

# 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, 28 February 2023**

# 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 **28 February 2023** commencing at **6:00 pm**.

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

Yours faithfully,



Matthew Scott  
**Chief Executive Officer**

24 February 2023

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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.

Agenda and minutes are available on the Town's website [www.cottesloe.wa.gov.au](http://www.cottesloe.wa.gov.au)



# 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

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Financial

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## 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.

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**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.

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

In accordance with Regulation 13.2(a) of the Local Government (Constitution) Regulations 1998, Mayor Lorraine Young will witness the declaration of the newly elected member (South Ward) under Section 2.29 of the Local Government Act (1995).

**2 DISCLAIMER****3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION****4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Kevin Morgan -4/1 Pearse Street, Cottesloe

With reference to the Department of Local Government Guidelines on the Integrated Planning Process

Q1:a(i) Why has the Council prepared a new Corporate Business Plan without having first prepared a new Strategic Community Plan?

R1:a(i) As per Regulation 19DA, Local Government (Administration) Regulations 1996 the Corporate Business Plan is reviewed annually to reflect the Council's interpretation of the objectives and aspirations of the community found in the current Strategic Community Plan.

Q1:a(ii) Why is Corporate Business Plan adopting priorities of Council, rather than from community input?

R1:a(ii) The Corporate Business Plan reflects Council's proposed actions to progress the Community aspirations in the current Strategic Community Plan (SCP). Community consultation will commence soon to inform the revised Strategic Community Plan.

Q1:a(iii) Why are these priorities being incorporated into a Long Term Financial Plan, prior to community input being sought?

R1:a(iii) The Long Term Financial Plan reflects the financial impacts of the current Corporate Business Plan.

Q1:b Does not preparing the Strategic Community Plan after preparing the Corporate Business Plan and Long Term Financial Plan, deprive the community of any real input?

R1:b No, refer to R1a(iii)

Q2: Why is Council's long term financial plan to be driven Council's priorities, rather than instead driven by the aspirations and priorities of the community?

R2: The premise of the question is incorrect, refer to R1a(i) and R1a(ii).

Q3: Why is this Council now targeting community organisations to extract more money via leases from them for sites they use for the well being of our community?

R3: Council has an obligation to act responsibly in reviewing all new leases (Commercial and Community based) to ensure the best outcome for the community, taking into account many factors including the financial and other benefits relating to the use of the facilities. Lease fees will be determined by Council based on the individual merits of each case.

Q4: If that is Council's priority, why has Council not already negotiated a lease of the proposed new Anderson Pavilion to the Cottesloe Football Clubs, given that Council's scope to negotiate will be much more limited after it is rebuilt?

R4: There was no formal lease arrangement with the previous Anderson Pavilion facility with the relevant clubs. It is not accepted that the Town's scope to negotiate will be limited following rebuild. The terms of any lease will be determined by Council in due course. The facility was required to be replaced given it no longer met user needs and had significantly exceeded its design life.

Q5: Should not this new financial focus of Council, not be acted upon until you first put it out for community consultation to include in the Strategic Community Plan?

R5: Refer to R3. Further, Section 2.7, Local Government Act 1995, explicitly states the role of Council is to oversee the allocation of the Local Government's finances and resources, which includes all Local Government Assets, including lease facilities. The Community will have an opportunity to express its aspirations, including those relating to the use of facilities by local organisations, as part of the review of Strategic Community Plan in 2023.

Stephen Mellor – 8 Graham Court, Cottesloe

- Q3: Tonight's agenda Page 5 RI Can you explain how, without a Payment in lieu of Parking Plan, you can say "in the interim the Town's LPP 1 can be applied?
- R3: CI 77G(3), Planning and Development (Local Planning Schemes) Regulation 2015, provides for a Local Government to impose payment in lieu of parking conditions, without a parking plan, for a period of 2 years after this regulation(s) were gazetted, if there are interim parking provisions that apply. The Town believes Local Planning Policy – Parking Matters, meets these interim parking provisions.
- Q4: Why are there no summaries in tonight's Agenda questions I asked that were responded to at last week's Agenda Forum?
- R4: There are no Minutes prepared from the Agenda Forum. As per Agenda Forum guidelines (7) Public Questions need to relate to items within the agenda; the Presiding Member decided some of the Public Questions raised at Agenda Forum did not. To ensure Public Questions are included in the Council Meeting Minutes, they should be raised at the Council Meeting, not the Agenda Forum.
- Q9: Can you explain how/why a Strategic Plan can be developed after, rather than before, a LTFP which should be informed by the planned strategies?
- R9: The Long Term Financial Plan provide financial and capability context for the community when the Strategic Community Plan is reviewed in 2023. The Long Term Financial Plan will be subsequently reviewed to reflect the new Strategic Community Plan and Corporate Business Plan.

Thomas Jowett, 31 Eric Street, Cottesloe

- Q5: What is the ABN for MS Consulting
- R5: The Town is not required to publicly disclose the ABN of a Third Party, nor is it considered relevant or appropriate
- Q6: Can you please break out expenses as line items when they are larger than \$5,000 as you do in the manner of card charges?
- R6: The Town believes it currently meets its statutory monthly Financial Reporting requirements. Given the volume of non Credit Card transactions, the additional information requested would require additional resources, which would require a decision of Council.
- Q7: What software does the town use for accounts payable which has a "character limitation" to describe invoices?
- R7: "Authority", by Civica.
- Q8: How much has the town spent to date with Datacom on the ERP project?
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- R8: There has been no payment to date to Datacom as the Town is still in the initiation and planning stage of the project. Existing systems and processes are currently being mapped and reviewed, which does not require the Datacom software to be installed or activated at this stage.
- Q9: Has the CEO reported the former Manager of projects and assets to the Department of Local Government for not filing an Annual Return and what was the result of the investigation?
- R9: The CEO has met all statutory reporting requirements to the relevant State Agencies on this matter. As the Town is not the investigating body with regards to the matter, it is unable to comment on the investigation process or outcome.
- Q10: Did former Councillor Harben receive meeting fees after selling her home and prior to resigning from council?
- R10: The date on which the former councillor's home was sold is not known to the Town. However, it is not necessary to own a home in the district in order to qualify to sit as a councillor. The said councillor remained qualified to sit as an elected member at least until her resignation in November 2022, and she performed the role until she resigned. As such, she received the appropriate Councillors fees and allowances until her resignation

## 4.2 PUBLIC QUESTIONS

### 5 PUBLIC STATEMENT TIME

### 6 ATTENDANCE

#### Elected Members

Mayor Lorraine Young  
Cr Helen Sadler  
Cr Craig Masarei  
Cr Melissa Harkins  
Cr Kirsty Barrett  
Cr Paul MacFarlane  
Cr Chilla Bulbeck  
Cr Brad Wylanko

#### Officers

Mr Matthew Scott	Chief Executive Officer
Mr Shane Collie	Director Corporate and Community Services
Ms Freya Ayliffe	Director Development and Regulatory Services

Mr Shaun Kan	Director Engineering Services
Mr Wayne Zimmermann	Manager of Planning
Ms Jacquelyne Pilkington	Governance & Executive Office Coordinator

### 6.1 APOLOGIES

### 6.2 APPROVED LEAVE OF ABSENCE

### 6.3 APPLICATIONS FOR LEAVE OF ABSENCE

## 7 DECLARATION OF INTERESTS

## 8 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held on Tuesday 13 December 2022 be confirmed as a true and accurate record.

That the Minutes of the Special Meeting of Council held on Tuesday 7 February 2023 be confirmed as a true and accurate record.

That the Minutes of the Special Meeting of Council held on Tuesday 21 February 2023 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 28 February 2023:**

\_\_\_\_, \_\_\_\_ , \_\_\_\_ , \_\_\_\_ , \_\_\_\_ , \_\_\_\_ , \_\_\_\_

**CORPORATE AND COMMUNITY SERVICES****10.1.1 LONG TERM FINANCIAL PLAN**

**Directorate:** Corporate and Community Services  
**Author(s):** Shane Collie, Director Corporate and Community Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D23/4830  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to adopt a Long Term Financial Plan for the period 2022/23 to 2032/33.

**OFFICER RECOMMENDATION IN BRIEF**

It is recommended that Council adopt a Long Term Financial Plan for the period 2022/23 to 2032/33 being a key financial planning component of its suite of planning documents.

**BACKGROUND**

The Town's last Long Term Financial Plan (LTFP) dates back to 2016. A Budget allowance was set aside in 2021/22 to update the Plan and though there have been some delays the required work has now been completed.

A key part of the development of the LTFP is the flow on ability to then develop an up to date Asset Management Plan which can now be completed also. Council looked at the development of an Asset Management Plan in December 2021 however paused work pending the finalisation of the LTFP.

Both the LTFP and the Asset Management Plan are key informing documents for Council's Strategic Community Plan, Corporate Business Plan and ultimately the Annual Budget. The timing in completing the LTFP and ultimately the Asset Management Plan is good given that Council will be embarking on a full review of its Strategic Community Plan and Corporate Business Plan in 2023. The LTFP will be an informing document for these reviews.

The LTFP, as with all other strategic documents, will need revision to incorporate any new aspirations and objectives of the community resulting from the Strategic Community Plan and Corporate Business Plan reviews.

**OFFICER COMMENT**

The completed LTFP includes as the first year the adopted 2022/23 Budget which forms the base for the following outer years.

The LTFP was developed with the assistance of recognised Local Government Consultant DL Consulting (Darren Long) and various meetings at the Administration level have occurred to mould the plan into a key working document covering the next 10 years. Council members were presented with an early draft of the Plan at the 3 May 2022 Elected Members Workshop for the purposes of generating discussion on options to ensure that the Plan is

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balanced when it is submitted for adoption. Feedback from those discussions was taken into account in the further development of the Plan as well as other matters that have changed since the first draft was produced.

Though there has been some time elapse since the earlier work was completed the Plan in its current form is as up to date as all current information can provide. There were initially significant deficits produced in the early years of the Plan which have been smoothed out to ensure that all years end in a balanced position with neither a surplus nor deficit present.

Council held an additional Workshop on 31 January 2023 where the updated LTFP was presented and discussed. Feedback from that session has been incorporated into the Plan.

Highlighted areas of the LTFP are as follows:

- All years of the LTFP balance to zero.
- Developer Contributions were initially set at 3% of the total value of a Development. This is now understood not to be the case. The Ocean Beach Hotel Development for example would have seen a Developer contribution in the vicinity of \$7 million in this scenario. A more conservative figure of \$1.65 million has been included in 2024/25 though this is highly likely to change (Page 73) subject to the review of the Local Planning Scheme and Local Planning Strategy.
- There has been no Developer Contribution included for the Indiana Teahouse site nor any increased lease fee as these are not known at this stage and are dependant on the Development proceeding.
- There are no new borrowings contained in the Plan which would see the Town be debt free once the Library Loan is paid off in 2029/30 (Pages 84 to 87). Council does have the option of considering borrowings in the future if it feels it is justified for any works.
- Valuation growth rates have been increased slightly however are still considered conservative. This refers to future Developments that occur in the life of the Plan which will lead to a greater rate intake due to higher valuations.
- Reserve Transfers become steady in 2026/27 at around \$3.5 million, though again this may change depending on Council's future deliberations (Page 63 and pages 75 to 83).
- The background that Council wished to see in the LTFP, in the main introductory comments and support for the numbers contained in the LTFP has now been included. This also references the Capital Works Programs into the future and where they appear in the LTFP and what they are comprised of (Pages 66 to 74).
- The inclusion of an amount for Streetscape Infrastructure (Trees). Page 75.
- The explanatory notes and text within the LTFP is consistent with the Department of Local Government Guidelines on the development of a Long Term Financial Plan.

The LTFP should be considered an informing and guiding document for Council, and it does not restrict Council's discretion in developing and approval of Annual Budgets, which may, and in more cases than not, vary from the LTFP.

The Long Term Financial Plan is submitted for Council's consideration and adoption.



**ATTACHMENTS**

10.1.1(a) Cottesloe LTFP 2023 V1.1 [under separate cover]

**CONSULTATION**

DL Consulting, Councillors, Finance and Executive staff.

**STATUTORY IMPLICATIONS**

Local Government (Administration) Regulations 1996

1. (3) A Corporate Business Plan for a district is to —
2. (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
3. (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
4. (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Priority Area 5: Providing sustainable infrastructure and community amenities

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

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation. The LTFP, if adopted will be used by Council to develop its future budgets.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**THAT Council ADOPTS the 2022/23 to 2032/33 Long Term Financial Plan, placing the Plan on the Town’s website and utilising the document as a key reference tool in the development of future Budgets and Strategic Planning documents.**

**10.1.2 TOWN OF COTTESLOE DOGS LOCAL LAW 2023**

**Directorate:** Corporate and Community Services  
**Author(s):** Shane Collie, Director Corporate and Community Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D22/48044  
**Applicant(s):**  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

This report proposes advertising the draft *Town of Cottesloe Dogs Local Law 2023*. It is recommended that the Town of Cottesloe Dogs Local Law be remade to account for amendments in legislation and better practice given that the current Local Law is over 10 years old. The statutory review period for Local Laws to be reviewed is presently 8 years though this is understood to be proposed to be extended out by the State Government in pending legislation.

**OFFICER RECOMMENDATION IN BRIEF**

That Council seek submissions on the proposal for a draft new Dogs Local Law pursuant to *Clause 3.12 of the Local Government Act 1995*.

**BACKGROUND**

The Town of Cottesloe currently has a Dogs Local Law as published in the Government Gazette on 26 July 2011. Changes in legislation over the past decade has seen the Local Law become outdated and not reflective of the industry standard, which is based on the WA Local Government Association (WALGA) Model.

Section 3.5 of the Local Government Act 1995 provides the power for local governments to make local laws and prescribes all matters that are required or permitted to be prescribed by a Local Law, or are necessary or convenient for it to perform any of its functions.

The Town of Cottesloe Dogs Local Law regulates the control of dogs within the district and is to be read in conjunction with the Dog Act 1976 and Dog Regulations 2013.

**OFFICER COMMENT**

The purpose of this report is to consider a proposal to make a new Local Law relating to the control of dogs for the Town and to restate areas of the district where dogs are prohibited completely as well as designate those areas where dogs can exercise off lead. The new Local Law also updates penalty amounts. Up to date and relevant Local Laws are an important cornerstone of good governance and the Town has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner.

Council members discussed the proposed new Local Law at its Elected Member Workshop held on 7 February 2023.

The repeal and replacement of this Local Law will result in more contemporary dog controls being in place and more efficient and effective local government by removing an outdated Local Law from the public record.

To comply with the provisions of Section 3.12 of the Local Government Act 1995, when proposing to make a Local Law, the Presiding Person is required to give notice of the purpose and effect of the proposed Local Law at the Council meeting where the Local Law is being considered. The purpose and effect of the proposed Town of Cottesloe Dogs Local Law 2023 is as follows:

**Purpose:**

**To provide for the regulation and control of dogs within the local government district of the Town of Cottesloe.**

**Effect:**

**To ensure that all matters pertaining to dog control in the district are contemporary, industry standard and best practice ensuring the best outcome for the residents and visitors to the area.**

The draft new Local Law will result in an outcome that is not substantially different to that in place at the moment. The key changes are as follows:

1. The removal of dogs prohibited and dog exercise areas from the Local Law. These matters are now regulated pursuant to the Dog Act 1976 and can be amended by Council resolution rather than by amending a Local Law. A separate recommendation to this report confirms these places as they currently exist. No changes are proposed.
2. Penalties in the main for offences relating to Dogs are now contained within the Dog Regulations 2013.

**ATTACHMENTS**

**10.1.2(a) Summary of Changes - Dog Local Law [under separate cover]**

**10.1.2(b) Draft Dog Local Law [under separate cover]**

**CONSULTATION**

The formal consultation process is embedded in the legislation associated with the review of a Local Law. Consultation consists of two 6 week advertising periods, submission to the Joint Standing Committee on Delegated Legislation and the Department of Local Government.

The [Development and Regulatory Services Directorate](#), specifically Ranger Services, have been consulted on the proposed new Dogs Local Law.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

**3.5. Legislative power of local governments**

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

**3.12. Procedure for making local laws**

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
  - (a) give local public notice stating that —
    - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and
    - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
    - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;

and

- (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
- (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

*[(3a) deleted]*

- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.

*\* Absolute majority required.*

- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give local public notice —
  - (a) stating the title of the local law; and

- (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - (c) advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them
5. (8) In this section —
6. **making** in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

*Dog Act 1976*

### **31. Control of dogs in certain public places**

- (3A) A local government may, by absolute majority as defined in the *Local Government Act 1995* section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.
- (3C) At least 28 days before specifying a place to be —
- (a) a place where dogs are prohibited at all times or at a time specified under subsection (2B); or
  - (b) a dog exercise area under subsection (3A); or
  - (c) a rural leashing area under subsection (3B),
- a local government must give local public notice as defined in the *Local Government Act 1995* section 1.7 of its intention to so specify.

### **POLICY IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

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

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

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

### **RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

1. THAT Council PROVIDES Local Public Notice that it proposes to make the Town of Cottesloe Dogs Local Law 2023, as contained within the attachment to this Report, and invites public submissions on the proposal in accordance with Section 3.12 (3) (iii) of the *Local Government Act 1995*.
  2. Designate the following areas as dog exercise areas within the Town of Cottesloe -
    - (a) the following public beaches,
      - (i) Southern Dog Beach - the public beach south of the north side of the groyne at Beach Street and the easterly projection of that line to the access path to the beach, northerly along the western edge and easterly along the northern edge of that path to where it joins the car park, then southerly to the southern boundary of the district.
      - (ii) Northern Dog Beach - the public beach situated to the north of the prolongation westerly of the southern boundary of Lot 67 of Cottesloe Suburban Lot 13 to the western boundary of the municipality and thence northerly to the northern boundary of the municipality.
    - (b) the following reserves,
      - (i) Reserve A1203 known as Grant Marine Park
      - (ii) Reserve 29939 known as Andrews Place
      - (iii) Reserve 24793 known as Jasper Green Reserve
      - (iv) Cottesloe Oval, Reserve A6271 (Cottesloe Suburban Lot 63)
      - (v) Harvey Field, Part of Reserve A1664 (Cottesloe Suburban Lot 68)
      - (vi) In Curtin Avenue:
        - (I) An area bounded between the railway reserve to the east, the eastern edge of the constructed part of Curtin Avenue to the west, Eric Street to the north and the north edge of the footpath from Forrest Street to the south
        - (II) An area bounded between the railway reserve to the east, the eastern edge of the constructed part of Curtin Avenue to the west, the southern edge of Grant Street railway station and Eric Street to the south.
- 7.
- (vii) In Railway Street:

- (I) An area bounded between the railway reserve to the west, the Western edge of the constructed part of Railway Street, the southern boundary of the car park at Congdon Street and the northern boundary of Eric Street to the south.
  - (II) An area bounded between the railway reserve to the west, the western edge of the constructed part of Railway Street, the southern boundary of Eric Street and the southern projection of Burt Street to the south.
- (c) John Black Dune Reserve A3235 (part of Napier St Reserve) bounded by the north side of the northern footpath on Napier Street, the eastern edge of the constructed car park at Napier Street (known as car park No. 2), the southern boundary of Bryan Way and the western boundaries of the tennis courts.
- (d) Lot 401 (2) Jarrad Street, being Seaview Golf Course between the hours of 6pm and 6am.
- (e) The above designations do not apply to -
  - (i) land which has been set apart as a children's playground;
  - (ii) an area being used for sporting or other activities, as permitted by the local government, during the times of such use; or
  - (iii) a car park.



**10.1.3 PURCHASING POLICY MINOR AMENDMENTS**

**Directorate:** Corporate and Community Services  
**Author(s):** Shane Collie, Director Corporate and Community Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D22/48240  
**Applicant(s):**  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to make minor amendments to the Town's Purchasing Policy.

**OFFICER RECOMMENDATION IN BRIEF**

That Council amend the Purchasing Policy by adding two further exemptions where the Purchasing Policy does not apply as well as updating position titles that have changed.

**BACKGROUND**

The Town's Purchasing Policy was last reviewed on 25 October 2022. The Policy is one of the most used and widely scrutinised (Audit) and hence requires attention to detail to ensure that it is fully up to date.

Minor amendments are recommended to bring the Policy up to date.

**OFFICER COMMENT**

The amendments to the Policy are as follows:

1. Two additional exemptions to the Policy have been introduced:
  - a. Purchase of items where a sole source of supply exists because of the unique nature of the goods and services required (e.g. utilities, insurance etc.)
  - b. Purchases made in accordance with the following contracts and agreements:
    - Joint operational agreements;
    - Loan repayments;
    - Lease payments; and
    - Rental payments.
2. In the Purchase Order limits which concludes the Policy on page 6 there are some position titles that have changed. Where there are differences they are highlighted in yellow. The majority of these changes are where certain positions have changed titles but the functions remain the same. For example the previous Senior Ranger position is now titled Coordinator Rangers and Compliance which reflects the tasks of the role better. The Executives Services Officers in each Directorate (3) have now been grouped together as previously there were 3 different names.

The majority of these position title changes relate to the minor Purchasing Limit of \$2,000.

**ATTACHMENTS**

10.1.3(a) Purchasing Policy - Proposed February 2023 [under separate cover]

**CONSULTATION**

Nil required.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995* Section 2.7(2)(b) states that “the council is to determine the local government’s policies.

**POLICY IMPLICATIONS**

Policy amendment is recommended.

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**RESOURCE IMPLICATIONS**

Nil.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

THAT Council amend the Town’s Purchasing Policy by:

**1. Adding two additional exemptions to the Policy as follows:**

- i. Purchase of items where a sole source of supply exists because of the unique nature of the goods and services required (e.g. utilities, insurance etc.)**
- ii. Purchases made in accordance with the following contracts and agreements:**
  - **Joint operational agreements;**
  - **Loan repayments;**

- Lease payments; and
- Rental payments.

**2. In the Purchase Order limits section on page 6 amend position titles as follows:**

- **Principal Building Surveyor**
- **Senior Administration Officer (Regulatory Services)**
- **Planning Administration Coordinator**
- **Executive Services Officer (Development and Regulatory Services)**
- **Manager Rangers and Compliance**
- **Team Leader Rangers**
- **Events/Community Development Administration Officer**
- **Executive Services Officer (Corporate Services)**
- **Communications and Marketing Coordinator**
- **Executive Services Officer (Engineering)**

**10.1.4 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2022 TO 30 NOVEMBER 2022**

**Directorate:** Corporate and Community Services  
**Author(s):** Wayne Richards, Acting Finance Manager  
**Authoriser(s):** Shane Collie, Director Corporate and Community Services  
**File Reference:** D22/51033  
**Applicant(s):** Nil  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

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

**OFFICER RECOMMENDATION IN BRIEF**

That Council receives the Monthly Financial Statements for the period 1 July 2022 to 30 November 2022.

**BACKGROUND**

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

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

**OFFICER COMMENT**

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

- The net current funding position as at 30 November 2022 was \$10,022,785 as compared to \$9,468,784 this time last year.
- Operating revenue is more than the year to date budget by \$316,386 with a more detailed explanation of material variances provided on page 19 of the attached financial statements. Operating expenditure is \$2,593,317 less than year to date budget, with a more detailed analysis of material variances provided on page 19.

- The Capital Works Program is shown in detail on pages 33 to 34 of the attached financial statements.
- The balance of cash backed reserves was \$8,343,970 as at 30 November 2022 as shown in note 7 on page 26 of the attached financial statements.

**List of Accounts Paid for November 2022**

The list of accounts paid during November 2022 is shown on pages 35 to 41 of the attached financial statements. The following material payments are brought to Council's attention:

- \$165,997,95 to the Department of Mines, Industry Regulation and Safety for building services levies
- \$144,371,24 to the Town of Mosman Park for reimbursement of July to September Waste costs
- \$138,633.17 to Procott Incorporated for a Differential Rate Grant
- \$89,329.87 to Solo Resource Recovery for monthly waste removal charges
- \$51,817.70 to Perth Better Homes for the supply and installation of a shade sail at Dutch Inn Playground
- \$45,856.30 to Tesltra for telecommunications charges previously unbilled for a period of 8 months
- \$37,218.40 to Melville Mazda for the purchase of new plant
- \$35,908.13 to PricewaterhouseCoopers for commercial advice
- \$35,711.87 to Surf Life Saving WA for Surf Life Saving patrols
- \$32,405.60, \$32,275.48 and \$31,256.19 for employee Superannuation Contributions

**Investments and Loans**

Cash and investments are shown in note 4 on page 21 of the attached financial statements. The Town has approximately 45% of funds invested with the National Australia Bank, 36% with the Commonwealth Bank of Australia and 19% with Westpac Banking Corporation.

Information on borrowings is shown in note 10 on page 30 of the attached financial statements. The Town had total principal outstanding of \$2,654,873 as at 30 November 2022.

**Rates, Sundry Debtors and Other Receivables**

Rates outstanding are shown on note 6 on page 23 and show a balance of \$2,121,958 outstanding as compared to a larger \$3,106,296 this time last year. This is due to rates having been levied in July of this year as compared to August last year.

Sundry debtors are shown on note 6 on page 23 of the attached financial statements. The sundry debtors report shows that 24% or \$25,196 is older than 90 days. Infringement debtors are shown on note 6 on page 25 and were \$439,372 as at 30 November 2022.

**ATTACHMENTS**

- 10.1.4(a) Monthly Financial Statements for the Period 1 July 2022 to 30 November 2022 [under separate cover]

**CONSULTATION**

Nil.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

Local Government (Financial Management) Regulations 1996

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2022 to 30 November 2022 as submitted to the 28 February 2023 meeting of Council.**

**10.1.5 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2022 TO 31 DECEMBER 2022**

**Directorate:** Corporate and Community Services  
**Author(s):** Wayne Richards, Acting Finance Manager  
**Authoriser(s):** Shane Collie, Director Corporate and Community Services  
**File Reference:** D23/2953  
**Applicant(s):** Nil  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

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

**OFFICER RECOMMENDATION IN BRIEF**

That Council receives the Monthly Financial Statements for the period 1 July 2022 to 31 December 2022.

**BACKGROUND**

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

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

**OFFICER COMMENT**

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

- The net current funding position as at 31 December 2022 was \$7,933,612 as compared to \$8,657,464 this time last year.
- Operating revenue is more than the year to date budget by \$341,003 with a more detailed explanation of material variances provided on page 19 of the attached financial statements. Operating expenditure is \$1,573,347 less than year to date budget, with a more detailed analysis of material variances provided on page 19.

- The Capital Works Program is shown in detail on pages 33 to 34 of the attached financial statements.
- The balance of cash backed reserves was \$8,343,970 at 31 December 2022 as shown in note 7 on page 26 of the attached financial statements.

**List of Accounts Paid for December 2022**

The list of accounts paid during December 2022 is shown on pages 35 to 41 of the attached financial statements. The following material payments are brought to Council's attention:

- \$46,738.53 to the Australian Taxation Office for the business activity statement
- \$52,241.86 to FJ Fitzsimmons & Co for various drainage works
- \$107,543.11 to Solo Resource Recovery for waste removal services
- \$38,011.90 to Titan Ford for a new vehicle
- \$48,342.79 to Western Metropolitan Regional Council for waste disposal costs
- \$558,782.51 to the Department of Fire and Emergency Services for the second instalment of emergency service levies collected on their behalf
- \$37,225.81 to Managed IT Pty Ltd for IT services
- \$151,041.00 to the Shire of Peppermint Grove being an instalment towards the library services
- \$35,711.87 to Surf Life Saving Western Australia for surf life saving services
- \$174,000.98 to the Construction Training Fund for levies collected on their behalf
- \$204,445.04 to Advanteeing Civil for the Eric Street shared path
- \$107,619.12 to Solo Resource Recovery for drain cleaning services
- \$139,948.60 & \$147,339.37 to Town of Cottesloe staff for fortnightly payroll
- \$1,000,000.00 to NAB Pty Ltd being a transfer to investments
- \$32,741.73 & \$34,308.61 for employee Superannuation Contributions

**Investments and Loans**

Cash and investments are shown in note 4 on page 21 of the attached financial statements. The Town has approximately 37% of funds invested with the National Australia Bank, 41% with the Commonwealth Bank of Australia and 22% with Westpac Banking Corporation.

Information on borrowings is shown in note 10 on page 30 of the attached financial statements. The Town had total principal outstanding of \$2,638,369 as at 31 December 2022.

**Rates, Sundry Debtors and Other Receivables**

Rates outstanding are shown on note 6 on page 23 and show a balance of \$1,898,647 outstanding as compared to a larger \$1,785,616 this time last year.



Sundry debtors are shown on note 6 on page 23 of the attached financial statements. The sundry debtors report shows that 30% or \$25,196 is older than 90 days. Infringement debtors are shown on note 6 on page 25 and were \$452,521 as at 31 December 2022.

### **ATTACHMENTS**

**10.1.5(a) Monthly Financial Report for the period 1 July 2022 to 31 December 2022  
[under separate cover]**

### **CONSULTATION**

Nil.

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

Local Government (Financial Management) Regulations 1996

### **POLICY IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

### **RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER RECOMMENDATION**

**THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2022 to 31 December 2022 as submitted to the 28 February 2023 meeting of Council.**

**10.1.6 ORDINARY ELECTION - APPOINTMENT OF ELECTORAL COMMISSIONER**

**Directorate:** Corporate and Community Services  
**Author(s):** Shane Collie, Director Corporate and Community Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D23/5995  
**Applicant(s):**  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to determine who is to conduct the 2023 Ordinary Council election.

**OFFICER RECOMMENDATION IN BRIEF**

That in accordance with section 4.20(4) of the *Local Government Act 1995*, the Western Australian Electoral Commissioner be responsible for the conduct of the 2023 Town of Cottesloe Ordinary Election together with any other elections or polls which may also be required.

That in accordance with Section 4.61(2) of the *Local Government Act 1995*, the voting method of conducting the election be a postal election.

**BACKGROUND**

To assist in budget preparations the Western Australian Electoral Commission has provided Council with a cost estimate to conduct the next scheduled Ordinary Election, scheduled for 21 October 2023.

The current procedure required by the *Local Government Act 1995* is that the Western Australia Electoral Commissioner's written agreement is to be obtained before the vote is taken.

To facilitate the process, the letter received by the Town from the Western Australia Electoral Commissioner can be taken as agreement by the Commission to be responsible for the conduct of the 2023 Town of Cottesloe Ordinary Election, together with any other elections or polls that may also be required.

**OFFICER COMMENT**

The Town's previous elections have been held as postal elections and conducted by the Western Australian Electoral Commission. This method of conducting elections is the only way to ensure complete impartiality in the electoral process. The Electoral Commission effectively has a monopoly in conducting the elections as no other entity, aside from the local government itself, is permitted to conduct local government elections.

It is anticipated that electronic systems will be developed in the coming years for all elections. Until this time arrives it is recommended that the Town utilise the Western Australian Electoral Commission to conduct elections on behalf of the Town.

The Town has 4 vacancies for the 2023 election as follows:

Central Ward	1	Current member Cr McFarlane
East Ward	1	Current member Cr Barrett
North Ward	1	Current member Cr Masarei
South Ward	1	Current member to be elected 25 February 2023

There is no Mayoral election to be held in 2023.

It is unknown if the State Government reforms relating to local government elections will be in place by the time of the October election. Council resolved in October 2022 to abolish wards as per the Default Pathway put forward by the Minister for Local Government, however this will not occur until the legislative process has been completed at the State level.

### **ATTACHMENTS**

#### **10.1.6(a) Electoral Commissioner Correspondence [under separate cover]**

### **CONSULTATION**

Western Australian Electoral Commission.

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995* **4.20. CEO to be returning officer unless other arrangements made**

- (1) Subject to this section the CEO is the returning officer of a local government for each election.
- (2) A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint\* a person other than the CEO to be the returning officer of the local government for —
  - (a) an election; or
  - (b) all elections held while the appointment of the person subsists.
- (3) An appointment under subsection (2) —
  - (a) is to specify the term of the person's appointment; and
  - (b) has no effect if it is made after the 80th day before an election day.
- (4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

\* Absolute majority required.

- (5) A declaration under subsection (4) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.
- (6) A declaration made under subsection (4) on or before the 80th day before election day cannot be rescinded after that 80th day.

**4.61. Choice of methods of conducting election**

- (1) The election can be conducted as a —  
**postal election** which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or  
**voting in person election** which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.
- (2) The local government may decide\* to conduct the election as a postal election.  
  
\* Absolute majority required.
- (3) A decision under subsection (2) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.
- (4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.
- (5) A decision made under subsection (2) on or before the 80th day before election day cannot be rescinded after that 80th day.
- (6) For the purposes of this Act, the poll for an election is to be regarded as having been held on election day even though the election is conducted as a postal election.
- (7) Unless a resolution under subsection (2) has effect, the election.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**RESOURCE IMPLICATIONS**

The estimated cost for the Western Australian Electoral Commission to conduct the 2023 election is \$44,000 including GST (2021 was \$36,000) which is based on the following assumptions:

- 6,200 electors (2021 was 6,100)
- Response rate of approximately 50%
- 4 vacancies (2021 was 5)
- Count to be conducted at the premises of the Town of Cottesloe
- Appointment of a local Returning Officer
- Regular Australia Post delivery service to apply

Costs not incorporated in the estimate include, but not limited to:

- Non-statutory advertising (for example, additional advertisements in community newspapers and promotional advertising)
- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns
- Local government staff members to work in the polling place on election day
- Any additional postage rate increase by Australia Post

**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. **DECLARES**, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2023 Town of Cottesloe ordinary election together with any other elections or polls which may also be required.
2. **RESOLVES**, in accordance with Section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election be as a postal election.

**10.1.7 PARKING AND PARKING FACILITIES LOCAL LAW 2023**

**Directorate:** Corporate and Community Services  
**Author(s):** Shane Collie, Director Corporate and Community Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D23/6018  
**Applicant(s):**  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

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

**OFFICER RECOMMENDATION IN BRIEF**

That Council adopts by Absolute Majority the Town of Cottesloe Parking Facilities Local Law 2023, arranges for the gazettal and publication of the Local Law and authorises the Mayor and the Chief Executive Officer to affix the Town's Common Seal to the Local Law.

**BACKGROUND**

In September 2022 Council at its Briefing Forum discussed the proposal to update its Parking and Parking Facilities Local Law. The proposed Local Law was presented at the September briefing and included a comparison of modified penalties for each Parking Local Law offence from various neighbouring local governments.

The proposed Local Law has been through the following scrutiny in terms of its drafting:

- The proposed Local Law was examined by the Administration, including Ranger Services and Regulatory Services officers.
- The Western Australian Local Government Association (WALGA) Model Local Law was combined with the Town's existing Local Law and amendments made where required.
- A new draft of the Local Law based on the WALGA model was prepared, while retaining those sections that are relevant and specific to the Town of Cottesloe.
- The draft Local Law was also provided to the Department of Local Government for comment (as statutorily required).

**OFFICER COMMENT**

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

**Purpose: To provide for the orderly control and regulation of Parking and Parking Facilities within the Town of Cottesloe.**

**Effect: To ensure that all matters associated with parking within the district of the Town of Cottesloe are governed by this Local Law unless otherwise provided in the Act, regulations or other written law.**

No submissions were received during the advertising period though an email from the Department of Local Government providing comment was received on 6 January 2023 and is attached. The comments provided by the Department of Local Government are noted with one minor change (not significantly different) undertake to the advertised Local Law. This change is to include the following sentence in Part 1 of the Local Law:

*“This Local Law is subject to Regulation 2A of the Local Government (Functions and General) Regulations 1996”*

This change recognises in the Local Law that paid parking west of Broome Street is not permitted to be included in the Local Law.

The Local Law can now be finalised and will come into effect 14 days after its publication in the Government Gazette.

### **ATTACHMENTS**

**10.1.7(a) Parking Local Law [under separate cover]**

**10.1.7(b) Department of Local Government - Comments on proposed parking local law [under separate cover]**

### **CONSULTATION**

At Council’s meeting held on 25 October 2022, Council resolved to provide the required public notice of the intent to make the Town of Cottesloe Parking and Parking Facilities Local Law 2023. Public consultation was undertaken as part of the advertising process required by Section 3.12 (3) of the Local Government Act 1995, which is for a minimum of 42 days. The proposed Local Law was advertised in the Post newspaper on 5 November 2022 as well as on the Town’s Notice Boards, Library and on the website of the Town.

The closing date for submissions was 23 December 2022.

As indicated above one submission was received (late) from the Department of Local Government which resulted in a minor change to the draft Local Law.

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

#### **3.5. Legislative power of local governments**

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

**3.12 Procedure for making a Local Law**

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

\* Absolute majority required.
- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the Gazette the local government is to give local public notice —
  - (a) stating the title of the local law; and



- (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - (c) advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —
- making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

### **POLICY IMPLICATIONS**

The Residential and Visitor Parking Permit section has been amended and now references a separate Parking Policy which will allow for greater discretion in addressing matters associated with permit issue. This Policy does not form part of the Local Law and is still in draft format and will be submitted to Council at a later point in time for adoption. The non finalisation of this Policy need not delay the finalisation of the Local Law, particularly as Council has been seeking this Local Law to be updated for some time now.

### **STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

### **RESOURCE IMPLICATIONS**

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

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION**

**THAT Council:**

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

**10.1.8 RECONCILIATION ACTION PLAN**

**Directorate:** Corporate and Community Services  
**Author(s):** Shane Collie, Director Corporate and Community Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D23/6291  
**Applicant(s):** NA  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The Reconciliation Action Working Group (RAWG) has developed the Town's first Reconciliation Action Plan (RAP) and following the adoption of the draft Plan the document was forwarded to Reconciliation Australia for review and assessment. Some minor additions were recommended and have been incorporated into the RAP which can now be formally adopted.

Additionally some minor changes to the Terms of Reference for the Working Group are put forward for adoption also.

**OFFICER RECOMMENDATION IN BRIEF**

For Council to adopt the Reflect Reconciliation Action Plan 2023 with minor amendments as recommended by Reconciliation Australia. Council is also asked to note the proposed intention to launch the RAP at a function, details to be determined.

For Council to adopt minor changes to the Terms of Reference for the Reconciliation Action Working Group.

**BACKGROUND**

Council formed a Reconciliation Action Working Group (RAWG) following the October 2021 Council elections with the intention of developing a "Reflect" RAP. That work has now been completed and Council adopted the following resolution at its 25 October 2022 meeting:

*"THAT Council adopt the draft Reflect Reconciliation Action Plan 2023 as developed through the Reconciliation Action Working Group to be submitted to Reconciliation Australia for endorsement."*

**OFFICER COMMENT**

The above action emanating from the October 2022 Ordinary Council meeting has subsequently occurred and Reconciliation Australia have responded with some minor additions recommended for inclusion in the Reflect RAP 2023.

This first RAP was due to commence on 1 January 2023 and run for 12 months. The RAWG reviewed the initial changes recommended by Reconciliation Australia at their meeting held on 5 December 2022. The changes were accepted and the Plan updated accordingly and Council was satisfied with those changes and subsequently passed the following resolution at its 13 December 2023 meeting:

*“THAT Council adopt the Reflect Reconciliation Action Plan 2023 in its final form as attached inclusive of the minor changes as recommended by Reconciliation Australia and that if any further minor non consequential alterations that the Chief Executive Officer be authorised to make any such changes without further reference to Council.”*

Notwithstanding the above authorisation to the Chief Executive Officer to action any further changes to the RAP, the RAP was again provided to Reconciliation Australia for consideration which has occurred. The Town’s Reflect RAP 2023 is now complete. The RAWG met on 13 February 2023 and put forward the following:

*“The RAWG endorse the Reconciliation Action Plan, with the final document to be put to the February Ordinary Council Meeting for approval of the updates and the proposal for an official launch.”*

In addition to the above, some minor amendments were made to the Terms of Reference of the group, the main one being a reduction in meeting frequency now that the RAP is moving from the development phase to the implementation phase. The updated Terms of Reference are attached with the tracked changes.

### **ATTACHMENTS**

**10.1.8(a) Reconciliation Action Working Group Notes -13 February 2023 [under separate cover]**

### **CONSULTATION**

Reconciliation Australia.

Reconciliation Action Working Group.

### **STATUTORY IMPLICATIONS**

Nil.

### **POLICY IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

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

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

Major Strategy 1.4: Continue to improve community engagement.

### **RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation. \$20,000 has been allocated in the Town’s Budget in 2022/23 for the development of and implementation of initiatives in the RAP.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**THAT Council:**

- 1. Adopt the Reflect Reconciliation Action Plan 2023 in its final form as attached.**
- 2. Adopt the updated Terms of Reference for the Reconciliation Action Plan Working Group as attached.**

**DEVELOPMENT AND REGULATORY SERVICES****10.1.9 LOCAL PLANNING SCHEME NO. 3 - AMENDMENT 13 - REPORT FOLLOWING ADVERTISING**

**Directorate:** Development and Regulatory Services  
**Author(s):** Ed Drewett, Coordinator Statutory Planning  
**Authoriser(s):** Freya Ayliffe, Director Development and Regulatory Services  
**File Reference:** D23/6147  
**Applicant(s):** N/A  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider the submissions received for local planning scheme no.3 Amendment 13.

**OFFICER RECOMMENDATION IN BRIEF**

That Local Planning Scheme No. 3, Amendment No. 13 be supported without modification.

**BACKGROUND**

On 26 July 2022, Council unanimously resolved to initiate Local Planning Scheme No. 3, Amendment 13 and to undertake statutory procedures accordingly. A copy of the previous report is attached and elaborates on the detail.

The Amendment was required to be advertised by the Western Australian Planning Commission (WAPC) as a Standard Amendment and two submissions were received during the advertising period.

Council is required to make a recommendation to the WAPC on the outcome of the Amendment, which this report addresses.

Previous reports have explained the need to refine clause 5.7.5 in Local Planning Scheme No. 3 (LPS 3) which focuses on guided height discretion for alterations, additions or extensions to existing dwellings. This Amendment introduces discretion to building height controls for new residential development within the framework of the existing relevant clause, retaining the criteria which guide discretion.

Whilst originally thought to be a Basic Amendment, the WAPC determined that it should be a Standard Amendment and advertised accordingly as it does not make the Scheme fully aligned with the Model Scheme Text.

**OFFICER COMMENT**

Although two submissions were received during the advertising period, the Amendment is still considered desirable for the reasons outlined in the Council report of 26 July 2022.

The main concerns raised by the submitters are addressed in the ‘Consultation’ section below.

The building height discretion available under clause 5.7.5 in LPS 3 for alterations, additions or extensions to existing dwellings has operated well since it was gazetted in 2015 and has not resulted in a significant increase in appeals to the State Administrative Tribunal (SAT).

The inclusion of new dwellings into clause 5.7.5 enables the Town to apply some discretion which is considered necessary since definitions relating to building height, wall height, and natural ground level are now defined in the *Planning and Development (Local Planning Schemes) Regulations 2015*, and this has made some of the provisions in LPS 3 redundant.

Council may:

- Support the amendment without modification; or
- Support the amendment with proposed modifications to address issues raised in the submissions; or
- Not support the amendment.

### **ATTACHMENTS**

- 10.1.9(a) 2022-07-26 Council Report - Proposed Scheme Amendment No.13 ~ Residential Building Heights [under separate cover]**
- 10.1.9(b) Comment 1 - Local Planning Scheme Amendment NO. 13 - Residential Building Heights [under separate cover]**
- 10.1.9(c) Comment 2 - Local Planning Scheme Amendment NO. 13 - Residential Building Heights [under separate cover]**

### **CONSULTATION**

The Amendment was advertised from 17 December 2022 to 4 February 2023 (50 days) which exceeded the mandatory 42 days required under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Advertising was undertaken in accordance with clause 76A of the *Planning and Development (Local Planning Schemes) Regulations 2015* and included:

- A notice on the Town’s website, Facebook page and e-news database;
- A notice in the POST newspaper circulating in the area; and
- A copy of the Amendment at the front counter of the Council offices.

Two submissions were received, which were from the same address. A summary of the key points raised and Officer Comments are as follows:

Issue raised	Officer Comment
It removes controversial final decision making from Council.	Applicants will have a right of appeal against a refusal for a height discretion. However, this no different to the appeal right that is currently applicable to developments

	determined under clause 5.7.5.
Council should implant the community-demonstrated position of retaining maximum building heights that are currently permitted under LPS 3.	This is for Council to determine as to whether to support the Amendment, following advertising.
Developers excavating blocks to build underground gives them an extra storey with two-storeys on top which should be sufficient for anyone.	The Amendment does not change the permitted number of storeys for residential development.
By removing height limits, owners/developers will automatically appeal to SAT which shows no interest in “local amenity, adverse impacts, streetscapes, views, public open space” etc.	Refer to first comment above.
SAT’s record of allowing non-conforming developments is a compelling reason for opposing this amendment. To make it easier for them is not representing the community.	The SAT is bound by the Town’s Local Planning Scheme, except for applications that have been determined by the State Development Assessment Unit (SDAU) under Part 17 of the <i>Planning and Development Act 2005</i> (WA).
Council advertising for comment on this amendment over the summer holidays has been unfair and the result will be unrepresentative.	The Town was directed to advertise the amendment as a Standard Amendment by the WAPC on 14 December 2022. Council was then required to advertise as soon as practically possible. The advertising included the local newspaper, the Town’s website, Facebook page, and notification to 1,287 emails on the Town’s database.
Reference in the Council report to the “non-discretionary maximum building height may result in an undesirable streetscape” is incorrect – a 3/4 storey building granted by the SAT in a 1/2 storey streetscape will give an undesirable streetscape.	The reference in the Council report was due to building heights now being required to be measured from existing approved site levels under the deemed provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , rather than from the level of land before any disturbance to the land relating to the development. This could result in an undesirable streetscape especially where previously approved site levels are below adjoining site levels.
It will be another nail in the coffin of our pleasant, green leafy suburb.	The Town will continue to apply all the relevant criteria under clause 5.7.5 in the same way as it has successfully been applied to development applications seeking building height discretion for alterations, additions



	and extensions to existing dwellings, which has been in place since 24 March 2015.
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### **STATUTORY IMPLICATIONS**

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Town of Cottesloe Local Planning Scheme No. 3*

### **POLICY IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

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

Priority Area 4: Managing Development

### **RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER RECOMMENDATION**

THAT Council:

1. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolve to amend the Town of Cottesloe Local Planning Scheme No. 3 (LPS 3) by:

1.1 Modifying clause 5.7.5 as follows:

- i. amend the first paragraph to read:

In the case of new dwellings, or proposed alterations, additions or extensions to existing dwellings, in the Residential, Residential Office, Town Centre, Local Centre, Foreshore Centre and Restricted Foreshore Centre zones, the local government may vary the maximum heights specified in Table 2 and clause 5.7.2, where in its opinion it is warranted due the circumstances and merits of the proposal, having regard to *(as applicable)*;

ii. amend the last paragraph to read:

An application for planning approval requiring the exercise of the discretion under this clause is to be advertised in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the notice of the application is to include such reference to the variation sought to any height standard or requirement as the local government thinks fit.

2. Support the Amendment without modification.
3. Request the WAPC to update point (a) in the second part of clause 5.7.5 in accordance with Amendment 6, gazetted 4 November 2016, to read :  
*Not exceeding the permitted maximum number of storeys; or, where that is already exceeded, not exceeding the existing number of storeys.*
4. Authorise the Mayor and Chief Executive Officer to endorse the Amendment document and request the administration to forward the required documentation in relation to the proposed Amendment to the Western Australian Planning Commission in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**10.1.10 EVENT APPLICATION ELECTRIC ISLAND (BASEMENT JAXX) 2 APRIL 2023**

**Directorate:** Development and Regulatory Services  
**Author(s):** Freya Ayliffe, Director Development and Regulatory Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D23/6407  
**Applicant(s):** T1000 Events  
**Author Disclosure of Interest:** Nil

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**SUMMARY****OFFICER RECOMMENDATION IN BRIEF**

It is recommended that Council approve the use of Cottesloe Beach for the Electric Island Event taking place on Sunday 2 April 2023, subject to the event complying with relevant statutory requirements including the requirement to submit comprehensive event, risk, noise, medical, security, traffic, parking and disability access and inclusion plans.

**BACKGROUND**

T1000 Events originally submitted an application for the use of Cottesloe Beach in 2021. The event was approved under delegation by the Chief Executive Officer (CEO), however, the event was not able to go ahead due to COVID and subsequent travel restrictions.

An application has since been received from T1000 Events to hold the Electric Island Event at Cottesloe Beach on Sunday 2 April 2023 from 2.00pm until 9.00pm. The event will consist of one stage with international artists Basement Jaxx, Roger Sanchez and Kirsten Knight performing. The proposed timeframe will allow patrons to visit local businesses both before and after the event bringing economic stimulus to the area.

The genre of music is considered house music and attracts an older age demographic of 35+ years old. Other infrastructure includes a bar providing both alcoholic and non-alcoholic drinks, and food vans providing a variety of food to patrons.

The event has successfully been held in four other states across Australia including New Zealand (refer to attachments where letters of support have been provided from the Botanic Gardens in Sydney).

A pre-event meeting was held with the applicant where issues from events previously held at this location were discussed. As a result, the following additional measures will be implemented to reduce impact to surrounding residents, businesses and potential damage to the beach and grassed areas:

- Minimal infrastructure;
- Staged bump in;
- Reduced timeframe for bump in;
- Beach will be accessible at all times;

- Shuttle buses in place both pre and post event;
- Additional security in place to patrol areas external to the event;
- Clean up to include outside event area; and
- Clean up crew to commence clean up of beach (sand) immediately after the event.

### **OFFICER COMMENT**

In addition to the above, the applicant will be required to provide comprehensive event, risk, noise, medical, security, traffic, parking and disability access and inclusion plans.

The applicant shall also provide shuttle buses from the train station to the event for patrons to utilise both pre and post event and ensure, in conjunction with the Cottesloe Surf Club, that suitable measures are implemented to enable the Club's member's access to its facilities for the week leading up to the event and event day.

### **BUMP IN**

The bump-in will be a staged approach to ensure the public have access to the grassed area and beach for as long as safely possible. Bump in will commence on 31 March 2023, noting that Sculptures will have completed bump out by this date. There is minimal infrastructure associated with the event, which allows for a staged bump in and minimal impact to grassed areas. The proposed capacity for the event is 6,000 patrons, with expected numbers to be between 4,500 - 5,000 patrons.

### **RISK MANAGEMENT**

A draft risk management plan (RMP) has been submitted which complies with the requirements of ISO 31,000. The RMP is currently being reviewed.

### **SECURITY**

Event organisers have engaged a reputable security company for the event. Security will be on site prior to, during and post event. They will also conduct regular patrols of the surrounding areas and identify problem areas. Police will also be deployed to the event (at least 10 officers) known as 'user pay' as per the requirements of the *Police Amendment Act 2011*.

### **FIRST AID**

First aid will be on site for the duration of the event and will be located in a marquee clearly visible to patrons. Clear access will be maintained at all times for emergency vehicles.

### **NOISE**

The applicant has submitted an application for a regulation 18 noise approval, as per the requirements of the *Environmental Protection (Noise) Regulations 1997*. The approval will include conditions relating to:-

- Noise level limits;

- Strict start and finish times;
- The requirement for affected residents and businesses to be notified of the event at least seven days prior to the event;
- A dedicated complaints line for the event (to be answered in person at all times); and
- Noise level limits to be monitored by an independent acoustic consultant.

### STAKEHOLDER CONSULTATION

Several letters of support have been provided (attached) and further consultation is being carried out with the Surf Club. The Surf Club have advised that the Australian Surf Life Saving Championships are being held in Perth from 25 March until 2 April 2023. The event itself is held in Scarborough, however, competitors will be utilising Cottesloe Surf Club and Boatshed to store equipment and host social functions. Shuttle buses will also be used to transport members/guests from the Club to the event in Scarborough.

Subsequently, the Surf Club has raised concerns regarding access to its facilities. As a result, a site meeting was held with the applicant, the Surf Club and the Town on 23 February 2023 to discuss suitable measures that can be implemented to ensure that access is maintained at all times and there is little disruption to the Surf Club. The applicant has offered to provide traffic management and additional parking spaces along the eastern side of Marine Parade for members/guests/shuttle buses and fencing to the area adjacent to the Surf Club creating additional space for the Club to position a food van to provide food for those attending the function. A sign will be positioned on the fence line stating “surf Club’ with the food truck entering off Marine Parade.

In addition, the following will be in place;

- Access for members to the beach will be maintained until 12noon on event day via the footpath and steps adjacent to the Surf Club
- Access to the Boatshed will be maintained at all times, including event day
- Spotters and support staff will be in place on the entrance and access road to ensure safety through the site to the Boatshed on event day
- The Surf Club will ensure minimal traffic movements occur on event day by encouraging members to have equipment returned to the Boatshed prior to Sunday
- Wrist bands will be provided to members that are required to access the Boatshed event day to ensure safe and easy access
- Infrastructure will be provided (if required) to assist the Surf Club to manage parking on their own property
- The Surf Club will create permits for those members/guests utilising the reserved parking bays along the eastern side of Marine Parade.

**COMPLIANCE**

The applicant is required to obtain approval from WA Police and Racing, Gaming and Liquor. An event approval will be issued with relevant conditions imposed as per the requirements of:-

- *Public Health Act 2016*
- *The Health (Public Buildings) Regulations 1992;*
- *Food Act 2008; and*
- *Environmental Protection (Noise) Regulations 1997.*

Further, Environmental Health Officers will be on site for the duration of the event to ensure compliance with set conditions.

Public Liability insurance with a cover of \$20 million dollars has been provided.

**ATTACHMENTS**

**10.1.10(a) Cover Letter - Event Application - Site Plan [under separate cover]**

**10.1.10(b) Letters of Support [under separate cover]**

**10.1.10(c) Letter of Approval - 2022 event [under separate cover]**

**CONSULTATION**

Surrounding businesses

The Surf Club

The Golf Club

Elected Members

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

*Public Health Act 2016*

*The Health (Public Buildings) Regulations 1992*

*Food Act 2008*

*Environmental Protection (Noise) Regulations 1997*

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

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

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

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

Environmental Health Officers will be on site for the duration of the event to monitor compliance with event conditions, including noise level limits and potential noise complaints.

The total revenue through associated event fees is approximately \$30,170 plus a \$10,000 bond.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

The applicant is aware that single use plastics and balloons are prohibited.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**THAT Council APPROVES the use of Cottesloe Beach for the Electric Island Event to be held on Sunday 2 April 2023 from 2.00pm until 9.00pm subject to:**

- 1. Compliance with relevant statutory requirements being met including the provision of comprehensive event, risk, noise, medical, security, traffic, parking and disability access and inclusion plans; and**
- 2. Access to the beach including disabled access, to be maintained at all times.**

**ENGINEERING SERVICES****10.1.11 LOMA STREET CORAL TREE REMOVAL REQUEST**

**Directorate:** Engineering Services  
**Author(s):** Shaun Kan, Director Engineering Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D23/6097  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider residents request to remove a Loma Street Coral Tree.

**OFFICER RECOMMENDATION IN BRIEF**

That Council REJECTS the removal request.

**BACKGROUND**

Loma Street residents have asked for the removal of a Coral Tree directly outside 22 Loma Street following the recent falling of a large branch onto this road. Attached is redacted correspondence between the Town and residents making this request.





**OFFICER COMMENT**

Council is asked to note:

- This is not the first occurrence of such an incident and past happenings have resulted in damage claims being made against the Town. Given that this is a matter handled by the Town's insurers, the author is unable to publicly provide any further details within this report;
- The request does not meet the requirements of section 4.5 (Tree Removal) within Council's Street Tree Policy (May 2022) - <https://www.cottesloe.wa.gov.au/documents/1631/street-tree-policy> based on the following reasons:
  - (a) The Town's in-house horticulturist has determined the Coral Tree to be neither a noxious weed nor dead but is healthy;
  - (b) Whilst the same horticulturist has advised that the bark can become brittle and susceptible to failure in prolonged extreme summer conditions, this itself does not classify the tree as being dangerous nor being an immediate safety hazard as this can be mitigated through pruning prior to the climatic season;
  - (c) Whilst this is not a specified street species, it is difficult to determine whether the tree was unauthorised. Regardless, this would be irrelevant given the planting is thriving;

Attached is advice from the Town's in house horticulturist.

Notwithstanding the above, the Department of Primary Industries and Regional Development (DPIRD) has informed the Town of a Polyphagous shot-hole borer (PHSB) beetle (<https://www.agric.wa.gov.au/borer>) that has infected other Coral Trees on Florence Street and Alexandra Avenue.

Whilst DPIRD are currently managing the spread, there is the risk that this Loma Street Coral Tree could eventually be infected. However, there are removal avoidance solutions even if this infestation should occur, depending on severity.

Given the above, the recommendation is for Council to reject the request.

Council can amend the officer's recommendation should it wishes to do so and could ask for three offset trees to be planted either on Loma Street or at a different location within the district.

**ATTACHMENTS**

- 10.1.11(a) Coral Tree - Loma St - Combined Resident Correspondence [under separate cover]**
- 10.1.11(b) Email - Dave Derwin - Loma Street Tree Removal [under separate cover]**

**CONSULTATION**

Manager Parks and Operations (email attached)

**STATUTORY IMPLICATIONS**

Local Government Act 1995 Section 2.7

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**

Street Tree Policy

**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.

**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. The removal avoidance and planting of street trees are one of the actions mitigating against the effects of climate change and is one of the key actions within the Town's Corporate Business Plan.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**THAT Council REJECTS resident request to remove the Coral Tree on Loma Street.**

**EXECUTIVE SERVICES****10.1.12 QUARTERLY INFORMATION BULLETIN**

**Directorate:** Executive Services  
**Author(s):** Matthew Scott, Chief Executive Officer  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D23/7321  
**Applicant(s):**  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

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

**OFFICER RECOMMENDATION IN BRIEF**

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

**BACKGROUND**

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

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

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

**OFFICER COMMENT**

Nil

**ATTACHMENTS**

**10.1.12(a) CEO Quarterly Report to Council - Feb 2023 [under separate cover]**

**CONSULTATION**

Nil

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

**POLICY IMPLICATIONS**

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

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**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

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

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

**10.2.1 RECEIPT OF AUDIT COMMITTEE MINUTES**

**Attachments: 10.2.1(a) Audit Committee Minutes - 22 November 2023 [under separate cover]**

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

**11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****11.1 COUNCILLOR MOTION - RECEIPT OF AUDIT COMMITTEE MINUTES**

The following motion has been proposed by Cr Masarei.

**8. COUNCILLOR MOTION**

**THAT Council:**

- 1. Receives the unconfirmed Minutes of the Audit Committee held on Tuesday 22 November 2022 and ADOPTS the recommendations contained within; and**
- 2. Acknowledges the personal contact details of the non-executive staff will be excluded from public versions of the Business Continuity Response Plan in order to protect their personal privacy.**

**9. COUNCILLOR RATIONALE**

1. The role of the Cottesloe Council outlined in Section 2.7 of the Local Government Act is to:
  - a. govern the local government's affairs; and
  - b. be responsible for the performance of the local government's functions
  - c. oversee the allocation of the local government's finances and resources; and
  - d. determine the local government's policies.
2. The Audit Committee is responsible for the reviewing and making recommendations to Council regarding financial management, risk management, internal controls, legislative compliance, internal and external audit planning and reporting.
3. The Audit Committee met on 22 November 2022, the meeting was open to the public & there was no recommendation for the meeting to be closed to the public.
4. The Minutes and the attachments contained recommendations of the Audit Committee relate to the matters in rationale 1& 2 above.
5. At the Agenda Forum on 6 December 2022 the CEO recommended the Minutes of the Audit Committee to be discussed behind closed doors and therefore marked the item confidential.
6. The Mayor requested the media and public to leave the chambers so the matter could be discussed.
7. The Presiding Member of the Audit Committee objected to the minutes being marked confidential and the closure of the meeting to the public.
8. Part 6, clause 6.2 (1) of the Local Laws states that the CEO may "recommend" that a meeting or part of a meeting be closed to the public. Clause 6.2 (2) gives the power to close the meeting to the public to the Council or Committee dealing with the issues.

9. On Friday 9 & 10 December the Agenda for the Ordinary Council meeting was distributed to Elected Members.
10. The CEO removed from the Agenda for the Ordinary Council Meeting on 13 December the minutes of the Audit Committee of 22 November.
11. The gap between the removal of the minutes and the meeting was 3 - 4 days.
12. It was not possible to give the 10 clear working days as requested by Local law 5.3 (2).
13. Notice was given to the Mayor, CEO and Elected Members on Saturday 10 December 2022 of the Presiding Member of the Audit Committee's intention to have the Minutes of the Audit Committee held on Tuesday 22 November 2022 reinstated to the Ordinary Council Meeting on 13 December.
14. A Council briefing was held in February 2023 relating to "Confidentiality"
15. The approval of the Minutes of the Audit Committee and the attachments enables Council to deal with the recommendations of the Audit Committee which relate to the proper administration of the governance of the Town of Cottesloe and promotes open, accountable and transparent decision making.

**10. OFFICER COMMENT****Statutory Implications**

*Local Government Act 1995*

S5.22 Minutes of council and committee minutes

**Policy Implications**

There are no current specific policy implications with the above Motion of which previous notice has been given.

**Resource Implications**

There are no resource implications with regards to the Motion.

**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**

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

**13.1.1 EAST COTTESLOE PLAYGROUND EXPRESSION OF INTEREST**

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

**13.1.2 TASK FORCE ON RESIDENTIAL AND RECREATIONAL VERGE USES 22 FEBRUARY 2023 RECEIPT OF COMMITTEE MINUTES**

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

**MOTION FOR RETURN FROM BEHIND CLOSED DOORS**

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

**13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC****14 MEETING CLOSURE**