

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING

AGENDA

ORDINARY COUNCIL MEETING
TO BE HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6:00 PM Tuesday, 24 September 2024

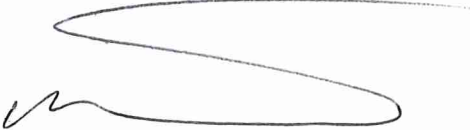
Town of Cottesloe

ORDINARY COUNCIL MEETING

Notice is hereby given that the next Ordinary Council Meeting will be held in the Council Chambers, Cottesloe Civic Centre 109 Broome Street, Cottesloe on **24 September 2024** commencing at **6:00 PM**.

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

Yours faithfully,



William Matthew Scott
Chief Executive Officer

20 September 2024

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Town for any act, omission, statement or intimation occurring during council meetings.

The Town of Cottesloe disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during council meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a council meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Town of Cottesloe during the course of any meeting is not intended to be and is not taken as notice of approval from the Town.

The Town of Cottesloe wishes to advise that any plans or documents contained within the agenda or minutes may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction.

Members of the public should note that no action should be taken on any application or item discussed at a council meeting prior to written advice on the resolution of Council being received.

All formal Council Meetings will be audio/visual recording and livestreaming and will be publicly available via the Town of Cottesloe's website or social media platform.

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



DISCLOSURE OF INTERESTS

Agenda Forum

Ordinary Council Meeting

Special Council Meeting

Name of Person Declaring an interest

Position

Date of Meeting

This form is provided to enable members and officers to disclose an Interest in the matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act 1995 and Local Government (Administration) Regulations 1996 34C.

INTEREST DISCLOSED

Item No

Item Title

Nature of Interest

Type of Interest

Financial

Proximity

Impartiality

INTEREST DISCLOSED

Item No

Item Title

Nature of Interest

Type of Interest

Financial

Proximity

Impartiality

INTEREST DISCLOSED

Item No

Item Title

Nature of Interest

Type of Interest

Financial

Proximity

Impartiality

DECLARATION

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

DISCLOSURE OF INTERESTS

Notes for Your Guidance

IMPACT OF A FINANCIAL INTEREST (s. 5.65. & s. 67. Local Government Act 1995)

A member who has a **Financial Interest** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- a. In a written notice given to the Chief Executive Officer before the Meeting or;
- b. At the Meeting immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- a. Preside at the part of the Meeting relating to the matter or;
- b. Participate in, or be present during, any discussion or decision making procedure relative to the matter, unless and to the extent that, the disclosing member is allowed to do so under *Section 5.68* or *Section 5.69* of the *Local Government Act 1995*.

INTERESTS AFFECTING FINANCIAL INTEREST

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest in a matter**.

1. A Financial Interest, pursuant to s. 5.60A or 5.61 of the *Local Government Act 1995*, requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are expectations in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e sporting, social, religious etc, and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e, if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors and ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **must** be given when the matter arises in the Agenda, and immediately before the matter is discussed. Under s. 5.65 of the *Local Government Act 1995* failure to notify carries a penalty of \$10 000 or imprisonment for 2 years.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) of the *Local Government Act 1995*; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the *Local Government Act 1995*, with or without conditions.

INTERESTS AFFECTING PROXIMITY (s. 5.60b Local Government Act 1995)

1. For the purposes of this subdivision, a person has a proximity interest, pursuant to s.5.60B of the Local Government Act 1995, in a matter if the matter concerns;
 - a. a proposed change to a planning scheme affecting land that adjoins the person's land; or
 - b. a proposed change to the zoning or use of land that adjoins the person's land; or
 - c. a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.
2. In this section, land (the proposal land) adjoins a person's land if;
 - a. The proposal land, not being a thoroughfare, has a common boundary with the person's land; or
 - b. The proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - c. The proposal land is that part of a thoroughfare that has a common boundary with the person's land.
3. In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

INTERESTS AFFECTING IMPARTIALITY

Definition: An interest, pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.

A member who has an **Interest Affecting Impartiality** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- a. In a written notice given to the Chief Executive Officers before the Meeting or;
- b. At the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY DISCLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest exist.

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

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

2 DISCLAIMER

The Presiding Member directed the public's attention to the Disclaimer and the paragraph that advises that formal meetings of Council will be audio/visually recorded.

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

Mr Stephen Mellor - 8 Graham Court, Cottesloe

Q1: Since livestreaming and video recordings of meetings have started to be made available, can you explain why Agenda Forum meetings are not included?

R1: The policy position of Livestreaming Agenda Forums and Elector Meetings will be considered at September Ordinary Council Meeting.

Q2: As the meetings have been livestreamed, why does it take sometimes longer than two weeks to upload the video recordings to the Town website?

R2: The video recording is uploaded after the Minutes of the relevant Council Meeting are published.

Q3: As Electors' Meetings are unlikely to be held in the Council Chambers, will the policy be amended so that any Memorial Hall meetings will be included, whatever the technical difficulties I am sure can be surmounted.

R3: Please refer to R1.

Q4: Was the Budget Special Council Meeting held last week on 20 August livestreamed? There is no recording yet on the website.

R4: Yes, the 20 August 2024 Special Council Meeting was livestreamed and the recording has been published.

Q5: Can you confirm there will be no income loss expected in the current financial year as stated [in relation to the lease at 149 Marine Parade]?

R5: Yes, this is the current expectation.

Q6: If not, what is the likely total rent relief given for both the last and the current year by the Town based on the lease terms?

R6: As the lease agreement was resolved by Council in a closed meeting, under s5.23(2)(c), the Town is unable make a public comment on matters that may disclose specific terms and conditions of the lease agreement. The Town expects rent to be paid in accordance with the lease agreement.

Q7: Has there also been a loss of rates income? If so, what is the total rate relief given for both last and the current year by the Town?

R7: As the lease agreement was resolved by Council in a closed meeting, under s5.23(2)(c), the Town is unable make a public comment on matters that may disclose specific terms or conditions within the lease agreement. The Town expects rates to be paid in accordance with the lease agreement.

Q8a: Can you confirm that the Club paid for the original construction of the clubhouse?

R8a: The Town has been unable to verify whether the Sea View Golf Club paid for the original construction at this stage.

Q8b: If it was, as I believe it was, what is the legal position for the Town to assume development control of any redevelopment?

R8b: The Town has management authority over the Crown Reserve the Sea View Golf Clubrooms are situated on. The Town is also the Lessor of the current lease with the Sea View Golf Course, which includes the building. Under the lease any alternations to the property (including the building) requires Lessor approval.

Q8c: Will the Cottesloe Tennis Club and NCSLC be under the same redevelopment control of the Town when their leases is renewed?

R8c: That will be a decision of Council when these leases are considered for renewal.

4.2 PUBLIC QUESTIONS**5 PUBLIC STATEMENT TIME****6 ATTENDANCE****Elected Members**

Deputy Mayor Helen Sadler
Cr Melissa Harkins
Cr Chilla Bulbeck
Cr Brad Wylynko
Cr Katy Mason
Cr Jeffrey Irvine
Cr Sonja Heath

Declaration of any Elected Members attending the meeting by electronic means.

Officers

Mr William Matthew Scott	Chief Executive Officer
Mr Shaun Kan	Director Engineering Services
Mr Steve Cleaver	Director Development and Regulatory Services
Ms Jacquelyne Pilkington	Governance & Executive Office Coordinator
Ms Larissa Stavrianos	Executive Office Trainee

6.1 APOLOGIES**6.2 APPROVED LEAVE OF ABSENCE**

Mayor Lorraine Young
Cr Michael Thomas

6.3 APPLICATIONS FOR LEAVE OF ABSENCE**7 DECLARATION OF INTERESTS****8 CONFIRMATION OF MINUTES**

That the Minutes of the Special Meeting of Council held on Tuesday 20 August 2024 be confirmed as a true and accurate record.

That the Minutes of the Ordinary Meeting of Council held on Tuesday 27 August 2024 be confirmed as a true and accurate record.

9 PRESENTATIONS**9.1 PETITIONS*****Procedure of Petitions – Local Government (Meetings Procedure) Local Law 2021, Clause 6.11***

(3) *The only question which shall be considered by the council on the presentation of any petition shall be:*

- a) that the petition shall be accepted;*
- b) that the petition shall not be accepted;*
- c) that the petition be accepted and referred to the CEO for consideration and report; or*
- d) that the petition be accepted and dealt with by the full council.*

9.2 PRESENTATIONS**9.3 DEPUTATIONS**

10 REPORTS

10.1 REPORTS OF OFFICERS

COUNCIL RESOLUTION

That Council adopts the following en-bloc Officer Recommendations contained in the Agenda for the Ordinary Meeting of Council 24 September 2024:

____' ____' ____' ____' ____' ____' ____'

CORPORATE AND COMMUNITY SERVICES**10.1.1 LIVE STREAMING AND RECORDING OF COUNCIL MEETINGS**

Directorate: Corporate and Community Services
Author(s): Sandra Watson, Manager Community and Customer Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D24/36259
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

Council is being asked to consider and endorse the updated '*Live Streaming and Recording of Meetings Policy*' in respect of proposed amendments related to which meetings will be live-streamed, when the recordings will be uploaded to the website, and actions when a meeting is held in a venue other than the Council Chamber.

OFFICER RECOMMENDATION IN BRIEF

The Council endorses and approves the proposed amendments to the '*Live-Streaming and Recording of Meetings*' Policy'.

BACKGROUND

As part of the state government's Local Government Reform Program, new regulations effective from 1 January 2025 will mandate that Class 1 and Class 2 local governments live-stream and record Council meetings. It is important to note that these regulations specifically apply to Council meetings as defined under the Local Government Act 1995 (i.e. Ordinary and Special meetings) and do not cover Elector meetings or informal Council forums (e.g. Agenda Forums).

While the Town of Cottesloe as a Class 3 local government is not subject to these regulations at this time, Council has the discretion to exceed statutory requirements if it chooses. In that regard, the Town has proactively installed the necessary equipment to enable the live-streaming and recording of Council meetings to occur. Following the adoption by Council of the Town's '*Live-Streaming and Recording of Meetings Policy*' in August 2023, live-streaming and recording of Ordinary and Special Council meetings commenced in May 2024, noting there was a delay to the commencement of this initiative due to technical issues with the equipment.

OFFICER COMMENT

With the new regulations coming into effect in 2025 and in order to continue to deliver open, accountable and transparent governance, the Town is choosing to conduct itself as per a Class 1 or Class 2 local government when it comes to the requirements for live-streaming and recording Council meetings. Following the adoption by Council of the policy addressing live-streaming in August 2023, the Department of Local Government, Sport and Cultural

Industries (DLGSC) issued an explanatory paper in October 2023 outlining the new requirements for live-streaming and recording of Council meetings to be effective from 1 January 2025.

While the Town's policy was developed based on best practice examples from other local governments available at the time, it is worth noting that the existing policy significantly exceeds the new statutory requirements which the state government has determined are more than sufficient to ensure transparency in local government decision making processes. Accordingly, it is now considered prudent to update the Town's policy to be more reflective of the statutory requirements.

The current '*Live-Streaming and Recording of Meetings Policy*' details that the policy applies to all Agenda Forums, Elector meetings, Ordinary and Special Council meetings held in the Council Chamber. That is, all four types of meetings will be live-streamed and recorded. This is inconsistent with the definition of Council meetings (being Ordinary and Special meetings) under section 5.23A of the Local Government Act 1995 which covers electronic broadcasting and recording of Council meetings. The Local Government Act does not refer to Agenda Forums, which are informal meetings where Elected Members ask questions of the Agenda items intended for debate and a decision at a subsequent Ordinary Council meeting, and no minutes are made of the Agenda Forums.

In relation to Elector meetings, these being meetings of Electors rather than Council, they are traditionally not held in the Council Chamber. Implementing recording equipment in locations like the War Memorial Hall for these occasional meetings would require additional resources. Moreover live-streaming these meetings may deter attendance if Electors were reluctant to be recorded.

Accordingly, it is proposed that Agenda Forums and Elector meetings be removed from the Town's '*Live-streaming and Recording of Meetings Policy*' and that only Ordinary and Special Council meetings will be listed to be live-streamed and recorded as per the regulations. See the proposed new policy scope statement below:

- This policy applies to all Ordinary and Special Council meetings held in the Council Chamber.

In relation to confidential items, those under consideration via Section 5.23 of the *Local Government Act 1995* and any part of a meeting which Council has resolved to consider behind closed doors, these will not be live-streamed or made available as a recording as per the regulations.

In terms of the recordings of the Ordinary and Special Council meetings and when they will be uploaded to the Town's website, the existing policy currently states (3.11 of Policy Principles) that meeting recordings will be uploaded to the Town's website as soon as practical following the meeting. It is proposed that this point be updated to align with the regulations and state as follows:

- Audio recordings of meetings will be uploaded to the Town Of Cottesloe website within 14 days of the meeting taking place.

It is also proposed to add an additional point to the policy principles section concerning when Ordinary or Special Council meetings are held in a venue other than the Town of Cottesloe Council Chamber. See below:

- If an Ordinary or Special Council meeting is held in a venue other than the Town of Cottesloe Council Chamber, only an audio recording will be made and there will be no live-streaming.

ATTACHMENTS

- 10.1.1(a)** Live Streaming and Recording of Meetings Policy - Track changes [under separate cover]
- 10.1.1(b)** Live Streaming and Recording of Meetings Policy - Amended [under separate cover]
- 10.1.1(c)** DLGSC Paper - Livestreaming and Recording of Council Meetings [under separate cover]

CONSULTATION

The *'Live-streaming and Recording of Meetings Policy'* seeks to be inclusive, open, and transparent in communications with members of the public.

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 5.23A

POLICY IMPLICATIONS

If the officer's recommendation is accepted by Council, the *'Live-Streaming and Recording of Meetings Policy'* will be updated to reflect the amendments.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council approves the amended 'Live Streaming and Recording of Meetings Policy', [as attached](#).

10.1.2 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2024 TO 31 JULY 2024

Directorate: Corporate and Community Services
Author(s): Sheryl Teoh, Finance Manager
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D24/37270
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

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

OFFICER RECOMMENDATION IN BRIEF

That Council RECEIVES the Monthly Financial Statements for the period 1 July 2024 to 31 July 2024.

BACKGROUND

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

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

OFFICER COMMENT

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

- The net current funding position as at 31 July 2024 was \$2,162,755, compared to \$1,539,173 at the same time last year. Please note that year-end postings and adjustments are still to be processed as part of finalising the year-end financial statements.
- Operating revenue is \$132,129 lower than the year-to-date budget, while operating expenditure exceeds the year-to-date budget by \$295,883. A detailed explanation of

material variances is provided in Note 3: Explanation of Material Variances, in the attached financial statements.

- Cash and investments are shown in Supplementary Information 3: Cash and Financial Assets at Amortised Cost, of the attached financial statements. The Town has 35.38% of funds invested with the National Australia Bank, 34.14% with Westpac Banking Corporation and 30.48% with the Commonwealth Bank of Australia.
- The balance of cash-backed reserves was \$7,839,031 as at 31 July 2024, as shown in Supplementary Information 4: Reserve Accounts.
- The Capital Works Program is detailed in Supplementary Information 5: Capital Acquisitions. It shows that capital expenditure is \$55,174 lower than the year-to-date budget. A detailed explanation of material variances is provided in Note 3: Explanation of Material Variances in the attached financial statements.
- Rates, sundry debtors, and other receivables are shown in Supplementary Information 7: Receivables. Outstanding rates amount to \$62,722, compared to \$72,449 at the same time last year. Sundry debtors and other receivables indicate that 80.6%, or \$423,319, are older than 90 days, which includes outstanding infringements.
- Information on borrowings is shown in Supplementary Information 10: Borrowings, of the attached financial statements. The Town had total principal outstanding of \$2,108,087 as at 31 July 2024.

List of Accounts Paid for July 2024

The list of accounts paid during July 2024 is included in the attachment. This includes purchases made via electronic fund transfers and cheque payments, credit card payments, and fuel cards payments.

The following material payments are brought to the Council's attention:

- \$155,616.55 and \$152,596.02 to the Town of Cottesloe Staff for Fortnightly payroll
- \$144,894.20 to the Procott Incorporated for Contribution towards Procott as per agreement
- \$144,074.23 to the LGIS for Insurance services
- \$93,495.29 and \$39,480.00 to the Western Metropolitan Regional Council for Waste disposal services
- \$125,551.48 to the Roads 2000 Pty Ltd for Road resurfacing - Marine Parade
- \$55,852.11 and \$48,354.47 to The Trustee for Rico Family Trust T/as Solo Resource Recovery for Waste disposal services
- \$42,829.74 and \$40,918.50 to the SuperChoice Services Pty Ltd for Superannuation contributions
- \$82,500.00 to the Eco Shark Barrier Pty Ltd for Consultancy services
- \$40,752.00 and \$39,880.00 to the Australian Taxation Office for Payroll deductions
- \$58,684.19 to the Phase 3 Landscape Construction Pty Ltd for Consultancy services

- \$46,815.85 to the West Australian Local Government Association for Subscriptions
- \$41,209.68 to the Department of Mines, Industry Regulation and Safety for Building service levies collected
- \$37,180.00 to the Programmed Property Services Pty Ltd for Painting services
- \$32,735.04 to the Managed IT Pty Ltd for IT services, maintenance and licensing
- \$25,510.32 to the Hames Sharley (WA) Pty Ltd for Consultancy services

ATTACHMENTS

**10.1.2(a) Agenda Attachment - Monthly Financial Report 1 July 2024 to 31 July 2024
[under separate cover]**

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2024 to 31 July 2024.

DEVELOPMENT AND REGULATORY SERVICES**10.1.3 SEA VIEW GOLF CLUB - NEW ENTRY & ACCESSIBILITY UPGRADES TO CLUBHOUSE**

Directorate: Development and Regulatory Services
Author(s): Ed Drewett, Coordinator Statutory Planning
Authoriser(s): Steve Cleaver, Director Development and Regulatory Services
Paul Neilson, Manager Planning Services
File Reference: D24/33274
Applicant(s): Sea View Golf Course (Walton Architects)
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to seek Council's endorsement for the Chief Executive Officer (CEO) to sign a planning application for refurbishment works at the Sea View clubhouse and to provide a recommendation of support to the Western Australian Planning Commission (WAPC). Support for the refurbishment works is also to be given under the current Lease Agreement between the Town and Sea View Golf Club (SVGC).

OFFICER RECOMMENDATION IN BRIEF

That the CEO be authorised to sign the planning application for the proposed refurbishment works to the clubhouse and that the application be forwarded to the WAPC with a recommendation of support.

BACKGROUND

The Town has received an MRS application (Form 1) for refurbishment works to the Sea View clubhouse. The proposed works include:

External works

- New entry canopy, entry doors & landscaping;
- New entry ramp & stairs to upper level;
- New walkway from carpark to lower levels.

Internal works

- Refurbishment of existing male & staff toilet areas to provide a unisex bathroom & WC;
- Replacement of foyer floor finishes.



Above: Existing clubhouse (southern elevation)



Above: Proposed new entry (indicative)



Above: Aerial photo of site

The planning application has been submitted by the SVGC and is separate from the Council’s Redevelopment Strategy, considered for the site.

OFFICER COMMENT

The application is for works on Crown land reserved under the Metropolitan Region Scheme (MRS) for *Parks & Recreation* and therefore will be determined by the WAPC, rather than

Council. However, as the land is vested in the Town, the signature of the CEO is required on the application form, as landowner, prior to its referral.

The golf course and clubhouse are also included in the State's Register of Heritage Places and support from the Heritage Council will therefore be required prior to the application being determined by the WAPC. However, the clubroom is noted on the Heritage Council's 'Permanent Entry' as being of *little cultural heritage significance* so it is not anticipated that there will be a concern.

The application does not propose changes to existing uses, hours of operation, capacities, or car parking and the Club has confirmed with the Department of Racing, Gaming, and Liquor that it will not affect existing licensing arrangements.

The proposed development appears consistent with the WAPC's DC Policy 5.3 – *Use of Land Reserved for Parks and Recreation and Regional Open Space* as it is furthering the enhancement of the reserve and facilitating its use for recreational purposes, consistent with the planning framework.

The proposed external works will visually and functionally improve the southern façade of the clubhouse, providing a new covered entry and better access arrangements. The proposed internal refurbishment of the existing toilets and finishes should also be an improvement on current conditions and bring the facilities in accordance with current building and health regulations.

Implications on Council's Sea View Golf Club - Clubhouse Redevelopment Strategy

The long term planning for the SVGC clubhouse as part of the Sea View Golf Club - Clubhouse Redevelopment Strategy (the Strategy) is at an early but important strategic stage. It is important that the Strategy and any future decision making options not be fettered by the proposed development.

The Club has acknowledged that there may be a future redevelopment of the site but notes that in its view, the expected timeframe for these works is still 5-10 or more years away and the provision of the proposed works allows the Club to meet the members' immediate needs and concerns in the interim.

In this regard, it is appropriate for Council to advise the SVGC that the Council's support for the proposed works is quite separate from the Strategy that is being considered for the site. It should be made clear that the Club will however, undertake the proposed development at its own risk as the completed works could be required to be removed at the applicant's cost should Council adopt a different outcome for the clubhouse in the future.

Current and Future Lease Agreements

The current lease agreement between the Town and the SVGC commenced in April 2005 with expiry in June 2026.

Part 11.1 'Restrictions on alterations' of the current lease agreement requires that the lessee (SVGC) must not alter, add to or demolish any part of the Golf Course, including the installation or altering of any fixture or partitioning of the building, unless the prior written consent of the Lessor (the Town) is provided, and, satisfies any reasonable condition imposed by the Town.

As such, written consent from the Town is required for the proposed works associated with the development. It is recommended then that the Town provide its consent but that this be subject to approval by the WAPC for the development and the Lessee accepting in writing that the completed works could be required to be removed at the applicant's cost should Council adopt a different plan for the clubhouse in the future

In consideration of the renewal of the existing lease at its Ordinary Council Meeting held on the 19 September 2023, Council determined to provide 'in principal support for a ten (10) year lease renewal (new lease) of the Sea View Golf Course to the Sea View Golf Club, subject to either:

- a. The inclusion in the new lease of a redevelopment clause exercisable by Council upon a six (6) month notice period; or
- b. Council resolving that the progress of investigating redevelopment opportunities is sufficient to result in a redevelopment plan being incorporated into the lease."

It is considered that the Town's ability to carry out works pursuant to the Strategy will be facilitated through the provisions of any new lease to the SVGC.

[It should be noted that the National Building Codes, which are called up under the WA Building Act 2011, do not have any retrospective triggers to require the upgrading of existing buildings that do not comply with the current access standards.](#)

ATTACHMENTS

- 10.1.3(a) MRS application form [under separate cover]**
- 10.1.3(b) Development plans [under separate cover]**
- 10.1.3(c) Applicant's report [under separate cover]**

CONSULTATION

Not required

STATUTORY IMPLICATIONS

Metropolitan Region Scheme

DC Policy 5.3 – Use of Land Reserved for Parks & Recreation & Regional Open Space.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 2: Our Town - Healthy natural environs and infrastructure meeting the needs of our community.

Major Strategy 2.1: Town infrastructure is well planned, effectively managed and supports our community, whilst protecting and promoting our unique heritage and character

RESOURCE IMPLICATIONS

There are no perceived budgetary implications to the Town of this proposal.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council:

- 1. Gives its consent as Lessor to the proposed alterations in accordance with the plans received on 1 August 2024, subject to approval by the WAPC and the Lessee accepting in writing that the completed works could be required to be removed at the applicant's cost should Council adopt a different plan for the clubhouse in the future.**
- 2. Authorise the CEO to sign the planning application for refurbishment works at the Sea View clubhouse, 2 Jarrad Street, Cottesloe;**
- 3. Request the administration to forward the endorsed application to the Western Australian Planning Commission (WAPC) with a recommendation of support, subject to the following conditions and advice note:**
 - a) The development is to be carried out in accordance with the plans received on 1 August 2024.**
 - b) The development being in accordance with any advice and/or conditions received by the Heritage Council WA;**
 - c) Plant and equipment, including air conditioning units, shall be designed, positioned, and screened so as to not be visually obtrusive.**

Advice to Applicant

The Town of Cottesloe advises that the Council's support for the proposed works is separate from the Council's Sea View Golf Club - Clubhouse Redevelopment Strategy that is being considered for the site. The Club would undertake the proposed development at its own risk as the completed works could be required to be removed at the applicant's cost should Council adopt a different plan for the clubhouse in the future.

- 4. That the Council resolution be forwarded to the applicant, and, a copy of the Council resolution and report also be provided to the WAPC.**

ENGINEERING SERVICES**10.1.4 ANDERSON PAVILION THIRD PARTY USE - SWANBOURNE CRICKET CLUB**

Directorate: Executive Services
Author(s): Peter Ng, Coordinator Building and Conservation Projects
Authoriser(s): Shaun Kan, Director Engineering Services
File Reference: D24/35865
Applicant(s): Swanbourne Cricket Club
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider the Licence Agreement (Attachment A) to allow the Swanbourne Cricket Club (Cricket Club) to utilise the Anderson Pavilion (Pavilion).

OFFICER RECOMMENDATION IN BRIEF

That Council AUTHORISES the Chief Executive Officer (CEO) to execute the attached Licence Agreement.

BACKGROUND

At the September 2023 Ordinary Council Meeting, Council unanimously resolved as follows:

- 1. Provide approval for the Swanbourne Cricket Club to use Harvey Field for junior cricket games over the 2023/24 summer period on Saturday mornings from 8 am to 10am between 14 October 2023 and 9 December 2023 and then reconvening in February once final season dates are confirmed;***
- 2. REQUEST Administration to work with the Rugby Club, Football Club(s), and Cricket Club to find a workable solution to enable the Junior Cricket games to continue on either oval for the second half of the season.***
- 3. Authorises the Chief Executive Officer to approve additional times and dates for use from February 2024 to the end of the season, provided a workable solution can be found with the relevant parties.***

The Cricket Club has previously used Cottesloe Oval for one season and wishes to continue utilising the oval and the new Anderson Pavilion during the upcoming summer cricket season. The Club has specifically requested access to one change room, along with a small storage area to safe-keep the cricket mat after each game. They do not require access to other parts of the pavilion.

To ensure the Pavilion is used as intended and to avoid inconveniencing nearby residents, a formal agreement outlining terms of use will be necessary. McLeod's Solicitor has been engaged to prepare the licence agreement.

The Roosters and Magpies Football Clubs have been using the Pavilion during the 2024 season, which will conclude at the end of September. The Rugby Club does not require a formal agreement, as they only use the Oval for training and have their own clubhouse.

OFFICER COMMENT

There are a number of options to administer access to the new Anderson Pavilion:

- Option 1: Self management involving Agreements (licence) for frequent users and public hire under a set of terms (similar to the Civic Centre Halls); or
- Option 2: Fixed term leases (similar to Indiana Tea House and 149 Marine Parade).

Option 1 is the preferred option as this allows a settling period to resolve any unknown issues.

There is ongoing liaison with the Rugby Club, Football Clubs, and Cricket Club to ensure there are no scheduling clashes. With the football season concluding in September and the cricket season beginning in October, there is no conflict amongst clubs on the use of the Oval.

The specific times and days requested by the Cricket Club are detailed in the attached Agreement. The Cricket Club has requested the following usage periods:

- Saturday mornings from 7 am to 12 pm, between 12 October 2024 and 7 December 2024; and
- A reconvening period of five weeks from 1 February 2025 to 8 March 2025.

The Cricket Club will only be using the one change room and approximately one metre square of the store room.

Although the cricket games last for 2 hours between 8 am and 10 am, the Administration considers the requested usage from 7 am to 12 pm to be reasonable and acceptable. This schedule allows the club an hour for setup before the game, plus an additional 2 hours for post-game meetups, activities, or clean up after the game concludes at 10 am.

Even though the Cottesloe Amateur Football Club (Roosters) utilises Anderson Pavilion and the oval from March to September, the official season only begins in April. The Cricket Club's 8 March end of season date has been discussed with the Rooster's President (10 September telephone conversation) and he has no objections to this. (Email confirming below)

Please consider the environment before printing this email

From: [REDACTED] >
Sent: Friday, 20 September 2024 1:43 PM
To: Peter Ng <peter.ng@cottesloe.wa.gov.au>
Subject: Re: Anderson Pavilion - Cricket Club's end-of-season use

Hi Peter,

Happy to let them use it for that period, provided that we will still be able to use the venue for our preseason that will kick off in the new year.

I can liaise with the cricket club directly about the timing.

Thanks

Jack-Henry Bresa
President
Cottesloe Amateur Football Club Inc
[REDACTED]

On Fri, 20 Sep 2024 at 10:25 AM, Peter Ng <peter.ng@cottesloe.wa.gov.au> wrote:

Hi Jack,

1

As discussed during our phone conversation last week, could you please confirm via email that the Club has no objection to the Swanbourne Cricket Club's use of the Anderson Pavilion until the end-of-season date of March 8?

Your prompt response is sincerely appreciated so that we can finalised the Council report today.

Much appreciated.

ATTACHMENTS

10.1.4(a) Attachment A - Licence Agreement - Anderson Pavilion - Swanbourne Cricket Club [under separate cover]

CONSULTATION

Elected Members

Swanbourne Cricket Club

McLeod's lawyers

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 2.7 – The Role of Council

POLICY IMPLICATIONS

Facility Hire Policy - POL/111

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.2: Work innovatively and collaboratively with government, industry, business and community to deliver positive outcomes.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

The new hire fee has been determined as part of the 2024/2025 budget.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council AUTHORISES the Mayor and Chief Executive Officer (CEO) to sign the attached Licence Agreement and affix the Town's Common Seal (if required).

10.1.5 GREEN INFRASTRUCTURE STRATEGY PUBLIC CONSULTATION

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D24/35932
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider the Green Infrastructure Strategy (GIS) community consultation results, to:

- ENDORSE a number of recommended follow on actions relating to the public consultation feedback for the GIS, Street Tree Masterplan (STM), and Natural Areas Management Plan (NAMP) ;
- [Make minor additions](#) to the NAMP adopted in September 2023; and
- NOTE the need for further engagement with directly impacted stakeholders along a number of streets where there are proposed changes to the street tree species; and
- NOTE that this re-engagement will occur after consultation with an [external expert \(or experts\)](#) to select a suitable species for these streets [and other strategic matters relating to the Green Infrastructure Strategy](#).

OFFICER RECOMMENDATION IN BRIEF

That Council

- APPROVES a number of recommended follow on actions based on the public consultation feedback [and the public statements at the September 2024 Agenda Forum](#);
- NOTES the need to re-engage on the STM with directly impacted stakeholders after consulting with an [appropriate expert](#).

BACKGROUND

The following provides a summary of the work carried out and Council decisions since July 2023 leading up to the officer's recommendation:

- July 2023 - The GIS, an overarching document to the NAMP, STM, and policies related to 'greening' in the Town of Cottesloe was adopted;
- September 2023 - The NAMP was adopted;
- October 2023 – Council deferred considering a version of the STM and asked for further investigations to be undertaken;
- March 2024 – Council considered these investigation findings, a draft Community Engagement Plan and asked for a revised version of the 2017 STM that incorporated

changes to street tree species it had previously approved to be advertised as part of the community consultation; and

- May 2024 - Element WA was appointed to facilitate the community consultation process.

The community consultation occurred from 1 July to 25 August 2024 where a total of 225 responses were received. This is further discussed in the officer's comment section of the report.

OFFICER COMMENT

Information within this section provides a strategic overview and further details are found within the Community Engagement Outcomes Report (Attachment A).

ELEMENT 1: GREEN INFRASTRUCTURE STRATEGY

Survey Responses

Participants were generally supportive when asked to rate their level of support for the 5 GIS objectives. Their feedback reflected the following views:

- Canopy objective is achievable through an aggressive planting program, retaining public open space instead of infilling them with development and better preservation of existing street trees in lieu of planting more trees;
- Diversity in species planted with more native trees and reduction in Norfolk Island Pines (NIPs) to avoid depleting the water table with more cost-effective maintenance measures to avoid rate rises;
- Protecting trees on private land invades privacy as property owners should be able to decide the use of their land and this protection of trees on private property is better achieved through the use of planning policies rather than a significant tree register;
- A 30% canopy coverage by 2040 is low and higher targets should be set;
- There were concerns with development at the John Black Dune Park location;
- More community projects with Cottesloe Coastcare and to maintain constructive relationships with this community group to ensure their wealth of knowledge is retained;

Conclusion and Proposed Follow On Actions

Given these results and the associated comments, the Administration is in the view that there is value in:

- Leaving the base canopy target at 30% by 2040 and review this benchmark in the next iteration of the GIS [in 2 years \(in line with the Integrated Planning and Reporting Framework\)](#) when various implications [relating to cost and staffing](#) are better understood;
- Given the limited effectiveness of policies, such regulatory approaches should be parked [temporarily](#) and relooked when supported by State Government legislation;
- Appointing [External Specialists](#) to extend the GIS to include:

- (a) a long-term strategy that identifies well balanced measures (within allotted resources) towards achieving the 30% canopy by 2040 (and its maintenance) that considers the outcomes from the following informing documents:
 - (i) STMP;
 - (ii) NAMP;
 - (iii) Public open spaces (POS) landscape concepts (to be developed) and this can then inform the future POS Strategy;
 - (iv) Greening maintenance plan (to be developed) to ensure industry best practice and cost effectiveness in preserving all green infrastructure;
- (b) Upon completion of (a), include this within the Asset Management and Long Term Financial Plan modeling as part of developing these strategic Council documents;
- (c) A significant tree register to determine the location of such trees so that their retention can be achieved through education and encouragement together with informing any decision maker when they consider a development application.

ELEMENT 2: STREET TREE MASTERPLAN

Survey Responses

- A majority of the respondents support retaining the NIP as a preferred verge tree species on the following distributor or entry statement road sections:
 - (a) Broome Street;
 - (b) Marmion Street;
 - (c) Eric Street;
 - (d) Grant Street;
- There also appeared to be support for changing the NIP as the preferred species along the following local access roads:
 - (a) Railway Street (Grant to Vera Street);
 - (b) Marine Parade (Forrest Street to Eric Street);
 - (c) Marine Parade (Grant Street to North Street);
 - (d) Salvado Street;
 - (e) Pearse Street;
 - (f) Forrest Street;
 - (g) John Street;
 - (h) Loma Street;
 - (i) Curtin Avenue (Western Side);
 - (j) Curtin Avenue (Eastern Side);
- The overall results show that a majority of the respondents are supportive of the species within the STM that was advertised as part of the public consultation.

Conclusion and Proposed Follow On Actions

In considering both the qualitative and quantitative feedback, the Administration is in the view that:

- Proposed Norfolk Island Pine Retention - NIPs should be retained as the street tree species for the mentioned distributor roads, entry statement roads and local access roads;
- Should there be a need to further rationalise the NIP population along these roads due to a variety of reasons (budget constraints, annual planting priorities etc.), priority should be given to:
 - (a) Retaining these on distributor and entry statement roads first (Broome Street, Eric Street, Marmion Street and Grant Street) for aesthetical value reasons;
 - (b) Followed by all local access roads where NIPs have been recommended to remain as the preferred street species;
- Proposed Norfolk Island Pine Changes - The NIP should no longer be the assigned tree along the streets mentioned below when the current NIPs fail to thrive and should be replaced with an alternative species identified within the future STM as there was support for this change:
 - (a) Warton Street;
 - (b) Gibney Street;
 - (c) Seaview Terrace;
 - (d) Deane Street;
 - (e) Charles Street;
 - (f) Congdon Street Centre Median;
 - (g) Marine Parade (Eric Street to Grant Street);
 - (h) Marine Parade (Curtin Avenue to Forrest Street);
- Proposed Polyphagous shot-hole borer (PHSB) related changes - Other identified street tree species change along the streets below have also been recommended due to the PHSB infestation of trees. The species below are the current street trees on these roads.
 - (a) Hawkstone Street (Broome Street to Hamersley Street) – Coral Tree;
 - (b) Napier Street (East of Curtin Avenue) – Sugar Gum;
 - (c) Florence Street – Coral Tree;
 - (d) Alexandra Avenue – Coral Tree
 - (e) Jarrad Street – Melaleuca (Paperbark);
 - (f) McNamara Way – Melaleuca (Paperbark);
 - (g) Brixton Street – London Plane;
 - (h) Graham Court – Melaleuca (Paperbark);

- (i) Windsor Street – Melaleuca (Paperbark);
- (j) Burt Street – Chinese Tallow;
- (k) Gordon Street – Melaleuca (Paperbark);
- (l) Mann Street – Melaleuca (Paperbark) ;
- (m) Charles Street – Chinese Tallow;
- (n) Princess Street – Chinese Tallow;
- Proposed Changes relating to requests from residents preferring an alternative streetscape:
 - (a) Hamersley Street – Change from Casuarina Tree to Peppermint Tree;
- Other Proposed Changes to increase species in the Grant Street median and to assign a street tree species for Napoleon Street:
 - (a) Grant Street East and West of Curtin Avenue – The NIP is the only species approved for the median. The proposal is to include a number of other species as infill planting between the NIPs; and
 - (b) Napoleon Street – There is currently no assigned species and the proposal is to include the current Claret Ash as the preferred tree.

For fairness, residents on these streets should be engaged on the selected alternative species and for feedback to be considered by Council before adopting the STM. The letter to residents will provide reasons for this change and the rationale for deciding the new street tree species.

- If supported in principle by Council, an Arborist will be engaged to provide advice.

ELEMENT 3: NATURAL AREAS MANAGEMENT PLAN

Survey Responses

- 93% of respondents felt that it was important to maintain and restore the natural areas of Cottesloe
- The 3 most distinct operational priorities are in the order of:
 - (a) Ensuring weed-free equipment and material;
 - (b) Maintain or increase natural area budgets and obtain grants for these projects;
 - (c) Knowledge transfer between Cottesloe Coastcare and Town staff including a focus on increasing this community group's membership and involvement;
- The 5 most important planting and planning recommendations are ranked in the sequence of:
 - (a) Select appropriate species based on site conditions and maintain an ongoing nursery order;
 - (b) Improve storm water drainage outlets to avoid erosion of primary dunes;
 - (c) Revegetate with local species and tubestocks;

- (d) Increase planting density on Foreshore and mark new plants to differentiate them from weeds;
- (e) Plan infrastructure to protect and enhance natural areas including the avoidance of turfing areas less than 1 metre wide;

Conclusion and Proposed Follow On Actions

Based on the information received, it is the Administration's view that:

- There is strong support for the [September 2023 adopted NAMP](#);
- [At the Agenda Forum, there were comments \(public statement and elected members\) around the need to include the 2008 version and its 2015 addendum as part of the NAMP for context and background. Council is asked to consider incorporating hyperlinks to the 2008 and 2015 documents within the attached NAMP \(adopted in September 2023\) at appropriate points within the document to accommodate these suggestions. This is a less cumbersome approach compared to combining all 3 documents as one, making the plan over 300 pages;](#)
- From a resourcing perspective:
 - (a) The Natural Area Alliance comprising of the Town, Cottesloe Coastcare, and Perth Natural Area Management (NRM) are already achieving a number of the recommendations forming part of the public consultation ([below](#)) that includes;
 1. [Sourcing grants to fund the various natural areas \(Recommendation 3\);](#)
 2. [Facilitating the knowledge transfer between parties \(Recommendation 2\);](#)
 3. [Having the expertise to deliver the different priorities has already achieved Recommendations 4, 5, 6, 9, 10, 12, 13, 14, 15 and 17;](#)
 - (b) The Town within its Corporate Structure has a Natural Areas Management Team that adequately and objectively carries out the work of the suggested Bushcare Officer ([Recommendation 1](#)).
 - (c) The continuation of this arrangement will be sufficient to meet the requirements of the current [NAMP attached and continue achieving a majority of the recommendations within;](#)
- From a financial investment perspective:
 - (a) Council has met the natural area budget related recommendation in the 2024/2025 budget by increasing this portfolio's funding from \$60,000 to \$90,000 ([Recommendation 3](#));
 - (b) Whilst Council can create the additional Bushcare Officer position, it does result in a financial implication requiring either an increase in revenue (rates) or a reduction in service levels in other areas to fund this additional position.

Should Council wish to consider this position, there is merit for this to be determined as part of the Asset Management, Workforce, and Long Term

Financial Planning process to determine whether this is needed and affordable;

- From a related project perspective, the aesthetics and structural protection for the natural areas ([Recommendation 7](#)) requested in the survey responses are addressed by the:
 - (a) [Coastal Hazard Adaptation Risk Management Plan \(CHRMAP\)](#);
 - (b) [John Black Dune Masterplan](#); and
 - (c) [Foreshore Masterplan that provides](#).
- In conclusion, there has been an outstanding improvement in natural area conditions since 2015 and current operational, planting, and planning practices will ensure this performance continues.

Council is to note that the comments within the proposed actions in all 3 elements are considered and have been further expanded on in the recommendation section at the end of this report.

ATTACHMENTS

- 10.1.5(a) **Attachment A - Element - GIS Engagement Outcomes Report - 9 September 2024 [under separate cover]**
- 10.1.5(b) **Natural Areas Management Plan - Assessment Summary Report 2022_V3_FINAL-3.1-JBDP table update [under separate cover]**

CONSULTATION

Refer to the attached Consultation Summary Report

STATUTORY IMPLICATIONS

Local Government Act 1995

SECTION 2.7 – ROLE OF COUNCIL POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 2: Our Town - Healthy natural environs and infrastructure meeting the needs of our community.

Major Strategy 2.4: Work collaboratively to protect, enhance and increase our natural assets and green canopy.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The STM and GIS contribute to expanding canopy cover whilst the NAMP combined with the other related projects provide protection against coastal erosion.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council

1. **THANKS** all the participants for taking the time to respond to the survey;
2. **REQUEST** for the appointment of **external expertise** to carry out the following works from the \$100,000 Green Infrastructure Operating Budget and for the Green Infrastructure Strategy to be supplemented with these outcomes:
 - i. Develop a long-term plan that identifies well-balanced measures for achieving the 30 percent canopy by 2040 **which considers the outcomes from the final Street Tree Masterplan, Natural Areas Management Plan and the additional Public Open Space Landscaping Concept for planting within these areas and Maintenance Plan to ensure best practice and cost effectiveness in the preservation of all green infrastructure; and**
 - ii. Establish a significant tree register to **determine the location of such trees so that their retention can be achieved through community education and encouragement as part of the planning development application assessment process and investigate incentives to retain significant trees on private land.**
3. **Following the completion of point 2, include the costing information in the future Asset Management Plan and Long Term Financial Plan as part of developing these strategic Council documents;**
4. **NOTES** the need to make changes to street tree species within the Street Tree Masterplan along various streets and **INSTRUCTS** the Chief Executive Officer to:
 - i. Obtain advice from **external expertise** on the appropriateness of alternative species for the proposed changes along these streets;
 - ii. Engage with residents, businesses, and property owners along the following streets on the new street tree species with an item returning to Council no later than the December 2024 Ordinary Council Meeting to consider the final Street Tree Masterplan:
 - (1) Changes from the approved Norfolk Island Pine species (with advice from **external expertise**) for sustainability reasons:
 - (a) Warton Street;
 - (b) Gibney Street;
 - (c) Seaview Terrace;

- (d) Deane Street;
 - (e) Charles Street;
 - (f) Congdon Street Centre Median;
 - (g) Marine Parade (Eric Street to Grant Street);
 - (h) Marine Parade (Curtin Avenue to Forrest Street);
- (2) Changes from the currently approved street tree due to the Polyphagous shot-hole borer:
- (a) Hawkstone Street (Broome Street to Hamersley Street) – Coral Tree;
 - (b) Napier Street (East of Curtin Avenue) – Sugar Gum;
 - (c) Florence Street – Coral Tree;
 - (d) Alexandra Avenue – Coral Tree
 - (e) Jarrad Street – Melaleuca (Paperbark);
 - (f) McNamara Way – Melaleuca (Paperbark);
 - (g) Brixton Street – London Plane;
 - (h) Graham Court – Melaleuca (Paperbark);
 - (i) Windsor Street – Melaleuca (Paperbark);
 - (j) Burt Street – Chinese Tallow;
 - (k) Gordon Street – Melaleuca (Paperbark);
 - (l) Mann Street – Melaleuca (Paperbark) ;
 - (m) Charles Street – Chinese Tallow;
 - (n) Princess Street – Chinese Tallow;
- (3) Changes requested by residents:
- (a) Hamersley Street – Change from Casuarina Tree to Peppermint Tree;
- (4) Changes proposed by the Administration:
- (a) Grant Street East and West of Curtin Avenue to include a number of other species as infill planting between the Norfolk Island Pines;
 - (b) Napoleon Street to recognise the current Claret Ash as the preferred tree as there is no assigned species for this street;
5. **THANKS** Cottesloe Coastcare, Perth Natural Resource Management, and Community Members for their contribution to and participation in all planting events that have resulted in the significant improvement to Cottesloe’s natural areas since 2015;
6. **INSTRUCTS** the Chief Executive Officer to incorporate [hyperlinks to the 2008 original version of the Natural Areas Management Plan and its 2015 addendum within the](#)
-

attached September 2023 Natural Areas Management Plan and ENDORSES all the recommendations and the proposed long term budget within the September 2023 endorsed document except the following:

- i. Recommendation 7 (stormwater drainage outlets improvements) and 11 (selection of shady tree species and design principles for shade structures) as this will be considered as part of future capital projects;
 - ii. Recommendation 1 pertaining to the employment of a full-time Bushcare Officer as this is not necessary in the immediate future **until further analysis is undertaken as part of the Town's Workforce Planning**;
 - iii. Recommendation 3 relating to the increase of the Natural Areas Budget has already been approved by Council in 2024/2025 where the amount has risen from \$60,000 to \$90,000; and
7. REQUESTS the Administration to continue collaborating with Cottesloe Coastcare (CCA) and Perth Natural Resource Management as part of the Natural Areas Alliance for the ongoing implementation of the Council approved recommendations within the attached Natural Areas Management Plan:

EXECUTIVE SERVICES**10.1.6 WALGA AGM VOTING DELEGATES**

Directorate: Executive Services
Author(s): William Matthew Scott, Chief Executive Officer
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D24/38116
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

For Council to select two voting delegates (and a proxy) for the WA Local Government Association (WALGA) Annual General Meeting (AGM)

OFFICER RECOMMENDATION IN BRIEF

That Council appoints two (2) elected members as voting delegates and on (1) elected member as proxy delegate to the 2024 WALGA AGM.

BACKGROUND

The WALGA AGM is scheduled to be held on Wednesday 9 October 2024, as part of the 2024 Local Government Week Convention. The Town normally has delegates attend the AGM to represent the interests of the Town of Cottesloe.

OFFICER COMMENT

The WALGA AGM, is held every year in order for the membership of WALGA (all Local Governments in WA) to review WALGA's activities for the previous financial year and consider possible Executive or Member Motions. There is no formal protocol as to which elected member(s) should be appointed, however in the past voting delegates have been reasonably familiar with current WALGA advocacy activities and state-wide local government industry issues. Currently only Crs Harkins, Heath and Wylynko are registered to attend the convention on the date of the AGM.

It should be noted that any motion resolved at the WALGA AGM does not bind the Town of Cottesloe to any formal position on any matter considered at WALGA AGM.

ATTACHMENTS

Nil

CONSULTATION

Nil

STATUTORY IMPLICATIONS

There are no statutory implication associated with this item.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.2: Work innovatively and collaboratively with government, industry, business and community to deliver positive outcomes.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council;

- 1. APPOINT Cr _____ and Cr _____ as the voting delegates for the 2024 WALGA Annual General Meeting; and**
- 2. APPOINT Cr _____ as the proxy delegate for the 2024 WALGA Annual General Meeting, should a voting delegate (point 1) be unable to attend**

10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES

Nil

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 COUNCILLOR MOTION - CAT WELFARE AND CONTAINMENT**

The following motion has been proposed by Cr Bulbeck.

COUNCILLOR MOTION**THAT Council:**

- 1. Requests the Administration in the next three months to bring to a briefing forum an investigation of existing cat welfare and containment local laws, the feasibility of a local cat management law for the Town, suggestions for appropriate community consultation and engagement, the resource implications and any other relevant matters; and**
- 2. Requests the Administration to advocate to WALGA that the Town of Cottesloe requests WALGA to investigate the value of preparing a draft local law that conforms with the legislative and regulatory environment in WA and meets the objectives of LGAs seeking effective cat containment.**

COUNCILLOR RATIONALE**Rationale for proposal 1**

Roaming domestic cats are a threat to themselves, our wildlife, our families and the community.

Roaming domestic cats are a threat to themselves, our wildlife, our families and the community.

- On average keeping a cat at home extends its life expectancy from THREE years to between 12 and 18 yearsⁱ Roaming cats are exposed to traffic accidents, fleas and ticks, snake and dog bites, fights with other cats, diseases, infections and toxins (e.g. second generation rodenticides); they are lost, stolen and abused.
- Roaming pet cats kill around 546 million animals annually, including 323 million native species. A free roaming domestic cat kills between 75 and 186 mammals, birds and reptiles each year, rarely bringing home the prey they kill or injure.
- Neighbours complain about cats who use their sandpit as a toilet, kill their frogs, hunt the fairy wrens they have attracted to their garden, spray on their furniture and so on. Domestic cats are a reservoir for pathogen transmission to and from feral cats. Covid19 and avian flu are recent examples of immensely costly infectious diseases with zoonotic origins.

Cat containment will assist the Town in meeting its GIS biodiversity goal

One goal of The Town's draft Green Infrastructure Strategy is 'Improve Natural Habitats and Promote Biodiversity Conservation'. The GIS notes 'bird species (i.e. White-winged Fairy-wrens), reptiles (i.e. bobtails, skinks including the King Skinks, dugites) and pollinators' as contributors to biodiversity. Appropriate cat containment will assist 'habitat restoration'

and meeting GIS success indicators like ‘increasing ecological connections between biodiversity areas’.

There is now majority community awareness of the devastating impact of roaming cats.

A large 2019 WA survey found almost three-quarters of respondents supported confinement of cats to their owner’s property and a majority supported more local government controls and experienced cats in their neighbourhood as a nuisanceⁱⁱ.

Many local governments have introduced cat containment local laws, including

Armadale, Augusta Margaret River, Bassendean, Bayswater, Capel, Claremontⁱⁱⁱ, Fremantle, Kalamunda, Northam, Narrogin and Stirling. Melville has proposed a local law and concerned citizens in Gosnells and Perth have approached their local councils seeking cat containment.

Rationale for proposal 2

Cat welfare and management is a statewide issue, with majority local government support for stronger containment laws. The 2022 WALGA AGM voted 190 LGAs to 30 for WALGA to advocate that State government ‘to prioritise reforms to the Cat Act 2011, in accordance with the Statutory Review undertaken and tabled in the State Parliament on 27 November 2019’^{iv}

The current regulatory environment in WA is uncertain. Most LGAs have local laws designating ‘cat prohibited’ areas. Two LGAs also provide that ‘A cat shall not be in a public place unless ... under effective control’. The Joint Standing Committee on Delegated Legislation has rejected this provision for Bayswater and Kalamunda but not for Northam and Narrogin^v.

The recently released federal Feral Cat Threat Abatement Plan calls for ‘consistent regulations for pet cat management across jurisdictions’ ‘starting immediately’. The plan proposes that (1) cats are prohibited near high conservation value areas, (2) contained to owners’ property in residential areas and (3) responsible pet ownership principles are normalised and incentivised.^{vi} A template local law developed by WALGA will position local governments to take advantage of this updated plan and possibly funding framework.

ⁱ<https://bowwowinsurance.com.au/pet-community/pet-talk/indoors-or-outdoors/>

ⁱⁱ

[https://www.parliament.wa.gov.au/publications/taledpapers.nsf/displaypaper/4013050a3f9b8d43992c4060482584bf0082fffa/\\$file/3050.pdf](https://www.parliament.wa.gov.au/publications/taledpapers.nsf/displaypaper/4013050a3f9b8d43992c4060482584bf0082fffa/$file/3050.pdf)

ⁱⁱⁱ[Microsoft Word - Animal Local Law 2023 OCM 06022024 \(Final\) \(claremont.wa.gov.au\)](#).

^{iv}State Council Resolution December 2022 – 394.8/2022 July 2021 – 232.4/2021:

[Advocacy-Positions-Manual-\(updated-20-May-2024\).pdf \(walga.asn.au\)](#)

^vE.g. see <https://www.northam.wa.gov.au/documents/588/cat-local-law-2019>.

^{vi}https://storage.googleapis.com/files-au-climate/climate-au/p/prj28f46a2682a26dead11c2/public_assets/TAP_Predation-feral%20cats_for%20public%20consultation.pdf

OFFICER COMMENT

Statutory Implications

Local Government Act 1995

Section 3.5 Legislative powers of local governments

Cat Act 2011

Section 79 Local laws

Cat Regulations 2012

Cat (Uniform Local Provisions) Regulations 2013

Reg 3. These regulations operate as local laws

Policy Implications

Nil

Resource Implications

Subject to Council resolving the Councillor Motion external advice may need to be obtained as a part of the investigation process. An estimate on the total cost to implement the motion on notice including officer time has not been determined.

Other

The Administration does not see any difficulty in investigating and presenting to Council current industry best practices in relation to cat welfare and containment. However undertaking such an investigation will divert officer time from other Council priorities as listed in the Town's current Council Plan, and projects funded in the 2024/25 Annual Budget. Cat welfare and containment concerns are currently not mentioned in the Town's Council Plan, which was adopted in December 2023. Council will need to consider whether there is or is not wide community support or concern in relation to this matter.

The Administration however does have concern with part 2 of the motion, which if resolved, would effectively require the Town to advocate a specific position with WALGA on the issue, prior to the Council receiving a briefing on the investigation requested in Part 1 of the motion. The Administration has not had an opportunity to verify the comments made in the Councillor's rationale, nor can it confirm that a local law is the most appropriate method to manage the welfare and containment of local cats.

The Cat Act 2011 provides for the State Government to develop regulations and local laws. Currently, there are the Cat Regulations 2012 and the Cat (Uniform Local Provisions) Regulations 2013. Local Laws are specific to each individual local government, and there are many examples of model local laws being modified to resolve specific local government issues. If there is a need for consistent regulations for pet cat management across all jurisdictions, this would be better achieved via modifying state wide regulations, as opposed to adopting a local law. The Cat (Uniform Local Provisions) Regulations 2013 currently apply as if they were a local law made by each local government (Reg 3).

The Department of Local Government Sport and Cultural Industries does provide guidance on the need for Cat Local Laws' and advises the following:

The need for local law

A local government needs to consider what elements of cat control they wish to regulate and only decide to make a local law if:

- the Act, Cat Regulations 2012, the Cat (Uniform Local Provisions) Regulations 2013, or any other written law do not already cover that matter; and*
- there appears a sufficient need for additional regulation in that area.*

Through the integrated planning process, the community may advise that there is a need for particular areas of cat control. It is then a matter of deciding that if you need cat control, what exactly you do need.

For some local governments, the Act and Cat Regulations 2012 may provide sufficient powers for the control of cats without the need for a local law. Others may find targeted education campaigns and policies in particular areas may be all that is needed to supplement the legislation.

Until the Town has had an opportunity to investigate the issue, it would be pre-emptive for the Town to take an advocacy position, especially on the possible emotive issue associated with pet ownership.

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:**12.1 ELECTED MEMBERS****12.2 OFFICERS****13 MEETING CLOSED TO PUBLIC****13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

The Presiding Member requested the recording equipment to be deactivated when going behind closed doors.

MOTION FOR BEHIND CLOSED DOORS

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

13.1.1 149 MARINE PARADE COTTESLOE LEASE - REQUEST FOR EXTENSION OF FITOUT PERIOD

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

13.1.2 COTTESLOE JUNIOR FOOTBALL CLUB - CLUB NIGHT LIGHTS PROGRAM FUNDING APPLICATION

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (e(ii)) as it contains information relating to a matter that if disclosed, would reveal information that has a commercial value to a person.

13.1.3 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (CORRECTION)

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

MOTION FOR RETURN FROM BEHIND CLOSED DOORS

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

The Presiding Member requested the recording equipment to be reactivated after coming out of closed doors.

13.2 RESOLUTION PASSED IN MEETINGS CLOSED TO THE PUBLIC TO BE READ ALOUD FOR THE BENEFIT OF MEMBERS OF THE PUBLIC IN ATTENDANCE AND VIEWERS WATCHING THE LIVESTREAMING OF THE MEETING.

14 MEETING CLOSURE