



# Town of Cottesloe

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

**Tuesday, 28 March 2023**

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

Signed: 

Presiding Member

Date: 26.4.23

# TOWN OF COTTESLOE



## ORDINARY COUNCIL MEETING CONFIRMED MINUTES

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

A stylized, handwritten signature in black ink, appearing to read "MATTHEW SCOTT".

**MATTHEW SCOTT**  
Chief Executive Officer

5 April 2023

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**1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS**

The Presiding Member announced the meeting opened at 6:04 pm.

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

**2 DISCLAIMER**

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

**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

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

Stephen Mellor – 8 Graham Court, Cottesloe

EOI for Marine Parade road works

Q1: Can you confirm when these sections of road were last resurfaced?

R1: This information is not currently available.

Q2: Can you confirm when these were ordinarily scheduled to be resurfaced?

R2: The Town has scheduled the pavement replacement to occur as part of the Foreshore Redevelopment Marine Parade Upgrade works.

Q3: Why are these works part of the Foreshore Masterplan when the Masterplan itself has not been funded?

R3: The Town has received some funding for the resurfacing works along Marine Parade (Forrest Street to Eric Street) and intends to capitalise on this contribution to carry out part of the works shown on the Foreshore Redevelopment Design approved by Council.

Q4: What funds will be used for these road works? Are the fund's separated Masterplan and other?

R4: it is intended that a combination of Municipal funds, Main Roads Western Australia and Federal Government recurring contribution for road infrastructure upgrades are being used to carry out the works shown on the EOI.

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?

- R5: Yes and construction bonds will be obtained for any reinstatement works that may be required as part of these other related projects and private development works.
- 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?
- R6: There are no changes to the approved Foreshore Redevelopment design. This is an interim measure required to maintain bays along that edge of carpark one and a footpath just east of it.

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?
- R7: Following recent WAPC and JDAP decisions, Council has been considering measures to provide for developer contributions arising from development proposals within the Town including those along Marine Parade and within the Cottesloe Village Town Centre. This includes reviewing the Parking Matters Policy however, this has been overtaken by the need to finalise a Payment in Lieu of Parking Plan by 30 June 2023 in accordance with legislative requirements. The Parking Plan once adopted will reinforce the Parking Matters Policy which may be revised, replaced or rescinded.
- 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?
- R8: The report to Council was a 'Report of Review for the current Local Planning Scheme No.3' which is a high level document that considers the effectiveness of the Town's Local Planning Strategy and the Local Planning Scheme in dealing with development pressures and accommodating change. This a precursor to undertaking a review of both these documents, should the reviews be supported by the WAPC, which includes a review of Local Planning Policies. The Town's Parking Matters Policy is one of those policies to be considered and consequently it was not necessary mention the policy in the above report.
- Q9: Why is our parking plan still not updated?
- R9: Refer answer to Q7 above.

- Q10: Is it because any new Foreshore Parking Plan needs to include Car Park 2 which has not progressed since the 2019 basic concept?
- R10: This is being considered in preparing and finalising the Parking Plan discussed in Q7 above.
- Q11: Has the progress of Car Park 2 been hampered by the skate park being in the mix?
- R11: No

Thomas Jowett – 31 Eric Street, Cottesloe 28 February 2023

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?
- R2: The total Federal grant is \$207,534 of which \$155,651 has been received. The balance remains outstanding. The amount received is contained in the line item Eric Street Shared path, which in November 2022 is listed as \$255,651 (containing other funds). This will be separated for the February 2023 financial statements.
- 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?
- R3: The Federal funds were not "missed". They were received on 22 June 2022 hence were listed as a prepayment in 2021/22 and then transferred back as income for 2022/23.

ERP Project

- Q5: How much more is anticipated to be spent on initiation and planning?
- R5: This project is complex and there are many (more than 20) different modules that are covered in initiation and planning, prior to testing and deployment. This is an ongoing process that ensures staff are able to effectively use the system. There is not a specific financial breakdown per module rather these costs form part of the overall Budget.
- Q6: Who is leading the project at the Town and what technology experience do they have?
- R6: There is a Project Team set up to manage the implementation of the project with the Project Sponsor being the Director Corporate and Community Services. Technical expertise is provided by the company Datacom and the Town's Contract Business Analyst.
- Q7: How much [does the Town] expect to spend with Datacom, the chosen provider?



- R7: The Implementation Contract is \$394,750. There are ongoing software license fees and if further Town instigated work or modules are required. They would be invoiced separately.

#### **4.2 PUBLIC QUESTIONS**

Nil

#### **5 PUBLIC STATEMENT TIME**

Nil

#### **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                |
| Mr Ed Drewett            | Coordinator Statutory Planning               |
| 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**

Nil

**6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

**OCM026/2023**

**Moved Cr Sadler**

**Seconded Cr Barrett**

**That Cr MacFarlane be granted a leave of absence from 26 April to 20 May 2023.**

**Carried 9/0**

**OCM027/2023**

**Moved Cr Sadler**

**Seconded Cr Masarei**

**That Cr Bulbeck be granted a leave of absence from 5 September to 6 October 2023.**

**Carried 9/0**

**OCM028/2023**

**Moved Cr Wylynko**

**Seconded Cr Sadler**

**That Cr Atkins be granted a leave of absence from 26 April to 26 April 2023.**

**Carried 9/0**

**OCM029/2023**

**Moved Cr Harkins**

**Seconded Cr Bulbeck**

**That Cr Atkins be granted a leave of absence from 31 May to 1 July 2023.**

**Carried 9/0**

**OCM030/2023**

**Moved Cr Masarei**

**Seconded Cr Harkins**

**That Cr Wylynko be granted a leave of absence from 15 April to 30 April 2023.**

**Carried 9/0**

**OCM031/2023**

**Moved Cr Masarei**

**Seconded Cr Bulbeck**

**That Cr Wylynko be granted a leave of absence from 15 June to 30 June 2023.**

**Carried 9/0**

**7 DECLARATION OF INTERESTS**

Mayor Young declared an IMPARTIALITY INTEREST in item 10.1.9 by virtue “as I am a Committee Member”

Mayor Young declared an IMPARTIALITY INTEREST in item 13.1.2 by virtue “some of the residents are known to me”

Cr Barrett declared a PROXIMITY INTEREST in item 13.1.2 by virtue “as my property backs on to the laneway”.

Cr Masarei declared an IMPARTIALITY INTEREST in item 13.1.2 by virtue “some of the residents are known to me”.

Cr Atkins declared an IMPARTIALITY INTEREST in item 10.1.6 by virtue “as I am the Treasure of the Tennis Club”

Cr Atkins declared an IMPARTIALITY INTEREST in item 10.1.9 by virtue “as I am a Committee Member”

Cr Atkins declared an IMPARTIALITY INTEREST in item 13.1.2 by virtue “some of the residents are known to me”

**8 CONFIRMATION OF MINUTES**

**OCM032/2023**

**Moved Cr Bulbeck**

**Seconded Cr Harkins**

**That the Minutes of the Ordinary Meeting of Council held on Tuesday 28 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

**10 REPORTS****10.1 REPORTS OF OFFICERS****OCM033/2023****Moved Cr Barrett****Seconded Cr Harkins****COUNCIL RESOLUTION**

**That Council adopts en-bloc the following Officer Recommendations contained in the Agenda for the Ordinary Council Meeting 28 March 2023:**

| <b>Item #</b> | <b>Report Title</b>   |
|---------------|---|
| <b>10.1.1</b> | <b>Monthly Financial Statements for the period 1 July 2022 to 31 January 2023</b> |
| <b>10.1.3</b> | <b>Infrastructure Assets – Revaluation</b>  |
| <b>10.1.5</b> | <b>Pineapple Club (Event) Saturday 15 April 2023 Cottesloe Beach</b>              |
| <b>10.1.6</b> | <b>Skate Park Project</b>   |
| <b>10.1.7</b> | <b>Asset Management Plan</b>  |
| <b>10.1.9</b> | <b>Internal and External Committee Vacancies</b>                                  |
| <b>10.2.1</b> | <b>Receipt of Audit Committee Minutes</b>   |

**Carried 9/0**

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

**Against: Nil**

**CORPORATE AND COMMUNITY SERVICES****10.1.1 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2022 TO 31 JANUARY 2023**

**Directorate:** Corporate and Community Services  
**Author(s):** Wayne Richards, Acting Finance Manager  
**Authoriser(s):** Shane Collie, Director Corporate and Community Services  
**File Reference:** D23/8511  
**Applicant(s):** Nil  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

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

**OFFICER RECOMMENDATION IN BRIEF**

That Council receives the Monthly Financial Statements for the period 1 July 2022 to 31 January 2023.

**BACKGROUND**

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

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

**OFFICER COMMENT**

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

- The net current funding position as at 31 January 2023 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 31 January 2023 as shown in note 7 on page 26 of the attached financial statements.

#### **List of Accounts Paid for January 2023**

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

- \$191,273.77 & \$47,858.47 to the Western Metropolitan Regional Council for waste disposal charges and the Town's fifty per cent fixed fee contribution.
- \$27,607.15 to Electricity and Retail Generation for street lighting charges
- \$59,378.22 to Classic Contractors for works at Anderson Pavilion
- \$65,397.83 to the Construction Training Fund for fees collected on their behalf
- \$60,499.44 to Crayon Australia Pty Ltd for software licence fees
- \$25,897.93 to Managed IT Pty Ltd for IT services provided to the Town
- \$32,117.02 and \$32,832.21 for employee Superannuation Contributions
- \$148,697.24 and \$135,275.19 to Town of Cottesloe staff for fortnightly payroll

#### **Investments and Loans**

Cash and investments are shown in note 4 on page 21 of the attached financial statements. The Town has approximately 46% of funds invested with the National Australia Bank, 34% with the Commonwealth Bank of Australia and 20% with Westpac Banking Corporation.

Information on borrowings is shown in note 10 on page 30 of the attached financial statements. The Town had total principal outstanding of \$2,460,557 as at 31 January 2023.

#### **Rates, Sundry Debtors and Other Receivables**

Rates outstanding are shown on note 6 on page 23 and show a balance of \$1,120,317 outstanding as compared to a lesser amount of \$1,001,317 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 18% or \$23,584 is older than 90 days. Infringement debtors are shown on note 6 on page 25 and were \$495,590 as at 31 January 2023.

#### **ATTACHMENTS**

- 10.1.1(a) Monthly Financial Report 1 July 2022 to 31 January 2023 [under separate cover]**

#### **CONSULTATION**

Nil.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

Local Government (Financial Management) Regulations 1996

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

**OCM034/2023**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Barrett**

**Seconded Cr Harkins**

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

**Carried By En Bloc Resolution 9/0**

**10.1.3 INFRASTRUCTURE ASSETS - REVALUATION**

**Directorate:** Corporate and Community Services  
**Author(s):** Shane Collie, Director Corporate and Community Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D23/10642  
**Applicant(s):**  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to amend its Infrastructure Assets Useful Lives to more accurately align with industry standards as well as satisfying audit requirements.

**OFFICER RECOMMENDATION IN BRIEF**

That Council amend its Infrastructure Assets Useful Lives as presented in this Report.

**BACKGROUND**

As indicated at the 14 March 2023 Council Briefing the Town is required to revalue its Infrastructure Assets every 5 years and this revaluation was due in 2022/23 having last been done in 2017/18. Engineering Consulting firm Tallis were contracted to perform this task in late 2022 in view of having the valuations done for the 2021/22 final Accounts.

Tallis performed the Revaluation task however there was an issue presented with the Useful Life (UL) of Infrastructure Assets. The determined valuations arrived at by Tallis differed significantly (up) to those adopted by Council as part of its Budget process. The valuations adopted by Council are called "Significant Accounting Policies" and can only be changed by Council once they are adopted in the Budget for the year.

There has hence been conflicting views on this matter which has led to the delay in finalising the 2021/22 Accounts of the Town. The Town's Auditor has called for a Position Paper and engineering justification as to why the Infrastructure Assets ULs should be increased prior to being in a position to sign off on the Accounts for the year.

**OFFICER COMMENT**

The Town's Auditor has advised that the changes to the values in Infrastructure Assets can be accepted however they must be justified which is understandable.

The Administration agrees that the current ULs of Infrastructure Assets are too low and that they should be amended up. Tallis have provided justification for their considered engineering position on this matter and based on their expertise, the observations of the Town's own Engineering team and industry benchmarks it is recommended that the ULs be increased for Infrastructure Assets. This will have no impact on the final Accounts of the Town as these are book entry values only, though it will improve the ratios where relevant.

Ideally this work would have been completed earlier in the year or the ULs retained for the current year. The first matter was directly impacted by staff turnover in the Finance section of the Town's Administration and the second is unrealistic given that the Town has now



formally been advised that the ULs need to be amended up and to ignore that information would certainly see the Town end up with qualified Audit.

In terms of changed financial information there are several factors that can influence the dollar values associated with infrastructure valuations, including but not limited to;

- Unit rates on construction inputs
- Useful life of assets
- Condition assessments of assets

The increase of unit rates of construction will affect both the gross replacement costs of assets as well as the annual depreciation costs. For example, if the unit rates for key materials increases by 50%, this will increase the gross replacement cost by 50%. As this gross replacement costs increases this has a flow on effect to depreciation which also increases.

Increasing the useful life of assets reduces the depreciation amount posted to the Operating Statement each year.

Condition assessments of assets can have the affect of increasing or reducing the accumulated depreciation, for example if the most recent condition data indicates that the asset is in better condition than the current values in the database, as a part of a revaluation this can reduce the accumulated depreciation for that asset or asset class.

A comparison of 2021/22 data to 2020/21 is as follows:

|                          | 30/06/2021<br>\$ | 30/06/2022<br>\$ | Variance<br>\$ |
|--------------------------|------------------|------------------|----------------|
| Gross Replacement Cost   | 29,331,738       | 47,200,131       | 17,868,393     |
| Accumulated Depreciation | 15,222,889       | 12,526,515       | (2,696,374)    |
| Written Down Value       | 14,108,849       | 34,673,616       | 20,564,767     |

As a part of the 30/6/22 desktop infrastructure revaluation the following input changes are noted;-

- unit rates for road construction had increased and this had the effect of increasing the gross replacement cost from \$29,331,738 to \$47,200,131.
- the useful lives of the various road components were revised as they were deemed too low. This will have the effect of reducing the annual depreciation going forward.
- the condition data supplied revealed that the condition of the roads was actually better than what was contained within the database. This contributed towards the reducing of the accumulated depreciation from \$15,222,889 to \$12,526,515.

**ATTACHMENTS**

**10.1.3(a)**      **Position Paper - Appendix [under separate cover]**

**10.1.3(b)**      **Position Paper - Tallis [under separate cover]**

**CONSULTATION**

Ernst and Young Auditors

Tallis Engineering Consultants

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

**Section 7.9.    Audit to be conducted**

Local Government (Financial Management) Regulations 1996

**Section 17A.    Valuation of certain assets for financial reports**

A local government must show in each financial report for a financial year ending on or after 30 June 2020 the fair value of all of the non-financial assets of the local government that are — infrastructure

**POLICY IMPLICATIONS**

The Useful Lives of Infrastructure Assets are part of Council's Significant Accounting Policies as contained within the adopted 2022/23 Budget. It is a Council resolution only that can change them.

**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

OCM035/2023

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Barrett

Seconded Cr Harkins

THAT Council amend the Useful Lives of Infrastructure assets per the following table:

|                                      | <u>Current Useful Life</u> | <u>Proposed Useful Life</u> |
|--------------------------------------|----------------------------|-----------------------------|
| - Roads - Formation/Subgrade         | Not depreciated            | Not depreciated             |
| - Roads - Pavement                   | 25-50                      | 60-100                      |
| - Roads - Seal                       | 25-50                      | 20-35                       |
| - Roads - Kerbing                    | 25-50                      | 60-80                       |
| - Right of Ways - Formation/Subgrade | Not depreciated            | Not depreciated             |
| - Right of Ways - Pavement           | 34                         | 60-100                      |
| - Right of Ways - Seal               | 34                         | 20-35                       |
| - Right of Ways - Kerbing            | 34                         | 60-80                       |
| - Car Parks - Formation/Subgrade     | Not depreciated            | Not depreciated             |
| - Car Parks - Pavement               | 34                         | 60-100                      |
| - Car Parks - Seal                   | 34                         | 20-35                       |
| - Car Parks - Kerbing                | 34                         | 60-80                       |
| - Drainage                           | 25-50                      | 80-100                      |
| - Footpaths                          | 25-50                      | 20-60                       |
| - Lighting and Electrical            | 10-60                      | 20                          |
| - Parks & Ovals                      | 5-237                      | 10-40                       |
| - Streetscapes                       | 15-25                      | 15-25                       |
| - Miscellaneous                      | 10-60                      | 25-60                       |
| - Irrigation                         | 20-100                     | 20-100                      |

Carried By En Bloc Resolution 9/0

**DEVELOPMENT AND REGULATORY SERVICES****10.1.5 PINEAPPLE CLUB (EVENT) SATURDAY 15 APRIL 2023, COTTESLOE BEACH**

**Directorate:** Development and Regulatory Services  
**Author(s):** Freya Ayliffe, Director Development and Regulatory Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D23/12395  
**Applicant(s):** Zaccaria Events  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider granting approval for the use of Cottesloe Beach, for Pineapple Club taking place on Saturday 15 April 2023 from 3:00 pm until 10:00 pm

**OFFICER RECOMMENDATION IN BRIEF**

It is recommended that Council approve the use of Cottesloe Beach for the Pineapple Club Event taking place on Saturday 15 April, subject to the event complying with relevant statutory requirements.

Noting that comprehensive event, risk, noise, medical, security, traffic, parking and disability access and inclusion plans have been submitted to the satisfaction of the Town.

**BACKGROUND**

Council at its August 2022 meeting resolved as follows:

***RESOLUTION OCM117/2022***

***That Council gives in principle support to the “Pineapple Club” event for 8000 patrons on the Cottesloe foreshore, on a date in March/April 2023, after the closure of the Sculpture by the Sea event, with the site plan and other details of the proposal to be approved by Council prior to the event.***

Council’s rationale for recommending the event be held in March/April as opposed to November was a result of the stress and damage placed on the foreshore lawn by a large number of patrons, a considerable amount of infrastructure positioned in the area, worsened by extremely hot weather and the area not being able to be watered. Unfortunately this resulted in a large portion of the Foreshore without grass for several months. Having the event in March/April ensures the foreshore area, including the grass terraces are in excellent condition throughout summer for all beach users.

The applicants, Zaccaria Events have since submitted a revised event application for an event to be held on Saturday 15 April 2023 from 3.00pm until 10.00pm. The event will consist of a main stage with local artists playing, a silent disco, a VIP area, roving entertainment, markets, yard games and several food and beverage outlets catering to a maximum capacity of 8,000 patrons. The proposed timeframe will allow patrons to visit local businesses both before and after the event bringing economic stimulus to the area. Further, as the event is

held on a Saturday night patrons will have the option to visit both local and nearby venues/bars before and after the event. The genre of music is considered dance music and attracts Gen Z and late 90's millennials.

To eliminate the damage to grassed areas, and minimise interruption to the local community allowing access to the beach (and grassed areas) at all times during bump in, the applicant is proposing to expand the footprint of the event. A portion of Marine Parade, directly adjacent to the event area will be closed from midnight Friday 13 April 2023 and will reopen Sunday 16 April 2023 when all infrastructure has been removed and it is deemed safe. This will also allow for a very short bump out of only two days.

The road closure will also -

- Reduce traffic congestion through a well implemented traffic management plan approved by the Town of Cottesloe
- Allow for the placement of heavy infrastructure on the road, minimising potential damage to grassed areas
- Allow for the additional floor space/footprint resulting in an increase in space/person, reducing overall impact to the site
- Allow for the site to be watered during bump in/out
- Allow full access to the beach and grassed areas during bump in.

The recent closure of Marine Parade due to works carried out by the Water Corporation has demonstrated that the road closure will have minimal impact on traffic and businesses. Those impacted will be notified of the proposed closure at least seven days prior to the event.

Shuttle buses will be provided from the train station to and from the event, and a dedicated drop off/pick point will be provided on Forrest Street.

#### **OFFICER COMMENT**

The applicant has provided comprehensive event, risk, noise, medical, security, traffic, parking and disability access and inclusion plans.

The applicant has also submitted several letters of support, including a letter of support from the Surf Club (attached).

#### **BUMP IN / BUMP OUT**

The bump-in will commence on Tuesday 11 April 2023, with minimal infrastructure being placed on site, all staff associated with the build and event day will be briefed the first day of bump in. The site will slowly develop with the closure of Marine Parade being in place from midnight Friday 14 April 2023.

Bump out will commence immediately after the event with Marine Parade opening on Sunday when deemed safe (scheduled time, if safe to do so is 10.00pm).

**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 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. Free drinking water will also be provided throughout the event area.

**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.

**WASTE MANAGEMENT**

A reputable waste management company has been engaged to manage general waste and recycling services pre, during and post event. The company specialises in events and has been provided with relevant details of the event such as number of patrons, number of food and beverage outlets, type of waste and site layout.

**STAKEHOLDER CONSULTATION**

Several letters of support have been provided (attached).

**COMPLIANCE**

The applicant has obtained 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**

- 10.1.5(a) Pineapple Club - Site Plan [under separate cover]**
- 10.1.5(b) Pineapple Club - Letters of Support [under separate cover]**
- 10.1.5(c) Pineapple Club - Event Application [under separate cover]**

### **CONSULTATION**

Surrounding businesses

The Surf 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 \$30,000 plus a \$20,000 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

**OCM036/2023**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Barrett**

**Seconded Cr Harkins**

**THAT Council APPROVES the use of Cottesloe Beach for Pineapple Club to be held on Saturday 15 April 2023 from 3.00pm until 10.00pm subject to:**

- 1. Compliance with relevant statutory requirements being met; and**
- 2. Access to the beach including disabled access, to be maintained at all times.**

**Carried By En Bloc Resolution 9/0**



**ENGINEERING SERVICES****10.1.6 SKATE PARK PROJECT**

**Directorate:** Engineering Services  
**Author(s):** Shaun Kan, Director Engineering Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D23/8969  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

In February 2023, the Town received a \$743,900 Lotterywest grant to build a Skate Park within John Black Dune Park.

For Council to endorse a design and construct public tender ([Option 1](#)) for the Skate Park concept approved at the February 2022 Ordinary Council Meeting (OCM).

**OFFICER RECOMMENDATION IN BRIEF**

That Council endorse a design and construct public tender for the construction of a Skate Park at John Black Dune Park based on the concept approved at the February 2022 OCM.

**BACKGROUND**

At the March 2021 OCM, a Skate Park size was approved and possible locations were shortlisted by Council. At the September 2021 OCM, a final location was approved following a series of resident workshops.

A concept was then developed and approved at the February 2022 OCM. Council as part of its resolution asked for a separate report to be brought back to an OCM once funding had been secured for a budget to be provided in order for a tender to be advertised. A John Black Dune Masterplan incorporating the Skate Park and the landscaping of the public open space was also requested

At the April 2022 OCM, the John Black Dune Masterplan including the Skate Park was endorsed. A Lotterywest grant application for the Skate Park was then lodged in August 2022 and approved in February 2023 (\$743,900).

The table below summarises the achievements of the Council milestones to date:

| Stage   | Description  | Objective  | Progress to Date  |
|---|--|--|---|
| 1   | size and cost  | council to agree on park size and how much it wishes to invest on the project  | <b>March 2021 Ordinary Council Meeting Resolution OCM047/2021</b>     |
| 2   | shortlisting of possible sites   | council to determine which sites to progress to strategic assessment   |   |
| 3   | Investigate suitability of various sites                                   | re-assessment of possible sites  | <b>September 2021 Ordinary Council Meeting Resolution OCM172/2021</b> |
| 4   | Community workshop to determine a location from shortlisted suitable sites | community workshop to determine a location from the various Council approved sites.<br><br>Site selection criteria to be included as part of process to ensure an appropriate site is chosen |   |
| <b>HOLD POINT: COUNCIL APPROVAL REQUIRED FOR FINAL LOCATION, FACILITY SIZE AND INVESTMENT MAGNITUDE</b> |  |  |   |
| 5   | concept development workshop   | Develop draft concept based on community feedback in stage 5<br><br>Undertake further community workshops to progress the draft concept  | <b>February 2022 Ordinary Council Meeting</b>                         |
| <b>HOLD POINT: COUNCIL APPROVAL REQUIRED FOR THE DRAFT CONCEPT</b>                                      |  |  |   |
| 6   | Engage Contractor  | Open tender to determine a contractor for Council to appoint for the detail design and construction  |   |
| <b>HOLD POINT: COUNCIL APPOINTMENT OF CONTRACTOR FOR DESIGN AND CONSTRUCT DELIVERY ARRANGEMENT</b>      |  |  |   |
| 7   | detail design  | Progress the draft concept to detail design based on feedback received from stage 6  |   |
| <b>HOLD POINT: COUNCIL APPROVAL REQUIRED FOR THE DETAIL DESIGN SCHEME</b>                               |  |  |   |
| 8   | construction   | Implementation of approved scheme  |   |

**OFFICER COMMENT**

The following are procurement options available for Council to consider:

- Option one: Design and Construct (D&C) Public Tender (or through the WALGA panel); or
- Option two: Carry out the detail design first before progressing with a construct only Public Tender.

The table below summarises the merits of each solution:

| Parameter         | Option 1 : Design and Construct   | Option 2: Detail Design first then Construct   |
|-------------------|---|--|
| Scope and Quality | As per approved concept and accompanying specifications   |  |
| Budget and Cost   | There is limited control over the tender prices that return. There is a risk that the offers could exceed the grant value given that an estimate was done 12 months ago (February 2022) | This approach allows a detail design to be developed and costed. Council can then rationalise the scope, if required, to meet the available grant funding amount |
| Time              | This time frame is shorter subject to no contractual issues occurring between the completion of the design and commencement of construction   | Will be longer than design and construct given the initial 2 weeks required to appoint a designer  |
| Market            | Clauses can be included in the contract to mitigate rise and fall risk but it could result in the contractors overpricing the job to cover themselves                                   | Minimal rise and fall risk   |
| Other Projects    | 11 skate parks built under this arrangement in Western Australia  | 6 skate parks built under this arrangement in Western Australia  |

Considering the information within the above table, the recommendation is to proceed with a D&C Public Tender.

Whilst there is the avenue of using the WALGA Preferred Supplier Panel, it is important to note that there are only a limited number of proponents on the pre-qualified list, reducing the competitiveness of the forthcoming bidding process. For this reason, there is merit in an open tender to explore offers made by larger contractor specialists. Regardless, it is recommended that Council allows a tender advertising period of a minimum 4 four weeks.

Notwithstanding the above, the following will be highlighted (or incorporated) in the Request for Tender (RFT) Document:

- Lotterywest funding source and amount within the preamble (public information) through the - <https://www.lotterywest.wa.gov.au/lotterywest/grants/approved-grants-list/approved-grants-list>;
- Concept (area and layout) approved by Council is fixed and shall not be changed without a resolution of Council;
- An option for concrete access footpaths to be built; and
- Public feedback received on the different elements within the preferred Skate Park concept approved by Council will be taken into account in the detailed design stage.

Should Council accept the officer's recommendation, the following are anticipated timeframes for the remaining parts of the project:

- March 2023 – Council endorses the procurement process;
- April 2023 – RFT prepared and advertised;
- May 2023 – A preferred bidder is recommended to Council;
- June 2023 – Subject to Council appointing a builder, detail design begins;
- July to August 2023 – Detail design is developed and presented to Council;
- September 2023 – State Government approvals (Department of Planning, Lands and Heritage including Department of Water, Environment and Resources but not limited to)
- October 2023 to February 2024 - Construction

### **ATTACHMENTS**

Nil

### **CONSULTATION**

Council

Natural Areas Alliance (Town of Cottesloe, Cottesloe Coastcare and Perth NRM)

Previous community consultation and workshops to provide information for Council to determine a preferred location and skate park concept

Department of Planning, Lands and Heritage

Department of Environment

### **STATUTORY IMPLICATIONS**

The detail design is required to be referred to State Government for approval given that these are public works and the 'A' Class Reserve classification needs to be signed off as being appropriate. It is unlikely there will be planning, lands or heritage implications.

As the Skate Park is 70 metres from residential properties (beyond the 50 metres minimum guidelines) with no lighting, there would be unlikely glare or noise related spillage to impact

surrounding residents. For assurance, there will be various studies (lighting spillage from the surrounding areas and noise) to confirm this expectation during the detail design process.

Continuous liaison with various State Government agencies combined with appropriate analysis throughout the subsequent stages of the project will occur to obtain any required approvals or exemptions.

#### **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 to date are in accordance with the existing budgetary allocation. A \$743,900 grant has been secured through Lotterywest.

Council will need to make a contribution of \$240,000 (over 3 years) for the landscaping of John Black Dune Park. The Town is in the process of sourcing grants for Council's contribution. It is preferred that the Skate Park is first completed before any of this landscaping occurs.

#### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

The John Black Dune Masterplan, particularly the landscape concept will contribute towards the amenity of the park and increase the district's canopy cover. Continuous liaison with State Government agencies will ensure relevant approvals (or exemptions) are received before construction commences. There will be an emphasis on noise and lighting implications analysis during the detail design to ensure this does not become an issue after the Skate Park is built.

#### **VOTING REQUIREMENT**

Simple Majority

**OCM037/2023**

#### **OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Barrett

Seconded Cr Harkins

**THAT Council:**

- 1. THANKS Lotterywest for the grant to design and build a Skate Park in Cottesloe;**

2. **NOTES** the mentioned timeframe within the Officer's Comment; and
3. **APPROVES**, Option one, a design and construct Public Tender for the Cottesloe Skate Park Project

**Carried By En Bloc Resolution 9/0**

**10.1.7 ASSET MANAGEMENT PLAN**

**Directorate:** Engineering Services  
**Author(s):** Shaun Kan, Director Engineering Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D23/9978  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to adopt the attached Asset Management Plan (AMP).

**OFFICER RECOMMENDATION IN BRIEF**

That Council ADOPTS the attached Asset Management Plan.

**BACKGROUND**

In 2018, GHD was commissioned to revalue the Town's assets as part of developing an Asset Management. Talis Consultants were appointed in 2021 to review this document and consider contemporary asset condition assessments by the Town as part of its update.

A draft version was drafted and presented to the December 2021 Ordinary Council Meeting, where Council resolved as follows:

**OCM243/2021****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Mayor Young                      Seconded Cr MacFarlane**

**THAT Council:**

- 1. NOTES the attached first iteration of Asset Management Plan that will be used to develop the Town's Long Term Financial Plan (LTFP);**
- 2. NOTES that a second iteration of the Asset Management Plan that addresses all feedback provided at the December 2021 Agenda Forum and Ordinary Council Meeting including a draft Long Term Financial Plan will be brought back to an Elected Members Workshop before tabling at an Ordinary Council Meeting in 2022; and**
- 3. REQUESTS the Administration to consider cost reductions opportunities in both the documents mentioned in point one before the meetings mentioned in point two.**

**Carried by En Bloc Resolution 6/0**

**OFFICER COMMENT****Integrated Planning and Reporting Framework**

There is a relationship between the AMP, Strategic Community Plan (SCP), Corporate Business Plan (CBP) and LTFP as part of any Local Government's Integrated Planning Framework.

An AMP predominantly identifies what assets are required and the standard that they will be maintained at (levels of service) to meet the goals of the organisation including the expectations of the community. A LTFP establishes how the AMP will be funded.

The Local Government Act (1995) Section 5.56 – Planning for the Future and the Local Government (Administration) Regulations 1996 Part 5 Division 3 Regulation 19DA 3(c) specifies the need for an Asset Management Plan (Integrated Planning Framework).

The AMP focuses on replacement values, which is generally just the cost of installing the exact same item at its end of life to deliver its intended purpose, different from asset valuation for financial reporting purposes, which involves determining fair market value of the Town's assets.

Replacement costs are normally affected by the construction pricing and for this reason, rates are adjusted whenever the AMP is reviewed. The AMP attempts to articulate the cost of replacing/renewing assets, but does not provides a fair market value for the Town's assets, which is what is included in the Town's financial reports.

Fair Market value is the generally defined as the price an asset would sell for on the open market. This can be very different from replacement value, especially for asset classes such as Land and Buildings, which may change significantly due to other factors, other than the cost to materials to replace them (such as location or permitted uses). The Local Government Financial Management regulations require Land, Building, Infrastructure, plant and equipment assets to be re-valued at fair market value every 5 years. This revaluation process for financial report purposes is separate to the AMP.

For the reasons above, it is not unusual for an assets fair market valuation and their replacement value to differ and at times.

#### **LTFP Adoption and the Attached AMP**

Council adopted the LTFP in February 2023 that covers the period from 2023/2024 to 2032/2033 whilst the attached AMP is for the 2022/2023 to 2031/2032 horizon (summary below).

| Coverage    | 22/23 | 23/24 | 24/25 | 25/26 | 26/27 | 27/28 | 28/29 | 29/30 | 30/31 | 31/32 | 32/33 |
|-------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| <b>LTFP</b> |       |       |       |       |       |       |       |       |       |       |       |
| <b>AMP</b>  |       |       |       |       |       |       |       |       |       |       |       |

This stagger is predominantly due to the impacts of Covid that delayed the LTFP development to mid 2022, in the midst of the 2022/2023 budget compilation and adoption. For this reason, the financial plan's year 1 is 2023/2024 to allow the LTFP to be used to developing annual budgets for this financial year and beyond.

Whilst Council can ask for the AMP to match the LTFP, this is not recommended at this stage for the following reasons:

- Both plans including any AMP informing strategies (Public Open Space Strategy etc) will need to be reviewed regardless in 2023/2024 after the Council adopts the SCP and CBP;
- Synchronising with the AMP will cost approximately \$20,000 and there may be more value investing this after the above point is complete; and



- Both documents are sufficient for financial modelling to assist Council with any decision making associated with the SCP and CBP development.

The subsequent sections of the Officer's Comment summarises key information within the attached Asset Management Plan.

### **Asset Management Strategy**

An Asset Management Strategy (AMS) ensures infrastructure can be maintained, renewed, and upgraded in a sustainable way. It guides asset management practice and principles across the organisation relating to new assets and the sustainability of existing levels of service when providing existing infrastructure.

Given the Town has several advanced Infrastructure Strategies (Long Term Cycle Network, Public Open Space Strategy etc.) that have been used to develop a balanced LTFP, Council is in a position to develop an interim AMS after the AMP is adopted. Alternatively, Council can complete its new SCP and CBP before compiling its AMS for the AMP and LTFP to be redeveloped in line with these strategic documents (SCP and CBP).

### **Asset Management Plan Level of Service Assumptions**

- Operational maintenance based on historical preservation cost and schedule (refer to table 6-2 page 20 within the attached AMP) currently implemented by the Town (incorporates the maintenance of new future assets such as the Foreshore Redevelopment); and
- Capital replacement and upgrade expenditure based on different strategies adopted by Council (LTCN, POS Strategy, ROW Strategy)

It is noted that informing strategies relating to the attached AMP have been progressively developed since 2019 and as such cost data may not be contemporary due to the significant changes in economic data since that time. This data, if needed, will be updated following the adoption of the SCP and CBP when community needs and expectation have been revised. For these reasons, the AMP is an aspirational document and is used to guide the upcoming SCP and CBP development.

### **Summary of Current Asset Conditions**

- With the exception of electrical and drainage infrastructure within the Foreshore Precinct and similar assets in certain other areas within Cottesloe that requires renewal, the other Town assets are generally in an acceptable condition (refer to figure 3-1 within attached AMP).
- The \$13.5 million available Town funding covers all income sources received annually by the Town;
- Assets with no condition data being referred to in Figure 3-1 and 3-2 are:
  - (a) Street Furniture - bench seats, drink fountain and sculptures are the key items with artwork making up most of assets values that have no condition data. This will be considered in any future asset management plan with the provision of curatorial services from Sculpture by the Sea, as these are experts that can accurately provide such an assessment.

- (b) Foreshore Assets – Predominantly the ocean groyne, valued at \$1.2 million that would require costly geotechnical engineering experts to carry out an in depth assessment to quantify a condition rating.
- (c) Public Space – Council when noting the Public Open Space Strategy in 2019, determine an order of priority upgrade for playgrounds in the Town. For this reason, there was limited benefit in carrying out the assessment.
- Operational Maintenance Requirements takes into consideration routine activities to preserve assets to an acceptable condition. The planned compared to the required maintenance cost has found that there is a \$2.16 million annual gap. This shortfall covers routine maintenance for completed capital replacement and acquisition of assets over the AMP timeframe. The most significant project would be the Foreshore Redevelopment that has a substantial quantity of new assets added with renewals.
- Renewal is major capital work, which does not significantly alter the original service provided by the asset. It merely replaces an existing asset to its original service potential. Work over and above this is considered an acquisition (upgrade) resulting in additional future operations and maintenance costs (Foreshore Redevelopment). The current gap is \$775,000 per annum with such a higher expenditure in the AMP's initial three years due to the assumption that the entire Foreshore Redevelopment will occur then (less Carpark 2 Redevelopment).

Council is to note Figure 1 within the attached Asset Management Plan (executive summary) shows the combined operating and capital (renewal, upgrade and new assets) expenditure (planned and required) within the LTFP. The spike in the 2026 to 2028 period is predominantly due to the Carpark 2 Redevelopment works. Further details on the investment strategy is within the LTFP.

Figure 6-1, 6-2 and 6-3 in later sections of the report provides a further breakdown of individual expenditure categories shown in Figure 1. The increasing maintenance requirements (Figure 6-1) and spiking trends (Figure 6-2 and 6-3) is due to increasing asset base (upgrades and new assets) from major projects such as (but not limited to) Foreshore Redevelopment, Public Open Space and the Long Term Cycle Network.

### **Financial Sustainability**

Notwithstanding the replacement analysis, Council does not need to source renewal funds in the short term to cover this shortfall or start renewing assets. It needs to consider the overall condition of the Town's assets and decide the amounts to set aside into various reserves as part annual budget planning over the next 10 years, critical to avoid the Town's financial sustainability from being impacted.

Operational maintenance gaps can be addressed by removing the quantum of existing assets (reduction strategy) and re-rationalising the introduction of new assets including upgrade projects given that these are key contributors to preservation cost.

The above can be incorporated as part of any future AMS.

Regulation 50 of the *Local Government (Financial Management) Regulations 1996* requires local governments to measure and report to the Department the asset consumption ratio, asset renewal funding ratio and asset sustainability ratio. These parameters predominantly

determine Council's financial sustainability by considering available funding and whether this is sufficient to manage them to meet a benchmarked level of service.

These ratios relating to the Town of Cottesloe can be summarised as follows:

| Key Performance Indicator  | Calculation Method  | Minimum Standard          | Preferred Range            | Town of Cottesloe (December 2021)       | Town of Cottesloe (February 2023) |
|--|---|---------------------------|----------------------------|---|-----------------------------------|
| <b>Asset Consumption Ratio</b> - measures the aged condition of a Local Government's physical stock of assets  | current asset value divided by current asset replacement cost   | 50% (0.5)                 | 60% to 75% (0.6 to 0.75)   | 65% (0.65)                              | 65% (0.65)                        |
| <b>Asset Sustainability Ratio</b> - indicates whether a local government is renewing or replacing existing assets at the same rate that its overall stock of assets is wearing out.  | capital renewal expenditure divided by the depreciation of this replacement cost being spent  | 100% (1.0)                | 90% to 110% (0.9 to 1.1)   | 2022/2023 - 73%<br>10 yr Forecast - 49% | 77% (0.77)                        |
| <b>Asset Renewal Funding Ratio</b> - indicates whether the local government has the financial capacity to fund asset renewal as required and can continue to provide existing levels of services in future, without additional operating income. | planned capital renewal expenditure over the next ten years divided by the net present value of capital expenditure in the same ten year period | 75% to 95% (0.75 to 0.90) | 95% to 105% (0.95 to 1.05) | 49% (0.49)                              | 77% (0.77)                        |

The Town's asset management performance ratios can be summarised as follows:

- Council has 77% of the capital replacement funding available for what is required in the next 10 years;
- Council has 82% of the forecast cost needed to provide the service levels documented within the attached AMP

### Financial Gap Reduction Options

The following are alternatives to increasing budgets required for operational maintenance and asset renewals through rate rises and other financial acquisition avenues:

- Reduce the acquisition of new infrastructure and current assets; and
- Reduce level of service (maintenance frequency and the number of assets)

Given the Foreshore Redevelopment Project, a Council priority, is a significant cost contributor to the AMP, Council may wish to ask for a scenario analysis to be done without these major works to determine the performance of other assets.

Further discussions with the consultant following the March 2023 Agenda Forum has confirmed that the main contributor any financial gaps is predominantly due to the introduction of new assets as part of the Foreshore Redevelopment Projects. This requires additional budgets for its future operating maintenance.

This conclusion is only speculative and more time is required for remodelling in order to confirm.

**ATTACHMENTS**

10.1.7(a) ASSET MANAGEMENT PLAN - MARCH 2023 [under separate cover]

**CONSULTATION**

Town of Cottesloe Staff

Council

**STATUTORY IMPLICATIONS**

*Local Government Act (1995) Section 5.56 – Planning for the Future*

*Local Government (Administration) Regulations 1996 Part 5 Division 3 Regulation 19DA 3(c) specifies the need for an Asset Management Plan (Integrated Planning Framework).*

*Regulation 50 of the Local Government (Financial Management) Regulations 1996*

**POLICY IMPLICATIONS**

Asset Management Policy (22/03/2010).

An asset management strategy will need to be developed following the adoption of the attached plan before the policy is reviewed.

**STRATEGIC IMPLICATIONS**

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

Priority Area 5: Providing sustainable infrastructure and community amenities

Priority 5.3 Develop and implement long term planning strategies per the Integrated Planning and Reporting requirements that has identified an action for an asset management plan to be developed for Council's endorsement.

**RESOURCE IMPLICATIONS**

The asset management plan will be used to determine the requirements within the Long Term Financial Plan and Workforce Plan.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

OCM038/2023

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Barrett

Seconded Cr Harkins

THAT Council:

1. ADOPTS the attached Asset Management Plan for the purpose of redeveloping the Strategic Community Plan and Corporate Business Plan;
2. NOTES that the Asset Management Plan attached is only aspirational and will be rewritten following the completion of the Strategic Community Plan and Corporate Business Plan development; and
3. NOTES that point two will also include the review of all Asset Management Plan informing strategies so that they will be in line with the Strategic Community Plan and Corporate Business Plan mentioned in point one.

Carried By En Bloc Resolution 9/0

**EXECUTIVE SERVICES****10.1.9 INTERNAL AND EXTERNAL COMMITTEE VACANCIES**

**Directorate:** Executive Services  
**Author(s):** Matthew Scott, Chief Executive Officer  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D23/7312  
**Applicant(s):**  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider whether to fill vacancies on various internal and external committees as a result of former Cr Caroline Harben's resignation.

**OFFICER RECOMMENDATION IN BRIEF**

That vacancies on the Procott Committee and the Shine Community Services Combined Council Committee be filled by Cr Atkins (provided Cr Atkins is willing to do so) and that a vacancy on the Town of Cottesloe Reconciliation Action Plan Working Group be filled by Mayor Young, and Cr Atkins be appointed as a Deputy Member.

**BACKGROUND**

The recent resignation of Cr Caroline Harben has created a vacancy on a working group of Council and on 2 external organisations in which the Council has representation on, being:

- **Town of Cottesloe Reconciliation Action Plan Working Group – Member**

This Working Group oversees the recently adopted Reconciliation Action Plan and generally meets around 4 times a year for around an hour each time.

- **Procott Incorporated – Member**

This external group meets as required and is effectively the Business Association of Cottesloe. Their main activity is making arrangements for the Annual Napoleon Street Christmas event.

- **Shine Community Services Combined Council Committee - Deputy Member**

This committee is the local government conduit to the Shine Community Services (similar to Home and Community Care) and meets infrequently.

**OFFICER COMMENT**

Effectively Council has 3 options in whether to fill the vacancies created by Cr Harben's resignation:

1. Appoint other existing Elected Members to fill the various vacancies;
  2. Appoint newly elected Councillor Atkins to the vacancies; or
  3. Not fill the vacancies until after the October 2023 Ordinary Election.
-

Following discussion at the 21 March 2023 Agenda Forum the preferred method of filling these vacancies is for Cr Atkins to fill the Procott vacancy and the Deputy Member vacancy for the Shine Community Services Combined Council Committee.

Mayor Young has been attending the Reconciliation Action Plan Working Group meetings as a Deputy to former Cr Harben and has indicated a willingness to continue to attend these meetings.

#### **ATTACHMENTS**

Nil

#### **CONSULTATION**

Nil

#### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

Section 5.10 Committee members, the appointment of.

#### **POLICY IMPLICATIONS**

Pol/109 Advisory and Working Groups

#### **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

OCM039/2023

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Barrett

Seconded Cr Harkins

1. THAT Council appoint Cr Atkins to the following Council Working Groups/External Organisations for a term up until the October 2023 Council election:
  - Procott Incorporated;
  - Shine Community Services Combined Council Committee (Deputy Member).
2. THAT Council appoint Mayor Young to the Reconciliation Action Plan Working Group for a term up until the October 2023 Council election and that Cr Atkins be made the Deputy Member

Carried By En Bloc Resolution 9/0



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

**10.2.1 RECEIPT OF AUDIT COMMITTEE MINUTES**

**Attachments:**    10.2.1(a)    Special Audit Committee Meeting - Draft Minutes [under separate cover]  
                         10.2.1(b)    Compliance Audit Return 2022 updated 22 March 2023 [under separate cover]

**OCM040/2023**

**Moved Cr Barrett**

**Seconded Cr Harkins**

**THAT Council RECEIVES the attached Unconfirmed Minutes of the Meeting held on 22 March 2023 and ADOPTS the recommendations contained within.**

**Carried By En Bloc Resolution 9/0**

**10.1.2 MID-YEAR BUDGET REVIEW 2022/23**

**Directorate:** Corporate and Community Services  
**Author(s):** Shane Collie, Director Corporate and Community Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D23/8959  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

In accordance with statutory requirements, Council is presented with the mid-year budget review for the financial year ending 30 June 2023 for its consideration.

**OFFICER RECOMMENDATION IN BRIEF**

It is recommended that Council receive the Budget Review for the Financial Year 2022/23 and adopts the amendments contained therein, setting the material monthly reporting of significant variances of income and expenditure at \$25,000 in the Statement of Financial Activity and notes the predicted closing balance of \$0 to be carried forward to 2023/24.

**BACKGROUND**

Each year Council is presented with a mid-year budget review, prepared using six months of actual financial results compared against the budget predictions for the year to date. This allows performance against the budget to be measured, and if required, amendments to be made.

The mid-year review process also allows for factors that were not known at the time of forming the budget to be incorporated into the budget. This may be a change in the operating environment of the Council, funding opportunities not previously known or projects that were not included in original 2022/23 budget considerations.

**OFFICER COMMENT**

In general, revenues of the Town are up compared to the adopted Budget as a result of increased investment returns from deposits, increased reimbursements (matched with extra expenditure) and increased grant funding. Some areas of fees and charges were less than budgeted e.g. parking (\$250,000), whilst other areas are forecast to have exceeded budget e.g. facility hire (\$140,000) and building applications (\$80,000).

Examples include (end of year income estimates varying from Budget):

- |  |           |
|--|-----------|
| • Increased Interest on Deposits & Bank Accounts | \$299,000 |
| • Increased Reimbursements (lease related)       | \$100,000 |
| • Increased Facility Hire Income                 | \$140,000 |
| • Increased Building Application Fees            | \$80,000  |

- Increased Interim Rate Income \$76,056
- Reduced Parking Income (\$250,000)
- Reduced Outdoor Eating Fees (\$30,487)

Operating expenditure is forecast to be less than budget by \$472,654. The main material changes recommended in this Budget Review are contained in the attached Budget Review document. Additional points brought to Council's attention are:

- Extra grant funding of \$743,900 to fund the Skate Park construction.
- An increase of \$911,517 to the forecast start of financial year surplus. Part of this surplus related to carried forward works into the 2022-2023 financial year totalling \$519,640.
- The ERP project has been extended until July 2024 and hence there is reduced expenditure in the 2022/2023 year of \$618,406 and a corresponding reduction of transfers from reserves of \$695,000.
- The funding for landscaping at John Black Dune reserve was unsuccessful and therefore the expenditure and matching grant funding have been removed.
- Extra expenditure of approximately \$104,000 relating to lease preparations (reimbursed by lessee).
- Increased expenditure on the Eric Street shared path of \$326,806 partially matched with some extra grant funding of \$68,000 and increased transfers from reserves of \$175,000.
- Increased expenditure on the Anderson Pavilion Development of \$380,000.
- Extra grant funding of \$30,000 to fund Australia Day celebrations.
- Extra expenditure on the marine barrier to extend the season.

Since the Briefing Forum of Council held on 14 March 2023 there has been one further change to the Budget Review being the recognition of an additional \$30,000 in expenditure allocated to the Marine Parade works. This was due to \$30,000 being received from the Water Corporation due to their undertaking works in Carpark 1 earlier this financial year and the income being accounted for but not the expenditure.

Additionally as raised at the Agenda Forum meeting of 21 March 2023 it is confirmed that the current material variance amount is set at \$25,000 and it is not recommended to amend that threshold.

Also at the Agenda Forum meeting of 21 March 2023 there was considerable discussion on a small number of items that were included in a list that had been raised by members of the community throughout the year. These items are not recommended to be included in the Budget Review bearing in mind that Council can make changes as it sees fit.

Alternatively they could be considered as part of the 2023/24 Annual Budget deliberations when additional information will be available.

**ATTACHMENTS**

- 10.1.2(a) Report - Mid Year Budget Review 2022-2023 - Departmental Worksheets  
[under separate cover]
- 10.1.2(b) Report - Mid Year Budget Review 2022-2023 v2 [under separate cover]

**CONSULTATION**

As a part of the preparation of the Budget Review senior staff have been consulted.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

Local Government (Financial Management) Regulations 1996

**Regulation 33A. Review of Budget**

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must-
  - (a) Consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
  - (b) Consider the local government's financial position as at the date of the review; and
  - (c) Review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.
- (3) A Council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or recommendations made in the review.

\*Absolute majority required
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department of Local Government, Sport and Cultural Industries.

**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.

Council's budget sets out the operating and capital areas that will be focused on during the financial year. It allows priorities to be set and strategic projects to be achieved.

### **RESOURCE IMPLICATIONS**

Predicted variances proposed to the 2022/23 Budget arising from this review are summarised in the attached Budget Review document. These variances are examined in more detail in the supplementary information provided being the revenue and expenditure by program and capital expenditure program.

There is currently a surplus of \$592,267 forecast as at 30 June 2023 and management recommend that this surplus is allocated to the following reserve funds;-

- 80% (\$473,814) to the Foreshore Redevelopment Reserve
- 20% (\$118,453) to the IT Reserve

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **VOTING REQUIREMENT**

Absolute Majority

### **OFFICER RECOMMENDATION**

**Moved Cr Barrett**

**Seconded Mayor Young**

THAT Council:

1. RECEIVES the Budget Review for the Financial Year 2022/23;
2. ADOPTS the amendments contained within the attached Budget Review document;
3. RETAINS the materiality levels of \$25,000 for the monthly reporting of significant variances of income and expenditure in the Statement of Financial Activity;
4. TRANSFERS an amount of 80% (Estimate \$473,814) to the Foreshore Redevelopment Reserve and 20% (Estimate \$118,453) to the IT Reserve.
5. NOTES the predicted closing surplus of \$0 to be carried forward to 2023/24

OCM041/2023

Moved Cr Bulbeck

Seconded Cr Wylynko

**COUNCILLOR AMENDMENT**

Amends point 4 of the Officers Recommendation to;

4. TRANSFERS an amount of 35% (ESTIMATE \$207,298) to the Green Infrastructure and Sustainability Initiatives Reserve and 65% (Estimate \$384,969) to the Foreshore Redevelopment Reserve.

Lost 4/5

For: Mayor Young, Crs Sadler, Bulbeck and Wylynko

Against: Crs Masarei, Harkins, Barrett and MacFarlane and Atkins

OCM042/2023

**SUBSTANTIVE MOTION**

Moved Cr Barrett

Seconded Mayor Young

THAT Council:

1. RECEIVES the Budget Review for the Financial Year 2022/23;
2. ADOPTS the amendments contained within the attached Budget Review document;
3. RETAINS the materiality levels of \$25,000 for the monthly reporting of significant variances of income and expenditure in the Statement of Financial Activity;
4. TRANSFERS an amount of 80% (Estimate \$473,814) to the Foreshore Redevelopment Reserve and 20% (Estimate \$118,453) to the IT Reserve.
5. NOTES the predicted closing surplus of \$0 to be carried forward to 2023/24

Carried by Absolute Majority 9/0

**10.1.4 ADVERTISING OF DRAFT PLANNING POLICY- DEVELOPER CONTRIBUTIONS FOR PUBLIC ART**

**Directorate:** Development and Regulatory Services  
**Author(s):** Sonya Hayes, Planning Officer  
**Authoriser(s):** Freya Ayliffe, Director Development and Regulatory Services  
Matthew Scott, Chief Executive Officer  
**File Reference:** D23/12373  
**Applicant(s):** N/A  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider adopting for the purpose of advertising a draft Developer Contributions for Public Art Planning Policy.

**OFFICER RECOMMENDATION IN BRIEF**

THAT Council adopt the draft Developer Contributions for Public Art Planning Policy for the purpose of Advertising in accordance with Schedule 2 Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Advertising is proposed to include notices in the local newspaper and on the Town's website and Facebook page.

**BACKGROUND**

In light of recent development pressures within the Town, particularly on the Foreshore and in the Town Centre, Elected Members have raised the possibility of developer contributions towards public art.

A number of local governments have successfully implemented planning policies requiring the provision of public art through a condition of Development Approval. Furthermore, the State Government's Percent for Art Scheme requires up to 1% of the construction budget for new public buildings over \$2 million to be spent on art.

**OFFICER COMMENT**

The Town seeks to facilitate the provision of public art as part of the development application approval process, by requiring developers of prescribed developments to contribute towards public art.

Public art has the ability to enhance the social, physical and cultural environment of the Town and add to a community's sense of place. The Policy defines prescribed development, public art and artist.

Prescribed development is development with a cost of \$2 million or more, but does not include a single house, wholly residential developments containing less than 10 dwellings, demolition, site works and/or servicing infrastructure.

The Policy requires a Development Approval for a prescribed development to include a condition requiring a public art contribution to the value of at least 1% of the development cost.

The public art contribution can be satisfied in one or both of the following ways:

- Option 1: Public art within the development site.

If option 1 is chosen, developers/landowners are to provide information and plans of the proposal to the Town for approval, prior to the lodgement of a building permit application. The public art is to be installed prior to the occupation of the development and thereafter maintained for the life of the development.

- Option 2: payment (cash-in-lieu) of the required contribution amount to the Town of Cottesloe's Community Art Fund for the future provision of public art by the Town.

If option 2 is chosen, the cash-in-lieu contribution is to be paid to the Town prior to the occupation of the development. The contribution is to be expended by the Town within ten (10) years of receipt, on public art in the vicinity of the development, or may be accrued for larger public art projects.

In preparing this Policy, the Town reviewed a number of other local government public art planning policies. These policies were consistent in requiring a 1% contribution and being able to provide public art on site or as a cash-in-lieu contribution. However there were variations in the applicable development cost (\$1 million to \$5 million), the applicable development and what is considered to be public art

### **ATTACHMENTS**

- 10.1.4(a) Draft Developer Contributions for Public Art Planning Policy [under separate cover]**
- 10.1.4(b) Draft Developer Contributions for Public Art queries [under separate cover]**

### **CONSULTATION**

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

- (1) *If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —*
  - (a) *publish in accordance with clause 87 the proposed policy and a notice giving details of —*
    - (i) *the subject and nature of the proposed policy; and*
    - (ii) *the objectives of the proposed policy; and*



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

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

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

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

*Planning and Development (Local Planning Schemes) Regulations 2015*

*Town of Cottesloe Local Planning Scheme No. 3*

### **POLICY IMPLICATIONS**

This Policy will apply to development applications for prescribed development with a development cost of \$2 million or greater.

If Council decides not to adopt the Policy for public advertising, the Town will not be able to impose a requirement to provide public art (or cash-in-lieu of public art) without the agreement of developers.

### **STRATEGIC IMPLICATIONS**

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

Priority Area 4: Managing Development

### **RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Cr Wylynko**

**Seconded Cr Harkins**

THAT Council adopt for the purpose of advertising Draft Planning Policy – “Developer Contributions for Public Art” as specified in Schedule 2, Part 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*

**OCM043/2023**

**Moved Cr Bulbeck**

**Seconded Cr Barrett**

**COUNCILLOR AMENDMENT**

THAT Council adopts the following amendment to the draft Planning Policy – “Developer Contributions for Public Art” document.

Include “during fabrication transport to site and installation” after the word Insurance at 1.2.

**Carried 9/0**

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

**OCM044/2023**

**Moved Cr Bulbeck**

**Seconded Cr Sadler**

**COUNCILLOR AMENDMENT**

THAT Council adopts the following amendment to the draft Planning Policy – “Developer Contributions for Public Art” document.

Include “360 degree view of the public art where considered necessary by the Town, and” as a separate point at 3.2(c)

**Carried 9/0**

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

OCM045/2023

Moved Cr Bulbeck

Seconded Cr Barrett

**COUNCILLOR AMENDMENT**

THAT Council adopts the following amendment to the draft Planning Policy – “Developer Contributions for Public Art” document.

Include “or any deficit below the 1% in the amount expended by the developer/landowner in fulfilling option 1” after 1% of the development costs at 4.1.

Lost 0/9

For: Nil

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

OCM046/2023

Moved Cr Bulbeck

Seconded Cr Sadler

**COUNCILLOR AMENDMENT**

THAT Council adopts the following amendment to the draft Planning Policy – “Developer Contributions for Public Art” document.

Include “The selection and approval of any modifications of proposed artworks will be determined having regard to current Council policy” as an additional point at 5.1.

Carried 7/2

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

Against: Crs Barrett and MacFarlane

OCM047/2023

Moved Cr Wylynko

Seconded Cr Harkins

**SUBSTANTIVE MOTION**

THAT Council adopt for the purpose of advertising Draft Planning Policy – “Developer Contributions for Public Art” as specified in Schedule 2, Part 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, with following amendments to the draft Planning Policy – “Developer Contributions for Public Art” Document.

1. Include “during fabrication, transport to site and installation” after the word Insurance at 1.2
2. Include “360 degree view of the public art where considered necessary by the Town, and” as a separate point at 3.2(c).

3. Include “The selection and approval of any modifications of proposed artworks will be determined having regard to current Council policy” as an additional point at 5.1.

Carried 9/0

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

#### Councillor Rationale

Council wanted the following matters addressed in the Draft Planning Policy:

1. Insurance of the art work following installation will be covered either by the Town’s insurance or that of the building owner.
2. The 360 degree view will provide extra information for assessing the proposal.
3. The policy at the moment does not contain a mechanism for choosing artworks and as indicated in our acquisition of the Public Works policy we do not have the expertise ourselves because the Public Works policy identifies the possibility of appointing an art advisory group or curator, other art policies do have a mechanism like an advisory group or a public art committee.

**10.1.8 YELLOW LINE INSTALLATION REQUEST**

**Directorate:** Engineering Services  
**Author(s):** Renuka Ismalage, Manager Projects and Assets  
**Authoriser(s):** Shaun Kan, Director Engineering Services  
**File Reference:** D23/10220  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider a resident request for the installation of yellow lines along Marine Parade adjacent to 162 and 164 Marine Parade.

**OFFICER RECOMMENDATION IN BRIEF**

That Council approves the “no stopping” yellow line marking adjacent to 162 and 164 Marine Parade.

**BACKGROUND**

The Town through Ranger and Compliance Services has received a resident request to install yellow lines at locations mentioned within the Summary Section of the report. Council is asked to consider the officer’s comments to determine the merits of the officer’s recommendation.

**OFFICER COMMENT**

The request to install yellow lines between the crossovers of 162 and 164 Marine Parade is stated to be due to vehicles continuously parking at this location, affecting safe access to these properties due to parts of a vehicle overhanging crossovers.

Council is asked to note that the three metre yellow line proposed replaces the existing non-standard markings to the north of these properties (shown in the photographs A below).

The additional six metre restrictions (shown in photographs B) between 162 and 164 Marine Parade crossovers eliminates the safe access risk resulting from the parked vehicle overhangs. It would not be unreasonable for Council to approve this install, as it would be difficult to mark a parking bay at this location and provide a reasonable offset (approximately one metre) from crossovers, similar to the other areas along Marine Parade. Current standards do not require such an offset and this has only been implemented using the principles of best practice to allow better manoeuvrability. This also prevents inevitable overhangs going into crossovers should this occur. It is also important to note that Parking Local Laws does require the entire vehicle length to be parked within the marked limits of a bay.

As an alternative to yellow lines, Council is asked to consider the recommendation for motorcycle parking similar to that immediately to the south (shown in photograph C) to be installed.

Regardless of option (yellow line or motorcycle parking), there is no increase or decrease effect on the number of marked car bays along Marine Parade given there is demarcation at this location.

Given the reasons above and that this is a request from directly impacted residents, there is no requirement for further consultation.

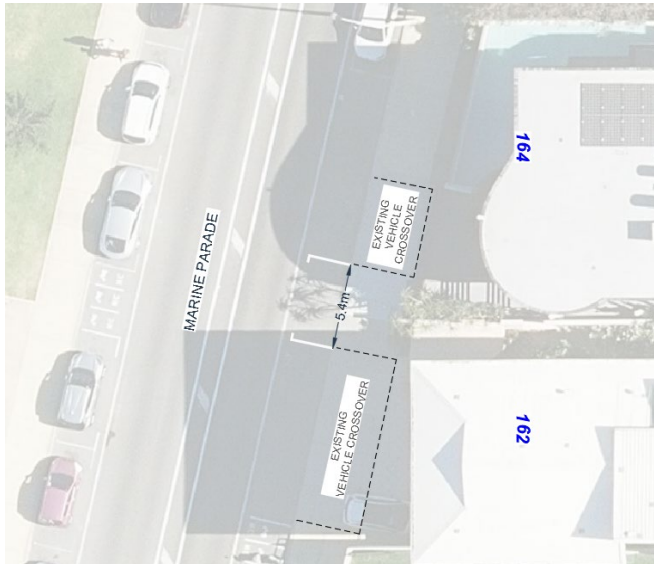
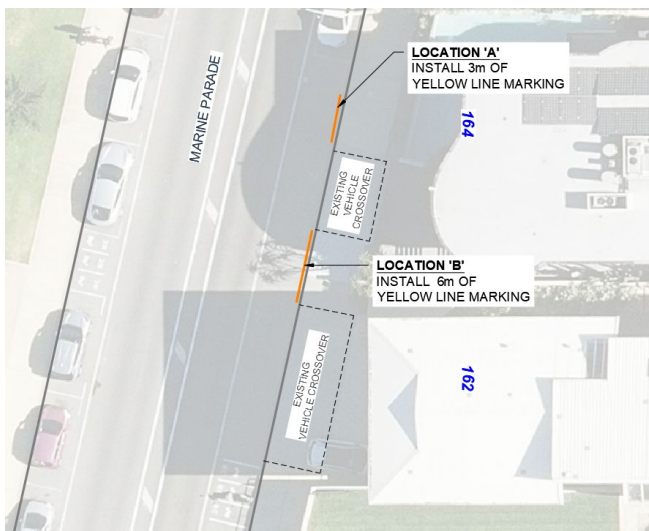


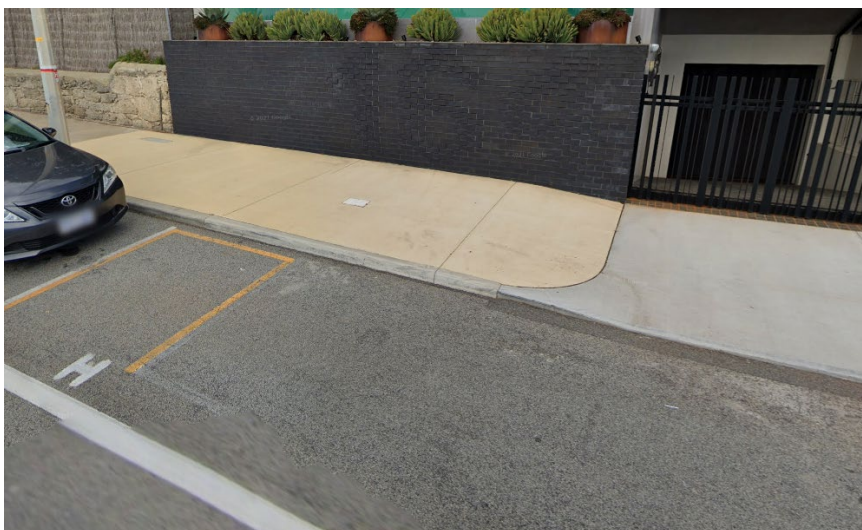
Illustration with Parking Bay



Proposed yellow line installation locations.

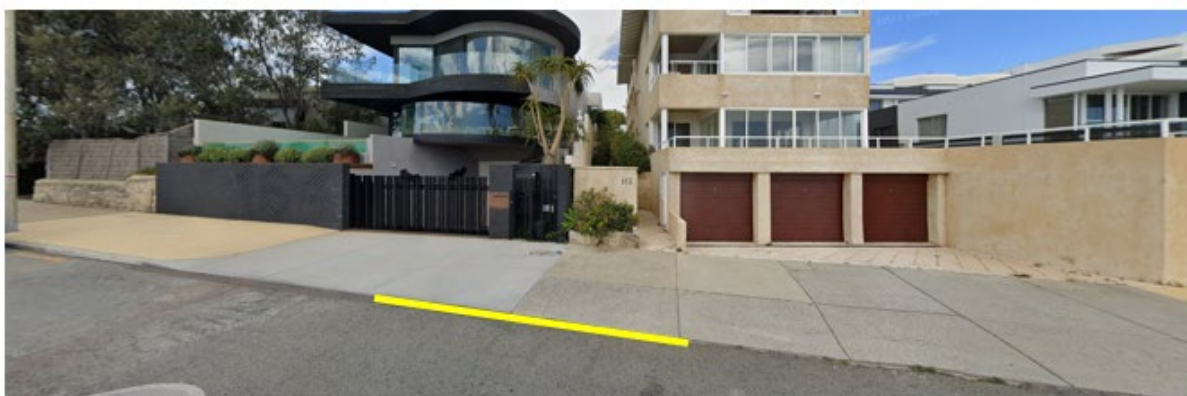


Location 'A'



Location 'B'

Location A



Location B



Photograph C

**ATTACHMENTS**

Nil

**CONSULTATION**

Town of Cottesloe Staff

**STATUTORY IMPLICATIONS**

*Local Government Act 1995 Section 2.7 – Role of Council*

*Parking and Parking Facilities Local Law 2009*

**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 1.1: Develop an 'integrated transport strategy' that includes cycling, park and ride, Cott Cat, public transport and parking management strategies to meet the needs of pedestrians, cyclists and other non-vehicular traffic.

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

Moved Cr MacFarlane

Seconded Cr Sadler

THAT Council

1. APPROVES the installation of motorcycle bays between the crossovers of 162 and 164 Marine Parade Eastern kerb alignment instead of a yellow line as shown in the diagram (c) within the Officer's Comment Section of the report; and
2. NOTES that the installed number of motorcycle bays at this location will be optimised



based on the length of the kerb between the two crossovers.

**OCM048/2023****Moved Cr Harkins****Seconded Cr Sadler****COUNCILLOR AMENDMENT**

1. Add "Location B" after 164 Marine Parade Eastern kerb alignment in Officer's Recommendation.
3. APPROVES the extension of the yellow linemarking for location as shown in the photograph labelled "Location A" within the Officer's Comment Section of the Report.

**Carried 9/0**

**OCM049/2023****SUBSTANTIVE MOTION****Moved Cr MacFarlane****Seconded Cr Sadler**

**THAT Council subject to the amendments :**

1. APPROVES the installation of motorcycle bays between the crossovers of 162 AND 164 Marine Parade Eastern kerb alignment 'Location B' instead of a yellow line as shown in diagram (c) within the Officer's Comment Section of the report and
2. NOTES that the installed number of motorcycle bays at this location will be optimised based on the length of the kerb between the two crossovers.
3. APPROVES the extension of the yellow linemarking for location A as shown in the photograph labelled 'Location A' within the Officer's Comment Section of the report.

**Carried 9/0**

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

**Against: Nil**

**Councillor Rationale**

**Council wants to clearly identify where the yellow line marking will occur on Marine Parade.**

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

Nil

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

**12.1 ELECTED MEMBERS**

**12.2 OFFICERS**

**13 MEETING CLOSED TO PUBLIC**

**13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**THE ORDER OF ITEMS 13.1.1 AND 13.1.2 WERE MOVED FOR THE CONVENIENCE OF THE MEMBER OF THE GALLERY.**

OCM050/2023

**MOTION FOR BEHIND CLOSED DOORS**

Moved Cr Sadler

Seconded Cr Masarei

That, in accordance with Section 5.23(2)(d) Council discuss the confidential report 13.1.2 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 6:56 pm*

Cr Barrett left the meeting at 6:56 pm.

**13.1.2 DOSCAS LANE PARTIAL CLOSURE REQUEST - PUBLIC CONSULTATION**

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

OCM051/2023

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Bulbeck

Seconded Cr Masarei

THAT Council

1. NOTES the legal advice attached and REFUSES the proposed partial closure requested by the owner of 53 John Street pursuant to land Administration Act (1997) Section 58 and Land Administration Regulations 1998 Regulation 9 for the following reasons:
  - a. It is an offence pursuant to regulation 7 of the *Local Government (Uniform Local Provisions) Regulations 1996* for an owner or occupier of land to permit a structure to encroach on a public thoroughfare without lawful authority;
  - b. The fence and all structures within the encroaching area are unauthorised and have not been approved by the Town;
  - c. The owner has informed the Town of their intent to replace the fence in its current encroaching location for security reasons. In order for the Town to issue planning approval or a building permit for this to occur, it needs to be re-installed on the correct cadastral boundary;

- d. The owner made the purchase with the knowledge of the encroachments;
  - e. The owner is precluded under section 76 of the Limitations Act (2005) from claiming adverse possession against the Crown for the portion of the laneway the subject of the encroachment;
  - f. A majority of the 82 submissions received from the mandatory public advertising did not support the lot amalgamating with a small section of public land for a variety of reasons; and
  - g. The Council does not wish to set a precedent for the ceding of portion of a public thoroughfare due to an unauthorised encroachment.
2. Subject to resolving point one, INSTRUCT the Chief Executive Officer to issue a notice under Section 3.25(1), Local Government Act 1995, requiring that all structures encroaching on Doscas Lane without lawful authority, from (or associated with) 53 John Street, be removed.

Carried 8/0

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

Against: Nil

#### **MOTION FOR RETURN FROM BEHIND CLOSED DOORS**

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

Cr Barrett returned to the meeting at 7:09 pm.

*The public and members of the media returned to the meeting at 7:09 pm*

#### **13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**

##### **13.1.2 DOSCAS LANE PARTIAL CLOSURE REQUEST - PUBLIC CONSULTATION**

The resolution for item 13.1.2 was read aloud.

OCM052/2023

#### **MOTION FOR BEHIND CLOSED DOORS**

Moved Cr Bulbeck

Seconded Cr MacFarlane

That, in accordance with Section 5.23(2)(c), Council discusses the confidential report 13.1.1 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 7:29 pm*

Meeting was adjourned for 7 minutes.

#### **13.1.1 MARINE PARADE UPGRADE PROJECT EXPRESSION OF INTEREST**

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (c) 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.

#### **OFFICER RECOMMENDATION**

THAT Council:

2. INVITES the proponents listed in the Officer's Comment section of this report to participate in an invitation to tender process for a contractor to be appointed to carry out the Marine Parade Upgrade Project scope of works as follows:
  - a. Upgrade of the Marine Parade section fronting Carpark One (John Street to Overton Gardens), consistent with the approved Foreshore Redevelopment Design; and
  - b. Resurfacing (remove and replace 40mm of asphalt surface) in the remaining section of:
    - i. Forrest Street to John Street
    - ii. Overton Garden to Eric Street

**OCM053/2023**

#### **COUNCILLOR ALTERNATE MOTION**

**Moved Cr Sadler**

**Seconded Cr Masarei**

THAT Council:

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

Carried 6/3

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

Against: Crs Harkins, Barrett and MacFarlane

**RATIONALE:**

1. Completion of the Foreshore Masterplan in phases that are strategic will be more cost-effective and less disruptive to beachgoers, local businesses, and the community
2. The initial foreshore works at Cottesloe Main Beach (including universal access), Forrest Street parking, and Shared Path upgrades have clearly demonstrated the Town's capacity and long-term commitment to upgrade the Foreshore to a high standard.
3. The State Government has strongly signaled its desire for the Cottesloe Foreshore to be upgraded to align with its standing as a state tourism destination. Identifying separate elements of the Foreshore Masterplan that can be funded and implemented over successive years in a strategic sequence, is most likely to achieve a quality completed result
4. It is essential that options for accommodating foreshore parking within Carpark 2 are resolved so that progress can be made on full implementation of the Masterplan as funding becomes available.

OCM054/2023

**MOTION FOR RETURN FROM BEHIND CLOSED DOORS**

Moved Cr Bulbeck

Seconded Cr Masarei

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

Carried 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 return to the meeting at 7:42 pm*

**13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**

**13.1.1 MARINE PARADE UPGRADE PROJECT EXPRESSION OF INTEREST**

The resolution for item 13.1.1 was not read aloud as there was no public in

attendance.

#### **14 MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 7:43 pm