

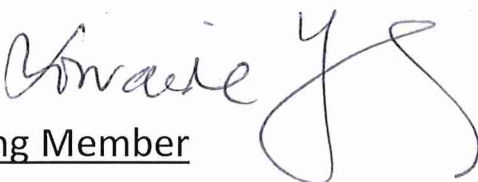


Town of Cottesloe

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

Tuesday, 23 March 2021

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

Signed: 

Presiding Member

Date: 27.4.21

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 March 2021

MATTHEW SCOTT
Chief Executive Officer

29 March 2021

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The CEO opened the meeting at 6:00pm.

I would like to begin by acknowledging the Whadjuk Nyoongar people, Traditional Custodians of the land on which we meet today, and pay my respects to their Elders past and present. I extend that respect to Aboriginal and Torres Strait Islander peoples here today.

2 DISCLAIMER

The CEO drew attention to the Town's Disclaimer.

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Chief Executive Officer called on Council to move a motion to elect one of their members as the Presiding Member for tonight's meeting.

3.1 ELECTION OF PRESIDING MEMBER

OCM038/2021

Moved Cr Barrett Seconded Cr MacFarlane

That Cr Masarei chair the meeting.

Carried 7/0

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

Stephen Mellor (on behalf of the Cottesloe Residents and Ratepayers Association) – Providing in Writing and Read out by Mr Mellor

Anderson Pavilion

Q1. Has CSRFF Grant funding application been successful?

A1. Yes.

Q2. The scale of the pavilion is reduced by about 50% from original concept. Has the scope of intended users of this facility been reduced? – is the Seaview Golf Club no longer a user?

A2. No, the grant funding is only sufficient to complete part of the works. Council would need to make the determination on the future accommodation for the Seaview Golf Course at the end of their lease.

Q3. Will stage 1 building therefore now have a larger 'footprint' – not an answer I was given previously – and that the pavilion will be built 'in one go' rather than expanding in stages over time?

A3. As per response to question 2.

The remaining parts of the building will be constructed as funding becomes available.

Q4. Will female change facilities now be included in Stage 1?

A4. Yes.

Q5. Locating the new pavilion further East appears to require the removal of a very majestic tree. Is this so?

A5. Every effort will be made at detail design to preserve all trees within close proximity to the building footprint.

Q6. Will consideration be given to parking on South side of Jarrad Street with access for deliveries/ACROD viewing places and mowing contractors?

A6. Yes.

Moving Oval East

Q1. Will this require tree removal and 'eating' into the embankment on the Broome Street side as I surmise?

A1. The embankment will be reduced and further investigations would be required to determine whether there would be any impact on trees.

Q2. If so where will the spectator seating go as a result?

A2. Alternatives will be provided should this be removed.

Q3. Will the playground be removed/relocated?

A3. Yes, if required.

Car parking

Q1. Can the Town really afford to remove the planned 204 Car parking spaces (No 5 on original plan) in light of the intended reduction of capacity in Car Park 1?

A1. It would be unlikely that visitors coming to the beach will park at this location.

Q2. Thus far, it looks as though the Seaview Golf Club has not been otherwise affected by the concept plans and therefore can the reinstatement of the (No 5) parking be reconsidered?

A2. Reinstatement of carpark at location 5 will conflict with golfers teeing across Jarrad Street when playing course at location 7.

Skate Park

Q1. Has the Skate Park consultant been appointed and made aware of the Recreational Precinct as a possible location for consideration?

A1. Yes

10.2.1 RECEIPT OF FORESHORE PRECINCT ADVISORY COMMITTEE MINUTES - 11 FEBRUARY 2021

Sometime after the FPAC 19 November Committee meeting, FPAC and Council have provided out of session feedback on the preliminary design and the following changes have been made in developing the *attached* 85% detail design drawings:

- *Provision of a toilet block adjacent (south) to the play area – This is only indicative to preserve a footprint for such a facility and detail design will be developed at a later stage after the foreshore redevelopment is complete. The required services are within the vicinity of this location.*

In reading the minutes of the 15 December 2020 OCM I can see no discussion on or justification to include a new Toilet Block. Clause 3d of the December Substantive Resolution appears to approve the inclusion of the Toilet Block without such scrutiny.

Q1. Does the Council support without analysis, Officer Report, Council discussion or public advice or consultation the inclusion of a Toilet Block in this location?

For information toilets approximate 'Google' distances from the proposed location are:

- NCSLC – 500m
- Civic Centre Napier St toilets – 400m
- Indiana – 200m
- Future Car Park 2 Development – 200m
- We object to any building on the Foreshore Precinct and in the Cottesloe Beach Precinct
- Registered Heritage site.
- The Chair of the February 2021 FPAC meeting stated the Toilet Block will be subject to Public consultation.

Q2. Will this be the case?

A1. This is a decision of Council.

Q3. Where can the public review the full 85% Foreshore design beyond the thumbnail plan?

A2. The link can be found on page 7 of the FPAC Minutes 19 November 2020. Due to the size of the plans, it would not be possible to upload the information onto the Town's website.

Q4. Will the complete 100% design be available for public review and consultation?

A3. Yes but there will be no formal consultation process. The public is invited to provide written submission should they feel the need to do so.

Q5. Has the Skate Park consultant been appointed and been made aware of the 'on hold' play area in the Foreshore Precinct Masterplan?

A4. Yes.

Lindsay Mollison – 174 Little Marine Parade, Cottesloe – Boundary realignment 176-178 Little Marine Parade

Q1: Is The Council Aware of an associated Development/Planning application for these sites, namely [https://www.cottesloe.wa.gov.au/Profiles/cottesloe/Assets/ClientData/Advertised_Plans - Proposed Two Storey Dwelling - 176-178 Little Marine Parade Cottesloe DA4070.pdf](https://www.cottesloe.wa.gov.au/Profiles/cottesloe/Assets/ClientData/Advertised_Plans_-_Proposed_Two_Storey_Dwelling_-_176-178_Little_Marine_Parade_Cottesloe_DA4070.pdf)?

A1. Council has not formally been made aware of the development application as it is still being assessed by the Town's administration.

Q2: Is the Council Aware that the proposal exceeds numerous codes in the State Planning Policy 7.3: Residential Design Codes Volume 1 and how these will affect my amenity in particular in relation to its overshadowing and bulk, and the consequent loss of my amenity through its visual bulk and loss of sky and sun views?

A2. Council will not be aware of the specific planning consideration at this time as the application is still at the assessment stage and discussions are on-going with the applicant in respect to concerns raised.

Q3: Is the Council aware that I will have SEVERE limitation of sun light due to shading of my backyard – close to 75 % of that space (see the PROPOSAL documents). The ability to see ANY sky and sunlight from the back yard and east and north east windows will be severely restricted at ALL times particularly to the north and north east. My ability to see sky and views from the front and north west windows of my home to the north and north west will be severely restricted at ALL times by the PROPOSAL. My thriving rear garden with various fruit trees and vegetables will be decimated. The amenity of my home, study, dining room, balcony and rear garden will be severely adversely affected.

A3. Please see A2 above.

Questions Taken on Notice at Agenda Forum Meeting – 16 March 2021

Idris Matthews – 16 Grant Street, Cottesloe – Item 10.1.6

In mid-2020, when the issues with the scoring and ranking of alternative options for the skatepark became public, I asked:

Q3. Is it correct that previous versions of the Enlocus report contained different scores for Grant-Marine Park (GMP) when

assessed against the factors considered by Enlocus when evaluating potential sites?

I was given the answer:

A3. Yes. Draft versions of the report have been progressively fine-tuned, including scoring assessments, until it concluded with a final report.

The Council has since disclosed the draft versions of the report under FOI legislation, and my question stems from those drafts:

Q2: Given that several early versions of Enlocus' report stated that:

"The site evaluation process of the six sites in Cottesloe yielded a clear result, that the proposed area adjacent to the Cottesloe Train Station should be selected and developed for a future Skate and Youth Facility. The Seaview Golf Course Carpark also scored quite highly, however a few critical factors scored lowly."

whereas the version later distributed to the public by the Town when it conducted its survey stated that:

"The site evaluation process of the six sites in Cottesloe yielded a clear result, that the proposed area in Grant Marine Park should be selected and developed for a future Skate and Youth Facility. The Seaview Golf Course Carpark also scored quite highly, however a few critical factors scored lowly."

does the Council agree that these two contrasting "clear results" are obviously the result of a "cut and paste" job to replace one location with another and does the Council stand by its response that that cut and paste can be characterized as fine-tuning?

A2: It is not uncommon for a consultant to write various versions in preparing a report. If for some reason, Enlocus through that process has come to a different conclusion, it is not necessarily unwarranted.

Q3: Why were particular residents given information by the Town to the effect that the Council had been informed in a private briefing in September 2019 that there was "no suitable location within Cottesloe" for a skatepark, when that information was never made public?

A3: This was in response to inaccurate statements made about the matter so as to avoid any further speculations within the community.

Q4: Does the Council acknowledge that those same resident(s) then met with the Town's Chief Engineer, Shaun Kan, on 10 October 2019 and told Mr Kan, in effect, that:

- The resident(s) advocated that a smaller skatepark could be built at GrantMarine Park *"under the radar"*?
- The train station site would lead to *"too much ... people coming" to the skatepark?*
- The resident(s) preferred a skatepark along the foreshore?
- *The 2017 petition contained only 482 written signatures, and the remainder was an unverifiable online petition;*
- *There were numerous duplicate signatures;*
- *Less than 200 of the expressions of support in the total 2017 petition were from Cottesloe residents; and*
- *The published Enlocus report contained the false claim that the 2017 petition had over 1,000 signatures with 440 from Cottesloe residents,*

A4: Council cannot acknowledge something when they were not part of that meeting. The Administration can confirm that the meeting occurred on 10 October 2019, however the above points are not an accurate representation of the notes taken.

I refer to the Council's response dated 16 November 2020 when I asked about those findings:

"Q3 - What steps did the Town or Council take to independently verify the claims made about the 2017 petition by its supporters and Enlocus? If none, does the Council accept that it should have independently verified those claims?"

A3 - Generally petitions received by Council are not independently verified. Likewise the Town has acknowledged (on numerous occasions) there have been identified errors with the Enlocus report."

Q5: Given that the Council has acknowledged that the reference to more than 1000 signatures was an error in the Enlocus report, why has the Council now repeated it in a public document? Will the Council correct the record by re-issuing the "Consultation and Survey Report" to reflect the true facts?

A5: No. The error being referenced was the mathematical calculations in the report rather than the signatures on the petition.

Q6: Having regard to the unfortunate history of the project, will the Council commit to taking particular care to ensure that no further factual errors or mis-statements, or misleading statements, are made in any public document connected with the skatepark?

A6: This would be the role of the Administration.

Peter Rattigan – 9 Grant Street, Cottesloe on behalf of Friends of Grant Marine Park – item 10.1.6

- Q1. Will Convic be in the running to design and build any sort of skatepark, if one is built in Cottesloe, and if that is the case, does Council perceive an any conflict of interest in getting them to do an assessment at this stage of the skatepark going forward?
- A1. There is no perceived conflict given there is no relationship between the current assessment being undertaken and any future works for the facility.
- Q2. Does Council remember that Cottesloe was held to public ridicule throughout the State and probably the Country fairly recently because of the inept documentation that it presented in relation to the skatepark, the failure to consult with residents and misinformation it put out?
- A2. Council is unable to provide a response to a question that is the subject of personal opinion.
- Q3. Is Council intent on doing the same again? I refer Councillors to the top of page 26 of the agenda that talks about results received from the public consultation in 2020 and comes to the conclusion that “Based on these statistics, it would not be unreasonable to conclude that there is overwhelming support for some form of skate facility within the Cottesloe District.” Is Council aware that this so called public consultation was an anonymous online survey?
- A3. Individual elected members will consider information provided and any public feedback when determining future community involvement.
- Q4. Is Council aware that it is possible to put numerous answers in from the one computer, one after another?
- A4. This would not be possible without the digital authorisation by the Administration.
- Q5. Is Council aware that the forensic examination of the answers that were received indicates that there was a small group of individuals who were sitting on a computer putting in numerous responses?
- A5. As per the response to question 4.
- Q6. Is Council aware that there is no possible way that Council could get any reasonable accurate information from this survey?
- A6. As per the response to question 4.
- Q7. Can Council tell me how many people who actually lived in Cottesloe are supportive of a skate park facility?
- A7. 1452.
- Q8. Has Council ever taken the trouble to canvas its ratepayers and residents to find out whether ratepayers’ money would be well spent on

a skatepark and whether there was a need for it?

- A8. This was done in the 2020 survey.
- Q9. Would Council consider doing a survey amongst residents and ratepayers only, open and transparent, to ascertain whether there is a need for a skatepark?
- A9. This is a matter for Council to determine.
- Q10. Why not have public consultation before any further action is taken rather than this recommendation from the officers that you have a shortlist so you're predicting what the answer will be?
- A10. There are limited locations where the skate park can be situated. Council is at liberty to amend the officer's recommendation accordingly.
- Q11. Do you think that approach will lead to the same kafuffle as last time that embarrassed the Council and all the residents.
- A11. All attempts are being made to provide Council with accurate information to allow them to make informed decisions.

4.2 PUBLIC QUESTIONS

Chilla Bulbeck – Unit 8, 19 Broome Street, Cottesloe – Item 10.1.6

- Q1. Does Council envisage a district level skatepark of 600-800 square metres, or is this merely the starting point for something which may become larger over time?
- A1. Convic was specifically requested to provide advice on what size skate park would be suitable for Cottesloe so it would not need to be expanded in the future.
- Q2. If Grant Marine Park is retained in the shortlist of possible sites, how will community support for this site be 'measured up against the other 2 possible sites', as the agenda item now states is the rationale for retaining GMP?
- How will Council secure a reliable result from all potential or actual skateboarders concerning their preferred site?
 - Will the numbers of residents rejecting each site be subtracted from the number supporting each site to produce a 'net approval rating', akin to that which Newspoll deploys to measure the popularity of our prime minister?
 - Will respondents be required to offer their reasons for preferring, or opposing, each site to demonstrate knowledge of the location rather than mere desire for a skatepark in Cottesloe?
- A2. Council will consider this in its deliberations on the item.
- Q3. Given the concerns over lack of consultation with all stakeholders, how will Council apply a transparent selection process to the 'expression of

interest, administrative process' identified in the agenda to ensure adequate and balanced representation from the following constituencies:

- Skateboarders, particularly those living in Cottesloe, who will use the skatepark to identify the facilities they desire and the location they prefer.
- present users of the facilities at each location, nearby residents and others affected by that location of the skatepark to identify the loss of amenity attached to each location.

A3. A suitable consultant will be engaged to manage this consultation process.

Stephen Mellor (on behalf of the Cottesloe Residents and Ratepayers Association) – 8 Graham Court – Items 4, 10.2.1, 10.1.2

Item 4 Responses to Public Questions - Recreation Precinct Masterplan

Further to the written response we received on this item can you please clarify the following:

Anderson Pavilion

Q1. As the CSRFF approved Grant funding is only \$400,000 and not \$1 million how will this reduced figure affect the progress, scale and schedule of the pavilion redevelopment?

A1. The project will be delivered in stages over multiple financial years as future funding becomes available.

Moving Oval East

Q2. Have investigations been carried out yet regarding the possible 'eating' into the embankment on Broome Street for the move East of the football oval and if so is this concept still feasible?

A2. This is currently being undertaken.

Car Parking

Q3. It would be unlikely that visitors coming to the beach will park at this location.

With regard to this answer given regarding the 204 Car parking spaces (No 5 on original plan) I can confirm that visitors to Sculpture by the Sea these last two weekends did indeed park in Jarrad Street and Seaview Kindy and all surrounding verges. With the Seaview Golf Club lease coming up for renewal in June 2026 there is an ideal opportunity to reconfigure the course slightly to make this parking site possible and indeed a Skatepark location option somewhere on the site.

Will the Council please reconsider and question the Officer response a bit further? This is a repeat but considered question – parking is a topical issue and at a premium and must be planned for.

- A3. If this is a question regarding possible Skatepark location, refer to comments in item 10.1.6. Sculpture by the Sea parking would be accommodated by the future Carpark 2 development. Other options include parking at the train station and utilising the CottCat bus service.

Item 10.2.1 RECEIPT OF FORESHORE PRECINCT ADVISORY COMMITTEE MINUTES - 11 FEBRUARY 2021

- Q4. Can you confirm that the 6.8 metre high toilet block in the proposed location in a listed heritage site has been approved in principle by the State Planning Heritage Department?
- A4. HCWA has only seen the 85% plans.
- Q5. Should not the Council approve the Toilet block concept before approving the 100% plans which include the Toilet block?
- A5. That is an option available for Council to consider.
- Q6a Has the Heritage Impact Statement for the Foreshore Masterplan produced by Griffiths Associates been made publicly available?
- A6a Not at this stage.
- Q6b If not, can it be put on the Council website?
- A6b That is an option for Council to consider.
- Q6c Did it include the toilet block in its deliberations?
- A6c Refer to Question 4

Item 10.1.2 ADOPTION OF THE 2019/2020 ANNUAL REPORT

We welcome the change of the Electors' meeting date that we suggested.

We are pleased to see the Auditor recommendation for the Recording of proceedings at Budget workshops. The Auditor recommended that Budget Workshops (though not formal meetings of Council) should have minutes taken and appropriate records kept. The Officer recommendation is that this will be implemented.

- Q7a Will these minutes be available for public review within the usual publication timeframes?
- A7a The process to implement the Auditors recommendation has yet to be determined.
- Q7b Will the public be able to attend the Budget Workshops as observers?
- A7b Refer to Question 7a.

Sue Medalia – 1/1 Hawkstone Street, Cottesloe – item 10.1.6

- Q1. How many independent reports does the Town of Cottesloe need to accept the findings that Grant Marine Park is not suitable for a district level skate park?

A1. This item will be deliberated by Council tonight.

Yvonne Hart – 26 Mann Street, Cottesloe – item 10.2.1

On page 6 of the Foreshore Precinct Advisory Committee Minutes under 'Policy Implications' the Officer's report states, *'There are no perceived policy implications ...'* However, our Beach Policy was adopted in 2004 and reviewed in 2017. On page 5 it clearly states: *The policy of the Town of Cottesloe shall be to limit the construction of any enclosed and roofed structures west of Marine Parade to replacement only*

Q1. Does the Council intend to uphold the Beach Policy? Is the answer yes or no?

A1. This is a Council decision, the Administration cannot answer yes or no.

Q2. If Council does not intend to uphold our Beach Policy, what PROCESS has it followed to inform ratepayers that the Beach Policy has been withdrawn? What date did this action take place?

A2. This depends on the Council decision in relation to question 1.

Q3. As a sensible and viable option will Council now evaluate the architectural drawings that upgrade and refurbish Indiana public toilets?

A3. The Town is always looking at options. The refurbishment of the changerooms under Indiana was put on hold by Council subject to the design competition by the leasee but that is something that Council may reconsider at budget deliberations for next year.

Q4. What Government Agencies have been or are being approached for funding and what different funding components are being sought and for how much?

A4. The Administration is currently in the process of developing a funding programme in regards to the foreshore. All governments both State and Federal are open to be approached to assist us however the Town cannot provide at this stage any sort of proportion that is being looked at.

Q5. Will submissions for Government funding be written 'in house' or be outsourced? If prepared 'in house', which staff person will be responsible for writing submissions? What are the staffing implications?

A5. Generally mulimillion dollar grant applications are undertaken by consultants because they require quite considerable business cases and those resources we don't have inhouse so most likely at this stage the application would be undertaken by a consultant.

Carlo Del Corso – 14 Grant Street, Cottesloe – item 10.1.6

The message from the Mayor in July 2020 advised of a significant error in the consultant's Skate Park Feasibility Study in relation to suitable locations for a proposed skate park. 75% of the questions in the survey related to identifying aspirations for a skate park in Cottesloe in general and not to questions about Grant Marine Park. Also, 25% of the questions in the survey are not indicative for a skate park in Cottesloe as Grant Marine Park was the only site mentioned.

Q1 Where is the rationale for Council to maintain this site in a short list of 3 potential locations or even in an extended list?

A1. This came out of a Council workshop as discussed in the agenda paper. The workshop was not a formal meeting of Council and is on the agenda tonight for Council to formally debate and decide. It is within Council's discretion to remove one site to the shortlist or add sites to the shortlist.

Q2 In the proposed Project Framework can you explain who is conducting the "reassessment of possible sites" under stage 3, what kind of documentation will be produced and if it will be made public to the community before stage 4 will start?

A2. The reassessment of sites is purely for those sites that are shortlisted if Council provides a resolution tonight. The workshops are there to try and help to assess each site against each other and in most cases the assessment is what is known as a multicriteria assessment that will be developed by the consultant.

Q3 Do you agree that a necessary condition (or at least a priority condition) to evaluate the suitability of a site for a leisure facility is that it should not have any adverse impact on residential properties? And, as this principle does not seem to have been taken much into account so far, do you agree that it should be given due importance and priority in the future stages 3 and 4 of the project framework?

A3. It is up to Council to decide what its priorities are. I believe Council will always consider the amenity of surrounding residents to any form of development but any assessment is usually undertaken via a multicriteria assessment and I am sure amenity will be part of any sort of matrix.

Peter Rattigan – 9 Grant Street, Cottesloe on behalf of Friends of Grant Marine Park – item 10.1.6

The officer's report refers to 6 possible sites for a skatepark including Location Six: Cottesloe Train Station Railway Reserve. Convic, the independent consultants engaged by the Town of Cottesloe, has recommended this site be pursued even though the area is owned by the State Government and has a six month lease termination clause.

- Q1. Bearing in mind Convic's recommendation, would it not be prudent to follow their advice?
- Q2. Have any representatives of Council had discussions with any representatives of the PTA as to locating a skatepark on the Railway reserve and if so when, who was involved in the discussions and what was the substance of the discussions?
- Q3. Has Council enquired as to the land tenure arrangements between Dawsons Garden Centre and/or any other businesses located on the railway reserve and if so what is the result of such enquiries?
- Q4. Has there been an analysis of the risk of the PTA invoking a break clause in any lease and if so who was the analysis done by and what was its conclusion?
- Q5. Convic's opinion that having a district level facility within the Town of Cottesloe is the correct classification for the skatepark but Grant Marine Park does not provide enough space for the development of a larger scale district level skate facility and the additional amenities required to make a successful space. Why is Grant Marine Park still being considered as a possible skate park site and why does the recommendation of motion to Council mention only 3 sites and not all the sites considered by Convic in its original report to Council?
- Q6. Has Council had discussions with the surrounding councils of Nedlands, Claremont, Mosman Park and Peppermint Grove with a view to collaborating in the construction of a joint skatepark facility that can be utilised by the residents of those areas.

The above questions were taken on notice.

Patricia Carmichael – 14-116 Marine Parade, Cottesloe – Item 10.1.6 and Foreshore Precinct Advisory Committee Meeting -17 March 2021

A petition against the changes to Car Park 1 was presented to Council at the 23 February 2021 Ordinary Council meeting – 72 electors, 74 identified on review after the meeting from the 586 signatures identified as Cottesloe residents.

- Q1. Why has someone decided to identify who is a Cottesloe resident and who isn't.
- A1. The Town's Standing Orders make it very clear in regards to petitions to the Council. Petitions can only be received from the electors of the district and it is not uncommon practice to look at a petition to ensure the signatories are electors of the district.
- Q2. Will this same practice (of identifying Cottesloe residents and non-Cottesloe residents) be applied in the future, particularly in relation to the skate park?

- A2. The Administration will apply this practice for all petitions received because we do not have the discretion to go against Council's Standing Orders.
- Q3. What was the cost in time and dollars to identify the signatures?
- A3. The CEO advised that it took him approximately 20 minutes to work out what was deemed as complete entries in regards to the petition. In regards to the officer beforehand I do not have that time or cost.

Susan Surina – 1/58 Marine Parade, Cottesloe – item 13.1.1

Consultation for residents was previously called for this item, however residents have not been informed as to what has happened since then and clearly there has been further action as this item has now been tabled again.

- Q1. Can Council advise what is the outcome they are looking for for this item and what is the likely outcome?

The item states tender recommendations. It is fair to assume there are budget implications for this item.

- Q2. How does this affect the budget and what is the anticipated new budget requirements?
- Q3. Why is this matter now a closed item, given that it has been previously discussed and is now being changed or amended with potential budget implications.
- Q4. Are the new/amended plans in accordance with the original statement of works?

The answer to all of the above questions is that the item is confidential because it deals with the potentiality of Council accepting a tender. Tenders are always dealt with as a confidential item and once that decision is made the resolution will be made public.

- Q5. Have the plans been amended?
- A5. I cannot discuss the item as it is a confidential matter before Council.
- Q6. The tender may be confidential but my question is, have the plans been amended?
- A6. The plans that were adopted by Council were part of the tender.
- Q7. So you are saying that it is only the tender process, which is the quote that is being assessed, so there is no changes to the plans that were presented to the public?
- A7. I cannot talk about something that is to be dealt with behind closed doors.
- Q8. Not about the financial aspects of the tenders themselves, I am asking if the plans have been amended to those that we sought?
- A8. The plans form part of the tender, therefore, it is part of the confidential item which cannot be discussed until after Council deals with it.

Q9. I think my question is quite simple, have the plans that were presented to the public for the playground at Dutch Inn been altered?

A9. The plans that were presented to the public were included in the scope of the tender document.

The Presiding Member advised that no further questions would be taken on this item.

5 PUBLIC STATEMENT TIME

Peter Rattigan – 9 Grant Street, Cottesloe on behalf of Friends of Grant Marine Park – Item 10.1.6

Mr Rattigan spoke about the popularity of Grant Marine Park and his objections to using the park as a location for a skate park.

Patricia Carmichael – 14-116 Marine Parade, Cottesloe – Item 10.1.6

Ms Carmichael spoke in support of keeping Grant Marine Park as it is in its natural surrounds and her opposition to it being a site for a skate park.

Patrick Prendiville – 1 Geraldine Street, Cottesloe – Item 10.1.7

Mr Prendiville outlined the history of the PAW, his objections to not being able to access his garage and offered to carry out a relocation of the existing wooden bollard and the stencilling of the existing concrete path to the Administration's satisfaction.

Jack Walsh – 35 Grant Street, Cottesloe - Item 10.1.6

Mr Walsh spoke about the Convic report, the previous consultant's incorrect calculations of site evaluation criteria recommending Grant Marine Park as the most suitable location for a skate park and suggested considering other sites instead as Grant Marine Park works very well for all ages as it is.

Chilla Bulbeck – Unit 8, 19 Broome Street, Cottesloe – Item 10.1.6

Ms Bulbeck reiterated the reasons Convic recommends against including Grant Marine Park as a site location for a skate park – it is too small for the recommended facility, it is precious, rare, highly valued open space and there is a lack of community support for this location.

Frauca Chambers – 19 Brighton Street, Cottesloe – Item 10.1.6

Ms Chambers spoke about her objections to Grant Marine Park as a site for the proposed skate park and stated that the preservation of this flexible open space within a small urban municipality should be considered a high priority to provide ongoing enjoyment for generations to come.

Marion Ewing – 11 Rosser Street, Cottesloe – Item 10.1.6

Ms Ewing spoke about her objections to destroying a community valued green space (Grant Marine Park) to use for a proposed skate park and suggested one of the other proposed sites would be more suitable.

Alison Kopki – 1/1 Albion Street, Cottesloe - Proposed Toilet Block

Ms Kopki spoke about the proposed toilet block on the foreshore and asked Council to consider fixing the toilets at Indianas instead.

Idris Matthews – 16 Grant St, Cottesloe – Item 10.1.6

Mr Matthews spoke about a petition presented to Council in 2017 with Grant Marine Park as the preferred site without any consultation with residents near GMP and outlined his objections to Grant Marine Park as the skate park location.

Sheryl Grimwood – 2 Margaret St, Cottesloe – Item 10.1.6

Ms Grimwood spoke about the lack of consultation with residents surrounding Grant Marine Park, the issues with the Enlocus report and her objections to GMP as a site for the proposed skate park.

John Hanrahan – 14 Irvine Street, Peppermint Grove – Car Park 1

Mr Hanrahan spoke about his objection to any proposal to close Car Park 1, lack of consultation and stated that a second petition would be presented to Council tonight objecting to the closure of Car Park 1.

6 ATTENDANCE

Elected Members

Cr Caroline Harben
Cr Helen Sadler
Cr Craig Masarei
Cr Melissa Harkins
Cr Michael Tucak
Cr Kirsty Barrett
Cr Paul MacFarlane

Officers

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

6.1 APOLOGIES

Mayor Philip Angers
Cr Lorraine Young

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Item 6.3 Applications for Leave of Absence was considered after Item 10.1.7 Geraldine Street Pedestrian Access Way.

7 DECLARATION OF INTERESTS

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "Residents are known to me."

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

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.2.1 by virtue "Residents are known to me."

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "Residents are known to me."

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "The owners of the property are known to me."

8 CONFIRMATION OF MINUTES

OCM039/2021

Moved Cr Tucak

Seconded Cr MacFarlane

That the Minutes of the Ordinary Meeting of Council held on Tuesday 23 February 2021 be confirmed as a true and accurate record with the inclusion of the number of signatories to the petition in item 9.1.1 being 586 and the total electors being 74.

Carried 7/0

9 PRESENTATIONS**9.1 PETITIONS**

Procedure of Petitions – Local Government (Meetings Procedure) Local Law 2021, Clause 6.11

- (3) *The only question which shall be considered by the council on the presentation of any petition shall be:*
- a) *that the petition shall be accepted;*
 - b) *that the petition shall not be accepted;*
 - c) *that the petition be accepted and referred to the CEO for consideration and report; or*
 - d) *that the petition be accepted and dealt with by the full council.*

9.1.1 PETITION OPPOSING THE PROPOSAL TO CLOSE CAR PARK NO. 1

Cr Tucak presented a petition of 160 Cottesloe residents, 2,327 signatories in total. On review the Administration found 131 Cottesloe Residents, 2,355 signatories in total.

OCM040/2021

COUNCILLOR MOTION

Moved Cr Masarei Seconded Cr Sadler

That the petition be accepted and referred to the CEO for consideration and report.

Carried 7/0

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

10 REPORTS**10.1 REPORTS OF OFFICERS****12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:****12.1 ELECTED MEMBERS****12.2 OFFICERS****COUNCIL RESOLUTION**

Moved Cr Harben Seconded Cr Barrett

That Council receive item 12.2.1 Appointment of Permanent Member to the Western Metropolitan Regional Council (WMRC) as an urgent matter.

Carried 7/0

OCM041/2021

Moved Cr Harben Seconded Cr Barrett

COUNCIL RESOLUTION

That Council adopts en-bloc the following Officer Recommendations contained in the Agenda for the Ordinary Council Meeting 23 March 2021:

Item #	Report Title
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10.1.1	Compliance Audit Return 2020
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10.1.2	Adoption of the 2019/2020 Annual Report
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10.1.3	Monthly Financial Statements for the period 1 July 2020 to 28 February 2021
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10.1.8	Cities Power Partnership
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12.2.1	Appointment of Permanent Member to the Western Metropolitan Regional Council (WMRC).
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Carried 7/0

CORPORATE AND COMMUNITY SERVICES**10.1.1 COMPLIANCE AUDIT RETURN 2020**

File Ref: SUB/2798
Attachments: 10.1.1(a) Completed Compliance Audit Return 2020
[under separate cover]
Responsible Officer: Matthew Scott, Chief Executive Officer
Author: Shane Collie, Director Corporate and Community Services
Author Disclosure of Interest: Nil

SUMMARY

A recommendation is made to adopt the Compliance Audit Return for 2020 and authorise the Mayor and Chief Executive Officer to certify the Return so that it may be returned to the Department of Local Government by the due date of 31 March 2021.

BACKGROUND

Each year the Department of Local Government issues a Compliance Audit Return that covers a sample of legislative provisions required under the provisions of the *Local Government Act 1995*, which is required to be completed by staff and endorsed by Council prior to submission. The Compliance Audit Return was sought from the Department of Local Government some months ago however it was not received until after the most recent Audit Committee meeting. This did not permit that Committee to scrutinise the Return before being submitted to Council.

The Compliance Audit Return (CAR) covers 10 different categories and each category can have anywhere from 3 to 24 questions.

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 2020 – 2024*.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

7.13 Regulations as to Audits

- (1) (i) *requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are*

–

- (i) of a financial nature or not; or
 - (ii) under this Act or another written law.
- (2) Regulations may also make any provision about audit committees that may be made under section 5.25 in relation to committees.

Local Government (Audit) Regulations 1996 - Regulations 14 and 15

14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under sub regulation (3A), the compliance audit return is to be –
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

[Regulation 14 inserted in Gazette 23 Apr 1999 p. 1724-5; amended in Gazette 30 Dec 2011 p. 5580-1.]

15. Compliance audit return, certified copy of etc. to be given to Executive Director

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with –
 - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit,is to be submitted to the Executive Director by 31 March next following the period to which the return relates.
- (2) In this regulation –

Certified in relation to a compliance audit return means signed by –

 - (a) the mayor or president; and
 - (b) the CEO.

Local Government (Audit) Regulations 1996

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

Nil.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Senior staff.

OFFICER COMMENT

The Compliance Audit Return for 2020 has been completed and it is recommended to Council for adoption and further, authorisation is sought from the Mayor and Chief Executive Officer to certify the Return so that it can be forwarded to the Department of Local Government and Communities.

Notwithstanding the extensive nature of the audit, there was only one area of non compliance located by officers. This was at Question 5 in the Finance area where the Audit Report was not received from the Auditor by 31 December in any given year. It is understood that the majority of local governments have been in this position this year due to a number of factors such as COVID 19, new Financial Management Regulations and the new involvement in the Audit Process by the Office of the Auditor General. These matters are outside of the Town's control.

The Town's Audit Committee met just prior to the present Council meeting to review the Compliance Return and make a recommendation to Council on its adoption. This ensures compliance with Local Government (Audit) Regulations 1996 Section 14 (3A). Meeting minutes are not yet available from that meeting. The recommendation to this report is the same as that considered by the Audit Committee.

VOTING REQUIREMENT

Simple Majority

OCM042/2021**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Harben

Seconded Cr Barrett

That Council ADOPTS the 2020 Compliance Audit Return, noting the one area of non compliance – timing of the receipt of the Auditors Report, and authorise the Mayor and Chief Executive Officer to certify the Return so that it may be returned to the Department of Local Government and Communities by the due date of 31 March 2021

Carried by En Bloc Resolution 7/0

10.1.2 ADOPTION OF THE 2019/2020 ANNUAL REPORT

File Ref: SUB/2798
Attachments: 10.1.2(a) 2019/2020 Annual Report [under separate cover]
Responsible Officer: Matthew Scott, Chief Executive Officer
Author: Shane Collie, Director Corporate and Community Services
Author Disclosure of Interest: Nil

SUMMARY

The Town's 2019/20 Annual Financial Statements have been audited by auditors Ernst & Young and were subsequently adopted by the Audit Committee and Council during the February round of meetings.

The Annual Report containing the Annual Financial Statements was not ready for adoption in February however now has been completed. The Annual Report for the Town of Cottesloe for 2019/20 is now submitted for adoption by Council.

BACKGROUND

The Town's 2019/20 Annual Financial Statements have now been audited and the Auditor's Report to the CEO and Audit Committee has been received from the OAG as of 4 February 2021.

The Annual Report has been circulated and contains an analysis of the year ended 30 June 2020. It also includes the required statutory declarations/reports. The Annual Report is available to all electors and has been placed on the Town'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.

Consideration of the 2019/20 Financial Report and the Audit Report are in keeping with this strategic objective.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT***Local Government Act 1995******5.27 and 5.29. Electors' general meetings (and convening thereof)***

Outlines that a general meeting of the electors is to be held once every financial year, and not more than 56 days after the local government accepts the annual report.

14 days' local public notice is to be given for the meeting (of the date, time, place and its purpose). The 14 days commences from the day the notice appears on the Town's notice board.

5.53. Annual reports

The local government is to prepare an annual report for each financial year that contains:

- *a report from the mayor;*
- *a report from the CEO;*
- *an overview of the plan for the future of the district, including major initiatives that are proposed to commence or to continue in the next financial year;*
- *the financial report;*
- *payments made to prescribed employees;*
- *the auditor's report;*
- *Disability Services Act 1993 reports;*
- *register of complaints details (vis. number and how the complaints were dealt with);*
- *other details required by regulations or be prescribed.*

5.54. Acceptance of annual reports

Subject to the Audit Report being available, the Annual Report is to be accepted (by absolute majority) by 31 December if it is received in time to reasonably do so (or no later than 2 months after the auditor's report becomes available).

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

6.4. Financial report

A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed. It is to be prepared and presented to the auditor by 30 September (in the manner and form prescribed; contain the prescribed information; and submitted).

7.12AB and AD and 19CA of the Local Government (Administration) Regulations (Conducting and Reporting a financial audit)

The auditor must audit the accounts and annual financial report of a local government at least once in respect of each financial year, and prepare and sign the report and give the report to the mayor; the CEO; and the Minister.

Regulations 16 of the Local Government (Audit) Regulations, 1996 outline the functions of audit committee, which is to (in relation to the annual report at least) -

- (a) *to guide and assist the local government in carrying out its functions under Part 6 (vis. Financial management) of the Act; and its functions relating to other audits and other matters related to financial management;*

- (b) *to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 (vis. Audit) of the Act;*
- (e) *to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;*
- (f) *to oversee the implementation of any action that the local government –*
- (i) *is required to take by section 7.12A(3) (vis. examine an audit report received by the Town; determine if any matters raised by the audit report, require action to be taken; and ensure that appropriate action is taken in respect of those matters); and*
 - (ii) *has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a) (vis. prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters).*

19CA of the Local Government (Administration) Regulations (Information about modifications to certain plans to be included) –

Requires that if modifications are made during a financial year to a local government's strategic community plan or corporate business plan, the annual report is to contain information about those modifications.

FINANCIAL IMPLICATIONS

Financial resource requirements are in accordance with the existing budgetary allocation. The cost to produce, print and distribute the Annual Report is minimal and contained within existing operating budget allocations.

STAFFING IMPLICATIONS

Nil.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Office of the Auditor General

Ernst & Young

OFFICER COMMENT

There were no matters of "Significance" raised in the Audit. There were three matters raised as "Moderate" and one matter raised as "Minor". The "Moderate" matters raised included the following:

- Revenue Recognition, being a matter relating to the timing and method of receiving lease revenue. Appropriate adjustments will be performed.

- Contract Management where a contract extension was undertaken by letter as opposed to a formal Instrument of Agreement. This will be corrected in the future and a new Contracts management system is in the process of being introduced which will also assist in this regard.
- Recording of proceedings at Budget workshops. The Auditor recommend that Budget Workshops (though not formal meetings of Council) should have minutes taken and appropriate records kept. Again this will be implemented.

The “Minor” matter raised related to the classification of bond monies.

The Annual Report has been prepared by the administration and will be distributed via the Town’s Webpage, and also in hard copy at the Administration Centre and Library.

It is noted that the finalisation of the Financial Statements has been a long and tedious task which is complicated by external accounts (Grove Library and WMRC) as well now the involvement of the OAG providing a further layer of scrutiny and time. It is also pointed out the Auditors themselves spent three weeks on site undertaking the Audit which is far more time than previous years. This also results in additional costs that are borne by the Town. The conclusion is that local government audits are become far more complex and time consuming.

As a result of discussions at Council’s Agenda Forum meeting the recommendation to hold the Annual Electors Meeting has been changed to avoid school holidays and the period immediately after Easter.

VOTING REQUIREMENT

Absolute Majority

OCM043/2021

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Harben

Seconded Cr Barrett

That Council, by Absolute Majority:

1. **ADOPTS the 2019/2020 Annual Report as circulated;**
2. **SETS the time and date for the Electors’ Annual General Meeting for Thursday 6pm, 22 April 2021 in the War Memorial Hall, and that the purpose of the meeting be - “to discuss the contents of the 2019/20 Annual Report (incorporating the 2019/20 Annual Financial Statements and Auditor’s Report) and any other general business”.**

Carried by En Bloc Resolution by Absolute Majority 7/0

10.1.3 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2020 TO 28 FEBRUARY 2021

File Ref: SUB/2798
Attachments: 10.1.3(a) Monthly Financial Report 1 July 2020 to 28 February 2021 [under separate cover]
Responsible Officer: Matthew Scott, Chief Executive Officer
Author: Wayne Richards, Finance Manager
Author Disclosure of Interest: Nil

SUMMARY

It is a requirement of the *Local Government Act 1995* that monthly and quarterly financial statements are presented to Council, in order to allow for proper control of the Town's finances and ensure that income and expenditure are compared to budget forecasts.

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

BACKGROUND

In order to prepare the attached financial statements, the following reconciliations and financial procedures have been completed and verified:

- Reconciliation of all bank accounts.
- Reconciliation of rates and source valuations.
- Reconciliation of assets and liabilities.
- Reconciliation of payroll and taxation.
- Reconciliation of accounts payable and accounts receivable ledgers.
- Allocation 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.

This report is consistent with the Town's *Corporate Business Plan 2020 – 2024*.

Priority Area 4: Managing Development.

Major Strategy 6.3: Continue to deliver high quality governance, administration, resource management and professional development.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

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

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 28 February 2021 was \$3,916,394 as compared to \$5,206,517 this time last year.
- Rates receivables at 28 February 2021 stood at \$960,069 compared to \$715,872 this time last year as shown on page 25 of the attached financial statements.
- Operating revenue is more than year to date budget by \$521,699 with a more detailed explanation of material variances provided on page 21 of the attached financial statements. Operating expenditure is \$275,880 more than year to date budget due in main part to depreciation charges being more than anticipated.
- The capital works program is shown in detail on pages 34 to 35 of the attached financial statements.
- The balance of cash backed reserves was \$9,120,350 as at 28 February 2021 as shown in note 7 on page 28 of the attached financial statements.

List of Accounts Paid for February 2021

The list of accounts paid during February 2021 is shown on pages 36 to 42 of the attached financial statements. The following significant payments are brought to Council's attention:

- \$55,296.48 to the Australian Taxation Office for the monthly business activity statement.

- \$157,326.95 to the Grove Library being the Town's quarterly contributions towards the library services.
- \$167,590.17 to the Western Metropolitan Regional Council being the Town's half yearly fixed costs contributions.
- \$26,143.08 to Crayon Australia Pty Ltd for software licence charges.
- \$42,281.36 to Roads2000 for road resurfacing works.
- \$44,849.75 to Shine Community Services being the Town's half yearly contribution towards the service.
- \$25,734.00 & \$27,114.94 to SuperChoice Services Pty Ltd for staff superannuation contributions.
- \$77,236.73 to Rico Enterprises Pty Ltd for waste collection and disposal services.
- \$242,938.72 to WA Treasury Corporation for loan repayments.
- \$34,863.70 to Surf Life Saving WA for lifeguard services.

Investments and Loans

Cash and investments are shown in note 4 on page 23 of the attached financial statements. The Town has approximately 42% of funds invested with the National Australia Bank, 33% with the Commonwealth Bank of Australia and 25% with Westpac Banking Corporation. A balance of \$9,120,350 was held in reserve funds as at 28 February 2021.

Information on borrowings is shown in note 10 on page 31 of the attached financial statements. The Town had total principal outstanding of \$3,298,441 as at 28 February 2021.

Rates, Sundry Debtors and Other Receivables

Rates outstanding are shown on note 6 on page 25 and show a balance of \$1,903,693 outstanding as compared to \$1,598,389 this time last year.

Sundry debtors are shown on note 6 on page 25 of the attached financial statements. The sundry debtors report shows that 3% or \$8,466 is older than 90 days. Infringement debtors are shown on note 6 on page 27 and stood at \$455,295 as at 28 February 2021.

Budget amendments are shown on note 5 on page 24 of the attached financial statements.

VOTING REQUIREMENT

Simple Majority

OCM044/2021

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Harben

Seconded Cr Barrett

THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2020 to 28 February 2021 as submitted to the 23 February 2021 meeting of Council.

Carried by En Bloc Resolution 7/0

EXECUTIVE SERVICES**10.1.8 CITIES POWER PARTNERSHIP**

File Ref: SUB/2798
Attachments: 10.1.8(a) Information for Councils - Cities Power Partnership [under separate cover]
Responsible Officer: Matthew Scott, Chief Executive Officer
Author: Matthew Scott, Chief Executive Officer
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider joining the Cities Power Partnership.

BACKGROUND

Under the Town's Strategic Plan and Local Government Legislation, the Town of Cottesloe is required to meet the needs of current and future generations in a sustainable way. To achieve this outcome, Council has committed to the following four (4) interconnected principles of sustainability:

- I. Sustainable Development;
- II. Community Participation;
- III. Good Governance; and
- IV. Co-operation.

Throughout the Strategic Plan, there are a number of strategies that assist in achieving this sustainability theme from an environmental perspective, including:

- 1.1 Develop an 'integrated transport strategy' that includes cycling, park and ride, Cott Cat, public transport and parking management strategies to meet the needs of pedestrians, cyclists and other non-vehicular traffic.
- 1.6 Implement policies that protect existing trees and that actively seek to increase the tree canopy in Cottesloe.
- 1.8 Review lighting in all public areas with a view to assessing the environmental sustainability of lighting and the adequacy of lighting from a personal safety perspective.
- 1.9 Develop and implement policies and strategies to reduce litter on public reserves.
- 3.2 Continue to improve access to beach facilities.
- 3.3 Improve dune conservation outside the central foreshore zone (implement NAMP).
- 3.4 Increase public transport services and solutions for moving people to and from the beach area.
- 3.5 Develop a parking strategy for the beach precinct.
- 3.6 Develop and implement an asset management plan for coastal infrastructure which seeks to promote the enjoyment of the coastline while protecting the dune environment.

5.1 Develop sustainability and capacity criteria to assess major strategies.

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

The potential impacts of climate change could significantly impact Council's ability to achieve the above, and therefore it is believed prudent to look at ways either reduce the Town's contribution to climate change and/or reduce the potential impacts of climate change on the Town's services and infrastructure. Given that all local governments currently carry this risk, with many local governments actively working towards environmental sustainability, it seems logical (and cost effective) to access this collective knowledge and experience. The Cities Power Partnership is an existing platform for Councils around Australia to help develop strategies and programs which in turn could help the Town of Cottesloe.

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 1.1: Develop an 'integrated transport strategy' that includes cycling, park and ride, Cott Cat, public transport and parking management strategies to meet the needs of pedestrians, cyclists and other non-vehicular traffic.

This report is consistent with the Town's *Corporate Business Plan 2020 – 2024*.

Priority Area 4: Managing Development.

Major Strategy 2.4: Develop an 'Integrated Transport Strategy' that includes cycling, park and ride, public transport and parking management strategies to meet the needs of pedestrians, cyclists and other non-vehicular traffic.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Nil

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

Joining the Cities Power Partnership will assist the Town of Cottesloe in becoming more environmentally sustainable into the future

CONSULTATION

Nil

OFFICER COMMENT

There is a general theme throughout the Town's Strategic Plan and Corporate Plan of long term financial, social and environmental sustainability. Likewise the Town has a strong history of engagement and co-operation with environmentally focused community groups such as Cottesloe Coastcare, in protecting our unique environment. Furthermore as a coastal community, Cottesloe is starting to experience the impact of climate change with noticeable additional coastal erosion, which has already caused damage to Town infrastructure along the beach.

Launched in mid 2017, the Cities Power Partnership (CPP) is a national program tailored to local governments to assist and empower local communities to become more environmentally sustainable, focusing on four major themes:

1. Renewable Energy
2. Energy Efficiency
3. Sustainable Transport
4. Advocacy

Though primarily focused on dealing with the impacts of climate change, the program also assists local governments in financial and social sustainability through reducing energy costs, improving transport networks and assisting community groups with local projects and advocacy.

Joining the Partnership is free, with the only obligation to Council is committing to five (5) key actions from their some 39 Partnership Action Pledges within 6 Months. Membership of CPP provides access to an extensive online knowledge hub, webinars, knowledge and experience sharing from 140 other local governments, including 26 in WA. Partners are also profiled in national and local media, and directly to CPP's members and supporters around Australia, representing some 12 million Australians.

More information on the program can be found at:
<https://citiespowerpartnership.org.au/what-is-the-partnership/>.

VOTING REQUIREMENT

Simple Majority

OCM0455/2021**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Harben

Seconded Cr Barrett

THAT Council AGREES to join the Cities Power Partnership.

Carried by En Bloc Resolution 7/0

12.2.1 APPOINTMENT OF PERMANENT MEMBER TO THE WESTERN METROPOLITAN REGIONAL COUNCIL (WMRC)

File Ref: SUB/2798
Attachments: Nil
Responsible Officer: Matthew Scott, Chief Executive Officer
Author: Matthew Scott, Chief Executive Officer
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider appointing Cr MacFarlane as the Town of Cottesloe's permanent member to the WMRC during Cr Young's current incapacitation.

BACKGROUND

Cr Young has advised she is currently temporarily incapacitated, meaning she will not be able to attend future WMRC meetings (next being 1 April 2021). Noting that there are a number of complex matters to be dealt with by the WMRC in the near future, Cr Young would like Council to consider appointing Cr MacFarlane (currently deputy member) the Town's permanent member, and Cr Young be made deputy member. Both Cr Macfarlane and Cr Young are fully versed on current WMRC matters and issues, which may take another Councillor some time to become familiar and conversant with.

Given there is a minor annual allowance associated with the permanent member, which is not available if the deputy member automatically steps ups (according to the WMRC), it has been deemed appropriate by both the CEO of the Town of Cottesloe and the CEO of the WMRC that Council formally appoints a permanent member.

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 2020 – 2024*.

Priority Area 6: Providing open and accountable local governance.

Major Strategy 6.3: 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

3.64. Establishment agreement, what it must contain [for Regional Councils]

The following matters are to be set out or provided for in the establishment agreement for a regional local government —

- (d) the appointment and tenure of members and deputy members of the council of the regional local government;*

Establishment Agreement – The Western Metropolitan Regional Council

5.7 Deputy Members

- (a) Each Participant (Member Council) is entitled to and must appoint a member of the council of each Participant to be the deputy member of the Regional Council appointed by the Participant.*
- (c) The deputy of a member is in the event of absence of that member from a meeting of the Regional Council entitled to attend that meeting and, when so attending, is deemed to be a member of the Regional Council.*

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

Western Metropolitan Regional Council (WMRC)

Western Australian Local Government Association (WALGA)

OFFICER COMMENT

This is a very extraordinary event, given Cr Young's incapacitation and therefore inability to physically attend WMRC meetings. The effect of the officer's recommendation is to simply reverse (or swap) the elected member membership of the WMRC. Cr Macfarlane is familiar with the current matters before the WMRC, and Cr Young, though physically unable to attend meetings, can assist Cr Macfarlane with her knowledge and understanding of the current WMRC matters.

Given Cr Young's physical incapacitation may only be several months, it seems ineffective to appoint another Councillor for the role of deputy, who may require additional time to be familiar with the current (and confidential) matters before the WMRC.

VOTING REQUIREMENT

Simple Majority

OCM046/2021

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Harben

Seconded Cr Barrett

THAT Council:

1. **APPOINTS** Cr Macfarlane to be the Town of Cottesloe Member to the WMRC during the period of Cr Young's incapacitation; and
2. **ADVISES** the WMRC that Cr Macfarlane be entitled to any allowances associated in being the Town of Cottesloe's Member to the WMRC on a pro-rata basis during this appointment period;
3. **APPOINTS** Cr Young as the Town of Cottesloe Deputy Member to the WMRC during her incapacitation; and
4. **AGREES** to revert back the previous appointment of the Cr Young and Cr Macfarlane as Member and Deputy Member to the WMRC once Cr Young has advised both the Town of Cottesloe and WMRC she is no longer incapacitated and able to perform her duties.

Carried by En Bloc Resolution 7/0

COUNCILLOR MOTION

Moved Cr Sadler

Seconded Cr MacFarlane

That item 10.1.6 Skate Park Project be brought forward in the agenda.

Carried 7/0

ENGINEERING SERVICES**10.1.6 SKATE PARK PROJECT**

File Ref:	SUB/2798
Attachments:	10.1.6(a) Grant Marine Skate Park Proposal - Engagement Analysis without Attachments [under separate cover]
	10.1.6(b) Officer Illustrations - Skate Park - location and Footprint sizing - colour [under separate cover]
	10.1.6(c) Cottesloe Skatepark Feasibility Review - Executive Summary - REV B [under separate cover]
Responsible Officer:	Matthew Scott, Chief Executive Officer
Author:	Shaun Kan, Director Engineering Services
Author Disclosure of Interest:	Nil

SUMMARY

Council is asked to consider advice received from the Skate Park Consultant, Convic to:

- Approve the commencement of public consultation and workshops to determine the suitable location, size and design of a skate facility within the district;
- Approve the project framework specified in the officer's comment section; and
- Note the site rationalisation within the officer's comment section and accept shortlisted locations to progress through the process mentioned in point one.

BACKGROUND

At the October 2020 Ordinary Meeting Council resolved as follows:

THAT Council:

1. *THANKS the public for taking the time to provide a response to the online survey;*
 2. *NOTES the results and submissions received from the public consultation;*
 3. *NOTES that the public consultation results evidence a strong demand from Cottesloe residents for skate facilities in Cottesloe but that issues identified during the consultation process impact on the reliability of feedback on the preferred location;*
 4. *APPROVES for a Skate Park expert consultant to be engaged to review all reports to date;*
 5. *INSTRUCTS the Chief Executive Officer to organise a workshop with Council and the Skate Park expert consultant by February 2021 to discuss the following:*
 - a. Review of all previous work done on the Skate Park Project;*
 - b. Review of feedback received through the public consultation survey; and*
 - c. Determine the future steps for the project.*
-

6. *NOTES that a separate report on the workshop outcomes mentioned in point four be brought to an Ordinary Meeting.*

Convic were appointed in November 2020 and have since completed the works detailed above. A summary has been provided within the officer's comment section.

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 2020 – 2024*

Priority Area 5: Providing sustainable infrastructure and community amenities.

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

There is \$30,000 available to carry out the follow on consultation, workshops and designs through Account 57.9000.905 – Skate Park Feasibility Study.

Based on advice from the consultant, construction of a district level size facility (600m² to 800m²) is expected to cost between \$550,000 and \$750,000. A budget item will be required for this to occur.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the officer's recommendation. The works will be undertaken by consultants and coordinated by Engineering Services staff.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

It is proposed that the following proponents form part of the stakeholder engagement group in subsequent stages of the project:

- Town of Cottesloe staff

- Council
- Cottesloe Residents
- Wider Community

Based on past community consultation statistics, it would not be unreasonable to conclude that there is support for some form of skate facility within the Cottesloe District. This has been re-iterated in the attached Convic Executive Summary

OFFICER COMMENT

Consultant Review of Previous Work and Workshop with Council

Convic were appointed in November 2020 to undertake a review of all work completed to date. A workshop was held with Council on 9 February 2021 to provide Elected Members with advice on the way forward for this project.

Further to advice received from the consultant, Council is asked to consider:

- Progressing a district level skate park in Cottesloe in accordance with the project framework in the later parts of this report section;
- A 600m² to 800m² sized facility that could cost between \$550,000 and \$750,000 (depending on amenities) to provide an opportunity to build a park that is challenging and interesting over a longer period of time;
- The site rationalisation and recommended locations provided by the Administration to advance these through the community consultation and workshops detailed in the suggested project framework.

Rationalisation of Locations

The following sites are recommended for further consultation at community workshops. The rationalisation that led to these three locations has been detailed below.

- Cottesloe Foreshore
- John Black Dune
- Grant Marine Park

Attached are plans of the above sites indicating how a 600m² to 800m² facility would fit each location above. It would be important to note that these are only indicative and solely for the purpose of visualisations.

Any decision on the final location would only occur after community workshops have taken place and all feedback considered. Council can amend the officer's recommendation accordingly for the Administration to progress other sites.

- Location One: Grant Marine Park – the survey results have indicated support for Grant Marine Park as a skate facility location. Whilst there may have been flaws in the tabulation of previous site assessment results, and Convic has not recommended the site be pursued due to the potential reconfigurations required to this public open space, there was interest within the Council workshop to determine how it now measures up against the other 2 possible sites within the community, given previous indications of community support of the site.

- Location Two: John Black Dune – Whilst this location falls within the Carpark Two redevelopment zone, there is sufficient unused areas for a facility to co-exist with the proposed development.
- Location Three: Cottesloe Foreshore Redevelopment – It would be possible for the playground area shown on the approved Foreshore Redevelopment Detail Design to be extended further north to accommodate the skate facility.
- Location Four: Seaview Golf Course & Location Five: Seaview Golf Course North-Western Corner: Both these locations would require a variation to the Seaview Golf Course lease with the Town. The site will create a safety risk of skate park users being hit by golf balls. Additional cost would be required to provide fencing.
- Location Six: Cottesloe Train Station Railway Reserve – though Convic has recommended this site be pursued, the area is owned by the State Government and a six month termination clause within a required lease made this an undesirable option at the Council workshop.

Whilst there may have been other sites discussed during the workshop, these have been deemed unsuitable due to its close proximity to residents. Council has the discretion to decrease or increase the number of sites proposed to be shortlisted for discussion at the proposed workshops.

Proposed Project Framework

The following table provides a proposed framework and staged outcomes to progress the project:

Stage	Description	Objective
1	size and cost	council to agree on park size and how much it wishes to invest on the project
2	shortlisting of possible sites	council to determine which sites to progress to strategic assessment
3	Investigate suitability of various sites	re-assessment of possible sites
4	Community workshop to determine a location from shortlisted suitable sites	community workshop to determine a location from the various Council approved sites. Site selection criteria to be included as part of process to ensure an appropriate site is chosen

HOLD POINT: COUNCIL APPROVAL REQUIRED FOR FINAL LOCATION, FACILITY SIZE AND INVESTMENT MAGNITUDE		
5	concept development workshop	Develop draft concept based on community feedback in stage 5 Undertake further community workshops to progress the draft concept
HOLD POINT: COUNCIL APPROVAL REQUIRED FOR THE DRAFT CONCEPT		
6	Engage Contractor	Open tender to determine a contractor for Council to appoint for the detail design and construction
HOLD POINT: COUNCIL APPOINTMENT OF CONTRACTOR FOR DESIGN AND CONSTRUCT DELIVERY ARRANGEMENT		
7	detail design	Progress the draft concept to detail design based on feedback received from stage 6
HOLD POINT: COUNCIL APPROVAL REQUIRED FOR THE DETAIL DESIGN SCHEME		
8	construction	Implementation of approved scheme

Council resolving on this item would complete stages one and two of the table above.

The Administration can then progress stages four to eight. Council is asked to note that similar to the Cottesloe Foreshore Redevelopment Project, an external consultant will be commissioned to facilitate the community workshops and participants will be identified through an expression of interest, administrative process.

Upon the completion of the community workshop mentioned in stage four, an item will be brought to an Ordinary Meeting for Council to resolve on the final location, size and financial investment.

Depending on the meeting outcome, a draft concept will then be developed for Council's acceptance through further community workshops in stage five.

A contractor will be appointed in stage six to commence the detail design and construction in subsequent phases. The draft plans mentioned in stage seven will be brought to Council for acceptance before progressing with build in stage eight.

An executive summary of Convic's Report providing advice on the above matters has been attached. It would be important to note the variance between this document and the project framework above has resulted from discussions at the workshop following the presentation from the consultants.

Council can amend the process should this be required.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

THAT Council:

1. APPROVES the project framework listed in the officer's comment section of the report;
2. APPROVES for Grant Marine Park, Cottesloe Foreshore and John Black Dune as shortlisted sites to progress through the project framework mentioned in point one;
3. NOTES that subject to the APPROVAL of points one and two above, the project will progress through to community workshops with an item being brought back to different Ordinary Meetings for Council to accept at the various hold points mentioned within the proposed project framework; and
4. APPROVES for the Chief Executive Officer to develop an Engagement Strategy and circulate this document amongst Council before commencing the community workshops and consultation.

OCM047/2021**COUNCILLOR MOTION**

Moved Cr Sadler

Seconded Cr Tucak

THAT COUNCIL

1. APPROVES the project framework listed in the officer's comment section of the report;
2. APPROVES for Cottesloe Foreshore and John Black Dune as shortlisted sites to progress the project framework mentioned above in point one;
3. NOTES that subject to the APPROVAL of points one and two above, the project will progress through to community workshops with an item being brought back to different Ordinary Meetings for Council to accept at the various hold points mentioned within the proposed project framework: and
4. APPROVES for the Chief Executive Officer to develop and engagement strategy and circulate this document amongst Council before commencing the community workshops consultation.

Carried 7/0

COUNCILLOR RATIONALE:

While it is technically possible to fit a skate facility at Grant Marine park, this is a well-functioning, well-appreciated park in its current form, while the other two sites are currently scheduled for renovation/rehabilitation. A skate facility is not the highest and best use of Grant Marine Park.

Convic's executive summary states "It is our opinion that the Grant Marine Park does not provide enough space for the development of a larger space for the development of a larger

district level skate facility and the additional amenities required to make it a successful space”.

...further Convic’s opinion is “that having a district level facility within the Town of Cottesloe is the correct classification for the skate park” (based on their review of the community consultation and suburb and neighbouring skate facilities).

Small local level skateparks that don’t provide interest quickly become redundant and underused.

Additional facilities are needed for a skate facility of this size, such as public toilets. These are not available at Grant Marine, nor does the Town have the resources or desire to place them at Grant Marine Park.

More centrally placed skate facilities will generate much needed economic benefit to the business community if located in proximity to them.

These reasons create a much stronger value proposition for the other two locations. Including Grant Marine creates distraction, unneeded community division and exposes the Town to significant adverse publicity and reputational risk that can jeopardise external funding of other important projects.

COUNCIL RESOLUTION

Moved Cr Masarei

Seconded Cr Tucak

That item 10.1.7 Geraldine Street Pedestrian Access way be brought forward in the agenda.

Carried 7/0

10.1.7 GERALDINE STREET PEDESTRIAN ACCESS WAY

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

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "Residents are known to me."

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "Residents are known to me."

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "The owners of the property are known to me."

SUMMARY

Council is asked to consider the background matter, current local laws, pedestrian safety and advice provided by the Department of Lands to restrict all vehicle access through the pedestrian access way (PAW) on the western end of Geraldine Street between property 1 and 1A.

The residents of 1 Geraldine Street have a carport on the frontage of their property from Geraldine Street.



BACKGROUND

At the November 2020 Ordinary Meeting, Council considered the matter and resolved as follows:

That Council REQUESTS the Administration to:

1. *In the light of Council's inability to lawfully authorise vehicular access across the PAW (Reserve 45117) take appropriate action to prevent vehicle access on the PAW on an interim basis pending Council's further resolution following advice from the Department (DPLH) regarding options for vehicular access across the Reserve.*
2. *Seek written advice from the Department at its earliest convenience as to whether it would:*
 - i(a) SUPPORT an amendment to the Purpose of the Reserve to allow vehicle access to the western garaging at 1 Geraldine St (the Property);*
 - i(b) GRANT to the Town a power to licence, or alternatively, a power to grant an easement in respect of the Reserve, to permit the owner of the Property to drive on the Reserve for the purpose of accessing the garaging; and*
 - i(c) RECOMMEND to the Minister that approval be given to the Town to exercise the power to licence in favour of the owner of 1 Geraldine St or alternatively to grant an easement over the Reserve for the benefit of the Property.*
 - i(d) Propose an alternative solution that might lawfully permit vehicular access across the Reserve.*

OR

- ii. GRANTS APPROVAL to the Town to excise that part of the Reserve that is required for access to the garaging on the western side of the Property, and for the excised part to be dedicated a right of way so as to permit vehicle access to that portion only.*
3. *A report on the progress of the matter be brought back to Council within three months and in any event bring the matter back to Council for further consideration on receipt of the Department's advice.*

The PAW has since been closed off temporarily and advice on the matter has been received from the Department of Lands in January 2021.

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 2020 – 2024*.

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;

Local Government (Functions and General) Regulations 1996; and

Land Administration Act 1997

FINANCIAL IMPLICATIONS

There are no perceived financial implications arising from the officer's recommendation. Should vehicle access be permitted following the change in classification of the PAW, the infrastructure change cost will be the responsibility of the 1 Geraldine Street owner.

Removal and replacing the existing concrete surface with asphalt (recommended), in accordance with the Right of Way Strategy adopted by Council in 2020 will cost approximately \$22,000. The alternative of stencilling, whilst not recommended for precedence reasons, will be in the order of \$5,000.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the officer's recommendation. The works will be organised by the owner of 1 Geraldine Street to the satisfaction of the Town should access be granted.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no expected environmental sustainability implications.

CONSULTATION

The following stakeholders have been consulted:

Town of Cottesloe Staff

Elected Members

Resident of 1 Geraldine Street (on behalf of and authorised by the owner)

McLeods Barristers and Solicitors

Department of Lands.

OFFICER COMMENT

Advice obtained from the Department of Lands can be summarised as follows:

- As the management body of the reserve, the onus is on the Town to ensure that the usage of the land is consistent with the reserve purpose;

- The Department could consider amending the purpose and management order to facilitate vehicular access across the reserve however the Town would need to make a formal submission requesting for such a change;
- There would then be investigation and assessment by the Department, noting that a Council Resolution endorsing this request is not statutorily required; and
- WAPC's procedure for the Closure of Pedestrian Access Ways Planning Guidelines is not applicable to this particular situation.

Notwithstanding the above, the Administration's recommendation remains unchanged and that Council should consider permanently restricting access for the following reasons:

- The path is narrow (less than 3 metres that is further reduced to 2.2 metres when the shrub is taken into consideration) and cannot safely accommodate both pedestrians and vehicles (see photograph below);
- There is a potential collision point at the start of the PAW between vehicles accessing the 1A Geraldine Street crossover and cars exiting the current 1 Geraldine Street garage off the pedestrian path due to the lack of sight distance (see photograph below);





- Vehicles will be required to cross the spite strip on the western edge of the path when entering the garage (evident from tyre tracks as shown on the photo below and above). This practice is contrary to regulations around the use of spite strips; and
- Should vehicle access be approved, the width of the access way (being 2.2 metres as per the first dot point) would not conform to the minimum crossover width requirements being 2.7 metres for a single and 5.4 metres for a double garage.



Whilst not recommended, should Council wish to consider providing the vehicle access, the Administration suggests that:

- The owner of 1 Geraldine Street demonstrates in writing to the Administration how the issues identified within the four points above can be satisfactorily mitigated; and
- The sufficiency of any solution proposed should be referred to the Town's solicitors for a legal opinion to ensure Council makes an informed and lawful decision.

Only then should consideration be given by Council for only an appropriate section of the PAW to be converted to a ROW to allow the vehicular thoroughfare. The remaining section will remain as a PAW. A formal application can then be submitted for consideration by the Department of Lands.

Council is asked to note that not having any known incidents occurring in the past would be inadequate mitigation into the future.

Should an application be supported by Council and approved by the Department of Lands, the owner of 1 Geraldine Street would need to be responsible for replacing the existing surface and installing bollards. This is to ensure some form of differentiation between the ROW and PAW for safety reasons. Costs associated with recommended and alternative options have been discussed in the financial implication section of the report.

In the owner's view, the cost of the works associated with such a conversion is the responsibility of the Town. The Administration disagrees as the Town has no reason and plans for this PAW to be modified (materially and tenure). It is in our opinion that should access be required and if approved, must be based on a user pays principle.

Notwithstanding the above and the residents' petition (supporting this continued access) previously submitted by the owner at the July 2020 OCM, the Administration advises Council against reverting the PAW back to a ROW and re-iterates the safety and compliance reasons mentioned earlier in this section for this recommendation.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council NOTES the safety concerns raised by the Administration and permanently RESTRICTS vehicle access to the Pedestrian Access Way at Geraldine Street.

OCM048/2021

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Cr Barrett

Seconded Cr MacFarlane

THAT Council:

- 1. REQUESTS the Town of Cottesloe administration to formally request, within 21 days, to the Department of Planning Lands and Heritage (Department) to amend the purpose/management order of Crown Reserve 45117 to permit vehicle access across the first 19 metres from the northern point of the PAW to 2 metres past the garage of 1 Geraldine Street to the south of the Pedestrian Access Way and Public Utility Services (PAW).**
- 2. Upon approval from the Department to permit vehicle access to Crown reserve 45117 the owners of 1 Geraldine Street, at their expense, undertake, with the involvement of the administration:**
 - i. The relocation of the existing bollard to 2 metres south of the Geraldine Street garage, and**
 - ii. Undertake 19 metres of stencilling of the existing concrete surface so that it is clearly distinguishable to the balance of the PAW.**

Carried 7/0

COUNCILLOR RATIONALE:

- 1. The owners of 1 Geraldine Street Cottesloe have had vehicle access to their garage via 19 metres of the PAW for 13 years without incident or complaint.**
- 2. Correspondence from the Department of Planning Lands and Heritage (email dated 19 January 2021 (attached) indicates that the Department would consider amending the purpose/management order to facilitate vehicular access across the reserve subject to a submission by the Town of Cottesloe of a formal request and an investigation of the request by the Department.**

3. The Department has also advised that the Paw is not subject to WAPC's Procedure for the Closure of Pedestrian Access Ways Planning Guidelines.
4. Subject to approval from the Department the owner of 1 Geraldine St consents to undertaking the work and associated cost of relocating the existing bollard to 2 metres (south) past their garage and stencilling the existing concrete surface so that it is clearly distinguishable from the balance of the PAW.
5. The Councillor motion restores the status quo to the amenity enjoyed by the owners of 1 Geraldine for the past 13 years. As such does not create a precedence.
6. It is an unnecessary burden and expense to expect the owners to contribute \$22,000 to replace the existing concrete surface.
7. A petition has been received and the majority of people supported this.

6.2 APPROVED LEAVE OF ABSENCE

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL RESOLUTION

Moved Cr Tucak Seconded Cr Masarei

That Mayor Angers be granted Leave of Absence from 1 April 2021 to 30 May 2021.

Carried 7/0

10.1.4 MID-YEAR BUDGET REVIEW FOR THE FINANCIAL YEAR 2020-2021

File Ref: SUB/2798
Attachments: 10.1.4(a) Mid Year Budget Review 2020-2021 [under separate cover]
Responsible Officer: Matthew Scott, Chief Executive Officer
Author: Wayne Richards, Finance Manager
Author Disclosure of Interest: Nil

SUMMARY

In accordance with statutory requirements, Council is presented with the mid-year budget review for the financial year ending 30 June 2021 for its consideration.

BACKGROUND

Each year Council is presented with a mid-year budget review, prepared using seven months of actual financial results compared against the budget predictions for the year to date. This allows performance against the budget to be measured, and if required, amendments to be made.

The mid-year review process also allows for factors that were not known at the time of forming the budget to be incorporated into the budget. This may be a change in the operating environment of the Council, funding opportunities not previously known or projects that were not included in original 2020/21 budget considerations.

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.

Council's budget sets out the operating and capital areas that will be focused on during the financial year. It allows priorities to be set and strategic projects to be achieved.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Regulation 33A. Review of Budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
 - (2A) The review of an annual budget for a financial year must-
-

- (a) Consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) Consider the local government's financial position as at the date of the review; and
 - (c) Review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or recommendations made in the review.
- *Absolute majority required
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department of Local Government, Sport and Cultural Industries.

FINANCIAL IMPLICATIONS

Predicted variances proposed to the 2020/21 Budget arising from this review are summarised on pages 7 to 9 of the Budget Review document. These variances can be examined in more detail in the supplementary information provided i.e. revenue and expenditure by program, capital expenditure program and reserve transfers summary.

In summary, if Council adopts the various amendments proposed, there will be a surplus of \$10,000 to carry forward into the 2021/22 financial year.

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

As a part of the preparation of the budget review senior staff at the Council have been consulted.

OFFICER COMMENT

New projects endorsed by Council since the adoption of the 2020/21 Budget are noted with the Council resolution reference on pages 10 of the attached Budget Review 2020/2021 document.

Aside from the budget amendments already adopted by Council, significant variations from the annual budget 2020/21 include, but are not limited to:-

- Increased contractor costs for waste collection and disposal of approximately \$232,092.
- Approximately \$29,000 of extra rate revenue from interim rates.
- Approximately \$326,582 of extra fees and charges from higher than anticipated building and development applications along with extra revenue from parking.
- Reduced interest from investments of approximately \$43,000 due to reduced interest rates.
- Increased expenditure in the area of town planning, with wages and temporary labour costs approximately \$78,000 above budget and legal expenses/contractors \$59,000 above budget.
- Delays in major projects at the foreshore and the sports precinct have led to large reductions in expenditure on those projects with corresponding reductions in grant funding and transfers from reserves.
- Increased costs of approximately \$56,000 for the capital portion of the Town's leases not included in the original budget.
- Increased transfers to various reserves including the Information Technology Reserve, Property Reserve and Foreshore Development Reserve.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

THAT Council

1. RECEIVES the Budget Review for the Financial Year 2020-2021;
2. ADOPTS the amendments contained within the attached Budget Review document;
3. SETS the materiality levels of \$25,000 for the monthly reporting of significant variances of income and expenditure in the Statement of Financial Activity;
4. NOTES the predicted closing surplus of \$10,000 to be carried forward to 2021-2022.

COUNCILLOR MOTION

Moved Cr Tucak

No Seconder, Lapsed

That this item be deferred pending provision of a summary of respective budget variances consistent with other years.

Cr Harben left the meeting at 8:03pm.

Cr Harben returned to the meeting at 8:04pm.

OCM0469/2021

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Barrett

Seconded Cr Sadler

THAT Council

1. **RECEIVES** the Budget Review for the Financial Year 2020-2021;
2. **ADOPTS** the amendments contained within the attached Budget Review document;
3. **SETS** the materiality levels of \$25,000 for the monthly reporting of significant variances of income and expenditure in the Statement of Financial Activity;
4. **NOTES** the predicted closing surplus of \$10,000 to be carried forward to 2021-2022.

Carried 6/1

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

Against: Cr Tucak

10.1.5 PROPOSED SHORT TERM PARKING TRIAL ALONG CHAMBERLAIN STREET LOADING ZONE ADJACENT TO ERIC STREET SHOPPING CENTRE

File Ref: SUB/2798
Attachments: 10.1.5(a) Register of Complaints - Chamberlain St Loading Zone Parking [under separate cover]
Responsible Officer: Matthew Scott, Chief Executive Officer
Author: Shaun Kan, Director Engineering Services
Author Disclosure of Interest: Nil

SUMMARY

Council is asked to consider approving the revision of the parking arrangements (Diagram B) along Chamberlain Street directly in front of the Eric Street Shopping Centre to address a particular resident's complaint relating to the noise pollution caused by parked delivery trucks.

Given the proposed new arrangement, deliberation is also required for the trial to be extended for a period of six months to determine its viability in meeting the needs of the Eric Street Shopping Centre.

BACKGROUND

At the February 2020 Ordinary Meeting, Council resolved for the following to occur for the parking trial along Chamberlain Street following a request made by the owners of the Eric Street Shopping Centre:

- 1. The preferred trial design indicated within the report to be instigated for a trial period of 6 months. The surrounding residents are to be informed of the trial and the follow up consultation.*
- 2. Termination of the trial should substantiated complaints be continuously received and not satisfactorily addressed by the Eric Street Shopping Centre Management;*
- 3. The cost of the trial both installation and reinstatement in the event it either gets terminated or not continued be at the cost of the Eric Street Shopping Centre Management;*
- 4. Following the trial period, the surrounding residents are to be consulted (with relevant statistics included in the consultation information).*
- 5. The matter is to be brought back to the next ordinary council meeting following the consultation.*

The parking design below has since been in place for a period of 12 months.

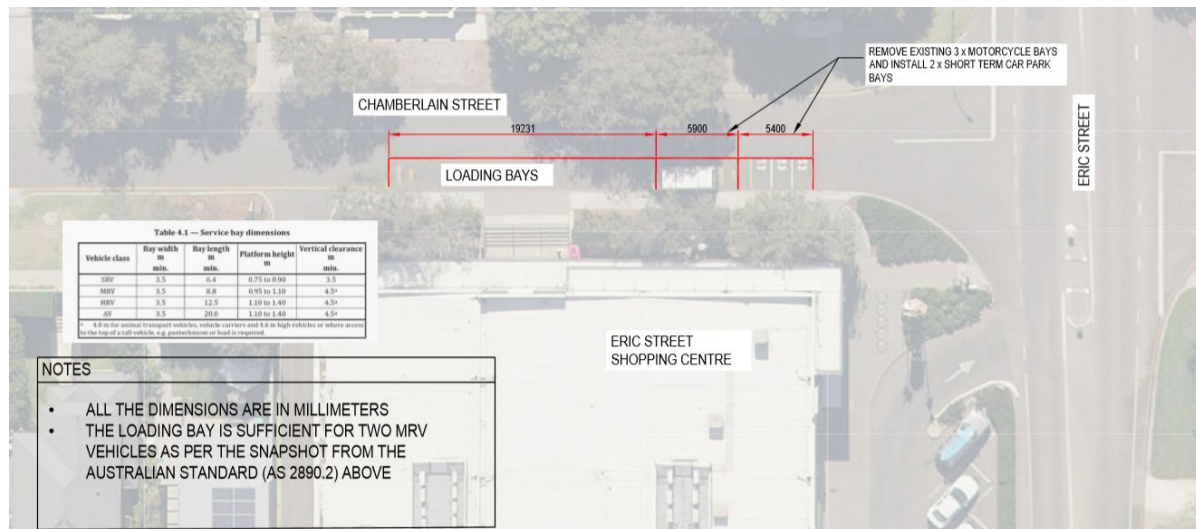


Diagram A – Chamberlain Street Parking Trial Design

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 1.2: Continue working with licensed premises to manage noise, parking and antisocial behaviour.

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 1.4: Continue to improve community engagement.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Parking and Parking Facilities Local Law 2009

Food Act 2008

Environmental Protection (Noise) Regulations 1997

FINANCIAL IMPLICATIONS

The Town will be responsible for the cost of the modifications given that the changes are being made at the request of a resident to address their concerns relating to noise pollution caused by parked delivery vehicles within close proximity to their property.

The magnitude of cost is anticipated to fall within the permissible limits of an operational expenditure and as such can be funded through the approved maintenance budget.

STAFFING IMPLICATIONS

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

The works will either be completed by contractors or can be accommodated by Town staff as part of their daily work schedules.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are perceived sustainability implications with the implementation of the trial.

CONSULTATION

Eric Street Shopping Centre Management, Town of Cottesloe staff and the resident requesting the change have been consulted and are satisfied with what is being proposed.

OFFICER COMMENT

The complaints received mainly from delivery drivers and our Ranger Services (refer to attached register) over the past 12 months can be broadly summarised as follows:

- Insufficient loading bay length for deliveries (multiple businesses all requiring deliveries) resulting in trucks parking further up Chamberlain Street (closer to residents) and in some instances across residents' driveways;
- Delivery vehicles and trucks overstaying;
- Current layout creates a blind spot when turning onto Chamberlain Street from Eric Street due to vehicles parked in close proximity to the corner;
- Motorcycles parking in motorcycle bays for long periods of time (10 minute timeframe does not apply to the motorcycle bays);
- Non-delivery type commercial vehicles utilising the loading zone for non-delivery type reasons; and
- Delivery vehicles utilising 10 minute parking bays due to the reason raised in point one.

It would be important to note that:

- The Eric Street Shopping Centre Management, when informed of these concerns, have taken active steps to encourage their tenants to educate their delivery companies and customers on the limitations associated with the trial bays; and
- There have been resident complaints associated with the delivery trucks and vehicles obstructing residents' driveways.

Due to the Covid 19 lockdown following the February 2020 Council Resolution, there was very limited opportunity for the trial to be fairly evaluated. Given that the community has only just started to return to the pre-pandemic, business as usual type environment, it would be reasonable for the trial to be extended by a further six months. The matter will then be brought back to the October 2021 Ordinary Meeting for further consideration.

It should be noted that the above issues are due to poor design of the building, in particular the delivery dock which is not sufficiently wide for most delivery vehicles/trucks to enter, therefore forcing deliveries to occur outside the building along Chamberlain Street.

Notwithstanding the above, the Town over the past 18 months has continuously received noise complaints from a particular resident relating to delivery trucks leaving their engines on whilst making a delivery.

Council is asked to note:

- The *Food Act 2008* requires delivery trucks to keep their refrigeration in operation when making deliveries of potentially hazardous foods. This would not be possible should the engine be turned off.
- The above practice combined with deliveries being made between the hours of 7am and 7pm is compliant with the Environmental Protection (Noise) Regulations 1997.

In the spirit of collaborating with residents and businesses towards the best outcome, Council is asked to consider a further modification of the Chamberlain Street parking. This would involve the relocation of the parking bays to the north (further from Eric Street) and the loading zone to the south (closer to Eric Street) as shown in the diagram below.

Such an approach will balance the needs of both the resident and the Eric Street Shopping Centre but will be subject to a six month trial mentioned earlier.

Alternatively, Council could approve the extension of the trial based on the design shown in Diagram A.

Depending on the public consultation feedback received at the end of the trial, Council can then determine the appropriateness for this (Diagram B) to be made a permanent arrangement.

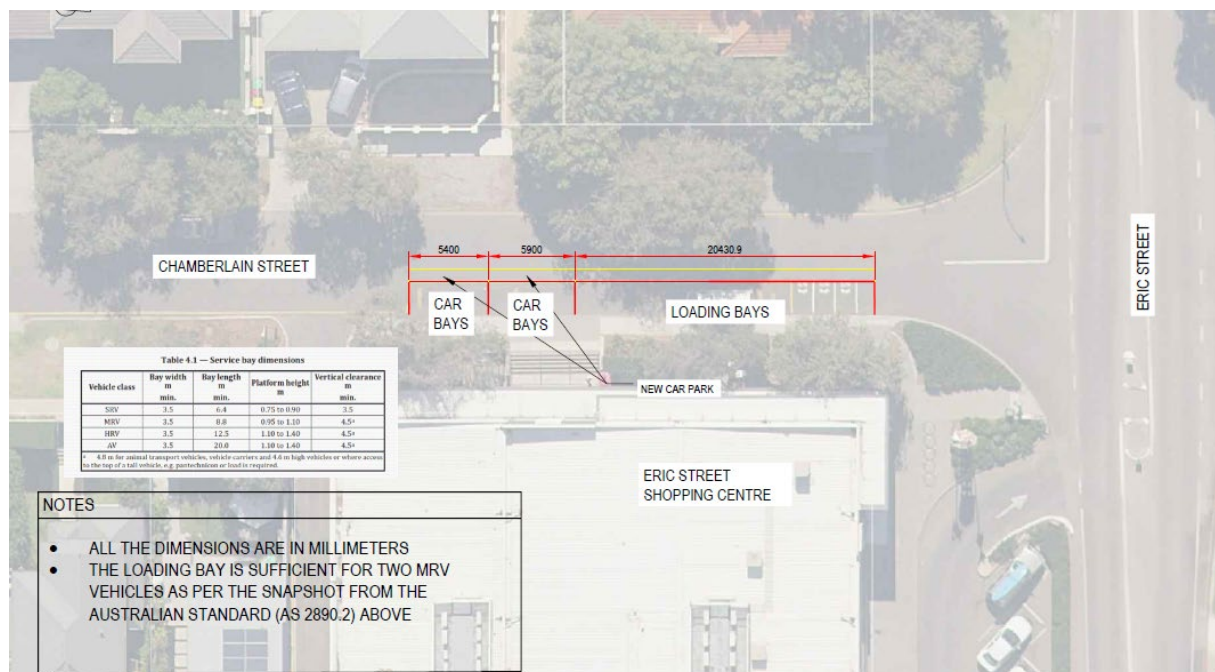


Diagram B – Chamberlain Street Revised Parking Design

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council APPROVES changes to the parking arrangement along Chamberlain Street, in front of the Eric Street Shopping Centre as shown on Diagram B within the officer's comment section of the report for a period of six months subject to the following conditions:

1. Prior to the changes, surrounding residents are to be notified of the trial extension and consulted on their opinion of the ongoing trial in the past 12 months;
2. Termination of the trial mentioned in point one should substantiated complaints be continuously received and not satisfactorily addressed by the Eric Street Shopping Centre Management;
3. Following the trial period mentioned in point one, the surrounding residents are to be consulted (with relevant statistics included in the consultation information); and
4. The matter to be brought back to the October 2021 Ordinary Meeting for Council to determine the future of this parking arrangement.

OCM050/2021**COUNCILLOR MOTION****Moved Cr Tucak****Seconded Cr Harkins**

THAT Council APPROVES changes to the parking arrangement along Chamberlain Street, in front of the Eric Street Shopping Centre as shown on Diagram B within the officer's comment section of the report for a period of six months subject to the following conditions:

1. **Prior to the changes, surrounding residents are to be notified of the trial extension and these changes and consulted on their opinion of the ongoing trial in the past 12 months;**
2. **Termination of the trial mentioned in point one (and reversion to the layout as existing prior to the ongoing trial in the past 12 months) should substantiated complaints be continuously received and not satisfactorily addressed by the Eric Street Shopping Centre Management;**
3. **Following the trial period mentioned in point one, the surrounding residents are to be consulted on the ongoing trial and new changes (with relevant statistics included in the consultation information); and**
4. **The matter to be brought back to the October 2021 Ordinary Meeting for Council to determine the future of this parking arrangement.**

Carried 6/1**For: Crs Harben, Sadler, Masarei, Harkins, Tucak and Barrett****Against: Cr MacFarlane****COUNCILLOR RATIONALE:**

Clarity in wording around what the parking reverts to if the trial ends early, and that consultation will include both "variations" is missing from the Officer's Recommendation, and will help avoid issues or confusion later on.

10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES**10.2.1 RECEIPT OF FORESHORE PRECINCT ADVISORY COMMITTEE MINUTES - 17 MARCH 2021**

Attachments: **10.2.1(a) FPAC Minutes 17 March 2021 [under separate cover]**

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.2.1 by virtue "Residents are known to me."

THAT Council:

1. NOTES the attached Unconfirmed Minutes of the Foreshore Precinct Advisory Committee Meeting – 17 March 2021.
2. With the exception of items ____, ____, ____, ____, ____, ____, which are to be withdrawn and dealt with separately, Council ADOPTS the recommendations in the Foreshore Precinct Advisory Committee.

COUNCILLOR MOTION

Moved Cr Barrett

Seconded Cr Harben

THAT Council:

1. NOTES the attached Unconfirmed Minutes of the Foreshore Precinct Advisory Committee Meeting – 17 March 2021.
2. ADOPTS the recommendations in the Foreshore Precinct Advisory Committee (points 1- 7 below):
 1. ACCEPTS the 100% Foreshore Redevelopment Design found on the link reference in the Summary section of the report;
 2. ACCEPTS the Toilet Block Concept within the Aspect Presentation found on the link reference in the Summary section of the report;
 3. NOTES the petition presented at the February 2021 Ordinary Meeting and APPROVES for the future use of Carpark One is to be in accordance with all endorsed plans developed to date;
 4. NOTES that negotiations have commenced with various Government Agencies to progress the different components within the Foreshore Redevelopment Project;
 5. NOTES that in accordance with points four to six of the December 2020 Ordinary Council Meeting Resolution, the Active Recreation Plan 761 and 762 are only approved in principle and is subject to the outcome of any ongoing feasibility studies;
 6. NOTES that a separate item is to be brought to Council for approval through the FPAC should there be any changes to the Active Recreational Plan to accommodate any Council approved outcomes of any ongoing feasibility studies; and
 7. REQUEST the Administration to incorporate an appropriate provisional sum to cover any expansion of the Active Recreational Plan mentioned in points five and six.

Following discussion Cr Barrett added all points (1-7) from the Foreshore Precinct Advisory Committee Minutes to her motion to allow Cr Tucak to put his amendments.

COUNCILLOR AMENDMENT

Moved Cr Tucak **No Seconder, Lapsed**

8. NOTES the petition presented at the March 2021 Ordinary Meeting totalling over 2900 signatures and over 200 residents.

COUNCILLOR AMENDMENT

Moved Cr Tucak **No Seconder, Lapsed**

8. CONSULTS with the community on the 100% foreshore redevelopment design (as a result of the petitions).

COUNCILLOR AMENDMENT

Moved Cr Tucak **No Seconder, Lapsed**

8. That at least two front-facing ACROD bays be included in the 20 parking bays retained.

COUNCILLOR AMENDMENT

Moved Cr Sadler

8. NOTES that the Administration is currently progressing additional ACROD bays with ocean views South of the Cottesloe Surf Lifesaving Club in addition to the 20 ACROD bays within the Foreshore Precinct;
9. REQUESTS that the Administration investigate the feasibility of additional ACROD bays on Marine Parade in close proximity to the entrance of the universal access path south of Indiana Teahouse;
10. REQUESTS that the Administration investigate the feasibility of additional ACROD bays at the most Western end of Forrest Street in close proximity to Indiana Teahouse.

Cr Tucak queried about the relevance of these points as they were outside the scope of these works.

The Presiding Member ruled that points 8, 9 and 10 fall outside the scope of the FPAC so he could not allow them to be an amendment to this motion.

OCM051/2021**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

THAT Council:

1. **NOTES the attached Unconfirmed Minutes of the Foreshore Precinct Advisory Committee Meeting – 17 March 2021.**
2. **ADOPTS the recommendations in the Foreshore Precinct Advisory Committee (points 1- 7 below):**
 1. **ACCEPTS the 100% Foreshore Redevelopment Design found on the link**

- reference in the Summary section of the report;
2. **ACCEPTS** the Toilet Block Concept within the Aspect Presentation found on the link reference in the Summary section of the report;
 3. **NOTES** the petition presented at the February 2021 Ordinary Meeting and **APPROVES** for the future use of Carpark One is to be in accordance with all endorsed plans developed to date;
 4. **NOTES** that negotiations have commenced with various Government Agencies to progress the different components within the Foreshore Redevelopment Project;
 5. **NOTES** that in accordance with points four to six of the December 2020 Ordinary Council Meeting Resolution, the Active Recreation Plan 761 and 762 are only approved in principle and is subject to the outcome of any ongoing feasibility studies;
 6. **NOTES** that a separate item is to be brought to Council for approval through the FPAC should there be any changes to the Active Recreational Plan to accommodate any Council approved outcomes of any ongoing feasibility studies; and
 7. **REQUEST** the Administration to incorporate an appropriate provisional sum to cover any expansion of the Active Recreational Plan mentioned in points five and six.

Carried 4/3

For: Crs Harben, Masarei, Barrett and MacFarlane
Against: Crs Sadler, Harkins and Tucak

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 MEETING CLOSED TO PUBLIC**12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED****COUNCIL RESOLUTION**

Moved Cr Sadler

Seconded Cr Harkins

That Item 13.1.2 (L1 Proposed Sculpture Acquisition) be dealt with as a late item.

Carried 7/0

OCM055/2021**MOTION FOR BEHIND CLOSED DOORS**

Moved Cr Sadler

Seconded Cr MacFarlane

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

Carried 7/0

The public and members of the media were requested to leave the meeting at 8:54pm.

13.1.1 DUTCH INN PLAYGROUND UPGRADE - 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.

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

OFFICER RECOMMENDATION

THAT Council:

1. THANKS the Public Open Space Working Group for providing feedback;
2. REJECTS all tenders received;
3. APPROVES option seven as the preferred alternative design for the plans to be revised and project re-tendered; and
4. NOTES that the item will be brought back to a Special Council Meeting before the April 2021 Agenda Forum, if possible, for Council to consider awarding the construction tender.

OCM056/2021

COUNCILLOR MOTION

Moved Cr Harkins

Seconded Cr Barrett

THAT Council by ABSOLUTE Majority:

1. **THANKS** the Public Open Space Working Group for providing feedback.
2. **APPROVES** the award of the Dutch Inn Playground Construction Tender to Environmental Industries for a contract sum of \$388,343.45 (EXCLUDING GST);
3. **Subject to the ACCEPTANCE of Point Two, APPROVES** a budget increase of \$218,000 to account 30.7031.2 – Dutch Inn Playground Upgrade from \$215,000 to \$433,000 to finance the contract shortfall;
4. **APPROVES** the budget increase requested in Point Two to be obtained in the following order of priority:
 - a. **Any unallocated grant received by the Town suitable for the purpose mentioned in point two;**
 - b. **Cash-in-lieu of public open space obtained from the sale of the Nailsworth Street Depot; and**
 - c. **Public Open Space Reserve that has a current balance of \$400,000.**
5. **NOTES** that the source identified in Point Four (a) and (b) is subject to acceptance by the appropriate authorities;
6. **AUTHORISES** the Chief Executive Officer to source the additional funding required in Point Three from Point Four (c) should either Point Four (a) and/or (b) be not approved; and
7. **NOTES** that the approval being requested in Point Four (a) and (b) will result in the project budget being made up of \$215,000 in Municipal Funds and \$218,000 in Grants or Public Open Space Developer Contributions.

Carried by Absolute Majority 6/1**For: Crs Harben, Sadler, Masarei, Harkins, Barrett and MacFarlane****Against: Cr Tucak****COUNCILLOR RATIONALE:**

- Of the four tenderers, two were somewhat comparable in both Quantitative and Qualitative Assessment Criteria against the other two which were lower rated on either the Quantitative or Qualitative criteria. Of the two comparable (higher rated) tenderers, Environmental Industries offers a better value for money and are so recommended for Award.
- In acknowledgement that the intense activity within the building and construction sectors has meant that building rates have jumped significantly. As such, the tendered prices are above budget– but any further delays to the commencement of the Dutch Inn Playground will adversely affect the Project. Further, the tendered price Validity

Period will shortly expire with likely higher prices to follow any new tender process.

- It is more efficient and economical to complete the full scope of works as tendered rather than to undertake the works in stages – an approach which would impact both pricing and scheduled completion dates.
- Notwithstanding the above, all five tenderers provided pricing that were within close proximity to one another, indicating that fair market value for what is being proposed and we will have limited opportunities to achieve significant savings.
- The Public Open Space Working Group has already pared back almost all the playground infrastructure within the initial design, leaving the bare minimum essential play equipment for this only kind of playground facility in South Cottesloe. It would be very difficult and unlikely to find any further real cost savings.
- The preferred option from the Public Open Space Working Group discussions was for the full design to be delivered in a single phase and a staged approach was to some extent reluctantly considered as a last resort should nothing else be possible.
- Whilst disappointing and frustrating, no Playgrounds have been upgraded in Cottesloe for a very long time and it is very important we progress and achieve our goals per our Corporate Plan.
- The relocation and upgrade of this playground was set out in the Town's Public Open Space Strategy. We consulted on that Strategy in September 2019 and the community was strongly supportive. Council adopted the Strategy at the 2019 September Council meeting.
- Going forward, as part of ensuring continuous improvements, Design and Construct tenders can be sought to minimise the risk of such discrepancies in price.
- It is fortunate that external grants have already been made available to fund the shortfall without significantly impacting other projects outlined in our Corporate Plan.

L.1 PROPOSED SCULPTURE ACQUISITION

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.

OFFICER RECOMMENDATION

THAT per the Sculpture by the Sea Agreement Council make a Sculpture purchase of xxx for the amount of xxx.

COUNCILLOR MOTION

Moved Cr Harkins

Seconded Cr Harben

THAT Council DIRECTS that this year (2021) the Town of Cottesloe does not make a sculpture purchase.

OCM057/2021**COUNCILLOR AMENDMENT**

Moved Cr Sadler

Seconded Cr MacFarlane

and that the Administration places sculpture acquisition on the agenda for an Elected Members' Workshop within six months.

Carried 7/0

OCM058/2021**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

THAT Council DIRECTS that this year (2021) the Town of Cottesloe does not make a sculpture purchase and that the Administration places sculpture acquisition on the Elected Members' Workshop within six months.

Carried 6/1

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

Against: Cr Tucak

COUNCILLOR RATIONALE:

The pieces that are within the allocated budgeted amount \$10,000 are not suitable for permanent public display within the Town.

OCM047/2021**MOTION FOR RETURN FROM BEHIND CLOSED DOORS**

Moved Cr MacFarlane

Seconded Cr Harben

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 7/0

The public and members of the media returned to the meeting at 9:24pm.

12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**13.1.1 DUTCH INN PLAYGROUND UPGRADE - TENDER RECOMMENDATION**

The resolution for item 13.1.1 was read aloud.

L.1 PROPOSED SCULPTURE ACQUISITION

The resolution for item L.1 was read aloud.

13 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 9:29pm.