including the procurement of artwork. The Town does not have a contract with Sculpture by the Sea Incorporated at the time of this report. It is recommended that if the proposed new management method for the acquisition of artwork be adopted, this should be represented in any future contracts with Sculpture by the Sea Incorporated.

The details to be included in any future contract with Sculpture by the Sea can be determined based on any future request for assistance received and be treated on its merits.

When making allowances for the resourcing allocated to the Art Advisory Panel it is also recommended that consideration be given to the Town's contribution to the Sculpture by the Sea event, through resourcing and other avenues of support. A true representation of the Town's actual contribution is difficult to determine and the contribution level has varied. A breakdown of costs for the 2020 event has been determined though this year was not representative of a "normal" year of the event.

The Town provides numerous Officer hours across many of the Town's functional areas for the Sculpture by the Sea event. The Town also makes a cash donation (generally within the parameters of the contract), arranges the Cottesloe Cat (in conjunction with Department of Transport) and provides in kind support such as waste management, car bays, lease of Civic Centre office space and IT support.

In addition, the Town has previously purchased sculptures through the event as a further support mechanism, notwithstanding that this did not occur in 2020. The attached Acquisition of Public Artworks Policy is provided to guide any future purchases.

### **The Town's Administrative Role and Functions – Going Forward**

There is a need to recognise that whilst the Town's Sculptural Artwork collection is relatively significant, it is difficult to justify further resourcing to this area. The Town has Officers who work with the collection of sculptures. With approximately twenty sculptures sited throughout the Town, sculptures are the dominant public art form of the Cottesloe art collection.

The draft Management of Public Artworks Policy provides for an Art Advisory Group to be convened or a Curator contracted, or it be incorporated as part of the sponsorship contract with Sculpture by the Sea should the need arise.

Should the new management methods be endorsed by Council it is also recommended that the public art register be made available through the Town's website to uphold the public interest in Art owned by the Town.

### **VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

THAT Council:

1. ADOPTS the Draft Acquisition of Public Artworks Policy as attached;
2. ADOPTS the Draft Management of Public Artworks Policy as attached;
3. DISBANDS the Public Art Advisory Committee; and,
4. REVOKES the Public Art Advisory Committee Charter.

**PROCEDURAL MOTION**

**Moved Cr Tucak**

**No Seconder, Lapsed**

That this item be DEFERRED pending consultation with the current Public Art Advisory Committee on the two policies and disbanding of the Public Art Advisory Committee.

**COUNCILLOR MOTION**

**Moved Cr Tucak**

**No Seconder, Lapsed**

THAT Council seeks the Public Art Advisory Committee's input on Council's intention that Council:

1. ADOPTS the Draft Acquisition of Public Artworks Policy as attached;
2. ADOPTS the Draft Management of Public Artworks Policy as attached;
3. DISBANDS the Public Art Advisory Committee; and,
4. REVOKES the Public Art Advisory Committee Charter.

**OFFICER RECOMMENDATION (FORESHADOWED)**

**Moved Cr Sadler**

**Seconded Cr Young**

THAT Council:

1. ADOPTS the Draft Acquisition of Public Artworks Policy as attached;
2. ADOPTS the Draft Management of Public Artworks Policy as attached;
3. DISBANDS the Public Art Advisory Committee; and,
4. REVOKES the Public Art Advisory Committee Charter.

**COUNCILLOR AMENDMENT**

**Moved Cr Harben**

**Seconded Cr Young**

**Add the following points to the recommendation:**

5. **NOTES the Public Art Strategy developed by the Public Art Advisory Committee;**
6. **RE-ESTABLISHES a Public Art Working Group;**
7. **THANKS the community art expert members of the Public Art Acquisition Committee for their work and encourages them to apply for appointment to the Public Art Working Group when established; and**
8. **REQUESTS a suitable budget for contract curatorial services be added to the 2021**

budget.

Carried 8/1

For: Mayor Angers, Crs Young, Harben, Sadler, Masarei, Harkins, Barrett and MacFarlane

Against: Cr Tucak

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

**THAT Council:**

- 1. ADOPTS the Draft Acquisition of Public Artworks Policy as attached;**
- 2. ADOPTS the Draft Management of Public Artworks Policy as attached;**
- 3. DISBANDS the Public Art Advisory Committee;**
- 4. REVOKES the Public Art Advisory Committee Charter;**
- 5. NOTES the Public Art Strategy developed by the Public Art Advisory Committee;**
- 6. RE-ESTABLISHES a Public Art Working Group;**
- 7. THANKS the community art expert members of the Public Art Acquisition Committee for their work and encourages them to apply for appointment to the Public Art Working Group when established; and**
- 8. REQUESTS a suitable budget for contract curatorial services be added to the 2021 budget.**

Carried 8/1

For: Mayor Angers, Crs Young, Harben, Sadler, Masarei, Harkins, Barrett and MacFarlane

Against: Cr Tucak

**10.1.6 AUTHORISED OFFICERS SCHEDULE 2020/21**

**File Ref:** SUB/2798  
**Attachments:** 10.1.6(a) Authorised Officers Schedule 2020-21 [under separate cover]  
**Responsible Officer:** Neil Hartley, Acting Chief Executive Officer  
**Author:** Shane Collie, Manager Corporate Services and Governance  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

It is recommended that Council adopt the attached list of Authorised Officers for the Town of Cottesloe.

**BACKGROUND**

The Town has a number of functions that require certain officers to be authorised to undertake those functions. Many of these functions are regulatory in nature and require officers to demonstrate that they are acting on behalf of the Town as they perform their duties. Officers so appointed to these roles must carry with them identification and in the main if challenged, including in a court of law, be able to demonstrate that they have been legitimately appointed by 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

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.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

Various other Acts are referenced in the attached list of Authorised officers.

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

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

**STAFFING IMPLICATIONS**

Staff are required to properly authorised in the performance of a number of the functions that they carry out.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Nil.

**OFFICER COMMENT**

Council presently has a Delegation in place to the Chief Executive Officer to appoint persons as Authorised Officers under the *Local Government Act 1995*. There are other Delegations in place relating to the Town's Local Laws, the *Dog Act 1976* and the *Cat Act 2011* however there is presently no substantive list that encompasses all Authorised Officers who have delegated authority.

It is usual to update a local government's list of Authorised Officers at the same time as the list of Delegations is updated. Delegations are required to be updated at least once a year and are listed for adoption at this meeting also. While there is no statutory requirement to update the Authorised Officers list at the same time, it is considered industry best practice as this action ensures that at least once a year the authorisations are reviewed.

Authorisations may change due to changed legislation, any organisational restructure or for any number of operational reasons. It is important therefore to ensure that they are always up to date, particularly as court actions can be dismissed if the technicality of an Authorisation is incorrect. All parking fines for example are issued by Authorised Officers generating significant revenue for the Town and must be in accordance with the appropriate legislative framework.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

THAT Council APPROVES the list of Authorised Officers as attached.

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

Moved Cr Sadler

Seconded Cr Harkins

THAT Council APPROVES the list of Authorised Officers as attached (noting that the names of any officers listed will be deleted from the Schedule before publication).

Carried 9/0

**10.1.7 FINANCIAL HARDSHIP POLICY**

**File Ref:** SUB/2798  
**Attachments:** 10.1.7(a) DRAFT Financial Hardship Policy [under separate cover]  
**Responsible Officer:** Shane Collie, Manager Corporate Services and Governance  
**Author:** Jodee Harley, Community Development Officer  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

A recommendation is made for the adoption of a Financial Hardship Policy.

**BACKGROUND**

The COVID-19 global pandemic is causing substantial economic and social impacts across international, national and local regions. These uncertain and changing circumstances require extraordinary responses by Governments at all levels.

The Town of Cottesloe response must ensure the sustainability of the Town while protecting the wellbeing of the community.

While the Local Government (COVID-19 Response) Ministerial Order 2020 remains effective, in respect to rate instalment and penalty interest rates the following applies;

- Penalty interest reduced from a maximum of 11% to 8% (in-line with ATO penalty rates).
- Instalment interest to remain at 5.5% if a Local Government has a Hardship Policy, and to be a maximum of 3% if a Local Government does not have a hardship policy.
- For those that are in hardship and meet the Local Government Hardship Policy eligibility, then no penalty interest or instalment interest rate applies. Each Local Government decides on approving the application for hardship.
- If adopting a minimum rate or rate in the dollar no higher than that imposed in 2019/20, then there is no need to advertise differential rates. The only requirement is to place a notice on the local government's website.

**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.

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

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**

Rates Recovery Policy, noting that there is information regarding Pensioner/Senior Rebate Deferments and Rebates on the Town's website.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

*Local Government (COVID-19 Response) Order 2020*

**FINANCIAL IMPLICATIONS**

Financial implications will depend on uncertain circumstances surrounding the COVID-19 pandemic and the economic impact on the community.

**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**

The Town is adapting to the changes brought about by the COVID-19 pandemic to ensure the continuing provision of essential services, business continuity, customer and community support. It is recommended that the Town provide a sustainable plan to address local hardship and community concern in a manner that compliments Federal and State support packages. Both Governments are clear that a responsible approach must be taken to ensure money is available for recovery initiatives. The Town requires a local approach to ensure economic viability.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Mayor Angers**

**Seconded Cr Young**

**THAT Council ADOPTS the Draft Town of Cottesloe Financial Hardship Policy as attached.**

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

**ENGINEERING****10.1.8 FLORENCE STREET ENCROACHMENTS****File Ref:** SUB/2798**Attachments:** 10.1.8(a) Florence Street Encroachment CONFIDENTIAL - Garmony report [CONFIDENTIAL] [UNDER SEPARATE COVER]**Responsible Officer:** Neil Hartley, Acting Chief Executive Officer**Author:** Shaun Kan, Manager, Engineering Services**Author Disclosure of Interest:** Nil

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.1.8 by virtue "Residents on the laneways backing on are known to me."

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.8 by virtue "Several of the property owners are known to me."

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.8 by virtue "Some of the residents are known to me."

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**SUMMARY**

Council is asked to consider approving the notification and negotiations with affected land owners as part of addressing encroachments onto Right of Way (ROW) 20A and 20B in order for these ROWs to be handed back to the State of Western Australia (Crown).

Such an ownership and administrative arrangement would be consistent with the other ROWs within Cottesloe and mitigates issues relating to encroachments given that all unauthorised use of State land must be removed under legislation.

**BACKGROUND**

ROW 20A and 20B currently provides ROW access to some Florence Street residents and are currently the last two ROWs owned by the Town of Cottesloe. The intent would be for these ROWs to be returned to the Crown vested and be in the Town of Cottesloe, similar to the other ROWs within the boundaries of the Cottesloe Local Government.

However, all encroachments would need to be resolved before the Crown would accept ownership of these ROWs. Some of the options available to property owners that fall under this category include the purchase of such land or removal of the encroachment.

There have been several adverse possession claims that have been made previously to address past encroachments. This is shown in the attached confidential document whereby property boundaries have been adjusted by Landgate, extending into the right of way.

**STRATEGIC IMPLICATIONS**

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

Priority Area 5: Providing sustainable infrastructure and community amenities

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

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

Priority Area 5: Providing sustainable infrastructure and community amenities.

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

## POLICY IMPLICATIONS

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

## STATUTORY ENVIRONMENT

*Local Government Act 1995*

### **3.58. Disposing of property**

(1) *In this section —*

**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;

**property** includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than two weeks after the notice is first given; and*

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

(a) *the names of all other parties concerned; and*

(b) *the consideration to be received by the local government for the disposition; and*

- (c) *the market value of the disposition —*
  - (i) *as ascertained by a valuation carried out not more than six months before the proposed disposition; or*
  - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than six months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
  - (a) *a disposition of an interest in land under the [Land Administration Act 1997](#) section 189 or 190; or*
  - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
  - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
  - (d) *any other disposition that is excluded by regulations from the application of this section.*

*[Section 3.58 amended: No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]*

### **30. Dispositions of property excluded from Act s. 3.58**

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
  - (a) the land is disposed of to an owner of adjoining land (in this paragraph called the **transferee**) and —
    - (i) its market value is less than \$5 000; and
    - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;

### **FINANCIAL IMPLICATIONS**

The landowner will be responsible for all survey and associated cost.

### **STAFFING IMPLICATIONS**

A settlement agent will be engaged to handle the land sale transaction should property owners opt to purchase the encroached land. Similarly, a solicitor would be commissioned to administer the removal of the encroachment and associated legal proceedings, recoverable from the landowner.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Town of Cottesloe Staff

Elected Members

Affected Property Owners

**OFFICER COMMENT**

ROW 20A and 20B are adjacent to lots 32 to 50 Florence Street. A property consultant report commissioned by the Town of Cottesloe has found encroachments by a number of Florence Street properties (see attached confidential document). This unauthorised land use is in the form of but not limited to garages, swimming pools, landscaping and fencing.

Some options available to owners include the removal of such structures or the purchase of land. Should affected owners choose to acquire the encroachments, section 3.58 – Disposing of Property under the *Local Government Act (1995)* would apply given the land valuation exceeds dollar thresholds referred to in legislation. This section of the legislation has been further explained in the Statutory Environment of this report.

However, it would neither be fair nor reasonable to apply the section of the legislation that requires a public auction type transaction as it would be highly unlikely that any encroachments would be of any use by others who do not live adjacent. This would be consistent with the *Local Government (Functions and General) Regulations 1996* clause 30 (2) (ii).

Nevertheless, impacted owners identified in the confidential attachment would need to be informed of the encroachment for them to decide how they wish to proceed. Once all the encroachments have been addressed, ROW 20A and 20B will then be handed to the Crown.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

THAT Council:

1. AGREES that unauthorised land encroachments on Town's Right of Ways needs to be addressed so that the Town's and private landholder's ownership boundaries are clear;
2. REQUIRES that the Town's costs to address unauthorised land encroachments be borne by the landowners;
3. AUTHORISES the CEO to progress negotiations with landowners and if it is relevant, APPROVES the exemption of clause 3.58 (2) of the Local Government Act (1995) when dealing with the encroachments along ROW 20A and 20B;
4. NOTES that point three is based on the Local Government (Functions and General) Regulations 1996 Clause 30 (2) (ii).

**COUNCILLOR MOTION AND COUNCIL RESOLUTION****Moved Cr Young****Seconded Cr Barrett****THAT Council:**

- 1. AGREES that unauthorised land encroachments on Town's Right of Ways needs to be addressed so that the Town's and private landholder's ownership boundaries are clear;**
- 2. AUTHORISES the CEO to progress discussions and negotiations with landowners and:**
  - a. ACKNOWLEDGES that Adverse Possession may apply and should be expressly raised with landowners;**
  - b. REQUIRES that the Town's costs to address unauthorised land encroachments be borne by the landowners;**
  - c. AGREES that any rights for back-rating any land previously utilised and/or amalgamated into private land can be waived as part of the negotiations (in light of (b) above); and**
  - d. APPROVES the exemption of clause 3.58 (2) of the *Local Government Act (1995)* (if it is relevant) when dealing with the encroachments along ROW 20A and 20B (noting that this point is based on the Local Government (Functions and General) Regulations 1996 Clause 30 (2) (ii)).**
- 3. REQUIRES the Administration to report to Council at the July Briefing Forum on the background to the consideration of Adverse Possession claims in respect of ROW 20A and 20B, at Council meetings in August 2009, including legal advice and communications with landowners;**
- 4. REQUIRES that the final position as negotiated by the CEO be returned to Council for endorsement, prior to implementation.**

**Carried 9/0****COUNCILLOR RATIONALE:**

The resolution will allow the Administration to start the process of negotiating with landowners to resolve the uncertainty over ownership of the land the subject of the encroachments, with any resolution required to be approved by Council. The requirement for the Town to raise with landowners the possibility of an Adverse Possession claim will ensure that all landowners are dealt with as equitably as possible.

Council considered Adverse Possession claims in respect of encroachments into ROW 20A and 20B, at Council meetings in August 2009. The Officer's Reports for the items refer to background information, legal advice and communications with residents on the north side of Florence St encroaching into the ROW. The Adverse Possession claims were ultimately successful. That information is likely to be relevant to Council in considering endorsement of a negotiated position.

**10.1.9 REVISED RIGHT OF WAY POLICY****File Ref:** SUB/2798**Attachments:** 10.1.9(a) Right of way strategies Version 5 [under separate cover]

10.1.9(b) Right of Way Policy - Updated June 2020 [under separate cover]

**Responsible Officer:** Neil Hartley, Acting Chief Executive Officer**Author:** Shaun Kan, Manager, Engineering Services**Author Disclosure of Interest:** Nil

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.9 by virtue "I have a laneway behind my property. This isn't a development, it's an interest I share with a significant number of ratepayers. The motion primarily deals with the rating system for the cost of maintaining right of ways and I don't believe it's caught under the Act as a proximity interest."

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.1.9 by virtue "I own two properties in the Town backing onto a right of way."

Cr MacFarlane declared an IMPARTIALITY INTEREST in item 10.1.9 by virtue "I have a property adjacent to a right of way".

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.9 by virtue "Some of the residents are known to me."

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**SUMMARY**

Since 2017, the Administration has been working with Council to revise the existing Right of Way (ROW) Policy. This position statement has now been revised that takes into consideration all previous resolutions and in particular the ones at the December 2017 Ordinary Meeting whereby Council resolved as follows:

*"Moved Cr Rodda, seconded Cr Young*

1. *That Council request a review of the Right of Way/Laneways Policy having regard to:*
  - a. *Which lanes the policy applies to;*
  - b. *Reconsidering the objectives of the policy to embrace the importance of lanes for community interaction, green space, shade; community gardens, minimising heat island effects, the role of landscape planning when deciding on the best treatment for Cottesloe lanes; alternative porous treatments/permeable surfaces and approximate comparative costings having regard to infrastructure costs that will be required to support each surface type and including durability and maintenance costs; which laneways have underground services that might be impacted/ be disrupted by landscaping, paving and/or sealing and other possible treatments;*
  - c. *The objectives of Councils Community Strategy v plan;*
  - d. *The Town of Cottesloe Mission statement;*
  - e. *Council's Human Induced Climate Change policy;*

- f. The upcoming requirements for a Community Health Plan and the contents of same;*
  - g. A survey being completed for each of the Laneways covered by the Policy to ensure the boundaries are clearly identified and each survey being included in the policy;*
  - h. A list of current ROWs being in private ownership identified for the Purpose of the Policy;*
  - i. The current status and treatment of ROW 14;*
  - j. Ensuring a user pays principle;*
  - k. Recommendations for amendment to the TOC building and/or planning and development conditions to ensure building bonds are sufficient to remedy any disruption to laneway surfaces caused by any type of building or renovation.*
- 2. Inform all residents and landowners adjacent to Right of Way 21 in writing of the proposal to seal the laneway with bitumen and suitable drainage and allow 14 days from the sending of the letter for any objections to be received, and request their ideas to inform the design.*
  - 3. A differential rating system will not apply to the landowners for the works*
  - 4. The design of the sealed area and curbing will be done in such a way as to allow for the planting of new trees (if space permits) in accordance with the approved species of tree allowed by the council. In addition, any existing garden beds will be retained and incorporated into the design, if practicable.*
  - 5. If less than one third of the number of landowner's object, authorize the project to proceed as soon as practicable.*

*CARRIED 5/4*

*For: Mayor Angers, and Crs Harkins, Young, Rodda and Tucak  
Against: Crs Pyvis, Boulter, Sadler and Thomas"*

Council is asked to consider adopting the attached revised Right of Way (ROW) Policy.

## **BACKGROUND**

In September 2017, a petition was brought to Council to exempt ROW 21 from being sealed with asphalt to protect the fauna that live within the ROW. In October 2017, Council was asked to consider the request for ROW 21 to be removed from the ROW upgrade program. The resolution was for the matter to be deferred until the Policy was reviewed in December 2017.

In December 2017, Council was asked to accept a revised Policy and endorse consultation with the residents of ROW 21 on the Town's intention to proceed with the asphalt resurfacing. As the majority of the residents agreed, ROW 21 was sealed. The resolution also deferred approving the revised Policy and asked for other matters such as ROW design to be further considered for incorporation and brought back to Council at a later date.

Following the December 2017 meeting, the Policy was not further visited as there were higher priorities associated with the Foreshore Works and the Street Tree Policy that needed



to be addressed. The right of way Policy was then revisited again in March 2019 after the Street Tree Policy had been adopted in February 2019.

In March 2019 Council was asked to accept the revised Policy that considered the December 2017 resolution. Council then resolved for the matter to be deferred for due consideration to be given to the appropriateness of the current contribution scheme and the matters raised at the December 2017 Ordinary Meeting.

In April 2019, Council was asked to note the complexity of the Policy and further time would be required for the Policy to be reviewed.

Further work has since been undertaken with the revised Policy attached together with a ROW Strategy that provides information on the various ROWs.

### **STRATEGIC IMPLICATIONS**

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

Priority Area 5: Providing sustainable infrastructure and community amenities

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

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

Priority Area 5: Providing sustainable infrastructure and community amenities.

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

### **POLICY IMPLICATIONS**

The officer's recommendation will result in a revised ROW Policy being adopted with the changes detailed in the officer's comment section.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995;*

*Local Government (Functions and General) Regulations 1996; and*

*Land Administration Act 1997*

### **FINANCIAL IMPLICATIONS**

Funds would be required from general rates to complete the resurfacing and maintenance works.

### **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**

Elected Members

Town of Cottesloe Staff

**OFFICER COMMENT**

Due consideration has been given to the December 2017 Ordinary Meeting resolutions when drafting the revised Right of Way Policy (attached).

**1a. Laneways Administered Under the Policy**

All Right of Ways owned by the crown and vested in the Town of Cottesloe will be administered under this Policy. Only privately owned ROWs are exempt from the Policy.

**1b. Design and Costing Related Considerations**

A ROW Strategy specifying the type of surface has been developed and is referenced in the Policy. Proposed surface treatments have been identified based on existing site conditions and whole of life costings (construction and maintenance cost). Community gardens and landscaping have been designed for ROWs greater than five metres.

This is consistent with resolution four from the December 2017 Ordinary Meeting. Trees have not been considered due to the risk of property damage by roots and reductions in ROW widths.

**1c. Objectives of Council's Community Strategy and 1d. Town's Mission Statement**

The whole of life costing analysis used to determine the design of each ROW ensures financial sustainability in future maintenance of each ROW, consistent with the Town's vision. The adoption of the ROW Strategy will be consistent with the Strategic Community Plan Priority Area 5 of providing sustainable infrastructure and community amenities.

**1d. Human Induced Climate Change Policy**

The incorporation of community garden beds along ROWs mentioned in point 1 (b) reduces hard stand areas, which reduces heat emissions. Such a design is consistent with the Human Induced Climate Change Policy.

**1e. Community Health Plan**

There are no perceived implications between the plan and the revised Policy.

**1f. Laneway Cadestral Surveys and 1h. List of Privately Owned Right of Ways**

Inhouse surveys have been undertaken and privately owned ROWs identified through Landgate information. This has been included within the ROW Strategy.

**1g. Current Status and Treatment of ROW14**

This ROW is owned by the Crown and vested in the Town. As such this will be included in the revised ROW Policy and resurfaced with asphalt. Community gardens have been incorporated into the design given the ROW is five metres wide.

**1h. User Pay Principle**

The two options proposed to finance ROW maintenance related works are:

- Option 1: Obtain funds from properties gaining access and located adjacent to a ROW; and
- Option 2: Source the funds required through general rates, similar to the City of Subiaco and City of Nedlands.

While not every resident swims within the enclosure bordered by the shark barrier or drives on every road within the Town, the construction and maintenance of this infrastructure is funded from general rates. Whilst option one may be previously preferred by Council (user pays principle), it is still seen as a form of differential rating to which resolution three of the December 2017 Ordinary Meeting that has specifically stated not to do as such.

Accordingly, the revised Policy has adopted option two as the financing method for all ROW works, noting that all rates obtained from privately owned laneways will be deposited in the ROW reserve for the same purpose.

To this end, Council is also asked to consider the method of treating ROW contributions paid to date by developments. Whilst providing concession to properties that have made such contributions may be possible, it creates an administrative challenge given the changes in ownership since the adoption of this system. A more practical and cost effective approach would be for the Administration to take these monies collected into consideration when determining the long term investment strategy for ROWs.

**1k. Building Bonds for Laneway Damages as a Result of Developments**

A bond will be required before a building permit or a work zone permit is issued. The amount of securities will depend on the risk associated with the extent of works and will be calculated on a case by case basis.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

That Council:

1. ADOPTS the attached revised Right of Way Policy and the Right of Way Strategy;
2. NOTES that all Right of Way contributions obtained to date will be held within the Right of Way Reserve and utilised for the future construction and maintenance of Right of Ways; and
3. NOTES that Right of Way contribution scheme will cease with the adoption of the revised Policy.

**COUNCILLOR MOTION AND COUNCILLOR RESOLUTION****Moved Cr Young****Seconded Cr MacFarlane**

1. **ADOPTS the attached revised Right of Way Policy, subject to the addition of a new paragraph:**

**“3.5 Table of Exemptions from Upgrading**

**The Town shall maintain a table of any ROW’s for which Council has granted exemption from upgrading. Property owners of properties adjoining such ROW’s shall be consulted and the results of such consultation reported to Council prior to any upgrading work being carried out”;**

2. **ADOPTS the attached Right of Way Strategy;**
3. **NOTES that all Right of Way contributions obtained to date will be held within the Right of Way Reserve and utilised for the future construction and maintenance of Right of Ways; and**
4. **NOTES that Right of Way contribution scheme will cease with the adoption of the revised Policy.**

**Carried 9/0****COUNCILLOR RATIONALE:**

The current Rights of Way Policy contains a table of exemptions as contemplated by this amendment.

If it is desired to acknowledge that certain ROW’s have been exempted from upgrade by Council resolution then it is appropriate that the exemptions be reviewed prior to work being undertaken.

The exemptions were granted on the basis of the request of at least 70% of landowners concerned. Support for exemptions may change as properties change hands. That was evident in the Florence St ROW 21 which was granted an exemption in 2011 on the Petition of 70% of affected landowners, and by 2017 the majority of affected landowners Petitioned (successfully) for the exemption to be lifted.

The appropriate time to test for support for an exemption is at the time work is proposed under the Town’s works programme. To embed exemptions into the Policy without testing continued support may allow current landowners to unfairly impose their views on future landholders.

**10.1.10 STREET TREE MASTERPLAN VARIATION**

**File Ref:** SUB/2798  
**Attachments:** 10.1.10(a) Grant Street Community Feedback April 2020  
[under separate cover]  
**Responsible Officer:** Shaun Kan, Manager, Engineering Services  
**Author:** Adeline Morrissey, Environmental Projects Officer  
**Author Disclosure of Interest:** Nil

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.10 by virtue "I live diagonally opposite the median strip at the eastern end of Grant street."

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**SUMMARY**

The Town aims to increase the tree canopy in Cottesloe. The large median strips on Grant, Congdon and Parry Streets were identified as suitable areas to infill plant with trees.

The majority of resident feedback on Grant Street did not support the infill program apart from the section between Marmion Street and Curtin Avenue which was supported.

Council is asked to consider approving a variation to the street tree masterplan for additional species to be included to infill plant on the median strips along Grant Street (between Marmion Street and Curtin Avenue), Parry Street and Congdon Street.

**BACKGROUND**

The proposed infill planting along Congdon Street, Parry Street and Grant Street will be done using approved species currently planted on verges.

Grant Street has a line of Norfolk Island Pine trees down the centre of the median strip. Only the section of median along Grant Street between Marmion Street and Curtin Avenue together with Congdon Street and Parry Street currently comprises a mixture of species.

Feedback was sought from residents along Grant Street regarding the proposal to infill the median strip with approved Grant Street verge trees from the Street Tree Masterplan. This was only supported between Marmion Street and Curtin Avenue.

**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 3: Enhancing beach access and the foreshore.

Major Strategy 3.3: Improve dune conservation outside of the central foreshore zone (implement NAMP).

**POLICY IMPLICATIONS**

The planting in the centre median will achieve the street tree policy's objective of increasing canopy. This will also involve a variation to the Street Tree Masterplan document.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Street Tree Masterplan*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

The street tree budget will be utilised to purchase additional trees for the median strips.

**STAFFING IMPLICATIONS**

Town staff will be involved in planting the trees on the median strips.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

The perceived sustainability implications arising from the officer's recommendation include increased tree canopy, shade, habitat and amenity along the street.

**CONSULTATION**

In April 2020 residents on Grant Street provided feedback on the proposed infill planting program. The results are summarised below. A feedback register has been attached with this report.

Grant Street Sections	Supported	Not Supported	Total Responses
1. Marine Parade to Marmion Street	3	16	19
2. Marmion Street to Curtin Avenue	4	0	4
3. Railway Street to Parry Street	1	9	10
Unknown address	1	1	2

**OFFICER COMMENT**

There is currently available space within the medians of Congdon Street, Parry Street and Grant Street for infill planting of trees. To ensure the consistency of the streetscape, it is proposed that the approved verge trees along these streets be used as infill. Given the results from the consultation, only the section between Marmion Street and Curtin Avenue will have infill planting being carried out.

As there are already a variety of trees planted within the median of Parry Street and Congdon Street, the proposed trees will be added on to further increase densities at this location.

The table below summarises the proposed variation within the Street Tree Masterplan to facilitate this infill planting. It is anticipated that will occur over the winters of 2020 and 2021. Administration believes that the proposed changes are reasonable for the following reasons:

- Consistent with the verge species;
- Contributes to the increase of tree canopy within Cottesloe;
- Planting more Norfolk Island Pines as infill may not be suitable for the centre median.

Street name	Approved Verge species	Approved Median strip species	Proposed Variation to Centre Median Species
Grant Street – Northern Ward (Curtin Avenue to Marmion Street)	Rottnest Island Tea tree	Norfolk Island Pine Tree	Norfolk Island Pines (existing) + New Species - Rottnest Island Tea trees and Tuarts
Congdon Street	Spotted Gum	Norfolk Island Pine Tree	Norfolk Island Pines (existing) + New Species - Spotted Gums and Tuarts
Parry Street	Spotted Gum	Norfolk Island Pine Tree	Norfolk Island Pines (existing) + New Species - Spotted Gums and Tuarts

Council is asked to note that the majority of Grant Street residents that opposed the additional planting have indicated that there is no warrant for change as the current environment best represents Cottesloe. Others have raised concerns of security issues associated with the homeless living amongst the infill planting and debris being illegally dumped in the area with the section of median hidden away from the road.

Whilst the issues identified may be valid, the likelihood of their occurrence is rare. Although the Street Tree Policy only applies to verges, the principles of this position statement should still apply to medians that are considered to be public open spaces. For example, the Policy is clear that trees should be planted to fill gaps within streetscape and where practical also be planted to achieve a continuity of shade from the harsh summer sun.

Given this, Council would need to consider the merits of each submission to determine the appropriateness of amending the Street Tree Masterplan to allow this infill planting. As a comparable guide, the Administration would not normally accept the reasons stipulated in the attached register of not wanting a tree should such feedback be provided during verge planting season as they would not be consistent with the Street Tree Policy. As such, a recommendation has been made for infill planting to occur along the stretch of Grant Street between Parry Street and Marine Parade.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

THAT Council:

1. APPROVES the variation in the Street Tree Masterplan for Rottnest Island Tea Tree and Tuart Tree to be incorporated in the median strips along Grant Street (between Marine Parade and Parry Street);
2. NOTES that there is no centre median along Grant Street between Parry Street and Congdon Street with the verges in this section already being densely planted;
3. APPROVES the variation in the Street Tree Masterplan incorporating Spotted Gum and Tuart trees as median strip species on Congdon and Parry Street; and
4. NOTES that the remaining Norfolk Island Pine Tree will remain as the approved species in the median strips mentioned in points one and two.

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

Moved Cr Sadler

Seconded Cr MacFarlane

THAT Council:

1. **DEFERS the consideration of the variation in the Street Tree Masterplan in the median strips along Grant Street (between Marine Parade and Parry Street) until adoption of a Green Infrastructure Management Plan;**
2. **REQUESTS the administration to apply any surplus funds from the 2020/21 tree planting budget to street verges with insufficient trees, according to the existing Street Tree Masterplan and Street Tree Policy.**

**Carried 9/0**

**RATIONALE:**

- The Town has committed funds in this year's budget to a Green Infrastructure Management Plan
- A Green Infrastructure Management Plan will provide an over-arching way forward for how we prioritise plantings in Cottesloe, including opportunities to provide greater shade in areas of high foot traffic
- There are still many verges in Cottesloe that do not have a tree on them, including those with high foot traffic. The opportunity to plant trees on verges in 2020 and maintain our tree canopy will not be lost through deferral in the variation of the Street Tree Masterplan.



**10.1.11 VLAMINGH NATURE DISCOVERY SPACE NAMING**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Shaun Kan, Manager, Engineering Services  
**Author:** Adeline Morrissey, Environmental Projects Officer  
**Author Disclosure of Interest:** Nil

Cr Harben declared an IMPARTIALITY INTEREST in item 10.1.11 by virtue "I'm the Council representative on Cottesloe Coast Care in relation to the Vlamingh Nature Discovery Space naming item."

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**SUMMARY**

The Vlamingh naturescape playground was recently completed.

Given it is the first of its kind in Cottesloe, Coastcare has suggested the Nature Discovery Space at Vlamingh be named "Mia Koorla" which means the "place of Native Wisteria" in the Noongar language.

Council is asked to consider approving this name suggested by Cottesloe Coastcare.

**BACKGROUND**

Construction of the Vlamingh Nature Discovery Space in South Cottesloe was completed in March 2020. Cottesloe Coastcare would like to acknowledge and respect the Noongar people who historically lived in this area by using a Noongar name. The name "Mia Koorla translates to "place of Native Wisteria".

The native wisteria (*Hardenbergia comptoniana*) grows well in this area and was used by Aboriginal people to make shelters. Elder Neville Collard, a Noongar speaker, has no objection to this name being used.

Cottesloe Coastcare has suggested the naming and sees it as appropriate considering the cubby building space at this site and they will plant native wisteria to revegetate the area.

**STRATEGIC IMPLICATIONS**

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

Priority Area 3: Enhancing beach access and the foreshore

Major Strategy 3.3: Improve dune conservation outside the central foreshore zone (implement NAMP).

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

Priority Area 1: Protect and enhance the wellbeing of residents and visitors.

Major Strategy 1.11: Help families flourish and connect in Cottesloe.

**POLICY IMPLICATIONS**

There are no perceived policy implications arising from the officer's recommendation. The completion of this playground is consistent with the Town's public open space and playground strategy.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

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**

Cottesloe Coastcare consulted Noongar Elder Neville Collard regarding the use this name.

**OFFICER COMMENT**

The Officer recommends the Nature Discovery Space be named "Mia Koorla" which is Cottesloe Coastcare's preferred Noongar name.

If approved, a sign will be installed at the site with the Noongar name and its translation.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

THAT Council:

1. APPROVES the Noongar name "Mia Koorla" for naming the Vlamingh Nature Discovery Space;
2. APPROVES the placement of a sign at the site with the Noongar name and its translation.

**COUNCILLOR MOTION****Moved Cr Sadler****Seconded Cr Tucak**

THAT Council:

1. THANKS Cottesloe Coastcare for their hard work in creating the Nature Discovery Space in South Cottesloe;
2. WELCOMES the suggestion of the Noongar name “Mia Koorla” for naming the Vlamingh Nature Discovery Space;
3. ENGAGES with local/Mudurup Indigenous representatives via an Indigenous consultant to seek their advice and input on an indigenous name that is appropriate to the location; and
4. REQUESTS that the item be brought back to Council no later than the September 2020 Ordinary Council Meeting.

**Lost 2/7****For: Crs Sadler and Tucak****Against: Mayor Angers, Crs Young, Harben, Masarei, Harkins, Barrett and MacFarlane****COUNCILLOR MOTION (FORESHADOWED)****Moved Cr Young****Seconded Cr Harkins**

THAT Council:

1. APPROVES the Noongar name “Mia Koorla” for naming the Vlamingh Nature Discovery Space;
2. APPROVES the placement of a sign at the site with the Noongar name and its translation.
3. THANKS Cottesloe Coastcare for its hard work in creating the Nature Discovery Space in South Cottesloe.

Cr Harkins asked Cr Young if she would be willing to incorporate point 1 from Cr Sadler’s previous motion into the officer’s recommendation. Cr Young agreed.

**COUNCILLOR AMENDMENT****Moved Cr Sadler****Seconded Cr Tucak**

4. SUGGESTS the organisers involve the local indigenous community in the opening ceremony of the “Mia Koorla” Nature Discovery Space.

**Lost 2/7****For: Crs Sadler and Tucak****Against: Mayor Angers, Crs Young, Harben, Masarei, Harkins, Barrett and MacFarlane**

Cr Young requested that Cr Sadler’s point 4 (from the amendment) be added to her motion with the word “involve” changed to “invites”. Cr Harkins agreed.

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

**Moved Cr Young**

**Seconded Cr Harkins**

**THAT Council:**

- 1. APPROVES the Noongar name “Mia Koorla” for naming the Vlamingh Nature Discovery Space;**
- 2. APPROVES the placement of a sign at the site with the Noongar name and its translation.**
- 3. THANKS Cottesloe Coastcare for its hard work in creating the Nature Discovery Space in South Cottesloe.**
- 4. SUGGESTS the organisers invites the local indigenous community in the opening ceremony of the “Mia Koorla” Nature Discovery Space.**

**Carried 9/0**

**FINANCE****10.1.12 FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2019 TO 31 MAY 2020  
INCLUDING SUNDRY DEBTOR WRITE OFF**

**File Ref:** SUB/2798  
**Attachments:** 10.1.12(a) Monthly Financial Statements For The Period 1 July 2019 to 31 May 2020 [under separate cover]  
10.1.12(b) List of Outdoor Health Fees To Be Written Off [under separate cover]  
**Responsible Officer:** Neil Hartley, Acting Chief Executive Officer  
**Author:** Wayne Richards, Finance Manager  
**Author Disclosure of Interest:** Nil

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.1.12 by virtue "One business owner, who's debt may be written off, is known to me."

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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.

A recommendation is included in the report to waive health fees for businesses ordered to close under the Emergency Management Act to the value of \$13,316.70. These businesses include outdoor dining, aquatic facilities and skin penetration businesses.

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**

The Chief Executive Officer has delegated authority to write off amounts up to \$1,000.00 and has used this delegated authority to write off debts totalling \$9,876.33. However three of the debts are greater than this amount and therefore exceed the delegated authority. The three debts exceeding the delegated authority total \$3,440.37.

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 (Financial Management) Regulations 1996*

*Local Government Act 1995*

**6.12 Power to defer, grant discounts, waive or write off debts**

1. Subject to subsection (2) and any other written law, a local government may-
  - (i) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount or money; or
  - (ii) waive or grant concessions in relation to any amount of money; or
  - (iii) write off any amount of money, which is owed to the local government  
(\*Absolute majority required)

**FINANCIAL IMPLICATIONS**

The total value of the debt to be waived is \$13,316.70 and this has been factored into the Town's forecasts for 2019-20. Of this amount, \$3,440.37 relates to three debts that are above the delegated authority of the Chief Executive Officer. These individual debts are listed as per attachment 10.1.12 (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**

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 May 2020 was \$2,772,285 as compared to \$2,449,168 this time last year. This is due to a range of factors including, but not limited to, year to date capital expenditure being less than anticipated.
- Rates receivables at 31 May 2020 stood at \$396,567 as shown on page 25 of the attached Financial Statements.
- Operating revenue is more than year to date budget by \$314,158 with a more detailed explanation of material variances provided on page 21 of the attached Financial Statements. Operating expenditure is \$1,072,738 less than revised year to date budget with a more detailed analysis of material variances provided on page 21.
- The Capital Works Program is shown in detail on pages 33 to 36 and shows that the Town has spent approximately 48% of the budgeted amount.
- The balance of cash backed reserves was \$9,845,416 as at 31 May 2020 as shown in note 7 on page 27 of the monthly financial statements.

#### **List of Accounts for May 2020**

The List of Accounts paid during May 2020 is shown on pages 37 to 45 of the attached Financial Statements. The following significant payments are brought to Council's attention:

- \$39,528.48 to Sculpture by the Sea as the Town's event contribution as per budget resolution.
- \$23,413.94, \$24,423.55 & \$25,069.07 to Superchoice Services Pty Ltd for superannuation contributions.
- \$51,451.67 to the Australian Taxation Office for the monthly business activity statement.
- \$47,080.28 to Roads 2000 Pty Ltd for road and car park resurfacing works.
- \$34,362.56 & \$34,362.56 to Surf Life Saving WA for lifeguard services.
- \$27,375.50 to WMRC for waste disposal costs.
- \$135,245.43 to Rico Enterprises Pty Ltd for waste collection and removal services.
- \$104,122.10 & \$105,794.45 to the Town of Cottesloe staff for fortnightly payrolls.

#### **Reserves and Investments**

Cash and investments are shown in note 4 on page 23 of the attached Financial Statements. The Town has approximately 54% of funds invested with National Australia Bank, 26% with Commonwealth Bank of Australia and 20% with Westpac Banking Corporation. A balance of \$9,845,416 was held in reserve funds as at 31 May 2020.

When Council considered the Mid-Year Budget Review for the Financial Year 2019-2020, the following resolution was passed:-

*Subject to the Reference Amount in the Roads to Recovery Grant Program not being adversely impacted, reallocate \$210,000 from Capital Works Railway St realignment (North Cottesloe School Improvements) to:*

- Sculpture and Artwork Reserve (\$20,000): and*

*ii. Active Transport Reserve (balance, up to \$190,000)*

Now that the financial year has progressed further, we have now been able to more accurately calculate and forecast a projected 30 June position. Those calculations clearly show that the reference amount will be adversely affected to the extent which could jeopardise the roads to recovery funding moving forwards. Therefore, to protect the roads to recovery funding (just over \$60,000 pa) from having to be returned to the Federal Government, the Town will need to do the following:

1. Transfer \$150,000 to the infrastructure reserve in 2019-20 to be utilised in 2020-21 on a compliant road construction job as regards meeting our roads to recovery obligations (we must spend those funds next year otherwise the grant funds, which we have already received, are at risk);
2. Revise the transfer to the Active Transport Reserve in 2019-20 from \$190,000 to \$40,000\*.
  - The interpretation of the Council resolution above is that the *Sculpture and Artwork Reserve* transfer (\$20,000) is the first priority, and that only if additional funds are available, would there be a transfer to the *Active Transport Reserve*.

There have been right of way contributions collected through the year of \$25,181.56 and therefore these monies should be transferred to the right of way reserve to be utilised in future years.

**Borrowings**

Borrowings are shown on note 10 on page 30 of the attached Financial Statements and shows Council had total principal outstanding of \$3,451,436 as at 31 May 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 \$396,567 as compared to \$414,252 this time last year.

Sundry debtors are shown on note 6, page 25 of the attached Financial Statements. The sundry debtors show that 8% or \$12,341 is older than 90 days. Infringement debtors are shown on note 6 page 26 and stood at \$441,463 as at 31 May 2020. Included in this report is a recommendation that \$3,440.37 of various health licence fees be written off. Whilst original intentions were to “extend the existing licences for the period of Covid-19”, accounting protocols indicate that a waiver is the better methodology.

**Budget Amendments**

The budget amendments are listed on pages 12, 13 and 24 of the Financial Statements

**VOTING REQUIREMENT**

Absolute Majority



**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION****Moved Mayor Angers****Seconded Cr Young**

**THAT Council by absolute majority RECEIVES the Financial Statements for the period 1 July 2019 to 31 May 2020 as submitted to the 26 May 2020 meeting of Council;**

- 1. TRANSFERS \$150,000.00 to the infrastructure reserve in 2019-20 to be utilised in 2020-21 on a compliant road construction job as regards meeting our roads to recovery obligations;**
- 2. REVISES the transfer to the Active Transport Reserve agreed in the minutes of the budget review for 2019-20 from \$190,000.00 to \$40,000.00.**
- 3. TRANSFERS \$25,182.00 to the Right of Way Reserve, being monies collected from residents for this purpose.**
- 4. WAIVE an amount of \$3,440.37 (as per attachment 10.1.12 (b)) relating to health licence fees for outdoor dining, aquatic facilities and skin penetration premises that were required to close under the Emergency Management Act.**

**Carried by En-Bloc Resolution by Absolute Majority 9/0**

**EXECUTIVE SERVICES****10.1.13 ELECTED MEMBER APPOINTMENT TO METROPOLITAN REGIONAL ROADS GROUP**

**File Ref:** SUB/2798

**Attachments:** 10.1.13(a) ATTACHMENT - STATE ROAD FUNDS TO LOCAL GOVERNMENT AGREEMENT [under separate cover]  
10.1.13(b) ATTACHMENT - MRRG POLICIES AND PRACTICES [under separate cover]

**Responsible Officer:** Neil Hartley, Acting Chief Executive Officer

**Author:** Shaun Kan, Manager, Engineering Services

**Author Disclosure of Interest:** Nil

**SUMMARY**

Council is asked to consider the nomination and appointment of an elected member to represent the Town of Cottesloe within the Metropolitan Region Roads Group (MRRG) Western Sub-Group.

**BACKGROUND**

The MRRG manages and administers road projects and blackspot programs within the Perth Metropolitan area. The Metropolitan region is sub divided into six sub groups comprising of different Local Governments as shown below.

North West	West	Central
City of Joondalup City of Stirling City of Wanneroo	Town of Cambridge Town of Claremont Town of Cottesloe Town of Mosman Park City of Nedlands Shire of Peppermint Grove	City of Perth City of Subiaco City of Vincent
East Group	South East	South West
Town of Bassendean City of Bayswater Shire of Kalamunda Shire of Mundaring City of Swan	City of Armadale City of Belmont City of Canning City of Gosnells Shire of Serpentine- Jarrahdale City of South Perth Town of Victoria Park	City of Cockburn Town of East Fremantle City of Fremantle City of Kwinana City of Melville City of Rockingham

Each participating Local Government is represented by an elected member (appointed by Council) and a Technical Officer, normally the Executive of the Directorate that manages the MRRG Program.

**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.

**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**

Elected Members

**OFFICER COMMENT**

The Administration makes annual grant funding application to the MRRG for road rehabilitation and blackspot improvements. The Local Government is generally responsible for one third of road resurfacing costs whilst the State Government provides a contribution for the remaining two thirds. The funding arrangement is similar to the blackspot program but there are exceptions where projects are fully funded by the Federal Government depending on the benefit to cost benchmarks established in the year of the assessment by the National evaluators.

There are two types of meetings that occur as part of the MRRG program.

**Sub-Group Meetings**

This is normally attended by the elected member and an Executive from each Local Government within the sub-group. Currently, the western sub-group comprises of the Cottesloe, Claremont, Mosman Park, Peppermint Grove and Nedlands Local Governments.

The agenda at this meeting is generally around progress of works on current projects and other related matters to ensure works for all the local governments within the sub-group are being completed to the program requirements.

One of the elected members and Executive from the sub-group will then be appointed to represent the sub-group at the Metropolitan Region Elected Members Meeting comprising of the six different areas. The western sub-group is currently represented by an elected member from the Town of Claremont and the Manager of Engineering Services for the Town of Cottesloe.

**Metropolitan Region Elected Members Meeting**

This meeting is held twice a year and coordinated by Main Roads Western Australia. Only elected members have voting rights to make changes to funding allocation and policies. The main objective of this group would be to provide a line of communication back for accountability for delayed projects or under resourcing for delivery of projects.

The attached MRRG Policies and Practices together with the State Road Funding Agreement provide further information on the framework surrounding this roads grant program.

**VOTING REQUIREMENT**

Absolute Majority

**Cr Tucak left the meeting at 8:07pm.**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Harkins**

**Seconded Cr Young**

**THAT Council by absolute majority APPOINTS Cr Sadler as the Town of Cottesloe Council representative at the Metropolitan Regional Road Group's Western Sub-Group.**

**Carried by Absolute Majority 8/0**

**10.1.14 ELECTED MEMBER APPOINTMENT TO WESTERN METROPOLITAN REGIONAL COUNCIL**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Neil Hartley, Acting Chief Executive Officer  
**Author:** Ann-Marie Donkin, Governance Officer  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is asked to consider an appointment of a Deputy Member to represent the Town of Cottesloe on the Western Metropolitan Regional Council (WMRC).

**BACKGROUND**

The WMRC is usually attended by an Elected Member from each member Council and a staff representative (the Chief Executive Officer).

The following Local Government Authorities are members of the WMRC:

- Town of Claremont
- Town of Cottesloe
- Town of Mosman Park
- Shire of Peppermint Grove
- City of Subiaco

The WMRC is a statutory local government authority established in 1989 by five western suburbs local governments to undertake waste management functions. Like all local governments the WMRC is administered by a 'Council' of members, one member from each of the participating local governments. The Regional Council meets regularly to administer the functions and duties of the organisation.

The principal activity is the operation of the Brockway Waste Transfer Station situated on the corner of Brockway Road and Lemnos Street, Shenton Park. Here municipal solid waste (MSW) from member councils and others is received and aggregated into larger loads for transport in sealed containers to landfill sites located on the outer fringes of the Perth metropolitan area.

In addition to this the Regional Council operates a green waste recycling operation where readily separate able green waste is diverted from the waste stream, ground up into mulch and sold to the horticultural industry.

**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.

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

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*

### **5.11. Committee membership, tenure of**

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
  - (b) the person resigns from membership of the committee; or*
  - (c) the committee is disbanded; or*
  - (d) the next ordinary elections day,*
- whichever happens first.*

## **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

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**

Elected Members

**OFFICER COMMENT**

Cr Young is the designated appointee to the WMRC for the Town of Cottesloe and Cr Tucak was the appointed Deputy Member. Cr Tucak resigned from the position as Deputy Member effective 5 June 2020.

It needs to be noted that the WMRC adopted a Policy last year which requires any decision with significant financial implications for the WMRC to be passed by unanimous resolution of Council members making it a matter of urgency for Council to appoint a replacement Deputy Member in the instance that Cr Young is unable to represent the Town.

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Young

Seconded Cr Sadler

**THAT Council by Absolute Majority appoint Cr MacFarlane as Deputy Member of the Western Metropolitan Regional Council representing the Town of Cottesloe.**

**Carried by Absolute Majority 8/0**

**10.2 RECEIPT OF COMMITTEE MINUTES**

Nil

**10.3 REPORTS OF COMMITTEES**

Nil

**11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

**12.2 OFFICERS**

Nil

**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 8/0

*The public and members of the media were requested to leave the meeting at 8:09pm.*

Cr Tucak returned to the meeting at 8:09pm.

At 8:09pm, Mayor Angers advised that the meeting would adjourn for a few minutes.



**13.1.1 COTTESLOE FILM FESTIVAL 2020 - FEES AND CHARGES**

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) 2020 Cottesloe Film Festival Budget Summary  
[CONFIDENTIAL] [UNDER SEPARATE COVER]  
13.1.1(b) 2019 Cottesloe Film Festival Budget Summary  
[CONFIDENTIAL] [UNDER SEPARATE COVER]

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

**Author:** Gabrielle Hall, Events Coordinator

**Author Disclosure of Interest:** Nil

Cr Barrett declared an IMPARTIALITY INTEREST in item 13.1.1 by virtue "The organisers are known to me."

Cr Tucak declared an IMPARTIALITY INTEREST in item 13.1.1 by virtue "The organisers are known to me."

**OFFICER RECOMMENDATION**

THAT Council:

1. NOTES the Cottesloe Film Festival meets the classification of a commercial event under the Town of Cottesloe's Event and Facility Classification Policy;
2. NOTES the detailed financial report, summarising all income and expenditure from the 2019 and 2020 Cottesloe Film Festival events, as per the August 2019 Council Resolution; and
3. INVITES the Cottesloe Film Festival to make a submission to Council for its consideration for a 2021 festival, including any requests for Town support and justification thereof.

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

**Moved Cr Barrett**

**Seconded Cr Young**

THAT Council:

1. **NOTES the detailed financial report, summarising all income and expenditure from the 2019 and 2020 Cottesloe Film Festival events, as per the August 2019 Council Resolution; and**
2. **INVITES the Cottesloe Film Festival to make a submission to Council for its consideration for a 2021 festival, including any requests for Town support and justification thereof.**

**Carried 9/0**

**RATIONALE**

- It is premature to make any decisions relating to a 2021 Festival until we have received an application.

- As indicated by the organisers, there are many issues impacting their potential application.

### 13.1.2 INDIANA TEA HOUSE INSURANCE

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

**File Ref:** SUB/2792

**Attachments:** 13.1.2(a) Correspondence - Perth Venues Pty. Ltd  
[CONFIDENTIAL] [UNDER SEPARATE COVER]  
13.1.2(b) Legal Advice - McLeods [CONFIDENTIAL]  
[UNDER SEPARATE COVER]

**Responsible Officer:** Neil Hartley, Acting Chief Executive Officer

**Author:** Shane Collie, Manager Corporate Services and Governance

**Author Disclosure of Interest:** Nil

### COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Cr Young

Seconded Cr Masarei

**THAT Council consent to a “Self Insurance” arrangement by Perth Venues Pty Ltd covering the insurance obligations as the lessee of the Indiana Tea House subject to the following conditions:**

1. A suitable Lease Variation Deed being drafted, at the lessee’s cost, which documents the circumstances of the arrangements to the Town’s satisfaction;
2. That arrangements be put in place to ensure that the Town of Cottesloe security over the building is protected by being clearly articulated in the agreement such as a direct bank guarantee, not via a third party, and that these arrangements be provided to the Town’s solicitors for formal advice (at Perth Venues Pty Ltd’s costs) prior to being accepted; and
3. The Lease Variation Deed and security arrangements and documentation be put in place no longer than 4 weeks following this Council resolution.

Carried 9/0

### COUNCILLOR RATIONALE:

The security arrangements and documentation are crucial to the protection of the Town’s financial position;

The amendment tightens up the wording re the timing of the Lease Variation Deed and the security arrangements and documentation. Council needs to demonstrate a firm position regarding timing in order to ensure that the timeframe is complied with by the Lessee.

**13.1.3 KERBSIDE WASTE COLLECTION SERVICES TENDER RECOMMENDATION**

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

**File Ref:** SUB/2792

**Attachments:** 13.1.3(a) Qualitative Criteria Waste Tender T03/2020  
[CONFIDENTIAL] [UNDER SEPARATE COVER]  
13.1.3(b) Pricing Waste Tender - T03/2020  
[CONFIDENTIAL] [UNDER SEPARATE COVER]  
13.1.3(c) Pricing Schedule - Kerbside Waste  
[CONFIDENTIAL] [UNDER SEPARATE COVER]

**Responsible Officer:** Neil Hartley, Acting Chief Executive Officer

**Author:** Freya Ayliffe, Manager Compliance and Regulatory Services

**Author Disclosure of Interest:** Nil

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Young**

**Seconded Cr MacFarlane**

**THAT Council:**

1. **APPROVES** awarding Tender T03/2020 to Solo Resource Recovery for the provision of kerbside waste services from residential properties, commercial properties and street litter bins for a five year period as per the attached pricing schedule.
2. **AUTHORISES** the Mayor and/or Chief Executive Officer to sign the contract and affix the Town's common seal (if required).
3. **AUTHORISES** the Chief Executive Officer to manage the kerbside waste contract, including the provision of possible variations (provided the variation is necessary in order for the goods and services to be supplied, does not change the general scope of the contract and is managed within the allotted budget allocation).

**Carried 9/0**

**13.1.4 BEACH ACCESS PATH S4 S15 N4 - TENDER RECOMMENDATION**

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

**File Ref:** SUB/2792

**Attachments:** 13.1.4(a) CONFIDENTIAL - Beach Access Path Tender  
Assessment Summary [CONFIDENTIAL] [UNDER  
SEPARATE COVER]

**Responsible Officer:** Neil Hartley, Acting Chief Executive Officer

**Author:** Shaun Kan, Manager, Engineering Services

**Author Disclosure of Interest:** Nil

**COUNCILLOR MOTION****Moved Cr MacFarlane****Seconded Cr Young**

THAT Council do not accept the Administration's recommendation to award the Tender for Beach Access Path S15 and that the Administration further pursue alternative options that can provide a complying design, appropriate and robust construction methodologies and materials that together deliver greater value than the recommended solution.

**COUNCILLOR AMENDMENT****Moved Cr Tucak****Seconded Cr Sadler**

That the following words be added at the end of the motion “, and seeking input to this from user groups on priority areas to improve”.

**Carried 9/0****COUNCILLOR AMENDMENT****Moved Cr Sadler****Seconded Cr Tucak**

Add a Point 2 as follows:

2. **APPROVES** that any unspent allocation in the 2020/2021 budget for the construction of the beach access paths be transferred to the infrastructure reserve fund at the end of the 2020-2021 financial year.

**Carried 5/4**

**For:** Crs Sadler, Harkins, Tucak, Barrett and MacFarlane  
**Against:** Mayor Angers, Crs Young, Harben and Masarei

**COUNCILLOR AMENDMENT****Moved Cr Harkins****Seconded Cr Barrett**

Add a Point3 as follows:

That alternative engineering and construction solutions be brought back to the September Briefing Forum.

Following discussion, the mover agreed to incorporate some minor wording changes, suggested by the seconder, to his motion.

**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

**THAT Council:**

1. **DEFERS** consideration of the awarding of the Tender for Beach Access Path S15 so that the Administration can further pursue alternative options that can provide a complying design, appropriate and robust construction methodologies and materials that together may deliver greater value than the recommended solution, and seeking input to this from user groups on priority areas to improve, with a report to come back to the August Briefing Forum.
2. **APPROVES** that any unspent allocation in the 2020/2021 budget for the construction of the beach access paths be transferred to the infrastructure reserve fund at the end of the 2020-2021 financial year.

**Carried by Absolute Majority 9/0**

**COUNCILLOR RATIONALE:**

The proposed design for S15 is complex and expensive to fabricate and erect. The two primary elements include a stairway which sits above the current concrete stairs from approximately the mid-point down to the beach, and further stairs and elevated walkways from the mid -point to the upper level finishing at the Marine Parade footpath.

The stairway from mid-point to the beach includes structural elements and expensive componentry, while the current design for the upper portion replicates the same design elements – altogether an expensive solution for the upper half, in lieu of simple concrete or paving pathways –which could match the footpath in design details.

Similar access challenges are confronted in many beach side hiking paths and municipal facilities up and down the Western Australian coast with simple, robust and low maintenance solutions used at low cost.

The Administration should reconsider the design because the proposed solution is prohibitively expensive.

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

**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 9:27pm.*

*The meeting was re-opened to the public at 9:27pm, however no members of the public or media were in attendance.*

**13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC****13.1.1 COTTESLOE FILM FESTIVAL 2020 - FEES AND CHARGES**

As no members of the public returned to the meeting the resolution for item 13.1.1 was not read out.

**13.1.2 INDIANA TEA HOUSE INSURANCE**

As no members of the public returned to the meeting the resolution for item 13.1.2 was not read out.

**13.1.3 KERBSIDE WASTE COLLECTION SERVICES TENDER RECOMMENDATION**

As no members of the public returned to the meeting the resolution for item 13.1.3 was not read out.

**13.1.4 BEACH ACCESS PATH S4 S15 N4 - TENDER RECOMMENDATION**

As no members of the public returned to the meeting the resolution for item 13.1.4 was not read out.

**14 MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 9:27pm.