



Town of Cottesloe

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

Tuesday, 1 August 2023

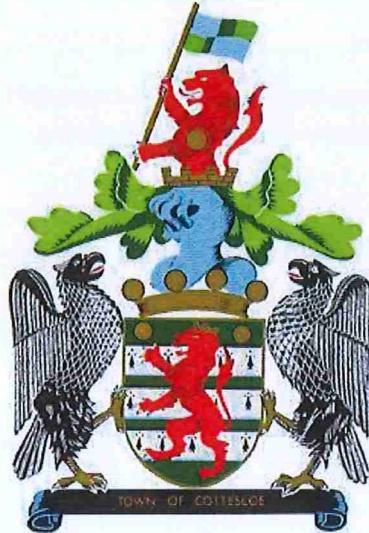
were confirmed as a true and accurate record by Council resolution.

Signed: 

Presiding Member

Date: 22-8-23

TOWN OF COTTESLOE



SPECIAL COUNCIL MEETING CONFIRMED MINUTES

SPECIAL COUNCIL MEETING
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6:00 pm Tuesday, 1 August 2023

A stylized, handwritten signature in black ink, consisting of a large, sweeping 'S' shape followed by a horizontal line.

WILLIAM MATTHEW SCOTT
Chief Executive Officer

10 August 2023

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

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6:02 pm.

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

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

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

4 PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

Nil

5 PUBLIC STATEMENT TIME

Nil

6 ATTENDANCE

Elected Members

- Mayor Lorraine Young
- Cr Craig Masarei
- Cr Kirsty Barrett
- Cr Chilla Bulbeck
- Cr Brad Wylynko
- Cr Richard Atkins

Officers

- | | |
|--------------------------|--|
| Mr Shaun Kan | Acting Chief Executive Officer |
| Mr Shane Collie | Director Corporate and Community Services |
| Ms Freya Ayliffe | Director Development and Regulatory Services |
| Mr Renuka Ismalage | Acting Director Engineering Services |
| Ms Jacquelyne Pilkington | Governance & Executive Office Coordinator |

6.1 APOLOGIES

Cr Melissa Harkins
Cr Paul MacFarlane

Officers Apologies

Mr William Matthew Scott Chief Executive Officer

6.2 APPROVED LEAVE OF ABSENCE

Cr Helen Sadler

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

SCM160/2023

Moved Mayor Young Seconded Cr Barrett

That Cr Masarei be granted a leave of absence from 12 August to 30 August 2023.

Carried 6/0

SCM161/2023

Moved Mayor Young Seconded Cr Barrett

That Cr Masarei be granted a leave of absence from 13 September to 22 September 2023.

Carried 6/0

7 DECLARATION OF INTERESTS

Nil

8 PRESENTATIONS

8.1 PETITIONS

Nil

8.2 PRESENTATIONS

Nil

8.3 DEPUTATIONS

Nil

9 REPORTS**9.1 REPORTS OF OFFICERS****10 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:**11.1 ELECTED MEMBERS****11.2 OFFICERS****12 MEETING CLOSED TO PUBLIC****12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

SCM162/2023

MOTION FOR BEHIND CLOSED DOORS

Moved Mayor Young Seconded Cr Barrett

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

Carried 6/0

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

Against: Nil

The public and members of the media were requested to leave the meeting at 6.06 pm

12.1.1 LEGAL ADVICE TO THE ADOPTED 2023/2024 BUDGET AND INTENTION TO LEVY DIFFERENTIAL RATES

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

The Presiding Member advised that the proposed revocation motion would require a mover and two seconders, to have signed the amendment motion, which was then presented to the meeting.

OFFICER RECOMMENDATION**Moved Cr Bulbeck****Seconded Cr Masarei Seconded Mayor Young***That Council*

1. *REVOKE the July 2023 Ordinary Council Meeting 2023/2024 Budget Adoption Resolution (Item 10.1.4) as follows:*

- 1.1 *Adopt the Budget for the year ended 30 June 2024, as attached, including:*

- a. *Statement of Comprehensive Income (by Nature and Type)*
- b. *Statement of Cashflows;*
- c. *Rate Setting Statement;*
- d. *Endorsing Note 8 – Statement of Reserves for the year ended 30 June 2024;*
- d. *Endorsing Note 3 – Net Current Assets as at 30 June 2024; and*
- f. *Fees and Charges for the year ended 30 June 2024.*

- 1.2 *Adopt the Differential General Rates (as per Section 6.32 of the Local Government Act 1995) and impose rates in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June 2024 as follows;*

- a. *GRV – Residential Improved (RI) – 6.384 cents in the dollar;*
- b. *GRV – Residential Vacant (RV) – 6.384 cents in the dollar;*
- c. *GRV – Commercial Improved (CI) – 6.384 cents in the dollar;*
- d. *GRV – Commercial Vacant (CV) – 6.384 cents in the dollar;*
- e. *GRV – Commercial Town (CT) – 7.7721 cents in the dollar; and*
- f. *GRV – Industrial (II) – 6.384 cents in the dollar.*

- 1.3 *Impose a minimum rate of \$1,325 for the financial year ended 30 June 2024, except for Commercial Town (CT) being \$1,341.*

- 1.4 *Include in the rate charge for residential properties:*

- a. *a once per week service of 240 litre green mobile garbage bin (MGB) for FOGO;*
- b. *a once per fortnight service of a 240 litre MGB for recyclable household rubbish; and*
- c. *a once per fortnight service of a 120 litre MGB for general household rubbish.*

- 1.5 *Apply the following charges to residential properties for additional waste services (per annum GST inclusive):*

- a. *General Waste – each service per fortnight (120 litre MGB) - \$200;*
- b. *General Waste – each service per week (660 litre MGB) - \$2,010;*
- c. *Recycling – each service per week (240 litre MGB) - \$110; and*
- d. *FOGO Waste – each service per week (240 litre MGB) - \$250.*

- 1.6 Apply the following charges to commercial properties (per annum GST inclusive):
 - a. General Waste – each service per week (240 litre MGB) - \$500;
 - b. General Waste – each service per week (660 litre MGB) - \$2,240;
 - c. Recycling – one service per fortnight (240 litre MGB) - \$143; and
 - d. Recycling – one service per week (240 litre MGB) - \$286.
 - e. Imposes, by absolute majority, in accordance with section 6.51 (1) of the Local Government Act 1995 an interest rate of 7% applicable to overdue and unpaid rate and service charges.

- 1.7 Adopt the following rate instalment plans:
 - a. Option 1
To pay the total amount of rates and charges included in the notice in full by 22 September 2023.
 - b. Option 2
To pay by four instalments, as detailed on the rate notices with the following anticipated due dates;

First instalment	22 September 2023
Second Instalment	23 November 2023
Third Instalment	25 January 2024
Fourth Instalment	26 March 2024

- 1.8 Adopt, by absolute majority, in accordance with section 6.13 of the Local Government Act 1995 a rate of interest of 7% applicable to any amount of money owing to the local government (other than rates or service charges), with interest calculated from the due date, which is 35 days from the date of issue shown on the account for payment.

- 1.9 Adopt a Telecommunications Allowance of \$1,600 for Elected Members as per section 5.99A of the Local Government Act 1995.

- 1.10 Adopt Members Attendance Fees –set an annual meeting attendance fee of \$15,750 for Council members and \$24,400 for the Mayor as per section 5.99 of the Local Government Act 1995.

- 1.11 Adopt the Mayor’s Allowance of \$28,000 as per sections 5.98 and 5.98A of the Local Government Act 1995.

- 1.12 Adopt the Deputy Mayor’s Allowance of \$7,000 as per sections 5.98 and 5.98A of the Local Government Act 1995.

- 1.13 Maintain the materiality levels of 15% or \$25,000 for the monthly reporting of significant variances of income and expenditure in the Statement of Financial Activity

- 1.14 Remove - Reduction in booking commission \$25,000 (page 110).
- 1.15 Remove - Youth Event \$10,000 (page 66)
- 1.16
 - a. Remove \$56,133 for the tee-box relocation
 - b. Transfer \$30,000 to the Infrastructure Reserve Fund
 - c. Balance of operational expenses be redistributed to other projects as appropriate
- 1.17 Following changes made to the budget via amendments, the net balance rate rise is to set at a rate of 4%, any shortfall being taken from the amount to be transferred to Infrastructure

2. SUBJECT to point one, APPROVE advertising its intention to raise the following differential rate and minimum rate for the 2023/24 financial year based on a four percent overall increase as follows:

Differential rates 2023-2024			
Rate Description		Rate in the \$	Minimum Payment
GRV - Residential Improved (RI)		0.06337	1,312
GRV - Residential Vacant (RV)		0.06337	1,312
GRV - Commercial Improved (CI)		0.06337	1,312
GRV - Commercial Vacant (CV)		0.06337	1,312
GRV - Commercial Town (CT)		0.07581	1,328
GRV - Industrial		0.06337	1,312

3. NOTES that the advertised rates mentioned in point two has been previously resolved by Council.

FORESHADOWED AMENDMENT MOTION: MAYOR YOUNG

Mayor Young foreshadowed an amendment to the Officer Recommendation

COUNCILLOR AMENDMENT MOTION

Moved Cr Masarei Seconded No Seconder

THAT

4. The Audit Committee of the Town of Cottesloe (TOC) be authorised to engage an independent probity auditor to investigate and report to Council the process and due diligence undertaken by the Administration and the Council for the process for advertisement of the rates for the financial years 2021/22 and 2023/24 together with any recommended process improvements.

Motion lapsed due to a lack of a Seconder

SCM163/2023

FORSHADOWED AMENDMENT MOTION: MAYOR YOUNG

Moved Mayor Young Seconded Cr Barrett

THAT

- 4. by 30 September 2023 the CEO prepare a formal report to be considered by the Audit Committee, with a full and detailed account of the process followed by the Town in the advertisement of proposed differential rates for the 2023/2024 year, and in the previous two years, including scope for improvement to the process, for the Audit Committee to consider and make recommendations to Council.

Carried by Absolute Majority 5/1
 For: Mayor Young, Crs Barrett, Bulbeck, Wylynko and Atkins
 Against: Cr Masarei

SCM164/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (FORESHADOWED MOTION)

Moved Cr Bulbeck Seconded Cr Masarei and Mayor Young

That Council:

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 - 1.1 **Adopt the Budget for the year ended 30 June 2024, as attached, including:**
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 - 1.2 **Adopt the Differential General Rates (as per Section 6.32 of the Local Government Act 1995) and impose rates in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June 2024 as follows;**
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 - d. GRV – Commercial Vacant (CV) – 6.384 cents in the dollar;
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- 1.4 Include in the rate charge for residential properties:
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- 1.6 Apply the following charges to commercial properties (per annum GST inclusive):
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 - c. Recycling – one service per fortnight (240 litre MGB) - \$143; and
 - d. Recycling – one service per week (240 litre MGB) - \$286.
 - e. Imposes, by absolute majority, in accordance with section 6.51 (1) of the Local Government Act 1995 an interest rate of 7% applicable to overdue and unpaid rate and service charges.
- 1.7 Adopt the following rate instalment plans:
- a. Option 1
To pay the total amount of rates and charges included in the notice in full by 22 September 2023.
 - b. Option 2
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|-------------------|-------------------|
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- 1.8 Adopt, by absolute majority, in accordance with section 6.13 of the Local Government Act 1995 a rate of interest of 7% applicable to any amount of

money owing to the local government (other than rates or service charges), with interest calculated from the due date, which is 35 days from the date of issue shown on the account for payment.

- 1.9 Adopt a Telecommunications Allowance of \$1,600 for Elected Members as per section 5.99A of the Local Government Act 1995.
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 - 1.13 Maintain the materiality levels of 15% or \$25,000 for the monthly reporting of significant variances of income and expenditure in the Statement of Financial Activity
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 - 1.17 Following changes made to the budget via amendments, the net balance rate rise is to set at a rate of 4%, any shortfall being taken from the amount to be transferred to Infrastructure.
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GRV - Commercial Town (CT)		0.07581	1,328
GRV - Industrial		0.06337	1,312

- 3. NOTES that the advertised rates mentioned in point two has been previously resolved by Council

- 4. That by 30th September 2023 the CEO prepare a formal report to be considered by the Audit Committee, with a full and detailed account of the process followed by the Town in the advertisement of proposed differential rates for the 2023/2024 year, and in the previous two years, including scope for improvement to the process, for the Audit Committee to consider and make recommendations to Council.

Carried by Absolute Majority 6/0
For: Mayor Young, Crs Masarei, Barrett, Bulbeck, Wylynko and Atkins
Against: Nil

RATIONALE:

- 1. The Officer’s recommendation suggest that the rate setting advertisement process has not complied with the legal requirements of the Local Government Act.
- 2. Council needs to understand the process which led to the approval of the text for the advertisement, and how it can be improved to ensure compliance with the legislative requirements.
- 3. The Audit Committee’s purposes include guiding and assisting Council and the Town’s Administration in carrying out its financial management and guide and assist the Local Government in carrying out its financial management and audit functions.
- 4. As such, the Audit Committee is well placed to consider the matter and prepare recommendations to Council.

SCM165/2023

MOTION FOR RETURN FROM BEHIND CLOSED DOORS

Moved Mayor Young Seconded Cr Bulbeck

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

Carried 6/0
For: Mayor Young, Crs Masarei, Barrett, Bulbeck, Wylynko and Atkins
Against: Nil

The meeting was re-opened to the public at 6:33 pm, however no members of the public or media were in attendance.

12.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

12.1.1 LEGAL ADVICE TO THE ADOPTED 2023/2024 BUDGET AND INTENTION TO LEVY DIFFERENTIAL RATES

The resolution for item 12.1.1 was not read aloud.

13 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 6:33 pm.