



Town of Cottesloe

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

Tuesday, 26 May 2020

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

Signed:

A handwritten signature in blue ink, appearing to be 'D. M. C.', is written over the 'Signed:' text.

Presiding Member

Date: 28/6/2020

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING MINUTES

ORDINARY COUNCIL MEETING
HELD IN THE
War Memorial Hall, Cottesloe Civic Centre, 109 Broome Street, Cottesloe
6:00pm Tuesday, 26 May 2020

NEIL HARTLEY
Acting Chief Executive Officer

29 May 2020

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6:06pm.

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

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

Elected Members will be aware of the State Government's proposed changes to the Planning and Development Act, which would allow some significant developments to be determined by the WAPC.

Importantly, under the proposed amendments, the WAPC must have regard for Local Planning Schemes but will not be bound by them.

This is a State Government response to stimulate the economy post COVID-19.

This raises the possibility that the WAPC may approve some developments in Cottesloe – including along the beachfront – which exceed the height limits in our Local Planning Scheme.

I have today written to the Premier and to the Minister for Planning. A copy of the letters will have been tabled at tonight's meeting.

I have advised Premier McGowan and Minister Saffioti that the Town wants to engage with the State Government in a spirit of collaboration, in order to improve our foreshore for the benefit of residents and visitors.

However, I have also stressed the importance of local input in getting the best outcome; and the community's very strong desire to retain the beachfront height restrictions in LPS3.

I have asked that the proposed amendments be redrafted to ensure that our Local Planning Scheme is binding on WAPC in making determinations under the amendments.

I will keep Elected Members and the community advised of any follow up correspondence.

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

Mr Jack Walsh – 35 Grant Street, Cottesloe

Q1. How many submissions were received from Grant Street residents re the bike plan?

A1. 6 submissions received were from Grant Street residents.

Q2. What was the thrust of these submissions?

A2. Against the Grant Street Local Route.

- Q4. Has there been account made of the bike numbers use in the east/west streets?
- A4. Yes.
- Q5. Why is there no mention in the background in the report of the community response two years ago for the motion to put a bike path off Grant Street?
- A5. This is a separate and non-biased consultation.
- Q6. Why is there no mention that the Department of Transport when first consulted said they considered Grant Street was not suitable for a bike path as outlined on the Town plan?
- A6. The Department had not considered the feedback provided by surrounding Councils at the time.
- Q7. When has the Department of Transport indicated that grant funding may be available?
- A7. 2021/2022 financial year.
- Q8. Have the officers' reasons for including a Grant Street bike path been critically examined i.e. the foreshore upgrade finishes at Eric Street, not at Grant Street and the safe bike plans that were mentioned were what so upset Grant Street residents when they were last proposed?
- A8. Yes. This path connects Grant Street station commuters to the northern part of the foreshore.
- Q9. Could we please have more frequent emptying of the Grant Marine Park bins? At the current moment they've been overflowing quite often of late and it's very messy, from Broome Street down.
- A9. This request will be passed on to the relevant officer to action.

Agenda Forum Questions Taken On Notice - 19 May 2020Stephen Mellor – 8 Graham Court, Cottesloe – item 10.1.6

- Q1. Are the Budget Workshops open to the public to attend? If not, what are the reasons as surely true transparency is key in developing community confidence in the budget decisions being considered and made by Council? When is the next Elected Members Budget Workshop? Do the Budget Workshops have minutes that are available for public review?
- A1. The un-minuted Budget Workshops are not open to the general public. The budget workshops are for Councillors to work through the various parts of the budget. These lead up workshops are there to build the budget into a format that Council can finally consider.

4.2 PUBLIC QUESTIONSMrs Su Timmins – 26 Elizabeth Street, Cottesloe – Item 13.1.1

- Q1. Is Council aware that Dial-A-Dinner, the operators of North Street Store were prospectively approved to operate a large site in North Fremantle in a commercial zone adjacent to two four-lane major arterial roads and a large carpark?
- A1. Council is not aware if that was known or not, it would seem to be an issue in North Fremantle but we would take into account the relevant matters for Town of Cottesloe applications and consider applications based on their merits.
- Q2. Is Council aware that their modelling, including staffing at this large major commercial site at North Fremantle was based on North Street Store which has been operating blatantly outside Council regulations for many months?
- A2. This is an issue for the City of Fremantle and we would take into account the issues relevant to the Town. We would not necessarily note the activities in another local government primarily as a basis for the Town's assessment.

Liz Furlong – 14a North Street, Cottesloe– Item 13.1.1

- Q1. Are the Councillors aware that a major large-scale North Street Store business is operating with very similar staffing (and most likely profits also) to the entire Eric Street/Chamberlain Street zone which has 70 car parks, a slip road, disabled and motor bike parking, rear and side laneways servicing trucks and a 25 metre loading zone out the front? Are the Councillors aware that there are currently multiple empty sites for lease at each of the commercial zones of Eric Street, Napoleon Street, Station Street and surrounds?
- A1. The vacancy rates on other sites do not materially affect the way Council deliberates on the North Street Store application.

Julie Bradley – 18 North Street Cottesloe – Item 13.1.1

- Q1. Are Councillors aware of the continuing loss of amenity and other concerns that residents near the NSS are experiencing? In particular, we refer to our safety, including the traffic and people loitering on our streets.
- A1. This was taken as 'is Council aware' and Council has a report dealing with these issues on tonight's agenda.
- Q2. Will Councillors uphold their overwhelming majority decision, given that the situation has worsened for residents, and do Councillors recall their majority decision on 17 December 2019 that the site is not compatible with the residential locality and has an adverse impact on the amenity of Elizabeth Street?

- A2. The decision of Council tonight will be what it decides to do on a majority vote and I am sure Councillors' memories are good on the prior decision made.
- Q3. And that the NSS is operating contrary to the provisions of the Town's Local Planning Scheme?
- A3. The officer's report contains all the information that Council is required to have including whether that point is relevant or not.

Mr Stephen Mellor 8 – 8 Graham Street, Cottesloe – Item 10.1.6

- Q1. When is the next Elected Members Budget Workshop?
- A1. The next Elected Members Budget Workshop is 2 June 2020.
- Q2. Are these workshops recorded as they are not minuted?
- A2. No.
- Q3. At which forthcoming Council Meeting will the final budget be tabled for approval?
- A3. Not sure which month the budget will go to the Council as it will depend on when it is completed, hopefully in June, possibly in July.
- Q4. Will the Council please consider introducing a ratepayer budget consultation process and that a preliminary draft full year 2020-2021 budget be made available for public review and comment before being 'finalised' for presenting to Council for approval?
- A4. That is something that is not on the agenda at the present time and will be left with Council to decide whether it wishes to consider this at some future point.

5 PUBLIC STATEMENT TIME

Cottesloe Business Association – Cottesloe Village, PO Box 460 Cottesloe – Item 11.1

The CEO read a statement from the Cottesloe Village Business Association supporting the concept of extended alfresco dining but outlining their concerns about losing car bays for an extended period as traders rely heavily on street parking.

Yvonne Hart – 26 Mann Street Cottesloe (on behalf of Cottesloe Residents and Ratepayers Association) – Item 13.1.1

Ms Hart outlined her concerns about the North Street Store application, the issues faced by residents, including noise, traffic, delivery vehicles, cooking smells, etc.

Cassandra Antigone Radunovich – 8 Knowles Street, Cottesloe – Item 13.1.1

Ms Radunovich referred to an email she sent to Councillors on 21 May 2020 disputing the rhetoric that NSS are striking a balance “to succeed” and to provide a “great offering to the area” and went on to outline the traffic issues (both foot and

car) on Knowles, Elizabeth, Salisbury and North Streets including noise, parking, lack of space and lack of physical capacity that the NSS has.

Jenny Mengler – 31 Elizabeth Street, Cottesloe – Item 13.1.1

Ms Mengler outlined her concerns that the NSS is not compliant with the use for the site, the low rent, inadequate parking, longer trader hours than other stores in the area and pointed out that the site is totally unsuitable and hazardous as a gathering point for large groups.

John Mengler – 31 Elizabeth Street, Cottesloe – Item 13.1.1

Mr Mengler outlined his concerns about the NSS changing the size of a 70sqm commercial use on a 760sqm residential site in a residential area and outlined his concerns that the NSS has been able to continue operating for another 5 months after Council refused the application in December 2019.

6 ATTENDANCE

Elected Members

Mayor Philip Angers
Cr Lorraine Young
Cr Caroline Harben
Cr Helen Sadler
Cr Craig Masarei
Cr Melissa Harkins
Cr Michael Tucak
Cr Kirsty Barrett
Cr Paul MacFarlane

Officers

Mr Neil Hartley	Acting Chief Executive Officer
Mr Shane Collie	Manager Corporate Services and Governance
Ms Freya Ayliffe	Manager of Compliance and Regulatory Services
Mr Shaun Kan	Manager Engineering Services
Mr Ed Drewett	Coordinator Statutory Planning
Ms Gayle O’Leary	Planning Officer
Ms Mary-Ann Winnett	Governance Coordinator

6.1 APOLOGIES

Nil

Officers Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Nil

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 DECLARATION OF INTERESTS

Mayor Angers declared an IMPARTIALITY INTEREST in item 11.1 by virtue "My wife, two partners and myself own a toy shop in Station Street but I don't believe this motion affects this type of business."

Cr Sadler declared a FINANCIAL INTEREST in item 13.1.1 by virtue "my son has worked at North Street Store since it opened."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "the designers are known to me."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.6 by virtue "I'm a former member and Chair of the Procott Group."

Cr Tucak declared an IMPARTIALITY INTEREST in item 13.1.1 by virtue "the Applicants and their representatives are known to me separate from my role on Council."

Mayor Angers declared an IMPARTIALITY INTEREST in item 10.1.6 by virtue "I was a previous Procott President."

8 CONFIRMATION OF MINUTES

Moved Cr MacFarlane

Seconded Cr Harkins

That the Minutes of the Ordinary Meeting of Council held on Tuesday 28 April 2020 be confirmed as a true and accurate record.

Carried 9/0

Moved Cr Sadler

Seconded Cr Masarei

That the Minutes of the Special Meeting of Council held on Saturday 2 May 2020 be confirmed as a true and accurate record.

Carried 9/0

Moved Cr Harkins

Seconded Cr Masarei

That the Minutes of the Special Meeting of Council held on Monday 4 May 2020 be confirmed as a true and accurate record.

Carried 9/0

Moved Mayor Angers

Seconded Cr Barrett

That the Minutes of the Special Meeting of Council held on Tuesday 12 May 2020 be confirmed as a true and accurate record.

Carried 9/0

9 PRESENTATIONS

9.1 PETITIONS

COUNCIL RESOLUTION

Moved Cr Young

Seconded Mayor Angers

That a Petition, signed by 62 local residents in regard to the North Street Store, which is being considered later in this Council meeting at item 13.1.1, be noted.

Carried 9/0

9.2 PRESENTATIONS

Nil

10 REPORTS**10.1 REPORTS OF OFFICERS****COUNCIL RESOLUTION**

Moved Mayor Angers Seconded Cr Harben

That Council adopts en-bloc the following Officer Recommendations contained in the Agenda for the Ordinary Council Meeting 26 May 2020:

Item #	Report Title
10.1.1	Acceptance of Grant Funding Policy
10.1.5	Grove Library Operating Budget and Contribution 2020/21
10.1.7	Roads to Recovery Budget Amendment
10.1.8	Financial Statements For The Period 1 July 2019 to 30 April 2020
10.1.10	National Redress Scheme

Carried 9/0

ADMINISTRATION**10.1.1 ACCEPTANCE OF GRANT FUNDING POLICY**

File Ref: SUB/2798
Attachments: 10.1.1(a) DRAFT Policy - Acceptance of Grant Funding
[under separate cover]
Responsible Officer: Shane Collie, Manager Corporate Services and Governance
Author: Ann-Marie Donkin, Governance Officer
Author Disclosure of Interest: Nil

SUMMARY

A recommendation is made to adopt a new Policy, Acceptance of Grant Funding. The Policy is intended to provide the Chief Executive Officer (CEO) delegated authority to accept Grant Funding below \$10,000 on behalf of Council.

There are two other criteria applied to the draft Policy, that being that Council must have budgeted funds if there is a call on matching or other financial contribution, and that the grant is consistent with Council's Forward Planning objectives.

BACKGROUND

The policy applies to discretionary grants, being those that require an officer's time to pursue (grant writing).

Following the direction set by the Council, officers pursuing discretionary grants are required to work within the parameters of Council's Strategic Community Plan, Corporate Business Plan and Annual Budget or any resolution of Council.

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.

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

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.

POLICY IMPLICATIONS

This reports recommends the adoption of a new Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

There are no perceived financial implications arising from the officer's recommendation notwithstanding that individual matters dealt with by the Policy in the future may have financial implications.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Nil.

OFFICER COMMENT

Currently grant funding applied for by the Town is minimal for community based activities such as the Seniors Week Grant and International Day of People with Disability Grant. Neither of these grants amount to more than \$1,000 each.

This may change however and COVID-19 Stimulus initiatives could well play a role in the economy returning to normal. A number of the initiatives announced by the Federal and State Governments have had very short lead times, hence to be prepared to respond or be pro active in securing external funding is a key consideration in the matter as the economy recovers.

This Policy should provide the flexibility to secure external funds that may become available and are suitable and consistent with Council's stated objectives and within the financial parameters set by Council. It is intended that this Policy would remain in place after the COVID-19 Pandemic has concluded.

Any discretionary grant for activities that have no budget allocation or are not contained within Council's Forward Planning documents would be brought to Council for consideration if it was deemed of benefit to the community to pursue.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Angers

Seconded Cr Harben

THAT Council ADOPTS the Acceptance of Grant Funding Policy as attached.

**Carried 9/0
[En bloc]**

10.1.2 ELECTED MEMBER AND CHIEF EXECUTIVE OFFICER ATTENDANCE AT EVENTS AND FUNCTIONS POLICY

File Ref: SUB/2798
Attachments: 10.1.2(a) Attachment - DRAFT 21 May 2020 - Elected Member and CEO Attendance at Events and Functions ~ Policy Area Executive Services [under separate cover]
Responsible Officer: Shane Collie, Manager Corporate Services and Governance
Author: Ann-Marie Donkin, Governance Officer
Author Disclosure of Interest: Nil

SUMMARY

The Town of Cottesloe is required under the *Local Government Act 1995* to approve and report on attendance at events for Elected Members and the Chief Executive Officer (CEO).

A recommendation is made to adopt a new Policy, Elected Member and Chief Executive Officer Attendance at Events and Functions Policy.

BACKGROUND

Section 5.90A of the *Local Government Legislation Amendment Act 2019* requires local governments to develop a policy related to elected member and CEO attendance at events.

It is intended that the policy will provide guidance for the acceptance of tickets and invitations to various events and clarifies who is responsible for the payment of tickets or the equivalent value of the invitation.

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.

POLICY IMPLICATIONS

The recommendation to this report is for the adoption of a new Policy.

STATUTORY ENVIRONMENT

Section 2.7 (2)(b) of the *Local Government Act 1995* allows Council to determine the local government policies.

Section 5.90A(2) of the *Local Government Legislation Amendment Act 2019* stipulates that a Policy must be adopted by the Council.

Section 5.90A. Policy for attendance at events

(1) In this section –

event includes the following –

- (a) a concert;*
- (b) a conference;*
- (c) a function;*
- (d) a sporting event;*
- (e) an occasion of a kind prescribed for the purposes of this definition.*

(2) A local government must prepare and adopt a policy that deals with matters relating to the attendance of council members and the CEO at events, including –*

- (a) the provision of tickets to events; and*
- (b) payments in respect of attendance; and*
- (c) approval of attendance by the local government and criteria for approval; and*
- (d) any prescribed matter.*

** Absolute Majority*

(3) A local government may amend the policy.*

** Absolute Majority*

(4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.

(5) The CEO must publish an up-to-date version of the policy on the local government's website.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

This Policy is specified by the Act and relates to requirements of the Elected Members' and CEOs' tenure, advertising the Draft Policy for public comment is not considered to be required. The Policy once adopted must be displayed on the Town's website.

OFFICER COMMENT

Staff are of the view that the draft policy meets the requirements of the *Local Government Legislation Amendment Act 2019*, as well as providing guidance to Elected Member and CEO

for appropriate disclosure and management of acceptance of invitations to events and functions.

It is to be noted that tickets and invitations that fall under this policy are those provided to the Town of Cottesloe not to individual council members.

A ticket or invitation provided directly to an Elected Member as a member of the Council or to the CEO by a donor is to be treated as a gift to that person.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

Moved Cr Young

Seconded Cr Barrett

THAT Council ADOPTS the new Elected Member and CEO Attendance at Events Policy as attached.

COUNCILLOR AMENDMENT

Moved Cr Tucak

In the second paragraph of 3.4, after the word CEO, add the words 'or not approved by Council'.

Following discussion, Cr Tucak withdrew the amendment.

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

THAT Council ADOPTS the new Elected Member and CEO Attendance at Events Policy as attached.

Carried by Absolute Majority 9/0

ENGINEERING**10.1.3 SKATE PARK PROPOSAL - COMMUNITY ENGAGEMENT**

File Ref: SUB/2798
Attachments: 10.1.3(a) Proposed Skate Park - Community Engagement Plan [under separate cover]
10.1.3(b) Lessons Learnt - Cities of Wanneroo and Fremantle [under separate cover]
10.1.3(c) Individual Agenda ATTACHMENT - Cottesloe Skate Feasibility [CONFIDENTIAL] [UNDER SEPARATE COVER]
Responsible Officer: Shaun Kan, Manager, Engineering Services
Author: Harshil Uckiah, Project Engineer - Temp
Author Disclosure of Interest: Nil

SUMMARY

The Enlocus skate park feasibility study initially recommended the Curtin Avenue railway corridor just North of Jarrad Street to be the most suitable location.

The Public Transportation Authority (PTA) were approached by the Town and were open to providing a ten year term lease for the purpose of a skate park, subject to a termination notification period of six months.

In consideration the administration, Council and the then Reserves, Parks and Playgrounds Committee deemed the risk of investing in a skate park at the Curtin Avenue location too great due to the possible requirement to terminate the lease.

The Town asked Enlocus to re-visit the feasibility study for a more suitable location.

Enlocus determined the next possible site to be Grant Marine Park.

Council were asked to consider the matter at the Ordinary Council Meeting of 17 December 2019 and had resolved as follows:

“That Council defer public consultation on Enlocus Skate Park Feasibility Study until the Public Open Space Working Group have workshopped the issues raised within the document and others, including but not limited to;

- 1. The success and lessons learned at nearby local governments who have installed “neighbourhood level skate parks”;*
- 2. Costings and sizes of skate parks located within neighbouring local governments; and;*
- 3. Other options, such as skate able infrastructure,*

With the aim of a Working Group recommendation being available in the first quarter of 2020 for Council’s consideration”.

The Working Group met on 30 April 2020 and their feedback is incorporated within the Officers Comment. Accordingly, Council is asked to consider accepting the attached

documents for the purpose of public consultation to determine the appropriateness of a Skate Park within Cottesloe.

BACKGROUND

At the 22 May 2018 Ordinary Council Meeting, Council resolved to undertake a feasibility study to identify a potential location for a skate park. Enlocus was appointed as the consultants to conduct this study in two phases, namely the identification of a preferred location that will progress onto public consultation if supported by the council followed by the detail design for this facility.

Other LGA's involved in skate park projects were consulted and lessons learned have been included into this report. The design of the preferred location would only proceed after community feedback on the appropriateness of the facility has been considered and accepted by Council.

Among the six potential sites within the study, only Grant Marine Park has been deemed possible for a skate park as other locations are either even closer proximity to residents in comparison to the preferred location or are deemed to be high investment risk. However, the community, particularly residents living within proximity to this location (directly impacted stakeholders) would need to be consulted before proceeding any further with the proposed site.

STRATEGIC IMPLICATIONS

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

Priority Area 5: Providing sustainable infrastructure and community amenities

Major Strategy 5.2: Manage assets that have a realisable value.

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

Priority Area 5: Providing sustainable infrastructure and community amenities.

Major Strategy 5.1: Develop sustainability and capacity criteria to assess major strategies.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

The approved allocation is sufficient to complete the design phase of the project, construction funding would be required should this progress to implementation.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

- Town of Cottesloe staff
- Elected members
- Cottesloe Residents (Council acceptance of the Officer's Recommendation)

OFFICER COMMENT

The skate park feasibility study report with the potential sites identified:

- Option A - Grant Marine Park;
- Option B - John Black Dune Park Carpark;
- Option C - Cottesloe Foreshore Carpark;
- Option D - Seaview Golf Course Carpark;
- Option E - Seaview Golf Course; and,
- Option F - Adjacent to Cottesloe Train Station.

The preferred site is option A- Grant Marine Park due to the following site selection Criteria being met.

1. Physical site conditions.
2. Access and Transport.
3. Natural and Passive Surveillance, security and safety.
4. Proximity to Amenities.
5. Impact on existing facilities, adjoining uses and users.
6. Distance from Housing and inappropriate land use.
7. Maintenance.
8. Context and Amenity.
9. Consistency with Strategic objectives.
10. Parking availability.

The remaining options were deemed high investment risk, incompatible with existing uses, space constrained and possibly conflicted with planned projects. John Black Dune and the Cottesloe Foreshore Carpark formed part of the Council approved Foreshore Masterplan.

To further elaborate:

- The Seaview location comprising of the Golf Course and Carpark are currently under lease and there is limited area to accommodate such a facility without impacting the golf course layout together with the football oval and rugby field sizes that need to meet certain standards;
- The six month termination clause proposed by the Public Transportation Authority as part of the possible lease makes such an investment along the railway corridor high risk.

Notwithstanding the above, Council may wish to consider the feedback provided by the community and directly impacted residents for the Grant Marine Park proposed locations to determine the future of this project.



Given the comparatively more ideal site conditions of Grant Marine Park, it is proposed that the Skate Park be considered as part of this playground upgrade in the indicative location specific layout above. This plan has been further developed below to define the extent as to how this public open space will be activated by these three uses. Council is asked to note that this is only indicative and for the purpose of community consultation. The boundaries and configurations can then be adjusted accordingly depending on the feedback received.



The City of Fremantle and Wanneroo were consulted on their recently constructed skate parks to obtain approximate cost and lessons learnt to add further value to our proposed project. The information can be summarised as follows:

- City of Wanneroo Skate Park was constructed for \$650k and is in the order of 400 to 500m²;
- City of Fremantle Skate and Youth Park was built for approximately \$1.6 million and is in the order of 1500m²;
- This park caters for a broad range of users including actioned wheeled sports, parkour and various activities;
- The City of Fremantle also incorporated parkour style training elements into the youth plaza. These are low walls, boulders or other climbing structure;
- The Fremantle Esplanade has been designed and developed with the community;
- Images of both facilities have been attached below.



City of Fremantle Skate Park Aerial (Above)



City of Fremantle Skate Park Street View (Above)



City of Wanneroo Skate Park Concept (Above)



City of Wanneroo Skate Park Layout (above)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Harkins

Seconded Cr Barrett

THAT Council:

1. **THANKS** the Public Open Space Working Group Elected and Community Members for taking the time to provide comment;
2. **APPROVES** the attached Enlocus Skate Park Feasibility Report and the Community Engagement Plan for the purpose of Public Consultation; and
3. **NOTES** that subject to Point Two, a report will be brought back to an Ordinary Council Meeting following the completion of the public consultation.

Carried 8/1

10.1.4 PRINCIPAL SHARED PATH PLANTING AND GREENING DESIGN

File Ref: SUB/2798
Attachments: 10.1.4(a) PSP Greening Plan with Locations of trees removed [under separate cover]
10.1.4(b) PSP Greening Masterplan - feedback responses
[CONFIDENTIAL] [UNDER SEPARATE COVER]
Responsible Officer: Shaun Kan, Manager, Engineering Services
Author: Adeline Morrissey, Environmental Projects Officer
Author Disclosure of Interest: Nil

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue “the designers are known to me.”

SUMMARY

Approximately thirty trees including declared weeds were removed during the construction of the Curtin Avenue Principal Shared Path (PSP). Main Roads Western Australia and the Town of Cottesloe co-contributed \$120,000 for areas adjacent to the new cycle facility to be landscaped.

Council is asked to consider the attached landscape design for implementation.

BACKGROUND

The attached Greening Masterplan has been created by Josh Byrne & Associates that incorporated community feedback through an online survey in December 2019.

A total of 60 new 150 litre native trees of varying species will be planted in winter 2020, the first stage of the revegetation project along the PSP. Infill planting in the form of tubestock will be carried out over the next few planting seasons starting in winter 2021.

STRATEGIC IMPLICATIONS

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

Priority Area 5: Providing sustainable infrastructure and community amenities

Major Strategy 3.3: Improve dune conservation outside the central foreshore zone (implement NAMP).

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

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

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

STAFFING IMPLICATIONS

Town staff will be involved in planting the 60 large species and contractors will be used to plant tubestock.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The perceived sustainability implications arising from the officer's recommendation include increased tree canopy, shade, habitat and amenity along the new PSP.

CONSULTATION

Community feedback was sought through an online survey in December 2019.

Cottesloe Coastcare were consulted and recommends using tubestock for best revegetation success and can provide information to compare success of different sizes of trees planted.

OFFICER COMMENT

That stage one planting works along the PSP will occur during the winter of 2020 and includes the planting of 60 advanced native trees (150L) near the sites where the 30 trees were removed.

The numbers that will be planted in these locations are as follows:

- 12 trees between Grant and Eric Street;
- Eight trees between Eric and Napier Street;
- 18 trees near the Cottesloe Train Station;
- Two trees along Jarrad Street between Curtin Avenue and the railway crossing;
- Four trees between Jarrad and Salvado Street;
- 10 trees between Salvado and Victoria Street; and
- Six trees at Victoria Train station.

Infill with up to 4,000 tubestock (native tree and shrub species) will be planted in winter 2021 at entrance points to Cottesloe such as train stations, and spaced along the PSP to create a continuous shade canopy with more of an open woodlands effect. This will continue over subsequent years through the Town's planting program.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Harkins

Seconded Cr Sadler

THAT Council:

- 1. APPROVES the attached Josh Byrne & Associates Landscaping Masterplan for the Curtin Avenue Principal Shared Path;**
- 2. THANKS and recognises Main Roads Western Australia and the Department of Transport for their landscaping funding contribution;**
- 3. THANKS the community through the Town's media sources for their feedback;**
- 4. NOTES that 60 mature native trees (150L) will be planted near the locations where the 30 trees were removed along the PSP as indicated within the officers comment in winter 2020; and**
- 5. NOTES that infill with native tree and shrub tubestocks along the PSP and particularly at entrance points to Cottesloe will occur in subsequent years starting in 2021 through the Town's annual planting program.**

Carried 8/1

FINANCE**10.1.5 GROVE LIBRARY OPERATING BUDGET AND CONTRIBUTION 2020/21****File Ref:** SUB/2798

Attachments: 10.1.5(a) Library Management Committee April 2020 Meeting Agenda [under separate cover]
10.1.5(b) 2020-2021 COMMUNITY HISTORY DRAFT BUDGET [under separate cover]
10.1.5(c) 2020-2021 LIBRARY CAPEX [under separate cover]
10.1.5(d) 2020-2021 DRAFT LIBRARY BUDGET [under separate cover]
10.1.5(e) 2020-2021 DRAFT COMMUNITY CENTRE BUDGET [under separate cover]

Responsible Officer: Neil Hartley, Acting Chief Executive Officer**Author:** Shane Collie, Manager Corporate Services and Governance**Author Disclosure of Interest:** Nil

SUMMARY

This report proposed the endorsement of the Grove Library Operating Budget 2020/21 and the Town of Cottesloe 2020/21 financial contribution.

BACKGROUND

The Grove Library Management Committee met on Thursday 7 May 2020. The Management Committee is made up from representatives from the Town of Cottesloe, Town of Mosman Park and the Shire of Peppermint Grove. The Town's representative at that meeting was Cr Tucak. Also in attendance as observers were Mayor Angers, Acting Chief Executive Officer Neil Hartley and Manager Corporate Services and Governance Shane Collie.

An extract of the relevant section of the meeting Agenda is attached to assist with the background to the proposed 2020/21 budget. The meeting passed the following recommendation:

That the Towns of Mosman Park and Cottesloe

- *endorse the draft Grove Library, Community Centre and History unit operating budgets by 31 May and advise the Shire of Peppermint Grove accordingly,*
- *endorse waiving of the MOU charge for the Westcoast Community Centre and the lease fee for Chapter 1 café to 31 December to reflect the impact of COVID 19 on their operations,*
- *Endorse the schedule of fees and charges with no change other than to show the Westcoast Community Centre fee for 20/21 to be \$4,500, and*
- *Endorse the Capital Works Program for \$117,000, subject to further information being provided on the \$72,000 allocated to asset management plan projects.*

This resolution is now placed before Council and is recommended for adoption, the result being that the Town's contribution to the Grove Library for 2020/21 will be set. The full budget is attached for Council's information and scrutiny.

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

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

Major Strategy 1.11: Help families flourish and connect in Cottesloe.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

Resource requirements are proposed as part of the 2020/21 budget development.

The financial implications arising from the officer's recommendation are \$527,756 in net expenditure to be included as part of the 2020/21 Budget.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Town of Mosman Park and Shire of Peppermint Grove.

OFFICER COMMENT

The Town of Cottesloe is a key contributing partner to the Grove Library and other associated facilities in conjunction with the two other local governments. The joint facility is based on an agreement between the three contributing local governments with the Town of Cottesloe making a contribution of 42.23% of the costs of operating the facility. The capital budget is also accounted for in this Town's overall contribution based on the same percentage.

The key detail in the proposed budget is contained on page 6 of the agenda extract attached. A reduction in overall contribution from \$601,185 to \$527,756 is apparent. An amount of

\$73,429 and this has been factored into the Town of Cottesloe 2020/21 Draft Budget. The reasons for the reduction is primarily a reduction in wages as a result of staff restructuring. The Grove Library is now into its second decade of operating and the growth and development of the facility has subsequently slowed. As such the higher level of staff management is considered to be less of a requirement now which sees a drop in wages.

Assurances have been given that the drop in wages will not result in a drop in service level or hours open. A number of the Library functions have moved to an electronic platform also requiring less of a labour component and management expertise.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Angers

Seconded Cr Harben

THAT Council:

- 1. ENDORSES the draft 2020/21 Grove Library, Community Centre and History unit operating budgets by 31 May and advise the Shire of Peppermint Grove accordingly,**
- 2. ENDORSES waiving of the MOU charge for the Westcoast Community Centre and the lease fee for Chapter 1 café to 31 December to reflect the impact of COVID 19 on their operations,**
- 3. ENDORSES the schedule of fees and charges with no change other than to show the Westcoast Community Centre fee for 2020/21 to be \$4,500, and**
- 4. ENDORSES the Capital Works Program for \$117,000, subject to further information being provided on the \$72,000 allocated to asset management plan projects.**

Carried 9/0

[En bloc]

10.1.6 NOTICE OF INTENTION TO LEVY DIFFERENTIAL RATES

File Ref: SUB/2798
Attachments: Nil
Responsible Officer: Shane Collie, Manager Corporate Services and Governance
Author: Wayne Richards, Finance Manager
Author Disclosure of Interest: Nil

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.6 by virtue "I'm a former member and Chair of the Procott Group."

Mayor Angers declared an IMPARTIALITY INTEREST in item 10.1.6 by virtue "I was a previous Procott President."

SUMMARY

Council is being asked to consider adopting a differential rating structure to allow for Local Public Notice to be given of its intention to raise a differential rate for the 2020/21 financial year.

BACKGROUND

Council has historically funded the group known as ProCott, through the imposition of a differential rate on commercial properties in the Cottesloe Town Centre. ProCott, through an agreement with the Town are required to submit plans on how these funds will be used in the development and promotion of commercial activity within the Town Centre. To date, no other differential rate has been charged.

With the current Covid-19 pandemic it is proposed that the Town does not increase its rates revenue from 2019-20. The budgeted rates in 2019-20 was approximately \$10,602,000 plus the annualised amount of interim rates which equates to approximately \$219,000 coming to a total of \$10,821,000. The three yearly revaluation has been received by the Valuer General and takes effect 1 July 2020 therefore the Town has had to change its rates in the dollar to achieve a no rates revenue increase. It is proposed that the minimum rate of \$1,161 stay the same.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.33 of the *Local Government Act 1995* provides the following in relation to differential rates.

6.33. Differential general rates

- (1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics -*
 - (a) *the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or*

- (b) a purpose for which the land is held or used as determined by the local government; or*
 - (c) whether or not the land is vacant land; or*
 - (d) any other characteristic or combination of characteristics prescribed.*
- (2) Regulations may -*
 - (a) specify the characteristics under subsection (1) which a local government is to use; or*
 - (b) limit the characteristics under subsection (1) which a local government is permitted to use.*
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1) (a) applies.*
- (5) A differential general rate that a local government purported to impose under this Act before the Local Government Amendment Act 2009 section 39(1) (a) came into operation 1 is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.*

Section 6.36 of the *Local Government Act 1995* provides for the requirement to advertise the intention to raise a differential rate.

6.36. Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6) (c) a local government is to give local public notice of its intention to do so.*
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*
- (3) A notice referred to in subsection (1) -*
 - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency; and*
 - (b) is to contain -*
 - (i) details of each rate or minimum payment the local government intends to impose; and*

- (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*
 - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;*
- and*
- (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*
- (5) Where a local government -*
 - (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or*
 - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),**it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.*

Section 6.35 of the *Local Government Act 1995* provides the following in relation to minimum payments.

6.35. Minimum payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than -*
 - (a) 50% of the total number of separately rated properties in the district;*
 - or*
 - (b) 50% of the number of properties in each category referred to in subsection (6),**on which a minimum payment is imposed.*
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —*
 - (a) the number of separately rated properties in the district; or*

- (b) *the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.*
- (5) *If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.*
- (6) *For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories -*
 - (a) *to land rated on gross rental value; and*
 - (b) *to land rated on unimproved value; and*
 - (c) *to each differential rating category where a differential general rate is imposed.*

The Local Government (Financial Management Regulations) 1996 states:

52A. Characteristics prescribed for differential general rates (Act s. 6.33)

- (1) *In this regulation -*
 - commencement day** *means the day on which the Local Government (Financial Management) Amendment Regulations (No. 2) 2012 regulation 5 comes into operation 1;*
 - relevant district** *means a district that —*
 - (a) *is declared to be a district by an order made under section 2.1(1)(a) on or after commencement day; or*
 - (b) *has its boundaries changed by an order made under section 2.1(1)(b) on or after commencement day.*
- (2) *For the purposes of section 6.33(1)(d), the following characteristics are prescribed in relation to land in a relevant district, where not more than 5 years has elapsed since the district last became a relevant district —*
 - (a) *whether or not the land is situated in a townsite as defined in the Land Administration Act 1997 section 3(1);*
 - (b) *whether or not the land is situated in a particular part of the district of the local government.*

FINANCIAL IMPLICATIONS

The adoption of the indicative differential rate for advertising is a part of adopting the 2020/2021 budget, which has significant financial implications for the Town.

The rate in the dollar recommended for advertising represents a zero rate revenue increase.

Total income to be raised from the proposed differential rate for the Cottesloe Town Centre is \$110,248.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Senior Staff

Elected Members Budget Workshop One was held on 12 May 2020.

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.

POLICY IMPLICATIONS

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

OFFICER COMMENT**General Differential Rate**

This is in effect the rate that applies to most of the rateable properties in the Town of Cottesloe. The proposed rate in the dollar represents a zero increase in rate revenue from the 2019/2020.

Commercial Properties – Town Centre

This category comprises all rateable land in the Cottesloe Town Centre, that is zoned Commercial in the Town of Cottesloe Town Planning Scheme. This rate in the dollar represents the general rate, plus the rate that is levied on behalf of ProCott – who use the funds in agreement with the Town – to promote and improve commercial activity within the Town Centre.

The differential rate is levied under the provisions of 6.33(1) (a) of the *Local Government Act 1995*.

While Council is able to adopt the differential rate with modifications, it is generally accepted practice that the differential rate imposed should not be materially different from that which was advertised.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Young

Seconded Cr Barrett

THAT Council ADVERTISE its intention to raise the following differential general rates and minimum rates for the 2020/21 financial year:

- 1. Differential General Rate (GRV) – Rate in the dollar being 0.0686 with a minimum rate of \$1,161.00.**

Differential Rate – Town Centre Commercial (GRV) – Rate in the dollar being 0.0795 with a minimum rate of \$1,161.00.

Carried 9/0

10.1.7 ROADS TO RECOVERY BUDGET AMENDMENT

File Ref: SUB/2798
Attachments: Nil
Responsible Officer: Neil Hartley, Acting Chief Executive Officer
Author: Shaun Kan, Manager, Engineering Services
Author Disclosure of Interest: Nil

SUMMARY

Council is asked to consider a budget amendment from cost savings within the Roads to Recovery Program to fund an additional road resurfacing project at the intersection of North Street and Lyons Street.

BACKGROUND

A total of \$108,000 in road resurfacing projects funded through a combination of Roads to Recovery and municipal funds were approved in the 2019/2020 budget. These works have now been completed below the allocated budget.

A budget amendment is required to fund another project this financial year to ensure the Town's road related expenditure is achieved to ensure the compliance with the Federal Government's Roads to Recovery contribution scheme.

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.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

The following provides a summary of the budget amendment from current project cost savings to the new works proposed:

Account Number	Project Location	Current Budget	Revised Budget
40.1034.2	Burt Street (Railway Street to Dalgety Street)	\$31,000.00	\$29,386.00
40.1012.2	Avonmore Terrace (Deane Street to Pearse Street)	\$30,000.00	\$25,267.00

40.1030.2	Beach Street and Broome Street Intersection	\$17,000.00	\$12,403.00
New Project	North Street and Lyon Street Intersection	\$0.00	\$10,944.00
Total Allocations		\$78,000.00	\$78,000.00

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Staff

Elected Representatives

OFFICER COMMENT

The budget amendments would be required to fund the additional asphalt resurfacing Project through the Roads to Recovery Program and municipal funds cost savings to ensure that the Town meets the Federal Government's contribution scheme requirements. The failure to meet the expenditure criteria will result in the Town having to return the monies provided to the Australian Government.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Angers Seconded Cr Harben

THAT Council APPROVES by Absolute Majority:

1. The additional New Road Construction Project – North Street and Lyons Street Intersection resurfacing with a budget of \$10,944;
2. The budget amendment of the current project 40.1034.2 – Burt Street (railway Street to Dalgety Street) from \$31,000 to \$29,386 (reduction of \$1614);
3. The budget amendment of the current project 40.1012.2 – Avonmore Terrace from \$30,000 to \$25,267 (reduction of \$4,733); and
4. The budget amendment of the current project 40.1030.2 – Beach Street and Broome Street Intersection from \$17,000 to \$12,403 (reduction of \$4,597).

Carried 9/0
[En bloc]

10.1.8 FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2019 TO 30 APRIL 2020

File Ref: SUB/2798
Attachments: 10.1.8(a) Monthly Financial Statements for the period 1 July 2019 to 30 April 2020 [under separate cover]
Responsible Officer: Neil Hartley, Acting Chief Executive Officer
Author: Wayne Richards, Finance Manager
Author Disclosure of Interest: Nil

SUMMARY

It is a requirement of the *Local Government Act 1995* that monthly and quarterly financial statements are presented to Council, in order to allow for proper control of the Town's finances and ensure that income and expenditure are compared to budget forecasts.

The attached financial statements and supporting information are presented for the consideration of Elected Members. Council staff welcomes enquiries in regard to the information contained within these reports.

BACKGROUND

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

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

STRATEGIC IMPLICATIONS

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.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation. Whilst the recent COVID-19 pandemic has had an effect on Council's operations, it has only had a minor financial impact on the Town to date. There have been refunds to customers for venue hire and also some cancelled events.

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

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Senior staff

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 2020 was \$3,257,700 as compared to \$2,304,609 this time last year. This is due to a range of factors including, but not limited to, year to date capital expenditure being less than anticipated.
- Rates receivables at 30 April 2020 stood at \$482,345 as shown on page 25 of the attached Financial Statements.
- Operating revenue is more than year to date budget by \$141,611 with a more detailed explanation of material variances provided on page 21 of the attached Financial Statements. Operating expenditure is \$558,126 less than revised year to date budget with a more detailed analysis of material variances provided on page 21.
- The Capital Works Program is shown in detail on pages 33 to 36.
- The balance of cash backed reserves was \$9,840,608 as at 30 April 2020 as shown in note 7 on page 27 of the monthly financial statements.

List of Accounts for April 2020

The List of Accounts paid during April 2020 is shown on pages 37 to 45 of the attached Financial Statements. The following significant payments are brought to Council's attention:

- \$27,129.19 to the Australian Taxation Office for the monthly business activity statement.
- \$24,261.17 & \$23,134.73 to Superchoice Services Pty Ltd for superannuation contributions.
- \$58,072.43 to Rico Enterprises Pty Ltd for waste collection and removal services.

- \$174,540.33 to Solutions 4 Building Pty Ltd for constructions cost of the new depot facility.
- \$113,034.27, \$109,803.75 & \$108,182.96 to the Town of Cottesloe staff for fortnightly payrolls.

Investments and Loans

Cash and investments are shown in note 4 on page 23 of the attached Financial Statements. The Town has approximately 56% of funds invested with National Australia Bank, 25% with Commonwealth Bank of Australia and 19% with Westpac Banking Corporation. A balance of \$9,840,608 was held in reserve funds as at 30 April 2020.

Information on borrowings is shown in note 10 on page 30 of the attached Financial Statements and shows Council had total principal outstanding of \$3,466,866 as at 30 April 2020.

Rates, Sundry Debtors and Other Receivables

Rates revenue information is shown in note 9 on page 29 of the attached Financial Statements. Rates outstanding are shown on note 6 on page 25 and show a balance of \$482,345 as compared to \$422,268 this time last year.

Sundry debtors are shown on note 6, page 25 of the attached Financial Statements. The sundry debtors show that 16% or \$13,189 is older than 90 days. Infringement debtors are shown on note 6 page 26 and stood at \$462,245 as at 30 April 2020.

Budget Amendments

The budget amendments are listed on pages 12, 13 and 24 of the Financial Statements.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Angers

Seconded Cr Harben

THAT Council RECEIVES the Financial Statements for the period 1 July 2019 to 30 April 2020 as submitted to the 26 May 2020 meeting of Council.

**Carried 9/0
[En bloc]**

10.1.9 BAD DEBT WRITE OFF FOR INFRINGEMENT DEBTORS

File Ref: SUB/2798
Attachments: Nil
Responsible Officer: Neil Hartley, Acting Chief Executive Officer
Author: Wayne Richards, Finance Manager
Author Disclosure of Interest: Nil

SUMMARY

A recommendation is made to write off \$608.55 of a bad debt. It is also proposed that the delegated authority to waive, grant concessions or write off individual debts be increased from the current value of \$500 to \$1000.

BACKGROUND

The Chief Executive Officer has delegated authority to write off amounts up to \$500.00 however the debt listed below exceeds the delegated authority. The debt recommended for write off is summarised as follows:

Amount (as at 30 April 2020)	Description	Comment
\$608.55	Infringement number 3442 - Issued on 14-02-2019 for causing damage to Council property (tree)	This debt is older than one year from issue date and cannot be forwarded to Fines Enforcement Registry.

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.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

6.12 Power to defer, grant discounts, waive or write off debts

- (1) *Subject to subsection (2) and any other written law, a local government may -*
- (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) *wave or grant concessions in relation to any amount of money; or*

(c) *write off any amount of money, which is owed to the local government.*

** Absolute majority required.*

(2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*

(3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*

FINANCIAL IMPLICATIONS

The total value of the debt to be written off is \$608.55. This amount is not considered as significant in the context of the overall Budget.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Nil

OFFICER COMMENT

The debt is being recommended for write off as it is highly unlikely that it will be able to be recovered. All reasonable Recovery action has been undertaken to recover the debt, however it is now not economical to pursue with the additional costs that the Town would incur in seeking to recover the debt greater than the debt itself. Having such debts shown on the Town's financial records after it is known that they will not be recovered is not in keeping with accounting standards.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Young

Seconded Cr Sadler

1. **THAT Council by absolute majority write off the debt as presented, representing a total of \$608.55 as at 30 April 2020.**
2. **THAT Council by absolute majority increase the delegated authority "1.15 Waive, Grant Concessions or Write Off Individual Debts" from the existing \$500 limit to \$1000.**

Carried by Absolute Majority 9/0

EXECUTIVE SERVICES**10.1.10 NATIONAL REDRESS SCHEME**

File Ref: SUB/2798
Attachments: Nil
Responsible Officer: Neil Hartley, Acting Chief Executive Officer
Author: Neil Hartley, Acting Chief Executive Officer
Author Disclosure of Interest: Nil

SUMMARY

This item is for the Town of Cottesloe to:

- Note the background information and the WA Government's decision in relation to the National Redress Scheme;
- Note the key considerations and administrative arrangements for the Town of Cottesloe to participate in the National Redress Scheme;
- Formally endorse the Town of Cottesloe's participation as part of the WA Government's declaration in the National Redress Scheme; and
- Grant authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received.

BACKGROUND

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission's recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector and the Town of Cottesloe) will be required to consider leading practice approaches to child safeguarding separately in the future.

National Redress Scheme

The Royal Commission's Redress and Civil Litigation (September 2015) Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.

The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.

Under the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth), local governments may be considered a State Government institution.

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

DETAILS

Following extensive consultation, the State Government (December 2019):

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;
- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;

- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the State Records Act 2000); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the Town of Cottesloe's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the Town of Cottesloe formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

The Town of Cottesloe will not be included in the State's amended declaration, unless it formally decides to be included.

The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

The option also exists for the Town of Cottesloe to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

Should the Town of Cottesloe formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the Town of Cottesloe include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State's coverage of costs and administrative support, with the Town of Cottesloe having full responsibility and liability for any potential claim.
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the Town of Cottesloe.

Considerations for the Town of Cottesloe

Detailed below is a list of considerations for the Town of Cottesloe to participate in the Scheme:

1. Executing a Service Agreement

All Royal Commission information is confidential, and it is not known if the Town of Cottesloe will receive a Redress application. A Service Agreement will only be executed if the Town of Cottesloe receives a Redress application.

Town of Cottesloe needs to give authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

2. Reporting to Council if / when an application is received

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

3. Application Processing / Staffing and Confidentiality

Administratively the Town of Cottesloe will determine:

- Which position(s) will be responsible for receiving applications and responding to Requests for Information;

- Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements.

4. Record Keeping

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the *State Records Act 2000 (the Act)* to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The Town of Cottesloe's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in the Act.

5. Redress Decisions

The Town of Cottesloe should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Town of Cottesloe do not have any influence on the decision made and there is no right of appeal.

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.

In agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

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

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

The State's decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

STAFFING IMPLICATIONS

It is expected that a Senior Officer within the Town will receive and respond to any applications received.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;

- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- Webinars to local governments, predominately in regional and remote areas;
- Presentations at 12 WALGA Zone and Local Government Professional WA meetings;
- Responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations local governments were most commonly concerned about the:

- potential cost of Redress payments;
- availability of historical information;
- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.
2. WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.

The State's decision, in particular to cover the costs / payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above.

OFFICER COMMENT

WALGA have taken a lead role in this program and have secured an arrangement that can comfortably be accommodated by Cottesloe. Whilst it is hoped that no claims will ever

eventuate, if they do, the Town will have a process for dealing with them that is consistent with every other participating WA local government.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Angers

Seconded Cr Harben

THAT Council:

- 1. NOTES the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;**
- 2. ENDORSES the participation of the Town of Cottesloe in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;**
- 3. GRANTS authority to the Mayor and the CEO to execute a service agreement with the State, (and apply the Town's Common Seal if required) if a Redress application is received.**

**Carried 9/0
[En bloc]**

10.2 RECEIPT OF COMMITTEE MINUTES

Nil

10.3 REPORTS OF COMMITTEES

Nil

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 COUNCILLOR MOTION - ALFRESCO DINING LICENSING MODIFICATIONS**

Mayor Angers declared an IMPARTIALITY INTEREST in item 11.1 by virtue "My wife, two partners and myself own a toy shop in Station Street but I don't believe this motion affects this type of business."

The following motion has been proposed by Cr Sadler.

COUNCILLOR MOTION**Moved Cr Sadler****Seconded Cr Harkins**

THAT in order to facilitate economic development following the COVID-19 Health Emergency Shut-Down, Council:

1. Delegates to the Chief Executive Officer, authority to implement as a matter of urgency, a short term modified alfresco dining licensing program (at no additional charge to licence holders) which allows local cafes and restaurants to apply for a temporary floor space expansion of their existing operations onto adjacent or nearby Town of Cottesloe controlled land.
2. ENDORSES that the program gives restaurants and cafes permission (subject to meeting other CEO approvals) to occupy up to two further adjacent cars bays OR footpaths in addition to those in front of their premises.
3. REQUESTS that licences issued under the short term modified alfresco dining licensing program expire on the 30th of November 2020
4. NOTES that the program does not grant a restaurant or café permission to have more patrons than their existing license allows.
5. NOTES that it be listed for Council's 2020/21 fees and charges decision, that any fees and charges for existing alfresco are reduced on a pro rata basis according to social distancing restrictions.
6. REQUESTS that no licence shall be issued under the program in respect of businesses in the residential zones unless the CEO is satisfied, after consultation with affected neighbours, that such licence will not have a significantly detrimental impact on residential amenity.

COUNCILLOR AMENDMENT**Moved Cr Young****Seconded Mayor Angers**

THAT in order to facilitate economic development following the COVID-19 Health Emergency Shut-Down, Council:

1. **DELEGATES to the Chief Executive Officer, authority to implement as a matter of urgency, a short term modified alfresco dining licensing program (at no additional charge to licence holders) which allows local cafes and restaurants to apply for a temporary floor space expansion of their existing operations onto adjacent or nearby Town of Cottesloe controlled land;**

2. REQUESTS that licences issued under the short term modified alfresco dining licensing program shall be expressed to expire on the 30th September 2020;
3. NOTES that the program does not grant a restaurant or café permission to have more patrons than their existing licence allows.
4. NOTES that it be listed for Council's 2020/21 fees and charges decision, that any fees and charges for existing alfresco are reduced on a pro rata basis according to social distancing restrictions.
5. REQUESTS that no licence shall be issued under the program in respect of businesses in the residential zones unless the CEO is satisfied, after consultation with affected neighbours, that such licence will not have a significantly detrimental impact on residential amenity.

Carried 6/3

For: Mayor Angers, Crs Young, Harben, Masarei, Tucak and Barrett

Against: Crs Sadler, Harkins and MacFarlane

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

THAT in order to facilitate economic development following the COVID-19 Health Emergency Shut-Down, Council:

1. DELEGATES to the Chief Executive Officer, authority to implement as a matter of urgency, a short term modified alfresco dining licensing program (at no additional charge to licence holders) which allows local cafes and restaurants to apply for a temporary floor space expansion of their existing operations onto adjacent or nearby Town of Cottesloe controlled land;
2. REQUESTS that licences issued under the short term modified alfresco dining licensing program shall be expressed to expire on the 30th September 2020;
3. NOTES that the program does not grant a restaurant or café permission to have more patrons than their existing licence allows.
4. NOTES that it be listed for Council's 2020/21 fees and charges decision, that any fees and charges for existing alfresco are reduced on a pro rata basis according to social distancing restrictions.
5. REQUESTS that no licence shall be issued under the program in respect of businesses in the residential zones unless the CEO is satisfied, after consultation with affected neighbours, that such licence will not have a significantly detrimental impact on residential amenity.

Carried 9/0

COUNCILLOR RATIONALE

1. The financial impact of the COVID-19 Health Emergency Shut-Down has been grave for most cafes and restaurants.
2. The need to physically distances ourselves is with us for the foreseeable future irrespective of any legislation.

3. Legislation will require patrons to have 4m² per person and currently a maximum of twenty patrons per premises.
4. As numbers are relaxed, even greater space will be needed for patrons to be accommodated safely. It is safer being outdoors than indoors when in company of others for prolonged periods.
5. Many premises will not be viable to open unless they have access to additional space during the COVID-19 pandemic.
6. Cafes and restaurants are lynch-pin businesses that attract people to our retail areas, supporting other businesses as shoppers then go to multiple retail outlets along with dining.
7. Providing temporary additional space on footpaths and car-bays will maximise the chance that these businesses will remain viable. They are a part of the fabric of our community.
8. Issues of safety, licensing and compliance need addressing, but are not fatal flaws that would prevent us implementing these measures in extraordinary times.
9. The Premier has asked Local Governments to provide support and flexibility in this aspect of the opening up of the economy.

OFFICER COMMENT

COVID-19 restrictions which have been put in place at both a State and Federal level to manage the spread of COVID-19 have resulted in restaurant style businesses not being able to operate in their normal manner.

On 25 March 2020 the Minister for Planning wrote to all local governments requesting they *“use their discretionary powers and planning processes to both promote development and support businesses during this uncertain time.”*

In order to support the operation of businesses in-line with the Minister’s request, Council is being asked to consider allowing cafes and restaurants to apply for a temporary floor space expansion of their existing operation, onto adjacent/nearby Town of Cottesloe controlled land, without the requirement for development approval pursuant to schedule 2 clause 78 (h) of the Planning and Development (Local Planning Schemes) Regulations 2015.

Should Council support the proposal the following additional provisions are anticipated to follow. For example:

1. Taking into account social distancing requirements, any approved temporary floor space extension will expire 30 days after the current state of emergency declared for Western Australia has ended or the State Government increases the number of patrons to above the level the venue can normally accommodate, or earlier if a Council review decides.
2. The estimated maximum number of patrons that a car bay could accommodate, adhering to social distancing requirements is thought to be about three patrons.
3. Inclusive of the additional floor space provision, maximum premises patron numbers will not exceed the maximum COVID-19 allowable number for restaurants/cafes as set by the state government.

4. As the proposal is for there to be no additional financial charge for the license or the utilised land area, Council will not need to accommodate the interim fee introduction measures of the Local Government Act 1995, however for clarity, the fee schedule within the budget will be modified by adding an additional fee type “*\$pro-rata social distancing fee for “COVID-19 Parklets/Alfresco Areas”* (this will be a lower square metre fee, consistent with the ratio of the current fee to actual number of seats/square metre at the time). *Note: approximately \$60,000pa is raised through these type of fees “pre-COVID19”.*
5. Existing businesses that have been paying annual costs for outdoor dining will have their licenses extended by the same period that any free license period or COVID-19 Parklets/Alfresco Areas is in place (although for accounting purposes as part of the end of financial year accounts, it is likely to be more appropriate to offer credits for the relevant balance, which can then be used to reduce future licence fee charges).

An outdoor dining application will need to be created to assist with the application assessment process.

The application will ensure proprietors have pre-considered relevant health and safety requirements prior to lodging their submission with the Town. A number of considerations are required as part of any application, including:

1. Appropriate public liability insurance being maintained by the application, to protect the Town in the event of an incident;
2. Suitable car bay safety barriers being in place to protect patrons from vehicles (specifications will vary depending on speed limits in the area but shall comply with the traffic safety requirements specified in the relevant Main Roads Western Australia Code of Practice);
3. Appropriate safety set-backs between restaurant/cafe patron seating and the vehicle carriageway;
4. Limitations on number and type of infrastructure within the extended areas (e.g. heaters, umbrellas, signage, etc.);
5. Any unsafe motor vehicle “line of sight” issues created by infrastructure within the extended area;
6. Suitable patron accessibility (minimum 1.2m);
7. Liquor licensing requirements;
8. Compliance with relevant health legislation and local laws;
9. Locations that are simply not suitable (e.g. speed limits too high, footpaths too narrow, insufficient existing parking in the area; inconsistent zoning; etc); and
10. The requirement for all businesses to develop their State government required COVID-safety plan; and to have all staff complete the necessary hospitality hygiene training prior to re-opening.

Each application will of course, need to be considered on its merits prior to issuing any approval.

11.2 COUNCILLOR MOTION - MILLERS COURT VERGE TREE AMENDMENT

The following motion has been proposed by Cr Harkins.

COUNCILLOR MOTION

Moved Cr Harkins

Seconded Cr Barrett

THAT Council:

1. APPROVES the amendment of the verge tree species along Millers Court, outside the Flour Mill Apartment building within the Street Tree Masterplan from a Chinese Elm to a Chinese Tallow.
2. NOTES that subject to Point One:
 - a. two Chinese Tallow trees will be planted to replace the two previously removed lemon trees that were assessed to be no longer thriving within the vicinity of the Flour Mill Apartment; and
 - b. the planting of these replacement trees will occur from the 2020 planting season pending on the availability of suitable stock.

COUNCILLOR AMENDMENT

Moved Cr Tucak

No Seconder, Lapsed

At the end of point 1 add the words 'subject to consultation with residents in Millers Court'.

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

THAT Council:

1. APPROVES the amendment of the verge tree species along Millers Court, outside the Flour Mill Apartment building within the Street Tree Masterplan from a Chinese Elm to a Chinese Tallow.
2. NOTES that subject to Point One:
 - a. two Chinese Tallow trees will be planted to replace the two previously removed lemon trees that were assessed to be no longer thriving within the vicinity of the Flour Mill Apartment; and
 - b. the planting of these replacement trees will occur with timing to be determined by the Administration and pending the availability of suitable stock.

Carried 7/2

COUNCILLOR RATIONALE

- Prior to Christmas two lemon trees were showing signs of failing to thrive and following confirmation from an assessment were removed from the verge adjacent to the Flour Mill Apartment Building;

- The designated street tree for Millers Court is the Chinese Elm (*Ulma Parvifolia*);
- This species of tree has a growth pattern of 10 to 18 metres tall and 15 to 20 metres wide that would not be suitable for narrow verges;
- The verge adjacent to the heritage Flour Mill verge is only 2.8 metres wide and would not be sufficient to accommodate the required 1.5 metres clearance to minimise the risk of damage to the northern exterior wall should the Chinese Elm be planted;
- The Council of Owners from the Flour Mill is also concerned of the longer term detrimental effects that the roots of a tree of this scale (Chinese Elm) would do to the foundations of the building;
- The constant pruning required to only one side of the tree could also result in an imbalanced canopy not ideal for the long term development of the Chinese Elm;
- It would be prudent to note that Millers Court current streetscape has no Chinese Elms and only consists of other numerous species such as six Lemon trees, three various Fruit trees, three large deciduous trees (variety not known) and one New Zealand Bottlebrush evergreen tree;
- The Administration has previously planted Chinese Tallows in narrow verges along Burt St and Albion St, and as such this species will be very suited to Millers Court;
- There are also currently 3 healthy Chinese Tallow Trees on the western verge in the adjacent Charles Street; and
- In conclusion, the amendment of the approved verge tree species to Chinese Tallows is justified by:
- Mitigation of property damage to the Flour Mill Apartments and surrounding road infrastructure caused by the significantly larger Chinese Elm tree species; and
- The Town being aware of the risk will be liable for costly structural repairs when this damage does occur.

OFFICER COMMENT

The Administration is supportive of the proposed street tree amendment as the change is consistent with the Street Tree Policy. It is a scientific fact rather than a perceived problem (mentioned in the street tree policy) that the Chinese Elm when grown to it's full size will cause damage to the Flour Mill Apartment. The modification will avoid any costly repairs that the Town will be liable for when such damages occur.

Should Council wish to undertake any form of consultation on the proposed change, it is recommended that a resolution allowing the Administration to make an appropriate decision based on the feedback received be incorporated. Alternatively, the matter can be brought back to Council in June 2020 should elected members wish to deliberate the merits of the submissions obtained before deciding.

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

MOTION FOR BEHIND CLOSED DOORS

Moved Mayor Angers Seconded Cr Young

That, in accordance with Standing Orders 15.10, Council discuss the confidential reports behind closed doors.

Carried 9/0

The meeting was closed to the public at 7:47pm, however no members of the public or media were in attendance.

Cr Sadler left the meeting at 7:47pm.

COUNCILLOR MOTION

Moved Cr Young Seconded Mayor Angers

That the meeting be adjourned for five minutes.

Carried 8/0

The meeting was adjourned at 7:47pm.

The meeting was resumed at 7:57pm.

13.1.1 LOT 8 (16) NORTH STREET - CHANGE AND EXTENSION TO NON-CONFORMING USE FOR NORTH STREET STORE - REVISED DOCUMENTATION AND PLANS RELATING TO AN APPEAL WITH THE STATE ADMINISTRATIVE TRIBUNAL (SAT)

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.

File Ref:	SUB/2792
Applicant(s) Proponents:	Altus Planning
Attachments:	<p>13.1.1(a) Final Planning submission for NSS to ToC - Without Prejudice [CONFIDENTIAL] [UNDER SEPARATE COVER]</p> <p>13.1.1(b) Plans 2020.03.30 - NSS Alterations - DA Revised (2) [CONFIDENTIAL] [UNDER SEPARATE COVER]</p> <p>13.1.1(c) Noise Assessment 19085137-02a [CONFIDENTIAL] [UNDER SEPARATE COVER]</p> <p>13.1.1(d) Transport Impact Statement [CONFIDENTIAL] [UNDER SEPARATE COVER]</p> <p>13.1.1(e) Parking Management Plan [CONFIDENTIAL] [UNDER SEPARATE COVER]</p> <p>13.1.1(f) Photos [CONFIDENTIAL] [UNDER SEPARATE COVER]</p> <p>13.1.1(g) Delivery vehicles and frequency - NSS October [CONFIDENTIAL] [UNDER SEPARATE COVER]</p> <p>13.1.1(h) Landscape Planting Concept_RevB [CONFIDENTIAL] [UNDER SEPARATE COVER]</p> <p>13.1.1(i) Management Strategies (April 2020) [CONFIDENTIAL] [UNDER SEPARATE COVER]</p> <p>13.1.1(j) 2003 Minutes [CONFIDENTIAL] [UNDER SEPARATE COVER]</p> <p>13.1.1(k) Tabled Directions Sought (version #2) [CONFIDENTIAL] [UNDER SEPARATE COVER]</p>
Responsible Officer:	Neil Hartley, Acting Chief Executive Officer
Author:	Ed Drewett, Coordinator Statutory Planning
Author Disclosure of Interest:	Nil

Cr Sadler declared a FINANCIAL INTEREST in item 13.1.1 by virtue “my son has worked at North Street Store since it opened.”

Cr Sadler left the meeting at 7:47pm.

Cr Tucak declared an IMPARTIALITY INTEREST in item 13.1.1 by virtue “the Applicants and their representatives are known to me separate from my role on Council.”

COUNCILLOR MOTION**Moved Cr Barrett****Seconded Cr Harben**

That Council NOTES the tabled document titled “Directions Sought (version #2)” and AGREES with the directions as outlined in that tabled document.”

Carried 6/2

CEO NOTE: Tabled Directions Sought (version #2) [CONFIDENTIAL] [UNDER SEPARATE COVER] has been saved in the town’s records management system (Trim ID D20/19321)

MOTION FOR RETURN FROM BEHIND CLOSED DOORS**Moved Cr Young****Seconded Mayor Angers**

In accordance with Standing Orders 15.10 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 8/0

The meeting was re-opened to the public at 9:32pm, however no members of the public or media were in attendance.

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

13.1.1 LOT 8 (16) NORTH STREET - CHANGE AND EXTENSION TO NON-CONFORMING USE FOR NORTH STREET STORE - REVISED DOCUMENTATION AND PLANS RELATING TO AN APPEAL WITH THE STATE ADMINISTRATIVE TRIBUNAL (SAT)

As no members of the public returned to the meeting the resolution for item 13.1.1 was not read out.

14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 9:32pm.