

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

ORDINARY MEETING OF COUNCIL
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
7.00 PM, Monday, 23 November, 2015

MAT HUMFREY
Chief Executive Officer

3 December 2015

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 7:00 PM.

2 DISCLAIMER

The Presiding Member drew attention to the town's disclaimer.

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Mayor draw the attention to an error that was written in the Post Newspaper where the cost of the public toilet was incorrectly quoted at \$56,000. It should have been \$40,000 with a \$16,000 lessee contribution making the net cost to the Town \$24,000.

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

Nil

4.2 PUBLIC QUESTIONS

Mr Roger Weston, 3 De Bernales Walk, Cottesloe – Financial Detail of Indiana Redevelopment and Cleaning

Q: What are the lease requirements for cleaning toilets?

A: Mr Humfrey stated that in the current lease it requires lessee to keep the toilet in clean and well maintained condition.

Q: How many complaints have been received about condition of toilets?

A: Mr Humfrey stated that the Town received numerous complaints last summer season, the one well known example was that the Town receiving was the 'toilet seat of shame'.

Q: What's the Council's response being to the complaints about the toilet?

A: Mr Humfrey stated that Council inspects the toilets on daily basis and notifies the lessee when improvements are required.

Q: What was the consequence of that?

A: Mr Humfrey stated that in each case where the lessee was notified of an issue it was corrected.

Q: Was that effective in solving the issue?

A: Mr Humfrey stated that he didn't think so; this practice only allows the problem to be remedied once it becomes a problem – it would be better to have a proactive solution in place, to prevent problems in the first instance.

Q: Does the current lease prescribe how the toilets are to be cleaned?

A: No

Q: Has this council ever prosecuted the lessee for the condition of the toilet?

A: Mr Humfrey stated that as they are taking the appropriate action required when notified there were no grounds to take the breach further.

Q: Current number of toilets?

A: The Mayor stated there are 6 cubicles in ladies public toilets – not including the ones inside the restaurant.

A: Mr Humfrey stated that there are 6 (equivalent) on the male public side.

Q: Proposed number of toilets?

A: The Mayor stated that it is still in concept and drawing stage at the moment – it is understood would approximately double to what we have at the moment.

Q: Are the rate payers subsidizing the cleaning of the toilets?

A: Mr Humfrey stated that there are some services provided by the Town such as sanitary services and some supplies to clean the toilet which goes back to 2006.

Q: Does this council have an estimate cost for cleaning the 24 toilets?

A: Mr Humfrey stated that under the proposed business plan that Council would take on the cleaning of the toilets with an estimated cost provided in the business plan.

Q: What are the current lease requirements for maintenance of building?

A: Mr Humfrey stated that the lessee is responsible for all maintenance.

Q: What was the report regarding the condition of the building?

A: Mr Humfrey stated that the consultant prepared a detailed report on the condition of the building.

Q: And is there an estimate of cost to date what will cost today to effect the maintenance to the building?

A: Mr Humfrey stated that there is two scenarios, one would be the cost with the renovation and extensions going ahead one where they are not. We are obviously in negotiation with the lessee on contribution to those works

Q: So the cost without any redevelopment? What was that estimate be?

A: Mr Humfrey stated that its not something we normally release as we are still in negotiation with the lessee but the maintenance is not the Town's cost it is the lessee's cost under the current lease.

Q: So the lessee would will be paying for the maintenance cost?

A: The Mayor stated that under the current lease, yes.

Q: And under the proposal?

A: The Mayor stated that it would be a completely different lease but any works that are required prior to that would be paid for by the current lessee

Q: And do we have any estimate what it is likely to cost the council or the ratepayers to maintain the building for the remaining 25 years if its redeveloped and we take over the ownership of the building?

A: Mr Humfrey stated that it is actually very well addressed in the business plan but just briefly obviously the building is being renovated and building maintenance would be very low initially, as it reaches the end of the life, in another 25 years time those cost will escalate and that is something we deal with the renewal of the lease in 25 years time. But as the cost are spelled out in the business plan, that's probably the best place to go for the information.

Q: But in one sentence what is the estimated cost for another?

A: Mr Humfrey stated that the total project cost is \$4.7 million with contributions from the lessee and state government contributing to the cost.

Q: The reason to redevelop Indiana is because of the condition of the toilet not being maintained by the existing lessee?

A: The Mayor stated that it's a multiple of reasons, yes the public facilities that we have on offer is unsatisfactory. It's a difficult lease to operate at present. We are in position to renegotiate with the lessee to get a better product from the venue that is there. If State Government funding comes through it will present a much better public facility. We also will have an improved access from the street.

5 PUBLIC STATEMENT TIME

Mrs Yvonne Hart – 26 Mann Street, Cottesloe – Re. 13.1.1 Budget Amendment – Confidential Item

Mrs Hart explained the reason of her statement with regards to the lack on hygiene at the Indiana public toilet and stated the background information she was aware of from 2006 to 2015. She believes that Indiana has best located restaurant in WA and it's at Cottesloe's ratepayers expense, so Indiana should pay their way.

Q1: Is the officer recommendation the best that Council can do for its ratepayers?

Q2: Is this the best use of council's money (even though its only \$24,000) or is this a governance issue?

Q3: What is Cottesloe council so afraid of that investment for solving this problem is so much?

The Mayor stated that the questions are taken on notice

Mr Aaron Sice – 6 Dowel Court, Ocean Reef – Re. 13.1.2 No. 21 (Lot 18)
Deane Street - Two-Storey Dwelling - Reconsideration Of Council Decision
Pursuant to Sat Mediation

Mr Sice represented the property owner. He stated that in his opinion the proposal complied with the R-Codes and there was no issue about a precedent, and as such the application should be assessed on merit, having regard to the deemed-to-comply provisions or the design principles of the R-Codes, noting their explanatory guidelines, as well as to relevant Scheme provisions. He asserted that the crossover proposal completely satisfied the design principles, referring to pedestrian and vehicle safety, sightlines, legibility, street impact, landscaping, etc; including minimising crossovers by the intended sharing with the existing neighbouring crossover, all as compared with a garage to the rear right-of-way and given future subdivision. He contended that the requirement for a separate planning approval for the proposed crossover development was misinformed. He advocated a notification on the certificate of title as a means to manage maintenance of the crossover infrastructure, which he said the applicant welcomed. He also referred to support from other property owners in the vicinity. He concluded that overall the proposal was an innovative improvement and would facilitate ultimate subdivision of the lot.

Mr Michael Tucak, 44 railway Street, Cottesloe – 10.1.1 Procott – Request For
Funding Assistance

Mr Tucak spoke on behalf of Procott on their request for funding of Christmas decorations. This is the first year planned to acquire Christmas decorations within the village. Procott has a renewed approach which includes signs, marketing, social media and Christmas decorations. The assistance from Council will help the association to purchase 4 large 2 metre high illuminated stars. These lights will be installed along the Napoleon street.

6 ATTENDANCE

Present

Mayor Jo Dawkins
Cr Sandra Boulter
Cr Rob Thomas
Cr Mark Rodda
Cr Philip Angers
Cr Katrina Downes
Cr Sally Pyvis

Officers Present

Mr Mat Humfrey	Chief Executive Officer
Mr Garry Bird	Manager Corporate & Community Services
Mr Doug Elkins	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Ms Lydia Halim	Executive Officer

6.1 APOLOGIES

Cr Helen Burke

Officer Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Cr Jay Birnbrauer

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 DECLARATION OF INTERESTS

Cr Downes declared an impartiality interest in Item 13.1.2 due to knowing the applicant in a social capacity.

8 CONFIRMATION OF MINUTES

Moved Cr Downes, seconded Cr Angers

[Minutes November 02 2015 Council.DOCX](#)

The Minutes of the Ordinary meeting of Council held on Monday, 02 November, 2015 be confirmed.

Carried 7/0

9 PRESENTATIONS**9.1 PETITIONS**

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

For the benefit of the members of public present, the Mayor advised that item 10.3.1 had been withdrawn from the Works and Corporate Services Committee. There were no withdrawn items from the Strategic Planning Committee, all items were dealt with 'En Bloc'. Item 13.1.1 and 13.1.2 were dealt at the end of the meeting behind closed doors.

10 REPORTS**10.1 REPORTS OF OFFICERS****10.1.1 PROCOTT – REQUEST FOR FUNDING ASSISTANCE**

File Ref: SUB/1540
Attachments: [Budgeted Donations](#)
[Letter from Procott](#)
[Donations Policy](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Mat Humfrey
Chief Executive Officer
Proposed Meeting Date: 23 November 2015
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider a request from Procott for a grant of approximately \$5,000 to assist with the cost of placing Christmas decorations in Napoleon Street this year.

BACKGROUND

Each year Council makes a series of grants/donations to community groups as a part of its budget process. This year \$38,500 of the \$40,000 available was allocated to community groups. The list of allocations can be found in Attachment 1.

Procott have written to Council, outlining their intention to place Christmas decorations in the public spaces within the Town Centre over time. The display is intended to incrementally increase each year, as outlined in the letter provided as Attachment 2.

STRATEGIC IMPLICATIONS

No specific strategic implications are associated with the recommendation.

POLICY IMPLICATIONS

The Town does have a Donations Policy (attachment 3). The assessment criteria of this policy would support this application. A brief assessment is included below;

- Procott are an eligible group for a donation as they have a visible presence within Cottesloe;
- The project for which funds are being applied for will have a benefit to Cottesloe residents;
- The funds are required for a new initiative or significant one off project.

STATUTORY ENVIRONMENT

Section 6.8 of the Local Government Act 1995 Applies. This section states:

6.8. Expenditure from municipal fund not included in annual budget

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by resolution*; or*
 - (c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

As no allowance has been made in the annual budget for this particular item, a resolution of Council (by absolute majority) is required for the total expenditure.

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

The lights on the proposed installations are LED lights, which will keep energy consumption to a minimum.

CONSULTATION

Nil – as the application was received late, no time has been available for consultation.

STAFF COMMENT

The application being made by Procott is supported by staff in this instance. The reasons being are;

- Procott are requesting 50% of the costs, with the remaining costs being met by the organisation itself;
- The placement of these decorations will enhance the amenity of the area during the Festive Season;
- Procott appear to have a well thought through plan not only for this year's installation, but for the incremental increase for these decorations in the years ahead.

While there has been no allowance made in the Town's budget for this item, the Town's current budget situation will allow for the expenditure to be incurred and accounted for in the mid-year budget review. A combination of savings on other projects and a higher level of income than budgeted will more than cover this additional expenditure.

VOTING

Absolute Majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Angers

That Council, by Absolute Majority,

- 1. Approve the allocation of \$5,000 to Procott as a donation (to be included in the Donations List) for this financial year;**
- 2. Approve the temporary placement of Christmas Decorations on Napoleon Street, subject to the placement and method of attachment being to the satisfaction of the Chief Executive Officer.**

Carried 7/0

10.2 REPORTS OF COMMITTEES**10.3 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 17 NOVEMBER 2015****10.3.1 REVIEW OF STREET TREES POLICY**

File Ref: POL/50
Attachments: [Street Trees Policy](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Doug Elkins
Manager Engineering Services
Proposed Meeting Date: 17 November 2015
Author Disclosure of Interest: Nil

SUMMARY

Council is asked to consider advertising the attached draft Street Trees policy for the purpose of calling for public submissions.

BACKGROUND

One of the primary roles of Council is to set the local government's policies. In order to ensure continued relevance, policies require review from time to time. Ordinarily, policies are reviewed every five years, unless a policy review is triggered by an inconsistency of practice and policy, or the language of the policy is identified as an issue.

The Street Trees policy has been reviewed, with minor changes recommended, and is presented for Council's consideration.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

The existing Community Consultation policy does not provide clear direction on the need to consult on minor policy reviews. It is clear, in the Community Consultation policy, that new policy requires broad public consultation, and that policy can be improved by consultation, however, is silent on minor changes reflecting current practice. Notwithstanding this vagueness and the minor modifications proposed, it is recommended that broad consultation, in the form of newspaper notices, noticeboard notices, and notices on the Town of Cottesloe website, be undertaken.

STATUTORY ENVIRONMENT

Street trees are vested in the management of the Town through section 55(2) of the *Land Administration Act 1997*.

Section 2.7 of the *Local Government Act 1995* defines the role of the Council.

FINANCIAL IMPLICATIONS

The proposed updated policy reflects current practice. There will be a cost associated with advertising, which can be met within existing operational budgets.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

The proposed policy update essentially reflects current practice. The policy does generally require the use of Native trees, with some exceptions, which provides better habitat for local fauna, and reduces the dependence on fertilisers and watering.

In accordance with the existing policy, the proposed updated policy generally requires the replacement of removed trees.

CONSULTATION

Nil

STAFF COMMENT

Much of the existing Street Trees policy is vague, and it has been the author's experience that there are a number of views about what is actually contained within the policy. The reviewed policy attempts to capture these views, along with existing practice. In addition, the policy provides clear guidance on when it is appropriate for a tree to be removed, when a decision about the removal of a tree should be made by Council.

Carried over from the existing policy is a statement confirming when tree removal will not be considered. The revised policy has had a statement on tree pruning added. The proposed policy reflects current practice, and recognises the constrained resources of Council, and the inability of Council to fund tree pruning to improve an aesthetic or to remove encroachment of branches.

Made clear in the proposed policy is the position on planting of Norfolk Island Pines. The existing policy does not provide a clear statement; although the understanding of officers is a desire to avoid planting additional Norfolk Island Pines, other than in existing planted areas.

The policy statement addressing when removal of trees will not be allowed has not been changed. In addition, the policy adds a requirement to protect trees through the imposition of conditions on future planning approvals where a street tree exists adjacent to a proposed development.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Committee discussed balancing the role of street trees in providing shade, reducing noise pollution and potentially delineating areas of Cottesloe, with the character provided by the street trees in an established suburb.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Burke

THAT Council authorise the Chief Executive Officer to advertise the draft Street Trees Policy attached and call for public submissions on it.

Carried 4/3

For: Mayor Dawkins, Cr Rodda, Cr Downes and Cr Angers

Against: Cr Thomas, Cr Boulter, and Cr Pyvis

10.3.2 FINANCIAL STATEMENTS FOR THE MONTH ENDING 31 OCTOBER 2015

File Ref: SUB/1878
Attachments: [Monthly Financial Statements](#)
Responsible Officer: Garry Bird
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 17 November 2015
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
- Allocations of costs from administration, public works overheads and plant operations
- Reconciliation of loans and investments

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Town of Cottesloe Accounting Policy
Town of Cottesloe Investments Policy
Town of Cottesloe Investment of Surplus Funds Policy

STATUTORY ENVIRONMENT

Local Government Act 1995
Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENTStatement of Financial Activity and Material Variances

The Statement of Financial Activity is shown in two separate formats, one by reporting program, on pages 5 and 6 of the attached Financial Statements, and one by nature and type of income and expenditure, shown on pages 7 and 8. An explanation of material variances is given on page 21 of the financial statements. There is extra income in from interim rates and in the area of community amenities which relates to increased revenue from town planning applications and reimbursement of a heritage loan subsidy scheme contribution made by the Town in 2000.

List of Accounts Paid in October 2015

The List of Accounts paid during October 2015 is shown on pages 36 to 43 of the attached Financial Statements. The following significant payments are brought to Council's attention;-

- \$123,515.20 to WA Treasury for a loan repayment
- \$31,020.00 to B & B Waste Contractors Pty Ltd for a greenwaste verge collection
- \$57,622.66 to Cobblestone Concrete for footpath installation at various sites
- \$99,722.97 to Procott Incorporated being extra monies raised by means of a differential rate on Town Centre properties
- \$129,468.57 to LGIS for various insurances
- \$47,856.25 to Perthwaste Green Recycling for waste collection and disposal services
- \$85,092.27 and \$82,952.45 to Town of Cottesloe staff for fortnightly payroll

Investments and Loans

Cash and investments are shown in Note 4 on page 23 of the attached Financial Statements. Information on borrowings is shown in Note 10 on page 29 of the attached Financial Statements.

Rates and Sundry Debtors

Rating information is shown in Note 9 on page 28 of the attached Financial Statements. As displayed on page 2, rates receivable is trending in line with the previous year.

Accounts receivable are shown on Note 6, page 25 of the attached Financial Statements with 40% older than 90 days. Debt recovery action is due to commence shortly on outstanding accounts that are older than 90 days.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Angers

THAT Council receive the Financial Statements for the period ending 31 October 2015 as submitted to the 17 November 2015 meeting of the Works and Corporate Services meeting.

Carried 7/0

10.4 STRATEGIC PLANNING COMMITTEE MINUTES - 18 NOVEMBER 2015**10.4.1 RISK MANAGEMENT POLICY AND GOVERNANCE FRAMEWORK**

File Ref: SUB/2014
Attachments: [Town of Cottesloe Risk Management Governance Framework](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Garry Bird
Manager Corporate & Community Services
Proposed Meeting Date: 18 November 2015
Author Disclosure of Interest: Nil

SUMMARY

A draft Policy entitled 'Risk Management' is submitted for consideration by Council, together with the Council's inaugural Risk Management Governance Framework, which embeds procedures for implementing the Policy within the organisation by Management and employees.

BACKGROUND

Whilst Risk Management in Local Government is now required by law (since 2013), the principles of managing risk are not new.

The attached Policy and Procedures form the Risk Management Framework for the Town of Cottesloe ("the Town"). It sets out the Town's approach to the identification, assessment, management, reporting and monitoring of risks. All components of this document are based on Australia/New Zealand Standard ISO 31000:2009 Risk Management.

It is essential that all areas of the Town adopt these procedures to ensure:

- Strong corporate governance.
- Compliance with relevant legislation, regulations and internal policies.
- Integrated Planning and Reporting requirements are met.
- Uncertainty and its effects on objectives are understood.

This Framework aims to balance a documented, structured and systematic process with the current size and complexity of the Town along with existing time, resource and workload pressures.

STRATEGIC IMPLICATIONS

Priority Area 6 – Provide Open and Accountable Local Governance.

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

Adoption of the draft Risk Management Policy is in keeping with this stated strategic objective.

POLICY IMPLICATIONS

The proposed Policy and Framework is based on Australia/New Zealand Standard ISO 31000:2009 Risk Management.

The Policy proposed is as follows and is repeated in the Risk Management Governance Framework attached:

DRAFT RISK MANAGEMENT POLICY

PURPOSE

The Town of Cottesloe's ("the Town") Risk Management Policy documents the commitment and objectives regarding managing uncertainty that may impact the Town's strategies, goals or objectives.

POLICY

It is the Town's Policy to achieve best practice (aligned with AS/NZS ISO 31000:2009 Risk management), in the management of all risks that may affect the Town, its customers, people, assets, functions, objectives, operations or members of the public.

Risk Management will form part of the Strategic, Operational, Project and Line Management responsibilities and where possible, be incorporated within the Town's Integrated Planning Framework.

The Town's Management Team will determine and communicate the Risk Management Policy, Objectives and Procedures, as well as direct and monitor implementation, practice and performance.

Every employee, Councillor, volunteer and contractor within the Town is recognised as having a role in risk management, from the identification of risks, to implementing risk treatments and shall be invited and encouraged to participate in the process.

Consultants may be retained at times to advise and assist in the risk management process or management of specific risks or categories of risk.

DEFINITIONS (FROM AS/NZS ISO 31000:2009)

RISK: *Effect of uncertainty on objectives.*

Note 1: *An effect is a deviation from the expected – positive or negative.*

Note 2: *Objectives can have different aspects (such as financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product or process).*

RISK MANAGEMENT: *Coordinated activities to direct and control an organisation with regard to risk.*

RISK MANAGEMENT PROCESS: *Systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.*

RISK MANAGEMENT OBJECTIVES

- *Optimise the achievement of our vision, mission, strategies, goals and objectives.*
- *Provide transparent and formal oversight of the risk and control environment to enable effective decision making.*
- *Enhance risk versus return within our risk appetite.*
- *Embed appropriate and effective controls to mitigate risk.*
- *Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.*
- *Enhance organisational resilience.*
- *Identify and provide for the continuity of critical operations*

RISK APPETITE

The Town defined its risk appetite through the development and endorsement of the Town's Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Procedures and are subject to ongoing review in conjunction with this policy.

All organisational risks to be reported at a corporate level are to be assessed according to the Town's Risk Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisation's appetite and are to be noted within the individual risk assessment and approved by a member of the Management Team.

ROLES, RESPONSIBILITIES & ACCOUNTABILITIES

The CEO is responsible for the allocation of roles, responsibilities and accountabilities. These are documented in the Risk Management Procedures (Operational Document).

MONITOR & REVIEW

The Town will implement and integrate a monitor and review process to report on the achievement of the Risk Management Objectives, the management of individual risks and the ongoing identification of issues and trends.

This policy will be kept under review by the Town's Management Team and its employees. It will be formally reviewed by the Audit & Risk Committee biennially.

STATUTORY ENVIRONMENT

A new Regulation (number 17) was inserted into the *Local Government (Audit) Regulations 1996* on 8 February 2013, which requires the Chief Executive Officer to undertake certain additional 'new tasks' required by that legislation.

In accordance with this regulation, the first review must be undertaken by no later than December 2014 (two calendar years).

Local Government (Audit) Regulations 1996 states:

17. CEO to review certain systems and procedures

(1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*

- (a) risk management; and*
- (b) internal control; and*
- (c) legislative compliance.*

(2) *The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*

(3) *The CEO is to report to the audit committee the results of that review.*

In accordance with this review the Chief Executive Officer recommends the Policy and attached Framework, which will guide staff in preparing the review to the Audit Committee in coming months.

FINANCIAL IMPLICATIONS

There are known financial implications upon either the Council's current Budget or Long Term Financial Plan.

STAFFING IMPLICATIONS

Implementation of the Framework, including the Policy and Procedures contained therein, will be undertaken using existing staff resources and as such, will have no impact on the current Municipal Budget or Long Term Financial Plan.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Executive Management – Town of Cottesloe

As the Policy is considered internal and operationally focused, no external community consultation is proposed nor is it required at law.

The Chief Executive Officer will need to ensure that employees are engaged with the Policy's implementation. The Policy and Framework is based on best practice guidance supplied by Council's Insurance Broker, Local Government Insurance

Services (LGIS) as part of a workshop convened in Cottesloe over the 6 and 7 July 2015.

STAFF COMMENT

Adoption of a Policy will guide the Chief Executive Officer and Management in what predominate risks exist and provide guidance as to Council's appetite for each of those risks and provide a more thorough and documented process for the administration to manage those risks, day to day.

As noted in the Framework, Risk Management is not a destination, but more of a journey. In other words – risks constantly evolve and or are discovered or 'detailed'.

It should not be expected that the organisation will document 'every risk' and put in place controls to manage every risk.

The attached Framework will establish processes by which the Chief Executive Officer, Management and employees can quantify or escalate risks to be managed by treatments or controls, or if unable or unwilling - to transfer or accept them.

In the first instance, higher level 'strategic' risks will be identified and in subsequent years, greater level of maturity, understanding and time, will fine tune the 'risk registers' such that it will be developed to include lower order 'operational' risks.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Rodda

THAT Council adopt as attached:

- 1. the draft Risk Management Policy, and**
- 2. Risk Management Governance Framework.**

Carried 7/0

10.4.2 STRATEGIC COMMUNITY PLAN

File Ref: SUB/1688
Attachments: [Strategic Community Plan](#)
[Community Consultation Policy](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Mat Humfrey
Chief Executive Officer
Proposed Meeting Date: 18 November 2015
Author Disclosure of Interest Nil

SUMMARY

In December 2013, Council adopted its first Strategic Community Plan. The plan is now being presented for its first review.

BACKGROUND

In October 2010, the State Government released its Integrated Planning and Reporting Framework (IPRF) for all local governments. The requirements for the IPRF were added to the Local Government (Administration) Regulations 1996 in August 2011. The framework expanded the forward planning requirements of local governments. The IPRF has three main components being the Strategic Community Plan, the Corporate Business Plan and the informing strategies.

The Town has all three components required by the Integrated Planning and Reporting Framework (IPRF) in place. The Strategic Community Plan was adopted in December 2013 and the Corporate Business Plan was adopted in March 2015. The supporting strategies, including the Long Term Financial Plan, Workforce Plan, Asset Replacement Schedules and Depot Funds Strategy have been adopted within the last two years as well. The supporting strategies and Corporate Business Plan are reviewed annually, where as the Strategic Community Plan is required to be reviewed every four years. While the Regulations (included below) state the Strategic Community Plan is to be reviewed every four years, the circulars provided by the Department of Local Government suggest this should be done every two years.

STRATEGIC IMPLICATIONS

The Strategic Community Plan is the key long term planning document for the Town. It has significant strategic implications.

POLICY IMPLICATIONS

The review of the Strategic Community Plan itself does not have any direct Policy Implications, however, projects contained within the plan may result in amendments to current policies or the creation of new policies.

The Town's Community Consultation Policy provides that the review of this document would be considered a key strategic issue and provides a level of advertising that

should be undertaken. The relevant table has been included in the attachments for this report.

STATUTORY ENVIRONMENT

Local Government Act 1995

5.56. Planning for the future

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Local Government (Administration) Regulations 1996

Division 3 — Planning for the future

19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*
- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*

- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
- (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
- *Absolute majority required.*
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

19D. Adoption of plan, public notice of to be given

- (1) *After the adoption of a strategic community plan, or modifications of a strategic community plan, under regulation 19C, the local government is to give local public notice in accordance with subregulation (2).*
- (2) *The local public notice is to contain —*
- (a) *notification that —*
 - (i) *a strategic community plan for the district has been adopted by the council and is to apply to the district for the period specified in the plan; and*

- (ii) *details of where and when the plan may be inspected;*
- or*
- (b) *where a strategic community plan for the district has been modified —*
 - (i) *notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and*
 - (ii) *details of where and when the modified plan may be inspected.*

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Strategic Community Plan adopted in December 2013 is still relevant to the district. While there has been much progress, many of the aspirations within that document are still to be achieved.

The Strategic Community Plan has many informing strategies and documents. Documents such as the Enquiry by Design Report from 2009, the previous Plan for the Future (and resulting Action Plans) and the Foreshore Redevelopment Plan were used to put together the first Plan.

Once the Plan was drafted, it was advertised heavily and submissions were called for. While there was significant interest in the Plan at the time, very few submissions were received.

The review undertaken by Officers was simply to remove any strategies that had been completed or modify any strategies where significant developments required it. The aspirations within the document have not been reviewed at this stage.

While the Regulation requires the Plan to be reviewed every four years, the advice from the Department of Local Government is that the plan should receive a “desktop” review every 2 years. The biennial review is supported by the Administration as it would allow a review following each election.

The Regulations and Circulars provided by the Department of Local Government do not provide any particular guidelines for the consultation required for a review of the Strategic Community Plan. They do provide advertising requirements for adopting the Plan or any modifications to it. They also provide that the document must contain a description of how the Plan was developed.

The Town's Community Consultation Policy provides that the review must be advertised and submissions sought. As a minimum, the policy requires that advertisements be placed in newspapers, on the Council's webpage, within the Cott Page and the letters are sent to relevant groups. It suggests that a media release and focus groups are options that could be also be considered.

As the review, as presented, does not alter the basis of the plan, it is recommended that the Revised Plan be advertised (as required by the Community Consultation Policy) and that submissions on the plan be called for. Council could then consider the submissions before final consideration of the revised plan is made.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Rodda

THAT Council authorise the Chief Executive Officer to advertise the revised Strategic Community Plan, as required by the Community Consultation Policy, and call for submissions on the plan such that it is reported back to Council at its February meeting.

Carried 7/0

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

Nil

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:

12.1 ELECTED MEMBERS

Nil

12.2 OFFICERS

Nil

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

MOTION FOR BEHIND CLOSED DOORS

Moved Mayor Dawkins, seconded Cr Rodda

In accordance with Standing Orders 15.10 that Council discuss the confidential reports behind closed doors.

Carried 7/0

Public and members of the media were requested to leave the meeting at 7:46 PM

13.1.1 BUDGET AMENDMENT – CONFIDENTIAL ITEM

File Ref: SUB/1999
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Mat Humfrey
Chief Executive Officer
Proposed Meeting Date: 17 November 2015
Author Disclosure of Interest: Nil

SUMMARY

This report recommends that Council note the information contained in the confidential officer report in relation to a budget amendment and endorse the officer recommendation.

BACKGROUND

Refer to the confidential report attached.

STRATEGIC IMPLICATIONS

Refer to the confidential report attached.

POLICY IMPLICATIONS

Refer to the confidential report attached

STATUTORY ENVIRONMENT

Local Government Act 1995 – s5.23 – Closing a meeting to the public.

(2) (d) legal advice obtained, or which may be entered into, by the local government and which relates to the matter to be discussed that the meeting;

FINANCIAL IMPLICATIONS

Refer to the confidential report attached.

SUSTAINABILITY IMPLICATIONS

Refer to the confidential report attached.

CONSULTATION

Refer to the confidential report attached.

STAFF COMMENT

As the content of the report contains information that meets the conditions set in the Local Government Act s5.23(2) (c) and (e), it is recommended that the meeting be closed to the public while considering this item.

VOTING

Absolute Majority

OFFICER & COMMITTEE RECOMMENDATION**Moved Cr Downes, seconded Cr Angers**

THAT Council, by Absolute Majority:

1. Approve the additional expenditure of \$40,000 for the 2015/2016 budget for the cleaning of the toilets at the Indiana Tea House;
2. Note the additional income of \$16,000 being the Lessee's contribution for cleaning of these facilities;
3. Authorise the Chief Executive Officer to enter into an arrangement with the Management of the Indiana Tea House that the Town will provide cleaning services for the public toilets, from 1 December 2015 to 1 April 2016 between 7.00am to 7.00pm every day of the week, with the Lessee to be responsible for toilets if they require them for a function outside of these times;
4. Note that the agreement is to provide the cleaning of the toilets for public use – if the Lessee has any specific requirements for a private event at the Indiana Tea House, the specific work required would be considered outside of this arrangement; and
5. Note that the agreement does not include any other maintenance of the facility, which remains exclusively with the Lessee.

AMENDMENT**Moved Cr Boulter, seconded Cr Thomas**

That a new point 6 be added that reads:

“That Council’s solicitors prepare the notes and agreements relating to the arrangement that Council contractors clean the Indiana toilets 2015/2016 season, ensuring there is no prejudice to current lease arrangements regarding responsibility for the cleaning and maintenance of the toilets”

Carried 7/0

COUNCIL RESOLUTION

THAT Council, by Absolute Majority:

1. Approve the additional expenditure of \$40,000 for the 2015/2016 budget for the cleaning of the toilets at the Indiana Tea House;
 2. Note the additional income of \$16,000 being the Lessee's contribution for cleaning of these facilities;
 3. Authorise the Chief Executive Officer to enter into an arrangement with the Management of the Indiana Tea House that the Town will provide cleaning services for the public toilets, from 1 December 2015 to 1 April 2016 between 7.00am to 7.00pm every day of the week, with the Lessee to be responsible for toilets if they require them for a function outside of these times;
 4. Note that the agreement is to provide the cleaning of the toilets for public use – if the Lessee has any specific requirements for a private event at
-

the Indiana Tea House, the specific work required would be considered outside of this arrangement; and

5. Note that the agreement does not include any other maintenance of the facility, which remains exclusively with the Lessee.
6. That Council's solicitors prepare the notes and agreements relating to the arrangement that Council contractors clean the Indiana toilets 2015/2016 season, ensuring there is no prejudice to current lease arrangements regarding responsibility for the cleaning and maintenance of the toilets.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 5/2

**For: Mayor Dawkins, Cr Rodda, Cr Downes, Cr Thomas and Cr Angers
Against: Cr Boulter and Cr Pyvis**

Cr Downes declared an impartiality interest in item 13.1.2, due to knowing the applicant in a social basis and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider this matter on its merits and vote accordingly.

**13.1.2 NO. 21 (LOT 18) DEANE STREET - TWO-STOREY DWELLING -
RECONSIDERATION OF COUNCIL DECISION PURSUANT TO SAT
MEDIATION**

File Ref: 3112
Responsible Officer: Andrew Jackson
Manager Development Services
Author: Ed Drewett
Senior Planning Officer
Andrew Jackson
Manager Development Services

Proposed Meeting Date: 23 November 2015
Author Disclosure of Interest: Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 (s.5.38)

5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.

 - (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
-

- (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
- (f) a matter that if disclosed, could be reasonably expected to —
- (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- and
- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
- (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

VOTING

Simple Majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Downes

That the recommendation contained within the confidential report be endorsed.

Carried 7/0

MOTION FOR BEHIND CLOSED DOORS

Moved Mayor Dawkins, seconded Cr Downes

That the meeting be re-opened to members of the public and media”.

Carried 7/0

The meeting reopened to public at 8:51pm however no members of public or media returned.

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

13.1.1 BUDGET AMENDMENT – CONFIDENTIAL ITEM

The resolution for item 13.1.1 was read aloud

13.1.2 NO. 21 (LOT 18) DEANE STREET - TWO-STOREY DWELLING - RECONSIDERATION OF COUNCIL DECISION PURSUANT TO SAT MEDIATION

As the matter was currently before the SAT the Council Resolution would be held until the SAT had determine the matter.

14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 8:51 PM.

CONFIRMED MINUTES OF 3 December 2015 PAGES 1 – 34 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: / /