



# Town of Cottesloe

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

**Tuesday, 30 April 2019**

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

A handwritten signature in black ink, appearing to read 'J. May', is written over a faint, illegible printed name.

Signed:

Presiding Member

Date: 28/5/2019

# TOWN OF COTTESLOE



## ORDINARY COUNCIL MEETING

# MINUTES

ORDINARY COUNCIL MEETING  
HELD IN THE  
Council Chambers, Cottesloe Civic Centre  
109 Broome Street, Cottesloe  
6:00 PM Tuesday, 30 April 2019

**MAT HUMFREY**  
Chief Executive Officer

13 May 2019

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

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

**2 DISCLAIMER**

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

**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

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

The Mayor announced that there has been some concern raised around the possible transfer of management responsibility for Curtin Avenue to Main Roads WA.

A lot of information about this proposal has been circulating within the community and unfortunately much of this information is misleading and has created some confusion and anger.

In consideration of your concerns I will bring forward 10.1.8, which is Curtin Avenue, forward to the first item on the agenda.

The Administration has amended the original officer's recommendation to now include community consultation plus a few other points and additionally I note that Cr Young and Cr Thomas will be moving motions this evening to defer the item pending consultation and workshops with Main Roads and residents.

The Mayor clarified a number of points as follows:

- ) First, as to the timing of this announcement – the Town's staff became aware via informal, and I stress the word informal, conversations with Main Roads staff that a Main Roads WA reclassification assessment was completed in December 2018 and that it was likely Curtin Avenue could be considered for a reclassification but until the information was officially confirmed, no formal report could have been brought before Council.
- ) Upon receiving a written request from Main Roads to consider the interim agreement in relation to the proposed reclassification of Curtin Avenue, officers brought the matter to directly to Council for consideration.
- ) This is the first opportunity for such a report to be forwarded, and any suggestions that it had been hidden is simply not true.
- ) Secondly, as to process, the proposed interim agreement is the first step in a process by which Main Roads WA may take maintenance responsibility from the Town.
- ) It is not aimed at facilitating the realignment of Curtin Avenue or taking over control of the verge, footpaths or slip roads of Curtin Avenue. To do that Main Roads would once again have to go through the same process as they're going through here now and there would be then an opportunity for the Town to object on the basis of loss of amenity.

- J The Town does not own Curtin Avenue. All road reserves are Crown Land and Crown has a process that allows the management of those roads to be transferred between local governments and Main Roads WA and changing the agency that is responsible for the maintenance of Curtin Avenue does not have an effect on any other part of its use so it doesn't effect the speeds people travel or anything else on the road. It's simply taking over the maintenance of the road.
- J Finally, as to other plans to Curtin Avenue – the Town is not aware, either officially or unofficially, of any intended works for Curtin Avenue, except for the following points, which have been publicly stated previously:
  - J The works that are currently underway for the PSP.
  - J Previously advised works for the section of Curtin Avenue, south of Victoria Street, which was cancelled by the previous State Government
  - J Statements from representatives of Main Roads that all timber bridges on the Fremantle line will at some point need to be replaced, which will include Eric Street.

The Mayor advised that a leaflet has been distributed through the community suggesting that the current proposal is part of a larger, secret plan involving the widening of Curtin Avenue and Eric Street and I think that's what disturbed a lot of people here tonight.

I believe the drawing shown in this leaflet is over a decade old and was part of a consultation undertaken by the Main Roads WA, at that time. The project was later cancelled and as far as the Town is aware, it's not being pursued further by the Main Roads WA.

The drawings are neither secret, nor is there any indication that Main Roads WA intends to implement those plans.

I acknowledge that this issue raises concerns for those who live on Curtin Avenue and who will be concerned about the value of their houses.

I am optimistic that Council will do its best that those concerns are conveyed to the Main Roads WA by way of a workshop, meeting or representation, depending on which motion is accepted tonight, and will represent residents on those issues.

In order to do this we need to concentrate on those concerns and not allow ourselves to be distracted by unfounded rumours and speculation.

#### **4 PUBLIC QUESTION TIME**

##### **4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Greg Reudavey – 156B Marine Parade, Cottesloe – Item 10.1.4

**Q1:** Pop up markets – It starts at 7:00am but what time are the people arriving – 6:00am or 5:00am?

**A2:** The event start time is when people would be expected to arrive.



Mrs Boulter – 3 Millers Court, Cottesloe

Q1. On what date was the TOMP/TOP depot works lease signed by each of the parties?


**A1:** This is anticipated to occur during the week of 15/4/2019.

Q2. Has the Minister for Lands approved the lease? If so, when? If not, what advice has the TOC received about this?

**A2:** The Minister is not able to approve the lease until it is agreed to by both parties, however, the Town has received a letter that suggests the Minister would support the lease being in place.

Q3. What premiums have been paid to LGIS over each of the last three years by category – itemised to each year and itemised as to each year for property liability and workers compensation?

**A3:**

 <b>Town of Cottesloe</b> 5 Year Summary of Costs & Contributions					
Scheme Contributions	2018/2019	2017/2018	2016/2017	2015/2016	2014/2015
LGIS Property	\$ 47,197.18	\$ 46,822.60	\$ 72,998.80	\$ 73,349.72	\$ 80,952.88
LGIS Liability	\$ 76,191.16	\$ 72,563.00	\$ 72,563.40	\$ 74,094.62	\$ 74,126.28
LGIS WorkCare	\$ 45,122.90	\$ 42,604.72	\$ 74,631.00	\$ 87,963.06	\$ 87,450.76
Crime	\$ 3,493.20	\$ 3,425.64	\$ 2,875.64	\$ 875.64	\$ 875.64
Casual-Hirens Liability	\$ -	\$ -	\$ -	\$ -	\$ 1,735.00
Less Contribution Credit	\$ 17,547.20	\$ 15,867.26	\$ -	\$ -	\$ -
<b>Net Contribution</b>	<b>\$ 154,460.74</b>	<b>\$ 148,628.60</b>	<b>\$ 223,070.84</b>	<b>\$ 236,273.04</b>	<b>\$ 245,190.56</b>
Non-Scheme Costs	2018/2019	2017/2018	2016/2017	2015/2016	2014/2015
Cyber Liability	\$ 3,000.00	\$ 3,000.00	\$ -	\$ -	\$ -
Management Liability	\$ 9,260.00	\$ 9,260.00	\$ 9,260.00	\$ 7,265.44	\$ -
Councillors & Officers	\$ -	\$ -	\$ -	\$ -	\$ 5,104.25
Statutory Liability	\$ -	\$ -	\$ -	\$ -	\$ 2,450.00
Motor	\$ 19,110.82	\$ 19,448.93	\$ 23,198.38	\$ 21,770.90	\$ 16,644.67
Personal Accident	\$ 420.00	\$ 420.00	\$ 420.00	\$ 420.00	\$ 1,200.00
Corporate Travel	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ -
<b>Total Non-Scheme Costs</b>	<b>\$ 32,540.82</b>	<b>\$ 32,888.93</b>	<b>\$ 33,638.38</b>	<b>\$ 30,220.34</b>	<b>\$ 25,553.92</b>

Q4. What amounts have been paid to the Town of Cottesloe from LGIS by way of rebate and /or dividend for each of the last three years, itemised as to each year and whether or not it was a rebate or dividend?

**A4:** The Town does not receive a rebate or dividend. In the event the Scheme (which is owned by the local governments who are members) achieves a surplus, this is reflected in lower contributions in the following year or access to funds that can be used to mitigate risks.

Q5. In respect of the officer report about the draft minutes of North Cottesloe Primary School Traffic Safety Committee 26 February 2019, why has CEO Humfrey advised Council that there are no recommendations to Council from the committee when there are recommendations from the committee in the committee minutes?

**A5:** The question seems to confuse a resolution of the committee with the committee making a recommendation to the Council. The committee

did not make any formal recommendations to Council, rather they agreed actions that would occur before the next committee meeting.

Q6. In respect of Item 10.1.4 North Cottesloe Centenary Markets, how can conditions 3, 4, 5 and 15 be complied with, given that the first day of the proposed trial is to be Sunday 31 March?

- a. *3. Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event for the approval of the Chief Executive Officer.*
- b. *4. Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required.*
- c. *5. All signage to be approved by the Chief Executive Officer one month prior to the event. ....*
- d. *15. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event.*

**A6:** These are the standard event conditions that were set in place following a Council motion requiring these standard conditions for every event. Please note they were amended by Council when the item was considered by Council.

Q7. In respect to 10.1.4 North Cottesloe Centenary Markets, why wasn't there neighbour consultation about this proposal before the proposal was brought to Council and what consultation will take place and by whom after the trial?

**A7:** For events of this size, the Council does not always undertake consultation prior to approval.

Q8. In respect to the 10.1.14 Annual Electors' Meeting (28 February 2019) – Receipt of Minutes, why does the Department observer, Teresa Ellis appear twice in the list of Electors and has the list been compared against the electoral roll?

**A8:** The name was duplicated in error which will be noted in the Minutes. Staff have not allocated the time to compile the roll (which takes a number of weeks and requires advertising) to undertake this comparison.

Q9. In respect of the 10.1.14 Annual Electors' Meeting (28 February 2019) – Receipt of Minutes, why didn't the AEM Presiding Member Angers apply TOC Standing Order to the AEM as required by TOC Standing Order SO 1.3(1)?

**A9:** Standing Orders were applied.

Patricia Carmichael – 14-116 Marine Parade - Item 10.1.11

**Q1:** p.7 Other expenditure (\$102,144) there is No NOTE to the Accounts. This unknown item “other expenditure” reveals an increase of 14% over budget and yet the item directly below in this report at NOTE 8 shows a trading Loss on Disposal of Assets of (\$11,475).What does this “Other expenditure of \$104,144) relate to? Is it catering or what?

**A1:** Other expenditure refers to all expenditure that does not fit into the other categories. Catering is contained within the Materials and Contracts category, not other expenditure.

**Q2:** p.33 Miscellaneous deposits \$148,180. Is for what? I assume it is NOT for Roads or Footpaths as shown on page 33.

**A2:** This covers reimbursements not covered in other areas. It is not funding for roads or infrastructure.

**Q3:** Accounts receivables - Infringements \$499,845 with a provision for Doubtful debts of \$227.574. I could not find a write off of bad debt in the Towns 2018 Annual report which was presented at the Annual Electors meeting 28<sup>th</sup> February 2019? Did the Auditor write off a bad debt in this Annual report but fail to NOTE this information in the Accounts, or is this information not required in the accounts of Not for Profit Organisations reports?

**A3:** A provision for doubtful debts does not mean the debts will be written off or have been written off, rather it provides a contra balance to reflect the probability that not all debts will necessarily be received. Auditors cannot write off debts.

**Q4:** What amount (estimate) is recovered from infringement notices per annum?

**A4:** The Town recovers most infringements with only a very small percentage being written off.

**Q6:** Is there a cost to council for using outside services to recover these fines etc?

**A6:** When a fine is referred to the Fines Enforcement Registry, there is a fee, but the fee is added to the outstanding fine.

**Q7:** Who at Council is responsible for signing off on the Audit report?

**A7:** The Auditor prepares and signs the Audit Report.

Patricia Carmichael – 14-116 Marine Parade - Item 10.1.15

**Q1:** Who will be responsible for handling all future correspondence in this area – that includes lease documentation, everything?

**A1:** The Town is responsible for its own correspondence. The lease assignment documentation will be drawn up by the Town’s solicitors.

Q2: Will there be a person or parties that will be directly involved so this does not happen again to the expense of the Town of Cottesloe residents and ratepayers?

A2: The Town cannot prevent the lease being assigned. The cost of having the assignment documentation drawn up is recovered from the lessees.

#### 4.2 PUBLIC QUESTIONS

Katrina Tiller – 117 Curtin Avenue, Cottesloe – Item 10.1.8

With regards to the reclassification of Curtin Avenue:

Q1. Is this a failure of the CEO to apply Council consultation policy before bringing the matter to Council?

A1. When officers considered this issue and the application of the Town's consultation policy, we looked at the overall effect, the change we would have on Curtin Avenue and whether or not there were any specific points that we needed to consult on. As there was no road widening, there was no change in vehicle types or allowed speed limits or any intersections in the proposal, there didn't seem to be a lot that we could consult the community on. The proposal really is for Main Roads to take the maintenance and cost of maintenance from the Town and bear that cost themselves. Had there been any change to road alignment or any change to the way the road operates we would have recommended consultation.

Q2. Did the CEO ignore Council's consultation policy in regards to both Curtin Avenue and Eric Street reclassification?

A2. The CEO stressed that it is Council's decision whether to consult or not, not the Administration's.

Q3. As the information you received in December only came to us at this Agenda Forum, how will each individual councillor now rectify this issue and ensure that they represent the interests of the ratepayers and residents and how they will make amends for and improve their failure to communicate this issue?

A3. Taken on Notice. There is a report before Council at this meeting.

Q4. Why does Council believe that Main Roads will want to take on the additional tasks and costs of managing Curtin Avenue if there isn't a larger plan?

A4. We don't actually know the reasons Main Roads would make such a determination. We have seen their assessment that suggests that Curtin Avenue meets all the requirements to be considered a Main Road and a copy of that assessment has now been provided to Elected Members - but what their motivations are, we can't be sure, other than, we suspect that its so that they can ensure that the service Curtin Avenue provides,

particularly freight movement and people from Fremantle to the northern suburbs, is maintained.

Kevin Williams - John Street, Cottesloe - Item 10.3.7

- Q1. We're hear reacting to the rumours flying around so we thought we'd come establish that from the source. We're concerned about what the implications are for Eric Street, particularly, because it would open up a whole can of worms and questions because we just don't understand what the need for those extensions would be. However, having said that the bridge might get altered one day, that could open up that possibility then. What's happening to Eric Street?
- A1. The Mayor advised that the bridge was going to be redone at some point and that will be determined when the Western Australian Government obtains funding approval but we don't know when that will happen. The CEO advised that Main Roads will be replacing all the timber bridges on the Fremantle line. They've already done the Ashton Avenue bridge in Claremont and they're currently doing Hamilton Street in Subiaco, They've raised the Congdon Street bridge directly with Council. The latest information the CEO has is that Main Roads still doesn't have a preferred design for the Eric Street bridge. When more is known a report will be brought to Council.

Gail Manton – Dean Street, Cottesloe – Item 10.3.7

- Q1. Why are the North Cottesloe Primary School car park plans or concepts being withheld from the Cottesloe community?
- A1. The concepts themselves are not confidential, they can be downloaded from the Town's website. Several of the expert reports on those concept plans are still being finalised and will be made available as part of the consultation process.
- Q2. Please explain in detail the sources of funds for North Cottesloe Primary School car park, for example, State Government and/or Council ratepayer funds.
- A2. There is no current funding commitment in place from the State or Federal Government for the works on Railway Street adjacent to North Cottesloe Primary School. Council will need to consider what budget it's prepared to allocate, following any community consultation on the concept, but at this stage, as officers, we're concentrating on getting the concept to a point where it can be consulted upon.

Chris Kelly – Item 10.3.7

Mr Kelly stated his questions had already been answered.

Derryn Menore – Napier Street, (Cnr of Curtin Avenue), Cottesloe

- Q1. The residents around Napier Street/Curtin Avenue intersection will be losing 2.5m of verge. This is clearly marked on the landscaping plan for the PSP. This was only shown to the public and the residents 26 hours before the decision to allow the Main Roads to go ahead with the PSP and widen Curtin Avenue. Under the *Local Government Act 1995*, section 2.10(a) the first duty of a councillor is to represent the interests of electors, ratepayers and residents of the district and under section 2.10(c) facilitates communication between the community and the council. Why did none of these occur?
- A1. All the drawings and works for the PSP were available on the Town's website for a considerable period of time before Council made it's decision. As officers we facilitated walk throughs of all of the works and held guided tours with surveyors and representatives from Main Roads on site to answer people's questions. The consultation on that project was quite thorough. With regards to the Napier Street works, the Town is still working with Main Roads to improve the design outcome in that location. The Town is aware of the residents' concerns and is seeking to have the road realigned and shifted from the west side to the east side so that there will be less of an impact on residents.

Ian Goldthorpe – 10.1.8

- Q1. Obviously the Council Administration and the Bike Planning Committee knew this change would occur and had seen the plans prior to the Town's IT making them available online at 4pm on Monday, 23 July 2018. How long before this time (23 July 2018) did the following individuals see the PSP landscaping plan and become aware of the widening of Curtin Avenue (CEO - Mat Humfrey, Denise Tyler-Hare - Project Manager, Cr Sadler, Cr Young, Mayor Angers, Deputy Mayor Rodda and other Councillors). When did these individuals find out that Napier Street/Curtin Avenue intersection was going to be widened and what action did each of them take, if any, and if no action, why not, what was their rationale to say or do nothing?
- A2. Taken on Notice.

**5 PUBLIC STATEMENT TIME**

Katrina Tiller – 117 Curtin Avenue, Cottesloe – Item 10.1.8

- ) Re the discussion regarding the transfer of Curtin Avenue to Main Roads WA, both State and Local Government parties should be held accountable for their following commitments.
- ) The Town's Strategic Community Plan 2013-2023 states that Council is committed to taking a high profile leadership role to resolve the decades long problem of the divisive nature of the Curtin Avenue transport corridor through the district by focusing on the needs and positives for well planned redevelopment and how to proactively pursue solutions for Curtin Avenue and the railway.
- ) The SCP also advocates that Council develops an integrated transport strategy aimed at improving connections between east and west Cottesloe, together with redevelopment of the railway land with retention of open space and greenlinks and the realignment of Curtin Avenue will create a closer more cohesive community with a unified sense of identity and feelings of belonging.
- ) Traffic has a considerable impact on the amenity for residents, will need to be carefully managed moving forward.
- ) Given the many denials that anyone in the Council or Administration know anything relating to further plans shows me two things:
  1. A lack of commitment and organisation from our local town planning as to what they see as being the best option for their residents; and
  2. No communication from the State Government in regards to a long-term plan. How can we have no plan, how can we have 'we don't know anything more' being justification or a sufficient excuse when the Town is asking for support to start making changes, such as the reclassification of Curtin Avenue and Eric Street? What do I want as a resident? What do I feel are the appropriate steps to take:
    - i. Put in an objection when the Main Roads request arrives. Objections can include the lack of transparency, legibility and big picture planning in the planning reform document written at a State Government level.
    - ii. Issue a copy of the updated LPS as soon as possible so we can clearly see what our local government sees as a priority in regards to long-term plans for Curtin Avenue.
    - iii. Defer any decisions being put forward in regards to the officer's recommendation for reclassification of Curtin Avenue and Eric Street.
    - iv. Request clear, precise plans from the State Government. Help lobby to get these plans open to those who it will directly effect.

- v. Hold a community meeting with Main Roads, Town of Cottesloe, Curtin Avenue and Eric Street residents so we have a unified approach when addressing State Government on what is and isn't acceptable to us.

Kim Dravnieks – Chair – Western Harbours Alliance - Item 10.1.8

- ) Having read the report, I note the officers had stated that Curtin Avenue is an important freight route that connects Fremantle Port to the other major road corridors
- ) The reclassification assessment by Main Roads WA has recommended that a section of Curtin Avenue needs to be reclassified to State Controlled Corridor main road.
- ) Curtin Avenue has changed considerably over the years from a quiet street to an extremely busy one with over 25,000 vehicles per day.
- ) With the growth of car traffic is probably linked to the increases, this is to be expected.
- ) 6.6% of these vehicles are classified as trucks and these trucks seem to be causing the most angst for residents over safety issues and diesel emissions.
- ) Diesel is classified as a class 1 carcinogen and that means that like asbestos, there's no safe level to breathe diesel particulates. In fact, cities like Paris, Athens and Madrid are banning diesel.
- ) Currently the government appointed Westport Taskforce is reviewing the future of Fremantle, Kwinana and Bunbury ports, particularly with regard to the future of container and local bulk handling.
- ) This has huge implications for the freight movement in and out of Fremantle Port.
- ) Under consideration is where the containers will remain in Fremantle, or be shared with another port, or moved totally out of this urban area.
- ) Containers are estimated by the Westport Taskforce to increase over fivefold by 2030.
- ) Currently 750,000 TEUs (containers) are projected up to 3.8M TEUs.
- ) That could mean five times more trucks on Curtin Avenue forcing it to be a major highway if Fremantle is retained in the long term.
- ) Alternatively, if the containers moved out of Fremantle, there could be a dramatic decrease in heavy freight on Curtin Avenue, which may mean it no longer needs to be considered a main road.
- ) The Westport Taskforce is due to hand the government its recommendation for the future of Fremantle, Kwinana and Bunbury ports by the end of this year.



- ) I suggest it would prudent for the Council to wait until the government decides on the ports' fate before allowing Main Roads to decide the future of Curtin Avenue.

Bill Cox – Item 10.1.11

- ) Two years ago Council generously granted the Sea View Golf Course \$48,000, which was met with \$50,000 of Club's money.
- ) The money was to specifically undertake much needed maintenance and improvements to the golf club which would bring in more money through increased membership.
- ) SVGC has fixed clubhouse and increased revenues, specifically from the work undertaken.
- ) Improved kitchen means more food and beverage sales and more functions.
- ) SVGC is absolutely delighted with the results of the work done.
- ) Any further effort by The Town to call back the funds would be counter-productive.
- ) We hope Councillors will bear that in mind and not take any further steps to retrieve the money.

Finola Evers – 97 Eric Street, Cottesloe - Item 10.3.7

- ) In considering the issue of the kiss and drop off car park, I'd like to remind the Council of the broken windows theory.
- ) This theory was granted in the 1980s.
- ) It believed that broken windows signified a form of neighbourhood disorder and it brought about the increasing of police on streets.
- ) They felt that neighbourhoods felt safer if there was increased police on streets.
- ) It also brought about laws regarding stop and search and frisking.
- ) The policy was never verified. Both social and scientific data would suggest that it was an absolute failure and did not work.
- ) I thought of this theory and of the kiss and drop by analogy.
- ) If nowadays we looked at that theory of broken windows, what would you do in a neighbourhood that had broken windows?
- ) The most simple, straightforward answer would simply be that you fix the windows.
- ) We have the kiss and drop carpark being propounded on a clear form of social policy to justify something that could so easily be fixed - we just stop the cars coming.

- 
- ) Instead, we go round and round in circles and ways we can spend more money that does absolutely nothing for our social infrastructure.
  - ) Our social infrastructure are those social places where people interact, where mothers and children get to know other parents and children and their friends and teachers.
  - ) Those important times in the morning and in the evening at pickup and drop off. This social infrastructure is equally, if not more important, than the physical structure of the kiss and drop car park.
  - ) I would just ask you respectfully, to consider these items.
  - ) A kiss and drop does nothing and ignores the importance of how places shape human interaction.
  - ) It ignores the value in building the civic life.
  - ) It does nothing to strengthen the places where we live.
  - ) It brings about a social disconnection.
  - ) The history of civilisation is gradual placement of people and things.
  - ) This social policy is just replacing people with cars.
  - ) I would ask Council to be far more enlightened and imaginative in how we approach this problem.

Yvonne Hart – 26 Mann Street, Cottesloe - Item 10.1.8 and 10.3.7

- ) Two agenda items tonight with many similarities but treated as two separate items (10.1.8 Curtin Avenue and 10.3.7 North Cottesloe Primary School Car Park on Railway Street).
- ) The similarities - both Curtin Avenue and Railway Street local roads are under the Town, both run parallel to the railway line and are linked by Eric Street.
- ) Approval of Curtin Avenue and Railway Street could require road realignment that would severely impact residents, including those on Eric Street.
- ) Both agenda items have many unanswered questions, lack detail and supporting documents, e.g. where are the traffic management reports?
- ) For Curtin Avenue, what does kerb to kerb mean?
- ) For the North Cottesloe Primary School Car Park, where is the arborist's report? What are the estimated costs of the new car park?
- ) When ad hoc decisions are made there are always unintended consequences.
- ) Both Curtin Avenue and the North Cottesloe Primary School Car Park at the moment reflect ad hoc planning.
- ) Three requests we'd like to make of Council tonight:
  1. Do not accept the officer recommendations for both agenda items because both recommendations are short-sighted, they're ad hoc and

do not consider the implications for the residents. Neither Curtin Avenue, Eric or Railway Street should be seen in isolation but as part of overall traffic management in Cottesloe.

2. Do not support either 10.1.8 nor 10.3.7 but provide an objection to both because ratepayers have been sidelined, information has been withheld, details are vague and pressure is being applied for a quick decision when this is unreasonable and unnecessary. The NCPS is not a concept but a well advanced plan. Careful scrutiny would acknowledge that these two agenda items are one and the same.
3. Request the Town's Administration to develop an integrated planning transport strategy that covers all of Cottesloe (north, south, east and west and all points in between).

) Cottesloe is 4 square kilometres with 47 kilometres of road.

) It's critically important that we have the three things in place – planning, policy and process and a strategy that will prevent nibbling at the edges by pressure groups.

) Councillors, we need to work together to get this right.

#### **Standing Order 8 – Questions Submitted by Cr Pyvis via email 24 April 2019**

Q1. Has the TOC/TOMP depot lease been signed? If so, on what date?

A1. Taken on Notice.

Q2. Has the Minister approved the TOC/TOMP depot lease?

A2. Taken on Notice.

Q3. What consultation took place between TOMP and TOC in respect of the request from Main Roads (MRWA) to acquire Curtin Avenue as a Main Road? When did that consultation take place and what was the outcome? If not, why not?

A3. The CEO advised that with regards to consultation between the Town and the TOMP on Curtin Avenue he had no discussions with the TOMP on this issue until last night when we met with them over the lease for the depot and it was discussed briefly with TOMP officers at that point. However, we were aware that they were presenting a similar report to us to their Council meeting this month as well.

Q4. Did TOC Officers and/or any Elected Members meet with (MRWA) Main Roads about its request to acquire Curtin avenue, as did TOMP Officers in December 2018? If so, on what date and who from TOC administration and TOC Elected Members met with (MRWA) Main Roads? Are there minutes/notes from that meeting and if so, can these minutes/notes be circulated to Elected Members?

A4. With regards to Main Roads, we continually meet with Main Roads over various issues as explained previously and we first became aware of the Curtin Avenue issue in December 2018.

- Q5. Did (MRWA) Main Roads provide to TOC, as it apparently did to TOMP, a copy of the "Future State Roads Project Review" which in accordance with MRWA's criteria, finds that Curtin Avenue is suitable for a reclassification? If so, can Elected Members be provided with a copy of or view the document and maps?
- A5.** "Future State Roads Project Review" for Curtin Avenue has been sent to Elected Members.
- Q6. Is it the case that if TOC objects to the (MRWA) Main Roads proposal for Curtin Avenue then the decision rests with the Minister and not (MRWA) Main Roads under s13A of the Main Roads Act?
- A6.** That's not quite the case. If the ToC objects to the Commissioner's proclamation of Curtin Avenue as a main road the Commissioner still makes the decision. In the end if we're not happy with the Commissioner's treatment of our objection we can appeal to the Minister who may use their own discretion on whether or not to intervene.
- Q7. Has the 30 day time frame within which to object to the (MRWA) Main Roads proposal started running? And if so, when?
- A7.** No it hasn't started yet and no we haven't received the notice.
- Q8. In response to the answer in the Agenda A8 on page 10 of the Agenda Forum Agenda, why does comparing the list of Electors compared against the Electors current on the roll at the time of the Annual Electors meeting require advertising? What requires advertising?
- A8.** When the Electoral Roll for a local government election is compiled we have to advertise to anyone who owns land in the Town to see if anyone who doesn't live in the Town wishes to become an elector for the election. In order for us to do that comparison we would have to do that advertising.
- Q9. What targets or incentives are applied to or asked of the TOC Rangers who issue parking infringements?
- A9.** The CEO advised that no such incentives have or ever have existed while he worked at the Town.
- Q10. Has the Minister approved the transfer of the Indiana Lease?
- A10.** Taken on Notice.
- Q11. What are the total itemised costs of the Ocean Pool Feasibility studies, including advertising, 2017 to present?
- A11.** Taken on Notice.
- Q12. Can a copy of the letter from the Minister for Lands indicating approval of the TOC/TOMP depot lease - referred to by CEO Humfrey in the April 2019 agenda - be provided to Elected Members?
- A12.** Taken on Notice.
- Q13. How many TOC Rangers work in the area of issuing parking infringements?

**A13.** Taken on Notice.

Q14. How many TOC parking infringements were issued in each of 2016, 2017, 2018, 2019 to date?

**A14.** Taken on Notice.

Q15. What percentage of TOC parking infringements are issued in the foreshore area, Napoleon Street village area in each of 2016, 2017, 2018, 2019 to date?

**A15.** Taken on Notice.

Q16. What is the total income from TOC parking infringements issued in each of 2016, 2017, 2018, 2019 to date?

**A16.** Taken on Notice.

Q17. On what date did CEO Humfrey first become aware of the interest of companies associated with Andrew Forrest's interest in the Indiana Tea House Lease?

**A17.** The CEO received a call from the Acting CEO when he was on annual leave around the middle of January.

Q18. Has the transfer of the Indiana Lease been signed by the parties? If so, who are the parties?

**A18.** The assignment documents have not yet been signed.

Q19. Under exactly and specifically which regulatory requirement required the Council decision to sign no smoking on all TOC beaches to be advertised again?

**A19.** The Town has amended its Property Local Law which gives the Council the ability to declare any area of beach a no smoking area. Until that local law had been amended Council did not have the power to do that.

Q20. Has TOC received any requests from SHINE for increased funding? Will this request be brought to Council? If so when? If not, why not?

**A20.** Taken on Notice.

Q21. When will a report be brought to Council about 2019 local government election arrangements?

**A21.** The report was brought before Council in February 2019.

### **Standing Order 8 – Questions Submitted by Cr Tucak via email 25 April 2019**

#### 10.1.10 Tender Assessment - T01/2019 Depot Design and Construct

Q1. With a range in tender prices of about \$300,000, is there any detail on the tenders submitted that explains the difference in those prices across the tenders?

**A1.** With regards to the range of tender prices it's very difficult for officers to make comment on that in public meetings, we'd be commenting about individual businesses. We're currently seeing a range of tender prices coming in on various projects which reflects where the construction industry is at, at

the moment and the desire for each of the respective companies to try and secure this tender.

- Q2. Do any of the tenders provide breakdowns or itemisations within their lump sum of component of the works or what makes up the lump sum price?
- A2. Because this is a design and construct tender we didn't issue a detailed set of drawings but rather a concept and they were required to finalise the detail.
- Q3. If there are itemisations or breakdowns within the tenders do any of those show large variances between like for like items so that we can see where different tenderers are submitting different proposals for the works.
- A3. It's not possible for officers to provide any meaningful assessment of the different items because they are categorised in different groupings. Council have been provided with the assessment matrix that was prepared by staff. Councillors have also been provided with the opportunity to inspect each and all of the tenders as they were submitted by the various companies.
- Q4. Given that this is a design and construct tender are any of those areas where we could see areas where clarification could be sought from the tenderers?
- A4. Taken on Notice.
- Q5. Did any of the tenders provide indicative detail of design and build quality that backs up the itemisation or breakdown of their lump sum?
- A5. It's a very difficult thing to ascertain exactly how the quality will be influenced on each tender but the specifications do require a certain quality and we have also sought references on each of the companies as part of the tender process.
- Q6. How were the tenders assessed on like items across the tenders such as the
- a. hard-stand area
  - b. the pallet-racking
  - c. the finishing of offices and toilets, etc.
- A6. Taken on notice.

## 6 ATTENDANCE

### Elected Members

Mayor Philip Angers

Cr Mark Rodda

Cr Michael Tucak

Cr Lorraine Young

Cr Rob Thomas

Cr Sally Pyvis (*to 10:59pm*)

Cr Melissa Harkins

**Officers**

Mr Mat Humfrey	Chief Executive Officer
Mr Garry Bird	Deputy Chief Executive Officer
Ms Freya Ayliffe	Manager of Compliance and Regulatory Services
Mr Shaun Kan	Manager Engineering Services
Mr Ed Drewett	Coordinator Statutory Planning
Ms Mary-Ann Winnett	Governance Coordinator

**6.1 APOLOGIES**

Nil

**Officers Apologies**

Nil

**6.2 APPROVED LEAVE OF ABSENCE**

Cr Helen Sadler

**6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 DECLARATION OF INTERESTS**

Mayor Angers declared an IMPARTIALITY INTEREST in 10.1.3.

Cr Young declared an IMPARTIALITY INTEREST in item 10.3.7.

Cr Pyvis declared an IMPARTIALITY INTEREST in item 10.1.7.

Cr Pyvis declared an IMPARTIALITY INTEREST in item 10.1.9.

Cr Pyvis declared an IMPARTIALITY INTEREST in item 13.1.1.

Cr Harkins declared an IMPARTIALITY INTEREST in item 10.3.7.

Cr Rodda declared an IMPARTIALITY INTEREST in item 10.1.8.

Cr Rodda declared an IMPARTIALITY INTEREST in item 13.1.3.

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.1.

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.11.

Cr Tucak declared an IMPARTIALITY INTEREST in item 13.1.1.

The Presiding Member advised that item 10.1.8 would be considered first, followed by item 10.1.11 and then Council would return to the agenda items as listed.

At 7:33pm, the Presiding Member resumed the meeting (after Council had considered items 10.1.8 and 10.1.11).





**10 REPORTS****10.1 REPORTS OF OFFICERS****PLANNING****10.1.1 LOT 303 (48) BRIGHTON STREET - TENNIS COURT LIGHTS**

**File Ref:** SUB/2798  
**Applicant(s) Proponents:** Chris Robinson  
**Attachments:** 10.1.1(a) Plan - Lot 303 (48) Brighton Street - Tennis Court Light Posts [under separate cover]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Ed Drewett, Coordinator Statutory Planning  
**Author Disclosure of Interest:** Nil

Cr Tucak declared an **IMPARTIALITY INTEREST** in item 10.1.1 by virtue “applicants are known to him”.

**SUMMARY**

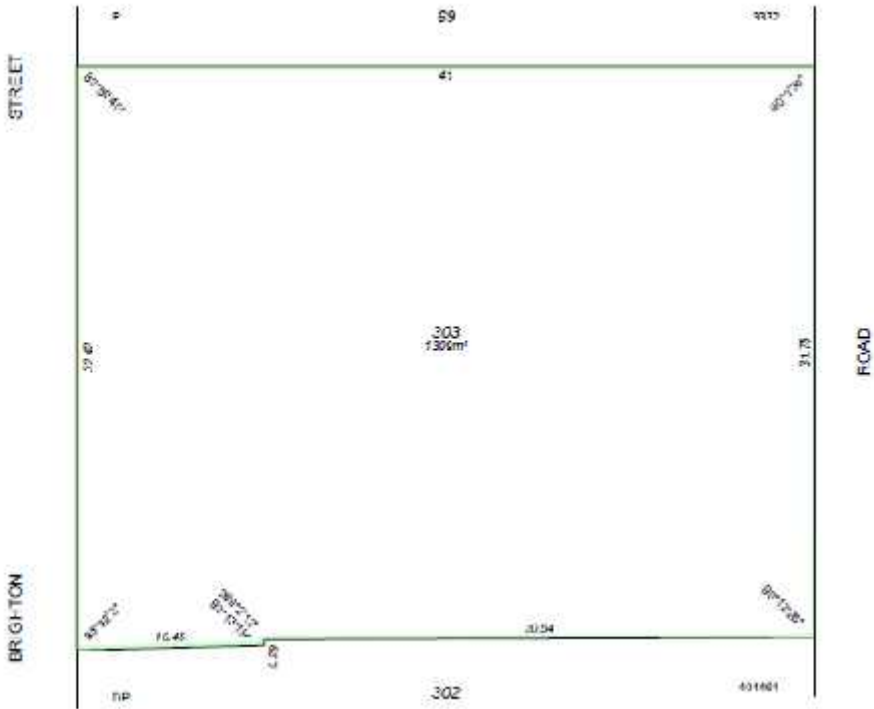
This planning application is for the installation of four tennis court light poles with LED lights. The application was included on the notice of delegation on 20 March 2019, however it was ‘called-in’ by Cllrs Pyvis, Sadler and Tucak.

Given the assessment that has been undertaken, the recommendation is to conditionally approve the application.

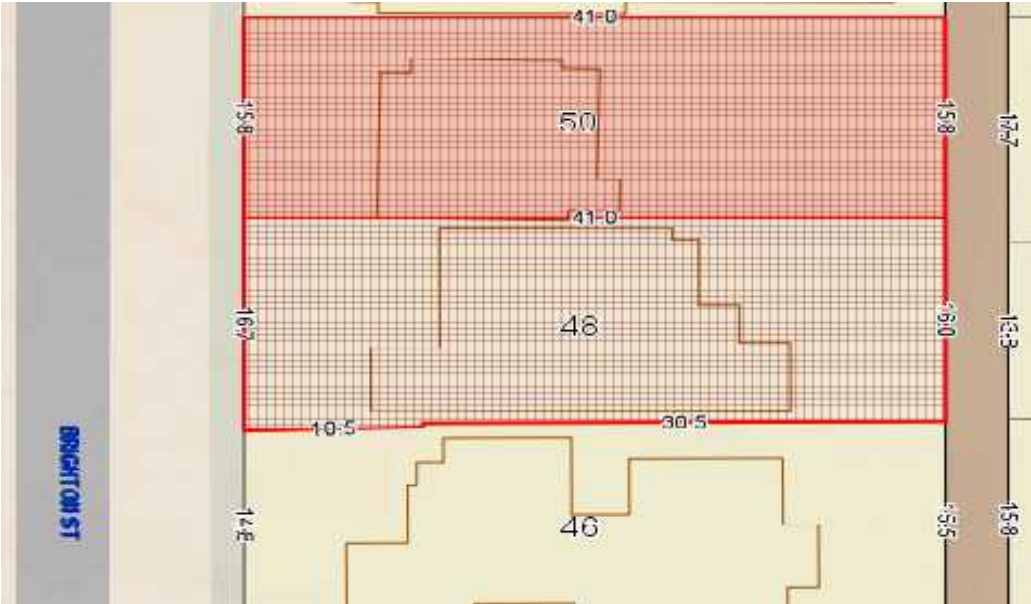
**BACKGROUND**

Zoning	MRS:	Urban
	LPS:	Residential R20
Use Class:		N/A
Development Scheme:		Local Planning Scheme No. 3 (LPS 3)
Lot Size:		1309m <sup>2</sup>
Existing Land Use:		Tennis court
Value of Development:		\$20,000
Owner:		Sonja Heath & James Thompson

The existing tennis court, together with a small two-storey dwelling at the rear, was approved under delegation on 4 July 2017 on Lot 301 (48) Brighton Street. These works have been completed and the lot has since been amalgamated with the adjoining northern Lot 70 (50) Brighton Street, to create Lot 303 (see below).



Above - Lot 303 (created following the amalgamation of Lots 70 and 301)



Above - Site location map (prior to amalgamation)



Above - Aerial photo (prior to construction)



Above – View of tennis court from Brighton Street looking east

**STRATEGIC IMPLICATIONS**

This report is consistent with *Local Planning Scheme No. 3*.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

- )] *Planning and Development (Local Planning Schemes) Regulations 2015;*
- )] *Local Planning Scheme No. 3; and*
- )] *Residential Design Codes.*

**FINANCIAL IMPLICATIONS**

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

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

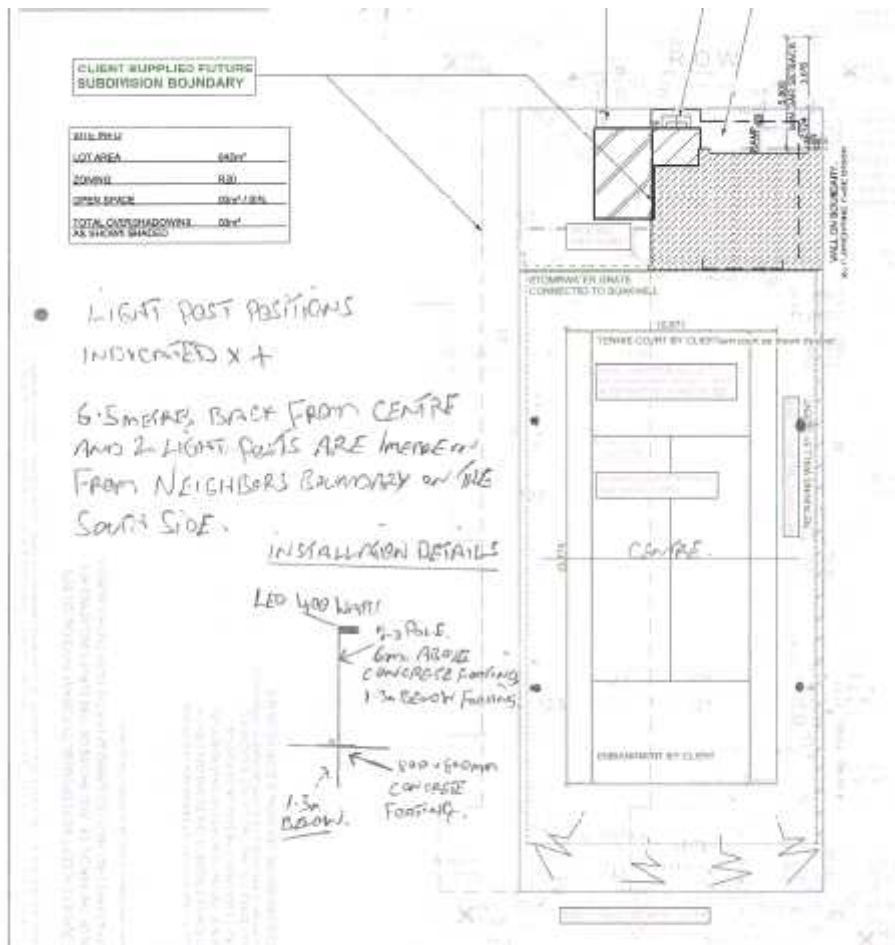
The application was advertised to seven neighbouring property owners and occupiers, including across the road from the subject site, to the side and to the rear. Advertising was for 14 days and closed on 22 February 2019. No submissions were received, however, it is understood that the adjoining owners on the southern neighbouring lot advised staff that they had no objection to the proposal.

**OFFICER COMMENT**

The proposed four light poles will be 6m in height above a concrete footing. Two poles will be located on the northern side of the existing tennis court and two poles will be set back 1m from the southern boundary, in lieu of 1.2m required under the deemed-to-comply provisions of the Residential Design Codes. This setback variation of 0.2m can be considered under the following design principles:

*Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:*

- )] *Reduce impacts of building bulk on adjoining properties;*
- )] *Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- )] *Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*



Above - Plan showing proposed location of light poles

The two proposed light poles adjoining the southern boundary will be narrow in width (although structural details have not been provided at this stage), and will have a negligible impact on the adjoining southern neighbouring property in terms of building bulk, direct sun, ventilation or privacy.

A high solid wall exists along the lot's southern boundary, the adjoining dwelling is single-storey and it appears lower than the existing tennis court thereby further reducing the likelihood of any significant impact on the neighbour's amenity (see below).





View of existing tennis court looking south

The proposed 0.2m setback variation from the southern boundary can therefore be approved under design principles.

In terms of light pollution, this is not covered under planning legislation. However, the planning approval will be conditioned to include the following requirements to be submitted at the building permit stage:

A lighting spill plan prepared by a suitably qualified consultant detailing the specifications of the type of floodlight and certifying that -

- (i) The proposed lighting will comply with Australian Standard AS.4282 – Control of the Obtrusive Effects of Outdoor Lighting;
- (ii) Lights installed to illuminate the tennis court will be shielded so that direct light does not spill outside the boundaries of the site; and
- (iii) The proposed operating hours.

## CONCLUSION

The proposed tennis court light poles satisfy the requirements of the Residential Design Codes and will sustain the amenity, character and streetscape quality of the area.

## VOTING REQUIREMENT

Simple Majority

**OFFICER RECOMMENDATION**

THAT Council GRANT planning approval for four light poles on Lot 303 (48) Brighton Street, Cottesloe, as shown on the plans received 30 October 2018, subject to the following conditions:

1. All construction work shall be carried out in accordance with the *Environmental Protection (Noise) Regulations 1997, Regulation 13 -Construction sites*.
2. The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
3. Prior to the issue of a Building Permit, a lighting spill plan shall be prepared and submitted to the Town by a suitably qualified consultant detailing the specifications of the proposed type of floodlights and certifying that -
  - (i) The proposed lighting will comply with Australian Standard AS.4282 – Control of the Obtrusive Effects of Outdoor Lighting;
  - (ii) Lights installed to illuminate the tennis court will be shielded so that direct light does not spill outside the boundaries of the site, and
  - (iii) The proposed operating hours.

**Advice Notes:**

1. The applicant/owner is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.

**COUNCILLOR AMENDMENT****Moved Cr Pyvis****Seconded Cr Thomas**

Add a point 4 as follows:

4. That the Town of Cottesloe Administration provide a report back to Council within two years of granting planning approval in view of the impact of light poles in night tennis that impacts on the amenity and environment of Brighton Street.

**Lost 3/4****For: Crs Tucak, Thomas and Pyvis****Against: Mayor Angers, Crs Rodda, Young, and Harkins**

**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

**THAT Council GRANT planning approval for four light poles on Lot 303 (48) Brighton Street, Cottesloe, as shown on the plans received 30 October 2018, subject to the following conditions:**

- 1. All construction work shall be carried out in accordance with the *Environmental Protection (Noise) Regulations 1997, Regulation 13 -Construction sites.***
- 2. The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.**
- 3. Prior to the issue of a Building Permit, a lighting spill plan shall be prepared and submitted to the Town by a suitably qualified consultant detailing the specifications of the proposed type of floodlights and certifying that -**
  - (i) The proposed lighting will comply with Australian Standard AS.4282 – Control of the Obtrusive Effects of Outdoor Lighting;**
  - (ii) Lights installed to illuminate the tennis court will be shielded so that direct light does not spill outside the boundaries of the site, and**
  - (iii) The proposed operating hours.**

**Advice Notes:**

- 1. The applicant/owner is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.**
- 2. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.**

**Carried 6/1**

**For: Mayor Angers, Crs Rodda, Tucak, Young, Thomas and Harkins**

**Against: Cr Pyvis**



**10.1.2 PLANNING APPLICATIONS DETERMINED UNDER DELEGATION**

**File Ref:** SUB/2798  
**Applicant(s) Proponents:** Nil  
**Attachments:** 10.1.2(a) List of Open DAs (30 May 2019)  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Ed Drewett, Coordinator Statutory Planning  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

This report provides details of the planning applications determined by officers acting under delegation, for the month of March 2019.

**BACKGROUND**

Pursuant to Local Planning Scheme No. 3, Council has delegated its power to determine certain planning applications to the Chief Executive Officer and the Coordinator, Statutory Planning. This provides efficiency in processing applications, which occurs on a continual basis.

Following interest expressed from within Council, this report serves as a running record of those applications determined during each month.

**STRATEGIC IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STAFFING IMPLICATIONS**

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

**CONSULTATION**

Nil

**OFFICER COMMENT**

During March 2019 the following planning applications were determined under delegation:

Address	Owner	Applicant	Description	Delegation Notice	Date Determined
16 Station Street	Chippenham Nominees Pty Ltd & Jbm Nominees Pty Ltd & Antarctic Holdings Pty Ltd & Ravenmore Holdings Pty Ltd	Hemsley Planning Pty Ltd	Change of use to dry cleaning premises	22/2/2019	7/3/2019
65 John Street	Aljen (WA) Pty Ltd	Mr S Pandevski	Single storey side and rear alterations & additions	22/2/2019	15/3/2019
23 Boreham Street	Mr A Simpson & Ms K S Simpson	Highbury Homes	Two-storey dwelling	22/2/2019	15/3/2019
28 Congdon Street	Mr B Farnsworth	Steelehouse Architecture	Ground and first floor alterations & additions	20/3/2019	29/3/2019
26 Marine Parade	Mr M D Walker	Coastview Australia Pty Ltd	Gatehouse	20/3/2019	29/3/2019
80 Eric Street	Mr L Porter	Owner	Carport	20/3/2019	29/3/2019
45A Grant Street	M Boyd & E G Finn	Great Aussie Patios	Carport	20/3/2019	29/3/2019
3 Greenham Street	Carlotta Nominees Pty Ltd	Patio Perfect	Carport	20/3/2019	29/3/2019
35 Napoleon Street	Akili Nominees Pty Ltd	Heartwood Natural Harmony Pty Ltd	Change-of-use to shop & alterations to frontage	20/3/2019	29/3/2019
27 Brighton Street	Mr W McGuliffe	Debra Brown Architect	Two-storey dwelling	20/3/2019	29/3/2019
17 Griver Street	Ms S Raven	Stannard Group Pty Ltd	Two-storey dwelling	20/3/2019	29/3/2019
25 Griver Street	S Brownson	Stratco WA Pty Ltd	Outbuilding (shed)	20/3/2019	29/3/2019

Please note that Council will be provided with an up to date list of all outstanding Development Applications with the Council Agenda.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Young**

**Seconded Cr Harkins**

**THAT Council receive this report on the planning applications determined under delegation for the month of March 2019.**

**Carried 7/0**

**ADMINISTRATION****10.1.3 NOTICE OF INTENTION TO LEVY DIFFERENTIAL RATES**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Garry Bird, Deputy Chief Executive Officer  
**Author Disclosure of Interest:** Nil

Mayor Angers declared an **IMPARTIALITY INTEREST** in item 10.1.3 by virtue “his wife has a shop in Cottesloe”.

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**SUMMARY**

Council is being asked to consider adopting a differential rating structure to allow for Local Public Notice to be given of its intention to raise a differential rate for the 2019/20 financial year.

**BACKGROUND**

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

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

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

**6.33. Differential general rates**

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics -

- (a) *the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or*
  - (b) *a purpose for which the land is held or used as determined by the local government; or*
  - (c) *whether or not the land is vacant land; or*
  - (d) *any other characteristic or combination of characteristics prescribed.*
- (2) *Regulations may -*
- (a) *specify the characteristics under subsection (1) which a local government is to use; or*
  - (b) *limit the characteristics under subsection (1) which a local government is permitted to use.*
- (3) *In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*
- (4) *If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1) (a) applies.*
- (5) *A differential general rate that a local government purported to impose under this Act before the Local Government Amendment Act 2009 section 39(1) (a) came into operation 1 is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.*

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

**6.36. Local government to give notice of certain rates**

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

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

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

**6.35. Minimum payment**

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

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

The Local Government (Financial Management Regulations) 1996 states:

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

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

## FINANCIAL IMPLICATIONS

The adoption of the indicative differential rate for advertising is a part of adopting the 2019/2020 budget, which has significant financial implications for the Town.

The rate in the dollar recommended for advertising represents a 3.50% increase for all classes of properties. Factoring in growth to the rating database in 2018/19, a total increase to gross rates revenue of 4.56% is estimated.

Total income to be raised from the proposed differential rate for the Cottesloe Town Centre is \$110,100.

### **STAFFING IMPLICATIONS**

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

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

Senior Staff

Elected Members Budget Workshop One was held on 9 April 2019.

### **OFFICER COMMENT**

#### **General Differential Rate**

This is in effect the rate that applies to most of the rateable properties in the Town of Cottesloe. The proposed rate in the dollar represents a 3.50% increase from the 2018/2019 financial year and continues the recent trend of modest, rate increases working towards long term financial sustainability of Council's operations.

#### **Commercial Properties – Town Centre**

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

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

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

### **VOTING REQUIREMENT**

Simple Majority



**OFFICER RECOMMENDATION**

Moved Cr Young

Seconded Cr Rodda

That Council ADVERTISE its intention to raise the following differential general rates and minimum rates for the 2019/20 financial year:

Differential Rate Category	Rate in the \$	Min Rate
Differential General Rate (GRV)	0.063984	\$1,161
Differential Rate – Town Centre Commercial (GRV)	0.074260	\$1,161

**COUNCILLOR AMENDMENT**

Moved Cr Pyvis

No Seconder, Lapsed

Add an additional point 2 be added:

- That the Town of Cottesloe survey property owners in the Town Centre subject to differential rates to canvas their views on the effectiveness of the expenditure of ProCott funds.

**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

That Council ADVERTISE its intention to raise the following differential general rates and minimum rates for the 2019/20 financial year:

Differential Rate Category	Rate in the \$	Min Rate
Differential General Rate (GRV)	0.063984	\$1,161
Differential Rate – Town Centre Commercial (GRV)	0.074260	\$1,161

Carried 6/1

For: Mayor Angers, Crs Rodda, Tucak, Young, Thomas and Harkins

Against: Cr Pyvis

**10.1.4 INSTALLATION OF YELLOW 'NO STOPPING' LINE MARKINGS - ELIZABETH STREET**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Freya Ayliffe, Manager Compliance and Regulatory Services  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

That Council considers approving the installation of yellow 'no stopping' lines along the western side of Elizabeth Street from North Street to Balfour Street. This is fundamental to the safety of approaching traffic in all streams and to reduce traffic congestion on Elizabeth Street.

The installation of the no stopping lines will ensure vehicles will have time to slow down and give way, avoiding any potential conflicts; it will also alleviate ongoing parking issues within the Street.

**BACKGROUND**

The Town is in receipt of numerous complaints regarding poor sight distance at the intersection of North and Elizabeth Streets and ongoing parking issues within Elizabeth Street, which appear to be caused by patrons visiting the North Street Store.

Several site inspections have been carried out to determine suitable parking strategies, one of which was presented to Council at the November briefing, this being the installation of parallel off carriage way parking, which was not supported by Council. A second strategy is the installation of no stopping lines (as recommended) subject to a consultation process taking place with affected residents.

**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.

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

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

Major Strategy 1.1: 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.

**POLICY IMPLICATIONS**

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

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**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Parking and Parking Facilities Local Law 2009*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Manager of Engineering Services

Elected Members

Elizabeth Street residents

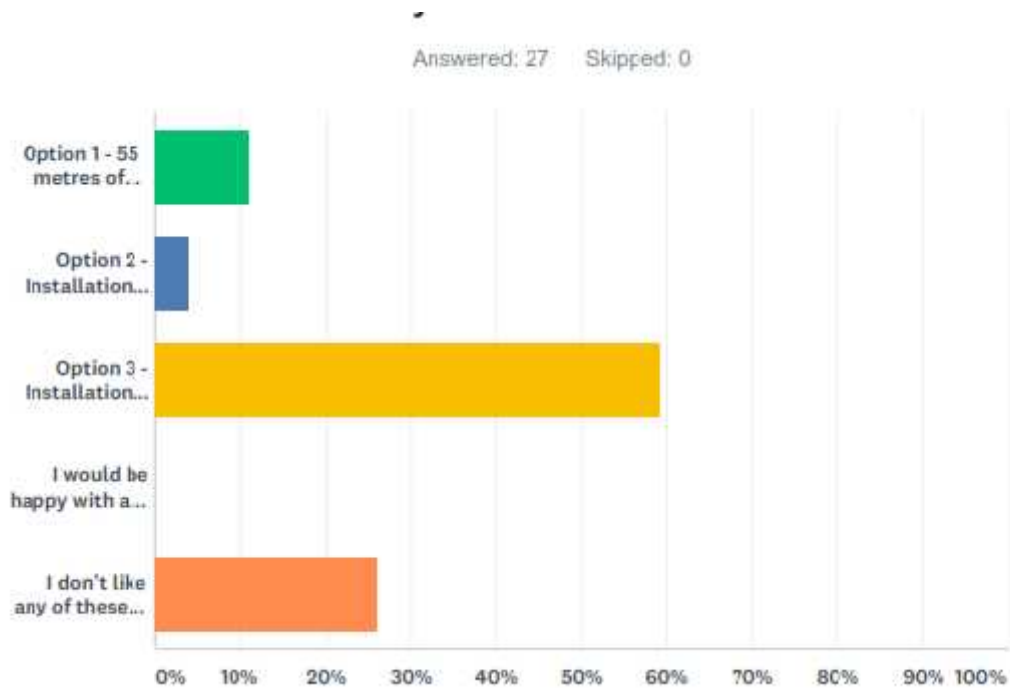
All residents of Elizabeth Street, both owners and occupiers were invited to participate in a survey regarding the installation of yellow no stopping lines in Elizabeth Street.

The survey provided the following options;

1. 55 metres of yellow no stopping lines from North Street;
2. Installation of yellow no stopping lines on the eastern side of Elizabeth Street from North Street to Balfour Street;
3. Installation of yellow no stopping lines on the western side of Elizabeth Street from North Street to Balfour Street;
4. I would be happy with any of these options and;
5. I don't like any of these options.

A total of 27 responses were received, 59.26% of respondents support option three; the installation of yellow no stopping lines on the western side of Elizabeth Street from North Street to Balfour Street.

A summary of the results are detailed on the following page:



#### OFFICER COMMENT

A safety assessment onsite has determined the existing sight distance required for overtaking parked vehicles at the intersection of North and Elizabeth Streets does not comply with *Australian Standards*. The installation of the 'no stopping' lines along Elizabeth Street is fundamental to the safety of approaching traffic in all streams. The installation of the lines will ensure vehicles will have time to slow down and give way, avoiding any potential conflicts; it will also alleviate ongoing parking issues within the Street.

#### VOTING REQUIREMENT

Simple Majority

#### COUNCILLOR QUESTIONS

##### Submitted by Cr Pyvis – Emailed 16 April 2019

Q1. How many parking and traffic related reports have been presented to Council in the last 4 years, itemised as to each year and itemised as to the issue and the affected street?

A1. Taken on Notice.

#### OFFICER RECOMMENDATION

**THAT Council APPROVE the installation of yellow no stopping lines along the western side of Elizabeth Street from North Street to Balfour Street.**

**COUNCILLOR MOTION****Moved Cr Tucak****Seconded Cr Pyvis**

That this item be deferred until the development application submitted by the proprietors is assessed and presented to Council.

**Lost 2/5****For: Crs Tucak and Pyvis****Against: Mayor Angers, Crs Rodda, Young, Thomas and Harkins****SUBSTANTIVE MOTION****Moved Cr Harkins****Seconded Cr Thomas**

**THAT Council APPROVE the installation of yellow no stopping lines along the western side of Elizabeth Street from North Street to Balfour Street.**

**COUNCILLOR AMENDMENT****Moved Cr Pyvis****No Seconder, Lapsed**

The existing officer's recommendation becomes point 1 and add point 2 as follows:

That the Town of Cottesloe Administration obtain costings for an integrated parking and traffic study as per priority 1.1 of the Community Strategic Plan for Council's consideration at the upcoming budget workshops.

**COUNCILLOR AMENDMENT****Moved Cr Tucak****Seconded Cr Pyvis**

Insert the words 'for 55 metres' in place of the words 'to Balfour Street'.

**Lost 2/5****For: Crs Tucak and Pyvis****Against: Mayor Angers, Crs Rodda, Young, Thomas and Harkins****SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

**THAT Council APPROVE the installation of yellow no stopping lines along the western side of Elizabeth Street from North Street to Balfour Street.**

**Carried 6/1****For: Mayor Angers, Crs Rodda, Young, Thomas, Pyvis and Harkins****Against: Cr Tucak**

**10.1.5 PARKING NEAR BUILDING SITES**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Mat Humfrey, Chief Executive Officer  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is being asked to consider the issue of parking near building sites or approved events and authorise the implementation of parking restrictions in certain circumstances.

**BACKGROUND**

The Town receives many complaints regarding the parking of vehicles near constructions sites within residential areas. The complaints usually relate to the number and size of vehicles parked within these locations, which can cause access issues for adjoining properties.

Recent building activity near the intersection of Marine Parade and Rosendo Street has highlighted this issue.

**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 1.2: Continue working with licensed premises to manage noise, parking and antisocial behaviour.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**5.42. Delegation of some powers and duties to CEO**

(1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

(a) this Act other than those referred to in section 5.43; or

(b) the Planning and Development Act 2005 section 214(2), (3) or (5).

\* Absolute majority required.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

**5.43. Limits on delegations to CEO**

A local government cannot delegate to a CEO any of the following powers or duties —

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- (a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.*

### **Local Government (Administration) Regulations 1995**

#### **18G. Delegations to CEOs, limits on (Act s. 5.43)**

*Powers and duties of a local government exercised under the following provisions are prescribed under section 5.43(i) as powers and duties that a local government cannot delegate to a CEO —*

- (a) *section 7.12A(2), (3)(a) or (4); and*
- (b) *regulations 18C and 18D.*

[Note 7.12A of the Local Government Act deals with the Audit of the Local Government and the Regulations 18C and 18D relate to the employment of the Chief Executive Officer)

### **Parking and Parking Facilities Local Law 2009**

#### **3.1 Determination of parking stalls and parking stations**

*The local government may by resolution constitute, determine and vary and also indicate by signs:*

- (a) *parking stalls;*
- (b) *parking stations;*
- (c) *permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;*
- (d) *permitted classes of vehicles which may park in parking stalls and parking stations;*
- (e) *permitted classes of persons who may park in specified parking stalls or parking stations; and*
- (f) *the manner of parking in parking stalls and parking stations.*

### **FINANCIAL IMPLICATIONS**

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

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Nil

**OFFICER COMMENT**

In recent times, several large building projects have occurred in close proximity to each other on Marine Parade in Cottesloe. This has created issues for adjoining residents as a large number of workers are parking within the area, which prevents other people from using these parking bays.

The issue, however, is not new and the Town has experienced issues in the past with parking at or near construction sites. Previously it has been thought that in order to restrict parking or create parking zones a decision of Council was required – which would be taken following consultation. The end result was that more often than not, the imposition of restrictions would occur following the completion of building work.

A closer look at that the local shows that the *“local government may by resolution constitute, determine and vary and also indicate by signs”* parking stalls and restrictions. The inclusion of the word *“resolution”* was taken to mean that the Council was required to make all determinations in this matter – however, there is no specific part of the local law that States that this power cannot be delegated to the Chief Executive Officer – particularly if that delegation was limited in its application. Further, examination of the Act shows that the Council can delegate other powers that also require a resolution and does not list the ability to make a determination under a local law as a power that cannot be delegated to the Chief Executive Officer.

Even though there may not be a technical reason not to delegate this power, previously it has been held that decisions around parking restrictions and prohibitions, generally, are a policy decision that should be made by the Council. This position is supported by the administration for general parking considerations – however there may well be some exceptions. Temporary parking restrictions, either for construction activities or events are one such example – where a decision may need to be made, or varied, outside of the Council meeting cycle.

Lastly, it is common practice for the Town to create temporary parking restrictions for events. This is not noted as being exempt anywhere in the Local Law from requiring such a determination – as such it is also recommended that this also be delegated to the Chief Executive Officer to ensure such restrictions can be enforced.

**VOTING REQUIREMENT**

Absolute Majority

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**OFFICER RECOMMENDATION****Moved Cr Rodda****Seconded Cr Young**

THAT Council by absolute majority, amend the Delegation Register to Delegate the Council's power under section 3.1 of the Town of Cottesloe Parking and Parking Facilities Local Law 2009 in the following circumstances ONLY;

1. Within 200 metres of any site where a Building License has been issued and remains valid; and
2. Within 200 metres of any event or activity that requires either a traffic management plan or road closure as a part of the event or activity's approval.

**COUNCILLOR AMENDMENT****Moved Cr Pyvis****Seconded Cr Tucak****Add a point 3 as follows:****That all these Council delegated decisions comply with Council Policy.****Carried 7/0****COUNCILLOR AMENDMENT****Moved Cr Pyvis****Seconded Cr Thomas****Add a point 4 as follows:****That any delegated decisions are circulated to Councillors for the opportunity to call in.****Lost 2/5****For: Crs Thomas and Pyvis****Against: Mayor Angers, Crs Rodda, Tucak, Young and Harkins****SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

**THAT Council by absolute majority, amend the Delegation Register to Delegate the Council's power under section 3.1 of the Town of Cottesloe Parking and Parking Facilities Local Law 2009 in the following circumstances ONLY;**

1. **Within 200 metres of any site where a Building License has been issued and remains valid;**
2. **Within 200 metres of any event or activity that requires either a traffic management plan or road closure as a part of the event or activity's approval.**
3. **That all these Council delegated decisions comply with Council Policy.**

**Carried by Absolute Majority 7/0**

**ENGINEERING****10.1.6 REQUEST TO INCLUDE THE PUBLIC TRANSPORT AUTHORITY LAND ONTO EXISTING LEASE - L1735**

**File Ref:** SUB/2798  
**Attachments:** 10.1.6(a) Public Transport Authority Ground Lease - L1735 Lease 2013 [CONFIDENTIAL] [UNDER SEPARATE COVER]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** David Lappan, Engineering Technical Officer  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is asked to consider the request to include an addition parcel of land at the southern end of Brixton Street, Cottesloe to the existing lease L1735 at no additional cost to Council.

**BACKGROUND**

Perth Transport Authority (PTA) have put a proposal to the Town for an additional section of railway land adjacent to Stirling Highway w to be included in the current lease L1735 at no additional cost.

This arrangement can be formalised in the Towns existing lease (L1735) by an exchange of letters. The existing lease annual rent will remain unchanged, subject to PTA's internal leasing approval process.

The red lined bordered section below provides an indication of the additional areas to be included in the lease.



### 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.

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

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

### POLICY IMPLICATIONS

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

### STATUTORY ENVIRONMENT

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

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

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Public Transport Authority

**OFFICER COMMENT**

The Town currently informally maintains the area as part of general maintenance. The addition of land will provide future opportunities that will be considered when developing a future parking strategy.

**VOTING REQUIREMENT**

Simple Majority

**COUNCILLOR QUESTIONS****Submitted by Cr Pyvis – Emailed 16 April 2019**

Q1. How does this proposal specifically implement Strategic Plan 1.1?

**A1.** Given its proximity to the Town Centre and the Train Station it would assist with providing parking facilities for the Town centre.

Q2. What will the additional parcel of land be used for?

**A2.** Potentially future parking.

Q3. What landscaping and works will be required for the additional parcel of land and how much will this cost?

**A3.** Taken on Notice.

Q4. What was the rent payable for the land to which this land will be added (plus GST) for each of the last 4 years?

**A4.** Taken on Notice.

Q5. What other costs are associated with the lease for the existing land including insurance, rates, taxes and operating expenses for the past 4 years?

**A5.** Taken on Notice.

- Q6. Will these other costs (in Q5 above) increase because of the additional parcel of land?
- A6. In terms of insurance, rates and taxes, that won't increase but in terms of maintenance it could increase the maintenance costs of the lease area.
- Q7. The confidential contract refers to an attached schedule [for example see p18 2.1(9)] Can this please be provided to Elected Members?
- A7. The schedule is included in the lease already provided to Elected Members.
- Q8. What is the Permitted Use (see for example p26 clause 7.1) for this land (including the additional parcel of land)?
- A8. It's for personal parking and the additional parcel of land will also be for parking.
- Q9. Will the signing of this contract be taken as the 2019 rent review (ie then no further rent review will take place until 2021)?
- A9. Taken on Notice.
- Q10. To whom is the 7% management fee paid?
- A10. It's paid to the PTA.
- Q11. When will TOC re-surface the 1412m2 car parking (north of Jarrad)?
- A11. This could potentially be discussed as part of the budget process.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION****Moved Cr Thomas****Seconded Cr Rodda**

**THAT Council AUTHORISE the Chief Executive Officer and Mayor to sign all correspondence and associated documents necessary to accept the additional lease area subjected to no more than one dollar per annum increase in rent resulting from the modifications.**

**Carried 7/0**

**10.1.7 STREET TREE MASTERPLAN SPECIES AMENDMENT FOR CHARLES STREET**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Adeline Morrissey, Environmental Projects Officer  
**Author Disclosure of Interest:** Nil

Cr Pyvis declared an **IMPARTIALITY INTEREST** in item 10.1.7 by virtue “she is a committee member of West Tree Canopy”.

**SUMMARY**

Council will be asked to consider approving the variation to the Street Tree Master Plan species along the eastern side of Charles Street from Norfolk Island Pines (*Araucaria heterophylla*) to Chinese Tallows (*Triadica sebiferum*).

**BACKGROUND**

A resident on the east side of Charles Street has a dead Tallow tree on their verge and would like it replaced with another Tallow tree.

However, the Street Tree Masterplan lists Norfolk Island Pine as the proposed species on Charles Street. The street currently has Norfolk Island Pines on the west side. Chinese Tallows (*Triadica sebiferum*) and Queensland Box trees (*Lophostemon confertus*) are currently planted on the east side as shown below.



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

**POLICY IMPLICATIONS**

Under the Street Tree Policy section 4.2 Street Tree selection it states that '*Species to be planted at each location shall be in accordance with the approved Street Tree Master Plan.*' Therefore it is proposed that the Street Tree Masterplan be amended for Charles Street.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

By amending the Street Tree Masterplan selected species for the east side of Charles Street from Norfolk Island Pines to Chinese Tallow trees the number of trees planted on the verges along Charles Street will not be affected. Planting methods and tree care will also remain the same regardless of the species. Therefore there are no perceived sustainability implications arising from the officer's recommendation.

**CONSULTATION**

Council may wish to consider advertising the proposed change to residents of Charles Street. This has not been included in the officer's recommendation as the proposed change reflects the status quo of the street.

**OFFICER COMMENT**

The resident on Charles Street has requested that the Town does not plant a Norfolk Island Pine on their verge to replace the dead Chinese Tallow tree, but instead plant another Tallow tree. In addition to not being consistent with the prevailing tree species on this side of the street, the Norfolk Island Pine is not deciduous and will therefore impact the adjacent resident.

Upon review of the current street scape by the Officers, it would justifiable for the Street Tree Masterplan to be amended in this case as;

1. The current street scape appears well established and planting one or two Norfolk Island Pines on the east side could make the street scape appear unbalanced;
2. Charles Street is a narrow street with narrow verges – it may not be able to support two rows of Norfolk Island Pines; and
3. The Town's Street Tree Policy does not allow for trees to be removed if they are otherwise healthy – which means it could be a considerable period of time before all of the other trees on the eastern side are replaced.

As such the recommendation is to amend the Street Tree Master Plan to allow Chinese Tallows to be planted on the east side of Charles Street.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Young**

**Seconded Cr Harkins**

**That Council APPROVES the amendment to the Street Tree Masterplan for Charles Street for Norfolk Island Pines as the approved species for the west side and Chinese Tallow trees for the east side of the street provided that this is supported by the residents on the eastern side of Charles Street.**

**Carried 7/0**



**10.1.8 CURTIN AVENUE MAIN ROADS WESTERN AUSTRALIA ROAD RECLASSIFICATION**

**File Ref:** SUB/2798  
**Attachments:** 10.1.8(a) Attachment - April Council - Curtin Avenue - Asset Responsibility Plans [under separate cover]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Shaun Kan, Manager, Engineering Services  
**Author Disclosure of Interest:** Nil

This item was considered as the first item of business.

Cr Rodda declared an **IMPARTIALITY INTEREST** in item 10.1.8 by virtue “he is one lot up from Curtin Avenue”.

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**SUMMARY**

Council will be asked to consider an approach from Main Roads Western Australia to change Curtin Avenue from a local road (controlled by the Town) to a State controlled road.

**BACKGROUND**

In December 2018, Main Roads Western Australia (MRWA) informed the Town that it had completed an assessment and it was likely that Curtin Avenue would be designated a State Controlled Road, subject to the approval of State Treasury.

More recently, MRWA have informed the Town of MRWA’s intentions and that the handover is anticipated to occur 1 July 2019 – but it should be noted that it is still subject to the approval of State Treasury. The hand over could initially occur by an exchange of letters with a proclamation taking place within three months of the handover.

**STRATEGIC IMPLICATIONS**

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

Priority Area 5: Providing sustainable infrastructure and community amenities

Major Strategy 5.5: Develop a long term asset management plan.

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

Priority Area 5: Providing sustainable infrastructure and community amenities.

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

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Main Roads Act 1930*

**13. Proclamation of highways and main roads**

- (1) *On the recommendation of the Commissioner the Governor may by proclamation declare that any section or part of a road shall be -*
- (a) *a highway; or*
  - (b) *a main road,*

*or shall cease so to be and may by the same or a subsequent proclamation declare that the footpaths of any such road shall, or shall not, be excluded from the road.*

- (2) *In considering whether to make any recommendation to the Governor that a road should be declared to be a highway, the Commissioner shall take into account —*

- (a) *the moneys available or likely to be available for highways; and*
- (b) *whether the road is or will be the direct connection between the capital of this and any other State; and*
- (c) *whether the road is or will be the principal route between the capital and the major producing regions of the State; and*
- (d) *whether the road is or will be the principal route between 2 or more of the major producing regions or major centres of population of the State; and*
- (e) *whether the road is or will be the principal route for high volume traffic movements within large urban areas.*

- (3) *In considering whether to make any recommendation to the Governor that a road should be declared to be a main road, the Commissioner shall take into account —*

- (a) *the moneys available or likely to be available for main roads; and*
- (b) *whether the road is or will be the main route connecting any large producing area, or any area capable of becoming in the near future a large producing area, with its market or closest port or railway station; and*
- (c) *whether the road is or will be the main route of intercommunication between 2 or more large producing areas, or areas capable of becoming in the near future large producing areas, or between large centres of population; and*
- (d) *whether the road is or will be a major route for high volume traffic movements within large urban areas.*

*[(4) deleted]*

- (5) *A declaration under this section may be revoked or varied by the Governor on the recommendation of the Commissioner.*

**13A. Local government to be consulted on matters to do with highways and main roads**

- (1) *The Commissioner shall cause the local government of each district in which the road is situated to be notified in writing of the details of any proposed permanent improvements to any highway or main road before commencing the improvements.*

- (2) *Before making any recommendation to the Governor —*

- (a) *that any road be declared to be a highway or main road;*
- or
- (b) *that the plans of any proposed new highway or main road or deviation from an existing highway or main road be approved,*

*the Commissioner shall cause a notification to be given in writing to the local government of each district in which the road so to be declared is situated or the new road or deviation is proposed to be made of his intention to make the recommendation and shall inform the local government of a date, being not less than 30 days from the date of the notification, before which any objections by that local government may be made, and any such objection shall be considered by the Commissioner and responded to by him before making his recommendation.*

- (3) *Any local government which feels aggrieved by any recommendation may, within 30 days after notification of the response of the Commissioner following his consideration of that local government's objections, appeal to the Minister, who may vary or disallow the proposed recommendation.*

Metropolitan Region Scheme

Town of Cottesloe Local Planning Scheme

### **FINANCIAL IMPLICATIONS**

There are anticipated cost savings from contractor related maintenance works, which will be substantial over the 10 year Long Term Financial Plan.

### **STAFFING IMPLICATIONS**

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

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

Town of Cottesloe Staff

Main Roads Western Australia

### **OFFICER COMMENT**

Curtin Avenue is an important freight route that connects Fremantle Port to the other major road corridors such as Reid Highway, Marmion Avenue and Ocean Reef Road. The 4.2 kilometres of Curtin Avenue between North Street and Port Beach Road is the only remaining length that remains designated as a local road. A reclassification assessment by MRWA has recommended that this section of Curtin Avenue needs to be reclassified to a State Controlled corridor (Main road).

Following the proposed reclassification, MRWA will be responsible for the maintenance of all infrastructure between the eastern and western kerbs of Curtin Avenue. This in the long term will achieve cost savings for the Town from a reduction in maintenance required as a result of the handover of these assets to State Government.

At this stage, the Commissioner of Main Roads is required to consult with the Town on their intention to declare the road a main road (refer to statutory section 13A of the Main Roads Act 1930 above). It should be noted that this consultation does not provide the Town with a veto on the declaration, but rather that any objection the Town raises be considered before any final recommendation is made to the Governor.

Given that MRWA have undertaken their own assessment and believe that the road meets the requirements to be declared a Main Road – there appears to be little grounds to object based on the assessment requirements of the Main Roads Act. It would also be difficult to

mount an argument for example based on traffic volumes or types, given that the road is a part of the freight network.

This being the case, if Council wishes to raise an objection, it would be on the grounds of any loss of control of the road itself. In this case, Council should consider the remainder of section 13A of the Main Roads Act, which would require the Town to be consulted on any change in alignment of Curtin Avenue. Further at this stage it the proposed proclamation appears to be based on the road reserve between each road edge (kerb to kerb), not the entire road reserve itself. Which again would suggest that any future change would still require the Commissioner to consult as it would require a change to the Proclamation itself.

Given that the transferring of the responsibility for the maintenance of Curtin Avenue would result in significant savings for the Town, it is recommended at this stage to accept the offer from MRWA and to set in place the exchange of letters as requested by them.

If Council wishes to object, then a motion which states that objection and lists reason for it should be made which would then be conveyed to the Commissioner of Main Roads in accordance with the Act.

#### **ADDITIONAL STAFF COMMENT**

Following the Agenda Forum, we provide the following clarifications;

1. Curtin Avenue is a road reserve (Crown Land) – it is not owned by the Town of Cottesloe. The Crown can, from time to time, change the agency that is responsible for the management of its land. In this case, the process for changing the management agency is listed in the Main Roads Act 1930 (at section 13 and 13A) – which is quoted in the report above.
2. The relevant sections of the Main Roads Act 1930, that require the Commissioner for Main Roads to consult regarding the designation of a road as a Main Road, also require the commissioner to consult on “*any proposed permanent improvements to any highway or main road before commencing the improvements*”. Irrespective, the officer’s recommendation has been updated to require a commitment being received from Main Roads WA that they will consult on any future changes to Curtin Avenue as a condition of Council’s agreement to the change in designation.
3. At this stage the Town has not been made aware of any specific changes to Curtin Avenue that Main Roads WA intend to make. However, we are aware that MRWA have stated that the Eric Street Bridge (which connects to the Eric Street / Curtin Avenue intersection) will require replacement in the mid term – which would be expected to impact on Curtin Avenue itself. Further, MRWA undertook consultation on the southern end of Curtin Avenue (within the Town of Cottesloe) in 2015 for a project that would re-align that section of Curtin Avenue. That project was not funded AND the Main Roads Act 1930 would require MRWA to consult on such a plan if it was funded at some future date.
4. The Town has been aware that MRWA have been re-assessing Curtin Avenue for possible re-classification – which has been the subject of Council briefings. However, the Town has not received written notice of the Commissioner’s intention to reclassify the road yet and we have been led to believe that such a notice is still awaiting the approval of the WA Treasury. If such a notice is received it will be communicated as soon as possible.

5. The period for which the Town can submit objections has not yet commenced as the written notice required under the Main Roads Act 1930 has not yet been received. Further, agreeing to interim management arrangement does not in itself preclude the Town lodging an objection should it not agree with the proposed Proclamation received in such a notice.

Officers have updated their recommendation based on the concerns raised at the Agenda Forum by members of the public. The changes are highlighted in blue text below.

### **VOTING REQUIREMENT**

Simple Majority

### **COUNCILLOR QUESTIONS**

#### **Submitted by Cr Pyvis – Emailed 16 April 2019**

- Q1. Is TOC going to advertise to the Cottesloe community its intention to enter an interim agreement to transfer the responsibility for Curtin Avenue to MRWA as a State controlled road? If not, why not?
- A1.** That would be a decision for Council.
- Q2. What is the total expense on Curtin Avenue (eastern to western kerbs only) infrastructure and maintenance costs to TOC over the last 5 years, itemised by year?
- A2.** To be advised.
- Q3. What are the current budgeted costs not yet expended for TOC infrastructure and maintenance for Curtin Avenue (eastern to western kerbs only)?
- A3.** There are no programmed maintenance project this financial year, although some work will be required to be done to the Jarrad Street and Curtin Avenue intersection.
- Q4. Can EMs be provided with the MRWA assessment referred to in line one (p40) of the Officer Report? If not, why not?
- A4.** Yes – the report will be provided to Elected Members, and subject to Main Roads WA approval, published on the Town's website.
- Q5. Which State document shows Curtin Avenue as "part of the freight network" (see line five (p40)) Officer Report?
- A5.** The Restricted Access Vehicle Network allows trucks in larger combinations on Curtin Avenue already.
- Q6. In the event that Council wishes to object, can TOC administration provide an alternative recommendation before the April council meeting?
- A6.** The Administration doesn't provide alternative recommendations but we happy to assist any Councillor draft a Councillor motion.

**PUBLIC QUESTIONS****Agenda Forum - 16 April 2019****Prue Newsome – 34 Avonmore Terrace, Cottesloe – Item 10.1.7**

- Q1. If the transfer to Main Roads goes ahead what plans would Main Roads WA have to minimise noise and diesel emissions and traffic for Curtin Avenue residents?
- A1.** The Town is not aware at the moment of any plans Main Roads has to alter Curtin Avenue. Main Roads WA has undertaken a review of roads across the metropolitan area, particularly in reference to roads that could be considered a main road. At the moment they've identified Curtin Avenue as a main road based on their own assessment and the proposal before Council is for Main Roads to take over the maintenance of Curtin Avenue only from kerb to kerb.
- Q2. What consideration has been given for a second major highway running through Cottesloe?
- A2.** We're not aware of any plans for major upgrades.

**Davina Goldthorpe – 73 Napier Street, Cottesloe – Item 10.1.7**

- Q1. Why do MRWA now want Curtin Avenue to be transferred now?
- A1.** We don't know their specific reasons, outside of the metrics in the report, we've just been notified by officers from Main Roads that that's the outcome of their review and once they have clearance from the State Treasury they will make that confirmation.
- Q2. Does ToC know if they have specific projects they want to complete and timeframes?
- A2.** With regards to projects, we're not aware of any major upgrades. We would anticipate there would be some resurfacing works in the next two to three years. With regard to the PSP works the Town did extensively consult on the PSP, including guided walk tours of all the proposed works and all the works were available on the Town's website and they can be reposted if you like.
- Q3. Given ToC knew of the changes to Curtin Avenue and Napier Street and didn't inform residents what can you do to assure us that will be kept informed of any changes to Curtin Avenue and that we will actually take the impact of those changes will have on residents and actually consult with us prior to any of those changes happening?
- A3.** With regards to your particular intersection we are still working on Main Roads to try and seek improvements to that project for all the directly affected residents.

**Liljanna Ravlich – 24 Webb Street, Cottesloe – Item 10.1.7**

- Q1. Can you please explain to us what is a State Controlled Road and a local road and what direction is Council leaning towards.
- A1.** With regards to a State Controlled Road and a local road, the essential difference is who pays for the maintenance. With local government roads, the Town is completely responsible for all works on that road, any maintenance or upgrades the Town foots the bill. With State Controlled Roads that responsibility falls to the State Government.

At the moment Main Roads is only looking at a proclamation from kerb to kerb, so they're not looking to take the entire road reserve. Normally they would take the entire road reserve and take that back under state control. They're not doing that in this case so at this point in time the change would be that the State would pick up all the maintenance costs for the Curtin Avenue, which are not insignificant, but the remainder of the road reserves, all the verges, the green space and vegetation will remain under the control of the Town. That's the current proposal we have from Main Roads. Which way is Council leaning towards, will be answered at the next Council meeting.

- Q2. Is the general feeling in terms of Curtin Avenue you will be supporting that it be a State Controlled Road or you will be supporting that you want it to remain a local government road and what might Curtin Avenue look like in the future? For those of us who live on Curtin Avenue, it used to be a very nice, calm spot where I am at the end of Webb Street. Increasingly of course, we've seen the big road trains coming through, creating a lot of noise, havoc and pollution and what we're interested in is to get some assurances from Council that there will be no more deterioration of amenity.
- A2. What Curtin Avenue might look like in the future – the plans we last saw for Curtin Avenue were for an upgrade in the Southern section of the Town that effected from Victoria Street south. We haven't seen any other plans from Main Roads since the plans from 2014 so we can't answer that question. Main Roads hasn't made us aware of any particular plans except some public comment around the Eric Street Bridge and the need for that bridge to be either significantly repaired or replaced inside the next five to 10 years. The current proposal from Main Roads is from kerb to kerb so at this stage all the other parts of Curtin Avenue will remain with the Town.

Katrina Sykes – 207 Curtin Avenue, Cottesloe – Item 10.1.7

- Q1. We're very concerned about any changes that would happen with whoever owns the road. With regards to the previous plans for a slip road along Curtin Avenue would Council reconsider the plans for the slip road if the extension was to go ahead?
- A1. We're not aware of any changes at this stage so the current alignment is what Main Roads would be taking on.
- Q2. Who makes those decisions?
- A2. The proclamation is made by the Commissioner for Main Roads. Council have the ability to object.

Glenda Hudson and Gordon Hudson – 157 Curtin Avenue, Cottesloe – Item 10.1.7

- Q1. We're a bit confused here why the suggestion to change control of this road to Main Roads is coming through but we actually don't have any assurances or guarantees from our Elected Councillors, who represent us as citizens, that they will look after our interests. Some of the things for example the comment made earlier was that Main Roads have given you verbal or some assurances that it will be kerb to kerb proclamation that it's not going to change. Once this has changed what guarantee do

we have that there's not going to be a new set of rules. I'm more concerned about after this change has been made whether in fact we'll have any control over these changes that they might decide to do and you haven't given us any assurance on this and yet we're considering ceding this over to Main Roads control.

- A1.** We probably don't have that information ourselves at this stage and Elected Members will be asking a lot of questions themselves.

The Commissioner for Main Roads can declare at any time that that a road becomes a main road. The Town's only avenue at that point is to lodge an objection with the Commissioner. The Commissioner has to take that objection into account and respond before they make their final recommendation. It's not a case where the Town has a right of veto.

- Q2.** When you take on board all the concerns raised by the citizens who live on Curtin Avenue am I to assume then at that point if there is an objection you will lodge an objection on our behalf.

- A2.** It is most likely, but I will point out that officers were aware of the previous concerns in approximately 2001. When Main Roads first suggested this may occur, we said to them that we would need some assurance that any changes would be consulted on.

Sarah Dewsbury – 103 Curtin Avenue, Cottesloe – Item 10.1.7

- Q1.** Are the current roadworks, which you've been thinking of doing in conjunction with the bike path, are purely for bike path infrastructure or for more extensive road widening because the retaining wall going up at Victoria Street and drainage works at end of Salvado are very significant for a bike path. The bike path is extremely wide at that end, probably double the width of the northern bike path which goes into Grant Street.

- A1.** The only works we're aware of are for the PSP but in that section it does look like the retaining wall does look significant. We can put the drawings of the PSP back on the website for people to inspect.

- Q2.** What's the plan with the bike path for cyclists to cross Salvado Road and any other major roads such as Jarrad Street, it's not clear, it might have been on the plan, please notify us?

- A2.** We will put those drawings back on the website as it's shown on the plans.

- Q3.** You mentioned kerb to kerb only for Main Roads but from the diagram I saw on the Main Roads website they're changing the boundary of the kerb so in effect we would lose our slip road because the blue line diagram comes across on the western side of our slip road and they would then have to put in another slip road which would be adjacent to my house and presumably a footpath so we would basically lose all the amenity of our front verge. There's a significant divergence of the edge of the road. You mentioned kerb to kerb only and it doesn't seem to marry with what I'd seen on the Main Roads website. Is Council aware of that?



- A3.** I haven't seen the diagrams you are referring to. The only works we are aware of relate to the PSP.
- Q4.** Does Council think the road widening is anything to do with the freight link that was formerly proposed as part of Roe 8.
- A4.** One of the concerns Main Roads has is if the Town was to be doing the road works in Curtin Avenue for example we do need to upgrade or repair the Jarrad Street/Curtin Avenue intersection at some point in the future, those works would have an impact on the freight coming out of Fremantle Port. I think there is some concern that if the Town was doing those sort of works it could have an adverse effect on freight movement but I don't think that would be the main factor, just a contributing factor.

Wendy Wisbey – 33 Curtin Avenue, Cottesloe – Item 10.1.7

- Q1.** What is the current annual maintenance cost of Curtin Avenue to the town?
- A1.** The current annual maintenance on average would be somewhere between \$30,000 and \$40,000.
- Q2.** Which contractor is employed to undertake this maintenance work?
- A2.** The Town doesn't employ a specific contractor to look after Curtin Avenue.
- Q3.** When was the last time Town of Cottesloe carried out maintenance work on Curtin Avenue?
- A3.** It has been some time since we've done major works on Curtin Avenue but we are aware there is some fairly major works coming up soon and it would have significant costs entailed.
- Q4.** Is that Eric Street?
- A4.** The main concern at this stage would be the Jarrad Street/Curtin Avenue intersection.

Bruce Robinson – 2 Barsden Street, Cottesloe – Item 10.1.7

- Q1.** My concern is about the plans/options that Main Roads have previously foreshadowed about diverting Stirling Highway near the top of the hill and making Stirling Highway go up Curtin Avenue and I'd be unhappy to see Curtin Avenue turned into a four lane or six lane highway. I just wondered if this was the first step in Main Roads' plans. For the federal election there was a proposal to upgrade the Fremantle traffic bridge and they wondered if they're intending to go through with this diversion to run the trucks all the way up Curtin Avenue and because of that the risk of that to Cottesloe I'd like to plead to council to oppose this transfer to Main Roads because I regard this as the thin end to the wedge and there's mention of Main Roads consultation and I have some experience and a great deal of suspicion about what Main Roads mean by consultation. They usually tell you after the event what's going to happen so I'd like to think that you try to retain control of Curtin Avenue because if it becomes four lanes or six lanes a whole lot of trees will go and the confusion about the bike path will pale into significance so I urge Council to oppose as strongly as possible the transfer.

Katrina Tiller – 117 Curtin Avenue, Cottesloe – Item 10.1.7

- Q1. Has the issue of reclassification of Curtin Avenue been raised with the Mayor or Deputy Mayor in a Councillors Briefing Forum before the appearance of this in the Agenda. It states that the CEO has known about this proposal since December 2018. If not, then why has it been so long before raising the issue with Councillors and only one week for community involvement and you picked a great week with Easter and school holidays to avoid us all being here.
- A1.** We became aware that Main Roads were undertaking the metropolitan wide review of roads in late 2017. In December 2018 they informed us that that review had been completed and that a number of roads, including Curtin Avenue, would now be looked at and they were waiting on confirmation from State Treasury, which is required under the Main Roads Act, for the Commissioner to make his decision. As yet, we haven't been formally asked by Main Roads to comment, we're still waiting for that letter. The purpose of the agenda item tonight was simply to ask if they wish to raise an objection or begin the process of the road being transferred to Main Roads' responsibility.
- Q2. Haven't you put in officer recommendation to support this application? We feel like we're being let down by our Elected Councillors and I don't have the faith that we're going to have the support amongst our community to look after our residents.
- A2.** As yet we haven't actually been formally asked. We've tried to get this on the Agenda for Council as soon as possible. We haven't waited for the proclamation to be made by the Commissioner or for that formal letter to be sent. We're raising it now so that if there's going to be an objection, we have the maximum amount of time to prepare it.
- Q3. So what will you give as the maximum amount of time between putting it up on the agenda last week and giving us a week's notice as residents to be able to respond. Do you believe that's an adequate of time for us?
- A3.** We are months away from a final decision.
- Q4. But the report says you want to pass at next week's meeting and the officer's recommendation is to transfer the ownership to Main Roads of which it says you support. Am I not quoting direct reference from the report that it says it's your officer's recommendation?
- A4.** There might be some misunderstanding. We're saying do you want the process started or do you want to raise an objection. Based on the financial costs we're compelled as officers to say you should probably begin transferring responsibility given the cost savings the Council and the Town and ratepayers will see.
- Q5. What about the loss of value in our properties?
- A5.** I will also point out to people the final decision is not Council's, the final decision is the Commissioner for Main Roads. All Council can do at this stage is to raise an objection and if Council is of a mind to raise an objection we need the maximum amount of time possible to prepare that objection and lodge it.

- Q6. Can you tell me if we all had not turned up this evening would you have put in an objection in the best interests of the residents of Cottesloe or would it just slip through?
- A6.** It is Council's decision to make. It will be discussed tonight and Council will make a decision at the Council meeting.
- Q7. Will it be a public discussion or will it be private?
- A7.** It will be discussed tonight and will be brought forward so you don't have to wait until half way through the evening and from that we would make our decision at the next Council meeting. At this stage, we don't have any more idea than you do until we've asked questions.
- Q8. What is the estimated financial benefit to all and what is the possible financial detriment to Curtin Avenue residents and the detriment to amenity?
- A8.** The likely cost of maintaining Curtin Avenue over the next 10 years is over \$1M.
- Q9. Can you please advise in what report and on what map does it show that the plan was to have Curtin Avenue as part of the Freight Link?
- A9.** It is already on the Restricted Access Vehicle Network.
- Q10. In June 2017 the Town was advised by the Minister for Planning and WA Planning Commission to commence preparation of a new local planning strategy which would conceivably address the impact of Curtin Avenue traffic on surrounding residents. What work has the Town undertaken since being advised to prepare a new LPS two years ago?
- A10.** With regards to Local Planning Strategy, the Town has employed a Strategic Planner and has begun drafting the consultation documents for the new local strategic planning which we hope to advertise in May or June this year.

Mary-Louise Allen – 28 Macarthur Street, Cottesloe – Item 10.1.7

- Q1. What does interim agreement actually mean as opposed to an agreement?
- A1.** In the report we've outlined the statutory process the Commissioner has to go through to deem a road a main road. They have to make a proclamation and send it to the Governor. The Governor then affirms that and the road will transfer. What Main Roads is suggesting is an interim agreement first and will be in place prior to a proclamation being made to line responsibility up with financial years. It's basically a bridging agreement between the start of the financial year and the proclamation being made.
- Q2. What does Curtin Avenue being a State Controlled Road actually means in terms of how it is used and by whom?
- A2.** Speed limits, vehicle types are determined by the Main Roads in any case, not the Town. In effect, it will make very little difference.
- Q3. How will works on a State Controlled Road necessarily be advised to the Town of Cottesloe – things like Eric Street bridge replacement, the car park proposed for North

Cottesloe Primary School, the widening of Curtin Avenue, speed limits and the type of trucks that can use Curtin Avenue?

- A3.** Eric Street Bridge is Main Roads' responsibility already so it wouldn't effect that and the car park situation at North Cottesloe Primary School is on Railway Street, so it wouldn't be effected at all. Any changes to Curtin Avenue would require MRWA advising the Town and the Town could object if it wanted to.
- Q4. What about the potential widening of Curtin Avenue. Why would they want that if they don't intend to widen it?
- A4.** If they were to look at widening it they would have to go through the same process they're going through now, again. That decision and proclamation rests with Main Roads, not the Town.

Ian Goldthorpe – 225 Curtin Avenue, Cottesloe – Item 10.1.7

- Q1. This section of Curtin Avenue is a residential street, turning into a State Controlled Road increases hazards and safety to residents. Forrestfield's fatality yesterday - heavy truck vs car.
- A1.** The decision around what vehicles are allowed on Curtin Avenue already rests with the MRWA.
- Q2. Mr Kan and MRD did not notify any residents of this plan at kerbside meeting last Tuesday even after asked numerous times.
- A2.** Taken on Notice.
- Q3. Can the vote on MRD and ToC making Curtin Avenue a State Controlled Road be postponed until residents have answers and been notified re kerbside meeting last Tuesday?
- A3.** Council can consider that.

**OFFICER RECOMMENDATION**

That Council AUTHORISE the Chief Executive Officer to enter into an interim agreement (by way of exchange of letters) to transfer responsibility for Curtin Avenue (eastern to western kerb only) for six months in anticipation of the Proclamation of Curtin Avenue as a Main Road (eastern to western kerb only), subject to;

1. That the interim agreement is made on a "without prejudice" basis and does not preclude the Town from lodging an objection once notice of the intended Proclamation is received;
2. Clarification being received from Main Roads WA that the intended Proclamation (and interim agreement) will be from kerb to kerb only and ANY improvements or changes to the road or associated structures WILL be subject to the consultation requirements contained with the Main Roads Act 1930;
3. A meeting being held with residents of Curtin Avenue within 7 days of the receipt of

the Notification required under section 13A of the Main Roads Act 1930 whereby the Commissioner notifies the Town of their intention to proclaim Curtin Avenue as Main Road and at this meeting;

- a. The Notification will be provided to all residents of Curtin Avenue;
  - b. The Town's administration staff will be present to answer any questions; and
  - c. Council will consider any concerns raised at this meeting before deciding whether or not to lodge an objection to the Proclamation of Curtin Avenue as a Main Road.
4. The following assets being included in the Proclamation and Interim Management Agreement;
- a. The footbridge that traverses Curtin Avenue at Pearse Street; and
  - b. The sections of road that connect Curtin Avenue to the level crossings at Jarrad Street, Salvado Street and Victoria Street.

### **COUNCILLOR MOTION**

**Moved Cr Young**

**Seconded Cr Rodda**

That Council DEFERS consideration of this item pending:

1. A meeting being held with the relevant Administration staff, Elected Members and Curtin Avenue residents, to which representatives of Main Roads should be invited, to allow residents to put questions to the Administration staff and Main Roads' representatives (if in attendance) and raise and discuss any concerns about the proposal;
2. Following the meeting, the Administration calling for written submissions outlining specific concerns about the Main Road's proposal, from all Curtin Ave residents;
3. Obtaining and circulating to Elected Members confirmation from Main Roads (including a map showing the area to be covered by the proposal):
  - i. that the proposal and any subsequent Notice and Declaration relates only to the road between the eastern and western kerbs of Curtin Ave and does not extend to any verges, footpaths or slip roads off Curtin Ave AND ALSO that any improvements or changes to the road or associated structures will be subject to the consultation requirements contained in the Main Roads Act 1930;
  - ii. that the proposal and any subsequent Notice and Declaration shall include the footbridge that traverses Curtin Ave at Pearse Street and those sections of road that connect Curtin Ave to the level crossings at Jarrad Street, Salvado Street and Victoria Street.
4. A copy of all written submissions received, a summary of those submissions and a summary of the questions and concerns raised at the meeting being circulated to Elected Members as soon as practicable;
5. Council considering the concerns raised by Curtin Avenue residents through this consultation process in determining how to proceed; AND

REQUESTS the Administration to carry out the above steps and bring the item back to the

June Ordinary Council meeting with an Officer's Report considering whether Council should approve the proposal conditionally or unconditionally, or lodge an objection to the proposal.

**COUNCILLOR AMENDMENT****Moved Cr Pyvis****Seconded Cr Tucak**

Amend point 5 to read as follows:

REQUESTS the Administration to carry out the above steps and bring the item back to the June Ordinary Council meeting.

**Lost 1/6****For: Cr Pyvis****Against: Mayor Angers, Crs Rodda, Tucak, Young, Thomas and Harkins****COUNCILLOR AMENDMENT****Moved Cr Tucak****Seconded Cr Young**

In the last paragraph, insert after the words 'with an Officer's Report' 'that includes an assessment of the wider strategic impact and the concerns raised by the residents in'.

**Carried 7/0****SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

That Council DEFERS consideration of this item pending:

1. A meeting being held with the relevant Administration staff, Elected Members and Curtin Avenue residents, to which representatives of Main Roads should be invited, to allow residents to put questions to the Administration staff and Main Roads' representatives (if in attendance) and raise and discuss any concerns about the proposal;
2. Following the meeting, the Administration calling for written submissions outlining specific concerns about the Main Road's proposal, from all Curtin Ave residents;
3. Obtaining and circulating to Elected Members confirmation from Main Roads (including a map showing the area to be covered by the proposal):
  - i. that the proposal and any subsequent Notice and Declaration relates only to the road between the eastern and western kerbs of Curtin Ave and does not extend to any verges, footpaths or slip roads off Curtin Ave AND ALSO that any improvements or changes to the road or associated structures will be subject to the consultation requirements contained in the Main Roads Act 1930;
  - ii. that the proposal and any subsequent Notice and Declaration shall include the footbridge that traverses Curtin Ave at Pearse Street and those sections of road that connect Curtin Ave to the level crossings at Jarrad Street, Salvado Street and Victoria Street.
4. A copy of all written submissions received, a summary of those submissions and a summary of the questions and concerns raised at the meeting being circulated to Elected Members as soon as practicable;
5. Council considering the concerns raised by Curtin Avenue residents through this

consultation process in determining how to proceed; AND

REQUESTS the Administration to carry out the above steps and bring the item back to the June Ordinary Council meeting with an Officer's Report that includes an assessment of the wider strategic impact and the concerns raised by the residents in considering whether Council should approve the proposal conditionally or unconditionally, or lodge an objection to the proposal.

Carried 7/0

**10.1.9 TRANSPLANTING OF TWO EXISTING NORFOLK ISLAND PINE TREES**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Shaun Kan, Manager, Engineering Services  
**Author Disclosure of Interest:** Nil

Cr Pyvis declared an **IMPARTIALITY INTEREST** in item 10.1.9 by virtue “she is a committee member of West Tree Canopy”.

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**SUMMARY**

Council is asked to consider approving the transplanting of **three** existing Norfolk Island Pine Tree each currently growing under a Coral Tree within the vicinity of 16, 20 **and 31** Loma Street.

**BACKGROUND**

The Administration has recently been asked by residents to prune an existing Coral Tree to allow for the healthy growth of two existing Norfolk Island Pine Trees. A permanent solution involving the transplanting of the Norfolk Island Pine Trees would be more viable in lieu of continuously pruning the Coral Tree.

**STRATEGIC IMPLICATIONS**

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

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

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

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

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

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

## **POLICY IMPLICATIONS**

Street Tree Policy

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

## **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

## **STAFFING IMPLICATIONS**

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

## **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

The relocation of the trees will provide sustainable and improve growth opportunities.

## **CONSULTATION**

Town of Cottesloe Staff

Elected Representatives

## **OFFICER COMMENT**

At the March 2019 Ordinary Council Meeting, Council resolved for the Jacaranda Tree within the verge of 21 Loma Street to be removed by the resident and replaced with a Norfolk Island Pine Tree by the Town.

There is an opportunity for either the existing Norfolk Island Pine Trees on Loma Street currently located under Coral Trees to be transplanted in replacement of the Jacaranda Tree. The other [two](#) impacted Norfolk Island Tree can be transplanted into another location within the Town of Cottesloe, possibly the railway corridor or another location along Loma Street.

It is unclear who planted the trees but it is unusual that they were planted so close to the existing Coral Trees. As the Coral Trees appear otherwise healthy, there doesn't appear to be grounds to remove the Coral Trees under the Town's Street Policy. That being said, the two

trees cannot be left so close to each other, permanently, as the health of both trees would be compromised.

Alternatively, Council could either regularly prune the Coral Trees with the intention that the Norfolk Pines would eventually replace them or remove the Coral Trees now.

### **VOTING REQUIREMENT**

Simple Majority

### **COUNCILLOR QUESTIONS**

#### **Submitted by Cr Harkins – Emailed 15 April 2019**

Q1. Would the transplanting be carried out by the TOC works crew or an external contractor?

**A1.** External contractor.

Q2. Has the TOC successfully transplanted similar sized NIP in the past?

**A2.** To our knowledge, we are not aware of any transplanting being undertaken in the past. An arborist would need to certify that it is safe to do so before the transplanting is carried out.

Q3. Are we able to specify that the larger NIP from #16 be used to replace the Jacaranda tree at #21 when that is removed?

**A3.** Yes, if certified safe to do so by an arborist.

Q4. There is a small pine tree (I don't think it is a NIP) that has been planted in between two large Coral trees on the verge at #31 Loma St – can this be removed (or transplanted if it is NIP)?

**A4.** This would not be encouraged given that existing conditions surrounding this tree do not impact this tree.

### **COUNCILLOR QUESTIONS**

#### **Submitted by Cr Pyvis – Emailed 16 April 2019**

Q1. Can TOC administration provide an Alternative Recommendation for removal of the Coral Tree at the east end 16 Loma St and pruning of the Coral Tree west end of 16 Loma St?

**A1.** The removal of the Coral Tree would be against the Town's Street Tree Policy but the Town can look at pruning the Coral Tree on the west end of Loma Street as an initial response. Officers are happy to assist Councillors with the preparation of Councillor motions but typically we only provide one recommendation.

Q2. What does Council's Street Tree Policy approved February 2019 say about this issue?

**A2.** As long as it's not dead, dying or dangerous the Tree will not take the tree out.

Q3. What are the likely costs of the officer recommendation including the arborist report and transplanting costs?

**A3.** Taken on Notice.

- Q4. What is the economic green infrastructure value of the affected coral trees and the affected Norfolk Island Pines?
- A4. The Town doesn't know that but with Council's support the Town can seek the information. The last time a report was put to Council to seek those valuations it wouldn't supported by Council.
- Q5. Can the Coral trees be transplanted?
- A5. The Coral Trees are very mature so it would be very risky to transplant them.

**OFFICER RECOMMENDATION**

THAT Council, subject to advice from a suitably qualified arborist that the subject trees are suitable for transplanting:

1. AUTHORISE that one Norfolk Island Pine Tree currently growing under Coral Trees within the vicinity of 16, 20 or 31 Loma Street be transplanted to replace the Jacaranda Tree in the verge fronting 21 Loma Street; and
2. AUTHORISE the remaining two Norfolk Island Pine Tree currently growing Coral Trees within the vicinity of 16, 20 or 31 Loma Street to be transplanted to a different location within the Town of Cottesloe.

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

Moved Cr Young

Seconded Cr Rodda

**THAT COUNCIL REQUESTS the Administration to obtain and bring back to Council advice and recommendations from a suitably qualified arborist (with appropriate experience in Green Infrastructure Management) as to the management of the three Norfolk Island Pine trees and the Coral Trees identified in the Officers' Report, consistent with the Town's objective of maintaining and increasing the Town's canopy cover.**

Carried 7/0

**10.1.10 TENDER ASSESSMENT - T01/2019 DEPOT DESIGN AND CONSTRUCT**

**File Ref:** SUB/2798  
**Attachments:** 10.1.10(a) Tender Assessment - Depot Design and Construct [CONFIDENTIAL] [UNDER SEPARATE COVER]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Kevin Truscott, Project Manager  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council will be asked to consider the award of the Depot Design and Construct Tender to Solution 4 Building for the contract sum of \$595,570.28 exclusive of GST. Two budget amendments totalling \$173,749 will also be requested to cover the recommended contract sum, staff salaries and ten percent construction contingency.

**BACKGROUND**

At the October 2018 Ordinary Council Meeting, Council approved the advertising of the Shared Depot Business Plan in accordance with the *Local Government Act 1995*. The tender proceeded to advertising on the 6 March 2019.

Six complying tender submissions were received at closing on 27 March 2019 from Tenderlink. These were assessed against the criteria detailed within the Request for Tender package.

**STRATEGIC IMPLICATIONS**

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

Priority Area 5: Providing sustainable infrastructure and community amenities

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

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

Priority Area 6: Providing open and accountable local governance.

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

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

Metropolitan Region Scheme

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**FINANCIAL IMPLICATIONS**

Two budget variations totalling \$173,749 are required to accept the recommended tender price of \$595,570.28 and cover associated contract management related cost.

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Town of Cottesloe Staff

Elected Members

Town of Mosman Park

**OFFICER COMMENT**

The assessment of the Tenders received is provided in the attached confidential memo.

**VOTING REQUIREMENT**

Absolute Majority

**COUNCILLOR QUESTIONS****Submitted by Cr Pyvis – Emailed 16 April 2019**

Q1. Has the TOMP/TOC contract been signed?

**A1.** The ToMP has approved the signing of the lease and their CEO is checking it one last time before the Mayor and CEO sign it and then it will come to the ToC for signing. After that it goes off to the Minister

Q2. Has the Minister approved the lease of the land?

**A2.** Please refer to A1.

Q3. How could the knowledge of this contract have a commercial value to a person? Which person could the information have a commercial value to?

**A3.** The assessment of each proposal and company should remain confidential.

**OFFICER RECOMMENDATION**

THAT Council by absolute majority:

1. NOTES that the contract price of \$595,750.28 exceeds the initial estimate of \$500,000
2. APPROVES a budget amendment of \$103,748.76 to account number 35.4122.2 –

Building Construction – Renewal Cottesloe Depot Facility (Mosman Park) from Reserves to cover the budget shortfall;

3. AWARD the Depot Design and Construct Tender to Solutions 4 Building for a Contract Value of \$595,570.28 exclusive of GST;
4. APPROVES a Contingency allowance of \$70,000 to account number 35.4122.2 – Building Construction – Renewal Cottesloe Depot Facility (Mosman Park) Contingency from Reserves.

#### **COUNCILLOR MOTION**

**Moved Cr Pyvis**

**No Secunder, Lapsed**

Defer this item until all parties have signed the lease and the Minister for Lands has made a decision.

#### **COUNCILLOR MOTION**

**Moved Cr Young**

**Seconded Cr Rodda**

THAT Council by absolute majority:

1. NOTES that the contract price of \$595,750.28 exceeds the initial estimate of \$500,000
2. APPROVES a budget amendment of \$103,748.76 to account number 35.4122.2 – Building Construction – Renewal Cottesloe Depot Facility (Mosman Park) from Reserves to cover the budget shortfall;
3. AWARD the Depot Design and Construct Tender to Solutions 4 Building for a Contract Value of \$595,570.28 exclusive of GST;
4. APPROVES a Contingency allowance of \$70,000 to account number 35.4122.2 – Building Construction – Renewal Cottesloe Depot Facility (Mosman Park) Contingency from Reserves.

#### **COUNCILLOR AMENDMENT**

**Moved Cr Tucak**

**Seconded Cr Pyvis**

**That additional point 5 be added as follows:**

5. **That no purchase order for works be issued until Ministerial approval is received for the lease documentation.**

**Carried 7/0**

#### **COUNCILLOR AMENDMENT**

**Moved Cr Tucak**

**Seconded Cr Thomas**

In point 4 of the recommendation reduce the amount of \$70,000 to \$10,000.

**Lost 3/4**

**For: Crs Tucak, Thomas and Pyvis**

**Against: Mayor Angers, Crs Rodda, Young and Harkins**

**SUBSTANTIVE MOTION**

THAT Council by absolute majority:

1. NOTES that the contract price of \$595,750.28 exceeds the initial estimate of \$500,000
2. APPROVES a budget amendment of \$103,748.76 to account number 35.4122.2 – Building Construction – Renewal Cottesloe Depot Facility (Mosman Park) from Reserves to cover the budget shortfall;
3. AWARD the Depot Design and Construct Tender to Solutions 4 Building for a Contract Value of \$595,570.28 exclusive of GST;
4. APPROVES a Contingency allowance of \$70,000 to account number 35.4122.2 – Building Construction – Renewal Cottesloe Depot Facility (Mosman Park) Contingency from Reserves.
5. That no purchase order for works be issued until Ministerial approval is received for the lease documentation.

**Lost \*4/3**

**For: Mayor Angers, Crs Rodda, Young and Harkins  
Against: Crs Tucak, Thomas and Pyvis**

- \* The above motion required an absolute majority which was not achieved, therefore the motion failed.

**COUNCILLOR MOTION**

**Moved Cr Rodda**

**Seconded Mayor Angers**

THAT Council by absolute majority:

1. NOTES that the contract price of \$595,750.28 exceeds the initial estimate of \$500,000
2. APPROVES a budget amendment of \$103,748.76 to account number 35.4122.2 – Building Construction – Renewal Cottesloe Depot Facility (Mosman Park) from Reserves to cover the budget shortfall;
3. AWARD the Depot Design and Construct Tender to Solutions 4 Building for a Contract Value of \$595,570.28 exclusive of GST;
4. APPROVES a Contingency allowance of \$10,000 to account number 35.4122.2 – Building Construction – Renewal Cottesloe Depot Facility (Mosman Park) Contingency from Reserves.
5. That no purchase order for works be issues until Ministerial approval is received for the lease documentation.

The CEO advised that clause 10.13 of the Standing Orders does not allow for repetition of a motion.

- \* Refer to Urgent Business.

**FINANCE****10.1.11 SEA VIEW GOLF CLUB INC. - REQUEST FOR VARIATION TO FUNDING CONTRIBUTION**

**File Ref:** SUB/2798  
**Attachments:** 10.1.11(a) Sea View Golf Club Funding Contribution - March 2019 Briefing Forum Item [under separate cover]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Garry Bird, Deputy Chief Executive Officer  
**Author Disclosure of Interest:** Nil

This item was considered as the next item of business after item 10.1.8.

Cr Tucak declared an **IMPARTIALITY INTEREST** in item 10.1.11 by virtue “members of the Executive are known to him”.

**SUMMARY**

The Sea View Golf Club Inc. (the Club) have written to Council seeking approval to vary the funding agreement where the Town contributed \$48,000 towards building renovation works on the Clubhouse and associated facilities.

The Club are seeking to vary the scope of works by deleting several of the projects contained in the upgrades and replace the deleted works with other projects.

The correspondence from the Club is attached for the consideration of Elected Members.

**BACKGROUND**

At the April 2017 Ordinary Meeting of Council a funding request from the Club was considered and the following Resolution adopted;

*COUNCIL RESOLUTION*

1. *THAT Council approve the request for the amount of \$48,000 from Sea View Golf Club Inc to contribute to the cost of improving the Clubhouse facilities for the following reasons:*
  - a) *The Clubhouse will revert to Council ownership in nine years time.*
  - b) *The improvements will assist the Golf Club in attracting outside functions and increased membership.*
2. *THAT the Town of Cottesloe Administration make a preliminary report to the May 2017 Council meeting about the feasibility of and sustainability implications of having the whole Town of Cottesloe Works Depot on the Sea View Golf Club Inc. site defer consideration of the request from the Sea View Golf Club Inc.*

The \$48,000 contribution was for the following specified works:

<b>Project</b>	<b>Cost</b>	<b>Funded By</b>
Upgrade Ladies Changeroom	\$13,000	Sea View Golf Club



Disabled access – Upstairs Toilet	\$12,000	Town of Cottesloe
Kitchen Upgrade	\$10,000	Town of Cottesloe
Men’s Changeroom and Shower Upgrade	\$10,000	Sea View Golf Club
Disability Ramp – Main Entrance	\$18,000	Town of Cottesloe
Lounge Area - Heating	\$10,000	Town of Cottesloe
Refurbish BBQ Area	\$18,000	Sea View Golf Club
Children’s Activity Area	\$5,000	Sea View Golf Club
<b>Total</b>	<b>\$96,000</b>	

The Club has requested to vary the projects for which funding was provided, principally due to the cost of the two universal access improvements (access ramp and provision of upstairs toilets) exceeding the budget. The Club has provided the quotes they obtained for these two components of the work, which were as follows:

- ⌋ Disabled access – upstairs toilet \$183,600 (Budget \$12,000)
- ⌋ Disability ramp – main entrance \$30,580 (Budget 18,000)

Both of these projects were to be funded from the Town’s contribution and although not stated in the Resolution, the provision of universal access facilities to the clubhouse was a significant factor in the Town approving the initial funding request.

In their request to vary the funding, the Club stated they would like to revisit both of these projects in the future.

The following table has been prepared to show the original approved projects, who was responsible for funding certain components (where specified) and what the actual expenditure has been incurred on:

<b>Project</b>	<b>Budget</b>	<b>Actual</b>	<b>Funded By</b>
Upgrade Ladies Changeroom	\$13,000	\$17,645	Sea View Golf Club
Disabled access – Upstairs Toilet	\$12,000	\$0	Town of Cottesloe
Kitchen Upgrade	\$10,000	\$7,102	Town of Cottesloe
Men’s Changeroom and Shower Upgrade	\$10,000	\$0	Sea View Golf Club
Disability Ramp – Main Entrance	\$18,000	\$0	Town of Cottesloe
Lounge Area - Heating	\$10,000	\$0	Town of Cottesloe
Refurbish BBQ Area	\$18,000	\$20,420	Sea View Golf Club
Children’s Activity Area	\$5,000	\$0	Sea View Golf Club
Replace bar and kitchen flooring	\$0	\$11,051	
New air-condition unit in cool room	\$0	\$3,369	

Project	Budget	Actual	Funded By
Replace BBQ area structure	\$0	\$10,200	
Patch clubhouse roof	\$0	\$5,860	
Mains Power Switchboard	\$0	\$7,796	
Repair to Irrigation Pump	\$0	\$5,818	
Defibrillator	\$0	\$2,600	
Marine Parade Boundary fence repairs	\$0	\$2,928.50	
Pro Shop door and locks	\$0	\$2,425.85	
New lamps for car park	\$0	\$474.65	
<b>Total</b>	<b>\$96,000</b>	<b>\$97,690</b>	

The above table shows that the funds provided by the Town were spent on one of the projects originally specified (kitchen upgrade).

The request to vary the funding arrangement was considered by Council at the December 2018 Ordinary Meeting where it was subsequently resolved as follows;

*FORESHADOWED MOTION AND COUNCIL RESOLUTION*

*Moved Cr Young            Seconded Cr Sadler*

*That Council:*

1. *DEFERS consideration of this item until it has had the opportunity to consider the Masterplan for the Recreation Precinct of which the SVGC site forms part, and to consider community feedback on the Masterplan;*
2. *REQUESTS the Administration to advise SVGC that this deferral is without prejudice to the Town's position in the matter;*
3. *REQUESTS the Administration to bring to the March Briefing Forum a report for Council's consideration on the matter to include timeline and a chronological account of communication (written and non-written) between the Town and the SVGC including copies of all written correspondence and notes relating to the matter.*

*Carried 6/2*

In accordance with the above Resolution, a Report was submitted to the March 2019 Briefing Forum which is attached for the information of Elected Members.

### 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.

The funding provided to the Sea View Golf Club Inc. was for specified purposes. Consideration of the Club's request in a public forum is in keeping with this strategy.

**POLICY IMPLICATIONS**

The Donations Policy is not applicable in this instance as the funding provided was outside of the requirements prescribed in the Policy and the annual donations program.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

As the funding has already been provided, there are no financial implications arising from the request to vary the projects to be funded. If Council was to refuse the request, the funding not spent on approved projects should be returned by the Club which would result in a small financial benefit to the 2018/19 Budget.

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Sea View Golf Club Inc.

**OFFICER COMMENT**

In regards to the request from the Club to vary the projects, Council has several options, summarised below:

1. Approve the request.
2. Refuse the request and require the Club to complete the projects as specified or return the \$48,000 contribution in full.
3. Refuse the request and require the Club to complete the projects as specified or return the \$48,000 contribution in full, with the funds to be held in a Reserve Fund for undertaking the universal access works not undertaken, when the Club has the balance of funding required.
4. Require the Club to return the funds for projects completed which are not supported by Council (either previously or approved as a part of these considerations).

Although not doubting in any way the Club has acted with the best of intentions, public funds have to be managed with the utmost of integrity and accountability. To receive public funding for specified projects and then spend these on different projects without first seeking the approval of the funding body is a difficult proposition to support.

Certainly if Council did similar with State or Federal funding, we would most likely be asked to repay the full sum, for being in breach of the funding agreement.

The Club could argue that they did not believe this was an issue, being unfamiliar with grant funding arrangements. However, it is not unreasonable to suggest that the Club should have

known to seek a variation from the body that had provided the funds to them, before committing to any projects not included in the application.

Funding provided to the Club for other projects in recent years is summarised below:

2013/14	\$49,797	50 percent contribution to Clubhouse concrete cancer repairs
2013/14	\$51,358	Carpark upgrade (to offset the damage caused by Council Depot vehicles and noting the club contributed to the upgrade as well).
2013/14	\$3,875	Jarrad Street fencing
2009/10	\$2,000	Club Community Day

If Council was to determine that the \$48,000 in funding should be repaid in full or part, it is unlikely the Club would be able to repay the amount in the short term and a repayment plan or loan extension may need to be negotiated.

If Council is willing to accept the cost of any completed projects from the list above, the resolution should state which projects Council is approving and then provide a sum (if any) of funds that are to be returned to the Town.

#### VOTING REQUIREMENT

Simple Majority

#### COUNCILLOR QUESTIONS

##### Submitted by Cr Thomas – Emailed 15 April 2019

If my memory serves me right the original request for funds from the Seaview golf club was to help improve the facilities so that they could attract additional functions and increase the revenue flow into the club.

Q1. In light of what has happened would the Town be able to look at varying the projects that the money has been allocated to?

A1. That option is open to Council.

The list of the items below, in my opinion relate directly to the club being more user friendly for the general public and thus able to generate more income for the venue from social functions.

Upgrade ladies change room – \$17,645

Kitchen upgrade – \$7102

Replace Bar Room kitchen flooring – \$11,051

Main power switch board - \$7796

De fibrillator – \$2600

The total cost of the above items is \$46,194.

As we loaned the club 48,000 it would mean the Golf Club would need to repay the Town \$1806.

Q2. would it be acceptable to the Town's officers to approve the projects to which the funds are applicable as listed above whilst at the same time advising the Club's Management that this amendment is a one off and if there are to be any variances in

where funds supplied from the Town are allocated in future they must seek prior approval from the Town before proceeding to spend the funds.

**A2.** That option is open to Council.

### **COUNCILLOR QUESTIONS**

#### **Submitted by Cr Pyvis – Emailed 16 April 2019**

Q1. Should the reference to the 2016 be 2017 on page 44 line 7 of the officer report?

**A1.** It's an error and will be fixed for the Council Agenda.

Q2. Can Council consider and grant a donation outside the donation date cycle contrary to an officer recommendation as happened in this decision?

**A2.** Yes, Council can.

Q3. Why does the officer report under Policy Implications show that the Donations Policy is not applicable when the 2017 decision was clearly a donation, see Item header 10.1.10 SEAVIEW GOLF CLUB INC – REQUEST FOR DONATION and under policy considerations in the 2017 report references Council's donations policy?

**A3.** This donation wasn't made as part of the donations cycle and the donations policy doesn't apply to it.

Q4. What is the implication of the application Council's Donation Policy to this donation to SVGC and does the donation as made and expended comply with the Assessment Criteria under Council's Donations Policy?

**A4.** No, the donations policy doesn't apply.

Q5. Can all the correspondence between the SVGC and the TOC be disclosed to Elected Members before the April Council meeting?

**A5.** All the correspondence on this matter has been disclosed.

Q6. Can a copy of the "funding agreement" (referred to in officer report) relating to this donation be provided to Elected Members before the April Council meeting?

**A6.** The letter requesting the funding and Council's acceptance of that funding has been supplied to EMs.

Q7. Does Council's Record Keeping Policy require a copy to be kept of the "funding agreement" and all correspondence relating to this matter?

**A7.** Yes it does and all those items of correspondence has been kept in Trim.

Q8. Does the SVGC agree that this is a "variation" of a "funding agreement"? If not, why not?

**A8.** We would need to ask the Sea View Golf Club that question.

Q9. What is the difference between a "funding agreement" and a "project" and a "donation" in this context?

**A9.** A donation typically is the passing of funds from one group to another and it can be for a specific purpose or not. A funding agreement is where you enter a formal arrangement that funding be provided for a very specific purpose and a project can have multiple definitions but typically would be a group of works that would have a common purpose.

**OFFICER RECOMMENDATION**

That the request to vary the projects funded by a \$48,000 contribution from Council is REFUSED and that the projects need to be completed as specified or the funds not used for approved projects be returned to the Town.

**COUNCILLOR MOTION AND COUNCIL RESOLUTION****Moved Cr Young****Seconded Cr Rodda****That Council:**

- 1. APPROVES the request by Sea View Golf Club to vary the projects funded by the \$48,000 contribution from Council; and**
- 2. Request the Administration to undertake a review of the Donations Policy in its entirety but with a with a specific focus on payment arrangements for larger grants such as that provided to the Sea View Golf Club.**

**Carried 7/0****RATIONALE:**

1. A review of the correspondence and timeline prepared by the Administration evidences a genuine misunderstanding by representatives of the SVGC as to the use which could be made of the funds advanced by the Town.
2. Funds were spent honestly in accordance with the Club's mistaken understanding that they were able to be used on any items included in a program of upgrades to the Clubhouse and facilities, in order to improve the Club's ability to attract events and functions and thereby secure its financial position.
3. A demand for repayment of the funds would place excessive strain on the Club's financial position. A demand may be resisted by the Club, thereby involving the Town in protracted legal proceedings. This would involve expense for the Town in legal fees and importantly would impact detrimentally on the Town and Council's relationship with an important community Club.
4. The Club's financial viability is important to Council given that the Club maintains the Clubhouse (an asset which reverts to the Town at the end of the SVGC Lease) and maintains a significant green space used by Club members and the general public and the (very considerable) cost of which would fall to the Town should the Club fail financially.
5. A change to the Town's payment practices will prevent such a situation arising again, so that there is no danger that this resolution will set a precedent for other financial arrangements involving the Town.

At 7:27pm, the Presiding Member adjourned the meeting.

Following the adjournment Council returned to the items as listed in the Agenda (refer to page 22 of these Minutes).

**10.1.12 BUDGET AMENDMENT - REPLACEMENT OF VLAMINGH MEMORIAL PLAQUES**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Garry Bird, Deputy Chief Executive Officer  
**Author Disclosure of Interest:** Nil

**SUMMARY**

To consider an amendment to the 2018/19 Budget to fund the replacement of two memorial plaques at the Vlamingh Memorial.

**BACKGROUND**

The memorial plaques were installed in 1974 and 1997 to commemorate visit to the Swan River by the Dutch explorer, Willem de Vlamingh on 5 January 1697 to 13 January 1697.

They were located on or near the site where the crew came ashore on 5 January 1697.

The two plaques stolen are:







In November 2018, staff became aware that the plaques installed at the site had been stolen. Since that time prices have been obtained to replace the plaques, which has been estimated at \$9,000 due to the cost of the materials (bronze and stainless steel) and the fine engraving.

There is no budget allocation for the replacement of these plaques.

### **STRATEGIC IMPLICATIONS**

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

Priority Area 5: Providing sustainable infrastructure and community amenities

Major Strategy 5.5: Develop a long term asset management plan.

Managing and maintaining assets is a core function of the Council and the replacement of these significant historical memorials is in keeping with this objective.

### **POLICY IMPLICATIONS**

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

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*



**FINANCIAL IMPLICATIONS**

The replacement cost of the two plaques is estimated to be \$9,000 and is considered to be a capital item of expenditure, for which there is no budget allocation.

It is proposed to vary the 2019/20 Budget by transferring \$9,000 from account 35.4050.2 Civic Centre Building to fund their replacement.

An insurance claim has been submitted for these items although it has not been accepted at the time of preparing this Report.

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Town of Cottesloe staff

Western Australian Planning Commission

Local Government Insurance Services

**OFFICER COMMENT**

Nil

**VOTING REQUIREMENT**

Simple Majority

**COUNCILLOR QUESTIONS****Submitted by Cr Harkins – Emailed 15 April 2019**

Q1. On what grounds was the insurance claim for the plaques not accepted?

**A1.** The claim hasn't been rejected at this stage, we're just waiting for them to notify us.

**COUNCILLOR QUESTIONS****Submitted by Cr Pyvis – Emailed 16 April 2019**

Q1. How often do TOC staff inspect this site and when was the last inspection before November 2018?

**A1.** The last formal inspection was November 2018 which was a valuation inspection. The Town does a valuation inspection every three years but work Staff regularly inspect all our infrastructure at a superficial level.

Q2. Why has the insurance claim been rejected?

- A2.** The claim hasn't been rejected at this stage, we're just waiting for them to notify us.
- Q3. What are each of all other historical memorials in the TOC and are these similarly afflicted by not having insurance cover?
- A3.** They're all insured and new plaques will be insured.
- Q4. Will the new plaques be insured against theft?
- A4.** Yes.
- Q5. With which body were the plaques thought to be insured and what premium did TOC pay for the insurance of these plaques?
- A5.** Insured through LGIS.
- Q6. Who made the original plaques that were stolen and who commissioned them and how much did they cost?
- A6.** Haven't been able to ascertain this, it predates the records the Town has.
- Q7. What are the TOC plans for the re-landscaping of this site?
- A7.** At this stage the Town has no plans for re-landscaping of that site.
- Q8. Has the Post Newspaper been contacted to call for a return of the stolen plaques?
- A8.** No not yet, but Mr Cohen from The Post is here tonight.
- Q9. Has a report been made to the police? If so, what was the outcome?
- A9.** Yes it has but we haven't heard the outcome.

#### **OFFICER RECOMMENDATION**

That Council AMEND the 2019/20 Budget by transferring the sum of \$9,000.00 from Account 35.4050.2 Civic Centre Buildings to a new Capital Account 45.6160.2 Plaques Vlamingh Memorial.

#### **COUNCILLOR MOTION AND COUNCIL RESOLUTION**

**Moved Cr Pyvis**

**Seconded Cr Tucak**

**That Council DEFER consideration of the officer's recommendation until:**

- 1. The outcome of the insurance claim is known.**
- 2. The cost of insuring the replacement plaques is known.**
- 3. The cost of the insurer's conditions of reinsurance of the plaques is known.**

**Carried 4/3**

**For: Crs Rodda, Tucak, Young and Pyvis**

**Against: Mayor Angers, Crs Thomas and Harkins**

At 9.17pm, the Presiding Member adjourned the meeting.

At 9:25pm, the Presiding Member resumed the meeting.

**10.1.13 FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2018 TO 31 MARCH 2019**

**File Ref:** SUB/2798  
**Attachments:** 10.1.13(a) Monthly Financial Statements for the period 1 July 2018 to 31 March 2019 [under separate cover]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Wayne Richards, Finance Manager  
**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 ensure that income and expenditure are compared to budget forecasts.

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

**BACKGROUND**

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

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

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

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**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

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

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Senior staff

**OFFICER COMMENT**

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

- )] The net current funding position as at 31 March 2019 was \$3,349,147 and is in line with previous financial years as shown on pages 2 and 23 of the attached Financial Statements.
- )] Rates and emergency services levies receivables at 31 March 2019 stood at \$505,621 as shown on pages 2 and 26 of the attached Financial Statements.
- )] Operating revenue is more than revised year to date budget by \$289,267 with a more detailed explanation of material variances provided on pages 21 and 22 of the attached Financial Statements. Operating expenditure is \$618,833 less than revised year to date budget with a more detailed analysis of material variances provided on pages 21 and 22.
- )] The Capital Works Program is approximately 39% complete as at 31 March 2019 and a full capital works program listing is shown on pages 34 to 36.
- )] Whilst Salaries and Wages are not reported specifically, they do represent the majority proportion of Employee Costs which are listed on the Statement of Financial Activity (By Nature and Type) on page 7 of the attached Statements. As at 31 March 2019 Employee Costs were \$137,274 less than the revised budgeted year to date amount.
- )] The balance of cash backed reserves was \$11,668,496 as at 31 March 2019 as shown in note 7 on page 28 of the monthly financial statements.

**List of Accounts for March 2019**

The List of Accounts paid during March 2019 is shown on pages 37 to 44 of the attached Financial Statements. The following significant payments are brought to Council's attention:

- )] \$26,342.19 and \$24,420.79 to Superchoice Services Pty Ltd for superannuation contributions.

- )] \$33,344.76 to Surf Life Saving Western Australia for the monthly provision of surf life saving service.
- )] \$512,790.38 to the Department of Fire and Emergency Services for the third instalment of emergency service levies.
- )] \$223,274.72 & \$123,515.08 to WA Treasury Corporation for loan repayments.
- )] \$63,742.32 to Environmental Industries Pty Ltd for works at the foreshore.
- )] \$127,645.58 and \$115,438.62 to the Town of Cottesloe staff for fortnightly payroll.
- )] \$65,000.00, \$205,000.00 & \$200,000.00 to the Town of Cottesloe Investment account held with National Australia Bank.

### **Investments and Loans**

Cash and investments are shown in note 4 on page 24 of the attached Financial Statements. Council has approximately 37% of funds invested with National Australia Bank, 31% with Bankwest, 22% with Commonwealth Bank of Australia and 10% with Westpac Banking Corporation. Council had a balance of \$11,668,496 in reserve funds as at 31 March 2019.

Information on borrowings is shown in note 10 on page 31 of the attached Financial Statements and shows Council had total principal outstanding of \$3,759,032 as at 31 March 2019. The final payment for loan number 106 which was taken out in 2009 for the refurbishment of the Civic Centre was made in March 2019.

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

Rates revenue information is shown in note 9 on page 30 of the attached Financial Statements. Rates outstanding are shown on note 6 on page 26 and show a balance of \$505,621 as compared to \$646,609 this time last year.

Sundry debtors are shown on note 6, pages 26 and 27 of the attached Financial Statements. The sundry debtors show that 79% or \$26,328 is older than 90 days. Infringement debtors are shown on note 6(a) and stood at \$530,700 as at 31 March 2019.

### **Budget Amendments**

The budget amendments are listed on pages 12, 13 and 25 of the Financial Statements

### **VOTING REQUIREMENT**

Simple Majority

### **COUNCILLOR QUESTIONS**

#### **Submitted by Cr Pyvis – Emailed 16 April 2019**

- Q1. PAGE 37 - Jackson Macdonald \$3,336.85 - what legal services?  
**A1.** The assignment of the Indiana Lease.
- Q2. Page 37 WA Treasury \$223,274.72 – what loan repayment?  
**A2.** It's the loan for the joint library.
- Q3. Page 38 – Youngs Plumbing service \$871.85 – what plumbing services for what?  
**A3.** Repairs to the hot water system and basin in the Mayors Parlour.

- Q4. Heidi Herget-Lansdell T/A Move Consultancy \$1,650 – who commissioned this traffic study and what area was examined?
- A4.** Move Consultancy - this is in regards to the North Cottesloe Primary School Traffic Safety Committee works. The Manager Engineering Services authorised those works.
- Q5. Page 39 Market force \$3564.63 - Advertising services for what?
- A5.** Market force is the agency being used to design all our newspaper advertising, that's the adverts you would see in Post and Western Suburbs Weekly.
- Q6. Page 39 Arthur D Riley and Co \$4,605 – communication charges for what?
- A6.** A D Riley look after all our parking technology so I would assume that it's the bill for the year for the mobile services we need for smart parking technology.
- Q7. Page 39 Edge Transport solutions \$330 – traffic engineering advice for what?
- A7.** Engineering advice for yellow no stopping line.
- Q8. Page 40 – Hillmack Sales \$710 – concrete for footpath memorial pad for what?
- A8.** Two invoices, supply of concrete for a memorial pad on Marine parade and also concrete for a footpath repair at ROW 36.
- Q9. Page 40 TOMP - \$3031.61 – removal of what waste from TOMP depot and for what reason?
- A9.** When we moved out of the Sea View site we entered into an agreement with the Town of Mosman Park and Town of Claremont where all of our street sweepings, clippings , etc by the three towns go to one place and we share the cost of disposal.
- Q10. Page 40 and 42 – what is the total of temporary staff (including depot staff) payments to this year to date and what is the reason for the need for temporary staff?
- A10.** Report to be provided.
- Q11. Page 41 – LGIS Risk Management – \$8,184 – risk assessment study for what? Can EMs be provided with a copy before the April Council meeting?
- A11.** That was the risk management study for the SVGC and was presented to Council at the last Briefing Forum and all Councillors have a copy.
- Q12. Page 41 LSV Borello lawyers \$19,288.50 – legal services for what, please itemise.
- A12.** LSV Borello are representing the Town in a SAT matter on Deane Street.
- Q13. Page 41 LGIS - \$2,000 – insurance excess for what claim?
- A13.** Insurance excess for a professional indemnity claim against the Town.
- Q14. Page 42 MacCleods \$11,370.85 – legal services for what – please itemise individual amounts for dog, parking prosecutions and SAT review? Which SAT review?
- A14.** We use MacCleods for a number of services, typically parking and dog infringements. At the moment they are looking at a SAT case to do with a dangerous dog declaration and they also assist in the Town's preparation for lease document for the Town of Mosman Park Depot site.

Q15. Page 43 - Blue Tang t/a as Emerge - \$825 – please itemise shady seating and foreshore consultancy works?

**A15.** Consultancy for the Cottesloe beach foreshore renewal project.

Q16. Page 43 – Environmental Industries - \$63,742.32 – foreshore works and shady seating works – please itemise which works?

**A16.** To be advised.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Rodda**

**Seconded Cr Harkins**

**THAT Council RECEIVE the Financial Statements for the period 1 July 2018 to 31 March 2019 as submitted to the 30 April 2019 meeting of Council.**

**Carried 6/1**

**For: Mayor Angers, Crs Rodda, Tucak, Young, Thomas and Harkins**

**Against: Cr Pyvis**

**10.1.14 BUDGET AMENDMENT - ROAD CONSTRUCTION PROGRAM**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Shaun Kan, Manager, Engineering Services  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is asked to consider a budget amendment to finance revised and additional road projects to qualify for the Roads to Recovery Program funding.

**BACKGROUND**

Jarrad Street (Broome Street to Curtin Avenue) and Marine Parade (Napier Street to Pearse Street) were the original road construction projects funded by the Federal Government's Roads to Recovery Program.

This proposed budget amendment will fund other projects and allow more time to consider the ultimate design for this section of Marine Parade and adjoining roads within the future Foreshore Master Plan. It also provides an opportunity for value adding cyclist safety improvement initiatives recently suggested by the Bike Safety Planning Committee to be further investigated.

As such, the \$371,346 initially allocated to this Marine Parade location will be re-distributed to fund other qualifying road construction projects. This will include works that have already been budgeted by the Town.

**STRATEGIC IMPLICATIONS**

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

Priority Area 5: Providing sustainable infrastructure and community amenities

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

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

A budget amendment will be required.

**STAFFING IMPLICATIONS**

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

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**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Federal Government

Town of Cottesloe Staff

**OFFICER COMMENT**

The Town has been provided approximately \$440,000 in road construction grant through the Federal Government's Roads to Recovery Program. There are two components to avoid any monies being returned to the program managers.

Firstly, the reference value of approximately \$264,000 would need to be achieved by spending our allocated drainage and road maintenance together with our road construction expenditure for 2018/2019 financial year. Secondly, the Town would need to allocate projects to the \$440,000 and have them completed before the end of this financial year.

The following provides a summary of the proposed adjustments:

Account Number	Project Name	Approved Budget	Proposed Amended Budget
40.1123.2 (Grant Funded)	Marine Parade (Napier Street to Pearse Street)	\$371,346.00	\$0.00
40.1126.2	Marine Parade Road Construction Renewal (Vera Street to North Street)	\$220,000.00	\$66,485.00
Proposed New Project	Napier Street (Curtin Avenue to Broome Street)	\$0.00	\$167,901.00
Proposed New Project	Parry Street (Grant Street to Railway Street)	\$0.00	\$40,000.00

The \$371,346 Roads to Recovery Grant Funding will be redistributed to the following projects below that have been budgeted by the Town. This will include the \$66,485 and \$167,901 in the above table.

Account Number	Project Name	Amount
40.1126.2 (Budgeted)	Marine Parade Road Constructions (Vera Street to North Street)	\$63,985.00
40.1098.2 (Budgeted)	Jarrad Street (Stirling Highway)	\$70,000.00
40.1097.2 (Budgeted)	Jarrad Street (Railway Crossing)	\$30,000.00
40.1081.2 (Budgeted)	Graham Court	\$46,009.00
40.1008.2 (Budgeted)	Andrews Place	\$40,000.00
Proposed New Project	Napier Street (Curtin Avenue to Broome Street)	\$167,901.00

Total Roads to Recovery Cost	\$417,895.00
Less 40.1123.2 Grant Allocation	\$371,346.00
Additional Funds Required for Roads to Recovery projects	-\$46,549.00

The above amendments ensures that our required expenditure is exceeded by \$46,549 in the event that a cost saving is achieved in any of the allocated projects.

The additional \$40,000 for an asphalt overlay along Parry Street, sourced from reserves, provides a margin towards meeting our reference value in the event of savings from our other budgeted works.

\$54,386 would be required to be funded from reserves for the above changes. This is made up of:

- )] An additional \$40,000 for the Parry Street works
- )] \$14,386 from the shortfall in budget amendment through the reallocation of \$153,515 from 40.1126.2 – Marine Parade Road Construction Renewal to finance New Project – Napier Street (Curtin Avenue to Broome Street) costing \$167,901

## VOTING REQUIREMENT

Absolute Majority

## COUNCILLOR QUESTIONS

### Submitted by Cr Pyvis – Emailed 16 April 2019

- Q1. Which projects exactly is the current Roads to Recovery funding provided for?
- A1.** It's in the report and another one \$115,000 for Jarrad Street between Broome Street and Curtin Ave.
- Q2. What is the process with the federal government to amend the projects that funding was granted for?
- A2.** It's a matter of going online to reassign the projects through a database.
- Q3. Should the grant documents be available to Elected Members under s 5.92 of the Local Government Act and the TOC Record Keeping Plan?
- A3.** There are no grant documents, it's just a sum that's been allocated by the Federal Government to the Town of Cottesloe.
- Q4. Can the current grant documents for the sum of "approximately \$440,000" be circulated to Elected Members before the Council meeting?
- A4.** There are no grant documents, it's just a sum that's been allocated by the Federal Government to the Town of Cottesloe.
- Q5. Why can't these other capital road works be in the new TOC budget, that is why is it necessary to amend the current budget and change the projects for which the grant was made?
- A5.** The funds have to be spent this financial year.

Q6. In what document is the TOC Road Construction and Maintenance 5 year plan shown and where is this document on the TOC website?

A6. It's in the Town's budget document on the website.

Q7. In which year under the current TOC capital works 5 year program are each of the projects sought to be advanced actually listed for commencement and completion?

A7. Cr Pyvis to email clarification on which projects to MES.

Q8. What is the resolution of the Bike Planning Committee and at which BPC meeting relates to "recently suggested by the BPC" reference in the officer report at page 55?

A8. It was at the March meeting.

Q9. At line 10 on page 56 which program managers is the reference to in the officer report?

A9. The Federal Government of Australia.

Q10. What is the exact total of the current road construction grant through Roads to Recovery grant and what exactly was the grant for?

A10. The exact value is in the order of \$440,000 and the grant is predominately to upgrade roads within the Town's control.

Q11. What other funding has been given to the TOC for road construction and/or planning in the current budget?

A11. We have received the financial assistant grants and the direct grant through main roads.

Q12. Why is there a reference in the officer report to Roads to Recovery being "approximately \$440,000" and then later \$371,346?

A12. There is still another \$115,000 component that sits on top of that.

Q13. Which of the proposed changes relate to the PSP construction and the TOC bike network?

A13. They will be interfacing at all the railway crossings.

Q14. Which of the works proposed in the officer report arose from a community member request?

A14. None. It was based on Town's assessment of the road conditions.

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

**Moved Cr Rodda**

**Seconded Cr Thomas**

**THAT Council APPROVES:**

- 1. The additional New Road Construction Projects – Napier Street (Curtin Avenue to Broome Street) and Parry Street (Grant Street to Railway Street);**
- 2. The budget amendment of the current project 40.1123.2 - Marine Parade (Napier Street to Pearse Street) from \$371,346 to \$0;**
- 3. The budget amendment of the current project 40.1126.2 – Marine Parade Road**

**Construction Renewal from \$220,000 to \$66,485**

- a. The transfer of \$153,515 from 40.1126.2 – Marine Parade Road Construction to fund New Road Construction Project – Napier Street (Curtin Avenue to Broome Street);
- b. The transfer of \$14,386 from the **Infrastructure Reserve** to fund New Road Construction Project – Napier Street (Curtin Avenue to Broome Street);
4. The transfer of \$40,000 from the **Infrastructure Reserve** to fund New Road Construction Project – Parry Street (Grant Street to Railway Street);
5. Notes that the \$371,346 in Point (2) is grant funded.

THAT Council NOTES the budget amendment in point two above will be reallocated to the following projects:

1. 40.1126.2 – Marine Parade Road Construction Renewal - \$63,985
2. 40.1098.2 – Jarrad Street (Stirling Highway) - \$70,000
3. 40.1097.2 – Jarrad Street (Railway Crossing) - \$30,000
4. 40.1081.2 – Graham Court - \$46,009
5. 40.1008.2 – Andrews Place - \$40,000
6. Proposed New Project – Napier Street (Curtin Avenue to Broome Street) - \$167,90.

Carried 7/0

**10.1.15 BUDGET AMENDMENT - CARETAKER COTTAGE REFURBISHMENTS**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Shaun Kan, Manager, Engineering Services  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is asked to consider a budget amendment for refurbishments to the Town of Cottesloe's Caretaker's Cottage.

**BACKGROUND**

The current tenant has provided notification through Abode Real Estate, the Town's property agent, of their intention to vacate the premises. The shower and toilet facilities within the property would need to be upgraded prior to any new tenants taking possession, given the aging condition of the amenities.

**STRATEGIC IMPLICATIONS**

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

Priority Area 5: Providing sustainable infrastructure and community amenities

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

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

Priority Area 5: Providing sustainable infrastructure and community amenities.

Major Strategy 5.4: Maximise income from non-rates sources.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

A \$15,000 budget amendment would be required for the works.

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

The amenity upgrade will allow for waterwise taps and showers to be installed. The cost of future maintenance will be reduced.

**CONSULTATION**

Town of Cottesloe Staff

**OFFICER COMMENT**

Delaying the works to the next financial year after budget adoption would result in costs to the Town due to loss in rental income. Undertaking the works now will also reduce disruptions to future tenants.

**COUNCILLOR QUESTIONS****Submitted by Cr Harkins – Emailed 15 April 2019**

Q1. What is the annual rental income the Town receives from the Caretakers cottage when it is fully tenanted?

A1. Approximately \$23,000 based on the current weekly rental of around \$450.

**COUNCILLOR QUESTIONS****Submitted by Cr Pyvis – Emailed 16 April 2019**

Q1. When is the tenant's lease due to expire?

A1. The lease has expired.

Q2. What are the terms of the current lease and can a copy of the lease be provided to Elected Members?

A2. It's not currently leased as it's expired. If Councillors want to view the upcoming lease it's highly unlikely it would be a staff member so we would need to be careful what we release under the *Residential Tenancies Act* in terms of privacy. It might more appropriate to provide Councillors with a copy of a blank residency agreement without the person's name on it.

Q3. Who is the current tenant of the caretaker's cottage and what rent were they paying?

A3. It was a staff member and they were paying \$450 per week.

Q4. What were the reasons given for the tenant's departure?

A4. The lease came to an end and tenant chose not to renew.

Q5. Has a property inspection been undertaken? If not why not? If yes, what were the outcomes?

A5. The tenant has only recently vacated and the Coordinator Building and Conservation Projects will be undertaking a full inspection. Also, Abode Real Estate, the Town's property agent, undertakes all the Town's inspections (page 59).

Q6. What is the anticipated rent following the upgrade proposed by the officer report TOC?

**A6.** This is yet to be determined.

Q7. How long is it likely to take to lease the property and are there any prospective tenants known to the TOC administration or Abode Real Estate?

**A7.** Taken on Notice.

Q8. What fees are paid to Abode Real Estate?

**A8.** Taken on Notice.

Q9. When was the last time that the TOC tendered or advertised for TOC's real estate services?

**A9.** The last time we received a quote was prior to the current tenant and we changed property managers and it's difficult to change. The was very competitive, price between different agencies is very small.

Q10. What is the total amount paid to Abode Real Estate services and what properties do they manage?

**A10.** Taken on Notice.

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER RECOMMENDATION**

**Moved Cr Rodda**

**Seconded Cr Thomas**

**THAT Council:**

- 1. APPROVE an additional item of Capital Expenditure – Upgrades to Caretakers Cottage of \$15,000; and**
- 2. NOTE that the funds required for Point One will come from cost savings within Account Number 80.4050.3 – Civic Centre Building Maintenance.**

#### **COUNCILLOR AMENDMENT**

**Moved Cr Pyvis**

**Seconded Cr Thomas**

Add a point 3 as follows:

- 3. That the CEO bring a report back to Council about the security issues relating to the said gardens including whether or not the Civic Centre Gardener should live on site in the Caretakers Cottage as per clause 4.6 of the Landscape Masterplan Cottesloe Civic Centre.**

**Lost 2/5**

**For: Crs Tucak and Pyvis**

**Against: Mayor Angers, Crs Rodda, Young, Thomas and Harkins**

**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

**THAT Council:**

- 1. APPROVE an additional item of Capital Expenditure – Upgrades to Caretakers Cottage of \$15,000; and**
- 2. NOTE that the funds required for Point One will come from cost savings within Account Number 80.4050.3 – Civic Centre Building Maintenance.**

**Carried 7/0**



**EXECUTIVE SERVICES****10.1.16 RIGHT OF WAY POLICY DEFERRAL**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Mat Humfrey, Chief Executive Officer  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is being asked to consider deferring the consideration of the Right of Way Policy to allow the policy to be redrafted.

**BACKGROUND**

At the March 2019 Ordinary Council Meeting Council resolved;

That:

- (a) this item be deferred until the next Ordinary Council Meeting;
- (b) the Administration undertake a further review of the revised Right of Way Policy (ROW Policy), including
  - 1) an analysis of the fees derived by the Town from contributions made pursuant to ROW Policy over the previous 5 years to determine whether a revised ROW Policy that provides for 'contributions' remains appropriate.
  - 2) consideration of the matters set out in the Council resolution of 12 December 2017.

Carried 7/0

While undertaking the tasks outlined above, officers have formed the opinion that the review would not be able to be completed by the April 2019 Ordinary Council Meeting.

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**POLICY IMPLICATIONS**

There are no perceived policy implications arising from the officer's recommendation, however the process being suggested could see substantial changes to the Right of Way Policy in the long term.

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**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

No specific section of the Act applies to the Officer's Recommendation.

**FINANCIAL IMPLICATIONS**

There are no perceived financial implications arising from the officer's recommendation, however the ongoing maintenance costs for Right of Ways will have an impact on the Town's long term financial position.

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

If the Policy is amended it would be recommended that the Policy be advertised for public comment in accordance with the Town's Community Consultation Policy.

**OFFICER COMMENT**

As noted in the Background to this report, Officer's have formed the opinion that we would not have been in a position to provide the review requested at the March Ordinary Council Meeting in time for this meeting.

In recent history, Rights of Way have changed in importance to local governments across the metropolitan area, but particularly so in suburbs established in the early parts of the 20<sup>th</sup> century. Up until the late 1980's, Rights of Way were in various ownerships and had a wide range of quality – and most were not maintained or improved by local government. Many ROW's were disposed of, most often to adjoining neighbours, who then incorporated parts of the ROW into their land holdings.

More recently, the value of ROW's in providing off street vehicle access has come back to prominence, which has presented a great challenge to local governments. Most have had to deal with a range of ownership issues and set in place plans to bring ROW's back to an acceptable condition. The Town itself has experienced all of these issues and more in the last 20 years.

The initial versions of the Right of Way Policy were intended to guide the acquisition of ROW's, the ceding of them to the Crown and to set in place how they would be brought up to a condition that would allow access, without burdening ratepayers. The Policy was also complicated by a process that allowed some ROW's to be excluded from the improvement works and also to exempt the adjacent land holders from making a ROW contribution as they developed/redeveloped their properties.

In 2017 the change in attitudes to ROW's was highlighted when the residents adjoining one ROW requested Council to remove the ROW adjacent to the properties from the list that would not be improved. In considering this request, and ultimately approving it at the December 2017 Ordinary Council Meeting, the requirement for owners to pay the costs of the sealing of the laneway via a differential rate was also waived. This decision also started the process of reviewing the ROW Policy.

In order to move forward, it is now being recommended that Council leave the current ROW Policy in place to allow time for the Policy to be re-written. Officers are of the view that Council now also need to consider how the maintenance of ROW's that have already been upgraded should be funded. Given the development contributions towards infrastructure upgrades cannot be charged for maintenance, another source of funding will be required.

Further, a contribution for ROW upgrades can only be charged as a part of the development approval process. In circumstances where a development meets the "deemed to comply" provisions, no opportunity will exist for the contribution to be levied.

In December 2017, Council also imposed design considerations for the first time. Any new policy should incorporate the design guidelines and outline how and when those guidelines will be reviewed.

With all of this in mind and the need to consult with residents before any changes are considered – officers believe that deferring further consideration of the Right of Way Policy is appropriate at this time.

### **VOTING REQUIREMENT**

Simple Majority

### **COUNCILLOR QUESTIONS**

#### **Submitted by Cr Pyvis – Emailed 16 April 2019**

Q1. What works are currently budgeted or proposed in the draft budget for TOC ROWs?

**A1.** Taken on notice.

Q2. Would the current Council policy be applied to these works pending a review of Council's ROW policy?

**A2.** Yes it would apply until any review is finalised and what resolution you required to be adopted.

Q3. What resolution would it require for any significant ROW works to be brought to Council before being undertaken until the ROW policy is reviewed?

**A3.** Is would need to be specified in the budget when adopted or a Councillor motion on Tuesday week.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Young**

**Seconded Cr Harkins**

**THAT Council**

- 1. NOTES the issues raised in this report; and**
- 2. Further DEFERS the reconsideration of the Right of Way Policy until September 2019 to allow for further research and changes to the Policy to be considered.**

**Carried 7/0**

**10.1.17 COMMITTEE STRUCTURE**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Mat Humfrey, Chief Executive Officer  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is being asked to consider an initial report on the current committee structure and recommendations for improvements.

**BACKGROUND**

At the February 2019 Ordinary Council Meeting, Council resolved;

*That the Administration bring back a report on the appropriateness and efficiency of the existing Committee Structure to the April Council meeting, such report to include any suggested changes to that structure.*

This report provides an update on this request.

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

*Local Government (Audit) Regulations 1996*

**FINANCIAL IMPLICATIONS**

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

**STAFFING IMPLICATIONS**

The current committee structure has resulted in additional resources (1 FTE) being engaged to complete the administration work required for the committees. It has also resulted in an

increased workload for a number of the Town's specialist staff with need to prepare additional reports and attend meetings.

The recommendation will see the administration work load significantly reduced. It will also allow greater flexibility for specialist staff and in doing so create efficiencies.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

At this stage only Elected Members have been consulted. If the officer's recommendation is adopted by Council, then consultation will take place with committee members prior to any model being finalised and presented to Council for consideration.

### **OFFICER COMMENT**

The purpose of committees has been to allow Council to receive input from community members who have specialist skills or knowledge in a particular area, which will ultimately assist the Council in its decision making. In this sense, committees form a part of the community engagement undertaken by Council on particular projects.

Committees, advisory panels and reference groups can be used interchangeably in this role. It is important to note that they do not replace broad based community consultation, however on certain issues they are able to identify issues and provide advice to Council, prior to going to broad based consultation. The advantage in this method is that the number of rounds of consultation can be reduced and the consultation can focus on key target areas, as the committee's input allows the consultation to be focused on particular issues.

The committee system has been reasonably successful, but it is not without its issues. Most notably, the committee structure creates a very high level of administrative work and has substantial governance requirements. Committee members are limited to the input they can provide in that input can really only be received during a formal committee meeting. While emails between committee members do occur, they don't form a part of the information provided to the Council on the issue at hand.

A second issue that has arisen in recent times is there can be some confusion around the authority that a committee has. Further, there has also been some confusion as to the role of the chair person of a committee in relation to the projects or programs the committee is providing advice on. It is worth noting that no committee at the Town of Cottesloe has any form of delegated authority. That is, no committee can make a decision in place of the Council. Committees can only provide recommendations to the Council, which the Council can either accept or reject.

There is also increasing concern around the role of individual committee members and their obligations around disclosure. These concerns can create reluctance from community members to participate in committees, which can result in the committee not always providing the best possible advice to the Council.

Lastly, committee meetings, like Council meetings, are predominantly open to the public and press to attend. On one hand some people would suggest that creates an increased sense of openness and transparency. However, as stated above, the committee itself does not have any decision making powers and having open meetings may prevent some people from wishing to participate or raising ideas or concerns that they may have.

Advisory Panels or Community Reference Groups are an alternative to committees that are used by an increasing number of local governments. There are advantages to this model in certain circumstances, such as;

1. It is clear from the name and format of such groups that they do not have any form of authority and are there to advise the Council only;
2. By not using the name “committee” – it makes interpretation of the members roles and duties clearer for everyone; and
3. The Council would be able to set meeting procedure and protocols for each group as the Act and Regulations (and Standing Orders) do not apply to informal panels or reference groups.

Clearly there are committees that the Town needs to retain. For example the Audit Committee is required by the Local Government Act – and the Act and Regulations have a number of requirements that need to be adhered to for Audit Committees. In such cases, the committee should be retained.

In other cases, specifically where the committee’s role is to provide advice on specific projects or programs, it is recommended that Council investigate transitioning the committee to either an advisory panel or community reference group. Advisory Panels tend to have more formal meetings and provide specific advice to the Council, whereas reference groups tend to be less formal and are better placed to research solutions where there may be more than one answer (i.e. design of infrastructure.)

Based on legislative requirements, meeting patterns and items considered in the last 2 years, the following committees are recommended to be retained in their current format;

1. Audit Committee;
2. Disability Services Advisory Committee;
3. Foreshore Precinct Implementation Committee;
4. North Cottesloe Primary School Traffic Safety Committee; and
5. Public Events Committee.

The following committees would be recommended to be transitioned to either an “Advisory Panel” or “Community Reference Group”;

1. Art Advisory Panel (note this currently operates as a committee);
2. Beach Access Paths Committee;
3. Bike Planning Committee;
4. Community Safety and Crime Prevention Committee;
5. Reserves, Parks and Playgrounds Committee; and

6. Short Stay Use Committee.

It may also be that some of these committees, as a part of any transition, may be able to be merged where there is overlap in the expertise required. A reduction in the number of groups would obviously reduce the administrative workload.

The recommendation below does not suggest these changes should be made immediately. Rather the recommendation is for the administration to investigate and develop a model to allow these committees to transition. Once a model was developed that meets the Town's needs, Council could then consider the appropriate time to make the transition.

**VOTING REQUIREMENT**

Simple Majority

**COUNCILLOR QUESTIONS**

**Submitted by Cr Thomas – Emailed 15 April 2019**

On page 66 in paragraph 2 there is an open ended statement without qualification - *'the Advisory Panels or Community Reference Groups are an alternative to committees that are used by an increasing number of local governments'*.

Q1. can the names of which local governments of a similar size or slightly larger size that have changed to Advisory Panels or Community Reference Groups from committees be provided to the TOC Elected Members so that we (the EM's) can check with their elected members to see if the change has proved worthwhile to them?

A1. I'm not aware of too many other local governments that are having the issues we're currently having with the number of committees we have. What would normally happen is when a committee's work is finished it's just not replaced. A community engagement model might use a reference group or an advisory panel in place of a forming a committee. I'm not aware if anyone's changed from committees to reference groups or advisory panels, we've just said that most of them are moving away from it over time.

Q2. as well as providing the names of the relevant LG's can the ToC EM's also be informed as to the date that the Council's put forward as examples changed from Committees to Advisory Panels or Community Reference Groups?

A2. We can provide some examples of local governments that use reference groups or advisory panels.

Q3. to allow EM's and the community to be aware of the exact difference between how a committee and the proposed advisory panels / community reference groups operate can a comparison chart be produced by the Administration before next weeks OCM and included in the OCM agenda?

An example of a comparison chart is as follows:-

	Committee	Advisory Panel / CRG
Meets on regular specified dates	Yes	No



Has delegated authority                      No                      No  
Etc, etc

- A3.** Until Council actually develop a model I can't provide a table like the one you're suggesting. I could, as part of providing the model, provide that to Council. The thing with advisory panels and reference groups is that Council sets the rules and things meeting on specified dates is something Council would determine but on a case by case basis. Once we start developing that model, that's something we would come back to Council for approval for.

#### **OFFICER RECOMMENDATION**

THAT Council;

1. NOTES the contents of this report; and
2. REQUESTS the administration to further investigate and develop the Community Reference Group Model for Council's consideration.

#### **COUNCILLOR MOTION**

**Moved Cr Pyvis**

**Seconded Cr Thomas**

That Council DEFER consideration of the Committee Structure until after the October 2019 Local Government Elections.

**Lost 2/5**

**For: Crs Thomas and Pyvis**

**Against: Mayor Angers, Crs Rodda, Tucak, Young and Harkins**

**COUNCIL RESOLUTION**

**Moved Cr Young**

**Seconded Cr Harkins**

**That items 10.1.16 and 10.1.2 be considered en bloc.**

**Carried 7/0**

**10.2 RECEIPT OF COMMITTEE MINUTES****10.2.1 RECEIPT OF COMMITTEE MINUTES**

<b>Attachments:</b>	<b>10.2.1(a) Unconfirmed Minutes - Art Advisory Panel - 14 March 2019 [under separate cover]</b>
	<b>10.2.1(b) Unconfirmed Minutes - Audit Committee - 19 March 2019 [under separate cover]</b>
	<b>10.2.1(c) Unconfirmed Minutes - Bike Planning Committee - 4 April 2019 [under separate cover]</b>
	<b>10.2.1(d) Unconfirmed Minutes - North Cottesloe Primary School Traffic Safety Committee - 8 April 2019 [under separate cover]</b>
	<b>10.2.1(e) Unconfirmed Minutes - Reserves, Parks and Playgrounds Committee - 4 April 2019 [under separate cover]</b>
	<b>10.2.1(f) Unconfirmed Minutes - Art Advisory Panel - 11 April 2019</b>
	<b>10.2.1(g) Unconfirmed Minutes - Beach Access Paths Committee - 16 April 2019</b>
	<b>10.2.1(h) Unconfirmed Minutes - Foreshore Precinct Implementation Committee - 17 April 2019 [under separate cover]</b>
	<b>10.2.1(i) Unconfirmed Minutes - Public Events Committee - 16 April 2019 [CONFIDENTIAL]</b>

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Rodda

Seconded Cr Young

**THAT Council note the attached Unconfirmed Minutes of the Committee Meetings including the following committee resolutions of note.**

Carried 6/1

For: Mayor Angers, Crs Rodda, Tucak, Young, Thomas and Harkins

Against: Cr Pyvis

N1 10.2.1(a) Art Advisory Panel

**COUNCILLOR QUESTIONS****Submitted by Cr Pyvis – Emailed 16 April 2019**

**Q1.** Does the AAP committee have the power to endorse an acquisition of a sculpture and for that endorsement to be acted on by the Town of Cottesloe administration without being approved by Council? If yes, how is that the case?

**A1.** Essentially it does. Sculpture items are purchased under the CEOs delegated authority for purchases. It's part of the Town's policy. Before that there needs to be consultation with the AAP.

- Q2. Who will decide where the purchased sculpture will be sited and will this decision be required to be approved by Council? If not, why not?
- A2.** This is a Council decision, once the AAP has made a recommendation.
- Q3. Does the decision of the APP dictate that the sculpture cannot be sited other than in the foreshore or beachside area as per the AAP committee resolution? Who will make that final decision where the sculpture will be placed?
- A3.** The AAP can make recommendations but the final decision will be Council's.
- Q4. How much did the sculpture cost, and what will be the installation and maintenance costs?
- A4.** \$68,00 plus GST.
- Q5. How much of the purchase price will be paid to SxS and how much to the artist?
- A5.** I can ask Sculpture by the Sea but commission arrangements between the artist and Sculpture by the Sea are with them. If they provide the information we'll let you know.

**Meeting held 14 March 2019**

**4.2 Sculpture by the Sea 2019**

**COMMITTEE RESOLUTION**

**That the AAP endorse the acquisition of the Anne Neil work 'She Sells Sea Shells', for location in a foreshore or beachside area to be determined as part of the current location audit.**

**Ñ1 10.2.1 (b) Audit Committee**

**Meeting held 19 March 2019**

**Refer to item 10.3 Reports of Committees for reports from the Audit Committee.**

**Ñ1 10.2.1 (c) Bike Planning Committee**

**Meeting held 4 April 2019**

**There were no committee recommendations for Council to consider**

**Ñ1 10.2.1 (d) North Cottesloe Primary School Traffic Safety Committee**

**Meeting held 8 April 2019**

**Refer to item 10.3 Reports of Committees for a report from the North Cottesloe Primary School Traffic Safety Committee.**

**Ñ1 10.2.1 (e) Reserves, Parks and Playgrounds Committee**

**Meeting held 4 April 2019**

**COUNCILLOR QUESTIONS**

**Submitted by Cr Pyvis – Emailed 16 April 2019**

- Q1. Has a consultant been recommended to Council by the Reserves Parks and Playgrounds Committee to undertake the TOC Open Space strategy informally or

formally? If not, why not?

- A1.** It was under the tender threshold so that's a decision made by the Manager Engineering Services under the Town's purchasing policy.
- Q2.** Has a consultant been appointed to undertake the TOC Open Space strategy? Who is it?
- A2.** As above.
- Q3.** Did the Reserves Parks and Playgrounds Committee recommend to Council a brief to the consultant for the TOC Open Space strategy?
- A3.** The brief was developed in consultation of the committee under delegated authority of engineering services.
- Q4.** Can copy of the brief be provided to Elected Members?
- A4.** Yes it can.
- Q5.** Who prepared and finalised the brief to the consultant for the TOC Open Space strategy?
- A5.** It was prepared by the Manager Engineering Services.
- Q6.** What will be paid to the consultant for the POS strategy?
- A6.** The final figure from the purchase order.

**There were no committee recommendations for Council to consider**

Ñ1 **10.2.1 (f) Art Advisory Panel**

**Meeting held 11 April 2019**

**Item 4.3.2 - Discussion of Sculpture by the Sea Funding**

**COUNCILLOR MOTION AND COMMITTEE RESOLUTION**

**THAT the Mayor writes to the Premier and Ministers for Tourism and the Arts to request the State Government funds Sculpture by the Sea on an ongoing basis including by increasing their funding by \$250,000 for next year's event.**

Ñ1 **10.2.1 (g) Beach Access Paths Committee**

**Meeting held 16 April 2019**

**There were no committee recommendations for Council to consider.**

**10.3 REPORTS OF COMMITTEES****AUDIT COMMITTEE - 19 MARCH 2019****10.3.1 WESTERN AUSTRALIAN AUDITOR GENERAL'S REPORT - AUDIT RESULTS - ANNUAL 2017-18 FINANCIAL AUDITS OF LOCAL GOVERNMENT ENTITIES**

**File Ref:** SUB/2791  
**Applicant(s) Proponents:** Nil  
**Attachments:** 10.3.1(a) Report - Audit Results - Annual 2017/18 Financial Audits of Local Government Entities [under separate cover]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Garry Bird, Deputy Chief Executive Officer  
**Author Disclosure of Interest:** Nil

**SUMMARY**

A report prepared by the Western Australia Auditor General summarising the results of the 42 local government audits undertaken by the Office of the Auditor General is provided for the consideration of Committee Members.

**BACKGROUND**

Issues specific to the Town of Cottesloe identified by the Office of the Auditor General were addressed in the 2017/18 Audit Report and Audit Concluding Memorandum and were subsequently considered by the Audit Committee. The attached Report is still of value however as it highlights issues identified in other local governments, which can be used by finance staff to review our own systems and make improvements as deemed necessary.

Further, the report makes a number of recommendations that have been provided to further improve the audit process and audit performance for future audits. In total, ten recommendations have been provided.

These recommendations are listed below with a response from Council staff;

#	Recommendation	Officer Comment
1.	LGs should ensure they maintain the integrity of their financial control environment by:	
1.a.	periodically reviewing and updating all financial, asset, human resources, governance, information systems and other management policies and procedures, and communicating these to staff.	Noted and is an ongoing process.
1.b.	conducting ongoing reviews and improvement of internal control systems in response to regular risk assessments.	Noted and is an ongoing process.

#	Recommendation	Officer Comment
1.c.	regularly monitoring compliance with relevant legislation.	Noted. Compliance with existing legislation is sound and staff are always monitoring for legislative changes which will impact on systems, reporting requirements etc.
1.d.	promptly addressing control weaknesses brought to their attention by our audits.	Supported. Staff have demonstrated a commitment to continuous improvement of systems and are quick to act on any recommendations provided as part of either the audit or financial management review process.
2.	In addition to compliance with legislation, management should promote a culture of applying better practice financial management and complying with internal policies.	Noted. Town staff have a demonstrated history of continuous improvement to financial systems and compliance as proven by recent Audits and Financial Management reviews.
3.	An in-depth audit exit meeting should be held with audit committees, in advance of council meetings. As far as is practicable, the audit committee should include a few council members, rather than the entire council.	Noted. The Town has convened Audit Committee meetings with the Auditors in attendance to discuss issues that have been identified.
4.	An audit entrance meeting should be held with the audit committee.	Noted. Audit Committee members are invited to attend the entrance meeting, although this is not a formally convened meeting of the Committee.
5.	Audit exit meetings should provide the auditor the opportunity to highlight the key audit issues, in a structured manner, and the CEO adequate opportunity to comment.	Noted and in place.
6.	LGs should not make interim audit findings public until they are received as part of our Audit Report on completion of the audit, unless specific urgent needs warrant earlier release.	Noted. Unfortunately this information was 'leaked' to local press during the 2017/18 audit. This is difficult if not impossible for staff to prevent and if can be proven, the responsible person/s would be subject to disciplinary action under the <i>Local Government Act 1995</i> .

#	Recommendation	Officer Comment
7.	The Department of Local Government, Sport and Cultural Industries (the Department) should re-assess the potential advantages if LGs are required to report equipment assets using the cost model.	Noted. Outside of the Town's control but agreed.
8.	LGs should robustly assess the assumptions and methodology of their valuers, in particular the approach for valuing land assets with restricted use.	Noted and agreed. The Town recently wrote to the WA Valuer General seeking advice on how best to perform these valuations and the comments provided by the auditor General are supported.
9.	LGs and the Department should monitor the progress of the Australian Accounting Standards Board and International Public Sector Accounting Standards Board public sector fair value projects.	Noted. Staff attend workshops annually with Moore Stephens Pty Ltd, respected local government accounting experts, where updates to standards and strategies to address are addressed.
10.	LGs should continue to make timely preparations for implementation of the upcoming accounting standards changes, and the new regulation requiring assets with a value at acquisition below \$5,000 to be expensed.	Noted. Staff attend workshops annually with Moore Stephens Pty Ltd, respected local government accounting experts, where updates to standards and strategies to address are addressed.

There were other related matters raised in the Report. Of specific interest were the '*observations that may improve audit outcomes*' on page 17 of the report. These included;

1. Compliance vs Better Practice

Staff are of the view that the internal systems used reflect best practice and where improvements are identified, either by Auditors or staff, staff are quick to implement.

2. Internal Audit

It was noted that only 11 of the 42 local governments audited had an internal audit function. This would include the Town of Cottesloe.

At present internal audits are undertaken by finance staff on an as required basis, who are not best placed to perform such a function. An internal audit would imply that it is undertaken by an independent person who has no day to day responsibility for the functions being audited.

The Town does not have the staffing or financial resources to implement a system of internal audits although it is understood that WESROC (Western Suburbs Regional Organisation of Councils) are soon to consider providing this service (for a yet to be determined fee) on behalf of member Councils.



**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.

Consideration of the findings and recommendations provided by the Western Australian Auditor General are in keeping with this strategic objective.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

*Local Government (Audit) Regulations 1996*

**FINANCIAL IMPLICATIONS**

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

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Staff

Audit Committee

**OFFICER COMMENT**

See above.

**VOTING REQUIREMENT**

Simple Majority

**COUNCILLOR QUESTIONS****Submitted by Cr Pyvis – Emailed 16 April 2019**

Q1. Given the apparent conflict in the TOC auditor and now auditor under supervision of the State Auditor, wouldn't be prudent of the TOC administration to have training from an entity completely separated from the TOC audit process?

- A1.** The auditors themselves have very strict rules for managing any conflict of interests and training provided by a different part of the agency that undertakes the audit and they manage that and it's something they're required to do.
- Q2.** What has Moore Stephens been paid by TOC for TOC administration training in each of the last three years?
- A2.** Would need to check what courses we've done with them. Typically we do the Annual Reporting Workshop with Moore Stephens each year as they're required to provide us with updates on any changes to the accounting standards or any other changes to auditing standards.
- Q3.** On 22 January 2019, the TOC Audit committee recommended the engagement of a risk management consultant. What is the outcome of this recommendation and who was appointed and what has been the progress of this process? Can a copy of the Brief for the risk management consultant contract be circulated to Elected Members?
- A3.** The DCEO will provide an update when he returns from leave.
- Q4.** Can the TOC administration provide copies of the correspondence between the TOC administration and the Office of the State Auditor in relation to the officer comments on page 72 in Box 8 of the table on page 72?
- A4.** From time to time we have to assess the value of land and there are a number of assumptions that can be made about land. We have contacted the Valuer General for general information on land that we own that is specifically used as open space. When we receive a response back it will be circulated to Elected Members.
- Q5.** In Council's Communication policy Council requires that the TOC administration randomly sample *correspondents to council to be surveyed each year to determine satisfaction legal with council communication in order to provide a benchmark for continuous improvement*. When was this survey last done and when was the survey last reported to Council? Does any of the random samplings indicate concerns about any of the TOC processes that are audited?
- A5.** I don't believe a survey has been done since 2015. That's a matter that will be reported on separately to Council. We don't believe that there are concerns that have been raised in the Auditor's Report that have been provided to the Auditor General.

#### **OFFICER AND COMMITTEE RECOMMENDATION**

**Moved Cr Rodda**

**Seconded Cr Young**

That the Audit Committee recommends;

That Council NOTE the findings and recommendations contained within the Western Australian Auditor General's Report - Audit Results - Annual 2017-18 Financial Audits of Local Government Entities, including the Officer's response to the issues raised in the Report.

**COUNCILLOR AMENDMENT**

**Moved Cr Pyvis**

**Seconded Cr Tucak**

1. NOTE the findings and recommendations contained within the Western Australian Auditor General's Report - Audit Results - Annual 2017-18 Financial Audits of Local Government Entities.
2. Note the Officer's response to the issues raised in the Report.

**Lost 2/5**

**For: Crs Tucak and Pyvis**

**Against: Mayor Angers, Crs Rodda, Young, Thomas and Harkins**

**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

**That the Audit Committee recommends;**

**That Council NOTE the findings and recommendations contained within the Western Australian Auditor General's Report - Audit Results - Annual 2017-18 Financial Audits of Local Government Entities, including the Officer's response to the issues raised in the Report.**

**Carried 6/1**

**For: Mayor Angers, Crs Rodda, Tucak, Young, Thomas and Harkins**

**Against: Cr Pyvis**

**10.3.2 PURCHASING POLICY REVIEW**

<b>File Ref:</b>	<b>SUB/2791</b>
<b>Applicant(s) Proponents:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>10.3.2(a) Audit Attachment - Purchasing Policy - March 2019 [under separate cover]</b>
	<b>10.3.2(b) Audit Attachment - Credit Payments Summary - March 2019 [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Mat Humfrey, Chief Executive Officer</b>
<b>Author:</b>	<b>Garry Bird, Deputy Chief Executive Officer</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**SUMMARY**

A recommendation is made for the Town of Cottesloe Audit Committee to recommend to Council the adoption of a revised Purchasing Policy (attached).

**BACKGROUND**

The Town's Purchasing Policy was adopted in 2011, as a result of a fraud matter by a member of staff. The Policy is considered very restrictive in its application to minimise future acts of fraud.

The Policy was amended in 2015 to reflect changes to the *Local Government Act 1995* which increased the threshold for which a tender process needed to be undertaken (with exemptions).

The ability of staff to implement the Policy in practice is proving to be problematic, given the available staff resources and those required to comply with the Policy.

At the June 2017 Audit Committee Meeting the Committee recommended:

*That the Report received from Moore Stephens Pty Ltd in regards to a review of specified purchases be noted and used to inform the review of the Purchasing Policy that include;*

- 1. That staff undertake an immediate refresher course on the Town's updated Purchasing Policy*
- 2. That the staff be reminded of the specific requirements of the policy, particularly in regards to verbal quotes received.*
- 3. That the Administration in undertaking its review specifically address;*
  - a. thresholds and record keeping (verbal quotes)*
  - b. exemptions*
  - c. improved reporting back to Council and the Audit Committee about*
  - d. non-compliant/departures.*
- 4. Where the outcome of purchases or engagements are presented to Council, that compliance with the Purchasing Policy be noted in that Report.*

At the March 2018 Audit Committee Meeting the Committee recommended:

*That Council defer consideration of this item pending further investigation by Officers to provide an analysis of transactions within the prescribed ranges in the Policy and give further consideration to these ranges and the requirement for verbal quotations above \$3,000.*

It is intended to discuss this matter with the Audit Committee to either:

1. Endorse the existing Policy and allocating additional resources to ensure compliance, or
2. Review the Policy and relax its strict requirements to better reflect practices appropriate to the size of the Town of Cottesloe whilst still ensuring the objectives of the Policy are met.

### **STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

### **POLICY IMPLICATIONS**

The current Purchasing Policy would be replaced with the attached updated Purchasing Policy.

The Purchase Orders Policy may need to be reviewed following the adoption of the updated Purchasing Policy.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Functions and General) Regulations 1996*

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from the adoption of the Purchasing Policy, however significant staff resources are required to administer the existing Policy to its full intent.

The Policy itself is intended to ensure that the Town receives value for money in all purchasing matters.

### **STAFFING IMPLICATIONS**

Staff resources to administer and implement the Policy are considered significant. The time taken to write a brief, seek quotations and assess responses is time consuming and can be quite complex.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

The updated Purchasing Policy contains sustainability purchasing requirements.

**CONSULTATION**

Moore Stephen Pty Ltd

Audit Committee

Staff

**OFFICER COMMENT**

The existing Purchasing Policy is considered by staff to be an example of best practice and the requirement to obtain quotes for all purchases over \$250 and two quotes for purchases between \$250 and \$3,000 is difficult to question from a theoretical perspective.

Where staff finds difficulties in implementing these objectives relate to those purchases of a frequent nature and include;

- )] Engaging trades to fix relatively minor problems.
- )] Difficulties in getting companies to provide quotes.
- )] Time taken to prepare briefs for relatively minor matters.
- )] Engaging specialist services such as legal services where the exact brief can be difficult to define in the first instance.
- )] Having preference for companies who are regular suppliers and provide a quality service.

The attached revised Purchasing Policy attempts to strike a balance between best practice in purchasing matters and striving to obtain the best possible value for money for all purchases and the administrative burden of complying with the Policy. The updated policy allows for the policy requirements to be varied where in the view of senior management there is a compelling reason to do so.

Following the March 2018 Audit Committee Meeting, staff undertook an analysis of creditors payments and the dollar value associated with these transactions which was presented to the July 2018 Audit Committee Meeting (see attached).

This summary shows there were approximately 2,685 transactions totalling \$9,664,086, with payments made to 310 creditors. This includes a number of payments where no discretion is available to staff, for example, remittance of the annual emergency service levies to the Department of Fire and Emergency Services.

Having reviewed this list of payments and taking into consideration comments from Committee Members at the March 2018 meeting, staff are of the view that the Draft Policy could be simplified and better targeted at the transactions between \$5,000 and \$50,000 which account for a large percentage of the total value and number of transactions.

Accordingly, the limits prescribed in the Draft policy could be amended as suggested below:

## Amount of Purchase Quotation Requirements

Up to \$500	Direct purchase from suppliers requiring no quotations due to the minor and frequent nature of such goods.
\$501 to \$5,000	Direct purchase from suppliers requiring two verbal or written quotations.
\$5,001 to \$50,000	Obtain at least three written quotations.
\$50,001 to \$149,999	Obtain at least three written quotations using a specification or brief describing the goods and services with purchasing decision based on all value for money considerations.
\$150,000 and above	Conduct a public tender process.

**VOTING REQUIREMENT**

Simple Majority

**COUNCILLOR QUESTIONS****Submitted by Cr Pyvis – Emailed 16 April 2019**

- Q1. What were all the recommendations from the WA State Auditor in the report on Procurement Practices and Controls in October 2018?
- A1.** They were as they were appropriate to the Town.
- Q2. Is the draft Purchasing Policy proposed by the TOC administration compliant in every way with the recommendations of the State Auditor especially including those recommendations that relate to procurement and training and risk management? If not, why not? If not, where exactly is the draft policy non - compliant with the State Auditor's recommendations?
- A2.** Yes it is.
- Q3. Can a copy of the Purchasing Policy showing the changes as tracked changes be included in the Council agenda?
- A3.** We don't usually do that as it creates confusion but we can circulate to Elected Members.
- Q4. Will the adoption review table of the draft policy in clause 8 at page 10 be updated in the final adopted version?
- A4.** Yes, it's only included once it's updated.
- Q5. Why doesn't the TOC administration report on the application of Council's Purchasing Policy - where applicable - in the officer reports to Council under the Policy header as standard practice?
- A5.** It would be very unusual for a purchase to be done under this policy to be presented for Council's consideration. If Council is being asked to make a purchasing decision it would typically be a tender.

Q6. Does Council's Record Keeping Plan apply to documentation required under Council's Purchasing Policy?

**A6.** Yes.

Q7. What random sampling does the TOC management apply in compliance with Council's Purchasing Policy?

**A7.** When payments are made a random sample of payments is selected by the DCEO to check against the Town's purchasing policy. The auditor undertakes a similar practice when they undertake the interim audit each year.

Q8. Is compliance with Council's Purchasing Policy examined by the TOC auditor in conducting the TOC audit? If yes, how and where is it reported? If not, why not?

**A8.** Compliance is also checked by the Town's auditor during the interim audit.

Q9. Why isn't the TOC officer report recommending public advertising these changes consistent with the policy development consultation requirements in Council's Community Consultation Policy and why hasn't the requirements of Council's Community Consultation policy been reported in the officer report under Policy Implications?

**A9.** These changes only really affect administration duties, they won't affect the way the Town interacts with the public. If Council wishes, we can consult with the public before adoption.

Q10. What does this mean on line 2 of page 77 of the officer report, *Purchasing Policy contains sustainability purchasing requirements*?

**A10.** Taken on notice.

#### **OFFICER RECOMMENDATION**

THAT the Audit Committee recommends;

That Council ADOPT the updated Purchasing Policy.



**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Rodda

Seconded Cr Young

**THAT the Audit Committee recommends;**

- 1. That Council ADOPT the updated Purchasing Policy subject to:**
  - a. Section 6. - The table on page 3 of the Policy be amended to include a requirement for a specification for the purchasing range \$50,001 to \$149,999
  - b. Section 6. – Change '\$250' to '\$500'
  - c. Section 6.1.5 – Insert the words '*Act 1995*'
  - d. Section 7.3 – By deleting the words after '*below*' and replace with '*any purchasing thresholds contained in this policy*'.
- 2. The Administration review the Purchasing Authority Limits Policy with a view to:**
  - a. Better defining the segregation of duties (or other control alternative) as far as is practical.
  - b. Make any necessary or consequential changes resulting from the adoption of the Purchasing Policy.
  - c. The Administration report back to the Audit Committee by November 2019 as to the effectiveness and efficiency of the changes to the Policy focussing on amounts less than \$500.

Carried 6/1

For: Mayor Angers, Crs Rodda, Tucak, Young, Thomas and Harkins

Against: Cr Pyvis

**10.3.3 AUDIT COMMITTEE CHARTER**

**File Ref:** SUB/2791  
**Applicant(s) Proponents:**  
**Attachments:** 10.3.3(a) Audit Attachment - Audit Committee Charter v1.2018 - March 2019 [under separate cover]  
**Responsible Officer:** Garry Bird, Deputy Chief Executive Officer  
**Author:** Elizabeth Nicholls, Senior Administration Officer  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

In order to properly define the role of all Council committees staff have prepared Charters relevant to each Committee for consideration.

The draft Audit Committee Charter is attached for the consideration of the Committee.

**BACKGROUND**

The Audit Committee Charter was previously adopted by Council on 21 February 2017. Following the October 2017 Council Elections, staff have reviewed the Charter's for all Council Committee's for consistency and clarity.

No significant amendments are recommended for the Audit Committee. There has been some clarification on some of the statutory obligations of a Council Committee, including the format of minutes to ensure compliance with the *Local Government Act 1995*.

The charter was presented at the Audit Committee meeting held 17 July 2018 and was resolved as follows.

**COMMITTEE RECOMMENDATION**

*Moved Ms Van Heerden, Seconded Cr Young*

*That Council defer consideration of the Audit Committee Charter until the next Audit Committee meeting.*

*Carried 3/0*

The item was not presented at the meeting held 22 January 2019 due to the large number of items included in the agenda.

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**POLICY IMPLICATIONS**

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

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**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**7.1A. Audit committee**

- (1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) *The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*  
*\* Absolute majority required.*
- (3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.*
- (4) *An employee is not to be a member of an audit committee.*

**FINANCIAL IMPLICATIONS**

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

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Senior Staff

**OFFICER COMMENT**

The introduction of a Charter for all Council committees' will improve the efficiency of the committee system and standardise many of their processes. The role of the Audit Committee is defined by the *Local Government Act 1995* and in this respect is different to many of the other committee's of Council whose role is not so specific.

For the purposes of consistency across all Council committees' it is recommended that the Audit Committee also has a charter.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

That the Audit Committee recommends;

That Council ADOPT the Audit Committee Charter

**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Rodda

Seconded Cr Young

That the Audit Committee recommends;

That Council ADOPT the Audit Committee Charter subject to:

1. Section 4. –Title be amended from ‘Vision’ to ‘Purpose’ and read:

*The purpose of the Audit Committee is to:*

) *guide and assist the local government in carrying out its financial management and audit functions;*

) *monitor and advise the CEO in reviews conducted into financial management and audit systems and procedures;*

) *oversee the implementation of any resulting Council recommendations;*

) *so as to support better decision-making, greater accountability to the community and ensure a more efficient and effective Local Government.*

2. Section 5. – Replace with section 16 and 14(3A) of the *Local Government (Audit) Regulations 1996.*
3. Section 6. – Delete the paragraph stating ‘*At the Ordinary Meeting of Council held 31 October 2017 it was resolved: That Council appoints Cr Rodda, Cr Young, and Cr Boulter as members and Mayor Angers as deputy member of the Audit Committee. Carried 9/0.*’

Carried 7/0

**10.3.4 SIGNIFICANT AUDIT REPORT MATTERS**

**File Ref:** SUB/2791  
**Applicant(s) Proponents:** Nil  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Garry Bird, Deputy Chief Executive Officer  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Following the receipt of the 2017-18 Audit Report and Audit Concluding Memorandum, the Committee requested that the matters raised in these reports requiring further action be reported on an ongoing basis to the Committee as per the following Committee Recommendation (endorsed by Council at the Ordinary Meeting held 26 February 2019).

*That the Audit Committee recommends;*

*That Council, by absolute majority:*

1. *ADOPT the Financial Report and Audit Report for the 2017/18 year as attached.*
2. *INSTRUCT the Chief Executive Officer to submit to the Minister a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters.*
3. *INCLUDE the two matters raised on page 12 of the Audit Concluding Memorandum relating to the inspection schedule of all assets and the methodology of future valuations of freehold land in the Officer's report to Council and the actions to be taken in regards to these matters.*

In accordance with this instruction, an update on actions to address the matters raised is provided.

**BACKGROUND**

The matters raised in the Audit Report and Audit Concluding Memorandum were as follows;

1. Asset Sustainability Ratio (Note 30 of the Financial Report)

It was noted that the Asset Sustainability Ratio has been below the Department of Local Government and, Sport and Cultural Industries standard for the past three years.

**Staff Comment**

This matter has been brought to the attention of Elected Members previously and reflects the lack of capital investment in assets by the Town in recent years. The ongoing improvements to the foreshore and other capital works will address this in future years and the Long Term Financial Plan does show this trend reversing towards the end of the ten year life of the Plan.

2. Accounting Journal Entries

Accounting journal entries were posted by one employee, with no evidence of review by a second employee.

Staff Comment

Staff agree this is an effective control and implemented this immediately after it was raised during the interim audit. No further action required.

3. Physical inspection of all property, plant and equipment and infrastructure assets should be scheduled on a more regular basis to help ensure the existence and condition of all assets.

Staff Comment

Noted and agreed. Staff are waiting on legislative amendments that will change the revaluation requirement from three to five years and will prepare a procedure for staff to follow in regard to ongoing scheduling of asset inspections and condition ratings.

4. Future valuations of freehold land should take restrictions on use into account when determining the fair value.

Staff Comment

Noted and agreed. Correspondence has been sent to the Valuer General WA seeking clarification and/or advice of valuation requirements and future specifications will recognise the restricted nature of some freehold land assets.

## **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.

Ongoing oversight of actions identified in the 2017-18 Audit Report and Audit Concluding memorandum is in keeping with these strategic objectives and is an appropriate role of the Audit Committee.

## **POLICY IMPLICATIONS**

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

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

## **FINANCIAL IMPLICATIONS**

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

## **STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Audit Committee

Staff

**OFFICER COMMENT**

Officer comment is provided above.

**VOTING REQUIREMENT**

Simple Majority

**COUNCILLOR QUESTIONS****Submitted by Cr Pyvis – Emailed 16 April 2019**

Q1. Can a graph showing the Asset Sustainability Ratio for the last 5 years and predicted for the next 5 years be shown in the officer report? If not, why not?

A1. It can be supplied to Elected Members separately.

Q2. Are there random sampling of journal entries being made to ensure compliance with the new rules? If not why not? If yes, what are the results?

A2. Yes.

Q3. Why can't the TOC administration undertake the property, plant and equipment inspections ahead of the legislative changes?

A3. We can, but revaluing all of our assets has a cost associated with it, which is why it is only done every three years.

Q4. Would the theft of the Vlamingh plaques have been discovered sooner with such inspections?

A4. No. The next inspections of those assets is not until 20/21.

Q5. What exactly are the legislative changes that the TOC are waiting for and wouldn't the auditor have known this when making the recommendation?

A5. Those sort of changes are a change to the audit regulations that line up with the accounting standards. Previously the regulations required us to revalue each class every three years.

Q6. On what date was the correspondence sent to the Valuer General as cited page 83 under point 4 of the officer report? Has a response been received and if so can a copy be circulated to Elected Members before the Council meeting?

A6. The correspondence will be provided to Elected Members.

Q7. Can the brief to Butler Settineri Pty Ltd be circulated to Elected Members before the Council Meeting?

**A7.** The brief to Butler Settineri Pty Ltd will be provided to Elected Members.

Q8. How much is the Butler Settineri Pty Ltd being paid?

**A8.** Taken on Notice.

#### **OFFICER AND COMMITTEE RECOMMENDATION**

**Moved Cr Rodda**

**Seconded Cr Young**

**That the Audit Committee recommends;**

**That Council:**

- 1. Note the information contained in this Report; and**
- 2. Endorse the actions undertaken by staff to address the issues raised.**

#### **COUNCILLOR AMENDMENT**

**Moved Cr Pyvis**

**No Seconder, Lapsed**

In point one, delete the word 'and' and add just the headings from points 1, 2, 3 and 4 on pages 112-113 as follows:

- i. Asset Sustainability Ratio (Note 30 of the Financial Report).
- ii. Accounting Journal Entries.
- ii. Physical inspection of all property, plant and equipment and infrastructure assets should be scheduled on a more regular basis to help ensure the existence and condition of all assets.
- iii. Future valuations of freehold land should take restrictions on use into account when determining the fair value.

#### **SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

**That the Audit Committee recommends;**

**That Council:**

- 1. Note the information contained in this Report; and**
- 2. Endorse the actions undertaken by staff to address the issues raised.**

**Carried 6/1**

**For: Mayor Angers, Crs Rodda, Tucak, Young, Thomas and Harkins**

**Against: Cr Pyvis**



**10.3.5 DELEGATION 2.1 POWER TO MAKE PAYMENTS FROM THE MUNICIPAL AND TRUST FUNDS**

**File Ref:** SUB/2791  
**Applicant(s) Proponents:** Nil  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Garry Bird, Deputy Chief Executive Officer  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

To consider a proposed amendment from former Cr Sandra Boulter to Council Delegation 2.1 – Power to make payments from the Municipal and Trust Funds.

**BACKGROUND**

At the November 2018 ordinary Meeting of Council, a review of the Delegation Register was considered by Elected Members.

The Delegation Register is a register of powers conferred on Council by the *Local Government Act 1995* and other legislation that are delegated to the Chief Executive Officer.

At the November Meeting, Council resolved as follows;

*That Council APPROVE the Delegations made to the Chief Executive Officer in the updated Delegated Authority Register 2018/2019;*

- 1. With the exception of changes on page 62 “Delegation will not be exercised in the case that THREE Elected Members request the matter be determined by Council” which is to remain at TWO.*
- 2. subject to Delegation 2.1 including points 1 to 7 of Cr Boulter’s amendment considered at the Ordinary Council Meeting of 27 November 2018 being referred to the Audit Committee.*

The amendment moved by former Cr. Boulter was as follows;

*Subject to the Delegation 2.1 Power to Make Payments from the Municipal and Trust Funds being amended to include:*

- 1. Inclusion of the text of the LG Act s5.41 exclusions in the Delegation Register.*
  - 2. Two senior management signatures being required for any payment over \$20,000 including the total of payments for one project over \$20,000.*
  - 3. The CEO must be one of the signatories on any payments over \$20,000.*
  - 4. For any payment over \$40,000, the payment must relate to a specific (not general) budget item for that particular payment.*
  - 5. Demonstrable documented searchable compliance with Council’s Record Keeping Plan, and Council’s Purchasing and Purchase Orders Policies for all payments.*
-

6. *Different staff members approve purchase orders, check goods and services had been received, and approves invoices to progress for payment.*
7. *All Councillors must be notified of and two Councillors can call in a draft brief for quote, tender or expressions of interest for projects over \$20,000.*

## STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

## POLICY IMPLICATIONS

Delegation Register

Delegation 2.1 currently reads as follows

<b>2.1 Power to Make Payments from the Municipal and Trust Funds</b>	
<b>Function Delegated</b>	The authority to make payments from the municipal or the trust funds.
<b>Statutory Power Delegated</b>	<i>Local Government (Financial Management) Regulations 1996</i> Section 12(1)(a) Payments From Municipal Fund or Trust Fund, Restrictions on Making
	<b><u>12. Payments from municipal fund or trust fund, restrictions on making</u></b>  (1) <i>A payment may only be made from the municipal fund or the trust fund –</i>  (a) <i>if the local government has delegated to the CEO the exercise of its power to make payments from those funds – by the CEO;</i>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	<i>Local Government Act 1995</i> Section 5.42 Delegation of some power or duties to the Chief Executive Officer Section 5.43 Limitations on delegation to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate powers and duties to other employees
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Corporate Services Manager Engineering Services Finance Manager
<b>Conditions on Delegations (if any)</b>	To be exercised in accordance with the Town's policies and local laws.

**STATUTORY ENVIRONMENT***Local Government Act 1995*

Sections 5.42, 5.43, 5.44 and 5.46 of the *Local Government Act 1995* (the Act) regulate the ability of a local government to delegate the exercise of its powers or discharge its duties under the Act.

**5.42. Delegation of some powers and duties to CEO**

- (1) *A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
- (a) this Act other than those referred to in section 5.43; or*
  - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).*

*\* Absolute majority required*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

**5.43. Limits on delegations to CEO**

*A local government cannot delegate to a CEO any of the following powers or duties —*

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) borrowing money on behalf of the local government;*
- (g) hearing or determining an objection of a kind referred to in section 9.5;*
- (h) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (i) any power or duty that requires the approval of the Minister or the Governor; (i) such other powers or duties as may be prescribed.*

**5.44. CEO may delegate powers and duties to other employees**

- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

- (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
- (a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
- (b) *the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) *In subsections (3) and (4) — conditions includes qualifications, limitations or exceptions.*

**5.46. Register of, and records relevant to, delegations to CEO and employees**

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

**FINANCIAL IMPLICATIONS**

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

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Nil

**OFFICER COMMENT**

Staff comment on the proposed amendments are as follows:

1. Inclusion of the text of the LG Act s5.41 exclusions in the Delegation Register.

Staff Comment

No objection to this being included as general information in the Delegation Register

2. Two senior management signatures being required for any payment over \$20,000 including the total of payments for one project over \$20,000.

Staff Comment

This would effectively mean the Chief Executive Officer would need to make all payments as the majority of payments are made by Electronic Funds Transfer and include all payments due for that week, both large and small.

It is questioned whether this is an effective use of the Chief Executive Officers time.

3. The CEO must be one of the signatories on any payments over \$20,000.

Staff Comment

This would effectively mean the Chief Executive Officer would need to make all payments as the majority of payments are made by Electronic Funds Transfer and include all payments due for that week, both large and small.

It is questioned whether this is an effective use of the Chief Executive Officers time.

4. For any payment over \$40,000, the payment must relate to a specific (not general) budget item for that particular payment.

Staff Comment

This would generally be the case anyway however there would be times when large payments might come from a large maintenance line item i.e. if the town was undertaking a large amount of road patching, it would be costed to the road maintenance budget allocation (current budget being \$1,207,317).

It is unclear whether this would also apply to payroll payments which total approximately \$100,000 per fortnight.

5. Demonstrable documented searchable compliance with Council's Record Keeping Plan, and Council's Purchasing and Purchase Orders Policies for all payments.

Staff Comment

This is a requirement of staff already. The revised Purchasing Policy presented to this Audit Committee meeting deals with this matter.

6. Different staff members approve purchase orders; check goods and services had been received, and approves invoices to progress for payment.

Staff Comment

This is effectively in place already with the exception of purchases generated from the Corporate and community Services staff where the finance Manager and deputy Chief executive Officer authorise purchase orders but also process payments.

7. All Councillors must be notified of and two Councillors can call in a draft brief for quote, tender or expressions of interest for projects over \$20,000.

Staff Comment

It is the view of staff that this would be blurring the distinction between the role of staff and Elected Members and would not be an efficient process.

The current Financial Management review being undertaken by Butler Settineri Pty Ltd does address some of these issues. Unfortunately the review has not been finalised for consideration at this Audit committee Meeting but if any of the above areas of concern they could be further considered in the context of the review when it is presented to the next Audit committee meeting (date to be determined).

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

That the Audit Committee recommends;

That Council NOTE the Officer Comments in relation to the proposed amendments to Delegation 2.1 – Power to make payments from the Municipal and Trust Funds and that the amendments be further considered of the current Financial Management Review once that report is received.

**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Young**

**Seconded Cr Rodda**

**That the Audit Committee recommends;**

**That Council NOTE the Officer Comments in relation to the proposed amendments to Delegation 2.1 – Power to make payments from the Municipal and Trust Funds and that the amendments be further considered following receipt of the Financial Management Review currently being undertaken.**

**Carried 6/1**

**For: Mayor Angers, Crs Rodda, Tucak, Young, Thomas and Harkins**

**Against: Cr Pyvis**

**10.3.6 AUDIT COMMITTEE - MEETING SCHEDULE 2019**

<b>File Ref:</b>	<b>SUB/2791</b>
<b>Applicant(s) Proponents:</b>	
<b>Attachments:</b>	<b>10.3.6(a) Proposed Audit Committee Meeting Schedule 2019 [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Garry Bird, Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Ann-Marie Donkin, Governance Officer</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**SUMMARY**

Under Section 5.8 of the *Local Government Act 1995* a Local Government may establish committees.

All Town of Cottesloe committees are open to the public unless closed due to confidentiality reasons under the parameters of the *Local Government Act 1995*.

**BACKGROUND**

Currently the Audit Committee meeting dates are determined on an ad hoc basis before the conclusion of a meeting, or by email after the meeting.

To ensure an equitable process, committee recommendations should follow the same due process as an officer's report, in that it is presented in a timely manner to Elected Members prior to an Agenda Forum or Ordinary Council Meeting, thus providing them with enough time to seek clarification, and/or seek guidance from the administration that will assist in their decision making.

To encourage best practice in governance and ensure actions from committee recommendations are not being undertaken prior to Council's endorsement, a set meeting schedule for 2019 has been prepared for the committee's consideration.

The meetings, where possible, have been scheduled to be held prior to an Agenda Forum meeting to allow time for committee minutes to be circulated and provided to all Elected Members for- due consideration at the monthly Ordinary Council Meeting.

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

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

Priority Area 6: Providing open and accountable local governance.

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

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**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

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

**STAFFING IMPLICATIONS**

Setting meeting dates for the year will allow for a more structured approach to allocating resources. It is the aim of the administration to ensure each committee is provided with the support it requires to meet agreed outcomes.

The current scheduling places an inordinate strain on resources. Several committee meetings can be scheduled on a day and often in conjunction with Agenda Forums, Special Meetings and Ordinary Council Meetings.

The staff responsible for meetings are required to meet deadlines in relation to agenda settlement, compilation and delivery undertaken Thursdays, Fridays and Mondays. Most committee meetings are held early in the week; Minutes preparation and distribution must be undertaken within 5 days of the meeting.

**SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Transparency and accountability in decision making is a community expectation. Set meeting dates provides the Cottesloe community with an opportunity to plan to attend committee meetings, to be involved with or bear witness to that process.

**OFFICER COMMENT**

There are a number of matters that will need to be considered by the Audit Committee in 2019, including a number of policies that staff feel are appropriate to be considered by the Committee, prior to consideration by Council. These include a review of the investment policy, Credit Card policy and a new Budget Amendment Policy.

This will be in addition to the usual committee business and to ensure that the meetings do not become onerous affairs with a large number of items, it is recommended a more regular schedule of meetings occur, with the items of business to be 'evened out'.

These meetings can always be rescheduled if required.



**VOTING REQUIREMENT**

Simple Majority

**OFFICER AND COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Rodda

Seconded Cr Young

**THAT the Audit Committee ADOPT the proposed meeting schedule as attached for the 2019 meeting calendar and advertise the dates on the Town of Cottesloe website.**

**Carried 7/0**

## NORTH COTTESLOE PRIMARY SCHOOL TRAFFIC SAFETY COMMITTEE - 8 APRIL 2019

## 10.3.7 REQUEST FOR COUNCIL APPROVAL CONCEPT AND PUBLIC CONSULTATION

<b>File Ref:</b>	<b>SUB/2630</b>
<b>Attachments:</b>	<p>10.3.7(a) Traffic Engineering Report - North Cottesloe Primary School <b>[CONFIDENTIAL] [UNDER SEPARATE COVER]</b></p> <p>10.3.7(b) Arbologic - Design Specific Tree Assessment Report - 26 March 2019 <b>[CONFIDENTIAL] [UNDER SEPARATE COVER]</b></p> <p>10.3.7(c) Railway Street Design - Aerial View - No hatching <b>[CONFIDENTIAL] [UNDER SEPARATE COVER]</b></p> <p>10.3.7(d) Railway Street Design - Aerial View - with Hatching <b>[CONFIDENTIAL] [UNDER SEPARATE COVER]</b></p> <p>10.3.7(e) Railway Street Design - No Hatching <b>[CONFIDENTIAL] [UNDER SEPARATE COVER]</b></p> <p>10.3.7(f) Railway Street Design - with Hatching <b>[CONFIDENTIAL] [UNDER SEPARATE COVER]</b></p>
<b>Responsible Officer:</b>	<b>Mat Humfrey, Chief Executive Officer</b>
<b>Author:</b>	<b>Shaun Kan, Manager, Engineering Services</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

Cr Young declared an **IMPARTIALITY INTEREST** in item 10.3.7 by virtue “she is a former North Cottesloe Primary School community member”.

Cr Harkins declared an **IMPARTIALITY INTEREST** in item 10.3.7 by virtue “she is an ex-member of the North Cottesloe Primary School community as her children attended the school 15 years ago”.

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**SUMMARY**

The North Cottesloe Primary School Traffic Safety Committee considers the following documents

1. Concept Design
2. Arbologic – Design Specific Tree Assessment Report;

and makes a recommendation to Council.

**BACKGROUND**

At the June 2018 Ordinary Council Meeting, Council resolved to:

*ALLOCATE \$15,000 for a traffic study and broad consultation as part of the planned process, which is:*

1. *Consultation with Western Power.*

2. *Undertake a traffic study (report to be provided to the Committee and Council). The traffic study is to include 3 points as follows:*
  - a. *Define the issue, encompassing pedestrians, cyclists, cars and universal access:*
    - i. *Safety perspective; and*
    - ii. *Traffic perspective.*
  - b. *Review the proposed concept plan to determine whether it is likely to improve these issues and how; and,*
  - c. *Provide alternative options to improve on these issues, and whether these improvements would be more appropriate than the proposed plan.*
3. *Focussed and broad consultation on the amended concept plan (as a result of the traffic study) to be undertaken by external consultant (feedback to be provided to the Committee and Council).*

*Subject to 1, 2 and 3 above proceed to points 4 – 7 below:*

4. *Undertake concept review (report to be provided to the Committee and Council).*
5. *Detailed design (to be provided to the Committee and Council).*
6. *Tender process*
7. *Construction*

At the 26 February 2019 the North Cottesloe Primary School Safety Committee Meeting, the committee supported the following actions by the Administration:

1. Revised project delivery program for implementation;
2. Concept Design for changes to be made to the Tree Assessment and Traffic Engineering Report public consultation;
3. Progress of the revised concept to preliminary design and;
4. Subjected to point (3) and (4), incorporate community feedback to finalise the detail design for Council approval and tender.

### **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.

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

Priority Area 5: Providing sustainable infrastructure and community amenities.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

**FINANCIAL IMPLICATIONS**

The final financial implications will only be known following finalisation of the concept a request to the State Government for funding is determined.

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

The proposed concept will improve traffic flow along Curtin Avenue. New footpaths connecting to Eric Street bridge and the future principal shared path will promote cycling as an alternative transport mode.

There will be the loss of a small amount of vegetation through this concept and the detailed design phase would need to ensure existing mature trees are protected from any adverse impacts.

**PROPOSED CONSULTATION**

Main Roads Western Australia

Department of Education

Western Power

North Cottesloe Primary School

Residents and Business within the School's Vicinity

**OFFICER COMMENT**

A traffic engineering report and tree assessment report have been prepared for the attached concept plan to relocate the drop off facility onto Railway Street. The proposal provides a safer road environment adjacent to North Cottesloe Primary School and reduces congestion along Eric Street.

The Administration has addressed the June 2018 Ordinary Council Meeting resolutions as follows:

**1. Consultation with Western Power**

This will be done during the consultation phase of the design if approved by Council. Main Roads Western Australia and the Department of Education will be engaged at the same time to seek State Government funding and design approval.

**2. Traffic Study**

Eric Street is a designated bus route with on-road cycle lanes along the southern boundary of the school. Footpaths are available on both sides of the road with the northern path connecting into the current pick up/set down facility. A formalised pedestrian crossing is also in place just east of Railway Street, through the slow point that provides safe pedestrians and cyclists refuge to cross Eric Street during peak periods.

Currently, significant queuing in both directions along Eric Street cause minor delays at Curtin Avenue and Stirling Highway Intersections. This is mainly during the morning peak period that coincides with the school drop off period. No queuing delays were observed during the school pick up.

It has been assessed that the proposed concept to relocate the facility to Railway Street will improve traffic flow and allow for safer ingress and egress onto Railway Street through the roundabout.

Pedestrian safety will be improved through an additional controlled crossing north of the school along Railway Street. Local Area Traffic Management Islands located north of the pick up and drop off access points will provide a traffic calming to encourage awareness of pedestrians and cyclist.

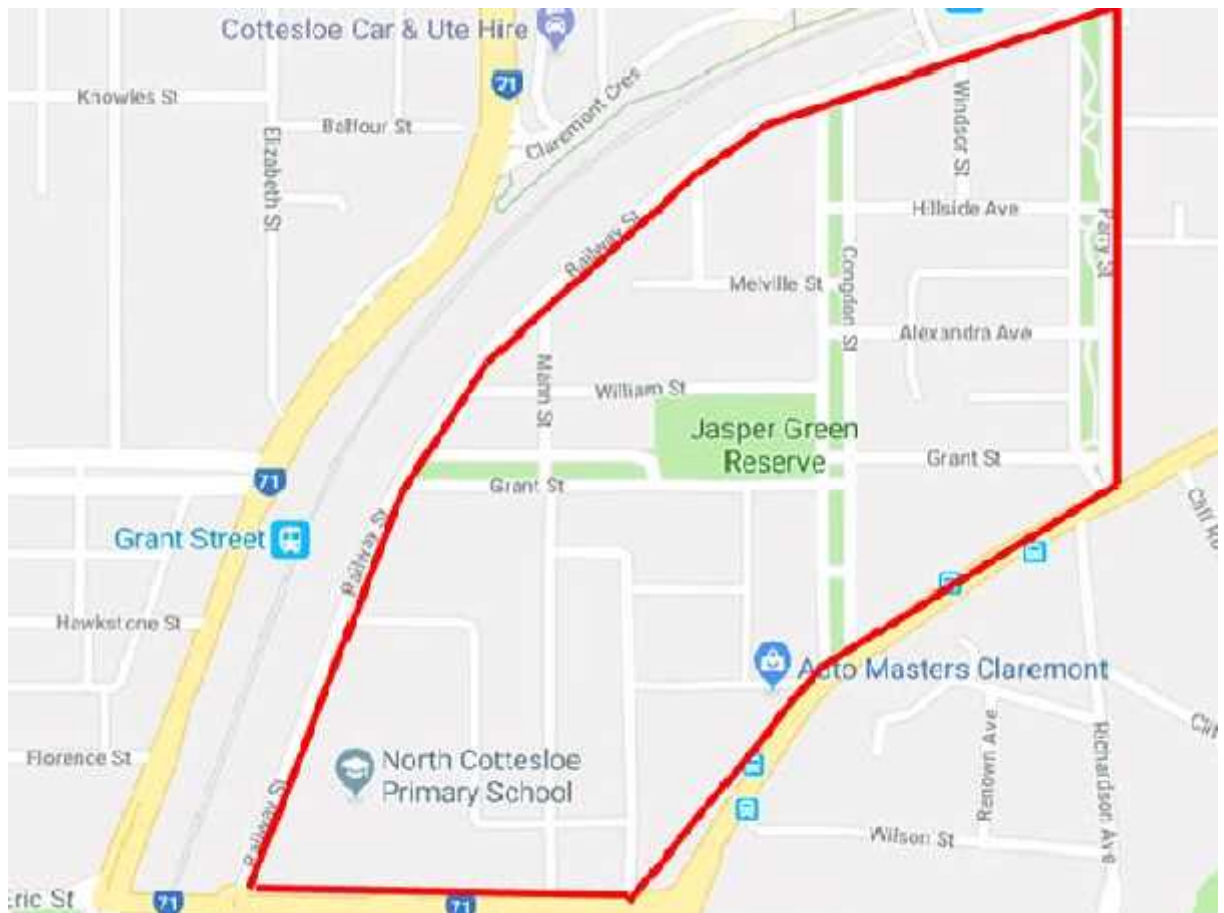
Further safety improvements are anticipated with the proposed reduction in speed zone to 40km/h along Railway Street (Grant Street and Eric Street). This would require Main Roads approval.

Ramps, at-grade crossing, sufficiently wide paths and ACROD bays provides universal access. The path extension on the western side of the proposed facility provides cyclist connectivity to and from the Curtin Avenue future Principal Shared path, existing footpaths and on-road cycle shoulders.

Solutions alternative to the proposed concept would predominantly involve the widening of Eric Street to accommodate the queuing. However, given that this is a distributor road, the approach would result in significant delays during construction. The relocation of the facility to Railway Street including the road works required would potentially cost similar to the alternative but can be constructed without delays and impact on pick up and set down facilities.

**3. Broad Public Consultation**

In addition to consultation with State Government, it is propose that the school and surrounding directly impacted stakeholders be engaged. The following attachment provides an indication of the project advertising catchment.



## VOTING REQUIREMENT

Simple Majority

## COUNCILLOR QUESTIONS

### Submitted by Cr Pyvis – Emailed 16 April 2019

- Q1. Why are the attachments confidential with the answer applied to each of the attachments? What is the specific LG Act provision that applies to each of the attachments?
- A1.** Just to clarify that an attachment or any other documents that are to remain confidential, it doesn't actually have to meet the same requirements as closing the meeting to discuss particular items. There are four categories you can close the meeting for. A document can be kept for confidential for a host of other reasons and in this case that is to do with the development of the project as we go. The final version of those documents will be released as part of the community consultation process.
- Q2. How is this proposal part of an integrated transport strategy? Isn't this an ad hoc decision that an integrated strategy if in place would have overcome?
- A2.** The Town does have as part of its strategic plan the development of an integrated transport strategy. As yet we haven't had the resources to allocate to develop that strategy and there's no guarantee that proposals outside of that strategy would necessarily be refused by the Town.

- Q3. Who selected the arborist to undertake the arborist reports and was the TOC Purchasing Policy applied? What dates were the arborist reports made about this issue? Was Arborlogic the arborist selected and is that the correct spelling?
- A3.** The Manager Engineering Services sought quotes as required by the policy and made the decision on who should be appointed. I'll check correct spelling and Mr Kan will provide reports the councillors.
- Q4. Has the arborist report referred to in committee recommendation 2 been undertaken?
- A4.** No, we're waiting for Council's approval to undertake that and it would require work to be undertaken under supervision of arborist so we won't undertake those works until Council have considered it and hopefully approved it.
- Q5. How many arborists report have been made in respect of this project and the similar projects that preceded it, which were refused by Council? How paid for them, how much did they cost and what dates were they made?
- A5.** Taken on Notice.
- Q6. How many traffic engineering reports have been made in respect of this project and the ones that preceded it, which were refused by Council? How paid for them, how much did they cost and what dates were they made?
- A6.** Taken on Notice.
- Q7. Who will pay for the community consultation plan and what are the price ranges of possible costs?
- A7.** The community consultation will be undertaken by the Town. At this stage we don't have any funding agreements in place that would cover community consultation and it would be highly unusual for an external funding body to run community consultation. The cost around this would be determined by the type of community consultation Council wants to undertake but typically advertising would be in the vicinity of \$500 and \$1,000. Would advertise in the local press and the rest would be staff time involved in social media, advertising, email database, consultation surveys.
- Q8. Which clauses of Council's Communication and Consultation policies apply to this project?
- A8.** It's a major project and requires consultation. If we get to that point the next report would detail what the consultation policy requires and what the recommended action would be.
- Q9. When will the Concept Design plan proposed by the NCPS representatives and/or the NCPSSC be advertised to the community for submissions?
- A9.** As soon as the impact on the trees is known and any remedy for such impact is known.

#### OFFICER RECOMMENDATION

That the North Cottesloe Primary School Traffic Safety Committee recommends;

That Council:

1. NOTES the Traffic Engineering Report and Tree Assessment Report;
2. APPROVE the attached Concept Design for the purposes of undertaking consultation;

3. APPROVES limited site investigations to develop a preliminary design, in particular to ensure the Norfolk Island Pine Trees can be protected;

**COMMITTEE RECOMMENDATION****Moved Cr Rodda****Seconded Cr Harkins****That the North Cottesloe Primary School Traffic Safety Committee recommends;****That Council:**

1. NOTES the Traffic Engineering Report and Tree Assessment Report;
2. APPROVES limited site investigations to be undertaken by an arborist without materially adversely impacting any existing trees, as recommended in the Tree Assessment Report, to develop a preliminary design, in particular to ensure the Norfolk Island Pine Trees can be protected;
3. As a concurrent activity the administration further develop a community consultation plan which includes an indicative total cost and potential funding sources, for community wide consultation in addition to the personalised letters to those directly affected as identified in the map but extended south to Napier Street.

**COUNCILLOR AMENDMENT****Moved Cr Pyvis****Seconded Cr Tucak**

In the first line of the Committee Recommendation, after 'the North Cottesloe Primary School Traffic Safety Committee recommends' add the words 'in respect of the proposed realignment of Railway Street and construction of a car park'.

**Lost 2/5****For: Crs Tucak and Pyvis****Against: Mayor Angers, Crs Rodda, Young, Thomas and Harkins****SUBSTANTIVE MOTION AND COUNCIL RESOLUTION****That the North Cottesloe Primary School Traffic Safety Committee recommends;****That Council:**

1. NOTES the Traffic Engineering Report and Tree Assessment Report;
2. APPROVES limited site investigations to be undertaken by an arborist without materially adversely impacting any existing trees, as recommended in the Tree Assessment Report, to develop a preliminary design, in particular to ensure the Norfolk Island Pine Trees can be protected;
3. As a concurrent activity the administration further develop a community consultation plan which includes an indicative total cost and potential funding sources, for community wide consultation in addition to the personalised letters to those directly affected as identified in the map but extended south to Napier Street.

**Carried 6/1****For: Mayor Angers, Crs Rodda, Tucak, Young, Thomas and Harkins****Against: Cr Pyvis**



**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

**Moved Cr Rodda**

**Seconded Cr Young**

**That items 10.3.3 and 10.3.6 be carried by en bloc resolution.**

**Carried 7/0**

At 10:08pm, the Presiding Member adjourned the meeting.

At 10:18pm, the Presiding Member resumed the meeting.

**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****12.1.1 TENDER ASSESSMENT - T01/2019 DEPOT DESIGN AND CONSTRUCT**

The CEO advised that when item 10.1.10 was considered he advised Council of a part of the Standing Orders which he now believed was incorrect. The correct clause would have been clause 16.6 which reads as follows:

*'No motion or amendment shall be proposed which is the same in substance as a motion or amendment which has been resolved during the same meeting, except by agreement of the majority of members present.'*

Since then, the CEO had been handed a notice, signed by five elected members, which is an absolute majority, requesting the officer recommendation with a point five added and the contingency changed to \$10,000.

The CEO advised that if he had read the Standing Orders correctly at that time, that motion would have been permissible, subject to a vote of Council. One way to resolve this is under item 12 or Urgent Business that this item could be reconsidered, subject to a vote of Council to vote it onto the Agenda for consideration.

**COUNCIL RESOLUTION**

**Moved Cr Rodda**

**Seconded Cr Young**

**That the Notice of Motion be accepted as a late business item.**

**Carried 6/1**

**For: Mayor Angers, Crs Rodda, Tucak, Young, Thomas and Harkins**

**Against: Cr Pyvis**

**COUNCILLOR MOTION**

**Moved Cr Rodda**

**Seconded Cr Young**

**THAT Council by absolute majority:**

- 1. NOTES that the contract price of \$595,750.28 exceeds the initial estimate of \$500,000**
- 2. APPROVES a budget amendment of \$103,748.76 to account number 35.4122.2 – Building Construction – Renewal Cottesloe Depot Facility (Mosman Park) from Reserves to cover the budget shortfall;**
- 3. AWARD the Depot Design and Construct Tender to Solutions 4 Building for a Contract Value of \$595,570.28 exclusive of GST;**



**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

**THAT Council by absolute majority:**

- 1. NOTES that the contract price of \$595,750.28 exceeds the initial estimate of \$500,000**
- 2. APPROVES a budget amendment of \$103,748.76 to account number 35.4122.2 – Building Construction – Renewal Cottesloe Depot Facility (Mosman Park) from Reserves to cover the budget shortfall;**
- 3. AWARD the Depot Design and Construct Tender to Solutions 4 Building for a Contract Value of \$595,570.28 exclusive of GST;**
- 4. APPROVES a Contingency allowance of \$10,000 to account number 35.4122.2 – Building Construction – Renewal Cottesloe Depot Facility (Mosman Park) Contingency from Reserves.**
- 5. That no purchase order for works be issued until Ministerial approval is received for the lease documentation.**

**Carried by Absolute Majority 5/2  
For: Mayor Angers, Crs Rodda, Young, Thomas and Harkins  
Against: Crs Tucak and Pyvis**



**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

Metropolitan Region Scheme

Disability Access Inclusion Plan

**FINANCIAL IMPLICATIONS**

There are no perceived financial implications arising from the officer's recommendation. A budget amendment will be requested should the cost exceed the funds available.

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

- )) Foreshore Precinct Implementation Committee
- )) Elected Members
- )) Town of Cottesloe Staff

**OFFICER COMMENT****Access Stairs from Asphalt Driveway to Beach**

There are currently no steps leading down to the beach south of the Indiana. This access will provide a direct connection to the beach for the large volume of beach goers in summer, particularly during events such as Sculpture by the Sea. The steps will also be operationally beneficial to the Surf Life Saving Club members and Emergency Services when having to evacuate casualties by ambulance from the end of the driveway.

**Retaining Wall Upgrade**

The low retaining walls closer to the Surf Life Saving Club stairs currently in a poor condition will be upgraded in line with the newly constructed retaining walls along the foreshore just north of this location.

**Central Terrace Stairs Connecting Universal Access Path to Marine Parade**

The upper flight of the central staircase will be widened and brought into compliance with the National Construction Code.

The materials to be used are to be inline with the approved palette already in place on the foreshore. For example, reconstituted limestone blocks, concrete stairs to the central staircase and stainless steel handrails.

It is recommended for these works to be endorsed to proceed to quotation.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Cr Harkins**

**Seconded Cr Young**

That the Foreshore Precinct Implementation Committee recommends;

That Council:

1. APPROVE to progress the following components within the attached Concept Plan to detailed design:
  - a. Beach Access Steps from asphalt driveway south of the Indiana.
  - b. Central Stairs connecting Marine Parade to the new constructed universal access paths south of the asphalt driveway.
  - c. Existing retaining walls adjacent to the Cottesloe Surf Life Saving Club stairs to connect with the newly upgraded section north of this location.
2. NOTE that the detailed design will be provided to all Elected Members for call in prior to proceeding with construction.
3. NOTE that the works in point 1. will be funded through cost savings from the recently completed foreshore works at Cottesloe Main Beach.

**COUNCILLOR AMENDMENT**

**Moved Cr Pyvis**

**No Seconder, Lapsed**

That following detailed design it comes back to Council for approval.

**COUNCILLOR AMENDMENT**

**Moved Cr Tucak**

**Seconded Cr Rodda**

**In point 2 after the words 'Elected Members' add the words 'pointing out any material departures from the concept plans'.**

**Carried 7/0**

**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

That Council recommends;

That Council:

1. **APPROVE to progress the following components within the attached Concept Plan to detailed design:**
  - a. **Beach Access Steps from asphalt driveway south of the Indiana.**
  - b. **Central Stairs connecting Marine Parade to the new constructed universal access paths south of the asphalt driveway.**
  - c. **Existing retaining walls adjacent to the Cottesloe Surf Life Saving Club stairs to connect with the newly upgraded section north of this location.**
2. **NOTE that the detailed design will be provided to all Elected Members, pointing out any material departures from the concept plans, for call in prior to proceeding with construction.**
3. **NOTE that the works in point 1. will be funded through cost savings from the recently completed foreshore works at Cottesloe Main Beach.**

Carried 7/0





**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

Moved Cr Young

Seconded Cr Thomas

That Council:

1. Not make any appointments to the Principal Shared Path (PSP) Landscape Design Working Group.
2. Engage a suitably qualified landscape architect to advise of the plantings along the PSP who will be required to seek informal input from the community to inform plantings.
3. Thank those who provided submissions and explain to them the course that Council has adopted.

Carried 6/0

**13.1.2 WORKPLACE CULTURE REVIEW REPORT**

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (a) and (b) as it contains information relating to a matter affecting an employee or employees and the personal affairs of any person.

**File Ref:** SUB/2792  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Mat Humfrey, Chief Executive Officer  
**Author Disclosure of Interest:** Nil

**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

Moved Cr Rodda

Seconded Cr Harkins

THAT Council;

1. NOTES the report provided by Strategic Human Resources;
2. REQUESTS the administration to send a copy of the report to the Minister for Local Government and the Department of Local Government;
3. REQUESTS the administration to review and update the Town's Code of Conduct to address each of the issues identified in the report.

Carried 6/0



**MOTION FOR BEHIND CLOSED DOORS**

**Moved Mayor Angers**

**Seconded Cr Rodda**

**In accordance with Standing Orders 15.10 that the meeting be re-opened to members of the public and media.**

**Carried 6/0**

*The public and members of the media returned to the meeting at 11:19pm.*

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

As no members of the public returned to Council Chambers the resolutions were not read aloud.

**14 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 11:20pm.