TOWN OF COTTESLOE

ORDINARY COUNCIL MEETING

AGENDA

ORDINARY COUNCIL MEETING
TO BE HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6:00 PM Tuesday, 27 October 2026

Town of Cottesloe

ORDINARY COUNCIL MEETING

Notice is hereby given that the next Ordinary Council Meeting will be held in the Council Chambers, Cottesloe Civic Centre 109 Broome Street, Cottesloe on **27 October 2026** commencing at **6:00 PM**.

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

Yours faithfully,



Mark Newman
Chief Executive Officer

23 October 2026

DISCLAIMER

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

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

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

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

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

Town of Cottesloe

DISCLOSURE OF INTERESTS

Agenda Forum ☐ *Ordinary Council Meeting* ☐ *Special Council Meeting* ☐

Name of Person Declaring an interest

Position *Date of Meeting*

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

INTEREST DISCLOSED

Item No *Item Title*

Nature of Interest

Type of Interest *Financial* ☐ *Proximity* ☐ *Impartiality* ☐

INTEREST DISCLOSED

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INTEREST DISCLOSED

Item No *Item Title*

Nature of Interest

Type of Interest *Financial* ☐ *Proximity* ☐ *Impartiality* ☐

DECLARATION

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

DISCLOSURE OF INTERESTS

Notes for Your Guidance

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

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

a. In a written notice given to the Chief Executive Officer before the Meeting or;

b. At the Meeting immediately before the matter is discussed.

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

a. Preside at the part of the Meeting relating to the matter or;

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

INTERESTS AFFECTING FINANCIAL INTEREST

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

1. A Financial Interest, pursuant to *s. 5.60A or 5.61 of the Local Government Act 1995,* requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are expectations in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.

2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e sporting, social, religious etc, and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e, if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.

3. If an interest is shared in common with a significant number of electors and ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.

4. If in doubt declare.

5. As stated if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **must** be given when the matter arises in the Agenda, and immediately before the matter is discussed. Under *s. 5.65 of the Local Government Act 1995* failure to notify carries a penalty of $10 000 or imprisonment for 2 years.

6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:

   6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under *s.5.68(1)(b)(ii)* of the *Local Government Act 1995;* or

   6.2 Where the Minister allows the Councillor to participate under *s.5.69(3)* of the *Local Government Act 1995*, with or without conditions.

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

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

INTERESTS AFFECTING IMPARTIALITY

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

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

a. In a written notice given to the Chief Executive Officers before the Meeting or;

b. At the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY DISCLOSURE

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

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

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS	5
2	DISCLAIMER	5
3	ATTENDANCE	5
3.1	APOLOGIES	5
3.2	APPROVED LEAVE OF ABSENCE	5
3.3	APPLICATIONS FOR LEAVE OF ABSENCE	6
4	DECLARATION OF INTERESTS	6
5	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	6
6	PUBLIC QUESTION TIME	6
6.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	6
6.2	PUBLIC QUESTIONS	7
7	PUBLIC STATEMENT TIME	7
8	CONFIRMATION OF MINUTES	7
9	PRESENTATIONS	7
9.1	PETITIONS	7
9.2	PRESENTATIONS	7
9.3	DEPUTATIONS	7
10	REPORTS	8
10.1	REPORTS OF OFFICERS	8
	CORPORATE AND COMMUNITY SERVICES	9
10.1.1	LIST OF PAYMENTS 1 TO 30 SEPTEMBER 2026	9
10.1.2	FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 AUGUST 2026	12
10.1.3	CARRIED FORWARD WORKS FROM 2025/2026	15
	ENGINEERING SERVICES	21
10.1.4	INSTALLATION LOCALITY OF PUBLIC ART DONATION - "THE PASSAGE OF TIME"	21
	EXECUTIVE SERVICES	26
10.1.5	COUNCIL MEETING DATES 2027	26

10.1.6 REVIEW OF ELECTED MEMBER REPRESENTATION 30

10.1.7 REQUEST TO DELEGATE AUTHORITY UNDER BUSH FIRES ACT 1954 38

10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES 43

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 43

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:..... 43

12.1 ELECTED MEMBERS 43

12.2 OFFICERS..... 43

13 MEETING CLOSED TO PUBLIC..... 43

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED..... 43

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC 43

14 MEETING CLOSURE 43

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

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

2 DISCLAIMER

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

3 ATTENDANCE

Elected Members

Mayor Melissa Harkins
Deputy Mayor Sonja Heath
Cr Lorraine Young
Cr Helen Sadler
Cr Chilla Bulbeck
Cr Brad Wylynko
Cr Jeffrey Irvine
Cr Kirsty Barrett

Declaration of any Elected Members attending the meeting by electronic means.

Officers

Mr Mark Newman	Chief Executive Officer
Mrs Vicki Cobby	Director Corporate and Community Services
Mr Renuka Ismalage	A/Director Engineering Services
Mr Paul Neilson	A/Director Development and Regulatory Services
Ms Jacquelyne Pilkington	Governance and Executive Office Coordinator

3.1 APOLOGIES

3.2 APPROVED LEAVE OF ABSENCE

Cr Michael Thomas

3.3 APPLICATIONS FOR LEAVE OF ABSENCE

4 DECLARATION OF INTERESTS

5 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Presiding Member announced that the meeting is being livestreamed on the Town's website this evening and the recording will remain on the website and available to the public. Anyone attending the meeting, particularly if they are speaking, may be captured on the livestream recording.

6 PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Peter Rattigan – Cottesloe Resident

Q1. How many Development Approvals to demolish buildings on private property were granted by the Town from 1 January 2026 to 31 August 2026?

R1 This question is unclear as to whether it includes partial demolition.

- Nil. Most development applications do not require a separate application solely for demolition works.
- 11 Demolition Permits were issued by the Building Team.

Q2. In granting the Development approvals, did Council consider the removal of significant trees in any of the applications, and if so:

a. In how many instances?

R2a. As the Town does not have a formal definition of a "significant tree", this information is not recorded.

b. What criteria does Council use to determine whether a tree is a "significant tree"?

R2b. The Town does not have a formal definition or specific criteria for a "significant tree". However, the assessment of development applications includes consideration of existing trees and whether any should be retained or protected.

c. In how many instances was approval granted to remove a significant tree?

R2c. As the Town does not have a formal definition of a "significant tree", this information is not recorded.

Q3. How many significant trees were removed on private property in Cottesloe during the period 1 January 2026 to 31 August 2026?

R3. The Town does not maintain records of "significant trees" and therefore is unable to provide this information.

6.2 PUBLIC QUESTIONS

7 PUBLIC STATEMENT TIME

8 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held on Tuesday 22 September 2026 be confirmed as a true and accurate record.

9 PRESENTATIONS

9.1 PETITIONS

Procedure of Petitions – Local Government (Meetings Procedure) Local Law 2021, Clause 6.11

(3) The only question which shall be considered by the council on the presentation of any petition shall be:

a) that the petition shall be accepted;

b) that the petition shall not be accepted;

c) that the petition be accepted and referred to the CEO for consideration and report; or

d) that the petition be accepted and dealt with by the full council.

9.2 PRESENTATIONS

9.3 DEPUTATIONS

10 REPORTS

10.1 REPORTS OF OFFICERS

COUNCIL RESOLUTION

That Council adopts the following en-bloc Officer Recommendations contained in the Agenda for the Ordinary Meeting of Council 27 October 2026: ____, ____, ____, ____, ____, ____, ____

CORPORATE AND COMMUNITY SERVICES

10.1.1 LIST OF PAYMENTS 1 TO 30 SEPTEMBER 2026

Directorate:	**Corporate and Community Services**
Author(s):	**Sarah-Jane Watkins, Manager Finance**
Authoriser(s):	**Vicki Cobby, Director Corporate and Community Services**
File Reference:	**D26/110271**
Applicant(s):	**Internal**
Author Disclosure of Interest:	**Nil**

SUMMARY

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

OFFICER RECOMMENDATION IN BRIEF

That Council RECEIVES the List of Payments 1 to 30 September 2026.

BACKGROUND

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

OFFICER COMMENT

The list of payments made during September 2026 is included in the attachment and totals $2,430,309.38. This includes purchases made via electronic fund transfers, credit card payments, and direct debits.

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

- $484,980.03 to Roads 2000 Pty Ltd for the Low Cost Urban Road Safety project,
- $256,629.73 and $255,105.85 to the Town of Cottesloe staff for fortnightly payroll (includes ATO payments),
- $223,274.72 to WA Treasury Corporation for the Town's Loan 107 repayment – Capital repayment and Interest payment – 1 September 2026 to 30 November 2026,
- $181,440.05 to the Shire of Peppermint Grove for the quarterly Grove Library contributions,
- $170,852.00 to fund Procott Incorporated,

- $85,251.13 and $89,007.40 to The Trustee for Rico Family Trust for waste collection service charges,
- $49,547.75 and $49,485.15 to SuperChoice Services Pty Ltd for Superannuation Payments,
- $47,454.99 to Western Metropolitan Regional Council for waste disposal charges – 16 July 2026 to 15 August 2026,
- $41,407.80 to L G Software Solutions Pty Ltd for annual subscription fees – People and Culture software applications,
- $40,903.87 to Managed IT for IT services and licenses, and
- $26,378.13 to Technology One Ltd for annual subscription fees – TechnologyOne Spatial.

ATTACHMENTS

10.1.1(a) Monthly Payment Listing - September 2026 [under separate cover]

CONSULTATION

Internal

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 6.10

Local Government (Financial Management) Regulations 1996

Regulation 13

POLICY IMPLICATIONS

There are no perceived policy implications arising from the Officer's Recommendation.

STRATEGIC IMPLICATIONS

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

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

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

Presenting the list of payments in a public meeting carries an inherent risk that the information could be misused to facilitate fraudulent activity, including attempts to impersonate payees or solicit additional information. To mitigate this, payment descriptions are intentionally kept at a high level to ensure transparency while limiting detail available to potential bad actors. In addition, the Town employs rigorous internal processes to verify the legitimacy of any requests to update personal or financial information, particularly where the source is unconfirmed, further reducing the risk of fraudulent manipulation.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council RECEIVES the List of Payments 1 to 30 September 2026, as detailed in Attachment (a).

10.1.2 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 AUGUST 2026

Directorate:	**Corporate and Community Services**
Author(s):	**Gabriel Wani, Coordinator Finance**
	Vicki Cobby, Director Corporate and Community Services
Authoriser(s):	**Mark Newman, Chief Executive Officer**
File Reference:	**D26/117034**
Applicant(s):	**N/A**
Author Disclosure of Interest:	**Nil**

SUMMARY

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

OFFICER RECOMMENDATION IN BRIEF

Council is requested to receive the Financial Statements for the period ended 31 August 2026.

OFFICER COMMENT

The Financial Report presented to Council has been prepared in accordance with the requirements of the Local Government (Financial Management) Regulations 1996. Consistent with Regulation 34, **Attachment (a)** contains the Statement of Financial Activity, Statement of Financial Position and notes on net current assets information and material variances.

As the Town's year-end financial processes and external audit are yet to be finalised, the reported figures remain subject to amendment. The final audited financial position as at 30 June 2026 will be reflected in the Town's Annual Financial Statements and included in the Annual Report.

In another report being presented to Council this month, budget amendments are proposed to provide for the carry forward of projects and commitments not completed by 30 June 2026. These amendments, if approved, will be reflected in the financial report for the period ending 31 October 2026 and subsequent financial reports. Following completion of the Office of the Auditor General audit and finalisation of the 2025/26 Annual Financial Report, a further budget amendment may be presented to Council to adjust the opening balance to reflect the final audited surplus or deficit for 2025/26.

In accordance with Council's adopted materiality thresholds, variances exceeding both 15% and $25,000 have been identified in the Statement of Financial Activity by a blue triangle. An upward-pointing triangle indicates a variance that has a favourable impact on the operating result by increasing the surplus or reducing a deficit. A downward-pointing triangle indicates a variance that has an unfavourable impact on the operating result by reducing the surplus

or increasing a deficit. Please refer to Note 3 of **Attachment (a)** for the explanation of material variances.

ATTACHMENTS

10.1.2(a) Financial Report for period ending 31 August 2026 [under separate cover]

CONSULTATION

Internal

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 6.4

Local Government (Financial Management) Regulations 1996

Regulation 34

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

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

RESOURCE IMPLICATIONS

Cash flow remains healthy, with the receipt of the first rates instalment improving the Town's liquidity position as anticipated. Existing funding and operational capacity are sufficient to meet ongoing service delivery requirements and financial obligations, with resource requirements able to be accommodated within existing budget allocations.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

Compliance Risk - Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires that a monthly financial report be presented to Council within two months of the end of the relevant month. This report has been presented within the required timeframe. As the legislative obligation relates to the presentation of the report, failure to accept the report would not result in non-compliance with the Regulation.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council RECEIVES the Financial Statements for the period 1 July 2025 to 31 August 2026.

10.1.3 CARRIED FORWARD WORKS FROM 2025/2026

Directorate:	**Corporate and Community Services**
Author(s):	**Vicki Cobby, Director Corporate and Community Services**
Authoriser(s):	**Mark Newman, Chief Executive Officer**
File Reference:	**D26/114121**
Applicant(s):	
Author Disclosure of Interest:	**Nil**

SUMMARY

This report seeks Council approval for a series of budget amendments to recognise projects and commitments that were not completed by 30 June 2026 and therefore require funding to be carried forward into the 2026/27 financial year. The majority of the funding associated with these amendments relates to externally funded capital works, together with several municipally funded projects and an operating project. In addition, the report seeks approval for the reallocation of existing budget funding to facilitate the purchase of a Mobile Elevated Work Platform. The proposed amendments maintain the Town's overall balanced budget position and provide the necessary budget authority to complete the relevant works and commitments.

OFFICER RECOMMENDATION IN BRIEF

That Council approves the budget amendments detailed in this report to provide for the carry forward of incomplete projects and commitments from 2025/26 and the reallocation of budget funding for the purchase of a Mobile Elevated Work Platform.

BACKGROUND

During preparation of the 2026/27 Annual Budget, consideration was given to capital projects expected to extend beyond the end of the 2025/26 financial year. Based on information available at the time, it was anticipated that all capital projects would be completed by 30 June 2026 and, accordingly, no expenditure carry forwards were included in the adopted budget.

Following finalisation of the 2025/26 financial year, it was identified that several projects and commitments remained incomplete at 30 June 2026 and require budget provision to be carried forward into 2026/27 to enable their completion.

OFFICER COMMENT

There are four capital projects and one operational project that was incomplete at 30 June 2026 and are listed below.

- Marine Parade Shared Path Upgrade
- Civic Centre Playground Upgrade project – detailed design
- Low Cost Urban Road Safety Program

- Office refurbishment Stage 2
- Seaview Golf Club strategy (operating)

Three of the projects listed were funded with municipal funds, namely the Civic Centre Playground Upgrade - Detailed Design, Office Refurbishment - Stage 2, Seaview Golf Club Strategy and the Low Cost Urban Road Safety Program had a very small municipal funding component. As these budget allocations were not fully expended by 30 June 2026, the unspent funds contributed to the Town's year-end surplus and now form part of the opening balance for 2026/27. To enable these projects and commitments to be completed, budget amendments are required to increase the opening balance and provide corresponding expenditure authority in the current financial year. The total increase to opening balance required for municipally funded carry forward projects is $183,198.

Marine Parade Shared Path Upgrade

At 30 June 2026 the Town had completed works to the value of $310,976. The works and grant funding were both budgeted for $400,000. The remaining $89,024 in works and associated grant funding will be carried forward into 2026/27. The amendments required to facilitate these works are;

Category	**Project**	**Impact on budget surplus**
Capital Revenue	Increase to Grant Funding for Marine Parade Shared Path Upgrade	89,024
Capital Expenditure	Marine Parade Shared Path Upgrade	(89,024)
	Net Impact	**0**

Civic Centre Playground Upgrade – Detailed Design

At 30 June 2026 the Town had completed works to the value of $20,876, from a budget of $35,000. The remaining unspent budget will be carried forward to fund any further design that could be required before the works begin.

The amendments required are;

Category	**Project**	**Impact on budget surplus**
Opening Balance	Increase to Opening Balance to fund Civic Centre Playground Upgrade - Detailed Design	14,124
Capital Expenditure	Civic Centre Playground update - Detailed Design	(14,124)
	Net Impact	**0**

Low Cost Urban Road Safety Program

The Low Cost Urban Road Safety Program had the following budget allocations approved in 2026/27

1.	Carried Forward from 2024/25	$ 66,000	(muni funded)
2.	New request adopted with Annual Budget	$ 550,000	(grant funded)
3.	Budget amendment (April 2026)	$1,169,014	(grant funded)
		$1,785,014	

The Town had completed works to the value of $703,585 at 30 June 2026. The budget amendments required are;

Category	**Project**	**Impact on budget surplus**
Capital Revenue	Grant Funding for Low Cost Urban Road Safety Program Upgrade (LCURSP);	1,015,429
Capital Expenditure	Low Cost Urban Road Safety Program	(1,081,429)
Opening Balance	Increase to Opening Balance to partially fund LCURSP	66,000
	Net Impact	**0**

Office Refurbishment – Stage 2

At 30 June 2026 the Town had completed works to the value of $28,841, from a budget of $101,587. The remaining unspent budget will be carried forward to fund planned improvements (stage 3) to support Town staff. The budget amendments required are;

Category	**Project**	**Impact on budget surplus**
Opening Balance	Increase to Opening balance to fund Office Refurbishment – Stage 3	72,746
Capital Expenditure	Office Refurbishment – Stage 3	(72,746)
	Net Impact	**0**

Seaview Golf Club strategy (operating)

At 30 June 2026 the Town had completed works to the value of $31,426, from a budget of $61,754. The remaining unspent budget of $30,328 will be carried forward to fund any additional work required to progress the Seaview Golf Club project. The budget amendments required are;

Category	**Project**	**Impact on budget surplus**
Opening Balance	Increase to Opening Balance to fund Seaview Golf Club Strategy	30,328

Operating Expenditure	Seaview Golf Club Strategy	(30,328)
	Net Impact	**0**

Mobile Elevated Work Platform (MEWP)

When the 2026/27 Annual Budget was adopted, funding received through the Polyphagous Shot-hole Borer (PSHB) Local Government Support Scheme was included within the operating budget, with the corresponding expenditure allocated to the Green Infrastructure Management Plan. The Town received grant funding of $120,000 under the scheme to support activities associated with the management of Polyphagous Shot-hole Borer impacts. At the time, all expenditure funded through the grant was budgeted as operating expenditure.

The funding application submitted by the Town identified the purchase of a cherry picker (MEWP) as an approved activity under the category of "Capital equipment directly related to the treatment of trees".

As the proposed purchase is capital in nature, only the portion of the grant funding required to purchase the MEWP ($43,692) is proposed to be transferred from the Green Infrastructure Management Plan operating budget to the Fleet and Plant Replacement capital budget. The balance of the grant funding will remain within the Green Infrastructure Management Plan operating budget and continue to be available for the delivery of other approved PSHB-related activities. This amendment does not alter the overall budget position and simply reallocates existing budget provision to the appropriate expenditure category, ensuring the acquisition is accounted for correctly in accordance with its capital nature.

Category	**Project**	**Impact on budget surplus**
Operating Expenditure	Decrease to Green Infrastructure Management Plan	43,692
Capital Expenditure	Increase to Fleet and Plant Replacement	(43,692)
	Net Impact	**0**

ATTACHMENTS

Nil

CONSULTATION

As a part of the preparation of this report, senior staff have been consulted.

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 6.8(1), which provides that a local government is not to incur expenditure from its municipal fund unless the expenditure is included in the annual

budget or otherwise authorised in a manner prescribed. This is effectively why Council approval is required before these budget amendments can take effect.

Local Government (Financial Management) Regulations 1996

Reg.33, which provides for amendments to an adopted annual budget. Council approval of the proposed budget amendments is required to ensure the Town's budget reflects carried forward projects and associated funding for the 2026/27 financial year.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

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

RESOURCE IMPLICATIONS

The municipally funded carry forward projects require an increase to opening funds of $183,198, reflecting expenditure that was budgeted but not incurred in 2025/26 and therefore contributed to the year-end surplus. This remains well within the anticipated closing position that will be reported as part of the 2025/26 financial year-end process. Adoption of these amendments will provide the necessary budget authority to complete the associated projects and expenditure commitments.

RISK IMPLICATIONS

Financial Risk

If the budget amendments are not approved, there may be insufficient budget authority to complete projects and commitments carried forward from 2025/26.

Externally funded projects may not align with corresponding grant funding allocations, potentially resulting in budget variances and reduced transparency in financial reporting.

Operational Risk

Failure to update the budget may impact the delivery of services and capital works. Delays in the procurement of the Mobile Elevated Work Platform may reduce the Town's ability to efficiently undertake planned tree maintenance activities.

Compliance Risk

Failure to approve the budget amendments would mean there is insufficient budget authority for the Town to complete the identified projects and commitments, consistent with the requirements of section 6.8 of the *Local Government Act 1995*.

Budget amendments ensure the Town's financial records accurately reflect Council-approved projects and outstanding commitments.

Reputational Risk

No significant reputational risks have been identified. The proposed amendments relate primarily to administrative budget adjustments required to complete previously approved projects and commitments.

Stakeholder & Community Expectation Risk

No significant stakeholder risks have been identified. The proposed amendments will facilitate the completion of projects and commitments previously approved by Council and communicated to stakeholders.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

THAT Council by absolute majority

1. **APPROVES the following amendments to the 2026/27 Annual Budget for carried forward projects:**
    - **(a) A net increase to Capital Revenue – Grant Funding of $1,104,453**
    - **(b) A net increase to Opening Balance of $183,198**
    - **(c) A net increase to Capital Expenditure of $1,301,015**
    - **(d) A net decrease to Operating Expenditure of $13,364.**
2. **APPROVES the following amendments to the 2026/27 Annual Budget for the use of grant funding to purchase a Mobile Elevated Work Platform:**
    - **(e) A decrease to Operating Expenditure – Green Infrastructure Management Plan of $43,692; and**
    - **(f) An increase to Capital Expenditure – Fleet and Plant Replacement of $43,692.**

ENGINEERING SERVICES

10.1.4 INSTALLATION LOCALITY OF PUBLIC ART DONATION - "THE PASSAGE OF TIME"

Directorate:	**Engineering Services**
Author(s):	**Shaun Kan, Director Engineering Services**
Authoriser(s):	**Mark Newman, Chief Executive Officer**
File Reference:	**D26/113362**
Applicant(s):	**Internal**
Author Disclosure of Interest:	**Nil**

SUMMARY

For Council to consider the acceptance of the donation of the public art piece *The Passage of Time* (the Sculpture) and determine an appropriate location for its installation within the Town. The report outlines the background to the proposed donation, assesses potential installation sites, and seeks Council's endorsement of a preferred location having regard to community benefit, visual amenity, accessibility, and ongoing maintenance considerations.

OFFICER RECOMMENDATION IN BRIEF

That Council ACCEPTS the donated sculpture and the installation location shown in diagram 2.

BACKGROUND

In September 2024, Sculpture by the Sea, offered to donate the sculpture on behalf of Heidi Whitfield in memory of her late mother Helen Burke.

Helen Burke served as an elected member on the Cottesloe Council from 2013 to 2017 and was the previous manager/owner of Beaches Café. She passed away in August 2025.

The sculpture has a value of approximately $50,000 and is around 183cm high with a horizontal dimension of 150cm by 42cm.



Diagram 1: The Passage of Time

Sculpture by the Sea has requested for the sculpture to be placed adjacently to the south of the recently installed "Sandbar" artwork location and intends to unveil "The Passage of Time" in December 2026.

The request has been assessed against the Foreshore Memorial Policy and the Aquistion of Public Artwork Policy. Council consideration is sought because its acceptance has asset management implications. This is further discussed in subsequent sections of this report.

OFFICER COMMENT

Sculpture Significance

The artworks brings the following signifance to Cottesloe:

- Truly reflecting the history and cultural heritage of the Town, its people and places and the broader Western Australian community;
- Represents significant periods, occasions and urban initiatives in the evolution of the Town and its place in Western Australian society;
- Enhances the environment and contributes to the culture of the community and community life; and
- Reflects the district's cultural heritage expressed through contemporary art forms.

Policy

Officers are satisfied that the request meets the criteria of the following policies:

- **Aquistion of Public Artwork Policy**

  This gift request is submitted on behalf of the donor by Sculpture by the Sea.

- **Foreshore Memorial Policy**

  The credentials of the late Helen Burke and the nature of the memorial asset meet the requirements of this policy.

(a) Clause 3.1a(i) – Made a significant contribution to the Cottesloe Community; and

(b) Clause 3.3 - The donated asset must be of significance (for example, more than a seat, table or barbeque) and will be available for use by the public at large.

Location

Officers and Sculpture by the Sea have agreed on the open space along Marine Parade directly infront of the Seaview Golf Course (See Diagram 2), just North of Pearse Street. An artist impression is shown in Diagram 3.

The proposed placement has no Beach Policy implications.



Diagram 2: Proposed Location



Diagram 3 : Artist impression of the sculpture

ATTACHMENTS

10.1.4(a) Helen Burke Memorial Sculpture Proposal for Town of Cottesloe [under separate cover]

CONSULTATION

Sculpture by the Sea

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 2.7 – Role of Council

(1) The council —

(a) governs the local government's affairs; and

(b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to —

(a) oversee the allocation of the local government's finances and resources; and

(b) determine the local government's policies.

POLICY IMPLICATIONS

Acquisition of Public Artworks.

Foreshore Memorial Policy

Beach Policy

STRATEGIC IMPLICATIONS

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

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

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

RESOURCE IMPLICATIONS

There are no perceived resource implications arising from the officer's recommendation. The donor is responsible for sculpture fabrication, delivery and installation costs, including all local freight and contractor expenses. Routine maintenance will be managed through the Town's sculpture maintenance allocation.

When the sculpture is no longer serviceable, it will be offered back to the artist before being disposed.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

Placing the sculpture at this location will result in the loss of some green space, and the reduction is minor compared to the entire green area across the Town and the increase in aesthetic value the artwork will bring to the area.

RISK MANAGEMENT IMPLICATIONS

Social

Residents may object to the location due to the impact on views.

Reputational

Given the request (donation and memorial purpose) meets relevant policies, Council not accepting the gift could result in reputational damage.

Technical

LGIS in its sculpture safety report has recommended that "do not climb" signs be placed near the sculpture to warn the public of fall risk.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council:

1. **ACCEPTS the public donation of the sculpture "The Passage of Time"; and**
2. **APPROVE the installation of the sculpture at the location shown in diagram 2 which is on the Western side of Marine Parade just North of Pearse Street and directly infront of the Seaview Golf Course.**

EXECUTIVE SERVICES

10.1.5 COUNCIL MEETING DATES 2027

Directorate:	**Executive Services**
Author(s):	**Jacquelyne Pilkington, Governance and Executive Office Coordinator**
Authoriser(s):	**Mark Newman, Chief Executive Officer**
File Reference:	**D26/112556**
Applicant(s):	**Nil**
Author Disclosure of Interest:	**Nil**

SUMMARY

The *Local Government Act 1995* (Act), requires a schedule for Ordinary Council Meetings for the 2027 calendar year to be published on the Town's website. The dates, times and locations for these meetings has been prepared and is presented to Council for approval. Once approved, the meeting information will be published on the Town's website.

It is not a statutory requirement to publish Agenda Forum dates; however, it is considered appropriate as it provides the opportunity for the public to plan around these dates also.

OFFICER RECOMMENDATION IN BRIEF

For Council to adopt the proposed meeting schedule for Agenda Forum and Ordinary Council Meetings for 2027.

BACKGROUND

The Local Government (Administration) Regulations 1996 require the CEO to publish on the Town's website before the beginning of 2027, the dates, times and locations for Ordinary Council Meetings to be held in 2027.

In addition to the Ordinary Council Meetings, it is recommended the Town also advertises the Agenda Forum dates as these are open to members of the public. There is no requirement for local public notice to publish Council meeting schedules; however, the Act requires them to be published on the Town's website.

Generally the Ordinary Council Meetings are scheduled for the fourth Tuesday of each month and the Agenda Forum on the third Tuesday. The exception to this in past years has been the January recess and the December meeting, where the meeting is brought forward one week.

Taking the above into account, a proposed Council Meeting schedule for the 2027 calendar year has been prepared and included in the recommendation.

OFFICER COMMENT

The Act requires Ordinary Council Meeting details to be published on the Town's website before the beginning of the year in which the meetings are to be held. The same requirement extends to committee meetings that have delegated authority. None of the

Town's committees, including the Audit, Risk and Improvement Committee, have such authority, so have not been included on the Council meeting schedule.

It is recommended that:

- the December 2027 Ordinary Council meeting be brought forward one week from the normal cycle, to avoid clashing with the festive season; and
- Agenda Forum dates again be included in the Council meeting schedule to be published on the Town's website so residents have this information.

Any Special Council Meetings that may be required will be advertised in accordance with the requirements of the Act.

Listed below, for Council's benefit when considering the Council meeting schedule, are public holidays and school holidays in Western Australia for 2027:

Public Holidays - 2027

- 1 January - New Year's Day
- 26 January - Australia Day
- 1 March – Labour Day
- 26 March – Good Friday
- 28 March – Easter Sunday
- 29 March - Easter Monday
- 25 April - Anzac Day holiday
- 26 April – Additional Day Anzac Day
- 7 June – Western Australia Day
- 27 September - King's Birthday
- 25 December - Christmas Day
- 27 December – Additional Day Christmas Day
- 26 December – Boxing Day
- 28 December – Additional Day Boxing Day

School Holidays - 2026

- Term 1 break – 10 April to 25 April
- Term 2 break – 3 July to 18 July
- Term 3 break – 25 September to 10 October
- Term 4 break - commences 17 December

ATTACHMENTS

Nil

CONSULTATION

Not applicable.

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 5.25 - Regulations about council and committee meetings and committees.

Local Government (Administration) Regulations 1996

Regulation 12 - Publication of meeting details (Act s. 5.25(1)(g))

(2) The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —

(a) ordinary council meetings;

(b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Publishing meeting details annually on the Town's website ensures compliance and promotes transparency, strengthens public trust and demonstrates good governance. This is relevant to achieving the *Our Leadership and Governance* strategic objective in the *Council Plan 2023-2033*.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council

1. **APPROVES a recess for January 2027, with no Ordinary Meeting of Council.**
2. **APPROVES the following Ordinary Council Meeting dates for 2027, which are to commence at 6.00pm in the Council Chambers, 109 Broome Street, Cottesloe;**

   Tuesday 23 February

   Tuesday 23 March

   Tuesday 27 April

   Tuesday 25 May

   Tuesday 22 June

   Tuesday 27 July

   Tuesday 24 August

   Tuesday 28 September

   Tuesday 26 October

   Tuesday 23 November, and

   Tuesday 14 December

3. **APPROVES the advertising of the proposed Agenda Forum dates for 2027, which are to commence at 6.00pm in the Council Chambers, 109 Broome Street, Cottesloe;**

   Tuesday 16 February

   Tuesday 16 March

   Tuesday 20 April

   Tuesday 18 May

   Tuesday 15 June

   Tuesday 20 July

   Tuesday 17 August

   Tuesday 21 September

   Tuesday 19 October

   Tuesday 16 November and

   Tuesday 7 December

10.1.6 REVIEW OF ELECTED MEMBER REPRESENTATION

Directorate: **Executive Services**
Author(s): **Mark Newman, Chief Executive Officer**
Authoriser(s): **Mark Newman, Chief Executive Officer**
File Reference: **D26/113565**
Applicant(s):
Author Disclosure of Interest: **Nil**

SUMMARY

The Town of Cottesloe currently comprises a Mayor and eight Councillors, being a total of nine elected members. The Town does not operate under a ward system, following the outcome of 2022 reforms to the *Local Government Act 1995.*

Reforms to local government representation arrangements throughout Western Australia have resulted in many local governments reviewing the size and structure of their Councils to ensure they remain appropriate, effective and representative of their communities. The Local Government Act 1995 establishes a formal process requiring local governments to undertake ward and/or representation reviews through consultation with their communities before a proposal can be considered by the Local Government Advisory Board (**LGAB**).

This report recommends that Council commence a statutory review of representation to determine whether the Town's current representation model remains appropriate and whether the number of elected members should remain at nine or be reduced to seven or five elected members.

The review will include the preparation and public release of a Discussion Paper to be released for consideration during a six-week public consultation period in accordance with the process prescribed by the *Local Government Act 1995*.

OFFICER RECOMMENDATION IN BRIEF

That Council commence a statutory review of councillor numbers under Schedule 2.2 of the *Local Government Act 1995* by giving public notice and inviting submissions over a six-week consultation period, endorse the release of a Discussion Paper presenting options to retain nine elected members or reduce representation to seven or five elected members, and request a further report following community consultation outlining submissions received, an assessment of each option against the statutory review criteria, and recommendations for Council's consideration.

BACKGROUND

The Town of Cottesloe currently operates as a non-ward local government comprising a directly elected Mayor and eight Councillors.

The Town last undertook a representation review in 2018. Reviews are required from time to time, with no more than 10 years to elapse between reviews.

In any event, Western Australian legislation prevents local governments classified as Class 3 or Class 4 councils from operating under a ward system. As the Town of Cottesloe is classified as a Class 3 council, it is not permitted to have a ward system.

Since the representation review in 2018, the Town has continued to experience stable population levels, a compact geographic area and a highly connected community. As a consequence, it is appropriate for Council to reconsider whether the current number of elected members remains the most effective model for the Town's future governance.

The purpose of a representation review is to determine whether the electoral structure of a local government provides fair and effective representation for electors and ratepayers and supports effective governance and decision-making.

The review does not predetermine any outcome. Rather, it provides an opportunity for Council and the community to consider the merits of various representation models before a recommendation may be made to the LGAB.

OFFICER COMMENT

As the Town no longer has wards, the review will focus principally on whether the current number of elected members remains appropriate for a district of the Town’s size, population and governance complexity.

The State Government's representation review guidelines recommend that local governments release a Discussion Paper outlining options and inviting informed community feedback.

The discussion paper drafted and provided at Attachment (a) includes the following sections.

Introduction and Purpose

- explanation of the review process;
- legislative framework;
- role of the Local Government Advisory Board;
- opportunities for community participation

Profile of the Town of Cottesloe

- population data;
- elector numbers;

- geographic size;
- history of representation arrangements;
- current council structure.

Current Representation Model

- Mayor and eight Councillors;
- no wards;
- election cycle arrangements.

Assessment Criteria

Explanation of the five statutory criteria:

- community of interest;
- physical and topographic features;
- demographic trends;
- economic factors;
- ratio of councillors to electors.

The discussion paper discusses options:

- Remain with the current nine (9) Elected Members
- Reduce the number of Elected Members to seven (7)
- Reduce the number of Elected Members to five (5)

The discussion paper provides other information for the purpose of comparison, including the ratio for each option, comparisons to other Councils and perceived advantages and disadvantages of each option.

ATTACHMENTS

10.1.6(a) DRAFT - Community Discussion Paper [under separate cover]

CONSULTATION

The *Local Government Act 1995* requires a six-week public submission period following Council's resolution to undertake a representation review. Information should be made available to the community, including the draft discussion paper at Attachment (a) outlining options for consideration.

It is proposed that the Town:

- give public notice of a representation review through local media and social media channels;
- publish on its website the discussion paper addressing criteria as the Act requires;
- provide hard copies upon request;
- invite written submissions from electors, residents and ratepayers; and
- conduct consultation over a six-week period.

Following closure of consultation, officers will assess submissions against the statutory criteria and present a further report to Council recommending a preferred representation model.

The following indicative timeline is proposed:

Stage 1 - Council Initiation

Milestone	Indicative Timing
Council resolves to provide public notice to undertake a Review of Representation	October 2026
Council approves discussion paper for public consultation	October 2026
Public notice published and consultation commences	November 2026

Stage 2 - Statutory Community Consultation

Milestone	Indicative Timing
Discussion Paper published on Town website	November 2026
Public consultation period opens	November 2026
Community engagement activities undertaken	November 2026
Public consultation period closes	6 weeks from notice publication

Stage 3 - Assessment and Council Consideration

Milestone	Indicative Timing
Review and analysis of submissions	Following closure of submissions
Preparation of consultation outcomes report	January 2027
Council workshop (if required)	February 2027
Council consideration of preferred representation model	February 2027

Stage 4 - Submission to the Local Government Advisory Board

Milestone	Indicative Timing
Preparation of formal Review Report	February 2027
Submission of Review Report to Local Government Advisory Board	March 2027
Advisory Board assessment	Subject to Board timetable
Recommendation provided to Minister for Local Government (if applicable)	Subject to Board timetable
Final determination by the State Government	Subject to statutory process

STATUTORY IMPLICATIONS

Local Government Act 1995, Schedule 2.2

"7. Reviews

(1) Before carrying out a review a local government has to give local public notice advising –

(a) that a review is to be carried out; and
(b) that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.

(2) In carrying out the review the local government is to consider submissions made to it before the day fixed by the notice.

8. Matters to be considered in respect of wards

Before a local government proposes that an order be made –

(a) to do any of the matters in section 2.2(1), other than discontinuing a ward system; or

(b) to specify or change the number of offices of councillor for a ward,

or proposes under clause 4(2) that a submission be rejected, its council is to have regard, where applicable, to –

(c) community of interests; and

(d) physical and topographic features; and

(e) demographic trends; and

(f) economic factors; and

(g) the ratio of councillors to electors in the various wards."

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

Costs associated with community consultation, advertising and preparation of submission materials are expected to be minor and accommodated within existing budgets.

Should the review ultimately result in a reduction in councillor numbers, future savings may arise through reduced elected member allowance, training and governance expenditure.

The direct cost of a Councillor at the Town of Cottesloe is currently $22,000 per annum, with approximately $3,000 per annum for indirect costs.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

Strategic Risk - Medium

Failure to periodically review representation arrangements may result in community perceptions that Council's electoral structure no longer reflects contemporary governance requirements.

Governance Risk - Low

There is a risk that community expectations may not align with Council's preferred option. This risk is mitigated through transparent consultation and publication of supporting information.

Reputational Risk - Medium

A proposal to reduce councillor numbers may generate differing community views. Comprehensive consultation and clear communication of the rationale for considering options will assist in managing this risk.

Compliance Risk - Low

Failure to follow the prescribed review process could jeopardise consideration of any proposal by the Local Government Advisory Board. This risk will be mitigated through adherence to statutory requirements and State Government guidance.

CONCLUSION

The proposed review provides Council with an opportunity to consider whether the Town's current representation model remains appropriate having regard to the statutory review criteria, the Town's governance requirements, and contemporary local government representation practices. Commencing the review and undertaking community consultation does not predetermine any outcome. Rather, it enables Council to seek informed community feedback on the available representation options, assess those options against the requirements of Schedule 2.2 of the *Local Government Act 1995*, and determine whether a change to councillor numbers should be pursued. The officer recommendation therefore seeks Council's endorsement to commence the statutory review process, undertake public consultation, and receive a further report before making any decision on a preferred representation model.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. **Pursuant to cl.7 Schedule 2.2 of the *Local Government Act 1995*, RESOLVE to give local public notice advising:**

a. **that a review of the number of offices of councillor is to be conducted; and**

b. **that submissions may be made during a 6-week period from the date notice is given.**

2. Pursuant to cl.8 Schedule 2.2 of the *Local Government Act 1995*, ENDORSE the preparation and release during the 6-week consultation period of a Discussion Paper addressing the matters set out in cl.8(c)-(g) and outlining representation options:

a. Option 1: Retain the current representation model of nine elected members.

b. Option 2: Reduce the number of elected members to seven.

c. Option 3: Reduce the number of elected members to five.

3. REQUEST a further report following the conclusion of community consultation presenting:

a. submissions received;

b. an assessment of the options against the statutory review criteria; and

c. recommendations for Council's consideration.

10.1.7 REQUEST TO DELEGATE AUTHORITY UNDER BUSH FIRES ACT 1954

Directorate: **Executive Services**
Author(s): **Kate Jones, Manager Governance**
Authoriser(s): **Mark Newman, Chief Executive Officer**
File Reference: **D26/115060**
Applicant(s):
Author Disclosure of Interest: **Nil**

SUMMARY

The purpose of this report is to seek Council approval to add Delegation 1.19A to the Town's Delegated Authority Register. The addition is to expressly authorise the Chief Executive Officer to appoint, pursuant to s.38 of the *Bush Fires Act 1954,* Bush Fire Control Officers, amongst whom are to be appointments of a Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer.

The Act also requires notice of such appointments to be published in a newspaper circulating within the district.

OFFICER RECOMMENDATION IN BRIEF

That Council:

1. Pursuant to s48 of the *Bush Fires Act 1954*, DELEGATES the powers of s.38(1), (2A) and (2C) of the *Bush Fires Act 1954* to appoint Town of Cottesloe Rangers as Bush Fire Control Officers, amongst whom 2 are to be appointed Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer.

2. Requires the Chief Executive Officer to ensure that any appointment made under section 38(1) of the *Bush Fires Act 1954* is published in accordance with section 38(2A) of the Act.

3. Authorises the Chief Executive Officer to make any consequential administrative amendments to the Delegated Authority Register arising from this decision.

BACKGROUND

The Town maintains a Delegated Authority Register which records powers and duties delegated by Council to the Chief Executive Officer and other delegates in accordance with the requirements of the *Local Government Act 1995*. The Register currently includes Delegation 1.19 which authorises the appointment of authorised persons under various legislation administered by the Town.

Whilst reviewing authorisations made in reliance of Delegation 1.19, it was identified that the current delegation does not expressly extend to appointments made under section 38 of the Bush Fires Act 1954.

Section 38(1) of the Act provides that a local government may appoint such persons as it thinks necessary to be Bush Fire Control Officers and requires the appointment of both a Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer.

Section 38(2A) further requires a local government to publish notice of appointments made under section 38 in a newspaper circulating within the district.

A new delegation 1.19A **(Attachment (a))** has been drafted to delegate powers of s.38 of the *Bush Fires Act 1954* to the Chief Executive Officer to make Bush Fire Control Officer appointments as required. The statutory power Council has to make this delegation is derived from s.48 of the *Bush Fires Act 1954*.

OFFICER COMMENT

Bush Fire Control Officers perform important statutory functions under the *Bush Fires Act 1954* relating to bush fire prevention, preparedness and response. Section 38 of the Act establishes these offices and provides for their appointment by the local government.

The current Delegated Authority Register contains a delegation enabling the Chief Executive Officer to appoint authorised persons pursuant to s.9.10 of the *Local Government Act 1995*, under a range of legislation. However, Bush Fire Control Officers are a separate statutory office created by section 38 of the *Bush Fires Act 1954* and are not simply authorised persons appointed under section 9.10 of the *Local Government Act 1995*.

The absence of an express delegation of powers or duties under the *Bush Fires Act 1954* creates uncertainty regarding the administrative authority for future appointments and succession arrangements. The proposed new Delegation 1.19A, enables Council to delegate under s.48 of the Act, powers under ss38(1), (2A) and (2C), to provide compliance with the *Bush Fires Act 1954,* clarity regarding appointment authority and enable timely filling of future vacancies. It provides an efficient mechanism for ensuring that statutory appointments remain current and operationally effective.

ATTACHMENTS

10.1.7(a) Att (a) Delegation 1.19A - Bush Fires Act 1954 [under separate cover]

CONSULTATION

Internal consultation has been undertaken with relevant officers to confirm those who are operationally best placed to fill the roles of Bush Fire Control Officer, Chief Bush Fire Control Officer and Deputy Bush Fire Control Officer.

STATUTORY IMPLICATIONS

Bush Fires Act 1954

38. Local government may appoint bush fire control officer

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

(2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

(2C) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the FES Commissioner may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.

48. Delegation by local governments

(1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

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

RESOURCE IMPLICATIONS

The proposal can be implemented within existing operational resources.

The only direct cost associated with appointments under section 38 is the statutory requirement to publish appointment notices in a newspaper circulating within the district.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

Effective appointment of Bush Fire Control Officers contributes to bush fire preparedness and risk management, supporting the protection of environmental assets, biodiversity and community infrastructure within the district.

RISK MANAGEMENT IMPLICATIONS

Legislative compliance

Appointments made without a clear statutory power or valid delegation may be invalid. Enforcement actions, infringement notices or regulator decisions could be challenged.

Operational response

Uncertainty regarding who is legally appointed to bush fire roles causes delays or confusion during bush fire emergencies.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

THAT Council by absolute majority

1. **Pursuant to s.48 of the *Bush Fires Act 1954,* DELEGATES the powers of ss.38(1), (2A) and (2C) of the *Bush Fires Act 1954* to the Chief Executive Officer, including power under s.38(1) to appoint Town of Cottesloe Rangers as Bush Fire Control Officers, amongst whom those officers shall appoint, by seniority, 2 as Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer.**

2. **REQUIRES the Chief Executive Officer to ensure that any appointment made under section 38 of the *Bush Fires Act 1954* is published in accordance with section 38(2A) of the Act.**

3. **AUTHORISES the Chief Executive Officer to make any consequential administrative amendments to the Town of Cottesloe Delegated Authority Register arising from this decision**.

Q Are the names going to be in the delegation?

Although section 38 refers to the appointment of "persons", the requirement that the Chief and Deputy Chief Bush Fire Control Officers be the first and second most senior officers means it is unnecessary to name those officers in the Officer Recommendation. Their respective appointments are determined by seniority.

Q If passed by absolute majority, would any personnel change require a new resolution because it would not be sufficient to do it only in the annual review of the delegation register?

Council is requested to note that the reference in the Officer Recommendation to the statutory power of delegation has been amended to cite section 48 of the *Bush Fires Act 1954* as the relevant delegation authority, in place of section 5.42 of the *Local Government Act 1995*.

Absolute majority is only required to give the delegation.

Consequential amendments have been made to the officer's report and Delegation 1.19A at Attachment (a) to reflect amendments to the Officer's Recommendation.

10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES

Nil

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

12.1 ELECTED MEMBERS

12.2 OFFICERS

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

14 MEETING CLOSURE