

# TOWN OF COTTESLOE



## TASK FORCE ON RESIDENTIAL AND RECREATIONAL VERGE USES

# MINUTES

TASK FORCE ON RESIDENTIAL AND RECREATIONAL VERGE USES  
HELD IN THE  
War Memorial Hall, Cottesloe Civic Centre  
109 Broome Street, Cottesloe  
3.30pm Monday, 13 September 2021

A handwritten signature in black ink, appearing to read 'Matthew Scott', is written over a horizontal line.

**MATTHEW SCOTT**  
Chief Executive Officer

13 September 2021

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

The CEO announced the meeting opened at 3.30pm and read the Acknowledgement of Country.

**1.1 ACKNOWLEDGEMENT OF COUNTRY**

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 CEO drew attention to the Town's Disclaimer.

**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

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

**4 ATTENDANCE**

**Members**

Cr Craig Masarei	Elected Member
Cr Lorraine Young	Elected Member
Cr Kirsty Barrett	Elected Member
Mr John Mengler	Community Representative
Dr Peter Sprivulis	Community Representative

**Officers**

Mr Matthew Scott	Chief Executive Officer
Ms Freya Ayliffe	Director Regional and Compliance Services
Mr Shaun Kan	Director Engineering Services
Ms Rachel Cranny	Executive Services Officer

**Ex-Offical Membership – Supporting Organisation**

Tracy Blaszkow – Kidsafe WA	Kidsafe WA Representative
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**Apologies**

Ms Anabel Gomez	Community Representative
Ms Kelly McManus	WALGA Representative

**1.2 APPOINTMENT OF PRESIDING MEMBER**

The CEO advised that he had received one written nomination from Cr Masarei.

The CEO called for further nominations.

There being no further nominations, the CEO declared Cr Masarei elected as Presiding Member

**001/2021**

**COUNCILLOR MOTION AND COMMITTEE RESOLUTION**

**Moved Cr Young**

**Seconded Dr Peter Sprivilus**

**That Cr Masarei be appointed as Presiding Member of the Task Force on Residential and Recreational Verges Uses.**

**Carried 5/0**

**002/2021**

**COUNCILLOR MOTION**

**Moved Cr Barrett**

**Seconded Cr Young**

**That the meeting be opened to the public.**

**Carried 5/0**

**5 DECLARATION OF INTERESTS**

**6 CONFIRMATION OF MINUTES**

**7 PRESENTATIONS**

Nil

## 8 REPORTS

### 8.1 REPORTS OF OFFICERS

#### 8.1.1 APPLICATION FORM AND LETTER TO RESIDENTS

Directorate: Engineering Services  
Author(s): Shaun Kan, Director Engineering Services  
Authoriser(s): Matthew Scott, Chief Executive Officer  
File Reference: D21/41016  
Applicant(s): Nil  
Author Disclosure of Interest: Nil

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#### **SUMMARY**

The Task Force and Council are asked to note the register of play equipment within Cottesloe, the letters to residents and application form.

#### **OFFICER RECOMMENDATION IN BRIEF**

That the Task Force recommend that Council notes the documents mentioned in the summary section of the report and that the attached letters.

Correspondence will be sent out to residents either exempting them from a permit or requiring them to make an application for a permit utilising the attached application form.

Any exemption or permit issued will only be valid till Council adopts a new policy to administer play equipment on residential verges and all structures will then be re-assessed at that time in accordance with this framework.

#### **BACKGROUND**

An item was brought to the April 2021 Ordinary Council Meeting for Council to consider amending the Town's Residential Verge Policy to ensure compliance with relevant Australian Standards.

A proposal was also put forward for all structures to be inspected annually at the cost of the owner and the adoption of an annual permit fee of \$280 for such equipment on verges. This would be in conjunction with the fee stipulated in the Local Government (Uniform Provisions) Regulations 1996, being \$1.00/m<sup>2</sup> /month.

Council then amended the officer's recommendation and adopted the following resolution

#### ***OCM055/2021***

***THAT Council:***

***ESTABLISHES by ABSOLUTE MAJORITY a Committee and REQUESTS the CEO to develop terms of reference of said committee, to be presented to Council at the May'21 Ordinary Council Meeting;***

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Further details relating to the April 2021 resolution can be found at the following link under item 10.1.4: Unauthorised Structures on Council Verges

<https://www.cottesloe.wa.gov.au/council-meetings/ordinary-council-meeting/27-april-2021-ordinary-council-meeting/283/documents/minutes-ordinary-council-meeting-27-april-2021-confirmed-and-signed.pdf>

The following provides a summary of subsequent Council resolutions leading up to the appointment of community members to the Task Force on Residential and Recreational Verge uses.

**May 2021 Ordinary Council Meeting**

**OCM074/2021**

***Moved Cr Young Seconded Cr Sadler***

***THAT Council NOTES the attached Management Protocol for Play Equipment on Street Verges and attached to Street Trees.***

***Carried by En Bloc Resolution 8/0***

**OCM077/2021**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

***Moved Cr Young Seconded Cr Sadler***

***THAT Council:***

- 1. ADOPTS the attached Charter – Taskforce for Residential and Recreation Uses of Verges; and;***
- 2. REQUESTS the Chief Executive to:***
  - a. SEEK nominations for the Community Member Positions;***
  - b. SEEK confirmation to participate and representatives from the nominated Stakeholder Organisations.***

***Carried by En Bloc Resolution 8/0***

**July 2021 Ordinary Council Meeting**

**OCM113/2021**

***Moved Cr Young Seconded Cr Sadler***

***THAT Council by absolute majority:***

- 1. APPOINTS the following three resident applications as community members of the Taskforce for Residential and Recreational Use of Verges:***
  - a. Ms Anabel Gomez***
  - b. Professor Peter Sprivulis***
  - c. Mr John Mengler***

**2. NOTES that Cr Masarei, Cr Barrett and Cr Young have been appointed by Council to the committee at the 27 April 2021 Ordinary Council meeting; and**

**3. NOTES that the following individuals from external organisations and officers within the Administration will be non-voting Ex-Official members of the Taskforce:**

**a. The Chief Executive Officer (CEO) of the Town of Cottesloe (or delegate);**

**b. The Director Engineering Services of the Town of Cottesloe (or delegate);**

**c. The Director of Development and Regulatory Services of the Town of Cottesloe (or delegate);**

**d. Ms Tracey Blaszkow from Kidsafe WA; and**

**e. Ms Kelly McManus from the Western Australian Local Government Association.**

**Carried by En Bloc Resolution by Absolute Majority 8/0**

### **OFFICER COMMENT**

The following tasks have been completed since the adoption of the Management Protocol at the May 2021 Ordinary Council Meeting:

- Audit of all verges within Cottesloe whereby all play structures have been placed on a register (attached) and determined in accordance with the Management Protocol as to whether a permit application is required by its owner;
- Development of the application form (attached) that is to be used for play equipment that requires a permit based on the conditions listed in the Management Protocol; and
- Development of two letter types (attached) for play equipment either requiring or not requiring a permit.

As the measures listed in points two and three above are only interim, the Task Force and Council are only asked to note that this will be sent out to respective residents as per the attached register to inform them what further action (if any) is required.

Any approvals or exemptions from permits are only valid to a point when Council adopts a final policy to administer play equipment on residential and recreation verges.

All such structures at that time will then be re-assessed in accordance with that framework and owners informed accordingly.

This has been specified in letters and the application form.

The Task Force and Council are asked to note that there are approximately 193 verges contain play equipment including structures, of which 78 require a permit application to be made.

### **ATTACHMENTS**

- 8.1.1(a) Letter A and Letter B Combined - Residential and Recreational Verge Uses [under separate cover]**

- 8.1.1(b) APPLICATION FORM - RESIDENTIAL AND RECREATIONAL VERGE PLAY EQUIPMENT - PDF [under separate cover]
- 8.1.1(c) Residential and Recreational Verge Uses - PLAY EQUIPMENT REGISTER PDF [under separate cover]
- 8.1.1(d) Management Protocol for Play Equipment on Street Verges or Attached to Street Trees [under separate cover]

### **CONSULTATION**

Nil

### **STATUTORY IMPLICATIONS**

*Local Government (Uniform Provisions) Regulations 1996* – the \$1.00/m<sup>2</sup>/month as required by legislation has not been levied at this point in time.

### **POLICY IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

### **RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **VOTING REQUIREMENT**

Simple Majority

Dr Sprivulis left the meeting at 4.40pm.

### **OFFICER RECOMMENDATION**

THAT the Task Force on Residential and Recreational Verge Uses recommends;

THAT Council NOTES

1. The register of play equipment within the verges of Cottesloe attached;

2. The application form attached;
3. The two types of letters to affected residents attached;
4. The letters mentioned in point two will be sent out to residents to either inform them that their play equipment is exempted from a permit or their structure requires a permit application to be made; and
5. Any exemptions or permit issued will only be valid till Council adopts a policy to administer play equipment and structures on residential and recreation verges in Cottesloe.

**003/2021**

**COUNCILLOR MOTION AND COMMITTEE RECOMMENDATION**

**Moved Cr Masarei**

**Seconded Cr Young**

**THAT the Task Force on Residential and Recreational Verge Uses DEFERS the Officer's Report until the next meeting pending further clarification as follows:**

1. **ADMINISTRATION to request a meeting with WALGA and LGIS to discuss insurance options.**
2. **ADMINISTRATION to develop a roadmap of Committee issues including meeting schedules.**

**Carried 4/0**

**COMMITTEE RATIONALE**

The committee would like to gain an understanding of the various types of risk associated with play equipment on verges and their mitigation. The committee would like for the Administration to discuss these matters with WALGA and LGIS with the possibility of representatives attending the next meeting.

**8.2 ITEMS FOR DISCUSSION**

Nil

**9 GENERAL BUSINESS**

**9.1 COMMITTEE MEMBERS**

**9.2 OFFICERS**

**10 MEETING CLOSED TO PUBLIC**

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

**11 NEXT MEETING**

**12 MEETING CLOSURE**

The Presiding Member announced the meeting closed at 4.45pm.