



# Town of Cottesloe

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

**Tuesday, 24 October 2023**

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

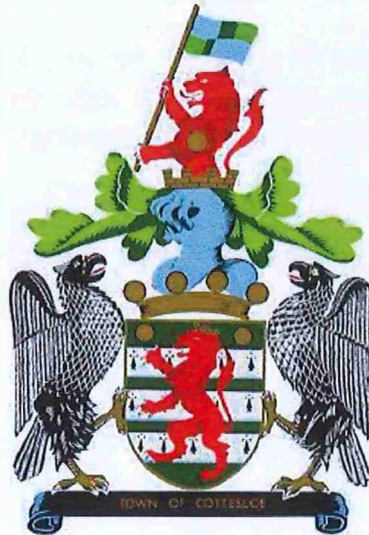
Signed:

A handwritten signature in blue ink, appearing to read 'Katherine J. J.', is written over the signature line.

Presiding Member

Date:

# TOWN OF COTTESLOE



## ORDINARY COUNCIL MEETING CONFIRMED MINUTES

ORDINARY COUNCIL MEETING  
HELD IN THE  
Council Chambers, Cottesloe Civic Centre  
109 Broome Street, Cottesloe  
6:00 pm Tuesday, 24 October 2023

A handwritten signature in black ink, appearing to read 'William Matthew Scott', is written over a large, stylized, horizontal line.

**WILLIAM MATTHEW SCOTT**  
Chief Executive Officer

2 November 2023

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

The Presiding Member announced the meeting opened at 6:04 p.m.

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

**2 DISCLAIMER**

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

**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

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

**Welcomes:**

The Presiding Member announced that even though they were not at the September Council meeting which was the last meeting for our previous Council they would like to take the opportunity to thank the Town's now retired elected members, Cr's Barrett, MacFarlane, Masarei, and Atkins, for their service to the Cottesloe community.

The Presiding Member welcomed the Town's newly elected members, Cr's Heath, Mason, Irvine, and Thomas. Cr Thomas is an apology for this evening's meeting due to work commitments, but he attended Council Chambers earlier today and was formally sworn in.

All of our new Councillors have busy lives with work and family commitments including some with very young families. It's a positive thing for Cottesloe to have that diversity on Council but it also presents challenges to make sure that the Councillor role is manageable for everyone.

So we are all going to have to work as a Council to make sure that we are effective and efficient in the way we manage the Council's business.

**Annual Report and Annual Electors' Meeting**

The Presiding Member went on to say the principal task at the Annual Electors' meeting is for the Electors to consider the Town's annual report. Council resolved earlier this year to attempt to ensure that the Annual Electors' meeting was held in the year to which the annual report relates: that is, by December each year.

The first step in preparing the annual report is to have the Town's annual financial statements audited. Im pleased to say that the Town has complied with the statutory timeframe for the lodgement of the financial statements with the Auditors.

The Auditors are now reviewing the documents and working with the Office of the Auditor General to get the financial statements signed off.

Once that is done the Annual Report can be finalised and presented to Council for approval and the setting of the Annual Electors meeting.

We are working towards having the Elector's meeting in December but obviously, we don't have control over all steps in the process. Nonetheless, things are on track to meet the timeframe.

#### **ELECTED MEMBER'S DECLARATION OF OFFICE**

In accordance with Regulation 13.2(a) of the Local Government (Constitution) Regulations 1998, the Presiding Member Mayor Young witnessed the declarations of all newly elected members under Section 2.29 of the Local Government Act (1995). Cr's Heath, Mason, Irvine, and Thomas

#### **ELECTION OF DEPUTY MAYOR**

The Presiding Member advised the election of the Deputy Mayor would commence now and invited the CEO to explain the process.

The CEO advised that he had received two written nominations for the Office of Deputy Mayor.

1. Cr Sadler
2. Cr Heath

In accordance with regulation 11A(2)(b) of the *Local Government (Constitution) Amendment Regulation 2005* the CEO randomly selected the order that the candidate names would appear on the ballot papers.

The CEO advised that the order is as follows:

1. Cr Heath
2. Cr Sadler

Councillors undertook a secret ballot.

The result of the secret ballot was:

Cr Sadler (6)

Cr Heath (2)

In accordance with regulation 11F of the *Local Government (Constitution) Amendment Regulation 2005* the CEO declared Cr Helen Sadler as Deputy Mayor of the Town of Cottesloe.

**DEPUTY MAYOR DECLARATION OF OFFICE**

The Presiding Member witnessed the declaration of Cr Helen Sadler to the office of Deputy Mayor.

**COUNCILLOR SEATING ARRANGEMENTS**

The CEO conducted a draw for seating in the Council Chamber.

Cr Sadler as the Deputy Mayor was allocated a seat at the front of the Council Chambers.

The seats were allocated as follows:

1. Cr Thomas
2. Cr Mason
3. Cr Bulbeck
4. Cr Heath
5. Cr Harkins
6. Cr Irvine
7. Cr Wylynko

**6 PUBLIC QUESTION TIME****3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**3.2 PUBLIC QUESTIONS**

Stephen Mellor 8 Graham Court, Cottesloe

10.1.9 Skate Park Project – Detailed Design

Q1: Refer to page 187 Attachment – Skatepark location Plan

Has the Council considered a footpath from Bryan Way connecting to the North of the Pump track?

Q2: Since publishing tonights' papers last week

- a. Has there been a response from DPLH accepting the justification for the Skatepark within the land tenure classification?
- b. Has there been response from Department of Water, Environment and Resources?

Q3: Can Council please provide a breakdown of all associated project costs and income:

Consultancies and specialist reports



Construction  
Pathways  
Seating, litter/recycle bins  
Water fountain  
CoastCare and plants  
Insurance  
Grant funding cost recovery

**The above questions were taken on notice**

Q4: Has Council considered cctv installation for observation of the Dune and Skate Park?

R4: Not at this stage. As stated by the Acoustic Consultant report the Town will first look at management controls, such as prohibiting activity at night through the Town's Local Laws.

Q5: Without knowing where the Car Park 2 development buildings may be, is the current development plan structures' location more than 50 metres the assessment as acceptable for acoustic disturbance?

Q6: Has there been a response from DPLH approving the Car Park 2 Development change of use re-classification for the reserve land?

Q7: When will the Car Park 2 development concepts and business plan be made available to the public?

**The above questions were taken on notice**

**4 PUBLIC STATEMENT TIME**

**Clair Davidson – Florence Street, Cottesloe**

Ms Davidson spoke of the Right of Way transfer to the Crown and the issues of the Rights of Way.

**5 ATTENDANCE**

**Elected Members**

Mayor Lorraine Young  
Cr Helen Sadler  
Cr Melissa Harkins  
Cr Chilla Bulbeck  
Cr Brad Wylynko  
Cr Katy Mason  
Cr Jeffrey Irvine  
Cr Sonja Heath

**Officers**

Mr William Matthew Scott	Chief Executive Officer
Mr Shaun Kan	Director Engineering Services
Mr Steve Cleaver	Director Development and Regulatory Services
Ms Jacquelyne Pilkington	Governance & Executive Office Coordinator

**5.1 APOLOGIES**

Cr Michael Thomas

**Officers Apologies**

Mr Shane Collie	Director Corporate and Community Services
Mr Ed Drewett	Coordinator Statutory Planning

**5.2 APPROVED LEAVE OF ABSENCE**

Nil

**5.3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**6 DECLARATION OF INTERESTS**

Mayor Young declared an IMPARTIALITY INTEREST in 10.1.6 by virtue “as some of the residents are known to me”

Cr Sadler declared an IMPARTIALITY INTEREST in 10.1.6 by virtue “as some of the resident are known to me”

Cr Harkins declared an IMPARTIALITY INTEREST in 10.1.6 by virtue “as some of the residents are known to me”

Cr Heath declared an IMPARTIALITY INTEREST in 10.1.6 by virtue “as some of the residents are known to me”

Cr Bulbeck declared an IMPARTIALITY INTEREST in 10.1.4 by virtue “as I have Norfolk Island Pines growing on my street”

**7 CONFIRMATION OF MINUTES****OCM201/2023**

Moved Cr Harkins

Seconded Cr Wylynko

**That the Minutes of the Ordinary Meeting of Council held on Tuesday 19 September 2023 be confirmed as a true and accurate record.**

**Carried 8/0**

**For: Mayor Young, Crs Sadler, Harkins, Bulbeck, Wylynko, Mason, Irvine and Heath**

Against: Nil

**8 PRESENTATIONS****8.1 PETITIONS*****Section 9.4 - Procedure of Petitions***

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

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

Nil

**8.2 PRESENTATIONS**

Nil

**8.3 DEPUTATIONS**

Nil

**9 REPORTS****9.1 REPORTS OF OFFICERS****OCM202/2023****Moved Mayor Young****Seconded Cr Sadler****COUNCIL RESOLUTION**

**That Council adopts en-bloc the following Officer Recommendations contained in the Agenda for the Ordinary Council Meeting 24 October 2023:**

<b>Item #</b>	<b>Report Title</b>
<b>10.1.1</b>	<b>Parking and Parking Facilities Amendment Local Law 2023</b>
<b>10.1.2</b>	<b>Monthly Financial Statements for the Period 1 July 2023 to 31 August 2023</b>
<b>10.1.5</b>	<b>Residential and Recreational Verge Play Equipment Protocol and Amendments</b>
<b>10.1.6</b>	<b>Right of Way Encroachments</b>
<b>10.1.7</b>	<b>Eric Street Principal Shared Path Safety Audit Report</b>
<b>10.1.9</b>	<b>Skate Park Project – Detail Design</b>
<b>10.1.10</b>	<b>Quarterly Information Bulletin</b>
<b>10.2.1</b>	<b>Receipt of Audit Committee Minutes</b>

**Carried 8/0****For: Mayor Young, Crs Sadler, Harkins, Bulbeck, Wylynko, Mason, Irvine and Heath****Against: Nil**

**CORPORATE AND COMMUNITY SERVICES****10.1.1 PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW 2023**

**Directorate:** Corporate and Community Services  
**Author(s):** Shane Collie, Director Corporate and Community Services  
**Authoriser(s):** William Matthew Scott, Chief Executive Officer  
**File Reference:** D23/37355  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

This report proposes the making of a new Town of Cottesloe Parking and Parking Facilities Amendment Local Law 2023 pursuant to Section 3.12 (4) of the Local Government Act 1995.

**OFFICER RECOMMENDATION IN BRIEF**

For Council to adopt the Town of Cottesloe Parking and Parking Facilities Amendment Local Law 2023.

**BACKGROUND**

The Town of Cottesloe Parking and Parking Facilities Local Law 2023 was gazetted on 31 March 2023 and came into force as of 14 April 2023. The Local Law was submitted to the Joint Standing Committee for Delegated Legislation (JSCDL) as required with all Local Laws. The JSCDL raised some minor concerns with the Local Law and subsequently advised the Town that some changes were needed to the Local Law before the Committee would agree to formally pass the legislation.

The JSCDL sought an assurance that the sections of the Local Law would not be used where there were concerns raised and the Town provided that assurance. The amendments required to the Local Law were subsequently completed and Council resolved to advertise its intention to amend the principle Local Law at its meeting held on 25 July 2023.

The required 6 week advertising period for the Amendment Local Law concluded on 22 September 2023 and no submissions were received.

**OFFICER COMMENT**

The purpose of this report is to:

1. Note that no submissions were received on the proposed Town of Cottesloe Parking and Parking Facilities Amendment Local Law 2023.
2. Give notice to the purpose and effect of the Town of Cottesloe Parking and Parking Facilities Amendment Local Law 2023.

3. Make the Town of Cottesloe Parking and Parking Facilities Amendment Local Law 2023.
4. Authorise the Local Law's Gazettal in the Government Gazette.
5. Give Local Public Notice, (after gazettal) of the making of the Local Law including the date upon which it is to come into operation.
6. Authorise the affixing of the Town's Common Seal to the Local Law.

The purpose and effect of the proposed Town of Cottesloe Parking and Parking Facilities Amendment Local Law 2023 is as follows:

**Purpose of the Local Law:**

**To correct minor typographical and non industry standard clauses within the Town of Cottesloe Parking and Parking Facilities Local Law 2023.**

**Effect of the Local Law:**

**To provide for the orderly control and regulation of Parking and Parking Facilities within the Town of Cottesloe and to ensure that all matters associated with parking within the district of the Town of Cottesloe are governed by this Local Law unless otherwise provided in the Act, regulations or other written law.**

There are no changes recommended to the proposed Local Law as advertised.

**ATTACHMENTS**

- 10.1.1(a) Parking & Parking Facilities Amendment Local Law 2023 [under separate cover]**

**CONSULTATION**

The formal consultation process is embedded in the legislation associated with the making of a Local Law. A formal 6 week advertising period has been undertaken in accordance with Section 3.12 (3) of the *Local Government Act 1995*.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

**3.5. Legislative power of local governments**

- (1) *A local government may make Local Laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*

**3.12 Procedure for making a Local Law**

- (1) *In making a Local Law a local government is to follow the procedure described in this section, in the sequence in which it is described.*

- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
- (a) *give local public notice stating that —*
    - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
    - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
    - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
  - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
  - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.*
- \* Absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
- (a) *stating the title of the local law; and*
  - (b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
  - (c) *advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.*

- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section —*  
*making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

### **POLICY IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

### **RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation and consist predominantly of officer time.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **VOTING REQUIREMENT**

Absolute Majority

### **OCM203/2023**

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

Moved Mayor Young                      Seconded Cr Sadler

**THAT Council:**

- 1. ADOPTS by Absolute Majority the Town of Cottesloe Parking and Parking Facilities Amendment Local Law 2023 as attached to this Report;**
- 2. AUTHORISES the Local Law's gazettal in the Government Gazette;**
- 3. AUTHORISES the Local Public Notice advertisement, (after gazettal), of the making of the Local Law including the date upon which it is to come into operation; and**
- 4. AUTHORISES the Mayor and the Chief Executive Officer to affix the Town's Common Seal to the Town of Cottesloe Parking and Parking Facilities Amendment Local Law**



2023.

Carried by En Bloc Resolution 8/0

**10.1.2 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2023 TO 31 AUGUST 2023**

**Directorate:** Corporate and Community Services  
**Author(s):** Wayne Richards, Acting Finance Manager  
**Authoriser(s):** Shane Collie, Director Corporate and Community Services  
**File Reference:** D23/38720  
**Applicant(s):** Nil  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

It is a requirement of the *Local Government Act 1995* that monthly and quarterly financial statements are presented to Council, in order to allow for proper control of the Town's finances and 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 2023 to 31 August 2023.

**BACKGROUND**

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

- Reconciliation of all bank accounts.
- Reconciliation of rates and source valuations.
- Reconciliation of assets and liabilities.
- Reconciliation of payroll and taxation.
- Reconciliation of accounts payable and accounts receivable ledgers.
- Allocation of costs from administration, public works overheads and plant operations.
- Reconciliation of loans and investments.

**OFFICER COMMENT**

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

- The net current funding position as at 31 August 2023 was \$13,652,265 as compared to \$12,022,223 this time last year.
- Operating revenue is more than the year to date budget by \$328,550 with a more detailed explanation of material variances provided at note 2, explanation of material variances, of the attached financial statements. Operating expenditure is \$663,214 less

than year to date budget, with a more detailed analysis of material variances provided at note 2, explanation of material variances, of the attached financial statements.

- The Capital Works Program is shown in note 13, details of capital acquisitions, of the attached financial statements.
- The balance of cash backed reserves was \$8,283,427 as at 31 August 2023 as shown in note 7, cash backed reserves, of the attached financial statements.

### **List of Accounts Paid for August 2023**

The list of accounts paid during August 2023 is shown on note 14, list of accounts, of the attached financial statements.

The following material payments are brought to Council's attention:

- \$121,607.06 to Classic Contractors Pty Ltd relating to construction works at Anderson Pavilion
- \$133,749.00 to Nature Based Play Pty Ltd for playground construction at East Cottesloe playground
- \$41,305.71, \$37,564.21 & \$38,210.90 for staff superannuation contributions
- \$46,419.16 to Water Technology Pty Ltd for CHRMAP development works
- \$43,187.10 to Shire of Peppermint Grove for contributions towards capital works
- \$43,927.77 to West Australian Local Government Association for subscription services
- \$29,765.74 to Western Metropolitan Regional Council for verge valet services
- \$44,728.00, \$58,914.00 & \$43,498.00 to the Australian Taxation Office for payroll tax contributions
- \$29,370.00 to Department of Treasury for unclaimed monies
- \$141,867.71, \$159,944.62 & \$137,647.74 to Town of Cottesloe Staff for fortnightly payroll

### **Investments and Loans**

Cash and investments are shown in note 4, cash and investments, of the attached financial statements. The Town has approximately 46% of funds invested with the National Australia Bank, 21% with the Commonwealth Bank of Australia and 33% with Westpac Banking Corporation.

Information on borrowings is shown in note 10, information on borrowings, of the attached financial statements. The Town had total principal outstanding of \$2,294,256 as at 31 August 2023.

### **Rates, Sundry Debtors and Other Receivables**

Rates outstanding are shown on note 6, receivables, and shows a balance of \$12,343,072 outstanding as compared to \$9,424,265 this time last year. This is due to the earlier issuing of rates in 2022/23 as compared to 2023/24.

Sundry debtors are shown on note 6, receivables, of the attached financial statements. The sundry debtors report shows that 8% or \$20,825 is older than 90 days. Infringement debtors are shown on note 6, receivables, and shows a balance of \$443,394 as at 31 August 2023.

**ATTACHMENTS**

**10.1.2(a) Monthly Financial Report from 1 July 2023 to 31 August 2023 [under separate cover]**

**CONSULTATION**

Nil

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

Local Government (Financial Management) Regulations 1996

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**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.

**VOTING REQUIREMENT**

Simple Majority

**OCM204/2023**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Mayor Young**

**Seconded Cr Sadler**

**THAT Council RECEIVES the Monthly Financial Statements for the period 1 August 2023 to**

**31 August 2023 as submitted to the 24 October 2023 meeting of Council**

**Carried by En Bloc Resolution 8/0**

**ENGINEERING SERVICES****10.1.5 RESIDENTIAL AND RECREATIONAL VERGE PLAY EQUIPMENT PROTOCOL AMENDMENTS**

**Directorate:** Engineering Services  
**Author(s):** Shaun Kan, Director Engineering Services  
**Authoriser(s):** William Matthew Scott, Chief Executive Officer  
**File Reference:** D23/37454  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider to accepting an amended Management Protocol for Play Equipment on Street Verges or Attached to Street Trees.

**OFFICER RECOMMENDATION IN BRIEF**

That Council accepts the attached revised Management Protocol

**BACKGROUND**

At the September 2023 Ordinary Council Meeting, Council considered two non-compliant verge play equipment applications (11 Elizabeth Street and 33 Lyons Street) and resolved as follows:

***OCM195/2023***

***Moved Cr Harkins    Seconded Cr Atkins***

***THAT Council:***

***1. APPROVES for the Administration to remove the play equipment located at the 15 Broome Street verge at the cost of the Town for the reasons mentioned in the officer's comment section of the report;***

***2. APPROVES the application for the following properties:***

***a. 11 Elizabeth Street; and***

***b. 33 Lyons Street***

***3. REQUEST that the administration include an addition to the Management Protocol to allow fully enclosed trampolines on verges where the recommended setbacks are not achievable, so long as the entry/exit point is 1.5 metres away from hard surfaces and the Administration is satisfied that traffic conditions in the vicinity present acceptable risk.***

***Carried 6/0***

This report addresses point 3 of the resolution.

**OFFICER COMMENT**

The following changes have been made to the Management Protocol based on the Council's September 2023 resolution that considered advice from LGIS and Kidsafe WA guidelines:

- Paragraph 1: Street Tree Attachments and Other Exempt Items, point f:  
"must provide a minimum 1.5-metre setback from the face of the kerb, a footpath, and/or crossover/driveway. Where the required setbacks are not achievable, the Director, Engineering Services must be satisfied that traffic conditions (or any other conditions) in the vicinity presents an acceptable risk before the mentioned setback requirements can be waived"
- Paragraph 2: Other Play Equipment, point i has been replaced with points (i) to (k)  
2(i). Must provide a minimum 1.5-meter setback from the face of the kerb, a footpath, and/or crossover/driveway;  
2(j). For fully enclosed trampolines on street verges that do not meet the requirements of 2(i), the entry/exit point must be 1.5 metres away from hard surfaces;  
2(k). The Director, Engineering Services must be satisfied that traffic conditions (or any other conditions) in the vicinity present an acceptable risk before any setback changes mention in point 2(i) and the application of point 2(j);
- "Protocol" has been replaced with "Policy", changing the document title to "MANAGEMENT POLICY FOR PLAY EQUIPMENT ON STREET VERGES OR ATTACHED TO STREET TREES"

These changes are highlighted in blue within the attached revised Management Protocol.

The proposed amendments will allow due consideration for the risk associated with higher traffic flow volume roads, those that carry a higher composition of heavy vehicles and frequently used by cyclist (cycle network routes).

**ATTACHMENTS**

- 10.1.5(a) FINAL - Management Policy for Play Equipment on Street Verges or Attached to Street Trees - Updated October 2023 [under separate cover]**

**CONSULTATION**

LGIS

**STATUTORY IMPLICATIONS**

Local Government Act 1995

Regulation 17 Local Government (Uniform Provisions) Regulations 1996

**POLICY IMPLICATIONS**

The Management Protocol for Play Equipment on Street Verges or Attached to Street Trees.

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

Reduction in available green space with play equipment occupying the verge and possible damage to verge trees continues to be a risk.

**VOTING REQUIREMENT**

Simple Majority

**OCM205/2023**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Mayor Young**

**Seconded Cr Sadler**

**THAT Council APPROVES the attached revised Management Policy for Play Equipment on Street Verges or Attached to Street Trees.**

**Carried by En Bloc Resolution 8/0**



**10.1.6 RIGHT OF WAY 20 - ENCROACHMENTS**

**Directorate:** Engineering Services  
**Author(s):** Shaun Kan, Director Engineering Services  
**Authoriser(s):** William Matthew Scott, Chief Executive Officer  
**File Reference:** D23/37455  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

**SUMMARY**

For Council to consider instructing the Chief Executive Officer (CEO) to issue a notice under Section 3.25(1), Local Government Act 1995, to identified properties requiring all structures encroaching on Right of Way (ROW) 20 without lawful authority be removed.

**OFFICER RECOMMENDATION IN BRIEF**

That Council instructs the CEO to issue a notice under the mention legislation to identified properties, directing them to, within 90 days, remove their unauthorised structures encroaching ROW 20.

**BACKGROUND**

In February 2023, Council as part of its Special Council Meeting Resolution, asked the CEO transfer all Town owned ROWs to the State Government (<https://www.cottesloe.wa.gov.au/council-meetings/special-council-meeting/21-february-2023-special-council-meeting/325/documents/confirmed-minutes.pdf>). This requires all encroachments to be removed before the transfer can occur.

The Town has completed cadastral surveys of Council's owned ROWs and has commenced the transfer process starting with ROW 20. Given the complexity of the encroachments along this laneway, this will need to be handled in two stages.

- Stage one – all encroachments over 100mm
- Stage two – all remaining encroachments (less than 100mm)

Clarification on survey tolerances (limits of accuracy) with the State Government and the Town's surveyor suggest that this is in the order of 30mm for fences in general (excluding closed walls). There is no tolerance for structures such as buildings and walls such that these elements must sit entirely within the property boundary.

**OFFICER COMMENT**

In July 2023, the Town wrote to property owners forming part of stage one, informing them of the encroachments and allowed them a period of 30 days to remove the unauthorised structures (letter attached). Further consultation with these owners have occurred and their response summarised in the following table:

Encroaching Property	Owner Response
288 Marmion Street	The owner is currently overseas and will need to relocate the fence upon return
34 Florence Street	Owners have provided evidence that adverse possession application has been lodged with Landgate. They have taken the letter sent in July 2023 from the Town as the section 3.25 Notice. This is not the case.
36 Florence Street	Owners have provided evidence that adverse possession application has been lodged with Landgate.
42 Florence Street	Has requested an extension until 29 September to investigate solutions and the Town has not received any update.
44 Florence Street	The owner will be applying for adverse possession
46 Florence Street	The owner has lodged an adverse possession claim
50 Florence Street	The owner's lawyers has informed the Town that their client will be lodging an adverse possession claim
45 Hawkstone Street	The owners are obtaining quotes to relocate the fence
65 Hawkstone Street	The owners have indicated that they will be removing the encroachments as part of redeveloping their garage. The Town is yet to receive a redevelopment application.
77 Hawkstone Street	The owners will be applying for adverse possession

A recommendation has been made for a notice under Section 3.25(1), Local Government Act 1995 be issued to property owners identified within the table requiring that all structures encroaching on Right of Way (ROW) 20 without lawful authority be removed.

This proposed action is based on the following reasons:

- Council's previous resolution on Doscas Lane in March 2023 (similar case) (<https://www.cottesloe.wa.gov.au/council-meetings/ordinary-council-meeting/28-march-2023-ordinary-council-meeting/314/documents/confirmed-minutes-ocm-28-march-2023pdf.pdf>); and
- Council's revised ROW Policy (<https://www.cottesloe.wa.gov.au/documents/11700/right-of-way-policy>).

The notice formally gives property owners:

- 90 days to complete the removal or progress an adverse possession claim should they be entitled to do so;
- Should no progress be made by property owners at the end of this period, Council can commence prosecution after further consultation; and
- If required, this period can be administratively extended subject to it being evident that the property owner has been proactive towards a resolution and only requires time to do so.

This is a procedurally fair process where all reasonable attempts will be made to work with affected individuals before commencing any legal proceedings (last resort), even after the 90 days has lapsed. Given the different circumstances, it will be difficult to set parameters and whether to proceed to prosecution is best determined through the CEO's discretion.

On the same note and in line with the Town's ROW Policy (section 3.2), an item will be brought to Council for consideration should the property owner put forward an alternative to removal, subject to the CEO determining that such a proposal carries sufficient merit.

Council is to note that there is a response from a property owner's lawyer imposing section 9.7 (1) of the Local Government Act (1995):

#### **9.7. Review**

(1) *An affected person may apply to the State Administrative Tribunal for a review of a decision if the person —*

(a) *has not lodged an objection to the decision; or*

(b) *has lodged an objection but, at the expiration of 35 days after it was lodged, has not been given notice in writing of how it has been decided to dispose of the objection.*

The Town is not aware of this being appealed through the State Administrative Tribunal and this section 3.25 Notice that Council is asked to consider would be our position to their requests.

#### **ATTACHMENTS**

**10.1.6(a) Letter - Right of Way (ROW) 20 Encroachment – 17 July 2023 [under separate cover]**

**10.1.6(b) Right of Way 20 - Encroachments - Combined Resident Notifications - Redacted [under separate cover]**

#### **CONSULTATION**

Consultation with property owners

Department of Planning, Lands and Heritage (ongoing)

#### **STATUTORY IMPLICATIONS**

***Local Government Act 1995***

- ***Section 2.7 – Role of Council; and***
- ***Section 3.25 - Notices requiring certain things to be done by owner or occupier of land***

#### **POLICY IMPLICATIONS**

There are no perceived policy implications.

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**RESOURCE IMPLICATIONS**

The identified proponents are responsible for the cost of removing any encroaching structure.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

**OCM206/2023****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Mayor Young                      Seconded Cr Sadler**

**THAT Council INSTRUCT the Chief Executive Officer to issue a notice to property owners mentioned in the table within the Officer's Comment, exercising Section 3.25(1), Local Government Act 1995, requiring that all structures encroaching on Right of Way 20 without lawful authority, from (or associated with) these properties, be removed within 90 calendar days (from the date of notice) by the property owner**

**Carried by En Bloc Resolution 8/0**

**10.1.7 ERIC STREET PRINCIPAL SHARED PATH SAFETY AUDIT REPORT**

**Directorate:** Engineering Services  
**Author(s):** Renuka Ismalage, Manager Projects and Assets  
**Authoriser(s):** Shaun Kan, Director Engineering Services  
**File Reference:** D23/38178  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider noting the attached Shared Path Safety Report and requests that the Administration write to Main Roads Western Australia (MRWA) for them to consider a number of traffic regulatory changes within their jurisdiction. It is also asked to consider creating a minimum of four 10 minute bays within the vicinity of the Ocean Beach Hotel (OBH).

**OFFICER RECOMMENDATION IN BRIEF**

That Council NOTES the attached Shared Path Safety Report including the corrective actions recommended and request for MRWA to:

- Provide the rationale behind the departure from the give-way path markings standards within their technical specifications; and
- Consider traffic signal modifications for the pedestrian crossing phase on the western crossing of Eric Street to improve cyclist safety.

Request that a minimum of four 10 minute bays be installed within the vicinity of the OBH either along Marine Parade or the Eric Street carpark.

**BACKGROUND**

In May 2021, Council carried out public consultation for the proposed shared path before approving a concept in July 2021 and a detail design in June 2022.

In August 2022, Council resolved as follows in its award of a construction tender:

***OCM125/2022 – August 2022 OCM Resolution******THAT Council:***

- 1. AWARD the scope of works associated with T03-2022 mentioned in Option four to ADVANTEERING for a contract sum of \$832,980 (excluding GST);***
  - 2. APPROVES a budget amendment of \$175,000 from the Active transport Reserve for the additional cost required, increasing the total amount coming from this Infrastructure Reserve to \$317,466.***
  - 3. REQUEST the Administration to obtain a copy of the reported “Road Safety Audit” commissioned by Eric Street residents, within two (2) weeks of this decision, and consider and seek if necessary, external professional advice on the matters raised within the Road***
-

*Safety Audit, prior to the finalisation of final construction plans and construction commencing.*

**4. REQUEST the Administration to provide feedback to Eric Street residents regarding issues raised in the Road Safety Report prepared by the residents.**

**5. REQUEST the colour of the Asphalt to be as muted / toned down as possible, noting it is required to be red for safety reasons.**

**6. REQUEST ADVANTEERING to take specific care whilst cutting through driveways to ensure minimal damage occurs and reduce any patching required by ensuring it is cut to size where practically possible.**

**7. REQUEST ADVANTEERING takes specific care to ensure lighting has minimal impact on residents.**

**8. AUTHORISES the Mayor and/or Chief Executive Officer to sign the Contract and affix the Town's Common Seal (if required); and**

**9. AUTHORISES the Chief Executive Officer or delegate to manage the construction contract, including provision of possible variations (provided the variation is necessary in order for the goods or services to be supplied, does not change the general scope**

The project was completed in March 2023 and a post construction safety review was carried out (report attached).

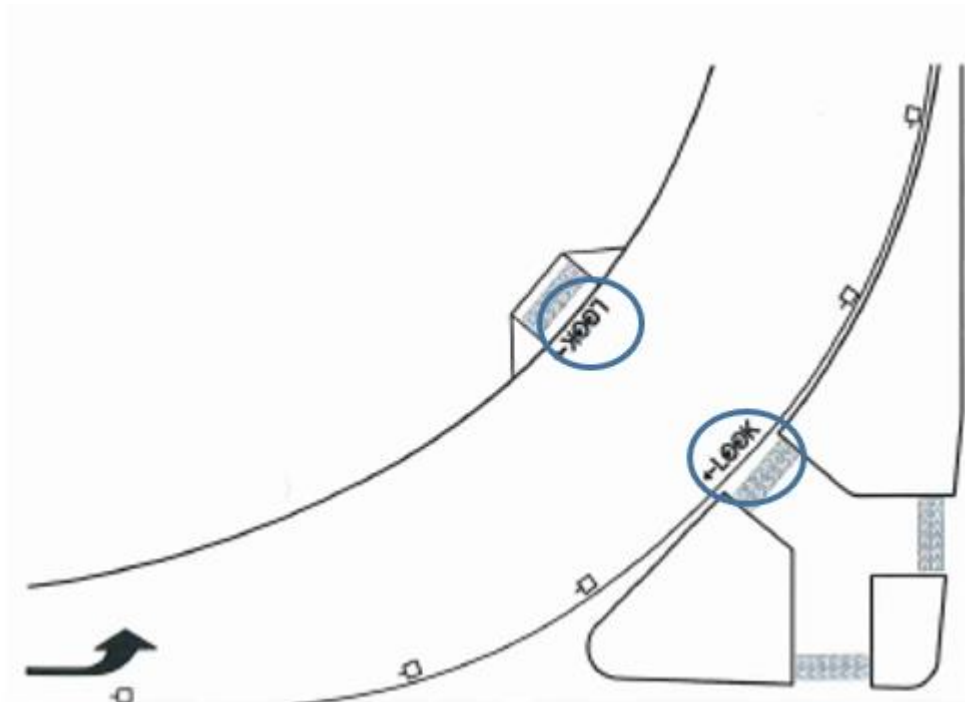
#### **OFFICER COMMENT**

Council is asked to note the following responses to the proposed rectifications. Changes recommended will be actioned in the next few weeks and can be accommodated within Council's approved budgets. Regulatory related modifications will require MRWA approval before the works can be completed.

- Item 1: Give-way line marking at the western termination end of the shared path to warn users of the path ending has been recommended to MRWA (\$500);
- Item 2: Bollards will be installed along the edge of the shared path through the OBH site. The parking bay line marking through the OBH site will be modified to improve vehicle maneuverability to prevent reversal into the path (\$2000);
- Item 3: A gap adjacent to the path will be infilled with concrete to remove the height difference (\$200)
- Item 4: Path line marking modifications will occur to improve separation with the retaining wall just east of Gadsdon Street (\$600)
- Item 5: No changes will be made to the path curve between Gadson Street and Broome Street as this is needed to accommodate a bus stop and future light pole.
- Item 6: The kerb ramp at Broome Street intersection will be upgraded as part of the Town's footpath improvement program (\$2500)
- Item 7: All service pits are slip resistant and level with the path which does not create a hazard for users

- Item 8: No changes are required with the intersecting paths just east of Broome Street as there is sufficient sight distance and the curve alignment creates an environment where cyclist approaching are forced to slow down
- Item 9: The fence at Chamberlain Street intersection makes the suggested path modifications at this location unnecessary. The right angle bend on the western approach also creates an environment where cyclist have to slow down before crossing the road
- Item 10: 3 Parking bays on Chamberlain Street will need to be removed to achieve the required sight distance to cyclist crossing the road. Offset bays will be investigated directly opposite and if possible, installed prior to the removal of the bays (\$500).
- Item 11: Chamberlain Street vegetation has been trimmed
- Item 12: Marmion Street pedestrian ramps will be upgraded as part of the Town's footpath program (\$2500)
- Item 13: Little Eric Street line marking improvements have been recommended to MRWA (\$500)
- Item 14: Line marking improvements on the eastern end of the shared path have been recommended to MRWA (\$500)

Council is to note that MRWA have approved additional "Look" marking installation at locations where the shared path approaches the various intersections (see example diagram). This is the alternative to give-way markings.



A letter will be sent to MRWA, requesting them to:

- Reconsider the give-way markings on the shared path at the various intersections;
- Explain the rationale behind the departure from their "give-way" marking standards;
- Relocate existing cyclist signs on lamp post;



- Install pedestrian crosswalk colored surface treatments at Curtin Avenue intersection to direct cyclist onto the Eric Street Shared Path; and
- Consider changes to the traffic lights so as to provide a pedestrian crossing signal, a call button for the western approach of Eric Street and a crossing point on the southern approach at the Curtin Avenue intersection, such that there will be pedestrian facilities on all four intersection approaches. If possible, way finding markings are also to be considered to direct cyclist onto this crossing.

The three points will be addressed in two separate letters to MRWA as the implications of linemarking and traffic signal modifications are mutually exclusive.

A separate report will be tabled at Council should a budget amendment be required for the requested traffic signal modifications as it is not unusual for the Local Government to fund such works.

Additional changes will also include the:

- Installation or conversion of existing bays to provide at least four 10 minute bays within the vicinity of the OBH;
- Investigation of way finding solutions (surface painted direction symbols) along the Perth to Fremantle Principal Shared Path and possibly the Marine Parade Path to provide direction onto Council's new shared path; and

### **ATTACHMENTS**

- 10.1.7(a) Attachment A - Eric Street Shared Path Road Safety Audit [under separate cover]**

### **CONSULTATION**

Town of Cottesloe Staff

Elected Members

MRWA

Active Transport Working Group

Department of Transport



**STATUTORY IMPLICATIONS**

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

**POLICY IMPLICATIONS**

The officer's recommendation is compliant with the Purchasing Policy.

**STRATEGIC IMPLICATIONS**

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

Priority Area 1: Protecting and enhancing the wellbeing of residents and visitors

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

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

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

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

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

**OCM207/2023**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Mayor Young**

**Seconded Cr Sadler**

**THAT Council:**

- 1. NOTES the attached Road Safety Report and the corrective actions recommended within, summarised in the officer's comment section;**
- 2. REQUEST that the Administration writes to Main Roads Western Australia asking them to:**
  - a. consider the traffic signal improvements mentioned in the officer's comment section of the report;**

- b. reconsider the give-way marking instead of the “Look” symbols;
  - c. Install pedestrian crosswalk colored surface treatments at Curtin Avenue intersection to direct cyclist onto the Eric Street Shared Path;
  - d. relocate any existing cyclist signs in the context of the new path;
  - e. provide the rationale relating to the departure from the give-way standards mentioned within their technical documents for shared paths; and
  - f. Subject to the APPROVAL of points 2 (a) to (d), NOTES that point (a) will be address separately from points (b) to (e);
3. REQUEST the Administration to investigate and install:
- a. A minimum of four 10 minute bays within the vicinity of the Ocean Beach Hotel either along Marine Parade or the carpark along Eric Street; and
  - b. Wayfinding solutions along the Perth to Fremantle Principal Shared Path providing direction towards the Eric Street Shared Path.

Carried by En Bloc Resolution 8/0



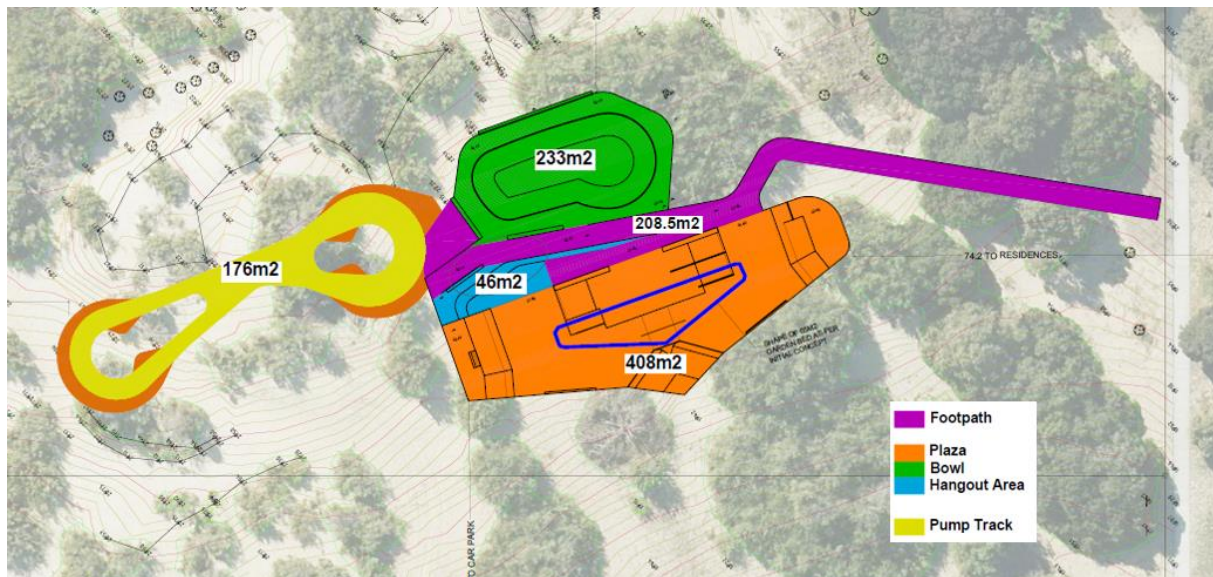


Figure 2: Revised Concept Design adopted in September 2023

## **OFFICER COMMENT**

### **Area and Layout**

The detail design was developed in accordance with the Council's adopted revised design in Figure 2 has a total area of 863m<sup>2</sup>, excluding the 208m<sup>2</sup> footpath which connects the facility to Napier Street's pedestrian access path.

### **Luminaire Spill and Acoustic Predictions**

Given that the site is uncleared, the current vegetation around the facility footprint would make any lighting measurements for modelling inaccurate. There will be more merit taking full measurements after the facility is built and implement mitigation measures (if required).

The current revised design where it maintains more than a minimum separation of 50 metres from residential properties has been established as a suitable distance that would result in minimal disturbance.

Similar to the lighting assessment, there will be more benefit conducting a sound metre reading following the completion of the skate park and implement mitigation measures should it deems necessary.

Council is to note that full acoustic and lux modelling can be requested for the uncleared site, however this will incur a variation to the project scope. Estimated based on the tender pricings for these elements, this variation is expected to be several thousand dollars.

Council is asked to note that the attached acoustic and lux preliminary opinion suggest that it is unlikely that:

- lighting spill from the tennis club will create an environment for the facility to be used (after hours); and
- Minimal noise implications (during the day).

### **Environmental Impact Mitigation**

Lighting spill from the tennis club can be mitigated easily with a luminaire shield, costing approximately \$200 each.

However, it is possible that there will be individuals that may attempt to use improvised lighting to skate after dark. In these circumstances, Council may wish to consider noise walls and depending on extent, could cost up to \$100,000 to install. Alternatively, a parameter fence could be considered to restrict access (\$50,000).

Based on the consultant's preliminary advice attached, the noise level from Skate Park at 50 metres from the nearest residence would be close to the day time regulatory criteria. However, by virtue the skate park is located beyond 50 metres (60m and 70m from North and South residential properties respectively) the risk of exceeding the day time regulatory criteria is reduced.

### **Adoption of Drawings**

The adoption of the attached 85 percent detail design drawings will allow the progress onto project construction. Council is to note that any changes at this stage may incur additional cost and could delay the commencement of construction.

### **ATTACHMENTS**

- 10.1.9(a) Cottesloe Skate Park Facility - 85% detailed Design Set [under separate cover]**
- 10.1.9(b) Email - Phase 3 - Skate Park Comments - Redacted [under separate cover]**

### **CONSULTATION**

District wide public consultation occurred prior to Council adopting the tender concept in 2022.

Elected members

Department of Planning, Lands and Heritage (DPLH)

Department of Water, Environment and Resources (DWER)

Note: Liaison with the mentioned State Government Departments were in progress at the time of writing this report. DPLH have since requested for additional information to justify that a skate park is suitable for the site that includes land tenure classification and acoustic disturbances. Despite multiple follow ups, there has been no response from DWER.

There are no anticipated challenges with the Crown given that this project is public works within an A Class Recreation Reserve vested in the Town of Cottesloe and vegetation that will be removed are declared weeds.

### **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 *Strategic Community Plan 2013 – 2023*.

Priority Area 5: Providing sustainable infrastructure and community amenities

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

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

The project will involve the removal of a number of declared weeds.

**VOTING REQUIREMENT**

Simple Majority

**OCM208/2023**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Mayor Young

Seconded Cr Sadler

**THAT Council ADOPTS the attached 85 percent detail design drawings**

**Carried by En Bloc Resolution 8/0**

**1**

**EXECUTIVE SERVICES****10.1.10 QUARTERLY INFORMATION BULLETIN**

**Directorate:** Executive Services  
**Author(s):** William Matthew Scott, Chief Executive Officer  
**Authoriser(s):** William Matthew Scott, Chief Executive Officer  
**File Reference:** D23/38394  
**Applicant(s):**  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

To provide Council information and statistics on key activities during the year on a quarterly basis, as requested by Council or recommended by the Administration.

**OFFICER RECOMMENDATION IN BRIEF**

THAT Council notes the information provided in the Quarterly Information Bulletin (Attachments).

**BACKGROUND**

This report is consistent with the Town's Strategic Community Plan 2013 – 2023. Priority Area 6: Providing open and accountable local governance.

This report is consistent with the Town's Corporate Business Plan 2020 – 2024. Priority Area 6: Providing open and accountable local governance.

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

**OFFICER COMMENT**

Nil

**ATTACHMENTS**

**10.1.10(a)** September 2023 - Town of Cottesloe CEO Quarterly Report to Council [under separate cover]

**CONSULTATION**

Nil

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

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**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**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.

**VOTING REQUIREMENT**

Simple Majority

**OCM209/2023**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Mayor Young                      Seconded Cr Sadler**

**THAT Council notes the information provided in the Quarterly Information Bulletin**

**Carried by En Bloc Resolution 8/0**



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

**10.2.1 RECEIPT OF AUDIT COMMITTEE MINUTES**

**Attachments: 10.2.1(a) Unconfirmed Minutes - Audit Committee Meeting - 28 September 2023 [under separate cover]**

**OCM210/2023**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION.**

**Moved Mayor Young                      Seconded Cr Sadler**

**THAT Council RECEIVES the attached Unconfirmed Minutes of the Audit Committee Meeting held on 28 September 2023 and ADOPTS the recommendations contained within**

**Carried by En Bloc Resolution 8/0**

Cr Wylenko left the meeting at 6:39 pm.

**10.1.3 INDIANA LEASE - REQUEST FOR CONSENT TO A MINOR CHANGE IN CORPORATE STRUCTURE**

**Directorate:** Corporate and Community Services  
**Author(s):** Shane Collie, Director Corporate and Community Services  
**Authoriser(s):** William Matthew Scott, Chief Executive Officer  
**File Reference:** D23/39234  
**Applicant(s):**  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to provide its consent for a proposed restructure of the company arrangements of Perth Venues Pty Ltd in respect of the Lease over 99 Marine Parade (Indiana Teahouse).

**OFFICER RECOMMENDATION IN BRIEF**

That Council provide consent to Perth Venues Pty Ltd to transfer 100% of its shares to a new company, Fiveight Hold Co.

**BACKGROUND**

Fiveight have written to Council seeking its consent as landlord to approve an internal company restructure in respect of the Lease over 99 Marine Parade (Indiana Teahouse). The proposed restructure is a deemed assignment of the Lease and therefore requires Council approval.

**OFFICER COMMENT**

The Town's Administration has confirmed that the restructure is effectively an internal company issue and will have no practical impact on the present Lease arrangements (between the Town of Cottesloe and Perth Venues Pty Ltd).

Under the current Lease consent for such an assignment can not be unreasonably withheld or delayed and given that there are no identified consequences to Council or the community (no change in terms of the actual lessee) it is recommended that consent to the proposed assignment be provided.

**ATTACHMENTS**

**10.1.3(a) Change of Control - Indiana [under separate cover]**

**CONSULTATION**

Fiveight Pty Ltd

**STATUTORY IMPLICATIONS**

Nil.

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**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**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.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

THAT Council provide consent to Perth Venues Pty Ltd to transfer 100% of its shares to Fiveight Hold Co.

**OCM211/2023**

Moved Mayor Young

Seconded Cr Irvine

**COUNCILLOR MOTION**

THAT Council provide consent to Perth Venues Pty Ltd to transfer 100% of its shares to Fiveight Hold Co. subject to the Administration confirming, prior to providing consent, that the proposed transfer will not have any impact on the Town's security arrangements in respect of the Lease.

Carried 7/0

For: Mayor Young, Crs Sadler, Harkins, Bulbeck, Mason, Irvine and Heath

Against: Nil

**RATIONALE:**

It is commercially prudent to ensure that the proposed transfer of shares will not impact the Town's security arrangements (ie bank guarantee) in respect of the Lease and consent

should not be given until the Administration is satisfied on that point.

Director Development and Regulatory Services left the meeting at 6:44 pm.

Director Development and Regulatory Services returned to the meeting at 6:45 pm

Cr Wylynko returned to the meeting at 6:45 pm.

**10.1.4 STREET TREE MASTERPLAN**

**Directorate:** Engineering Services  
**Author(s):** Adeline Morrissey, Coordinator Environmental Projects  
**Authoriser(s):** Shaun Kan, Director Engineering Services  
**File Reference:** D23/10324  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

**SUMMARY**

For Council to consider noting the attached revised Street Tree Masterplan for the purpose of public consultation.

**OFFICER RECOMMENDATION IN BRIEF**

That Council NOTES the attached Street Tree Masterplan for public consultation.

**BACKGROUND**

In 2017, Council considered public feedback and adopted the current Street Tree Masterplan.

Since then, over 700 trees were planted throughout Cottesloe and for a variety of reasons a number of species change requested by residents were approved by Council. A pathogen affecting the Norfolk Island Pines had also emerged.

Given that the street tree planting program is complete, the review and update of the current Masterplan is timely.

In July 2023, Council noted the Green Infrastructure Strategy and asked for this document, the Natural Areas Management Plan (noted by Council in September 2023) and a Street Tree Masterplan be advertised concurrently for public consultation. The minimum public survey period is two weeks.

Council accepting the officer’s recommendation or equivalent will allow the consultation to occur in February 2024 for the strategy and the two informing plans to then return to Council in March 2024 for adoption.

**OFFICER COMMENT**

Given the background, an Arborist consultant was engaged for the review and update. Their terms of reference comprised of providing advice to:

- Rationalisation of Norfolk Island Pine Trees
- Appropriateness of Species Change from the 2017 Masterplan

**Street Tree Masterplan Review Principles**

Non-native trees are a feature of the Town and the one of the Masterplan review outcomes was to maintain current street tree themes unless there were good reasons for change.

Species diversity is important as it increases the resilience of the Urban Forest System as a whole. Due to the difficulties in predicting all future potential challenges that could impact tree growth, a greater variety will mitigate against a threats that could impact the majority of the tree population.

Research has found that most exotic trees are able to support indigenous wildlife by providing a diversity of food sources. As the climate changes, the ability for Cottesloe to support the species that were naturally found in the area in the past will also change.

CSIRO predicts 2050 climate is likely to resemble Cervantes (<https://www.climatechangeinaustralia.gov.au/en/projections-tools/climate-analogues/analogues-explorer/>).

With this vision and scientific facts, the Arborist then applied the following principles as part of the Street Tree Masterplan review:

- Where possible and unless specified otherwise, maintain the current approved species for each street;
- Promote the use of indigenous trees;
- Extend habitat of native birds and animals,
- Increase diversity to be more resilient to pest, disease outbreak and climate changes

#### **Norfolk Island Pines Rationalisation**

Given the recent pathogen challenges with the Norfolk Island Pine Trees and their high water consumption survival requirements, rationalising this species is particularly important to maintain Council's Water Corporation Gold Waterwise status. This is in line with its sustainability corporate objectives.

It is important to note that there are approximately 1300 of such existing iconic trees including those recently planted and under 3 metres that could not be identified through the consultant's heat mapping fly over system. Compilation of the additional information requested by Council at the Agenda Forum has identified the additional 400 trees.

The aerial overview has identified 900 matured trees (those over 3 metres in height).

In rationalising, it is proposed that Norfolk Island Pine Trees will continue only on streets that have heritage buildings (found either on the Town's heritage list or the State's Register of Heritage Places) and as entry statements along roads of strategic significance. These routes are listed below within a table in the later part of the report that distinguishes streets that contain heritage buildings (heritage) and the strategic roads (distributors).

Norfolk Island Pine Trees will also continue to remain within the centre medians (considered to be public open space) along the following streets:

- Eric Street, Forrest St East, Grant Street (East and West) and Parry Street

The Arborist has selected a variety of other species to replace the Norfolk Island Pines on the following streets (routes that do not meet the heritage or road of significance criteria):

- Warton Street, Charles Street, Deane Street, Seaview Terrace, Gibney Street and Western side of Curtin Avenue (Jarrad Street to Grant Street).

Council is to note that it is very difficult to predict the lifespan of Norfolk Island Pine Trees. This is influenced by factors like environmental conditions and local disturbances. Most of the Pine Trees removed in Cottesloe are only recent and a result of the pathogen rather than their age.

There have been a number of queries from elected members relating to heritage legislation implications on the Norfolk Island Pines. Given the complexity, more time is required to source advice. Council will be provided with this information and feedback obtained from the public consultation to determine how it wishes to proceed. It is intended that this be discussed at an elected member workshop.

Attached is the consultants report providing additional advice regarding the viability of Norfolk Island Pines within the Town of Cottesloe, alternative species to consider and management recommendations for their sustained growth.

This has been summarised within the following table.

Street names	Classification	Estimated Population	Recommendation	Replacement Species
Broome Street	Distributor & Heritage (Napier Street to Grant Street)	250	Retain	No Change
Marmion Street	Heritage	122	Retain	No Change
Eastern Side of Curtin Avenue Grant Street to Jarrad Street	Distributor & Heritage (Forrest to Jarrad)	60	Retain	No Change
Railway Street Grant Street to Vera Street	Distributor	55	Retain	No Change
Loma Street	Local Road	22	Retain	No Change
John Street	Heritage	66	Retain	No Change
Forrest Street	Distributor & Heritage (Marine Parade to Marion Street)	66	Retain	No Change
Pearse Street	Heritage	52	Retain	No Change
Marine Parade Grant Street to North Street	Distributor	9	Retain	No Change
Marine Parade Forrest Street to Eric Street	Heritage	19	Retain	No Change
Marine Parade Curtin Avenue to Forrest Street	Distributor	10	Change	Sheoaks
Marine Parade Eric Street to Grant Street	Distributor	3	Change	Sheoaks
Congdon Street Centre Median	Distributor	16	Change	Tuarts with mixed native mid-storey
Eric Street	Distributor	69	Retain	No Change
Salvado Street	Distributor	56	Retain	No Change
Western side of Curtin Avenue Jarrad Street to Grant Street	Distributor & Heritage (Forrest to Jarrad)	8	Change	Mixed species
Warton Street	Local Road	20	Change	Eucalyptus decipiens (Limestone marlock)
Charles Street west	Local Road	15	Change	Narrow leaf black peppermint (Eucalyptus nicholii)
Charles Street east	Local Road	0	Change	Chinese tallow (Triadica sebifera)
Seaview Terrace	Local Road	13	Change	Coastal Blackbutt (Eucalyptus todtiana)
Gibney Street	Local Road	33	Change	Tuart
Deane Street	Local Road	18	Change	Olive non-fruited (Swan Hill)
		<b>982</b>		

### Other Species Changes Previously Approved



The following table summarises species changes made to the 2017 Masterplan. Amendments only occurred after Council had considered public feedback. The Arborist has no concerns to the changes listed and these are trees that exist within Cottesloe.

Street name	Existing species in Street Tree Masterplan	New Proposed Species
Torrens Court	Coral	Olive non-fruiting (Swan Hill)
Balfour Street	Queensland box	Peppermint
George Street	Queensland box	Peppermint
Kathleen Street	Queensland box	Peppermint
Clarendon Street	Rottnest Island Tea tree	Peppermint
Princes Street (Marine Parade to Avonmore Terrace)	Rottnest Island Tea tree	Hakea laurina
Avonmore Terrace	Rottnest Island Tea tree	Hakea laurina will replace the Rottnest Island Tea tree where verges are less than 8 meters wide

Given the above, a recommendation has been made for Council to endorse the attached Street Tree Masterplan for public consultation.

#### **ATTACHMENTS**

- 10.1.4(a) Street Tree Masterplan 2023 - DRAFT (updated cover photo) [under separate cover]**
- 10.1.4(b) Report - J23833 - Town of Cottesloe - Advice Norfolk Island Pines - 231011 [under separate cover]**

#### **CONSULTATION**

A community survey will be provided to residents seeking their feedback.

**STATUTORY IMPLICATIONS****LOCAL GOVERNMENT ACT 1995 SECTION 2.7 – ROLE OF COUNCIL POLICY IMPLICATIONS**

Street Tree Policy (2022) – Tree Selection and Planting that needs to be in accordance with the approved Street Tree Masterplan. The adoption of the attached Masterplan will replace the current 2017 version.

**STRATEGIC IMPLICATIONS**

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

Priority Area 1: Protecting and enhancing the wellbeing of residents and visitors

Major Strategy 1.6: Implement policies that protect existing trees and that actively seek to increase the tree canopy in Cottesloe.

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

THAT Council

1. ENDORSES the attached Street Tree Masterplan for the purpose of public consultation; and
2. REQUESTS the Chief Executive Officer to table at an Elected Members Workshop the public consultation feedback and the heritage legislation implication for the Norfolk Island Pines upon the completion of the public consultation process

**OCM212/2023**

**COUNCILLOR MOTION**

**Moved Cr Bulbeck**

**Seconded Cr Wylenko**

**That Council DEFERS the Endorsement of the attached Street Tree Masterplan for the purpose of public consultation so that issues including the following can be discussed at an Elected Members Workshop:**

1. Identification of 'heritage streets' and the legislative consequences in relation to the Town's Norfolk Island pines
2. Rationale for defining 'distributor' roads for succession and replacement planting
3. Information to be contained in the proposed contextual statement for the community consultation identifying the risks, costs and benefits of Norfolk Island Pine succession and replacement planting as opposed to planting alternate species.

That the item be brought back to the NOVEMBER 2023 Ordinary Council Meeting incorporating the outcomes of the above discussion into proposed changes to the Street Tree Masterplan and the officer comment to inform the community as fully as possible of the likely costs and risks associated with succession and replacement planting of Norfolk Island Pines.

**RATIONALE:**

There is agreement that the Street Tree Masterplan needs to be revised to remove reference to no longer existing wards.

It is unclear how 'distributor', 'strategic roads' or 'roads of significance' are defined – the various terms used for 'distributor' roads listed in the table on page 23 of the agenda.

Councillors have queried the heritage legislation implications on the Norfolk Island pines. One definition in the Street Tree Masterplan is 'Statutory Heritage Listing'. A second definition in the officer comment is streets that 'have heritage buildings (found either on the Town's heritage list or the State Register of Heritage Places'. There is a need for clarification concerning both the definition of 'heritage' pine trees/streets and any heritage protection requirements before proposing management decisions to the community.

The consultant ArborCarbon clearly recommends that 'the City phases out the replanting of NIPs and replaces them with a suitable amenity species more resilient to environmental stressors'. ArborCarbon notes Norfolk Island Pines are not consistent with the Town's status as a waterwise council which will become more acute due to projected reductions in licensed water and groundwater supply.

It is prudent for Councillors to be as fully informed as possible of the costs and risks of deciding not to follow ArborCarbon's advice. Relevant information includes the likely number of pines to be replaced over a period of time (e.g. 400 have been planted since 2019), the cost and availability of additional water, labour and other resource costs to maintain and replace the pines, likely survival rate of replaced pines and risks from pathogens and parasites of monoculture streets of trees.

For the Cottesloe community to provide informed responses to the proposed Street Tree Masterplan as it relates to a subject closely identified with Cottesloe and dear to many residents, they need to understand the cost implications for their rates of proposed Norfolk Island Pine retention and replacement.

**Carried 8/0**  
**For: Mayor Young, Crs Sadler, Harkins, Bulbeck, Wylenko, Mason, Irvine and Heath**  
**Against: Nil**

**10.1.8 BUDGET AMENDMENT - VARIOUS ENGINEERING PROJECTS**

**Directorate:** Engineering Services  
**Author(s):** Renuka Ismalage, Manager Projects and Assets  
**Authoriser(s):** Shaun Kan, Director Engineering Services  
**File Reference:** D23/38185  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider a budget amendment for the renewal of the Ocean Beach Hotel (OBH) bore pump, Marine Parade (Curtin Avenue to Warton Street) road resurfacing works and the replacement of an airconditioning system for Shine Community Centre.

**OFFICER RECOMMENDATION IN BRIEF**

That Council APPROVES a budget amendment for the three new projects.

**BACKGROUND**

Council adopted the 2023/2024 budget in August 2023. Since then the following additional projects were identified:

- OBH bore pump replacement;
- Marine Parade (Curtin Avenue to Warton Street) Road Resurfacing; and
- Shine Community Centre Airconditioner Replacement

Context and financial information are detailed in later sections of this report.

**OFFICER COMMENT**

The budget amendment can be detailed as follows and their funding requirements summarised in the resource implications section of the report.

**Reticulation pump replacement funds reallocation**

\$20,000 has been approved for the renewal of the Harvey field bore Pump. The unexpected OBH reticulation pump (servicing the Main Foreshore Irrigation System) failure requires a partial transfer of funds from this already approved line item. Previous repairs already made to the Harvey Field pump in the interim will allow its replacement to be deferred to a future financial year.

Not undertaking this proposed OBH renewal will result in the resources being reassigned to carry out manual watering along the Cottesloe Foreshore area.

**Marine Parade (Curtin Avenue to Warton Street) Road Resurfacing**

The Metropolitan Road Regional Group (MRRG) funding (\$289,470) for this project was approved by the State Government only after Council had adopted its annual budget.

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The Town is responsible for \$96,490 and MRRG the remaining \$192,980 as part of the 1/3 to 2/3 co-sharing arrangement. This additional requirement will be obtained through a combination of transfers within the adopted budget and from the Infrastructure Reserves.

In addition to asset renewal (identified from a prioritised list informing the approved Asset Management Plan), the project will require parking bay modifications (remove existing and install new). This is to create the required footprint for the future upgrade of the Marine Parade Principal Shared Path.

Given the strategic vision, the Active Transport Working Group will be consulted on the scope as part of developing a design. Council adopting this line item will allow for the first 40 percent claim to be made from MRRG in December 2023. The MRRG contribution will no longer be available after this date.

Any parking modifications will require Council approval and will be tabled in a future item.

### **Shine Community Centre Airconditioner Replacement**

The existing 20 year old air conditioning system in the Shine Community Centre is no longer operational (beyond repair) and requires replacement, costing approximately \$17,000. It is Council's responsibility as property owners to undertake such capital renewals under the current lease.

This additional requirement will be funded through the current budget transfers and the Infrastructure Reserves.

### **ATTACHMENTS**

Nil

### **CONSULTATION**

No consultation is required.

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995 section 2.7 – Role of Council and section 6.8 - Expenditure from municipal fund not included in annual budget*

*Local Government (Financial Management) Regulations 1996 Section 6.2 – Annual Budgets*

### **POLICY IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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



1. APPROVES the following budget amendment:
  - a. Reduction of Harvey Field Bore Pump Replacement Project from \$20,000 to \$0;
  - b. New Project – Marine Parade (Curtin Avenue to Warton Street) Road Resurfacing for \$289,470 that will be partially funded by a \$192,980 contribution from the Metropolitan Road Regional Group and the remaining \$96,490 through the Infrastructure Reserves;
  - c. New Project – Shine Community Centre Air Conditioner Replacement for \$17,300 of which \$10,000 will be funded through a budget transfer from the Harvey Field Bore Pump Replacement Project mentioned in point 1 (a) and the remaining \$7300 funded through the Infrastructure Reserve;
  - d. New Project – Ocean Beach Hotel Bore Pump for \$10,000 through a budget transfer from the Harvey Field Bore Pump Replacement Project mentioned in point 1 (a); and
  - e. Subject to approval of points 1 (a) to (d), APPROVES a transfer of \$103,790 from the Infrastructure Reserves that has a balance of \$528,630 to fund the New Projects mentioned in points 1(b) and 1(c).

Carried by Absolute Majority 8/0

For: Mayor Young, Crs Sadler, Harkins, Bulbeck, Wylenko, Mason, Irvine and Heath

Against: Nil



**10.1.11 DRAFT COUNCIL PLAN****Directorate:****Author(s):** William Matthew Scott, Chief Executive Officer**Authoriser(s):** William Matthew Scott, Chief Executive Officer**File Reference:** D23/39060**Applicant(s):****Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider issuing the draft Council Plan out for Community Feedback

**OFFICER RECOMMENDATION IN BRIEF**

That Council adopts the attached draft Council Plan for Community feedback.

**BACKGROUND**

The Local Government Act 1995 (the Act) has required local governments to prepare a 'Plan for the Future' under section 5.56 since its introduction, essentially requiring Local Governments to strategically look at current and future needs and determine how these would be provided. Initially, there was a requirement for a "Principle Activity Plan" (PAP), which was meant to provide information on what was the strategic priorities of individual local governments. In 2013, the PAP was superseded by the Integrated Planning and Reporting Process (IRP), which required local governments to prepare more detailed strategic plans, including a Strategic Community Plan (SCP), a Corporate Business Plan (CBP), and other supporting strategies. In June 2023, the Local Government Amendment Act 2023 amended section 5.56 of the Act to change the term 'Plan for the Future' to 'Council Plan'. The associated regulations for the Council Plan have not yet been released or proclaimed, but regulation 19BA of the Local Government (Administration) Regulations 1996 effectively combines the SCP and the CBP into the new Council Plan.

In relation to the Town of Cottesloe, the current SCP was originally adopted in 2013 and expires in 2023. The Council provided for a review of the Strategic Community Plan in the 2022/23 Budget. This process was delayed until the outcome of the proposed Local Government reforms became known. In early 2023, it was clear that the Town would need to prepare a "Council Plan" in the future, and Moore Australia was engaged to assist the Town in preparing this document. Furthermore, in discussions with Council, Moore Australia and reviewing other Local Government Strategic Documents, it is evident that the current SCP is highly prescriptive, and incorporates many strategies or actions which the Town has little (if any) influence in achieving. Likewise, since the SCP was adopted, the Town has developed many informing strategies and plans, which provide direction on specific matters, such as (but limited to) Foreshore Masterplan, Long Term Cycle Network, POS Strategy, and Street Tree Masterplan. As a result of these strategies, the CBP effectively reflects the need to review and/or implement these strategies.

In the initial phases of reviewing the current IPR documents, it was clear that the Council Plan should provide high-level strategic direction based on community aspirations, while the informing strategies and plans should provide detailed actions.

After the initial review process, Moore Australia developed an engagement program to seek community input on current views of Council services and to identify future needs and aspirations. Community engagement commenced on 8 May 2023 with the release of a community survey. Three community information and feedback sessions were also organized to provide residents with direct access to the consultants. Both the survey and community information and feedback sessions were promoted through the following channels:

- Advertisements on the Town Website and Social Media pages;
- News articles in local media;
- Posters displayed on all community noticeboards around Cottesloe (including the Grove Library), and
- Direct emails to Elected Members, Staff, Community Groups, and Residents email list.

At the end of the consultation process, the Town received 440 individual survey responses and a total of 21 individuals attended the community information and feedback sessions. Moore Australia provided Council with an analysis of the consultation results (attached), which was used to prepare the attached draft Council Plan, developed in collaboration with Elected Members and the Administration over the last few months.

Before the new Council Plan can be finalised and adopted, the draft Council Plan needs to be issued for further community comment, to ensure it accurately reflects the community's aspirations and objectives.

### **OFFICER COMMENT**

The Draft Council Plan is significantly different from the existing Strategic Community Plan (SCP) and Corporate Business Plan (CBP), with both documents being merged into one. It is designed to be easy to read, using infographics and dot points to make it less text-heavy. The Department of Local Government has accepted this approach, provided the elements required by the Local Government Act (and associated regulations) are included. A number of Local Governments have already taken this approach, including:

- Shire of Donnybrook Balingup
- Shire of Esperance
- Shire of Murray
- City of Nedlands
- Shire of Northam
- Shire of Serpentine Jarrahdale

Regarding the Draft Council Plan, given the community feedback, the Vision and Mission Statement has been refined to:

Our Vision – A vibrant coastal community with a relaxed lifestyle

Our Mission – To preserve and improve Cottesloe’s natural and built environment and beach lifestyle by using sustainable strategies in consultation with the community.

The key themes (or objectives) have been reduced from six to four:

1. Our Community: Connected, engaged and accessible;
2. Our Town: Healthy natural environs and infrastructure meeting the needs of our community;
3. Our Prosperity: A vibrant and sustainable place to live, visit and enjoy; and
4. Our Leadership and Governance: Strategic leadership providing open and accountable governance.

There is also a clear connection between the community's aspirations and how they will be delivered (Community Feedback → Vision → Key Objectives → Strategies → Strategy Deliverables), while also identifying the Town's underlying role (be it to deliver, advocate, or partner) in each action.

The Council Plan is also not as specific as the current Corporate Business Plan, however, does meet the current underlining requirements, can be reviewed annually, and modified if needed.

It is acknowledged that new regulations detailing the requirements of the Council Plan have not yet been proclaimed. Despite this, the Council Plan has been developed by Moore Australia on current advice on the Local Government reforms process, which includes simplifying the strategic planning process (hence the combination of the SCP and CBP).

Under the previous strategic framework, the CBP was reviewed every year, the SCP was reviewed every four years, and there was a minor review every two years. To ensure that the plan remains current and relevant to community aspirations and objectives, the Council Plan will have an annual desktop review and a major review every four years, which will include community consultation.

### **ATTACHMENTS**

- 10.1.11(a) Town of Cottesloe Council Plan 2023-2033 Draft for Review [under separate cover]**
- 10.1.11(b) Town of Cottesloe - Community Perception Report 2023 [under separate cover]**

### **CONSULTATION**

Moore Australia

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

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*5.56. Council plan*

*(1) A local government must, in accordance with 8 regulations*

- (a) Prepare a council plan;*
- (b) publish, review and modify the council plan.*

*(2) A council plan is a plan for —*

- (a) the future services and facilities for the district 13 that are to be provided by the local government;*
- (b) any prescribed matters.*

*(3) Without limiting subsections (1) and (2)(b), regulations may prescribe any of the following*

- 
- (a) information and other contents to be contained in a council plan;*
- (b) the period which a council plan is to cover;*
- (c) when a council plan is to be prepared, published, reviewed, modified or replaced;*
- (d) procedures to be followed in preparing, reviewing, modifying or replacing a council plan.*

***Local Government (Administration) Regulations 1996******19BA. Terms used***

*In this Part —*

*corporate business plan means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in accordance with section 5.56;*

*strategic community plan means a plan made under regulation 19C that, together with a corporate business plan, forms a plan for the future of a district made in accordance with section 5.56.*

***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.*

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

Major Strategy 6.1: Ongoing implementation of Council's community consultation policy.

**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.

**VOTING REQUIREMENT**

*Simple Majority*

**OCM214/2023**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Bulbeck**

**Seconded Cr Harkins**

**THAT Council**

- 1. Adopt the attached Draft Council Plan for community consultation and comment for a period of four(4) weeks;**
- 2. Note the attached Community Perception Report will be placed on the Town's website;**
- 3. Request the Chief Executive Officer to provide a report back to Council on the Council Plan, after the community consultation and comment period has ended**

**Carried 5/3**

**For: Mayor Young, Crs Sadler, Harkins, Bulbeck and Mason**

**Against: Crs Wylenko, Irvine and Heath**

**10.1.12 ELECTED MEMBER APPOINTMENTS TO EXTERNAL COMMITTEES AND INCORPORATED BODIES**

**Directorate:** Executive Services  
**Author(s):** Shane Collie, Director Corporate and Community Services  
**Authoriser(s):** William Matthew Scott, Chief Executive Officer  
**File Reference:** D23/39179  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

To appoint the members and deputy members to external Committees and incorporated bodies.

**OFFICER RECOMMENDATION IN BRIEF**

That Council appoints members and deputy members to external Committees and incorporated bodies.

**BACKGROUND**

Under section 5.11 of the *Local Government Act 1995*, tenure to a Committee is held until the next ordinary Local Government election, which was held 21 October 2023. Notwithstanding this Council has representation on a number of external committees which are normally reviewed at the same time as its internal committee appointments.

**OFFICER COMMENT**

Details of the external Committees and their previous appointments are included for consideration by Elected Members.

**Cottesloe Coastcare Association Inc.**

Cottesloe Coastcare is a group of local volunteers who joined together in 1995 to achieve a more robust and diverse ecosystem for the Cottesloe foreshore. This group is an incorporated body and its constitution provides for a nominee of Council.

One member and one deputy member are required.

**Current Membership**

- Cr Bulbeck (member)
- Cr Harkins (deputy member)

**Development Assessment Panel**

Under the Development Assessment Panel regulations each local government nominates four elected members of the Council, comprising two members and two alternate deputy members to sit on the local Development Assessment Panel as required.

Local government elections may result in a change to membership if current councillors who are members are not re-elected.

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Mandated training is required as part of this role.

Current membership

- Cr Masarei (primary delegate)
- Cr MacFarlane (primary delegate)
- Cr Barrett (deputy delegate)

**The Grove Library Management Committee**

This Committee was formed to determine issues of Policy and all other matters associated with the day to day management of the library. This committee consists of elected members from the councils of Cottesloe, Peppermint Grove and Mosman Park as well as the Library Manager and administrative staff (non voting).

Library meetings are usually held three to four times a year. One member and a deputy member are required.

Current membership

- Cr Harkins (member)
- Cr Masarei (deputy member)
- Cr Young (deputy member)

**Metropolitan Regional Road Group (MRRG)**

This groups deals with the allocation of State Road funding to local governments.

Current membership

- Cr Sadler (member)
- Cr MacFarlane (member)

**ProCott Incorporated**

ProCott Incorporated is an organisation promoting the interests of the Cottesloe business community in the main business area and is primarily funded by differential rates income provided by the Town of Cottesloe.

Under an agreement between ProCott and the Town of Cottesloe, ProCott is required to provide the Town of Cottesloe reasonable notice of its meetings of directors and permits two elected members of the Town to attend and participate in the discussions at such meetings.

Two members and a deputy member are required.

Current membership

- Cr Atkins (member)
- Cr Young (member)

**Western Australian Local Government Association (WALGA) – Central Metropolitan Regional Zone**

Western Australian Local Government Association zone meetings occur every two months. Two delegates are required. The Chief Executive Officer attends as a non-voting member.



The following Local Governments are members of the WALGA Central Metropolitan Zone:

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

WALGA is the voice of Local Government in Western Australia. As the peak industry body WALGA advocates on behalf of the State's 139 Local Governments and negotiates service agreements for the sector. WALGA is not a government department or agency and its mission is to provide strong representation, strong leadership, enhance the capacity of and build a positive public profile for Local Government.

#### Current membership

- Cr Masarei (delegate)
- Cr Sadler (delegate)
- Cr Bulbeck (deputy delegate)

#### **Western Metropolitan Regional Council (WMRC)**

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

The following Local Government Authorities are members of the WMRC:

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

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

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

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

One member and one deputy member are required.

Current membership

- Cr MacFarlane (member)
- Cr Barrett (deputy member)

**Western Suburbs Working Group**

The DPLH has formed working groups, made up of representatives from relevant State Agencies and associated local governments.

The aim of these working groups is to:

1. Provide advice to the WAPC in respect to the preparation of strategic plans for major Transport Corridors; and
2. Provide advice to the relevant decision making authority in respect to development of Activity Centres along these major Transport Corridors.

Current membership

- Cr Barrett (member)
- Cr MacFarlane (deputy member)

**Cottesloe Village Precinct Planning Steering Group**

Current membership

- Cr Sadler
- Cr Wylynko

**ATTACHMENTS**

Nil

**CONSULTATION**

Elected Members

**STATUTORY IMPLICATIONS**

Nil.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

### **RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

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

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **VOTING REQUIREMENT**

Absolute Majority

### **OFFICER RECOMMENDATION**

THAT Council by Absolute Majority:

1. APPOINTS Cr \_\_\_\_\_ as member and Cr \_\_\_\_\_ as deputy member of the Cottesloe Coastcare Association.
2. APPOINTS Cr \_\_\_\_\_ and Cr \_\_\_\_\_ as primary delegates and Cr \_\_\_\_\_ and Cr \_\_\_\_\_ as alternate deputy delegates to the Development Assessment Panel.
3. APPOINTS Cr \_\_\_\_\_ as member and Cr \_\_\_\_\_ and Mayor Young as deputy member of the Grove Library Management Committee.
4. APPOINTS Cr \_\_\_\_\_ as member and Cr \_\_\_\_\_ as Deputy Member of the Metropolitan Regional Road Group.
5. APPOINTS Cr \_\_\_\_\_ and Cr \_\_\_\_\_ as members and Cr \_\_\_\_\_ as deputy member to ProCott Incorporated.
6. APPOINTS Cr \_\_\_\_\_ and Cr \_\_\_\_\_ as delegate and Cr \_\_\_\_\_ as deputy delegate of the WALGA - Central Metropolitan Zone.
9. APPOINTS Cr \_\_\_\_\_ as member and Cr \_\_\_\_\_ as deputy member of the Western Metropolitan Regional Council.
10. APPOINTS Cr \_\_\_\_\_ as member and Cr \_\_\_\_\_ as deputy member of the Western Suburbs Working Group.
11. APPOINTS Cr \_\_\_\_\_ and Cr \_\_\_\_\_ as members of the Cottesloe Village Precinct Planning Steering Group

OCM215/2023

**COUNCILLOR MOTION**

Moved Mayor Young

Seconded Cr Heath

THAT Council by Absolute Majority:

1. APPOINTS Cr Bulbeck as member and Cr Irvine as deputy member of the Cottesloe Coastcare Association.
2. APPOINTS Cr Heath and Cr Irvine as primary delegates and Cr Wylynko and Mayor Young as alternate deputy delegates to the Development Assessment Panel.
3. APPOINTS Cr Harkins as member and Cr Bulbeck and Mayor Young as deputy member of the Grove Library Management Committee.
4. APPOINTS Cr Sadler as member and Mayor Young as deputy member of the Metropolitan Regional Road Group.
5. APPOINTS Cr Mason as member and Mayor Young as deputy member of ProCott Incorporated.
6. APPOINTS Cr Bulbeck and Cr Sadler as delegates and Cr Heath as deputy delegate of the WALGA - Central Metropolitan Zone.
7. APPOINTS Cr Wylynko as member and Mayor Young as deputy member of the Western Metropolitan Regional Council.
8. APPOINTS Mayor Young as member and Cr Harkins as deputy member of the Western Suburbs Working Group.
9. APPOINTS Cr Sadler and Cr Wylynko as members of the Cottesloe Village Precinct Planning Steering Group

Carried by Absolute Majority 8/0

For: Mayor Young, Crs Sadler, Harkins, Bulbeck, Wylynko, Mason, Irvine and Heath

Against: Nil



**13.1.1 DOGS AMENDMENT LOCAL LAW 2023**

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (f(i)) as it contains information relating to a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.

OCM218/2023

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Wylynko

Seconded Cr Bulbeck

THAT Council:

1. **RESOLVES** to undertake to the Joint Standing Committee on Delegated Legislation (JSCDL) that in respect of the Town of Cottesloe Dogs Local Law 2023 within 6 months it will
  - *Replace Clause 3.33 with Clause 3.3 in Clause 3.4(a);*
  - *Insert the word “application” after “proposed” in Clause 3.4(b);*
  - *Replace “Schedule” with “Schedule 1” in Clause 6.4; and*

that all consequential amendments arising from undertaking 1 will be made, and where the local law is made publicly available by the Town, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertakings.

2. **AUTHORISES** the Mayor to provide a formal letter of undertaking to the JSCDL in respect of the matters prescribed in Point 1;
3. **PROVIDES** local public notice that it proposes to make the Town of Cottesloe Dogs Amendment Local Law 2023, as attached to this report, and invites public submissions on the proposal in accordance with Section 3.12 (3) (iii) of the *Local Government Act 1995*.

Carried 7/0

For: Mayor Young, Crs Sadler, Bulbeck, Wylynko, Mason, Irvine and Heath

Against: Nil

**13.1.2 CONSENT TO SUB-LEASE - 40 MARINE PARADE, COTTESLOE**

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

OCM219/2023

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Sadler

Seconded Cr Heath

THAT Council:

1. **AGREE to provide the Town's consent for two Sub-Leases of a portion of Lot 555 Gibney Street, Cottesloe, between Curtin Heritage Living and Linton and Kaye and Access Cardiology; and**
2. **AUTHORISE the Mayor and Chief Executive Officer to sign and seal all relevant documents to enable the Sub-Leases to occur.**

Carried 7/0

For: Mayor Young, Crs Sadler, Bulbeck, Wylynko, Mason, Irvine and Heath

Against: Nil

OCM220/2023

**MOTION FOR RETURN FROM BEHIND CLOSED DOORS**

Moved Mayor Young

Seconded Cr Bulbeck

In accordance with Section 5.23 that the meeting be re-opened to members of the public and media, and motions passed behind closed doors be read out if there are any public present.

Carried 7/0

For: Mayor Young, Crs Sadler, Bulbeck, Wylynko, Mason, Irvine and Heath

Against: Nil

*The meeting was re-opened to the public at 7:28 pm, however no members of the public or media were in attendance. The resolution for 13.1.1 and 13.1.2 was not read aloud.*

**13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC****13.1.1 DOGS AMENDMENT LOCAL LAW 2023****13.1.2 CONSENT TO SUB-LEASE - 40 MARINE PARADE, COTTESLOE****14 MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 7:29 pm