

# **TOWN OF COTTESLOE**



## **ORDINARY COUNCIL MEETING**

# **AGENDA**

**ORDINARY COUNCIL MEETING  
TO BE HELD IN THE  
Council Chambers, Cottesloe Civic Centre  
109 Broome Street, Cottesloe  
6:00 PM Tuesday, 24 June 2025**

# Town of Cottesloe

## ORDINARY COUNCIL MEETING

Notice is hereby given that the next Ordinary Council Meeting will be held in the Council Chambers, Cottesloe Civic Centre 09 Broome Street, Cottesloe on **24 June 2025** commencing at **6:00 PM**.

The business to be transacted is shown on the Agenda hereunder.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Mark Newman', with a long horizontal flourish extending to the right.

Mark Newman  
**Chief Executive Officer**

20 June 2025

## DISCLAIMER

No responsibility whatsoever is implied or accepted by the Town for any act, omission, statement or intimation occurring during council meetings.

The Town of Cottesloe disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during council meetings.

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

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Town of Cottesloe during the course of any meeting is not intended to be and is not taken as notice of approval from the Town.

The Town of Cottesloe wishes to advise that any plans or documents contained within the agenda or minutes may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction.

Members of the public should note that no action should be taken on any application or item discussed at a council meeting prior to written advice on the resolution of Council being received.

All formal Council Meetings will be audio visual recorded and livestreamed and will be publicly available via the Town of Cottesloe's website or social media platform.

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



Town of Cottesloe

## ***DISCLOSURE OF INTERESTS***

Agenda Forum ☐

Ordinary Council Meeting ☐

Special Council Meeting ☐

*Name of Person Declaring an interest*

*Position*

*Date of Meeting*

This form is provided to enable members and officers to disclose an Interest in the matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act 1995 and Local Government (Administration) Regulations 1996 34C.

### **INTEREST DISCLOSED**

*Item No*

*Item Title*

*Nature of Interest*

*Type of Interest*

*Financial* ☐

*Proximity* ☐

*Impartiality* ☐

### **INTEREST DISCLOSED**

*Item No*

*Item Title*

*Nature of Interest*

*Type of Interest*

*Financial* ☐

*Proximity* ☐

*Impartiality* ☐

### **INTEREST DISCLOSED**

*Item No*

*Item Title*

*Nature of Interest*

*Type of Interest*

*Financial* ☐

*Proximity* ☐

*Impartiality* ☐

### **DECLARATION**

*I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.*

# DISCLOSURE OF INTERESTS

## Notes for Your Guidance

### IMPACT OF A FINANCIAL INTEREST (s. 5.65. & s. 67. Local Government Act 1995)

A member who has a **Financial Interest** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- a. In a written notice given to the Chief Executive Officer before the Meeting or;
- b. At the Meeting immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- a. Preside at the part of the Meeting relating to the matter or;
- b. Participate in, or be present during, any discussion or decision making procedure relative to the matter, unless and to the extent that, the disclosing member is allowed to do so under *Section 5.68* or *Section 5.69* of the *Local Government Act 1995*.

### INTERESTS AFFECTING FINANCIAL INTEREST

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest in a matter**.

1. A Financial Interest, pursuant to s. 5.60A or 5.61 of the *Local Government Act 1995*, requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are expectations in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e sporting, social, religious etc, and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e, if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors and ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **must** be given when the matter arises in the Agenda, and immediately before the matter is discussed. Under s. 5.65 of the *Local Government Act 1995* failure to notify carries a penalty of \$10 000 or imprisonment for 2 years.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
  - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) of the *Local Government Act 1995*; or
  - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the *Local Government Act 1995*, with or without conditions.

### **INTERESTS AFFECTING PROXIMITY (s. 5.60b Local Government Act 1995)**

1. For the purposes of this subdivision, a person has a proximity interest, pursuant to s.5.60B of the Local Government Act 1995, in a matter if the matter concerns;
  - a. a proposed change to a planning scheme affecting land that adjoins the person's land; or
  - b. a proposed change to the zoning or use of land that adjoins the person's land; or
  - c. a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.
2. In this section, land (the proposal land) adjoins a person's land if;
  - a. The proposal land, not being a thoroughfare, has a common boundary with the person's land; or
  - b. The proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
  - c. The proposal land is that part of a thoroughfare that has a common boundary with the person's land.
3. In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

### **INTERESTS AFFECTING IMPARTIALITY**

Definition: An interest, pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.

A member who has an **Interest Affecting Impartiality** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- a. In a written notice given to the Chief Executive Officers before the Meeting or;
- b. At the Meeting, immediately before the matter is discussed.

### **IMPACT OF AN IMPARTIALITY DISCLOSURE**

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest exist.

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

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

**2 DISCLAIMER**

The Presiding Member directed the public's attention to the Disclaimer and the paragraph that advises that formal meetings of Council will be audio/visually recorded.

**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION****4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**Mr Stephen Mellor – 8 Graham Court, Cottesloe**

*South Cottesloe Toilet Facility - Community Consultation.*

Q1 When will the promised whole of Town toilet facilities Strategy, Analysis, and Plan be presented to the Council and Community?

R1: Under the Council Plan and the deliverables timeframe for actions in the Plan, the Town will be developing a Foreshore and Beach Strategy in 2025/2026. This is likely to include public toilet requirements for the area covered by the Strategy.

The Town is also currently going through an Asset Management process, as approved at the April 2024 Council meeting. The process will include the development of a Community Infrastructure strategy. Public toilets are specifically mentioned as an item to be addressed in the development of the Community Infrastructure Strategy. The Asset Management Plan will be brought to Council for consideration in the next few months.

Q2: Can we have an Interim Report on the use of the Anderson Pavilion toilet facilities and has this had any operational issues or 'success'?

R2: Council's resolution in April 2024 was for a two-year trial of the extended public toilet access at Anderson Pavilion. A report will be brought to Council at the end of the trial period.

Q3a: What is the status of and schedule of the urgent refurbishment of the *Indiana* public toilets and changing rooms?

R3a: The anticipated redevelopment of the Indiana building is expected to include upgraded public toilets and change rooms. The cost of the redevelopment will be borne by the lessee. The Town expects to have some clarity around the lessee's revised redevelopment proposal imminently. Expenditure on upgrades beyond essential maintenance will likely be wasted when the anticipated redevelopment proceeds. Work on these facilities is therefore being limited to essential maintenance works. As part of the current budgeting process Council may make increased provision for reserve funds to enable this upgrade which is dependent on the final redevelopment proposal and its likely timing.

Q3b: Are these the same facilities that will be used for the patrons of the proposed *Indiana* sauna units?

R3b: Public toilets at Cottesloe beach are available for use by everyone.

Q3c: Has the Town received a revised proposal from Fiveight regarding the *Indiana* reinvigoration?

R3c: The Town continues to engage with Fiveight on its redevelopment proposal following Council's resolution in June 2024, that did not support the hotel redevelopment for the Indiana site. When a revised proposal conforming with the parameters endorsed by Council in June 2024 is put forward by Fiveight the matter will be brought to Council for further consideration.

Q3d: If not, have there been meetings, discussions or negotiations in this matter since the setting of parameters?

R3d: Refer to R3c.

Q3e: When can the community expect to see an update?

R3e: Refer to R3c

*In October 2024 I asked about the status of the sculpture previously at Cr Eric Street and Curtin Avenue – "Golden Section" by Ivan Black?*

Q4a: What is the repair cost estimate?

R4a: Approximately \$1000

Q4a: When will it be reinstalled?

R4b: The repairs are expected to be completed before the end of July 2025.

*I note in 10.1.3 INSTALLATION LOCALITY OF PUBLIC ART DONATION - the Sandbar sculpture Officer's Report that the John Black Skate Park has*

*been recognised as having 'high vandalism risk'.*

Q5: Has Council plans to install CCTV (inc Infra red technology) at the John Black Dune Skate Park?

R5: The possible vandalism risk was mentioned in the Officer's report as one of several reasons for rejecting that location. This was raised by the working group comprising the then CEO, the artist and representatives from Sculpture by the Sea. It is noted there is no evidence of significant vandalism at the skatepark to date, and increased surveillance would not appear to be warranted at this stage.

#### *Marine Parade Shared Cycle Path*

Q6a: Has the currently engaged path re-design consultant been asked to include the shared path requirement between Forrest Street and Eric Street in their concept considerations and is aware of the interconnect to and from the Foreshore Masterplan area?

R6a: Yes, as reflected in Council's resolution.

Q6b. Can the Council assure the community that a priority designated cycle path is separate from the existing pedestrian leisurely coastal path within the Foreshore Masterplan area if not in the whole Marine Parade length?

R6b: The Town will be consulting the community to get input from all users of the path and the foreshore area to ensure the final design delivers an active transport infrastructure that is safe and enjoyable for all.

Q6c: How will the priority cycle path pass the Indiana Tea Rooms?

R6c: See the above response.

Q7a: As the redevelopment of the OBH development seems to have stalled will Council reconsider and take the opportunity now to value the heritage value of the remaining 'hidden old hotel' parts of the existing building and register on the Cottesloe local heritage list?

R7a: The OBH redevelopment was approved under the state government's SDAU/WAPC process in mid 2023, with 3 years allowed for commencement. The Town is not privy to information regarding the likelihood of the development proceeding, or the timing. The heritage issue was considered by the WAPC in arriving at the decision to approve the application. Including the building on the Town's heritage list would have no bearing on the current approval and is unlikely to have any bearing on subsequent development applications for the site, in the event that the current development approval lapses.

Q7b. Will Council consider listing the whole of Napoleon Street as a local heritage area and to include the Albion Hotel?

R7b: The Albion Hotel is already included on the Town's Heritage list. While it

is not intended to include the whole of Napoleon Street as a local heritage area on the list, the street is located within the area covered by the draft Cottesloe Village Precinct Structure Plan (CVPSP). This Plan is currently awaiting approval to advertise from the WAPC and, if approved, will include objectives and specific provisions relating to preserving the heritage character of Napoleon Street. The Town welcomes comments on the draft CVPSP when it is advertised.

**Peter Rattigan 9 Grant Street, Cottesloe**

*Cottesloe Tree Canopy Advocates*

- Q1: What action has been taken since the adoption of the Green Infrastructure Strategy to achieve the success indicators stated in the Strategy in relation to public land to achieve a 30% tree canopy cover on public land by 2040 with a net increase of canopy of 1% per annum?
- R1: The street tree masterplan species have been identified and public consultation is in the process of being organised to obtain community feedback to finalise this strategic document.
- The Town has also commenced the development of the operating plans needed to maintain the growth of the Town's canopy.
- Q2: What action has been taken to implement the stated action plan in the Green Infrastructure Strategy?
- R2: In addition to the information within response 1, the Town continues to carry out infill planting and the restoration of the dunes in line with the program within the Natural Areas Management Plan.
- Q3: What action has been taken since the adoption of the Green Infrastructure Strategy to achieve the success indicator in the Strategy in relation to private land?
- R3: This is a complex matter that requires further consideration by Council.

**4.2 PUBLIC QUESTIONS**

**5 PUBLIC STATEMENT TIME**

**6 ATTENDANCE**

**Elected Members**

Mayor Lorraine Young  
Cr Helen Sadler

Cr Chilla Bulbeck  
Cr Brad Wylynko  
Cr Michael Thomas  
Cr Katy Mason  
Cr Jeffrey Irvine  
Cr Sonja Heath

Declaration of any Elected Members attending the meeting by electronic means

**.Officers**

Mr Mark Newman	Chief Executive Officer
Mr Shaun Kan	Director Engineering Services
Mr Steve Cleaver	Director Development and Regulatory Services
Mrs Vicki Cobby	Director Corporate and Community Services
Ms Jacquelyne Pilkington	Governance & Executive Office Coordinator
Ms Magdalena Domanska	Executive Services Officer

**6.1 APOLOGIES**

**6.2 APPROVED LEAVE OF ABSENCE**

Cr Melissa Harkins

**6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

**7 DECLARATION OF INTERESTS**

**8 CONFIRMATION OF MINUTES**

That the Minutes of the Ordinary Meeting of Council held on Tuesday 27 May 2025 be confirmed as a true and accurate record.

That the Minutes of the Special Meeting of Council held on Tuesday 17 June 2025 be confirmed as a true and accurate record.

**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.*

**9.2 PRESENTATIONS**

**9.3 DEPUTATIONS**

**10      REPORTS**

**10.1    REPORTS OF OFFICERS**

**COUNCIL RESOLUTION**

**That Council adopts the following en-bloc Officer Recommendations contained in the Agenda for the Ordinary Meeting of Council 24 June 2025:**

\_\_\_\_, \_\_\_\_, \_\_\_\_, \_\_\_\_, \_\_\_\_, \_\_\_\_, \_\_\_\_

**CORPORATE AND COMMUNITY SERVICES****10.1.1 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 MAY 2025**

**Directorate:** Corporate and Community Services  
**Author(s):** Vicki Cobby, Director Corporate and Community Services  
Luca Swart, Management Accountant  
Irene Wai Shan Au-Yeung, Assistant Finance Manager  
**Authoriser(s):** Mark Newman, Chief Executive Officer  
**File Reference:** D25/22294  
**Applicant(s):** N/A  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

It is a requirement of the *Local Government (Financial Management) Regulations 1996*, Regulation 34 that monthly financial statements are presented to Council, in order to allow for proper control of the Town's finances and to ensure that income and expenditure are compared to budget forecasts.

**OFFICER RECOMMENDATION IN BRIEF**

That Council RECEIVES the Monthly Financial Statements for the period 1 July 2024 to 31 May 2025.

**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; and
- Reconciliation of loans and investments.

**OFFICER COMMENT**

The following comments and/or statements provide a brief summary of major financial/budget indicators and are included to assist in the interpretation and understanding of the attached financial statements:

- The net current funding position as at 31 May 2025 was \$5,883,585 compared to \$3,632,871 at the same time last year.



- Operating revenue exceeds the year-to-date budget by \$316,942 while operating expenditure is less than the year-to-date budget by \$798,442. An explanation of material variances is provided in Note 3: Explanation of Material Variances, in the attached financial statements.
- Cash and investments are shown in Supplementary Information 3: Cash and Financial Assets at Amortised Cost, of the attached financial statements. The Town has 37.94% of funds invested with the Westpac Banking Corporation, 21.72% with the National Australia Bank, and 40.33% with the Commonwealth Bank of Australia.
- The balance of cash-backed reserves was \$7,375,220 as at 31 May 2025, as shown in Supplementary Information 4: Reserve Accounts.
- The Capital Works Program is detailed in Supplementary Information 5: Capital Acquisitions. It shows that capital expenditure is less than the year-to-date budget by \$1,361,925. An explanation of material variances is provided in Note 3: Explanation of Material Variances in the attached financial statements.
- Rates, sundry debtors, and other receivables are shown in Supplementary Information 7: Receivables. Outstanding rates amount to \$628,620, compared to \$350,268 at the same time last year. Sundry debtors and other receivables indicate that 49.30%, or \$266,793 are older than 90 days, which includes outstanding infringements.
- Information on borrowings is shown in Supplementary Information 10: Borrowings, of the attached financial statements. The Town had total principal outstanding of \$1,753,978 as at 31 May 2025.

**List of Accounts Paid for May 2025**

The list of accounts is now presented to Council in a separate report titled “List of Payments”.

**BUDGET AMENDMENTS**

There are no budget amendments being recommended in this report.

**ATTACHMENTS**

- 10.1.1(a)      Monthly Financial Statements for the period ending 31 May 2025 [under separate cover]**

**CONSULTATION**

Internal

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

Section 6.4

*Local Government (Financial Management) Regulations 1996*

Regulation 34

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

This report is consistent with the Town's *Council Plan 2023-2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**RISK MANAGEMENT IMPLICATIONS**

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires that monthly financial reports be presented at an ordinary council meeting within two months of the end of the relevant month. Failure to accept this report may result in the Town not meeting its legislative obligations.

By not approving recommended budget amendments, if any, current budget allocations may not be sufficient or exist at all, risking exceeding current budgets or incurring expenses that are not budgeted.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2024 to 31 May 2025.**

**10.1.2 LIST OF PAYMENTS 1 TO 31 MAY 2025**

**Directorate:** Corporate and Community Services  
**Author(s):** Vicki Cobby, Director Corporate and Community Services  
Luca Swart, Management Accountant  
Irene Wai Shan Au-Yeung, Assistant Finance Manager  
**Authoriser(s):** Mark Newman, Chief Executive Officer  
**File Reference:** D25/22296  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

It is a requirement of the *Local Government (Financial Management) Regulations 1996*, Regulation 13 that if a Local Government has delegated to the CEO the exercise of its power to make payments from the municipal or trust funds, a list of payments must be prepared each month and are presented to Council.

**OFFICER RECOMMENDATION IN BRIEF**

That Council RECEIVES the List of Payments 1 to 31 May 2025.

**BACKGROUND**

Section 6.10 of the *Local Government Act 1995* requires the keeping of financial records and general management of payments, which is further specified in Regulation 13 of the *Local Government (Financial Management) Regulations 1996*. A list of payments is to be prepared each month and presented to Council at the next ordinary meeting of council after this list is prepared. This report is to show the payee's name, the amount of payment, the date of the payment and sufficient information to identify the transaction.

**OFFICER COMMENT**

The list of payments made during May 2025 is included in the attachment. This includes purchases made via electronic fund transfers and cheque payments, credit card payments, and fuel cards payments.

The following material payments are brought to the Council's attention (excludes internal investment transfers):

- \$266,214.33 and \$171,715.95 to the Town of Cottesloe Staff for Fortnightly payroll
- \$163,413.27 to the Western Metropolitan Regional Council (WMRC) for waste disposal charges (WMRC)
- \$127,766.00 and \$50,251.00 to the Australian Taxation Office for PAYG
- \$124,439.17 to the Major Motors Pty Ltd for vehicle purchase (water truck)
- \$112,681.48 and \$92,892.07 to Solo Resource Recovery for waste collection services
- \$78,001.00 to Eco Shark Barrier Pty Ltd for the removal of shark barrier

- \$71,959.76 to Miraplex Group Pty Ltd for retaining wall remediation services
- \$51,224.20 and \$43,829.75 to the SuperChoice Services Pty Ltd for superannuation contributions
- \$39,838.26 to Datacom for the continuing implementation of the ERP
- \$37,076.75 to Surf Life Saving WA for Lifeguard services
- \$36,156.45 to Managed IT for IT services and license agreements
- \$35,915.00 to Horizon West Landscape & Irrigation Pty Ltd for reticulation services on Marine Parade
- \$35,534.40 to Programmed Property Services Pty Ltd for North Cottesloe public toilets refurbishment

**ATTACHMENTS**

**10.1.2(a)      Payment Listing May 2025 [under separate cover]**

**CONSULTATION**

Internal

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

Section 6.10

*Local Government (Financial Management) Regulations 1996*

Regulation 13

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

This report is consistent with the Town's *Council Plan 2023-2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**RISK MANAGEMENT IMPLICATIONS**

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* requires that a list of payments be presented at the next Ordinary Council Meeting after the list is prepared. Failure to accept this report may result in the Town not meeting its legislative obligations.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**THAT Council RECEIVES the List of Payments 1 to 31 May 2025, as detailed in Attachment 1.**

**10.1.3 DELEGATION REGISTER UPDATE**

**Directorate:** Corporate and Community Services  
**Author(s):** Vicki Cobby, Director Corporate and Community Services  
**Authoriser(s):** Mark Newman, Chief Executive Officer  
**File Reference:** D25/22523  
**Applicant(s):**  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider the review of the Delegations Register.

**OFFICER RECOMMENDATION IN BRIEF**

That Council approves the delegations provided to the CEO and notes the updated Delegation Register for 25/26.

**BACKGROUND**

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

The Delegations Register contains all such delegations made to the Chief Executive Officer (CEO) and where the CEO has then on-delegated to other staff. The Register also contains any limits on the types of decisions that can be made under the Delegation, but importantly, it does not set out what decision has to be made.

The Register was last adopted by Council at the July 2024 Ordinary Council Meeting and should be reviewed each financial year to ensure all delegations are in place for the new financial year.

The amended Delegations Register is attached for Council's consideration - **Attachment (a)**.

**OFFICER COMMENT**

Under the Local Government Act 1995, Section 5.42 allows the Council to delegate certain powers and duties to the Chief Executive Officer (CEO). Section 5.44 further permits the CEO to delegate (or sub-delegate) these powers and duties to other Town Officers. The purpose of these delegations is to streamline decision-making processes, thereby eliminating the need for the Council to convene formal meetings for routine matters such as payment arrangements, invoice authorisations, and issuing infringements under local laws.

All delegations, whether from the Council to the CEO or from the CEO to officers, must be recorded in the Town's Delegation Register. Section 5.46 mandates an annual review of these delegations each financial year.

In recent years, the delegations from the Council to the CEO have remained consistent. In this report two changes are being recommended.

1. **1.14 Waive, Grant Concessions or Write Off Individual Debts to a maximum of \$1,000.** The use of this delegation for amounts between \$1,000 and \$5,000 don't occur very often, but when they do, the amount of work involved in preparing a council report, by the officer, the Directors, the Governance & Executive Support Coordinator and the CEO, combined with the time spent by up to nine Elected Members to read and debate this item suggest that this is not cost or time effective. The recommended amendment to this delegation is to increase the limit allowable to \$5,000.
2. **1.17 Action Taken When Rates are Unpaid for at Least Three Years.** A correction of a spelling mistake in the Function Delegated, changing "the" to "three" so the sentence reads, "Authority to take possession of land and hold the land against a person having an estate of interest in the land where any rates or service charges in respect of the rateable land have been unpaid for at least three years."

In the previous review of delegations, two changes were made to the delegations from the CEO to the staff. Nine delegation amendments are being proposed by the CEO for 2025/2026 and are detailed below.

1. **1.7 Withholding of Goods.** The Manager Finance has been removed as a sub-delegate, as the delegation is not necessary for the effective performance of their role and responsibilities.
2. **1.8 Disposal of Impounded Goods.** The Manager Finance and Manager Building and Health were removed as sub delegates and replaced with the Coordinator Ranger Services. This change aligns the delegation with the current operational responsibilities and functional roles within the organisation.
3. **1.9 Disposal of Sick or Injured Animals.** The Manager Building and Health was removed as a sub delegate and replaced with the Coordinator Ranger Services. This change aligns the delegation with the current operational responsibilities and functional roles within the organisation.
4. **1.14 Waive, Grant Concessions or Write Off Individual Debts to a maximum of \$1,000.** This delegation is used frequently and predominantly for small amounts and takes a considerable amount of the CEO's time. These include infringements where it is not possible to proceed with debt recovery and small interest amounts on accounts that have been paid and pursuing the debt is not cost effective. A proposed limit of \$500 for Directors with the condition that they can only use the delegation on fees and charges related to their operational areas and responsibilities.
5. **2.1 Power to Make Payments from the Municipal and Trust Funds.** The Manager Building and Health was removed as a sub delegate as the delegation is not necessary for the effective performance of their role and responsibilities. Five signatories are sufficient for the organisation.
6. **3.1 Obstruction of Public Thoroughfare by Things Placed and Left.** The Coordinator Ranger Services has been added to this delegation as this aligns with the current operational responsibilities and functional roles of this position.

7. **3.2 Obstruction of Public Thoroughfare by Fallen Things.** The Coordinator Ranger Services has been added to this delegation as this aligns with the current operational responsibilities and functional roles of this position.
8. **3.3 Encroaching of Public Thoroughfare.** The Coordinator Ranger Services has been added to this delegation as this aligns with the current operational responsibilities and functional roles of this position.
9. **12.3 Removal and Dispose of Signs Unlawfully Displayed.** The Coordinator Ranger Services has been added to this delegation as this aligns with the current operational responsibilities and functional roles of this position.

A marked-up version of these delegations is attached for Council review – **Attachment (b)**.

It is important that Council review the delegations to the CEO to ensure that authority is not granted for decisions where Council involvement is deemed necessary. The Council can also impose conditions on the delegation to limit the circumstances under which the CEO can make decisions on its behalf.

It is important to note that the use of delegated authority is discretionary. The CEO (or other delegated officers) may choose not to use their delegation if they believe that the Council is better suited to make a particular decision.

Regarding the CEO's delegation of authority to individual officers, the Council should understand that this is at the CEO's discretion. The Council cannot directly overrule the CEO's delegations except by limiting the delegation from the Council to the CEO. Council should note that changes to delegations from the CEO to officers may occur during the year, and the Register will be updated when this occurs. Officers granted delegated authority are required to complete primary and annual returns to identify and mitigate possible conflicts of interest related to their use of delegated authority.

The Delegation Register is a public document and is accessible by the community via the Town's website.

### **ATTACHMENTS**

- 10.1.3(a)      **2025/2026 Delegated Authority Register [under separate cover]**
- 10.1.3(b)      **Amended Delegations - Tracked Changes [under separate cover]**

### **CONSULTATION**

Executive Staff

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

s5.42 Delegation of some powers and duties to CEO

s5.43 Limits on delegations to CEO

s5.44 CEO may delegate powers and duties to other employees

s5.45 Other matters relevant to delegations under this Division



s5.46 Register of, and records relevant to, delegations to CEO and employees

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

This report is consistent with the Town's *Council Plan 2023-2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**RISK MANAGEMENT IMPLICATIONS**

There is minimal risk to the Town should the amended delegation to the CEO not be approved as the existing delegations will remain in effect. However, the potential efficiencies in cost and time associated with the proposed changes would not be realized. It is important to note that an annual review of delegations is a requirement under the *Local Government Act 1995*, and failure to complete this review may place the Town at risk of non-compliance.

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION**

**THAT Council by absolute majority APPROVES the Delegations made to the Chief Executive Officer (CEO) and NOTES the attached Delegations Register for 2025/26, which also identifies current sub-delegations from the CEO to Town Officers.**

**10.1.4 POLICY REVIEW - APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER POLICY AND CREDIT CARD POLICY**

**Directorate:** Corporate and Community Services  
**Author(s):** Vicki Cobby, Director Corporate and Community Services  
**Authoriser(s):** Mark Newman, Chief Executive Officer  
**File Reference:** D25/23141  
**Applicant(s):**  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Policies are reviewed regularly to ensure they remain current and relevant. The Credit Card Policy and Appointment of Acting Chief Executive Officer Policy have been reviewed and are being recommended for amendment.

**OFFICER RECOMMENDATION IN BRIEF**

That Council APPROVES the amended policies as presented in the attachments:

1. Appointment of Acting Chief Executive Officer Policy; and
2. Credit Card Policy.

**OFFICER COMMENT****Appointment of Acting Chief Executive Officer**

The current policy was adopted by Council in April 2020.

The amended policy gives reference to the Council Plan 2023-3033, replacing the Strategic Community Plan 2013-2023 and Community Business Plan 2020-2024 in the Reference heading.

Since April 2020, the job titles of the Executive team have changed from Executive Managers to Directors. In the amended policy the reference to Executive Managers has been updated to Directors.

The original policy includes a paragraph on the remuneration of the Acting CEO. This is not required to be outlined in this policy and is a decision of the Chief Executive Officer.

There is also a minor change in a reference to the Local Government Act 1995, replacing Section 5.36(2)(b) to Section 5.36(2)(a).

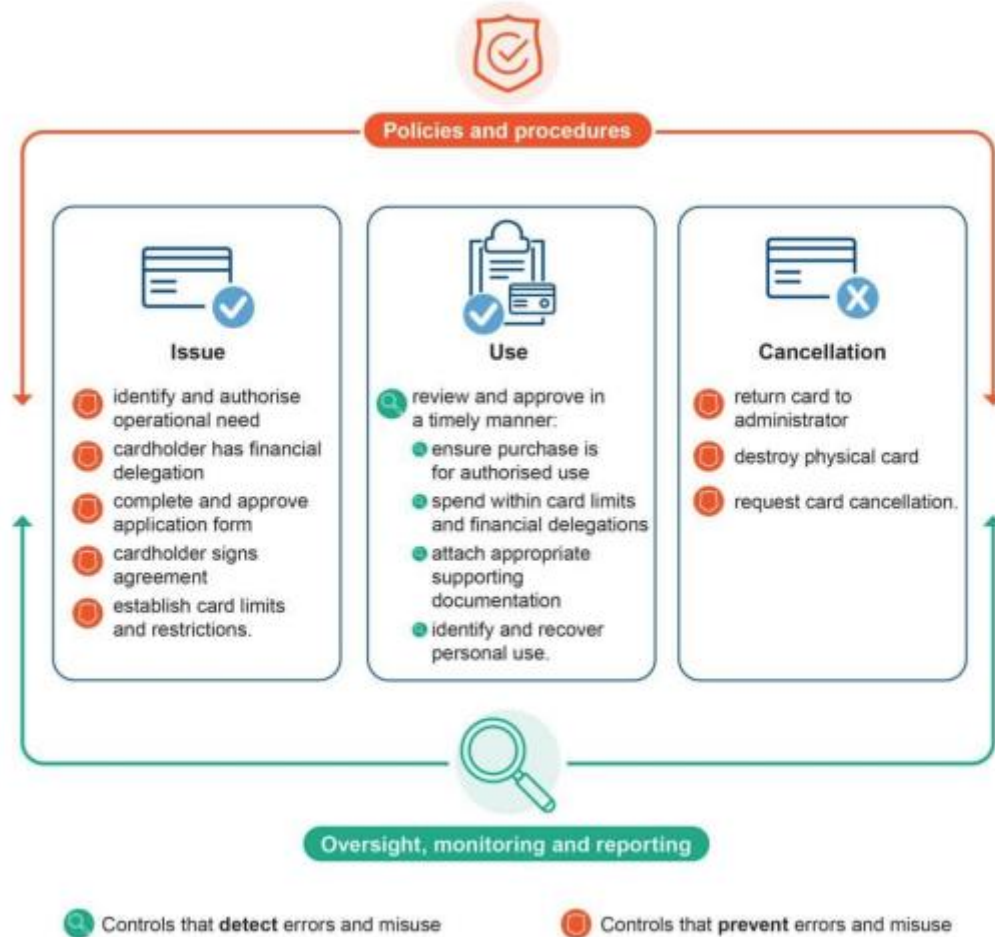
**Attachment (a)** shows the original policy with tracked changes. **Attachment (b)** is the final version of the recommended amended Appointment of Acting Chief Executive Officer Policy.

**Credit Card Policy**

The Office of the Auditor General (OAG) has issued two reports in two years on Local Government entities management of purchasing cards. The most recent of these, published on 28 May 2025 was on larger metropolitan entities. The previous report, issued on 12 June 2024 was on regional Local Governments.

With the review of the Town's Credit Card policy, it is the intention to address the concerns raised by the OAG and ensure the Town of Cottesloe has effective and appropriate control over its credit card usage.

In both audits the OAG assessed the following controls;



Source: OAG

The resulting recommendations from the 2025 OAG report are;

#### Recommendations

1. The six entities should ensure their policy and guidance is clear on what is allowable and reasonable business use expenditure for items such as travel, alcohol, meals, entertainment and gifts.
2. The six entities, as relevant, should:
  - a. Report purchasing card transactions more transparently to council to enable better scrutiny of how public money is being spent.
  - b. Have suitable controls in place to manage the issue and timely cancellation of purchasing cards.
  - c. Review and approve purchasing card transactions in a timely manner
  - d. Keep proper records of the review and approvals of purchasing card transactions and card cancellations.

- e. Regularly monitor and report on purchasing card controls to allow management to oversee usage and control effectiveness. The results of reviews should be documented and retained.

The credit card policy was last reviewed in May 2016, and is now being recommended for a significant revision and amendment. The results of the most recent OAG review on local government management of purchasing cards has demonstrated that the Town currently has inadequate controls and monitoring. While this is an appropriate report to present to the Audit Committee (soon to become the Audit, Risk and Improvement Committee), the administration believes immediate action to ensure the Town of Cottesloe is reducing risk and improving accountability, control and transparency is paramount.

### **ATTACHMENTS**

- 10.1.4(a) Appointment of Acting CEO Policy - Tracked changes [under separate cover]**
- 10.1.4(b) Appointment of Acting CEO Policy - AMENDED June 2025 [under separate cover]**
- 10.1.4(c) Credit Card Policy - Tracked changes [under separate cover]**
- 10.1.4(d) Credit Card Policy - AMENDED June 2025 [under separate cover]**

### **CONSULTATION**

Executive Team

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

Section 2.7(2)(a)and(b)

Section 6.5(a)

*Local Government (Financial Management) Regulations 1996*

Regulation 11(1)a

Regulation 13A

### **POLICY IMPLICATIONS**

Updating the Appointment of the Acting Chief Executive Officer Policy will not alter the process of appointing an Acting CEO. This change updates terminology and improves the ability of the CEO to remunerate staff appropriately.

The recommended Credit Card Policy amendments will substantially change the way we currently use our corporate credit card. These changes will tighten the control on credit card spend by establishing cardholder agreements, formalising application processes and approval, setting card limits and restrictions while increasing oversight, monitoring and reporting.

**STRATEGIC IMPLICATIONS**

This report is consistent with the Town's *Council Plan 2023-2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**RISK MANAGEMENT IMPLICATIONS**

There is little risk in not updating the Appointment of Acting Chief Executive Officer Policy. Not updating the Credit Card Policy holds a lot of risk. The OAG have issued direct guidelines and needs a proactive response. Financial and reputational risk is high if no action is taken.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**THAT Council AMENDS:**

- 1. The Appointment of Acting Chief Executive Officer Policy as outlined in Attachment (a); and**
- 2. The Credit Card Policy as outlined in Attachment (b).**

**10.1.5 AUSTRALIA DAY EVENTS FROM 2026**

**Directorate:** Corporate and Community Services  
**Author(s):** Sally DeFreitas, Manager Community and Customer Services  
**Authoriser(s):** Vicki Cobby, Director Corporate and Community Services  
**File Reference:** D25/23173  
**Applicant(s):**  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider endorsing the commencement of community consultation regarding the preferred date for the Town's annual Australia Day Citizenship Ceremony.

**OFFICER RECOMMENDATION IN BRIEF**

That Council ENDORSES community consultation to determine community preferences for the timing of the Australia Day Citizenship Ceremony.

**BACKGROUND**

The *Australian Citizenship Ceremonies Code*, which outlines the requirements for conducting citizenship ceremonies under the *Australian Citizenship Act 2007 (Cth)*, initially required local governments to hold a citizenship ceremony on Australia Day.

Since 2011, the Town of Cottesloe has co-hosted a combined Citizenship Ceremony and Awards event with the Town of Mosman Park and the Shire of Peppermint Grove.

In 2022, the Australian Government updated the Code to give councils greater flexibility, allowing ceremonies to be held on 26 January or within a three-day window before or after that date (anytime between 23 January and 29 January). The three Councils continued rotation of hosting responsibilities, including setting the date of the celebration.

Since the change, the Town has held its citizenship ceremonies on the following dates:

- **26 January 2023** – Hosted by the Town of Cottesloe in partnership with the Shire of Peppermint Grove and the Town of Mosman Park.
- **27 January 2024** – Hosted by the Town of Mosman Park, who independently chose to hold the event on 27 January, again in partnership with the Shire of Peppermint Grove and the Town of Cottesloe.

In July 2024, the Shire of Peppermint Grove resolved to establish a new biennial event, the *Peppermint Grove Community Day*, to be held every two years in October. As a result, the Shire advised the Town of Cottesloe that it would no longer participate in the joint Australia Day citizenship ceremony from 2025 onwards.

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**26 January 2025** – Hosted by the Town of Cottesloe - Town of Cottesloe only.

The Town is now commencing a community consultation process to seek feedback on the future of the Australia Day Citizenship Ceremony. This will help ensure the event is inclusive, respectful, and reflective of the diverse views and values of the local community.

#### **OFFICER COMMENT**

It is proposed that consultation be undertaken in June 2025 to determine community views on preferred dates for the Citizenship Ceremony, with three options to be presented:

**Question: When should the Town of Cottesloe hold its Australia Day events?**

**These events include the Citizenship Ceremony and the Community Citizen of the Year Awards.**

- **Option A:** On the nearest Saturday to 26 January (or Sunday 27 January if 26 January is a Saturday)
- **Option B:** On 26 January (Australia Day)
- **Option C:** I have no preference

The consultation will be carried out via the Town's community engagement platform 'Engage Cottesloe.'

#### **PROPOSED CONSULTATION TIMELINE**

- **Friday 27 June 2025:** Community consultation opens (3 weeks)
- **Friday 18 July 2025:** Consultation closes
- **Tuesday 26 August 2025:** Report to Council on consultation outcomes

A summary of community feedback will be presented to Council in August 2025 to inform future planning.

#### **ATTACHMENTS**

Nil

#### **CONSULTATION**

- General community (via online and printed survey)

#### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

**Section 2.7 – Role of Council****POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

This report is consistent with the Town's *Council Plan 2023-2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.1: Engage, inform and actively involve our community in Council decision making.

**RESOURCE IMPLICATIONS**

Costs associated with community consultation and engagement will be met within the existing operational budget.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**RISK MANAGEMENT IMPLICATIONS**

Failure to consult with the community on this matter may result in reputational risks and perceptions of non-inclusiveness. Community engagement helps mitigate these risks by ensuring transparency and representation.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**THAT Council;**

- 1. ENDORSES the commencement of community consultation in June 2025 regarding the preferred date of the Town's Australia Day Citizenship Ceremony;**
- 2. NOTES that a Community Engagement Plan will be circulated to Elected Members prior to the commencement of consultation; and**
- 3. REQUESTS the Chief Executive Officer to oversee the consultation process and present a report to Council in August 2025 summarising the outcomes.**



**ENGINEERING SERVICES****10.1.6 PROPOSED STREETScape IMPROVEMENT FOR MIXED USE DEVELOPMENT ON LOT 6 (110-112) MARINE PARADE, COTTESLOE**

**Directorate:** Engineering Services  
**Author(s):** Peter Ng, Coordinator Building and Conservation Projects  
**Authoriser(s):** Shaun Kan, Director Engineering Services  
Mark Newman, Chief Executive Officer  
**File Reference:** D25/14966  
**Applicant(s):** Space Collective Architects  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider APPROVING the attached streetscape proposal for the 110 Marine Parade development, subject to conditions.

**OFFICER RECOMMENDATION IN BRIEF**

That Council APPROVES the attached proposal subject to conditions.

**BACKGROUND**

110 Marine Parade is a five-storey mixed-use development, approved by JDAP on 20 December 2021, comprising three ground-floor commercial tenancies and eight multiple dwellings. The developers, after consulting with the Town, have submitted a streetscape enhancement proposal for the frontage of their property that features the:

- Planting of five trees within the public footpath, of which three are on Marine Parade and the other two along Warnham Road;
- Building and tree well uplights;
- Temporary potted plants;
- Relocation of Western Power street lighting, including some other street furniture;
- Replacement of kerbing and removal of vehicle bays along Marine Parade; and
- The installation of a loading bay along Warnham Road.

Whilst the developers will be responsible for the cost of the entire proposal, Council should note that there are elements that are inconsistent with the approved Foreshore Masterplan.

This is discussed in the officer's comment section.

The building works, including any approved streetscape improvements, are expected to be completed by October 2025.

**OFFICER COMMENT**

These enhancements provide immediate community benefits and set a strong precedent for future development along Marine Parade by setting high design standards and a coordinated approach by improving the public realm in conjunction with the building works.

**Foreshore Masterplan Variations**

The following are the proposal's variations from the approved Foreshore Masterplan ([https://www.cottesloe.wa.gov.au/Profiles/cottesloe/Assets/ClientData/10\\_2\\_85\\_Percent\\_Detailed\\_Design\\_Summary\\_Plan.pdf](https://www.cottesloe.wa.gov.au/Profiles/cottesloe/Assets/ClientData/10_2_85_Percent_Detailed_Design_Summary_Plan.pdf))

- Deviation 1: Replace 2 Marine Parade designated trees: Norfolk Island Pine and *Casuarina equisetifolia* (Coastal Sheoak) with 3 *Melaleuca quinquenervia* (Paperbark tree) as the substantive pine tree species may impact the building and public infrastructure;
- Deviation 2: Installation of uplighting for trees along Marine Parade to subtly illuminate the streetscape trees, assisting with wayfinding in the public realm and set a positive precedent for future development;
- Deviation 3: Installation of temporary planter boxes to soften the landscape and views until such time as the Foreshore Redevelopment is complete;
- Deviation 4: Relocation of street infrastructure such as waste bins, bicycle racks, an Australia Post mailbox, parking sign, fire hydrant and hydrant pit;
- Deviation 5: Plant 3 Paperbark street trees along Warnham Road in front of the development site to enhance the streetscape's aesthetic character;
- Deviation 6: The incorporation of a Warnham Road Loading Bay to replace the one on Marine Parade is needed to facilitate commercial deliveries and servicing needs;
- Council is to note that the kerbing works within the proposal are in line with the approved Foreshore Masterplan.
- Deviation 7: Proposed relocation of a streetlight pole to the western side of Marine Parade.

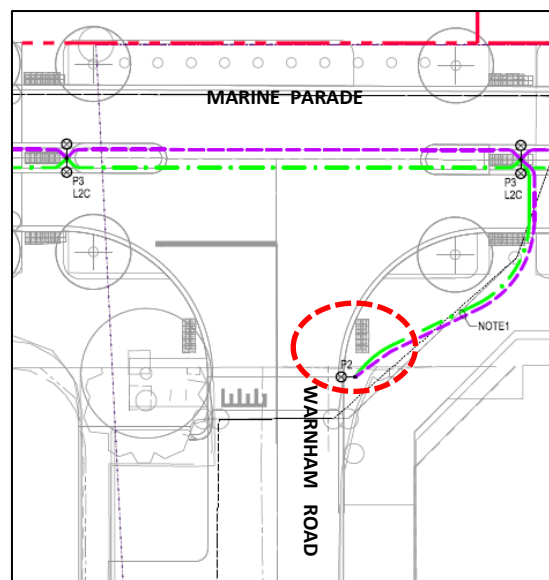
**Assessment of Proposal**

This development and several others did not exist in 2018 and 2019, at the time when the Masterplan was being designed, and this may be the opportunity for the streetscape, particularly on the eastern side of Marine Parade to be reviewed.

In summary, the Administration:

- Has no objection to Deviation 1, provided an Arborist can certify that the proposed changes to the tree species and the landscape design at this location will not cause other implications;
- Supports Deviation 2 to 6 subject to conditions because:
  - (a) The in-ground and building luminaries are expected to enhance verge lighting and are likely to set a standard for high-quality design outcomes in future developments which are removable if needed to be consistent with any future streetscape;

- (b) The planter boxes are temporary and can be removed if requested;
  - (c) The street furniture relocation improves pedestrian movement, reduces visual clutter, and creates a more functional and visually appealing public realm while ensuring compliance with accessibility and safety standards;
  - (d) The proposed Paperbark tree for Warnham Road is consistent with the Foreshore landscape palette and is located on a side street which allows it to complement the overall Foreshore vision without impacting key sightlines or the broader landscape design intent; and
  - (e) It is expected that the loading bay will improve traffic flow along Marine Parade, minimise on-street parking disruptions, and support the efficient operation of ground floor businesses while maintaining safe pedestrian access.
- Does not support Deviation 7 as the street lighting relocation poses a risk to traffic and pedestrian safety at the intersection. The Masterplan specifies a uniform placement of street lighting poles at the north-east corner of each intersection along Marine Parade (as depicted in Figure 1 below), and the proposed deviation would undermine road safety and this coordinated design approach.



**Figure 1** - Foreshore Masterplan - Streetlight Placement at North-East Corners of Marine Parade Intersections

The officer's recommendation has been worded accordingly based on this assessment.

### **ATTACHMENTS**

**10.1.6(a)      Attachment A - 110 Marine Parade Verge Application [under separate cover]**

### **CONSULTATION**

Planning Services, Parks and Operations, Elected Members, and the Applicant.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995 Section 2.7 – Role of Council*

[https://classic.austlii.edu.au/au/legis/wa/consol\\_act/lga1995182/s2.7.html](https://classic.austlii.edu.au/au/legis/wa/consol_act/lga1995182/s2.7.html)

**POLICY IMPLICATIONS**

The treatment suggested will deviate from the approved Foreshore Masterplan.

**STRATEGIC IMPLICATIONS**

This report is consistent with the Town's *Council Plan 2023-2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.2: Work innovatively and collaboratively with government, industry, business and community to deliver positive outcomes.

**RESOURCE IMPLICATIONS**

The proposed streetscape improvement and maintenance of the landscaping and verge trees will be at the expense of the developer.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

Following the officer's recommendation will promote environmental sustainability by ensuring appropriate species selection, minimising maintenance needs, and enhancing the ecological value of the public realm.

**RISK MANAGEMENT IMPLICATIONS**

Accepting the Officer's recommendation will help ensure safety, maintain compliance, and uphold the integrity of the Foreshore Masterplan, particularly around the tree species changes and not accepting the relocation of street lighting.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

THAT Council

1. **With the exception of Deviation 7 referenced within the officer's comment section of this report relating to the proposed street lighting modifications, SUPPORT the other proposals in principle within Attachment A and the variation from the approved Foreshore Masterplan subject to the following conditions:**
  - a. Arboriculture certification, **obtained by the Town and at the cost of the owner** is required for the following street tree species modifications:

- I. Changes to the Marine Parade property frontage species from a Norfolk Island Pine and Coastal Sheoak to 3 Melaleuca quinquenervia (Paperbark tree);
    - II. Installation of three Paperbark trees on Warnham Road;
    - III. The **Arborist assessment shall consist of:**
      - i. **The impact on the canopy as a result of the tree species changes;**
      - ii. Other implications arising from this revision;
  - b. **The final verge tree species selected is subject to the Arborist Report and shall be to the satisfaction of the Town;**
  - c. The verge trees **and soft landscaping** along the Marine Parade and Warnham Road are to be maintained in good health for three years at the owner's expense;
  - d. **A bond in line with the fees and charges schedule shall be held and returned only when the Town is satisfied that the trees are in a healthy and thriving condition;**
  - e. The temporary planter pots and plants:
    - I. Must not exceed 0.75 metres in height to maintain safe sightlines at the intersection (visual truncation);
    - II. Are to be maintained by the owner and at their cost;
    - III. Are to be removed if requested by the Town, at the expense of the owner;
  - f. All landscape lighting (building and trees) must be:
    - I. Maintained and operated at the owner's expense;
    - II. Removed at the owner's expense if requested by the Town.
  - g. The applicant must provide for the relocation of various street infrastructure elements:
    - I. Written consent or approval from the relevant agencies;
    - II. Retain this furniture within the frontage of the development site;
2. INSTRUCTS the Chief Executive Officer to liaise with the applicant to provide an engineer's certified detailed design that addresses the following:
    - a. All the conditions mentioned in point 1;
    - b. The engineering compliance of all other infrastructure within the proposal and their alignment to the approved Foreshore Masterplan that includes the road, kerb, and footpath;
    - c. Any other matters determined necessary by the Chief Executive Officer;
  3. AUTHORISES the Chief Executive Officer to:
    - a. APPROVE a streetscape design by the proponent that meets the requirements mentioned in points 1 and 2.
    - b. REVIEW the Foreshore Masterplan landscaping design particularly the trees along the eastern side of Marine Parade to integrate with future developments **and to**

ensure that any changes to the tree species do not reduce the future tree canopy that is provided within the currently approved design.

**10.1.7 SEA VIEW GOLF CLUB (SVGC) CLUBHOUSE REDEVELOPMENT CONCEPTS**

**Directorate:** Engineering Services  
**Author(s):** Shaun Kan, Director Engineering Services  
**Authoriser(s):** Mark Newman, Chief Executive Officer  
**File Reference:** D25/23784  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider making the Sea View Golf Club Clubhouse Redevelopment Concepts (SVGC Concepts) public and provide these designs and their monetary values to the market sounding and economic analysis consultant for them to carry out their works in line with the April 2025 Ordinary Council Meeting (OCM) resolution.

**OFFICER RECOMMENDATION IN BRIEF**

That Council **AUTHORISES** the Chief Executive Officer (CEO) to make the SVGC concepts public and provide their monetary values including these designs to the appointed consultants to carry out their work.

**BACKGROUND**

At the October 2024 Ordinary Council Meeting (OCM), Council approved the development of 3 concepts based on the principles below:

- Demolish and rebuild;
- Refurbish and expand; and
- Refurbish only.

Given that the CEO had deemed the then item to have met the confidential provisions under the Local Government Act 1995 Section 5.23, the officer's report and its attachments were not publicly available. This included the concepts and cost estimates.

Council at its April 2025 OCM then discussed the item behind closed doors and openly resolved as follows:

***OCM067/2025***

***THAT Council by ABSOLUTE MAJORITY APPROVES the Seaview Golf Club Redevelopment Advisory Committee's Recommendation:***

***1. APPROVES a budget amendment of \$33,945;***

***a. funded through the property reserve that has an outstanding balance of \$188,697;***

***b. Increase the approved budget within account 35.1171.2 Seaview Golf Club House Redevelopment Feasibility from \$75,000 to \$108,945; and***

**2. REQUESTS the Chief Executive Officer to include a request for suggestions for off course improvement and activities in the surrounding area of the clubhouse as part of the analysis for the remaining elements of Stage 2; and**

**3. ENDORSES the 3 Solutions attached for the purpose of economic analysis to develop benefit to cost ratios and market sounding for each design option.**

***Carried by Absolute Majority 8/0***

Council approval is now needed for these concepts to be made public and provide their monetary values to the market sounding consultant for them to provide these to industry to obtain accurate and meaningful feedback. The economic analysis consultant would require the same information to carry out the benefit to cost analysis.

### **OFFICER COMMENT**

In April 2025, the view was that the SVGC Concepts and the quantities specified within the cost estimate documents were likely to form part of a future contract. Given this, the CEO, determined the item to meet the confidentiality provisions under *Local Government Act (1995)* and restricted public access to the officer's report and all the attachments. This approach was supported by previous legal advice obtained a number of years ago.

The latest legal advice provides reasons as to why the concept plans can be made public for the market sounding consultant to progress their works.

However, in the interest of transparency and good governance, it is appropriate for Council to approve this before the concept plans are made public.

Should Council accept the officer's recommendation, the concepts will be published on the Town's website.

Council should note that the access to the monetary value for each option will only be limited to the consultants. Making this public may create the risk of complicating any future procurement process for this project.

### **ATTACHMENTS**

Nil

### **CONSULTATION**

McLeod's

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995 Section 5.23*

[https://classic.austlii.edu.au/au/legis/wa/consol\\_act/lga1995182/s5.23.html](https://classic.austlii.edu.au/au/legis/wa/consol_act/lga1995182/s5.23.html)

### **POLICY IMPLICATIONS**

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



**STRATEGIC IMPLICATIONS**

This report is consistent with the Town's *Council Plan 2023-2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**RISK MANAGEMENT IMPLICATIONS**

Making a confidential document public without Council approval carries legislative compliance and reputational risk. Without the concept plans, the consultant is unable to provide Council with an accurate opinion from industry on their appetite for each of the 3 concepts.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

THAT Council

1. **AUTHORISES** the Chief Executive Officer to:
  - a. **Make the three concept plans for the Sea View Golf Course Clubhouse public by publishing them on the Town's website; and**
  - b. **Provide the three concepts and the monetary values to the appointed market sounding and economic analysis consultants for them to carry out their work.**

**EXECUTIVE SERVICES****10.1.8 APPOINTMENT OF PRESIDING MEMBERS TO COUNCIL COMMITTEES**

**Directorate:** Executive Services  
**Author(s):** Jacquelyne Pilkington, Governance & Executive Office Coordinator  
**Authoriser(s):** Mark Newman, Chief Executive Officer  
**File Reference:** D25/24181  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Amendments to the *Local Government Act (1995)* require Council to approve by Absolute Majority the Presiding and Deputy Presiding Members of Council Committees, in this case, the Audit Committee, the Foreshore Precinct Advisory Committee, and the Sea View Golf Club Redevelopment Advisory Committee. The amendments will also require the repurposing of the Audit Committee to include Risk and Improvement at a later date.

**OFFICER RECOMMENDATION IN BRIEF**

That Council appoints the current Chairs of the Audit Committee, the Foreshore Precinct Advisory Committee, and the Sea View Golf Club Redevelopment Advisory Committee as the Presiding Officers until 18 October 2025.

**BACKGROUND**

The State Government has progressively introduced wide ranging amendments to the *Local Government Act (1995)*. One of these relates to the provision concerning the Audit Committee which is to be renamed the Audit, Risk and Improvement Committee. The changes have the intent of

- expanding the scope to include risk and business improvement
- mandatory independent members and independent leadership (after the October elections)
- aligning with contemporary standards for best practices in financial and risk management.

The Department of Local Government illustrates the roles of the Committee members as follows:



The Regulations pertaining to this change are yet to be promulgated.

Another amendment that takes effect from 1/7/2025 is the need for Presiding Officers, (and if necessary Deputy Presiding Officers) to be appointed by an absolute majority of Council rather than a vote of the Committees itself.

### **OFFICER COMMENT**

The section of the Amendment Act relating to the mandatory appointment of independent members is yet to be proclaimed however is expected to be proclaimed before the Council elections.

Similarly, the Regulations relating to the changed purpose of the Audit Committee are yet to be prescribed.

Local Governments are required to appoint Presiding Members for Committees commencing 1 July 2025.

Council has three formal Committees;

- Audit Committees – (to be renamed Audit, Risk and Improvement Committee)
- Foreshore Precinct Advisory Committee
- Sea View Golf Club Redevelopment Advisory Committee

Officers are recommending for ease of transition that the current Presiding Officers are approved by Council for the period 1 July 2025 until the election. Officers are not recommending the appointment of Deputy Presiding Officers for such a short period.

### **ATTACHMENTS**

Nil

### **CONSULTATION**

Nil

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

Section 5.12 and 5.13 of the *Local Government Act (1995)* have been amended to require Presiding Members of Committees to be appointed by way of Absolute Majority of Council.

Deputy Presiding Members may be appointed by Council, and again this would need to be by absolute majority.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

This report is consistent with the Town's *Council Plan 2023-2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**RISK MANAGEMENT IMPLICATIONS**

If Council does not appoint Presiding Members to its Committees by 1 July 2025 a result will be noncompliance with legislative requirements.

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION**

**THAT Council by absolute majority appoint**

- 1. Mayor Lorraine Young as Presiding Member of the Audit, Risk and Improvement Committee from 1 July 2025 to 18 October 2025;**
- 2. Councillor Brad Wylenko as Presiding Member of the Sea View Golf Club Redevelopment Advisory Committee to 18 October 2025; and**
- 3. Mr Adrian Fini as the Presiding Member of the Foreshore Precinct Advisory Committee to 18 October 2025.**

**10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES**

Nil

**11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****11.1 COUNCILLOR MOTION - CAT WELFARE AND CONTAINMENT LOCAL LAW**

The following motion has been proposed by Cr Bulbeck.

**COUNCILLOR MOTION****THAT Council:**

**Requests the Administration to prepare for Council's consideration at the July OCM a Local Law for Cat Welfare and Containment, for example by adopting the provisions of the Shire of Narrogin Cats Local Law 2016 as amended and appropriately modified for the Town of Cottesloe.**

**COUNCILLOR RATIONALE**

- ☐ The Town can now easily introduce an effective local law prohibiting cats from all public places, whereas before local laws could only prohibit cats from designated public places.
- ☐ A cat containment local law will allow the Town's rangers to readily identify offending cats and respond positively to neighbours' complaints about nuisance cats.
- ☐ Confining cats to their owners' properties will enhance the 'Improve Natural Habitats and Promote Biodiversity Conservation' goal of The Town's Green Infrastructure Strategy, saving the lives of up to 40,500 native animals every year.

This proposal is simple. The Shire of Pingelly has used Section 82 of the Cat Act which allows a council to adopt the 'local law of any other local government'. Pingelly's cat local law gazetted in May 2025 adapts the Shire of Narrogin's local law which contains this section: 'A cat shall not be in a public place unless the cat is, in the opinion of an authorised person, under effective control'.

Pingelly CEO Andrew Dover says the shire has received legal advice that its law is in accordance with the WA Cat Act 2011.

The proposal is relatively cost free. Even if the Town does nothing besides introduce a local law requiring cats to be under effective control in public places, the law will improve relations between neighbours, the survival chances of our wildlife and the longevity of our domestic cats.

Presently if a resident complains about a nuisance cat, the Town can do little as cats are free to roam. Once cats are prohibited from public places, rangers can respond to residents' complaints by trapping and monitoring the offending cat. This will reduce the frustration of our ratepayers and remove cats from the streets of Cottesloe if they are not microchipped or their owners do not wish them to be returned.

A majority of Western Australians now understand the importance of keeping cats at home, it being a win-win for cats, their owners, our wildlife and neighbourly relations. Effective cat containment is safe and cheap and extends a cat's life expectancy from three years to between 12 and 18 years.

The Town's residents understand the issues and support cat containment. My survey found an overwhelming majority of 82% support keeping cats at home. This local law may be as popular with the community as our shark barrier.

### **OFFICER COMMENT**

#### **Statutory Implications**

*Local Government Act 1995*

Cat Act 2011

Cat (Uniform Local Provisions) regulations 2013

Cat Regulations 2012

Town of Cottesloe Health Local Law 1997

#### **Policy Implications**

There are no current specific policy implications with the above Motion of Notice, however Council has a Customer Service Charter 2020, which is available on the Town's website, <https://www.cottesloe.wa.gov.au/strategic-documents.aspx>.

#### **Resource Implications**

Any review will involve Officer Time, however legal advice may need to be obtained if changes are proposed to Local Laws. No estimate on total cost to implement the motion on notice has been determined. It would be difficult to have this prepared by the July Council Meeting.

#### **Other**

Advice will be provided if requested at the meeting.

The Matter has previously come before Council at the September 2024 OCM. [confirmed-minutes-ordinary-council-meeting-24-september-2024.pdf](#)

THAT Council:

1. Requests the Administration in the next three months to bring to a briefing forum an investigation of existing cat welfare and containment local laws, the feasibility of a local cat management law for the Town, suggestions for appropriate community consultation and engagement, the resource implications and any other relevant matters.

At the elected member workshop In November 2024 Council further considered the matter in relation to their being no power in the Cat Act to allow a Local Government to create a cat containment Local Law. Council can however create cat prohibited areas.

The recent change that Cr Bullbeck has highlighted is that the Shire of Pingelly has adopted by reference the Town of Narrogin's Local Law by reference in May 2025. It is titled save the numbat Local Law 2025 [Microsoft Word - 220107 Cats Local Law 2016 - consolidated to 6 Jan 2022](#). The Shire of Pingelly Local law amongst other offences creates a \$200 offence for cats not being under effective control in a public place.

WALGA recently briefed Local Government on 12 May 2025 and indicated that they are lobbying the Minister for Changes to the Cat Act. It is open to Council to consider the elected member motion or allow the Minister to further consider the matter and provide advice.



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

**12.1 ELECTED MEMBERS**

**12.2 OFFICERS**

**13 MEETING CLOSED TO PUBLIC**

**13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**

**14 MEETING CLOSURE**