



Town of Cottesloe

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

Tuesday, 28 February 2023

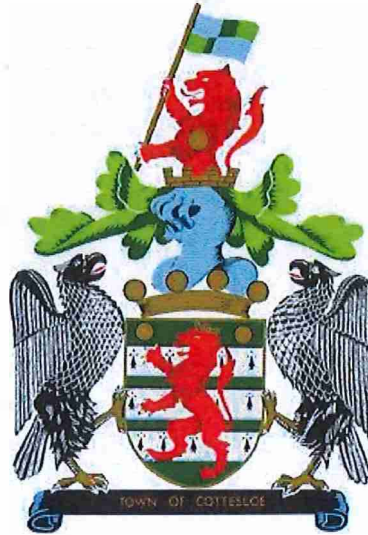
were confirmed as a true and accurate record by Council resolution.

Signed: 

Presiding Member

Date: 28.3.23

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING CONFIRMED MINUTES

ORDINARY COUNCIL MEETING
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6:00 pm Tuesday, 28 February 2023



MATTHEW SCOTT
Chief Executive Officer

10 March 2023

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6:05 pm .

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

1.1 ELECTED MEMBER'S DECLARATION OF OFFICE

At 6:07 pm, Mr Richard Atkins (Councillor Elect for South Ward) made his declaration of office as per 5.2.29, Local Government Act, before the Presiding Member and took his seat at the Council table.

As per Clause 7.1, Local Government (Meeting Procedures) Local Law 2021 the CEO undertook an allotment by random draw of the Elected Members positions at the Council Table. Elected Members moved to their new positions

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Presiding Member explained that the State Governments Planning Reforms were announced last Wednesday 22 February 2023 and they include the introduction of a permanent SDU process. The Town, as well as other Local Governments were not consulted on the decision or timing of that announcement and the details are not yet fully understood. In particular relating to the SDU process. The details are not yet fully understood, but to the extent that Local Governments are replaced as the decision makes in Local Planning matters, that is not something that is supported by the Cottesloe Community or by this Council. We will continue to lobby the State to listen to local communities on planning matters.

The Presiding Member welcomed new Councillor Mr Richard Atkins. It was great to see 3 candidates wanting to take up the position with only ten months effectively to run or even less, and it is really heartening to know that there is interest in the community. I would like to take the opportunity to thank all three of the candidates who put their hands up.

and finally, the CEO received great news today that the 100% full grant funding of the predicted cost for the Skate Park was approved from Lotterywest. I would like to thank the members of the community who were behind the initial push and the Elected Members for their perseverance as things did get a little tricky for a while as we were off to a slightly false start initially but the process that we ultimately followed was rigorous and demonstrated very clear support for a skate park in Cottesloe and clear support for the John Black Park as the preferred location.

I would like to thank the Town staff for the effort that they put in, in getting us this far. The estimated cost of the project is \$743,000 and that's a remarkable amount for Lotterywest to commit to youth in Cottesloe and I would like to thank Lotterywest for this commitment.

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?

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 the 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

Stephen Mellor – 8 Graham Court Cottesloe

Request for EOI to Tender Marine Pd road works between Forrest and Eric St

- Q1: Can you confirm when these sections of road were last resurfaced?
- Q2: Can you confirm when these were ordinarily scheduled to be resurfaced?
- Q3: Why are these works part of the Foreshore Masterplan when the Masterplan itself has not been funded?
- Q4: What funds will be used for these road works? Are the funds separated Masterplan and other?
- Q5: Has the Town taken into consideration in the medium term, the number of road-disturbing private developments, Car Park 2, Foreshore Masterplan or even the Indiana that will damage the new road-surfacing?
- Q6: This EOI planned work shows Car Park 1 remaining in place. Has there been a change of design to retain Car Park 1 in a revised Masterplan and only loose 15 spaces with the parallel not diagonal parking close to Marine Parade?

Payment in Lieu of Parking

- Q7: Why 18 months after the WAPC first warned the Council that its LPP needed updating for cash-in-lieu payments to be made a condition of central foreshore developments, has the Council still has not updated the LPP particularly since applications are awaiting determination by the State for 94, 122 and 140 Marine Parade?
- Q8: Why did the Council's November 2021 Report to the WAPC on the Town's Local Planning Scheme, not mention that the Town's *Local Planning Policy – Parking Matters (LPP)* needed updating to reflect the Cottesloe Foreshore Masterplan?

Q9: Why is our parking plan still not updated?

Q10: Is it because any new Foreshore Parking Plan needs to include Car Park 2 which has not progressed since the 2019 basic concept?

Q11: Has the progress of Car Park 2 been hampered by the incompatible skate park being in the mix?

These questions were taken on notice.

Thomas Jowett – 31 Eric Street Cottesloe

Questions taken on notice

Q1: On what basis are [my questions] altered in the Minutes or law and who makes the changes?

R1: Questions taken on notice are not required to be minuted verbatim, they are usually very paraphrased, particularly where they are accompanied with preamble and expressions of opinion. The CEO generally has a responsibility for ensuring that it is the question that is recorded in the Minutes, subject to confirmation of Minutes by Council.

Financial Statements page 162 receiving of grant;

Q2: We received a \$207,534 grant from the Federal Government. We have already received \$155,651.00 for this, but it's not recognized in the financial statements. Why is this not recognized?

Q3: What exact date was the federal money received and how are our financial statements audited such as this is able to have been missed?

These questions were taken on notice.

Broome St, Long Term Cycle Network;

Q4: According to the ATWG plans for the Long Term Cycle Network, there is a one piece of road widening on either side of Broome Street from Beach Street to Forest Street. The ATWG Minutes state that this is planned for a detailed design in 20223 and construction in 2024. How have the residents been alerted or consulted on this and have designs been made and are they available?

R4: I have been given a copy of the document from a member of the public and asked if there was any plans for a bike infrastructure on respect to Broome Street. I was not aware of that document, I do not believe it did come to an Active Transport Working Group. In any

event, there is currently no concrete plan whatsoever in relation to Broome Street or any of the other streets on the Long Term Cycle Network. When action is proposed, the community will be the first to find out.

Post meeting addendum: At its meeting on 12 May 2022 the Active Transport Working Group was asked to consider a delivery program prepared by the Town's Administration, outlining priorities and design principles for each route in the Town's Long Term Cycle Network. The ATWG is not a committee of Council and therefore there are no Minutes of its meetings. The Notes of the meeting do not say that "this is to go to detailed design in 2023 and construction in 2024". In fact, while the delivery program document contained a time frame for proposed action on Broome St, it is clear from the Notes of the meeting that the Working Group did not discuss the design principles for any routes at all, and instead advised the Administration that the Town's focus should be on the need to lower speeds on cycle routes.

The Notes of the meeting can be found on the Town's website at the Active Transport Working Group tab and the attachment is found at the Active Transport Working Group Related Documents tab.

ERP Project

- Q5: How much more is anticipated to be spent on initiation and planning?
- Q6: Who is leading the project at the Town and what technology experience do they have?
- Q7: How much [does the Town] expect to spend with Datacom, the chosen provider?

These questions were taken on notice

5 PUBLIC STATEMENT TIME

10.1.7 PARKING AND PARKING FACILITIES LOCAL LAW 2023

Mr Stephen Mellor spoke of his concerns regarding not having in the Agenda Attachments comparative penalties to identify changes from the 20069 Policy particularly when they were provided to Elected Members at a briefing. There was no reference in the Officer's Report that the Town's A and B Parking Zones will be abolished resulting in the higher B (Beach zone) penalty rates being charged throughout the whole Town.

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 Wylynko
Cr Richard Atkins

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
Ms Jacquelyne Pilkington	Governance & Executive Office Coordinator

6.1 APOLOGIES

Nil

Officers Apologies

Mr Wayne Zimmermann Manager of Planning

6.2 APPROVED LEAVE OF ABSENCE**6.3 APPLICATIONS FOR LEAVE OF ABSENCE****COUNCIL RESOLUTION**

Moved Cr Harkins Seconded Cr Masarei

That Cr Sadler be granted a leave of absence from 28 July to 6 September 2023.

Carried 9/0

COUNCIL RESOLUTION

Moved Cr Masarei Seconded Cr Barrett

That Cr Masarei be granted a leave of absence from 6 March to 21 March 2023.

Carried 9/0

COUNCILLOR RESOLUTION

Moved Cr Barrett Seconded Mayor Young

That Cr Barrett be granted a leave of absence from 1 July to 31 July 2023.

Carried 9/0

7 DECLARATION OF INTERESTS

Cr Sadler declared an IMPARTIALITY INTEREST in Item 10.1.8 by virtue "I am a member of Reconciliation WA"

Cr Bulbeck declared an IMPARTIALITY INTEREST in Item 10.1.8 by virtue "I am a member of Reconciliation WA"

Cr Bulbeck declared an IMPARTIALITY INTEREST in Item 13.1.1 by virtue "some of the parties are known to me"

Cr Barrett declared an IMPARTIALITY INTEREST in Item 13.1.1 by virtue "some of the parties are known to me"

Cr Masarei declared an IMPARTIALITY INTEREST in Item 13.1.1 by virtue "some of the parties are know to me"

8 CONFIRMATION OF MINUTES**OCM001/2023**

Moved Mayor Young

Seconded Cr Sadler

That the Minutes of the Ordinary Meeting of Council held on Tuesday 13 December 2022 be confirmed as a true and accurate record, subject to a correction of the Mover and Seconder and wording in the Substantive Motion of Resolution OCM191/2022.

Carried 9/0

For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett, MacFarlane, Bulbeck, Wylynko and Atkins
Against: Nil

OCM002/2023

Moved Mayor Young

Seconded Cr Sadler

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

Carried 9/0

For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett, MacFarlane, Bulbeck, Wylynko and Atkins
Against: Nil

OCM003/2023

Moved Mayor Young

Seconded Cr Sadler

That the Minutes of the Special Meeting of Council held on Tuesday 21 February 2023 be confirmed as a true and accurate record.

Carried 9/0

**For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett, MacFarlane, Bulbeck,
Wylynko and Atkins
Against: Nil**

9 PRESENTATIONS

9.1 PETITIONS

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

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

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

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 V1.2 [under separate cover]

CONSULTATION

DL Consulting, Councillors, Finance and Executive staff.

STATUTORY IMPLICATIONS

Local Government (Administration) Regulations 1996

- (3) A Corporate Business Plan for a district is to —
- (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
 - (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
 - (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 it's future budgets.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OCM005/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr MacFarlane

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. At this point in the meeting the En Bloc items were moved and resolved.

Carried by En Bloc Resolution 9/0

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

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

OCM006/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr MacFarlane

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)

Carried by En-Bloc Resolution 9/0

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

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

OCM007/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr MacFarlane

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

Carried by En-Bloc Resolution 9/0

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

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

OCM008/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr MacFarlane

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

Carried by En-Bloc Resolution 9/0

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

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.

* Absolute majority required.

- (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

OCM009/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr MacFarlane

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

Carried by En-Bloc Resolution 9/0

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

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

OCM010/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr MacFarlane

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**

Carried by En-Bloc Resolution 9/0

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

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

OCM011/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr MacFarlane

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.**

Carried by En-Bloc Resolution 9/0

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

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-	This is for Council to determine as to

demonstrated position of retaining maximum building heights that are currently permitted under LPS 3.	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.

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

OCM012/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr MacFarlane

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*

Carried by En-Bloc Resolution 9/0

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

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

OCM013/2023**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Sadler

Seconded Cr MacFarlane

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.**

Carried by En-Bloc Resolution 9/0

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

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

OCM014/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr MacFarlane

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

Carried by En-Bloc Resolution 9/0

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

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.

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

OCM015/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr MacFarlane

THAT Council notes the information provided in the Quarterly Information Bulletin

Carried by En-Bloc Resolution 9/0

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

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
- (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.

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

OCM016/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Young

Seconded Cr Barrett

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 (issued 28 February 2023), 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.

(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.**

Carried 9/0

For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett, MacFarlane, Bulbeck, Wylynko and Atkins
Against: Nil

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]

Moved Cr Sadler Seconded Cr Wylynko

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

OCM017/2023

Moved Cr Masarei Seconded Cr Barrett

COUNCILLOR AMENDMENT

THAT the Minutes should be approved and acknowledge that the personal contact details of the non-executive staff will be excluded from the Public version of the Business Continuity Response Plan in order to protect their personal privacy.

Carried 9/0

**For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett, MacFarlane, Bulbeck, Wylynko and Atkins
Against: Nil**

OCM018/2023**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

Moved Cr Masarei Seconded Cr Barrett

THAT

- 1. Council RECEIVES the attached Unconfirmed Minutes of the Meeting held on Audit Committee and ADOPTS the recommendations contained within.**
- 2. the Minutes be approved and acknowledge that the personal contact details of the non-executive staff will be excluded from the Public version of the Business Continuity Response Plan in order to protect their personal privacy.**

Carried 9/0

**For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett, MacFarlane, Bulbeck, Wylynko and Atkins
Against: Nil**

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.

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.**

Motion lapsed, as the matter had already been dealt with and resolved (12.2.1)

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

12.1 ELECTED MEMBERS

Nil

12.2 OFFICERS

OCM019/2023

Moved Mayor Young Seconded Cr Harkins

THAT Council accepts Item 12.2.1 as a Matter of Urgent Business.

Carried 9/0
For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett, MacFarlane, Bulbeck, Wylynko and Atkins
Against: Nil

12.2.1 LIBRARY MANAGEMENT COMMITTEE MEMBERSHIP

Directorate: Corporate and Community Services
Author(s): Shane Collie, Director Corporate and Community Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D23/8743
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

For Council to appoint an additional Councillor as a Deputy Member for the Library Management Committee (LMC).

OFFICER RECOMMENDATION IN BRIEF

That Council appoint Cr _____ as an additional Council Deputy Member to the Grove Library Management Committee.

BACKGROUND

Crs Harkins and Masarei (Deputy) are the Council appointed Delegates to the Grove Library Management Committee. These appointments occurred following the October 2021 Council elections. The LMC is comprised of representatives from the Towns of Cottesloe, Mosman Park and the Shire of Peppermint Grove and generally meets on a Tuesday at 8am four times a year at the Shire of Peppermint Grove.

The Grove Library is jointly funded by the three local governments and operated by the Shire of Peppermint Grove. The LMC is the governing body responsible for decisions impacting the Library including setting Budgets and overseeing the operations of the facility.

OFFICER COMMENT

Unfortunately on occasions other commitments have seen it difficult for Crs Harkins or Masarei to attend meetings. In the main one or the other has been able to attend however recently two meetings have had to be rescheduled due to both being unable to attend. The Library Management Agreement states that a quorum is not present if one of the local governments is not represented and proxies are not permitted.

This situation is foreseen to continue with future commitments from both Councillors making the situation likely to arise again. Therefore the appointment of a second Deputy will address this scenario and ensure that meetings can be held.

ATTACHMENTS

Nil

CONSULTATION

Town of Mosman Park and Shire of Peppermint Grove.

STATUTORY IMPLICATIONS

Local Government Act 1995

5.10. Committee members, appointment of

- (1) A committee is to have as its members —
- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and

** Absolute majority required.*

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

Absolute Majority

OCM020/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Young Seconded Cr Harkins

THAT Council by absolute majority appoint Mayor Young as an additional Council Deputy

Member to the Library Management Committee (the committee), should Cr Harkins or Cr Masarei be unavailable to attend a committee meeting.

Carried by Absolute Majority 9/0

**For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett, MacFarlane, Bulbeck, Wylynko
and Atkins
Against: Nil**

13 MEETING CLOSED TO PUBLIC**13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED****OCM021/2023****MOTION FOR BEHIND CLOSED DOORS****Moved Cr MacFarlane Seconded Cr Wylynko**

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

Carried 9/0

For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett, MacFarlane, Bulbeck, Wylynko and Atkins
Against: Nil

The public and members of the media were requested to leave the meeting at 6:54 pm

The Presiding Member adjourned the meeting at 6:55 pm to allow Cr Atkins to read the Confidential Documents that was provided to him at them meeting after the swearing in of Councillor.

Meeting resumed at 7:05 pm.

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.

OFFICER RECOMMENDATION

THAT Council REJECTS all Expression of Interests received and ask for the Administration to advertise a public tender for the alternatives detailed in the Officer's Comment Preferred Option Section of this report.

OCM022/2023**Moved Cr Harkins Seconded Cr Barrett****COUNCILLOR AMENDMENT**

- 1. THANKS, all Proponents for submitting an Expression of Interest (EOI) for the East Cottesloe Playground Upgrade Project**
- 2. ACCEPTS only all compliant EOIs received and Requests Administration to progress**

them to an invitation to tender that incorporates the following scope of works; as;

a. Mentioned in Option 2 within the Officer's comment section of the report including those that will be further investigated and completed by Town Staff;

and

b. Additional play equipment requested by the Public Open Space Working Group (POSWG) referred to in the officer's comment section of the report;

Lost 3/6

For: Mayor Young, Crs Harkins and Barrett

Against: Crs Sadler, Masarei, MacFarlane, Bulbeck, Wylynko and Atkins

OCM023/2023

COUNCILLOR FORESHADOWED MOTION

Moved Cr Barrett

Seconded Cr Harkins

THAT Council REJECTS all Expression of Interests received and asks for the Administration to advertise a public tender that incorporates the following scope of works;

- a. Full scope of works including an A Frame Basket Swing and Stump Climber:
- b. Full scope of works including an A Frame Basket Swing and Stump Climber and excluding demolition works and excluding drink fountain.

Carried 9/0

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

Against: Nil

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.

OCM024/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Barrett

Seconded Cr Masarei

THAT Council

1. **ADOPT the Minutes of the Task Force on Residential and Recreational Verge Uses Meeting of the 22 February 2023;**
2. **ENDORSES the Resolution(s) of the Task Force on Residential and Recreational Verge Uses Meeting of the 22 February 2023; and**
3. **Subject to points one and two, THANKS the Task Force for Residential and Recreational Verge Uses for their service and invaluable contribution towards finalising the management protocol and other associated documentation.**

Carried 9/0

For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett, MacFarlane, Bulbeck, Wylynko and Atkins
Against: Nil

OCM025/2023

MOTION FOR RETURN FROM BEHIND CLOSED DOORS

Moved Mayor Young

Seconded Cr Harkins

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

Carried 9/0

For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett, MacFarlane, Bulbeck, Wylynko and Atkins
Against: Nil

The public and members of the media returned to the meeting at 8:07 pm.

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**13.1.1 EAST COTTESLOE PLAYGROUND EXPRESSION OF INTEREST**

The resolution for item 13.1.1 was read aloud.

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

The resolution for item 13.1.2 was read aloud.

14 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 8:09 pm.