

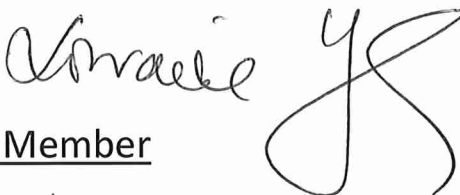


Town of Cottesloe

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

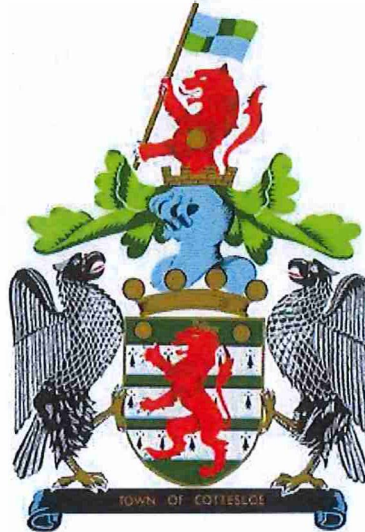
Wednesday, 26 April 2023

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

Signed: 
Presiding Member

Date: 23/5/23

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 Wednesday, 26 April 2023

A blue ink signature of Matthew Scott, consisting of a stylized 'M' and 'S'.

MATTHEW SCOTT
Chief Executive Officer

2 May 2023

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Agenda and minutes are available on the Town's website www.cottesloe.wa.gov.au

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6:05 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 drew attention to the Town's Disclaimer.

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

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

Nil

4.2 PUBLIC QUESTIONS

Catherine Jackson 65 Hawkstone Street Cottesloe

13.1.1 Adverse Possession Claim – Portion(s) of Right of Way (ROW) 20A & 20B

Q1: Is the Town of Cottesloe and the Council aware that many Hawkstone Street Residents, as well as Marion Street and Curtin Avenue landowners, have legal Easement Benefit to Lot 1002 (ROW 20A) attached to their Land Titles, and that the Town, as the Title holder to Lot 1002, holds the legal Easement Burden?

R1: The Presiding Member advised the Town was aware that several Hawkstone Street residents had easement(s) over portions of ROW20. The Presiding Member made no comment with regard to who holds the legal easement burden.

Q2: We commend the Council's recent resolution "requiring that all structures encroaching on Doscas Lane without lawful authority be removed". Will the Town uphold its obligation to keep ROW 20A clear of obstructions, and restore the 5-meter width to ensure access and safety for Hawkstone Street Residents?

Q3: Will the Town use its latest survey to address recent encroachments on Lot 1004 and to preserve open areas to allow for safe passing in a narrowed lane as per WAPC policy (Planning Bulletin 33/2017)

R2 & 3: The Presiding Member advised that the above questions related to the item that was recommended to be discussed behind closed doors, and was unable to provide a response without potentially compromising the confidentiality of the information contained within the report or speculate on the potential Council decision.

Patricia Carmichael 14/116 Marine Parade Cottesloe

Q1: Can Cottesloe residents look forward to the ToC providing universal beach accessibility in South Cottesloe?

R1: The Presiding Member advised that as with all budget requests, this would need to be considered as part of the budget deliberation process. The request would need to be considered in the context of virtually unlimited demand for services and amenity with very limited resources to meet those demands. The Administration has advised the lobby group pushing for beach access near the Wearne development in south Cottesloe, that a request for Council funding might be considered more favorably if there was a contribution from that development.

Thomas Jowett – 31 Eric Street, Cottesloe

Q1: Can you please not change the content of my questions?

R1: The Presiding Member advised that questions are not changed but they are not quoted verbatim, they are summarized in the Minutes. The same approach is adopted for everyone else that attends Council Meetings. The Presiding Member did not believe there is any basis for changing the treatment for one individual ratepayer [and /or resident]. (Please refer to Council's response to a similar request from the Minutes of the February 2023 OCM Questions taken on Notice)

Q2: Can you please not take these questions on notice?

R2: The Presiding Member advised that the questions had only been received by the Town at 5:34 pm that day and that it was unreasonable to expect responses to a number of very specific and detailed questions with only 25 minutes notice.

IT Expenses

Q3: What is the expected annual license fee for the Datacom ERP software package?

Q4: What accounting treatment has been applied to this liability?

Grants

On 28 Mar 2023, the Town of Cottesloe minutes describe an “Increased expenditure on the Eric Street shared path of \$326,806 partially matched with some extra grant funding of \$68,000 and increased transfers from reserves of \$175,000”

Q5: Who provided the \$68,000 grant?

Q6: Where is it recognized in the financial accounts?

Q7: Where in the 2021/22 accounts was the “prepayment” of \$155,651 from the federal government recorded for the LRCI grant?

In the Ernst and Young 2022 audit for the town of Cottesloe, they stated the following: “As part of our audit procedures, we noted a new grant received in the current year for the construction of a non-financial asset was incorrectly recognized as income prior to completion of the project”.

Q8: What was the grant and what was the asset?

On 27/03/2023 there is a charge for \$117,687.90 from “Database Consultants Australia”

Q9: What is this charge for?

Q10: What competitive process was pursued to choose “Database consultants Australia” as a provider?

On 6th April the office of the auditor general wrote to the elected members of the Town of Cottesloe and stated that “other information” needed for their audit had not been provided, and therefore their auditor's report had the potential to be retracted.

Q11: Why wasn't this information provided?

Q12: Has the information since been provided to the auditor?

On 6th April the office of the auditor general separately wrote to the mayor and pointed out that there were a number of “Management control issues” identified during the Town of Cottesloe's audit. These issues were attached to their letter but are not in the minutes.

Q13: Where are the issues?

Q14: Can you please provide them on your website?

These questions were taken on notice.

CEO

Q15: What is the CEO's name? On P101 of the attachments, he signs his name as "William" but on the minutes for this evening's meeting he signs his name as "Matthew"

Q16: Why has he executed documents with 2 different first names?

R15 & 16: The CEO advised that his full name is "William Matthew Scott", as clearly stated on P101 of the attachments. He added that his first name "William" is a first name shared by members of his family, and he therefore has been commonly known as, and utilized "Matthew" to identify himself his entire life.

5 PUBLIC STATEMENT TIME

Ms Carmichael spoke of her concerns regarding the lack of universal beach access in South Cottesloe.

6 ATTENDANCE**Elected Members**

Mayor Lorraine Young
Cr Helen Sadler
Cr Craig Masarei
Cr Melissa Harkins
Cr Kirsty Barrett
Cr Chilla Bulbeck

Officers

Mr Matthew Scott	Chief Executive Officer
Mr Shaun Kan	Director Engineering Services
Ms Jacquelyne Pilkington	Governance & Executive Office Coordinator

6.1 APOLOGIES

Nil

Officers Apologies

Mr Shane Collie	Director Corporate and Community Services
Ms Freya Ayliffe	Director Development and Regulatory Services
Mr Wayne Zimmermann	Manager of Planning
Mr Ed Drewett	Coordinator Statutory Planning

6.2 APPROVED LEAVE OF ABSENCE

Cr Paul MacFarlane
Cr Brad Wylynko
Cr Richard Atkins

6.3 APPLICATIONS FOR LEAVE OF ABSENCE**OCM055/2023****Moved Cr Masarei****Seconded Cr Harkins****That Cr Masarei be granted a leave of absence from 23 May 2023 to 23 May 2023.****Carried 6/0****7 DECLARATION OF INTERESTS**

Cr Sadler declared an IMPARTIALITY INTEREST in item 13.1.1 by virtue “as some of the residents are known to me”

Cr Barrett declare an IMPARTIALITY INTEREST in item 13.1.1 by virtue “as some of the residents are known to me”

Cr Masarei declared an IMPARTIALITY INTEREST in items 13.1.1 by virtue “as some of the residents are known to me”

Cr Harkins declared an IMPARTIALITY INTEREST in items 13.1.1 by virtue “as some of the residents are known to me”

Mayor Young declared an IMPARTIALITY INTEREST in items 13.1.1 by virtue “as some of the residents are know to me”

8 CONFIRMATION OF MINUTES**OCM056/2023****Moved Cr Sadler****Seconded Cr Masarei****That the Minutes of the Ordinary Meeting of Council held on Tuesday 28 March 2023 be confirmed as a true and accurate record.****Carried 6/0****For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett and Bulbeck****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****OCM057/2023****Moved Cr Barrett****Seconded Cr Masarei****COUNCIL RESOLUTION**

That Council adopts en-bloc the following Officer Recommendations contained in the Agenda for the Ordinary Council Meeting 26 April 2023:

Item #	Report Title
10.1.1	Monthly Financial Statements for the period 1 July 2022 to 28 February 2023
10.1.2	Adoption of the 2021/2022 Annual Report
10.1.3	Advertising of Payment in Lieu of Parking Plan
10.1.6	Proposed Road Naming
10.1.7	Quarterly Information Bulletin

Carried 6/0**For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett and Bulbeck****Against: Nil**

CORPORATE AND COMMUNITY SERVICES**10.1.1 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2022 TO 28 FEBRUARY 2023**

Directorate: Corporate and Community Services
Author(s): Wayne Richards, Acting Finance Manager
Authoriser(s): Shane Collie, Director Corporate and Community Services
File Reference: D23/15199
Applicant(s): Nil
Author Disclosure of Interest: Nil

SUMMARY

It is a requirement of the *Local Government Act 1995* that monthly and quarterly financial statements are presented to Council, in order to allow for proper control of the Town's finances and 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 2022 to 28 February 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 28 February 2023 was \$7,519,891 as compared to \$6,921,927 this time last year.
- Operating revenue is more than the year to date budget by \$177,573 with a more detailed explanation of material variances provided on page 19 of the attached

financial statements. Operating expenditure is \$2,116,181 less than year to date budget, with a more detailed analysis of material variances provided on page 19.

- The Capital Works Program is shown in detail on pages 33 to 34 of the attached financial statements.
- The balance of cash backed reserves was \$8,343,970 as at 28 February 2023 as shown in note 7 on page 26 of the attached financial statements.

List of Accounts Paid for February 2023

The list of accounts paid during February 2023 is shown on pages 35 to 41 of the attached financial statements. The following material payments are brought to Council's attention:

- \$149,201.34 to Classic Contractors for works at Anderson Pavilion
- \$71,423.74 to Surf Life Saving WA for surf life saving services
- \$242,938.72 to WA Treasury for a loan repayment
- \$44,101.97 to the Australian Taxation Office for the business activity statement
- \$74,025.91 and \$133,698.74 to D B Cunningham Pty Ltd T/as Advanteering Civil Engineers
- \$59,249.72 to Managed IT Pty Ltd for IT services provided to the Town
- \$117,687.90 to SARB Management Group Pty Ltd T/as Database Consultants Australia for software licence charges along with Parking Sensor installation/removal
- \$32,775.69 & \$35,866.37 for employee Superannuation Contributions
- \$137,066.24, \$141,277.60 and \$134,588.87 to Town of Cottesloe staff for fortnightly payroll

Investments and Loans

Cash and investments are shown in note 4 on page 21 of the attached financial statements. The Town has approximately 45% of funds invested with the National Australia Bank, 35% with the Commonwealth Bank of Australia and 20% with Westpac Banking Corporation.

Information on borrowings is shown in note 10 on page 30 of the attached financial statements. The Town had total principal outstanding of \$2,638,369 as at 28 February 2023.

Rates, Sundry Debtors and Other Receivables

Rates outstanding are shown on note 6 on page 23 and show a balance of \$899,422 outstanding as compared to \$806,621 this time last year.

Sundry debtors are shown on note 6 on page 23 of the attached financial statements. The sundry debtors report shows that 15% or \$16,908 is older than 90 days. Infringement debtors are shown on note 6 on page 25 and were \$456,204 as at 28 February 2023.

ATTACHMENTS

- 10.1.1(a) Monthly Financial Report 1 July 2022 to 28 February 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

OCM058/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Barrett

Seconded Cr Masarei

THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2022 to 28 February 2023 as submitted to the 26 April 2023 meeting of Council

Carried BY En Bloc Resolution 6/0

10.1.2 ADOPTION OF THE 2021/2022 ANNUAL REPORT

Directorate: Corporate and Community Services
Author(s): Shane Collie, Director Corporate and Community Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D23/15276
Applicant(s): Internal
Applicant(s) Proponents:
Author Disclosure of Interest: Nil

SUMMARY

The Town's 2021/22 Annual Financial Statements have been audited by auditors Ernst & Young, and signed off by the Office of the Auditor General. The Audit Committee met on 12 April 2023 and recommended that the Audit Report for the Town of Cottesloe be accepted. The Annual Report, which incorporates the Audit Report, was not ready in time for presentation to that meeting. The Annual Report is now available and is submitted to Council for adoption.

OFFICER RECOMMENDATION IN BRIEF

It is recommended that Council adopt the 2021/22 Annual Report, which incorporates the Annual Financial Statements and Auditors' Report consistent with the recommendation from the Audit Committee. It is also recommended that Council receives the Minutes of the Audit Committee meeting held on 12 April 2023 and adopts the recommendations contained within.

BACKGROUND

The Town's 2021/22 Annual Financial Statements have now been audited and the Auditor's Report to the Mayor and Audit Committee has been received from the OAG. The documents that comprise the Annual Report are now complete and are presented for Council adoption.

OFFICER COMMENT

The minutes of the Audit Committee meeting of 12 April 2023 are attached along with the Annual Report and the adoption of these two documents will see Council in a position to call its Annual General Meeting of Electors for 2021/22.

ATTACHMENTS

- 10.1.2(a) Unconfirmed Minutes - Audit Committee - 12 April 2023 [under separate cover]**
- 10.1.2(b) 2021/2022 Annual report [under separate cover]**

CONSULTATION

Office of the Auditor General

Ernst & Young
Audit Committee

STATUTORY IMPLICATIONS

Local Government Act 1995

5.53. Annual reports

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

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

5.54. Acceptance of annual reports

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

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.

Consideration of the 2021/22 Financial Report and the Audit Report are in keeping with this strategic objective.

RESOURCE IMPLICATIONS

There Annual Report is prepared within the Budget parameters set by Council.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Absolute Majority

OCM059/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Barrett

Seconded Cr Masarei

That Council, by Absolute Majority:

1. RECEIVES the Audit Committee meeting minutes of 12 April 2023 and ADOPTS the following recommendations contained within:
 - a. NOTES the Auditor's Report from the Office of the Auditor General (attached) and that no action is required by the Town's Audit Committee relevant to its responsibilities under the Local Government (Audit) Regulations 1996;
 - b. ACCEPTS the Town of Cottesloe's the Annual Financial Statement for 2021/22;
 - c. SETS the date of the Electors' Annual General Meeting for 6pm Wednesday 17 May 2023 in the War Memorial Hall, and that the purpose of the meeting be - "to discuss the contents of the 2021/22 Annual Report (incorporating the 2021/22 Annual Financial Statements and Auditor's Report) and any other general business"; and
 - d. NOTES that local public notice will be commenced on Thursday 27 April, to ensure the minimum 14 days notice of the Electors' Annual General Meeting is provided.
 - e. The Administration will provide a report to the June Audit Committee on the Auditor's findings regarding purchase orders as identified in the Audit Report and management's response.
 - f. Administration draft a letter to the Auditors requesting an explanation into the delays with the preparation of the 2021/22 Audit Report, together with what actions can be implemented to improve the audit process for 2022/23 and beyond.
2. ADOPTS the Town of Cottesloe's Annual Report for the 2021/22 year incorporating the Annual Financial Statements AND Audit Report.

Carried by En Bloc Resolution 6/0

DEVELOPMENT AND REGULATORY SERVICES**10.1.3 ADVERTISING OF PAYMENT IN LIEU OF PARKING PLAN**

Directorate: Development and Regulatory Services
Author(s): Ed Drewett, Coordinator Statutory Planning
Authoriser(s): Freya Ayliffe, Director Development and Regulatory Services
File Reference: D23/10533
Applicant(s): N/A
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider adopting for the purpose of advertising a draft 'Payment in Lieu of Parking Plan'.

OFFICER RECOMMENDATION IN BRIEF

That Council adopts the draft 'Payment in Lieu of Parking Plan' for the purpose of advertising in accordance with Section 77K(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND

The State Government's Action Plan for Planning Reform called for a consistent policy with practical criteria, basic benchmarks and fair methodology for considering the use of cash in lieu of car parking in established town centres, retail/café corridors and other commercial and mixed-use centres.

The purpose of standardising how local governments implement cash in lieu is to better create certainty and transparency for all parties in the assessment of development applications throughout the Perth Metropolitan and Peel Region Scheme areas. This is particularly important in evolving centres where planning is undertaken in a clear, consistent, fair and equitable manner to underpin effective outcomes.

The 'Payment in Lieu of Parking Plan' (the Plan) has been created under Schedule 2, Part 9A of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and has been prepared in the Manner and Form approved by the Western Australian Planning Commission (WAPC).

The Plan will replace the current planning and policy frameworks for the Town which provide for cash in lieu arrangements. In this respect, clause 5.8.3 referring to cash-in-lieu payment in Local Planning Scheme No. 3 (LPS 3) and similar reference in *Local Planning Policy No. 1 – Parking Matters* will be superseded by the 'Payment in Lieu of Parking Plan' as they will have become redundant under the Regulations.

OFFICER COMMENT

Payment in lieu (also called cash-in-lieu) for car parking refers to a payment made “in lieu” of providing the minimum number of on-site car parking spaces specified in the planning framework. Local Governments can use the funds generated from payments in lieu for either:

- public parking infrastructure
- other transport infrastructure
- ancillary or incidental purposes

Where ancillary or incidental items are proposed they are identified in the Plan.

The Plan includes two areas, being the foreshore precinct and the town centre. Other areas may later be added to the Plan as and when further infrastructure planning has been undertaken.

Land valuation costs are not able to be factored into the Plan at this time under the current state planning framework.

The calculation of *reasonable estimate of costs* are based on the WAPC’s approved method of calculation:

Maximum lump sum calculation

(Infrastructure cost per m² x 15m²) x car parking shortfall.

The 15m² area represents a 50% discount to a car parking space and manoeuvring area of 30m².

The current estimate of infrastructure cost of a single tier car park in accordance with clause 5.8.3 (b) in LPS 3 is \$1722 per m² by the Town’s Engineering Department, and does not include land cost, as per a WAPC determination.

ATTACHMENTS

10.1.3(a) Draft Payment in Lieu of Parking Plan [under separate cover]

CONSULTATION

The Plan is required to be advertised for public comment pursuant to Clause 77K of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The policy is proposed to be advertised for a period of no less than 21 days as follows:

- notice in the local (Post) newspaper;
- notice, copy of the Plan and electronic submission form on the Town’s website;
- notice and copy of the Plan at the front counter of the Town’s Administration Office; and
- notice on the Town’s Facebook page and email database.

STATUTORY IMPLICATIONS

- Local Planning Policy No. 1 – Parking Matters (adopted 15 December 2014)

POLICY IMPLICATIONS

If the Council decides not adopt the Plan, the Town will not be able to require cash in lieu of parking after 1 July 2023.

STRATEGIC IMPLICATIONS

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

Priority Area 4: Managing 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

OCM060/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Barrett

Seconded Cr Masarei

THAT Council adopt for the purpose of advertising the 'Payment in Lieu of Parking Plan' in accordance with Section 77K of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Carried by En Bloc Resolution 6/0

ENGINEERING SERVICES**10.1.6 PROPOSED ROAD NAMING**

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D23/15198
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

Council is being asked to consider a request from residents to formally name Right of Way (ROW) 21A and 21B as 'Seashell Lane' and 'Tidal Lane' respectively.

The Administration has pre-validated both proposed names with Landgate. The majority of residents consulted are supportive of the proposal.

OFFICER RECOMMENDATION IN BRIEF

Council considers the support from residents to endorse the following road names subject to a formal application to Landgate:

- ROW 21A - 'Seashell Lane'; and
- ROW 21B - 'Tidal Lane'

BACKGROUND

ROW 21A and 21B including the proposed naming are shown in the diagram below.

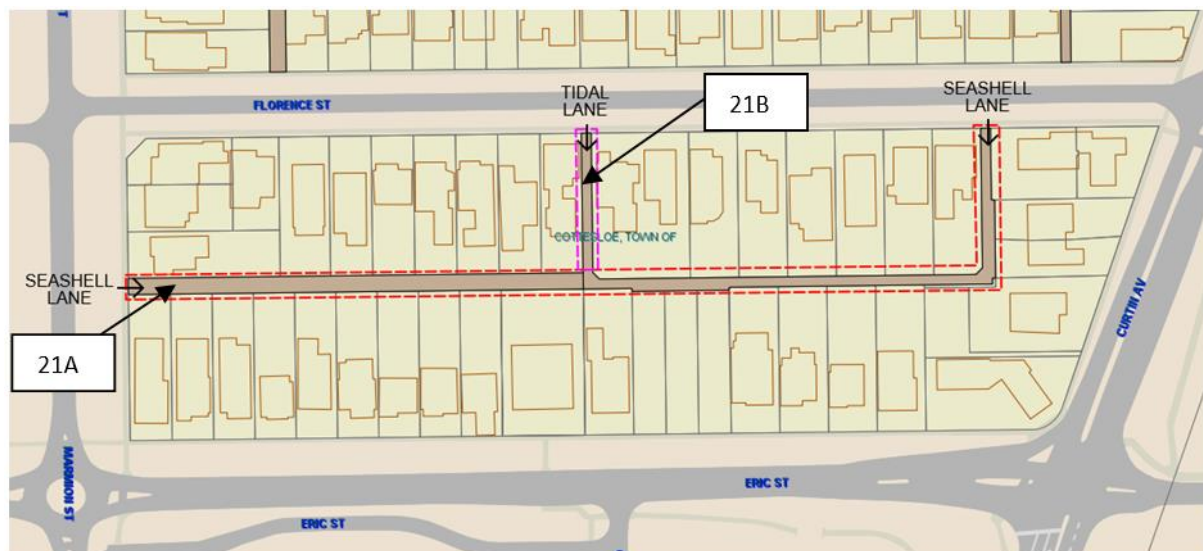


Diagram A

Residents were consulted on proposed naming and results summarised in the officer's comment section of the report.

OFFICER COMMENT

The names 'Tidal' and 'Seashell' have been chosen, as these are very relevant to Cottesloe being a seaside locality and has no historical value.

The table below summarises the response for the naming from a total of 58 letters being distributed comprising of 46 residents (Eric Street, Florence Street, Marmion Street and Curtin Avenue) and 12 owners not living in these properties.

Support	Does Not Support	Alternatives
4	3	1

The 3 not in support have suggested the following alternative names:

- ROW 21A – Sophia's Lane, Henri's Lane and Josh Lane
- ROW 21B – Lottie's Lane, Harry's Lane

The single neutral respondent suggested Henri's lane for ROW 21A

Council is to note that only Sophia's Lane was found to meet Landgate's pre-requisite verification.

Based on the support for each of the proposed names Council is asked to endorse the names of 'Seashell Lane' and 'Tidal lane' for the respective roads so that a formal submission can be made to Landgate. In the unlikely event that this is declined, an item will be brought back to Council for reconsideration.

Landgate will assist with any modifications to property addresses. This will reduce the impact to residents and provide advanced notice to Australia Post.

ATTACHMENTS

Nil

CONSULTATION

Landgate

Department of Planning, Lands and Heritage

Residents adjacent to and surrounding ROW 21A and 21B

STATUTORY IMPLICATIONS

Landgate Policies and Standards for Geographical Naming in Western Australia

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 1: Protecting and enhancing the wellbeing of residents and visitors

Major Strategy 1.4: Continue to improve community engagement.

Priority Area 6: Providing open and accountable local governance

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

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

OCM061/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Barrett

Seconded Cr Masarei

THAT Council:

- 1. APPROVE 'Seashell Lane' as the name for Right of Way 21A as shown in Diagram A;**
- 2. APPROVE 'Tidal Lane' as the name for Right of Way 21B as shown in Diagram A;**
- 3. NOTES that subject to points one and two, a formal application will be made to Landgate; and**
- 4. NOTES that in the event that either name is not formally accepted, an alternative name will be sourced and residents consulted before the matter is brought back to an Ordinary Council Meeting**

Carried by En Bloc Resolution 6/0

EXECUTIVE SERVICES**10.1.7 QUARTERLY INFORMATION BULLETIN**

Directorate: Executive Services
Author(s): Matthew Scott, Chief Executive Officer
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D23/15314
Applicant(s):
Author Disclosure of Interest: Nil

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

10.1.7(a) CEO Quarterly Report March 2023 [under separate cover]

CONSULTATION

Nil

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 *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

OCM062/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Barrett

Seconded Cr Masarei

THAT Council notes the information provided in the Quarterly Information Bulletin

Carried by En Bloc Resolution 6/0

10.1.4 ADVERTISING OF DRAFT LOCAL PLANNING POLICY - ADVERTISING SIGNAGE

Directorate: Development and Regulatory Services
Author(s): Ed Drewett, Coordinator Statutory Planning
Authoriser(s): Freya Ayliffe, Director Development and Regulatory Services
File Reference: D23/14609
Applicant(s): N/A
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider adopting for the purpose of advertising a draft Local Planning Policy for Advertising Signage.

OFFICER RECOMMENDATION IN BRIEF

That Council adopt the draft Advertising Policy for the purpose of advertising in accordance with Schedule 2, Part 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and request the CEO to review the *Signs, Hoardings and Billposting* local law (By-Law No. 33).

BACKGROUND

On 26 July 2022, Council resolved:

1. *That the Administration seek a planning consultant to prepare a draft Local Planning Policy to address advertising signage within the Town.*
2. *That the draft Local Planning Policy be referred to Council prior to advertising.*

OFFICER COMMENT

A draft local planning policy for advertising signage has been prepared, with assistance from Element (planning consultants).

The Advertising Signage policy only applies to zoned land and local reserves under Local Planning Scheme No. 3 (LPS 3). It does not apply to land reserved under the Metropolitan Region Scheme (MRS) as these will be determined by the Western Australian Planning Commission (WAPC) and are dealt with under *WAPC Policy 5.4 – Advertising on Reserved Land*. MRS reserves include Harvey Field, John Black Dune Park, Cottesloe Tennis Club, Seaview Golf Club and the Foreshore.

The intent of the draft local planning policy is to provide clarity as to the Town's expectations in respect to appropriate advertising signs from a planning perspective, rather than being reliant on the Town's outdated *Signs, Hoardings and Billposting* Local Law. In this respect, where any provision of the policy is inconsistent with the local law, the provision of the policy prevails. However, all signage will still require an application for a Sign Licence,

which will be assessed separately to the planning process, and which will continue to have regard to the local law.

An initial review of other Local Government signage policies has revealed that there does not appear to be one preferred format or set of advertising standards for this type of policy. However, there are similarities such as having regard to *Main Roads WA Policy and Application Guidelines for Advertising Signs* within and beyond State road reserves.

ATTACHMENTS

10.1.4(a) Draft Local Planning Policy - Advertising Signage [under separate cover]

CONSULTATION

Schedule 2, Part 2, Division 2 – Local Planning Policies of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the requirements for preparing local planning policies. In particular, clause 4 states:

- (1) *If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —*
 - (a) *publish in accordance with clause 87 the proposed policy and a notice giving details of —*
 - (i) *the subject and nature of the proposed policy; and*
 - (ii) *the objectives of the proposed policy; and*
 - (iii) *how the proposed policy is made available to the public in accordance with clause 87; and*
 - (iv) *the manner and form in which submissions may be made; and*
 - (v) *the period for making submissions and the last day of that period;*
 - (b) *if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
 - (c) *give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*
- (2) *The period for making submissions specified in a notice under subclause (1)(a)(v) must not be less than the period of 21 days after the day on which the notice is first published under subclause (1)(a).*

The policy is proposed to be advertised for a period of no less than 21 days as follows:

- notice in the local (Post) newspaper,
- notice, copy of the Policy and electronic submission form on the Town's website,
- notice and copy of the Policy at the front counter of the Town's Administration Office, and
- notice on the Town's Facebook page and email database.

STATUTORY IMPLICATIONS

- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Town of Cottesloe Local Planning Scheme No. 3*
- *Signs, Hoardings and Billposting Local Law.*

POLICY IMPLICATIONS

This policy will apply to the whole of the municipality.

STRATEGIC IMPLICATIONS

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

Priority Area 4: Managing 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

Moved Cr Barrett

Seconded Cr Masarei

THAT Council:

- a) adopt for the purpose of advertising Draft Planning Policy - 'Advertising Signage' as specified in Schedule 2, Part 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- b) requests the CEO to review the *Signs, Hoardings and Billposting* local law (By-Law No. 33)

OCM063/2023

COUNCILLOR AMENDMENT

Moved Cr Sadler

Seconded Cr Bulbeck

That points c) and d) are added to read:

- c) requests the administration to consult the Design Review Panel AND Universal Access and Inclusion Working Group on the draft Advertising Signage Policy
 - d) requests the administration to notify ProCott of the opportunity to make a submission on the draft Advertising Signage Policy
- .

Lost 2/4

For: Crs Sadler and Bulbeck

Against: Mayor Young, Crs Masarei, Harkins and Barrett

OCM064/2023

SUBSTANTIVE MOTION

Moved Cr Barrett

Seconded Cr Masarei

THAT Council:

- a) adopt for the purpose of advertising Draft Planning Policy - 'Advertising Signage' as specified in Schedule 2, Part 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- b) requests the CEO to review the *Signs, Hoardings and Billposting* local law (By-Law No.33).

Carried 6/0

For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett and Bulbeck

Against: Nil

10.1.5 BUDGET AMENDMENT - MARINE PARADE UPGRADE PROJECT FUNDING

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D23/14898
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider the reallocation of the Marine Parade Upgrade Project budget.

OFFICER RECOMMENDATION IN BRIEF

Approve the return of the Metropolitan Region Roads Group (MRRG) funding including the reallocation of Council's and the Roads to Recovery (R2R) contributions to this project .

BACKGROUND

At the March 2023 Ordinary Council Meeting, Council resolved as follows for the Marine Parade Upgrade Project Expression of Interest (EOI):

COUNCILLOR ALTERNATE MOTION

Moved Cr Sadler Seconded Cr Masarei

THAT Council:

- 1. REJECTS all Expressions of Interest and elects not to proceed with the Marine Parade Upgrade at this stage;***
- 2. INSTRUCTS the CEO to continue to seek further funding sources that enable the next phase of the Foreshore Masterplan to be completed in a strategic and cost-effective way; and***
- 3. INSTRUCTS the CEO to bring a report to the Council, by the May OCM detailing how the upgrade and Carpark 2 can be progressed as an essential stage of the implementation of the Foreshore Masterplan.***

The above requires the project budget to be reallocated and MRRG grant returned to Main Roads Western Australia (MRWA).

OFFICER COMMENT

The Marine Parade Upgrade Project budget (40.1126.2) comprises of the following funding sources, reflected in the financial summary below:

FINANCIAL SUMMARY		
	Current Budget (2022/2023)	
	MRRG Funding	\$342,501
	Roads to Recovery Funding	\$70,000
	Municipal Funds	\$172,776
	Total Approved Budget	\$585,277
	Less Expenditure to Date (Paid using Municipal Funds)	\$22,794
	Budget Remaining	\$562,483
	Remaining Budget Composition	
	MRRG Funding	\$342,501
	Roads to Recovery Funding	\$70,000
	Municipal Funds	\$149,982
	Total Budget Remaining	\$562,483

The \$22,794 is expenditure on design and EOI advertising. Council is asked to note the project scope only formed part of the approved Masterplan and specific drawings were required for this to be priced and built. The following proposes the reallocation of the \$562,483:

- \$342,501 MRRG grant is returned to MRWA;
- \$70,000 R2R allocation is reassigned to the resurfacing of Melville Street (Congdon Street to Railway Street), noting that this road is shown to be in a condition due for replacement; and
- \$149,982 remaining is placed into the Infrastructure Reserve, noting that this can be used on the Foreshore Redevelopment if required.

Whilst there are other roads such as part of Athelstan Road, Station Street and MacArthur Street that can be renewed, it is very unlikely that it would fall within the \$70,000. These can be looked at in the 2023/2024 budget.

On this basis, the Marine Parade Upgrade Project can then be removed from the 2022/2023 budget.

Alternatively, Council can ask for the Marine Parade (Forrest Street to Eric Street) resurfacing to occur (MRRG and Municipal funds spent), subject on the availability of an asphaltting contractor. The \$70,000 will be reassigned to the mentioned new project. This will not be seen as rescind of the March 2023 resolution, notwithstanding this, the option will still require an absolute majority for it to occur.

Given the previous resolution, a recommendation is for the treatment of the funds mentioned in the three dot points above.

ATTACHMENTS

Nil

CONSULTATION

No consultation has occurred.

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

All resurfacing works will be delivered by contractors and managed by the Town's Engineering Directorate.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no known environmental implications

VOTING REQUIREMENT

Absolute Majority

OCM065/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Masarei

Seconded Cr Barrett

THAT Council by absolute majority APPROVES:

- 1. Return of the \$342,501 Metropolitan Region Roads Group Grant;**
- 2. Reallocation of the remaining Municipal Funds of \$149,982 to the Infrastructure Reserve; and**
- 3. Reassign the \$70,000 Roads to Recovery Funding to Melville Street between Congdon Street and Railway Street.**

Carried by Absolute Majority 6/0

For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett and Bulbeck

Against: Nil

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

OCM066/2023

MOTION FOR BEHIND CLOSED DOORS

Moved Cr Masarei

Seconded Cr Harkins

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

Carried 6/0

For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett and Bulbeck

Against: Nil

The public and members of the media were requested to leave the meeting at 6:38 pm

13.1.1 ADVERSE POSSESSION CLAIM - PORTION(S) OF RIGHT OF WAY (ROW) 20A & 20B

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

OCM067/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Masarei

Seconded Mayor Young

THAT Council:

1. Acknowledge the legal advice received with regards to the adverse possession claim (P138700) by the owner of 36 Florence Street for a portion(s) of Right Of Way (ROW) 20 (20A & 20B);
2. Take no further action in relation to the caveat arranged by the Chief Executive Officer (CEO), acknowledging it will lapse on 1 May 2023 2023;
3. Re-endorse the instructions to the CEO outlined in Council's resolution SCM009/2023, from the Special Council Meeting, 21 February 2023, in regards to mitigate future adverse possession claims associated with ROW 20 (20A, 20B or 20D); and
4. Request the CEO to immediately and formally advise impacted residents of ROW 20 (including Florence Street and Hawkstone Street residents) of this decision, via a letter drop and email (where available).

Carried 6/0

For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett and Bulbeck

Against: Nil

OCM068/2023

MOTION FOR RETURN FROM BEHIND CLOSED DOORS

Moved Mayor Young

Seconded Cr Masarei

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 6/0

For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett and Bulbeck

Against: Nil

The public and members of the media returned to the meeting at 6:53 pm.

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

13.1.1 ADVERSE POSSESSION CLAIM - PORTION(S) OF RIGHT OF WAY (ROW) 20A & 20B

The resolution for item 13.1.1 was read aloud.

14 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 6:53 pm.