

# TOWN OF COTTESLOE



## SPECIAL COUNCIL MEETING

# AGENDA

**SPECIAL COUNCIL MEETING  
TO BE HELD IN THE  
Council Chambers, Cottesloe Civic Centre  
109 Broome Street, Cottesloe  
5:00 PM Wednesday, 10 July 2024**

# Town of Cottesloe

## SPECIAL COUNCIL MEETING

Notice is hereby given that the next Special Council Meeting will be held in the Council Chambers, Cottesloe Civic Centre

109 Broome Street, Cottesloe on **10 July 2024** commencing at **5:00 PM**.

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

Yours faithfully,



William Matthew Scott  
**Chief Executive Officer**

06 July 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 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](http://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

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## 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.

### 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.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS .....	4
2	DISCLAIMER .....	4
3	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION .....	4
4	PUBLIC QUESTION TIME .....	4
	4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	4
	4.2 PUBLIC QUESTIONS .....	4
5	PUBLIC STATEMENT TIME.....	4
6	ATTENDANCE .....	4
	6.1 APOLOGIES .....	4
	6.2 APPROVED LEAVE OF ABSENCE.....	4
	6.3 APPLICATIONS FOR LEAVE OF ABSENCE .....	5
7	DECLARATION OF INTERESTS.....	5
8	PRESENTATIONS .....	5
	8.1 PETITIONS .....	5
	8.2 PRESENTATIONS.....	5
	8.3 DEPUTATIONS .....	5
9	REPORTS.....	6
	9.1 REPORTS OF OFFICERS.....	6
	CORPORATE AND COMMUNITY SERVICES .....	6
	9.1.1 NOTICE OF INTENTION TO LEVY DIFFERENTIAL RATES.....	6
10	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	10
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:.....	10
	11.1 ELECTED MEMBERS .....	10
	11.2 OFFICERS.....	10
12	MEETING CLOSURE .....	10

**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****3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION****4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4.2 PUBLIC QUESTIONS****5 PUBLIC STATEMENT TIME****6 ATTENDANCE****Elected Members**

Mayor Lorraine Young  
Cr Helen Sadler  
Cr Melissa Harkins  
Cr Chilla Bulbeck  
Cr Brad Wylynko  
Cr Michael Thomas  
Cr Jeffrey Irvine

**Officers**

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

**6.1 APOLOGIES****6.2 APPROVED LEAVE OF ABSENCE**

Cr Katy Mason  
Cr Sonja Heath



**6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

**7 DECLARATION OF INTERESTS**

**8 PRESENTATIONS**

**8.1 PETITIONS**

**8.2 PRESENTATIONS**

**8.3 DEPUTATIONS**

**9 REPORTS**

**9.1 REPORTS OF OFFICERS**

**CORPORATE AND COMMUNITY SERVICES**

**9.1.1 NOTICE OF INTENTION TO LEVY DIFFERENTIAL RATES**

**Directorate:** Corporate and Community Services  
**Author(s):** William Matthew Scott, Chief Executive Officer  
**Authoriser(s):** William Matthew Scott, Chief Executive Officer  
**File Reference:** D24/26874  
**Applicant(s):**  
**Author Disclosure of Interest:** Nil

**SUMMARY**

For Council to consider resolving to advertise its intention to levy differential rates and minimum rates.

**OFFICER RECOMMENDATION IN BRIEF**

That Council advertise its intention to levy differential rates in the dollar and minimum rates, adopt the attached Rating Objects and Reasons for 24/25.

**BACKGROUND**

The Town of Cottesloe has previously imposed differential rates based on the purpose for which land is zoned or for which the land is used for (vacant or improved).

In accordance with Section 6.36, Local Government Act 1995, the Town is required to give local public notice of its intention to impose differential general rates prior to adopting its 2024/2025 budget.

**OFFICER COMMENT**

For many years the Town has imposed differential rates, via the use of six (6) different rate categories, being:

1. GRV Residential Improved (RI);
2. GRV Residential Vacant (RV);
3. GRV Commercial Improved (CI)
4. GRV Commercial Vacant (CV)
5. GRV Commercial Town Centre (CT)
6. GRV Industrial (ID)

These rate categories represent the various land zonings/uses and whether the land is vacant or improved. Generally, these rating categories have enjoyed the same rate in the dollar and minimum Rate, with the exception of GRV Commercial Town Centre (CT).

Of these rating categories, Residential Improved (RI) properties, which represents 92% of rateable properties (or 87% of total rates generated) receive a domestic waste service, a service which is not available to other (non residential improved) rateable properties. The domestic waste service is not currently being charged separately in rate notices, however it is a significant cost to the Town, estimated at \$1.8m in 23/24 (or 16% of GRV RI rates raised). It is understood a majority of Local Governments recover their domestic waste service costs via a separate waste charge/levy and not via rates.

Though it is not currently compulsory to separate waste from rates, the Town has recently been advised by WALGA that it is likely to be raised in the next tranche of Local Government reforms to be implemented in 24/25. It is understood that separating waste from rates will provide the community a better understanding and appreciation of the cost of dealing with domestic waste, and incentivise local governments and communities to develop programmes to reduce waste, which will subsequently reduce this cost to the community in the future.

The separation of waste costs has been discussed at the Council Budget Workshops, and the draft 2024/25 Annual Budget is being prepared on this basis. Had domestic waste services been separated from Residential Improved Rates (and charged separately) in 2023/24 the Rate in the dollar for this rate category would have reduced by 16% (0.06337 to 0.05306).

Given the above change, the 24/25 Rates in the Dollar proposed for advertising have been developed on similar basis of a 16% reduction of the GRV RI rate in the dollar, as compared to GRV RV, CI, CV & ID rate categories. The GRV RI minimum rate has also been reduced to reflect the separation of domestic waste service within this category.

The remaining rate category, GRV Commercial Town Centre (CT) has a separate differential rate only applied to commercial and industrial properties in the Cottesloe Town Centre precinct. The CT rate in the dollar represents the Commercial Improved (CI) rate in the dollar, plus the rate that is levied on behalf of ProCott – who use the funds in agreement with the Town – to promote and improve commercial activity within the Town Centre.

There has also been a minor change to minimum rate for Commercial Vacant (CV). As there are only 12 properties in this category, if the same minimum was used for Commercial Improved (CI), more than half the properties (9) would fall into the minimum rates category, which would require Ministerial approval. To avoid this requirement and possible additional delays in adopting the 24/25 Annual Budget, the minimum rate has been set lower to \$1100 (as compared to \$1383), which will result in only 2 (out of 12) properties being charged the minimum rate.

The proposed rates in the dollar and minimum rates are estimated to generate an additional \$715,000 in annual revenue (after deducting last year's waste service charges). This increase equates to an average increase of 5.4%.

The Council is considering using this additional revenue to address various needs, including covering general cost increases and investing in additional public amenities, as identified in the Council Plan (<https://www.cottesloe.wa.gov.au/documents/11724/council-plan-2023-2033>).

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The Town’s Rating Objects and Reasons have been updated to reflect the changes discussed in this report. Council is requested to adopt these, so to provide additional context to community members when preparing their submission on the proposed rates in the dollar/minimum rates. The submission period is a minimum of 21 days, and Council will not be able to adopt the 24/25 Annual Budget (including the rates in the dollar/minimum rates) until it has considered any submissions received.

**ATTACHMENTS**

**9.1.1(a) Rating Objects and Reasons [under separate cover]**

**CONSULTATION**

Elected Member Budget Workshops.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

Section 1.7 Local Public Notice

Section 6.33 Differential General Rates

Section 6.36 Local Government to give notice of certain rates

Section 6.35 Minimum Rates

*Local Government (Administration) Regulations 1996*

Regulation 3A Requirements for local public notice (Act s. 1.7)

**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 4.1: Engage, inform and actively involve our community in Council decision making.

**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 ADVERTISES its intention to raise the following differential rates in the dollar and minimum rates for the 2024/25 Financial Year:

- a. **GRV – Residential Improved (RI) – Rate in the dollar being 0.05594 with a minimum rate of \$792;**
  - b. **GRV – Residential Vacant (RV) – Rate in the dollar being 0.06677 with a minimum rate of \$1383;**
  - c. **GRV – Commercial Improved (CI) – Rate in the dollar being 0.06677 with a minimum rate of \$1383;**
  - d. **GRV – Commercial Vacant (CV) – Rate in the dollar being 0.06677 with a Minimum rate of \$1100;**
  - e. **GRV – Commercial Town (CT) – Rate in the dollar being 0.07988 with a Minimum rate of \$1400; and**
  - f. **GRV – Industrial (ID) – Rate in the dollar being 0.06677 with a Minimum rate of \$1383.**
2. **ADOPTS the attached 2024/25 Rating Objects and Reasons.**

**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 CLOSURE**