



# Town of Cottesloe

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

**Tuesday, 25 June 2024**

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

Signed:

Presiding Member

Date: 23 July 2024

A handwritten signature in black ink, appearing to read 'Annie Y', is written over the 'Signed:' and 'Presiding Member' text.

# 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, 25 June 2024

A stylized, handwritten signature in blue ink, consisting of a long, sweeping horizontal line with a small loop at the end.

**WILLIAM MATTHEW SCOTT**  
Chief Executive Officer

5 July 2024

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

The Presiding Member announced the meeting opened at 6:03 pm.

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

**2 DISCLAIMER**

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

**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

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

Stephen Mellor – 8 Graeme Court Cottesloe

Q1: Why was the [Car Park No 2] Strategy not supplied as a Draft in the Meeting Papers?

R1: The item was recommended to be discussed behind closed doors, and therefore all associated attachments were also marked confidential.

Q2: When was *Element* appointed as the Car Park 2 Consultant and at what cost?

R2: Element was appointed in March 2024, at a cost of \$64,000. The current budget for this project is \$75,000

Q3: Why is the [Car Park No 2] Strategy still undated?

R3: The consultant who wrote the Strategy did not include a date on the document, given it may be subject to consideration (and possible amendment) by Council. For future clarity the document will now be dated the month it was approved by Council, June 2023.

Q4: Regarding 10.1.7. Again referring to Major Strategy 4.1 and 4.3 to deliver open, accountable, and transparent governance, will Council please resolve tonight to make the Car Park 2 *Element* workshop also open for Community attendance and classify it as a Committee meeting of the FPAC so as to be in line with its Charter?

R4: Refer to Resolution OCM062/2024, 28 May 2024.

Q5: When will Forum and OCM meetings be live-streamed?

R5: Agenda Forum will not be live streamed. Subject to another successful recording of the June OCM, the July OCM is planned to be live streamed.

Q6: What process will be implemented for Public Question and Statement times within live-streaming?

R6: Public Question and Statement Time will operate under the same process of previous Council Meetings, In accordance with the *Local Government Act 1995* and the Town's Meeting Procedures Local Law.

Ms Dianne Trouchet

Q1: Did any Councillor visit the event disruption during the whole lease period?

R1: It is understood several Elected Members attended Cottesloe Beach during the Electric Island event.

## **4.2 PUBLIC QUESTIONS**

Mr Stephen Mellor – 8 Graham Court Cottesloe

Q1. Was not a precedent set when the Council itself removed two healthy established trees at the Anderson Pavilion without any public consultation? I don't believe alternative solutions were exhausted. Where are the six replacement trees – I see just two?

R1. The Street Tree policy does not relate to trees at Anderson Pavilion.

Q2. I am a green advocate, but should not common sense apply and allow the request, particularly that neighbours support and all have single-tree verges?

R2. This would be a decision of Council.

Q3a. If the discussion on the Proposal is to be behind closed doors, can you please outline to the public here tonight what in general and in process terms is being discussed?

Q3b. Can you outline, subject to tonight's Council decision, what are the next likely steps and possible time-line?

Q3c. Does it concern a decision on 'in principle' approval of the proposal or parts thereof?

Q3d. Is it a Business Plan being put to Council to note or for approval?

Q3e. Is it a Community Engagement Plan?

Q3f. At the reading out after the closed doors session tonight, will Council please also provide the supporting rational so that the community can be informed?

- Q3g. When will allowable supporting documents/reports be made public for our better understanding – redacted or not?
- Q4a. Has the Council received confirmation from the Surf Club that it accepts its boatshed relocation in the proposal and that it is logistically, practically operable and safe?
- Q4b. Do the Environment, First Nations and Heritage reports on the proposal approve in principle the concept for the boatshed relocation?
- Q4c. Has the proposal been considered by the Reconciliation Action Working Group, particularly in relation to the boatshed on the ceremonial site of the Mudurup Rocks and with any connection to the Surf Club above?
- Q4d. Has there been a Coastal Hazard Risk analysis and ocean defence strategy for both the *Indiana* and the relocated boatshed?
- Q4e. Has the Council been convinced by the original *Indiana* Proposal Arborist Report that the *Indiana* NIPs can be protected in the development building works. From my understanding NIP roots are more surface than deep and I cannot believe branches will not need to be trimmed to avoid brushing the planned hotel. There are other trees in this location will they be replaced in lieu (3 to 1)?
- Q4f. It is clear the *Indiana* needs a lick of paint or better upkeep. With summer season ahead and any building works will be quite some time off, is the Town satisfied with the current state of the building?
- Q5. Will you confirm that local consultation on any *Indiana* proposal will be separate from and precede any State-wide consultation process? Refer also to my email amendment suggestion.
- Q6. What is the current progress status of the Town's Short Term Accommodation Policy when such accommodation is in the Car Park 2 Strategy, Sea Pines and that accommodation demand is in a statement by the proponent?
- R. It is recommended that the Indiana Teahouse Proposal is to be discussed behind closed doors and as such all discussion is confidential at this stage.

## 5 PUBLIC STATEMENT TIME

### Ms Yvonne Hart

Ms Hart spoke of Item 13.1.3 – Indiana Teahouse Redevelopment Proposal and the wish to have Council release documents pertaining to Council's decision of the proposal after tonight's meeting.



Mr Peter Rattigan

Mr Rattigan spoke of Item's 10.1.4 and 13.1.3 outlining his thoughts on the Green Infrastructure Strategy and the original pavilion at the Indiana Teahouse site.

Ms Camille Gibson

Ms Gibson spoke of Item 10.1.4 Green Infrastructure Strategy acknowledging the work Council had carried out and thanked Council for the public consultation along with recognising the valuable work Cottesloe Coast Care do.

Mr Stephen Mellor

Mr Mellor spoke of the May 2024 Unconfirmed Minutes and provided his thoughts on Item 13.1.3 Indiana Tea House Redevelopment proposal.

Ms Katie Mackoski

Ms Mackoski spoke of Item 10.1.5 and that she was against the Officer Recommendation and spoke for the street tree removal.

**6 ATTENDANCE**Elected Members

Mayor Lorraine Young

Cr Helen Sadler

Cr Chilla Bulbeck

Cr Michael Thomas

Cr Katy Mason

Cr Jeffrey Irvine

Cr Sonja Heath

Via electronic means.

The Presiding Member advised that Cr Heath had declared that her method of remote attendance would allow her to maintain communication and enable her to fully participate in the meeting and that she was able to maintain confidentiality for any part of the meeting that was closed.

Officers

Mr William Matthew Scott

Chief Executive Officer

Mr Shaun Kan

Director Engineering Services

Mr Paul Neilson

A/Director Development and Regulatory Services

Ms Jacquelyne Pilkington

Governance & Executive Office Coordinator

Ms Larissa Stavrianos

Executive Office Trainee

**6.1 APOLOGIES**

Nil

Officers Apologies

Nil

**6.2 APPROVED LEAVE OF ABSENCE**

Cr Melissa Harkins

Cr Brad Wylynko

**6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

**OCM079/2024**

**Moved Mayor Young**

**Seconded Cr Thomas**

**That Cr Irvine be granted a leave of absence from 16 August to 2 September 2024.**

**Carried 7/0**

**7 DECLARATION OF INTERESTS**

Cr Irvine declared an IMPARTIALITY INTEREST in 13.1.3 by virtue “that during his electoral campaign Cr Irvine spoke out against the proposal, however he has received additional information that was not published and believes he can consider the proposal on its merits”.

**8 CONFIRMATION OF MINUTES**

**OCM080/2024**

**Moved Cr Bulbeck**

**Seconded Cr Irvine**

**That the Minutes of the Ordinary Meeting of Council held on Tuesday 28 May 2024 be confirmed as a true and accurate record.**

**Carried 7/0**

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

**Against: Nil**

**9 PRESENTATIONS****9.1 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

## **9.2 PRESENTATIONS**

Nil

## **9.3 DEPUTATIONS**

Nil

**10        REPORTS****10.1     REPORTS OF OFFICERS****OCM081/2024****Moved Cr Thomas****Seconded Cr Sadler****COUNCIL RESOLUTION**

**That Council adopts en-bloc the following Officer Recommendations contained in the Agenda for the Ordinary Council Meeting 25 June 2024:**

<b>Item #</b>	<b>Report Title</b>
<b>10.1.1</b>	<b>Monthly Financial Statements for the period 1 July 2023 to 30 April 2024</b>
<b>10.1.2</b>	<b>Town of Cottesloe Innovate RAP</b>
<b>10.1.3</b>	<b>Western Central Local Emergency Management Arrangements Review</b>

**Carried 7/0****For: Mayor Young, Crs Sadler, Bulbeck, Thomas, Mason, Irvine and Heath****Against: Nil**

**CORPORATE AND COMMUNITY SERVICES****10.1.1 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2023 TO 30 APRIL 2024**

**Directorate:** Corporate and Community Services  
**Author(s):** Wayne Richards, Finance Consultant  
**Authoriser(s):** William Matthew Scott, Chief Executive Officer  
**File Reference:** D24/22932  
**Applicant(s):**  
**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 30 April 2024.

**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 30 April 2024 was \$4,824,190 as compared to \$5,955,362 this time last year.
- Operating revenue is more than the year to date budget by \$287,806 with a more detailed explanation of material variances provided at note 2, explanation of material variances, of the attached financial statements. Operating expenditure is \$1,921,921

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 \$8,559,306 as at 30 April 2024 as shown in note 7, cash backed reserves, of the attached financial statements.

#### **List of Accounts Paid for April 2024**

The list of accounts paid during April 2024 is shown on note 14, list of accounts, of the attached financial statements. Purchases made via credit card and fuel cards are listed separately below the list of electronic fund transfers and cheque payments.

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

- \$46,295.00 & \$42,439.00 to the Australian Taxation Office for payroll tax deductions
- \$38,721.80 & \$38,895.69 to Superchoice Services Pty Ltd for staff superannuation contributions
- \$29,199.47 to Charles Service Company for cleaning services
- \$133,041.91 to Classic Contractors for works at Anderson Pavilion
- \$89,264.78 to Solo Resource Recovery for waste collection costs
- \$173,528.28 to Phase 3 Landscape Construction Pty Ltd for construction of the new skate park
- \$148,445.02 & \$142,116.94 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 45% of funds invested with the National Australia Bank, 29% with the Commonwealth Bank of Australia and 26% 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 \$2,108,097 as at 30 April 2024.

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

Rates outstanding are shown on note 6, receivables, and shows a balance of \$574,176 outstanding as compared to \$435,525 this time last year.

Sundry debtors are shown on note 6, receivables, of the attached financial statements. The sundry debtors report shows that 20% or \$30,377 is older than 90 days. Infringement debtors are shown on note 6, receivables, and shows a balance of \$470,083 as at 30 April 2024.

**ATTACHMENTS**

10.1.1(a)      Agenda Attachment - Monthly Financial Report 1 July 2023 to 30 April 2024  
[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 *Council Plan 2023 – 2033*.

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

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

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

**OCM082/2024**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Thomas

Seconded Cr Sadler

**THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2023 to 30 April 2024 as submitted to the 25 June 2024 meeting of Council.**

**Carried by En Bloc resolution 7/0**

**10.1.2 TOWN OF COTTESLOE INNOVATE RAP**

**Directorate:** Corporate and Community Services  
**Author(s):** Sandra Watson, Manager Community and Customer Services  
**Authoriser(s):** William Matthew Scott, Chief Executive Officer  
**File Reference:** D24/24602  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is being asked to consider and endorse the development of an Innovate Reconciliation Action Plan.

**OFFICER RECOMMENDATION IN BRIEF**

That Council approves the development of an Innovate Reconciliation Action Plan (RAP).

**BACKGROUND**

A RAP is a strategic document that supports an organisation's business plan. It includes practical actions that will drive an organisation's contributions to reconciliation both internally and in the communities in which it operates. There are four types of RAP that an organisation can develop: Reflect, Innovate, Stretch and Elevate.

**Reflect**

- *Scoping reconciliation (1 year)*

A Reflect RAP clearly set out the steps you should take to prepare your organisation for reconciliation initiatives in successive RAPs. Committing to a Reflect RAP allows the organisation to spend time scoping and developing relationships with Aboriginal and Torres Strait Islander stakeholders, decide on your vision for reconciliation and explore the sphere of influence, before committing to specific actions or initiatives. This process will help to produce future RAP's that are meaningful, mutually beneficial and sustainable. A Reflect RAP is the foundational work.

**Innovate**

- *Implementing reconciliation (2 year)*

An Innovate RAP outlines actions that work towards achieving the organisation's unique vision for reconciliation. Commitments within this RAP allow the organisation to be aspirational and innovative in order to help gain a deeper understanding of its sphere of influence, and establish the best approach to advance reconciliation. An Innovate RAP focuses on developing and strengthening relationships with Aboriginal and Torres Strait Islander peoples, engaging staff and stakeholders in reconciliation, and developing and piloting innovative strategies to empower Aboriginal and Torres Strait Islander peoples.



**OFFICER COMMENT**

In August 2021, Council endorsed and approved the establishment of the Reconciliation Action Working Group (RAWG) and the development of the first RAP (Reflect) for the Town. A Reflect RAP is generally a one year plan that is scoping and foundational in nature including commencing the development of relationships with key stakeholders.

The Town's Reflect RAP was successfully developed and implemented with actions including Reconciliation Awareness Week and NAIDOC Week events being held in 2023/2024, relationships being established with key Aboriginal and Torres Strait Islander people and organisations, and broad representation on the RAWG including Aboriginal Elders.

Reconciliation Australia recommends that once the foundational RAP has been developed (the Reflect RAP), that organisations move to the next step – the Innovate RAP. The RAWG supports this move and endorsed at their last meeting held 5 June 2024 the Town moving to an Innovate RAP. The notes from the last meeting are attached.

**ATTACHMENTS**

**10.1.2(a) Notes RAWG - 5 June 2024 [under separate cover]**

**CONSULTATION**

The Reconciliation Action Working Group endorsed the Town moving to the development of an Innovate RAP at their last meeting held 5 June 2024. In addition, formal advice received from Reconciliation Australia was that once the foundational RAP (Reflect) had been developed this preliminary work can be further built upon by moving onto an Innovate RAP. Further, Innovate RAP's are the most commonly repeated type of RAP as they offer opportunities to explore partnerships and initiatives over a 2 year period, plus there is no limit on how many Innovate RAP's can be completed. During meetings with a representative of Reconciliation WA and the CEO of the Whadjuk Aboriginal Corporation, they also advised to move to an Innovate RAP.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Priority Area 1: Our Community - Connected, engaged and accessible.

Major Strategy 1.1: Supporting an active, healthy and inclusive community culture, our residents enjoy access to a range of social, cultural and recreation activities.

**RESOURCE IMPLICATIONS**

\$12,000 has been allocated in the draft budget for the 2024/25 financial year for reconciliation activities. As the Innovate RAP is a two year plan and the actions and deliverables are as yet unknown, there will be further opportunity to allocate additional funds to implement the Innovate RAP in the 2025/26 budget process.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

*Local Government Act 1995*

*Aboriginal Heritage Act 1972*

Mudurup Rocks is a protected site under the *Aboriginal Heritage Act 1972* and any works at this site must be done in accordance with the processes provided for in this Act.

**VOTING REQUIREMENT**

Simple Majority

**OCM083/2024**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Thomas

Seconded Cr Sadler

**THAT Council APPROVES development of an Innovate Reconciliation Action Plan (RAP).**

**Carried by En Bloc Resolution 7/0**

**DEVELOPMENT AND REGULATORY SERVICES****10.1.3 WESTERN CENTRAL LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS REVIEW**

**Directorate:** Development and Regulatory Services  
**Author(s):** Graeme Bissett, Manager Building and Health  
**Authoriser(s):** William Matthew Scott, Chief Executive Officer  
Paul Neilson, Acting Director Development & Regulatory Services  
**File Reference:** D24/19045  
**Applicant(s):** Nil  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The Town of Cottesloe is required to periodically review and maintain its emergency management arrangements in order to meet its obligations under the Emergency Management Act 2005 (the Act). These are done under a joint arrangement with surrounding councils. These are the Western Central Local Emergency Management Arrangements (the Arrangements) which have been prepared and reviewed in conjunction with the Western Central Local Emergency Management Committee (WC-LEMC) and in accordance with the Act and associated guideline.

The review of the Arrangements must be formally adopted by Council to ensure compliance with the Act.

**OFFICER RECOMMENDATION IN BRIEF**

That Council adopts the Draft Western Central Local Emergency Management Arrangements, dated June 2024 and provided as Attachment 1, in accordance with Part 3, Division 2 of the Emergency Management Act 2005 and requests the Chief Executive Officer to undertake an in-house review of the Town's Operational Local Recovery Plan in the 24/25 financial year.

**BACKGROUND**

The Act establishes the roles and responsibility of local government in relation to emergency management. The three main responsibilities under the Act are:

- i. To establish and support a local emergency management committee.
- ii. To ensure that local emergency management arrangements are prepared, reviewed and maintained for its district.
- iii. To manage recovery following an emergency affecting the community in its district.

Eight local governments from the Central Metropolitan Police District have combined to form the Western Central Local Emergency Management Committee (WC-LEMC), satisfying

the requirement for local government to establish a local emergency management committee.

The WC-LEMC consists of representatives from the Towns of Cambridge, Claremont, Cottesloe and Mosman Park, the Cities of Vincent, Nedlands and Subiaco and the Shire of Peppermint Grove. In addition to local government, the WC-LEMC comprises representatives from emergency management agencies such as WA Police, Department of Fire and Emergency Services, Department of Communities, Department of Biodiversity, Conservation and Attractions, State Emergency Service, Red Cross and Department of Health. This regional structure has been approved by the State Emergency Management Committee (SEMC).

Responsibility for convening, resourcing and hosting meetings of the WC-LEMC rotates between the eight (8) local government members on a two (2) year cycle and is currently with the Town of Cambridge. This has been with Cambridge since mid 2023.

The WC-LEMC, on behalf of the eight local governments, and within the framework and guidelines set out in the Act and State Emergency Management policies and procedures, initially created a consolidated set of Arrangements in 2009. These were approved by Council on the 22<sup>nd</sup> of June 2009 and subsequently reviewed in 2013 with the most recent adoption by Council being on 28<sup>th</sup> of August 2018.

The Arrangements, which have now again been reviewed by the WC-LEMC, are presented to Council for adoption in accordance with Part 3 Division 2 of the Emergency Management Act 2005.

#### **OFFICER COMMENT**

Whilst local government is required to ensure the development of the Arrangements, this responsibility is effectively discharged through the WC-LEMC. Respective local governments therefore do not have a direct role in the development of the Arrangements, although the Act and associated policies do require their approval. In practice, this is achieved through local government officer representation on the WC-LEMC. Given the joint nature of the Arrangements that apply to all of the 8 member Local Governments it would be problematic if one Local Government wanted a variation to what has been endorsed by the WC-LEMC.

Direct response to a local emergency is the responsibility of the relevant Hazard Management Agency (HMA); the organisation which, because of its legislative responsibility or specialised knowledge, expertise and resources has the capacity to combat the condition creating the emergency. For example, the HMA for all in the Town fire is the Department of Fire and Emergency Services. In country areas, at least initially the Council is the HMA for bushfires.

The Arrangements are not intended to determine how an emergency agency will respond to a particular emergency event, rather they set out the integration of roles and responsibilities of stakeholders, including local governments, in emergency management at the local level. There are State Hazard Plans and agency operational plans that determine how response is undertaken.

The Arrangements contemplate local government providing resources to support and assist an HMA, but only if requested, and then only subject to availability. The only circumstance in which local government becomes the HMA, as referred to above, is for fires outside

Gazetted Fire Districts, predominantly in outer metropolitan areas and in rural Western Australia.

The current WC-LEMC felt that the 2018 arrangements were unnecessarily lengthy and contained superfluous text that made identification of pertinent information more difficult. As a consequence, the review was guided by the following set of principles:

- Brevity is preferred.
- Use of tabulation rather than lengthy text.
- Avoid inclusion of information that is contained in other documents that should be readily accessible by HMA's.
- Key references, being contacts and resource lists, need to be readily accessible but as they are very dynamic in nature and require constant review, they would be better managed by reference than direct inclusion in the Arrangements.

Normal practice would be to include a Recovery Plan within the Arrangements. The inclusion of 8 individual Recovery Plans would make the Arrangements very cumbersome and require all local governments to adopt the Recovery Plans of others. Several years ago, the WC-LEMC sought and obtained approval to include a regional Recovery Plan in the Arrangements that acknowledges the roles and responsibilities of local government members in this regard and that each of the 8 participating local governments would maintain Operational Recovery Plans that are not published. In this respect, it is appropriate that the Town review its Operational Local Recovery Plan which was last reviewed in August 2018. This will ensure that the plan remains relevant and up to date.

The Arrangements outline the responsibilities of the individual stakeholders, as well as defining potential hazards and hazard management agencies and cover the following elements of emergency management. As required by the State Emergency Management Committee guideline, the Arrangements are structured in the following manner:

- Introduction
- Planning
- Response
- Recovery
- Exercising and Reviewing
- Appendices, including schedules of critical infrastructure, special needs, resources, contacts, special considerations, Local Recovery Plans and detail of nominated Local Recovery Coordinators and their contact numbers.

The revised Local Emergency Management Arrangements 2024 are now complete and provided in Attachment 1. They have been assessed against the State Emergency Management Committee's compliance checklist and as already indicated need to be formally approved by each Council prior to submission to the District Emergency Management Committee for noting.

As stated above, in the event of an emergency within the city's boundaries, it may be necessary to commit resources, physical, financial and/or human, to support the activity of the HMA. It should also be noted that the member local governments have agreed,

enhancing regional cooperation, to assist each other in the event of an emergency that exceeds the capacity of the impacted district. This agreement is reflected in the Partnering Agreement attached as Appendix 8 to the Arrangements. The Manager of Rangers is the City's emergency contact, and would be called out by the Local Emergency Coordinator to attend the Incident Support Group to assist with the provision of support services, and then to make the transition to recovery after the emergency event has been contained or controlled. Initially, that officer's role would be to support the HMA wherever possible and then coordinate the transition from response or combat, to recovery, with support from other officers that have been assigned responsibility for the various recovery functions.

The Town's

### **ATTACHMENTS**

**10.1.3(a) Draft Western Central Local Emergency Management Arrangements [under separate cover]**

### **CONSULTATION**

The Arrangements have been prepared in conjunction with 7 other local governments and relevant stakeholders that constitute membership of WC-LEMC. It is recommended that the completion of the arrangements be advertised in the Town's publications and that a link to the document be included on the Town's website.

There is no need to consult to a wider audience initially.

### **STATUTORY IMPLICATIONS**

*Emergency Management Act 2005*

### **POLICY IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

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

Priority Area 3: Our Prosperity - A vibrant and sustainable place to live, visit and enjoy.

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

### **RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

**OCM084/2024**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Thomas**

**Seconded Cr Sadler**

**THAT Council**

- 1. ADOPTS the Western Central Local Emergency Management Arrangements, dated June 2024 and provided as Attachment 1, in accordance with Part 3, Division 2 of the Emergency Management Act 2005 and**
- 2. REQUESTS the Chief Executive Officer to undertake an in-house review of the Town's Operational Local Recovery Plan in the 24/25 financial year.**

**Carried by En Bloc Resolution 7/0**

**OCM085/2024**

**COUNCILLOR MOTION**

**Moved Mayor Young**

**Seconded Cr Irvine**

**THAT Items 10.1.5 and 13.1.3 be brought forward in the order of business to provide resolutions to the public in attendance for these Items.**

**Carried 7/0**

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

**Against: Nil**

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**ENGINEERING SERVICES****10.1.5 3 LILLIAN STREET TREE REMOVAL REQUEST**

**Directorate:** Engineering Services  
**Author(s):** Renuka Ismalage, Manager Projects and Assets  
**Authoriser(s):** Shaun Kan, Director Engineering Services  
**File Reference:** D24/23827  
**Applicant(s):** Property Owner 3 Lillian Street – Katie and Simon Mackoski  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider REJECTING the Applicants verge tree removal request to accommodate their proposed crossover design and REQUESTS the Applicant to consider a crossover design that retains all the trees within the 3 Lillian Street verge.

**OFFICER RECOMMENDATION IN BRIEF**

That council REJECTS the tree removal request.

**BACKGROUND**

The double crossover design associated with the redevelopment plans for Lot 39 (3) Lillian Street development application requires the removal of an established verge tree to suit the double garage proposed (Refer to Figure 4 Attachment A).



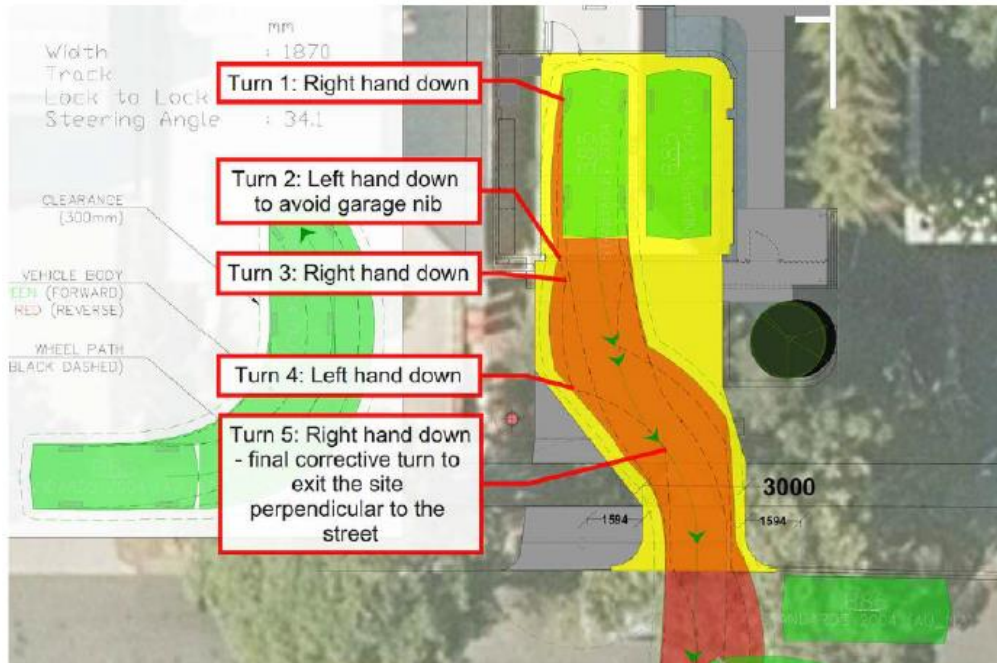
The Town's Street Tree Policy's principles is such that *"Removal is only considered when no other reasonable alternative exists or has been exhausted"*

It is the Administrations view that the removal is avoidable solely through crossover design changes to a narrower one (2.75 metres to 3 metres) without any amendments to the home



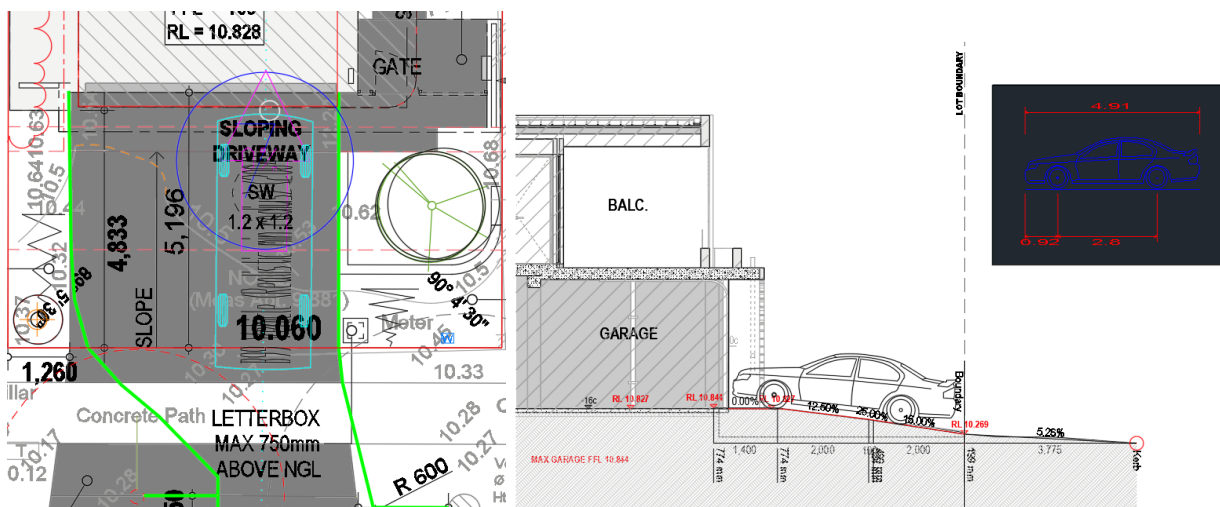
design. The Applicant was initially informed of this through email. The decision was later reiterated at a meeting on 30 May 2024.

The turn analysis attached within the Applicant's submission (Attachment A) shows that a narrower crossover requires more manoeuvres to exit but is achievable.



The additional manoeuvres is a concern to the Applicant and was further discussed at the 30 May 2024 meeting. A number of other alternatives involving modifications to the home design were suggested by the administration to address the manoeuvrability challenges:

- Alternative 1: Adjustments storage area to widen the double garage entry; or
- Alternative 2: Whilst not ideal, reduction to a single garage as the Residential Design Code of Western Australia (R-Codes) only requires one car bay. This modification will then suit the single crossover (vehicle can reverse straight out); or
- Alternative 3: Marginally relocate the double garage to the west (towards the right on the diagram) for better manoeuvrability.



Council is to note that the diagram shows there is sufficient space to park another vehicle on the driveway.

The Applicant has decided not to amend the design and request that the development application proceed (determined under delegation). The request by the Applicant to remove the verge tree can be determined separately as the proposed development (within private land) does not necessitate its removal.

This development approval is consistent with Alternative 4 (no change in home design required).

Council is to note that this is standard process given development approvals do not cover verge treatments. There are no implications to the development approval under delegation should the Applicant decide to implement one of the mentioned alternatives (alternatives 1 to 3).

Given the Applicant's position to retain their double vehicle crossover, the verge tree removal requires a determination of Council because the outcome they want is contrary to the Street Tree Policy.

The Officer's Comment Section further elaborates the applicant's removal justifications (Attachment A – email and submission enclosed) and the Administration's views on the matter.

### **OFFICER COMMENT**

#### **Administration Response to Applicant's Tree Removal Justifications**

The Administration after considering the Applicants formal submission (attachment A) remains unsupportive to the removal request.

The Administration's responses to the Applicant's reasons provides an explanation as to why delegated authority cannot be exercise to approve the request. Council is ask to REJECT the request for the same rationale.

#### **Applicant Reason 1: None of the 6 submissions to the development application advertisement objected to the tree removal;**

The Administration is in the view that whilst this may be the case, Council has the responsibility of balancing submissions with its policies to make a fully informed decision.

The following table summarises the submissions received from Lillian Street residents:

3 Lillian Street Tree Removal Request - Resident Feedback	Respondent
<p>To Whom It May Concern,</p> <p>RE: DA4523 - 3 Lillian St Cottesloe</p> <p>I am writing in support of the development application for 3 Lillian St Cottesloe including the proposal to remove the eastern street tree. The removal of this tree will allow a safer driveway for residents and the new trees that are to be planted in its place will be a more favourable addition to our streetscape.</p> <p><i>Additional Comment:</i></p>	<p><b>1</b></p> <p>22 Lillian St</p> <p>8 May 2024</p> <p>TRIM Ref: D24/18918 &amp; D24/18935</p>

<p>I am writing to advise that I support the development application for 3 Lillian St including the proposal to remove the eastern street tree. The removal of this tree will allow a safer driveway for residents and the new trees that are to be planted in its place will be a more favourable addition to our streetscape.</p>	
<p>Thanks for your time today to discuss the planning proposal for 3 Lillian Street.</p> <p>The only comment we would like to share relates to the discretionary aspect for the vehicle access / removal of street tree. We support this in light of it enabling a safer driveway for residents and general street traffic.</p> <p>We look forward to the development of this property.</p>	<p>5 Lillian St</p> <p>10 May 2024 TRIM Ref: D24/19171</p> <p>2</p>
<p>I am the registered proprietor of and live at 7 Lillian Street, Cottesloe.</p> <p>I support the removal of the street tree located on the East side of the verge at 3 Lillian Street. Removal of that tree would allow better visibility and safer driveway access onto Lillian Street from that address. It would also be consistent with the current streetscape and the additional three trees, which I understand are to be planted to replace the removed tree, would enhance the streetscape. I also support any design which would remove cars parked on the street.</p>	<p>7 Lillian St</p> <p>21 May 2024 Trim ref: D24/21068</p> <p>3</p>
<p>To Whom It May Concern,</p> <p>RE: DA4523 - 3 Lillian St Cottesloe</p> <p>We live opposite 3 Lillian St and are writing to advise we support the removal of the eastern street tree at 3 Lillian St Cottesloe.</p> <p>The removal of this tree will allow a driveway in keeping with the existing streetscape and safer entry and exit.</p>	<p>4 &amp; 6 Lillian St</p> <p>21 May 2024 TRIM Ref: D24/21355</p> <p>4</p>
<p>Attention Town of Cottesloe</p> <p>RE: DA4523 - <a href="#">3 Lillian St Cottesloe</a></p> <p>I am the owner of 6 A Lillian St Cottesloe and live opposite <a href="#">3 Lillian St Cottesloe</a> . I have recently spoken to my neighbour at 3 Lillian St Cottesloe about their building and the need to remove 1 tree to make way for a much needed and safer driveway with clear visibility of the street.</p> <p>I am sending this email to advise that as their neighbour from across the road, I fully support the proposed removal of the eastern street tree on the verge of 3 Lillian St.</p> <p>Removing this tree will allow a safer driveway to be installed for the residents and neighbours and a consistent streetscape. The replacement trees to be planted will also be a much more valuable addition to our suburb.</p>	<p>6A Lillian St</p> <p>22 May 2024 TRIM Ref: D24/21363 &amp; D24/21405</p> <p>5</p>

<p><i>Additional Comment:</i></p> <p>My daughter lived in this house for 18 months as a rental and it was dangerous for her reversing out to the road, avoiding trees while keeping her eyes on the road for other cars and children. So it's good to know my concerns re safety and blocked visibility will be considered.</p> <p>Thank you</p>	
<p>Dear Sir / Madam,</p> <p>I confirm receipt of your letter dated 2 May 2024 with respect to an application relating to a proposed building at 3 Lillian Street Cottesloe.</p> <p>I am the owner of 6 Reginald Street which abuts the rear end of 3 Lillian Street.</p> <p>I am concerned that the rear of the house is too close to the boundary with 6 Reginald Street. I ask that this concerns be taken into account when considering the discretionary aspects of approval.</p>	<p>6</p> <p>6 Reginald St</p> <p>15 May 2024</p> <p>TRIM Ref: D24/20312</p>

**Applicant Reason 2: Given the history of Lillian Street road tenure (or changes to its hierarchy), the current applicants should not be penalised just because the owners then did not apply for a crossover;**

The Administration's opinion is:

- It is unreasonable for the Applicant to form this view just because delegation was not exercised to approve their proposed crossover design and the consequent tree removal.
- Moreover, the street is enhanced by street trees and the Applicant has purchased the land fully aware of the tree
- In fact, the Administration reasonability is evident from:
  - (a) Attempting to work with the Applicant's Town Planning and Architectural Consultants by suggesting a number of alternative designs that avoids the tree removal and addresses their reduced crossover width manoeuvrability concerns (Alternative 1, 2 and 3);
  - (b) Escalating a matter that is normally rejected under delegation for Council to consider.

**Applicant Reason 3: The 10 metre long verge has 2 street trees;**

**Applicant Reason 4: The verge tree within the request:**

- is failing to thrive;
- has a significantly smaller canopy than the two adjoining street trees and as such its removal will not have a measurable impact on tree canopy or streetscape amenity;

**Applicant Reason 5: The Town's Street Tree Masterplan proposes an alternative replacement tree for Lillian Street as the verge is too narrow to accommodate Queensland Box trees;**

**Applicant Reason 6: The Town's Street Tree Policy provides for contributions to replace street trees where there is no other reasonable alternative exists;**

The Administration's response is:

- Reasons 3 to 6 referencing the Street Tree Policy are irrelevant justifications and on the contrary are in fact strong points that support retaining the tree (Council and Administration rejecting the request) given they are consistent with the policy's anti-removal provisions in the following ways:

**(a) There is the lack of consideration by property developers to preserve existing trees on the basis that the Applicant has resort to tree removal as the ultimatum rather than exploring the number of alternatives exist.**

The lack in consideration by developers to retain trees is one of the risks within the Policy's Clause 1 (Objective) and Clause 3 (Issues) that forms the foundation of the Street Tree Policy. The Applicant's hesitance to consider available alternatives does not meet the policy's requirement of accommodating new, and preserving existing trees where it is possible and practical to do so.

The 4 alternatives (including the reduced crossover) are pragmatic and the Applicant must substantiate that these and any other tree removal avoidance solutions are exhausted before any further consideration is given to the request.

Simply implying associated impacts to functions, streetscape and imposition to neighbours without exploring these alternatives are not acceptable.

**(b) The request underestimates the importance of this tree towards increasing canopy**

Whilst the canopy of this tree within the request is small (approximately 0.002% of the entire district's canopy), it contributes to green cover and the removal goes against the canopy optimisation objective of the Street Tree Policy.

This tree has survived between 2 larger trees for a number of years and for the Applicant to conclude that the tree's future health is compromised because it is "crowded out" in point 13 of their Attachment A letter is not an accurate statement especially when it is not qualified by an Arborist.

Attachment B is a Tree Assessment Report from the Town's Manager of Parks and Operations confirming that this tree is still surviving. The condition assessment determined by the Town's horticultural qualified officer does not meet the removal criteria of the Street Tree Policy (Clause 4.4).

**(c) The request asks for the removal of a surviving verge tree that is not consistent with the Street Tree Masterplan species**

Clause 4.3 (Unauthorised Street Tree) requires the retention of such surviving plantings and this includes preserving healthy trees that are inconsistent with Street Tree Masterplan.

Whilst this Queensland Box Tree (removal request species) is indeed unsuitable, the removal of this surviving tree goes against this policy.

**(d) The request does not meet any of the tree removal conditions of the policy**

it is reasonable to conclude that the request does not meet any of the prescribed removal conditions in Clause 4.4 (Tree Removal) because the tree proposed for removal is certified as surviving (Refer to Attachment B – Tree Assessment Report) and is avoidable simply through crossover design modifications with other alternatives that address manoeuvrability concerns,;

It is the Administration's view that the suggested alternatives does not impact home functionality, streetscape and imposition on neighbours mentioned in point 26 of the letter (Attachment A).

**(e) There are alternative solutions to allow access between the perceived poorly placed trees**

Clause 4.2.1 (Tree Planting) specifies a minimum of one tree per verge. As the request does not meet any of the removal condition and this surviving tree continues to contribute towards maximizing the district's canopy, both trees can continue remaining in this 10 metre long verge.

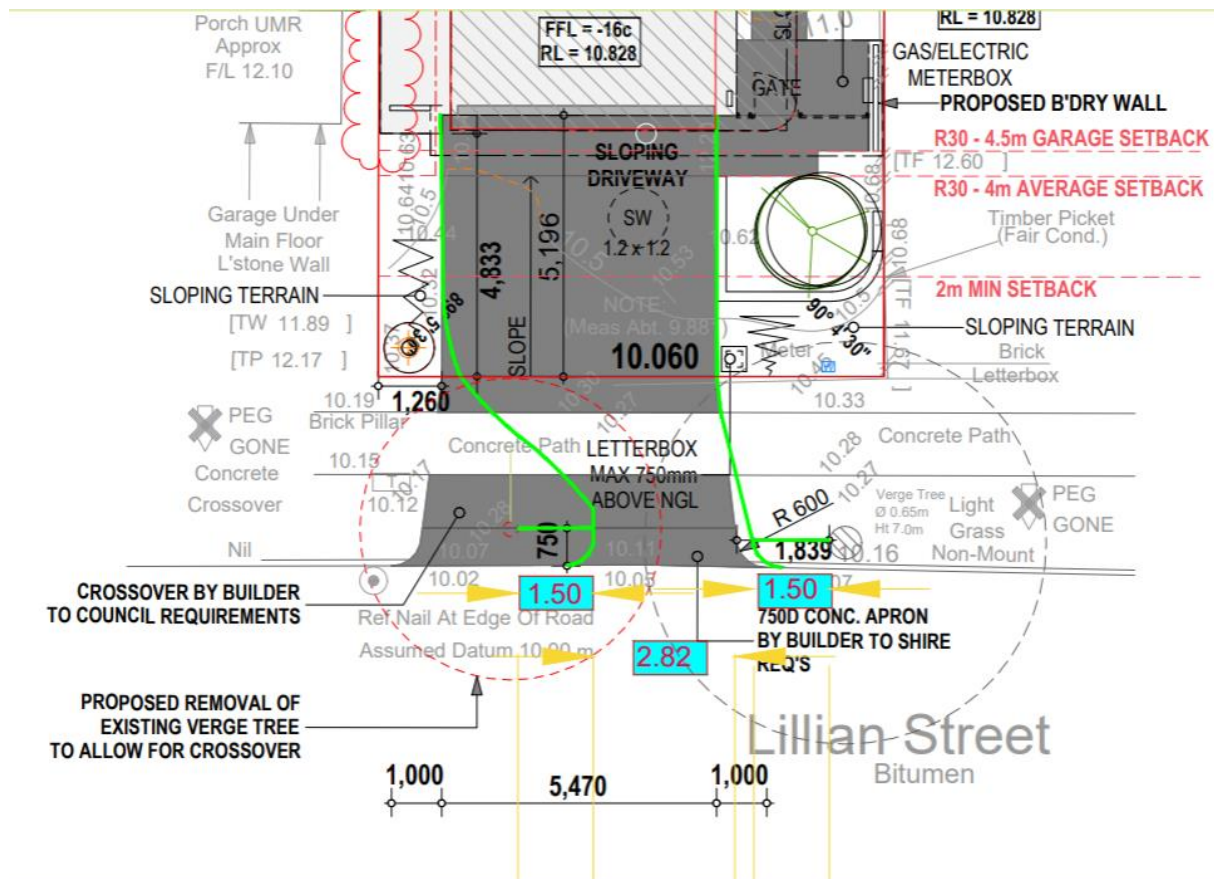
Council is also to note that:

- The Tree Assessment Report within Attachment B confirms that the 17 Lillian Street tree removal (Referenced in Figure 03 within the Attachment A Letter) was due to the planting failing to thrive rather than it being associated with a safety concern. A tree failing to thrive meets the removal criteria of the street tree policy;
- Offset planting and contributions mentioned in Clause 4.4 (Tree Removals) are only applicable when all solutions to avoid the removal are explored and exhausted; and
- The Green Infrastructure Strategy adopted in July 2023 reinforces the officer's rationale including Council's position pertaining to tree retentions and canopy optimisation.

**Applicant Reason 7: The objective of the Town's crossover policy is to maximise safety and a regular crossover will achieve this outcome**

The R-Codes only requires a single vehicle garage (one car bay for the development). On this basis, the definition of a regular crossover is one that is either 2.75 metres or 3 metres as per the crossover policy. This fits between the 2 trees with a 1.5 metre separation from each tree that can be reduced to 1 metre if required.





Further safety improvements are achievable through the suggested design changes (Alternative 1, 2 and 3) to reduce manoeuvrings.

**Applicant Reason 8: The street tree removal will not create an undesirable precedent, giving rise to other requests to remove street trees**

The Administration's response to reasons 3 to 6 substantiates the undesirable precedence associated with the request.

Council is to note that the concern of precedence is not limited to future applications from Lillian Street (mentioned in point 29 of Attachment A letter) but also resonates to other areas of the district.

#### Options for Council

- **Option 1 is that Council REJECTS the Applicant's request (Preferred Option)**

This is the preferred option by virtue that there are available solutions to the tree removal.

- **Option 2 whilst NOT RECOMMENDED is for Council to APPROVE the tree removal request**

This is SUBJECT to the Applicant making the financial contribution equivalent to the cost of transplanting the tree within the removal request including a suitable period of maintenance. The Tree Assessment Report with Attachment B has provided an indicative cost of between \$15,000 to \$18,000.

The funds are then utilised in planting the highest possible number of mature trees in suitable locations to optimise the canopy over Cottesloe. This approach does not

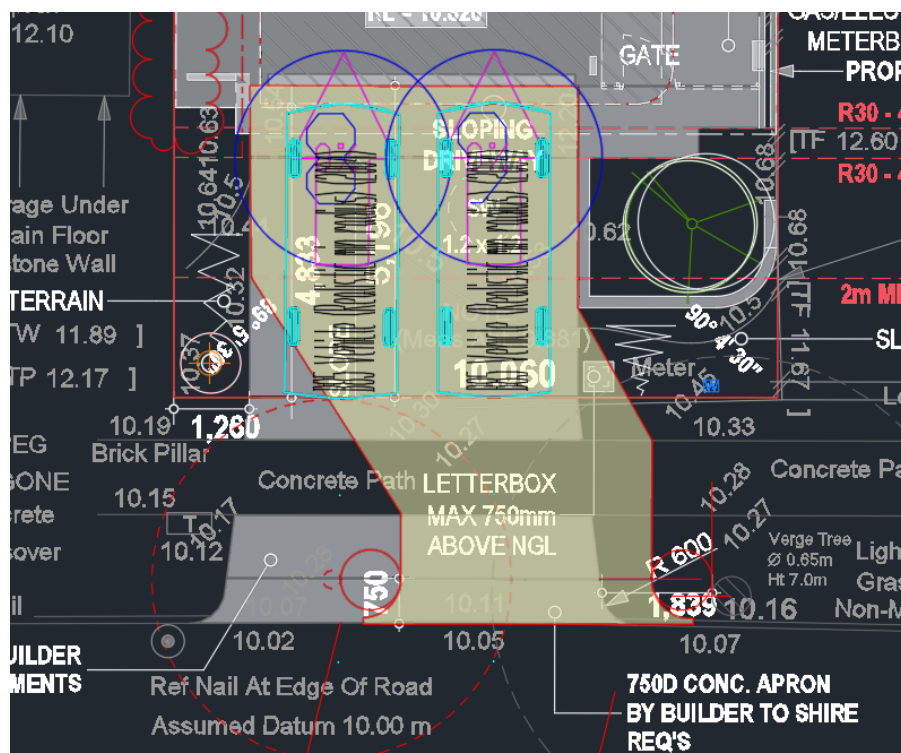
eliminate the risk of precedence but does provide some mitigation by compensating the loss of canopy from the removal. Council is to note that there is a likely risk that the tree will fail to thrive if transplanted. For this reason there is more merit to spend the transplanting contribution on mature trees that will likely thrive and increase canopy.

Simply applying the offset planting within the Street Tree Policy creates precedence.

### Agenda Forum Response

Council is to note the following responses to the additional comments from the Proponent and questions from Elected Members:

- There was no mention by the Applicant in their deputation that the 3 alternatives were physically impossible and the main reasons to not exploring them were predominantly because of streetscape aesthetics and possible inconvenience to neighbours. For these reasons, the alternatives remain possible solutions that are yet to be exhausted.
- Given the large number of applicants processed and the uniqueness of single crossovers leading to double garages is difficult to provide specific examples where these were approved previously;
- There is currently on street parking available;
- Below is a diagram showing the maximum single crossover width of 4 metres that allows for the tree retention shows only one vehicle can park on the driveway. An adjustment to the garage position could possibly allow 2 parked cars.



- The plans also show that the bottle brush tree on the property will also be removed as part of the redevelopment
- The following are property development related tree removals:



(a) 11 Margaret Street – February 2019 OCM – Notice of Motion (Attachment C)

(b) Clive Roads – June 2021 OCM – Officer’s Report (Attachment D)

Council is to note that the removal circumstances are different by virtue that all alternate solutions were exhausted.

11 Margaret Street – The verge is higher than the crossover requiring a retaining wall. During construction, it was found that the trees were situated too close to the wall and risk structural damage by the roots. Council considered this risk and approved the conditional removal. It is important to note that the Street Tree Policy at that time required all removals to be approved by Council.

Clive Road – The close spacing of the trees made it impossible for the driveways and crossovers to be built. As there were no other solutions, the tree removals were approved with conditions.

### **ATTACHMENTS**

- 10.1.5(a) Attachment A - 3 Lillian Street - Combined Email and Submission redacted [under separate cover]
- 10.1.5(b) Attachment B - Combined Emails - 3 Lillian St - Manager Parks and Operations [under separate cover]
- 10.1.5(c) Attachment C - 11 Margaret Street - Removal of Verge Tree - Councillor Motion - February 2019 [under separate cover]
- 10.1.5(d) Attachment D - Clive Road Tree Removal Minutes - October 2021 [under separate cover]

### **CONSULTATION**

Planning Services

Parks and Operations

Applicant

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

*Section 2.7 – Role of Council*

### **POLICY IMPLICATIONS**

Street tree Policy

Crossover policy

### **STRATEGIC IMPLICATIONS**

This report is consistent with the Town’s *Council Plan 2023 – 2033*.

Priority Area 2: Our Town - Healthy natural environs and infrastructure meeting the needs of our community.

Major Strategy 2.4: Work collaboratively to protect, enhance and increase our natural assets and green canopy.

### **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

1. NOTES that there are a number of alternatives to removing the verge tree;
2. REJECTS Applicant's request to remove a tree in front of 3 Lillian Street;
3. REQUESTS the Applicant to consider an alternative towards the retention of all verge trees within the 3 Lillian Street verge; and
4. AUTHORISES the Chief Executive Officer or delegate to APPROVE the crossover design only if this retains all the trees within the 3 Lillian Street verge

**OCM086/2024**

### **COUNCILLOR ALTERNATE MOTION**

**Moved Cr Mason**

**Seconded Mayor Young**

**Resolve to APPROVE the tree removal as follows:**

1. **APPROVES the Applicant's request to remove a tree in front of 3 Lillian Street;**
2. **AUTHORISES the Chief Executive Officer or delegate to APPROVE the double crossover design as proposed on the Applicants development application for a single dwelling; and**
3. **REQUIRES the applicant to pay for the cost of the street tree removal and make a \$1,872 offset planting contribution (equivalent to 3 street trees, as per the Towns Schedule of Fees and Charges).**

**Carried 4/3**

**For: Mayor Young, Crs Mason, Irvine and Heath  
Against: Crs Sadler, Bulbeck and Thomas**

**Rationale**

It is important to note that the Administration is bound to apply council policies in accordance with their terms, and in that respect the relevant staff have done their job; However, Council is not bound by its policies and can apply some flexibility where circumstances warrant.

There are site-specific circumstances that apply here and that need to be taken into consideration including:

- Lillian Street is a very narrow street, reducing cars parked on the street and easing congestion, by providing 4 car spaces on the driveway would greatly help the efficiency and safety of the street
- The tree's growth is being severely hampered by the first bigger, mature tree impacting sunlight to second tree
- The tree is not contributing to the canopy
- It is the only house with two trees, the placement of the tree is likely to have caused it's stunted growth being between two other mature trees

The dimension of the verge is both narrow and shallow, with a robust tree already providing canopy, which is an important distinction for this site. The dimension of the verge also contributes to making manoeuvring tighter and significantly more difficult.

The above condition to require a contribution for the planting of 3 trees within the district, is a positive contribution to the Town. The current tree could also be transplanted within the district where it will thrive and be able to contribute to our overall tree canopy in a more suitable location.

It is made clear by Council that this approval is not setting precedent as it is site-specific and taking into account the current condition of the tree and its limited scope for improvement in its current location.

**13 MEETING CLOSED TO PUBLIC****13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED****OCM087/2024****MOTION FOR BEHIND CLOSED DOORS****Moved Mayor Young                      Seconded Cr Irvine**

**That, in accordance with Section 5.23(2) (c) and (d), Council discuss the confidential reports behind closed doors.**

**Carried 7/0****For: Mayor Young, Crs Sadler, Bulbeck, Thomas, Mason, Irvine and Heath****Against: Nil**

*The public and members of the media were requested to leave the meeting at 6:51*

The Presiding Member requested the recording equipment to be deactivated when going behind closed doors.

**13.1.3 INDIANA TEA HOUSE REDEVELOPMENT**

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

**OFFICER RECOMMENDATION**

THAT Council:

1. REVOKES resolution SCM132/2022, in accordance with Regulation 10, Local Government (Administration) Regulation 1996;
2. NOTES the attached consultant report findings and legal advice attached to this report;
3. DOES NOT support the current proposal and will not progress the S3.59 Business Plan with the current Indiana Tea House redevelopment proposal, given:
  - a. The significant uncertainty of the financial impacts to the Town that have been identified;
  - b. The lack of significant community benefit being provided; and
  - c. Inconsistencies with the intent of the Adopted Foreshore Masterplan.
4. ADOPTS the attached Redevelopment Parameters which the Council believes represents a redevelopment outcome it can support for the purposes of consultation with the Cottesloe Community;
5. INSTRUCTS the Chief Executive Officer (CEO) to inform the proponent of the Council decision and to provide the adopted redevelopment parameters for the site; and
6. INSTRUCTS the CEO to advise the proponent that the Town will commence enforcing the maintenance requirements under the lease and that it should resolve all outstanding maintenance issues to the satisfaction of the Town within six (6) months.

The Presiding Member (Mayor Young) split the Motion into two parts, as per clause 9.2 of the Town of Cottesloe Local Government (Meeting Procedures) Local Law 2021.

**OCM088/2024**

**COUNCIL RESOLUTION**

**Moved Mayor Young**

**Seconded Cr Thomas and Cr Sadler**

**THAT Council:**

1. **REVOKES resolution SCM132/2022, in accordance with Regulation 10, Local Government (Administration) Regulation 1996;**

**Carried by Absolute Majority 7/0**

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

Against: Nil

OCM089/2024

Moved Cr Thomas

Seconded Mayor Young

**COUNCILLOR AMENDMENT**

That the following point be added to the Motion.

6. INSTRUCT the CEO to make the adopted Redevelopment Parameters available to the public at the commencement of normal working hours tomorrow morning (via the Town's website)

Carried 7/0

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

Against: Nil

OCM090/2024

**COUNCIL RESOLUTION**

Moved Cr Irvine

Seconded Cr Sadler

That Council:

1. NOTES the attached consultant report findings and legal advice attached to this report;
2. DOES NOT support the current proposal and will not progress the S3.59 Business Plan with the current Indiana Tea House redevelopment proposal, given:
  - a. The significant uncertainty of the financial impacts to the Town that have been identified;
  - b. The lack of significant community benefit being provided; and
  - c. Inconsistencies with the intent of the Adopted Foreshore Masterplan.
3. ADOPTS the attached Redevelopment Parameters which the Council believes represents a redevelopment outcome it can support for the purposes of consultation with the Cottesloe Community;
4. INSTRUCTS the Chief Executive Officer (CEO) to inform the proponent of the Council decision and to provide the adopted redevelopment parameters for the site;
5. INSTRUCTS the CEO to advise the proponent that the Town will commence enforcing the maintenance requirements under the lease and that it should resolve all outstanding maintenance issues to the satisfaction of the Town within six (6) months; and

6. INSTRUCT the CEO to make the adopted Redevelopment Parameters available to the public, at the commencement of normal working hours tomorrow morning (via the Town's website).

Carried 6/1

For: Mayor Young, Crs Sadler, Bulbeck, Thomas, Irvine and Heath

Against: Crs Mason

**Rationale**

Council wanted to make the Parameters available to the public as soon as practicable

OCM091/2024

**MOTION FOR RETURN FROM BEHIND CLOSED DOORS**

Moved Mayor Young

Seconded Cr Thomas

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, Thomas, Mason, Irvine and Heath

Against: Nil

*The public and members of the media returned to the meeting at 7:02 pm.*

The Presiding Member requested the recording equipment to be reactivated after coming out of closed doors.

**13.1.3 INDIANA TEA HOUSE REDEVELOPMENT**

The resolution for item 13.1.3 was read aloud.

ENGINEERING SERVICES

10.1.4 GREEN INFRASTRUCTURE STRATEGY PUBLIC CONSULTATION

Directorate: Engineering Services  
Author(s): Shaun Kan, Director Engineering Services  
Authoriser(s): William Matthew Scott, Chief Executive Officer  
File Reference: D24/23598  
Applicant(s): Internal  
Author Disclosure of Interest: Nil

**SUMMARY**

For Council to consider endorsing the attached Community Engagement Plan (CEP) to carry out public consultation on a number of matters to finalise the following documents:

- 1. Greening Infrastructure Strategy (GIS);
- 2. Natural Area Management Plan (NAMP); and
- 3. Street Tree Masterplan (STM)

This CEP incorporates the feedback provided by Elected Members.

**OFFICER RECOMMENDATION IN BRIEF**

That Council APPROVES the CEP to commence public consultation on matters pertaining to the STM, GIS and NAMP.

**BACKGROUND**

In July 2023, Council adopted the GIS, an overarching document to the NAMP, STM and policies related to ‘greening’ in the Town of Cottesloe. Following the GIS endorsement, Council noted the:

- NAMP in September 2023; and
- STM (2017 version) in March 2024, subject to updating this document with specie changes previously approved.

The latest resolution (March 2024) also included the circulation of a draft CEP amongst Elected Members before the public consultation. This occurred over the month of May 2024 and given the complexities, Element WA were engaged to develop a CEP that considered feedback provided.

Prior to the March 2024 OCM, a version of the STM was presented at the October 2023 Ordinary Council Meeting (OCM) with recommendations to endorse this document for the purpose of public consultation. Council deferred the item and resolved as follows:

*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 (NIPs);*

*2. Rationale for defining 'distributor' roads for succession and replacement planting; and*

*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 (OCM) incorporating the outcomes of the above discussion into proposed changes to the Street Tree Masterplan and the officer's 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.*

Response to these items are within the March 2024 OCM minutes.

Given the varying views from Elected Members, Council deliberation is required for the attach CEP.

### **OFFICER COMMENT**

#### **Elected Member Feedback**

The feedback on a draft CEP in May 2024 is summarise as follows:

- Request for the survey to include questions around the retention of trees on private property, in line with the approved GIS Objective 2 - Maintain and Expand Canopy Cover on Private Land and Through New Development; and
- Consideration on balanced and objective qualitative cost information relating to the Norfolk Island pine pathogen treatment, succession and replacement planting approaches.

#### **CEP**

The attach CEP considers the feedback provided and contains the following key elements:

- The preamble for the GIS, NAMP and the STM that will be reflected at the start of the survey questionnaire to provide context and inform participants how the responses is used by Council;
- Informing documents consisting of the
  - (a) July 2023 approved GIS (updated with resolution changes);
  - (b) September 2023 noted NAMP;
  - (c) March 2024 noted STM (updated changes within the officer's comment);
  - (d) March 2024 OCM Minutes including attachments not mentioned in (a) to (c);
  - (e) ArborCarbon Norfolk Island Pine Report.
- Schedule and advertising sources to invite the community to participate in the survey; and

- Survey questions to items (a) to (c) that targets:
  - (i) The views of the GIS objectives in general;
  - (ii) Specific focus on GIS objective 2;
  - (iii) Rationalisation of NIPs by limiting the species to distributor roads as entry statements or access roads where they are associated or themselves are heritage listed;
  - (iv) Preference on NIP retention strategies;
  - (v) Preference on the street tree species within the noted STM; and
  - (vi) Preference on the recommendations within the NAMP for the long term preservation of the areas defined within this document.

### **Proposed Pathway**

The Administration is of the view that the CEP is balanced, sufficiently addresses the comments provided by Elected Members and is objective towards collating the data required by Council in making an informed decision to finalise the GIS, STM and NAMP.

This public consultation is intended to happen over July 2024 with the results returning to the August 2024 OCM. It is open for Council to amend the period.

Council can amend the officer's recommendation to make revision to the CEP should it wishes to expand the terms of reference or revise the consultation period. A final version of the CEP and survey will then be circulated a few days prior to the public consultation commencement.

### **Response to Agenda Forum Feedback**

Council is asked to note the following responses to Elected Member and Public Questions:

- Norfolk Island Pines are along the centre median of Grant Street and incorporated in the survey for them to be retained as a centre median species throughout;
- Longer streets such as Broome Street and Marmion Street will be segmented in tables;
- IP addresses - Different members of a household can participate by using different device or by contacting the Engineering Team for the necessary adjustments made to allow multiple responses. This will be drawn to the attention of participants within the preamble;
- It would be difficult to put controls around limits on participation age;
- Remove the March 2024 OCM Item as an informing document;
- "No Tree" indicates that it would not be possible to plant a tree because that section of street has no verge for planting. The explanation is within the East, West, North and South tables (comment column);
- Jarrad Street section west of Broome Street is essentially public open space and it is open for Council to determine whether a street tree species needs to be nominated, noting that this may impact parking on game days;
- Any tree planted on public open spaces and railway reserve contribute to the overall canopy growth objective of the Green Infrastructure Strategy

- The 3 for 1 tree remove offset planting is within the Street Tree Policy and this policy is one of the documents within the overarching Green Infrastructure Strategy;
- There is the ability for respondents to save their answers and return at a later time to complete the survey. They must register at the start of the survey in order to do so. Such instructions is provided in the preamble so that participants are aware of this requirement;
- The following updates are made to the Survey Questionnaire:
  - (a) Include a new Question 6A – Thinking about your response to question 6, is there any further comment you wish to add;
  - (b) Change question 7A – Thinking about your response to question 7, is there any further comment you wish to add;
  - (c) Insert new Question 8A - Thinking about your response to question 8, is there any further comment you wish to add;
  - (d) Insert new Question 9A - Thinking about your response to question 9, is there any further comment you wish to add;
  - (e) Insert new Question 10A - Thinking about your response to question 10, is there any further comment you wish to add;
  - (f) Reword question 12 to the effect of “thinking about your responses to question 11 is there any other comments you wish to add on the GIS Strategy objectives and goals?”;
  - (g) Reword question 14A(i) and 15 to the effect of “ thinking about your response to question 14A, are there any comments you wish to provide on the reasons of supporting or not supporting”;
  - (h) Matrices – Question 14A and 14B – Segment the longer roads:
    - (i) Broome Street and Marmion Street is broken down into the different key sections comprising of (Princess to Pearse), (Pearse to Forrest), (Forrest to Napier), (Napier to Eric), (Eric to Grant) and (Grant to North);
    - (ii) Eric Street is broken down into (Marine Parade to Broome Street), (Broome Street to Marmion Street), (Marmion Street to Curtin Avenue) and (railway Street to Stirling Highway);
    - (iii) Included Grant Street and broken down into (Marine Parade to Broome Street), (Broome Street to Marmion Street), (Marmion Street to Curtin Avenue), (Railway Street to Congdon Street) and (Congdon Street to Parry Street0.

**ATTACHMENTS**

- 10.1.4(a) Element - Community Engagement Plan - Cottesloe Green Infrastructure Strategy [under separate cover]
- 10.1.4(b) ELEMENT - Draft GIS Survey - Updated 11 June 2024 [under separate cover]
- 10.1.4(c) Green Infrastructure Strategy\_with council amendments - Final - June 2024 [under separate cover]
- 10.1.4(d) Natural Areas Management Plan - Assessment Summary Report 2022\_V3\_FINAL-3.1-JBDP table update [under separate cover]
- 10.1.4(e) STREET TREE MASTERPLAN - 2017 version with Council approved species updates - June 2024 [under separate cover]

**CONSULTATION**

Council accepting the officer's recommendation or equivalent will allow the consultation to occur over April 2024 and an item returning to either the May or June 2024 Ordinary Council Meeting.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

**SECTION 2.7 – ROLE OF COUNCIL POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Priority Area 2: Our Town - Healthy natural environs and infrastructure meeting the needs of our community.

Major Strategy 2.4: Work collaboratively to protect, enhance and increase our natural assets and green canopy.

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

The STM contributes to expanding canopy cover

**VOTING REQUIREMENT**

Simple Majority

OFFICER RECOMMENDATION**Moved Cr Sadler****Seconded Cr Mason**

THAT Council

1. NOTES the attached Green Infrastructure Strategy (Approved July 2023), the Natural Areas Management Plan (noted September 2023) and the Street Tree Masterplan (noted March 2024); and
2. APPROVES the attached Community Engagement Plan that contains the three documents mentioned in point 1 and the survey.

**OCM092/2024**COUNCILLOR AMENDMENT**Moved Cr Mason****Seconded Mayor Young**

1. Add to point 2; and begins the public consultation as soon as possible and to be completed on Sunday 25 August 2024 with the results returning to the September 2024 OCM.

**Carried 4/3****For: Mayor Young, Crs Thomas, Mason and Heath****Against: Crs Sadler, Bulbeck and Irvine****OCM093/2024**SUBSTANTIVE MOTION**Moved Cr Sadler****Seconded Cr Bulbeck**

- .
1. NOTES the attached Green Infrastructure Strategy (Approved July 2023), the Natural Areas Management Plan (noted September 2023) and the Street Tree Masterplan (noted March 2024); and
  2. APPROVES the attached Community Engagement Plan that contains the three documents mentioned in point 1, the Arborist's report mentioned on p111 of the attachments and the Street Tree Masterplan information sheet showing streets and species mentioned on p116 of the attachments and the survey and begins the public consultation as soon as possible and to be completed on Sunday 25 August 2024 with the results returning to the September 2024 OCM.

**Carried 7/0****For: Mayor Young, Crs Sadler, Bulbeck, Thomas, Mason, Irvine and Heath****Against: Nil**Rationale

There are a number of local high schools that observe a three-week July School holiday

period given many local families travel overseas during this period.

Given the significance of the CEP and to ensure we are engaging with the broadest section of the community as possible, it is prudent to delay for one month to give an opportunity for busy families to be involved and provide feedback outside of the busy school holiday period.

The officer's recommendation only identifies the Green Infrastructure Strategy, the Natural Areas Management Plan and the Street Tree Masterplan as the documents that survey respondents will receive in their document folder described on p103 of the OCM attachments as 'List of docs with descriptions and LINKS'. Survey respondents will be directed to an additional two documents, as the amendment clarifies.

**OCM094/2024**

**COUNCILLOR AMENDMENT**

Moved Cr Bulbeck

Seconded Cr Thomas

**THAT Council:**

1. INCLUDES in the survey in relation to questions 14A and 14B (p111 of the Attachments) an indication of the costs associated with treating Norfolk Island Pines to be more climate resistant.

Lost 1/6

For: Crs Bulbeck

Against: Mayor Young, Crs Sadler, Thomas, Mason, Irvine and Heath

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

Nil

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

Nil

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

**12.1 ELECTED MEMBERS**

**12.2 OFFICERS**

**13 MEETING CLOSED TO PUBLIC****13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Cr Heath left the meeting at 7:36 pm.

**OCM095/2024****MOTION FOR BEHIND CLOSED DOORS**

Moved Mayor Young                      Seconded Cr Heath

That, in accordance with Section 5.23(2) (c) and (d), Council discuss the confidential reports behind closed doors.

Carried 7/0

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

Against: Nil

*The public and members of the media were requested to leave the meeting at 7:35 pm.*

The Presiding Member requested the recording equipment to be deactivated when going behind closed doors.

**13.1.1 T02/2024 - LIFEGUARD SERVICES TENDER**

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

**OCM096/2024****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Sadler                      Seconded Cr Mason

**THAT Council**

- 1. REJECTS all tender submissions, as tender process inconsistencies have been identified that may have disadvantaged respondents; and**
- 2. INSTRUCTS the Chief Executive Officer to re-advertise the Surf Lifesaving Request for Tender (RFT).**

Carried 6/0

For: Mayor Young, Crs Sadler, Bulbeck, Thomas, Mason and Irvine

Against: Nil

**13.1.2 T03/2024 - SUPPLY, INSTALLATION AND MAINTENANCE OF SHARK BARRIER**

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

**OCM097/2024****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION****Moved Cr Sadler****Seconded Cr Mason****THAT Council**

- 1. DEFERS the tender award to the August 2024 Ordinary Council Meeting to allow for the application of a grant; and**
- 2. INSTRUCTS the Chief Executive Officer to submit a Shark Barrier contribution proposal to the Minister for Fisheries.**

**Carried 6/0****For: Mayor Young, Crs Sadler, Bulbeck, Thomas, Mason and Irvine****Against: Nil**

*The meeting was re-opened to the public at 7:39 pm , however no members of the public or media were in attendance.*

**13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC****13.1.1 T02/2024 - LIFEGUARD SERVICES TENDER**

The resolution for item 13.1.1 was not read aloud.

**13.1.2 T03/2024 - SUPPLY, INSTALLATION AND MAINTENANCE OF SHARK BARRIER**

The resolution for item 13.1.2 was not read aloud.

**13 MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 7:39 PM