



# Town of Cottesloe

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

**Tuesday, 28 July 2020**

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

Signed:

A handwritten signature in black ink, appearing to be 'D. M. ...', written over a horizontal line.

Presiding Member

Date:

1/9/2020

# TOWN OF COTTESLOE



## ORDINARY COUNCIL MEETING

# MINUTES

ORDINARY COUNCIL MEETING  
HELD IN THE  
War Memorial Hall, Cottesloe Civic Centre, 109 Broome Street, Cottesloe  
6:00pm Tuesday, 28 July 2020

**MATTHEW SCOTT**  
Chief Executive Officer

31 July 2020

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**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE NO</b>
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS .....	1
2	DISCLAIMER .....	1
3	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION .....	1
4	PUBLIC QUESTION TIME .....	1
	4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	1
	4.2 PUBLIC QUESTIONS .....	18
5	PUBLIC STATEMENT TIME.....	20
6	ATTENDANCE .....	21
	6.1 APOLOGIES .....	21
	6.2 APPROVED LEAVE OF ABSENCE.....	21
	6.3 APPLICATIONS FOR LEAVE OF ABSENCE .....	21
7	DECLARATION OF INTERESTS.....	21
8	CONFIRMATION OF MINUTES.....	22
9	PRESENTATIONS .....	22
	9.1 PETITIONS.....	23
	9.1.1 SKATE PARK AT GRANT MARINE PARADE	23
	9.1.2 THE PRESERVATION OF LADY LAWLEY COTTAGE AND THE LEGACY OF LADY ANNIE LAWLEY	23
	9.1.3 TOWN OF COTTESLOE - HAMERSLEY STREET TREE PETITION	24
	9.1.4 TOWN OF COTTESLOE - GERALDINE STREET PETITION	24
	9.1.5 MORE SHORT-TERM PARKING BAYS AT COTTESLOE BEACH	24
	9.2 PRESENTATIONS.....	25
10	REPORTS.....	26
	10.1 REPORTS OF OFFICERS.....	26
	PLANNING .....	27
	10.1.1 LOT 37 (7) AVONMORE TERRACE - FRONT AND REAR ALTERATIONS AND ADDITIONS	27
	10.1.2 SCHEME AMENDMENT 12 TO LOCAL PLANNING SCHEME NO.3 - SEAPINES	47
	ADMINISTRATION.....	54

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- 10.1.3 CITIZEN OF THE YEAR POLICY 54
- 10.1.4 MUSIC RECITALS AND CONCERTS AT THE COTTESLOE CIVIC CENTRE POLICY 57
- 10.1.5 PRIVACY POLICY 60
- 10.1.6 ADVISORY AND WORKING GROUPS POLICY 63
- 10.1.7 PROPOSED EXTENSION OF CONTRACT FOR EVENTS AT THE COTTESLOE CIVIC CENTRE 67
- 10.1.8 ACKNOWLEDGEMENT OF COUNTRY 69
- ENGINEERING ..... 73**
- 10.1.9 GERALDINE STREET PEDESTRIAN ACCESS WAY 73
- 10.1.10 FORESHORE MASTERPLAN PRELIMINARY DESIGN 77
- FINANCE ..... 81**
- 10.1.11 RATES WRITE OFF - ASSESSMENT 2157 - LOT 59 D/P 27919 81
- 10.1.12 FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2019 TO 30 JUNE 2020 83
- 10.2 RECEIPT OF COMMITTEE MINUTES ..... 86**
- 10.3 REPORTS OF COMMITTEES ..... 86**
- 11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN ..... 87**
- 11.1 COUNCILLOR MOTION - 3D NAPIER STREET VERGE TREE PLANTING ..... 87**
- 11.2 COUNCILLOR MOTION - DEFERRAL OF TREE PLANTING ..... 88**
- 12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:..... 90**
- 12.1 ELECTED MEMBERS ..... 90**
- 12.2 OFFICERS..... 90**
- 13 MEETING CLOSED TO PUBLIC..... 90**
- 13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED..... 90**
- 13.1.1 DEANE STREET RETAINING WALL TENDER AWARD 90
- 13.1.2 SUBLEASE - INDIANA TEA HOUSE KIOSK 91
- 13.1.3 RENTAL SUBSIDY REQUEST – YELLOWDOT ENTERPRISES 92
- 13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC ..... 93**
- 14 MEETING CLOSURE ..... 93**

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

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

**2 DISCLAIMER**

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

**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

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

The Presiding Member introduced the new Chief Executive Officer, Matthew Scott and welcomed him to the Town of Cottesloe.

**4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****Questions Taken on Notice at Ordinary Council Meeting – 23 June 2020****Tom Carmody – 5 Hawkstone Street, Cottesloe – Proposed Skate Park**

Q1. Is this the appropriate time for Council to be spending ratepayers' hard-earned funds on a prime waterfront skate park project, when there is significant financial hardship in the community and within striking distance to other alternative facilities at Fremantle and Mosman Park?

A1. Whilst the Council is always vigilant to its expenditures, both the State and Federal Governments are encouraging local governments to undertake capital works projects to facilitate employment and business sustainability. The community consultation currently underway will hopefully draw out community comments about these issues raised and they will all be taken into consideration by Council in due course.

Q2. Does Council feel it is an appropriate use of funds to dismantle the perfectly functional, well utilised, and immaculately maintained existing playground and replace with a new skate park? Has the opportunity cost of the existing facility that will be lost, been considered?

A2. The final location of the skatepark has not yet been determined.

Q3. Does Council feel there is sufficient space for a new skate park, an all ages playground, a junior playground (proposed next to the busy Grant Street carpark) and toilet block all within the space of a current functional playground?

A3. Please refer to the answer at Q1 and Q2. Additionally, the Enlocus study highlighted the potential of this site against other options.

John Fogarty - 2 Hawkstone St, Cottesloe – Proposed Skate Park

- Q1. What justification does the Cottesloe Council have for the convenience of 10 - 12 skateboarders, to spend potentially upward of \$750,000 dollars on a skate park?
- A1. Whilst the Council is always vigilant to its expenditures, both the State and Federal Governments are encouraging local governments to undertake capital works projects to facilitate employment and business sustainability. A petition presented to Council in September 2017 indicated significant support for a skatepark in Cottesloe, including strong support from the local community. The community consultation currently underway will hopefully draw out community comments about these issues raised and they will all be taken into consideration by Council in due course.
- Q2. In relation to the legal liability for injuries from skate parks is it fair to load this significant, known legal liability, to Cottesloe ratepayers for the benefit of maybe 12 local skateboarders and potentially many more skateboarders from other suburbs, as welcomed in the independent report?
- A2. A petition presented to Council in September 2017 indicated very significant support for a skatepark in Cottesloe, including strong support from the local community. Skate parks are commonly supplied by local governments across Western Australia. If the Cottesloe skatepark project progresses to completion, the Town's insurance will suitably cover the risk of the activity.
- Q3. Given the remarkable high academic and professional achievement of Cottesloe residents, as confirmed in the 2016 census being 78% having achieved a minimum of year 12 up to a degree or doctorate, is it not possible that Cottesloe parents would prefer their children to be participating in higher valued activities, like after school study or community building team sports like surf club or football, rather than hanging at a skatepark?
- A3. A petition presented to Council in September 2017 indicated very significant support for a skatepark in Cottesloe, including strong support from the local community. The community consultation currently underway will hopefully draw out community comments about these issues raised and they will all be taken into consideration by Council in due course.
- Q4. Why does the Cottesloe Council think that a low socio-economic facility like a skate park is in the top 20 assets or facilities that their children should be supplied with?
- A4. Please refer to the answer at Q3.
- Q5. Can the Cottesloe Council list any of the top 200 ASX listed company CEO's who spent their youth hanging at skateparks?

- A5. It is not considered that this question relates to a matter affecting the local government.

Roger Weston – 3 De Bernales Court, Cottesloe – AGM Questions 2019

- Q2. At the ratepayers' meeting in March 2019 I asked a series of questions and filled out the appropriate form with all my details and submitted it at the end of the meeting. At the end of the meeting I approached the Mayor about why he hadn't answered any of the questions and he advised that a reply would be provided in due course. It's now 15 months since that meeting and I have still received no response.
- A2. A search of the Town's records has not revealed the questions. If Mr Weston would like to forward his questions to [town@cottesloe.wa.gov.au](mailto:town@cottesloe.wa.gov.au) a response will be provided.
- Q3. On the 1 April 2020 I contacted the Town with regards to the dogs and Car Park Number #2 and I received a response saying my email had been received and I would receive notice in due course and it is now three months since I submitted that and I am wondering what you regard as appropriate response times to questions.
- A3. An investigation has located the communication in regard to the potential of development at Carpark #2. A response is being prepared and will be provided to Mr Weston.
- Q4. Why would Council have such a draconian response about having dogs on leads? If there are people who don't look after dogs or their droppings or their bones in the bunkers we have rangers for that. Why aren't rangers looking around and saying they have not done the right thing and fine them?
- A4. The State Government's Dog Act (which the Town's Rangers police) is the primary legislation that relates to dogs. The Town's Rangers do monitor the Town for illegal activities as they relate to dogs.

At the Ordinary Council meeting held in February 2020, Council approved an amendment to the Designated Area for Dogs Notice to include Sea View Golf Course as a designated dog exercise area between the hours of 6pm until 6am each day.

Prior to this amendment, dogs were not legally permitted on the course, off their lead at any time of the day.

The recommendation to make such an amendment was a result of a recent risk assessment carried out by the Town's insurers. The assessment identified that dogs being on the course particularly off their lead is a risk to the dog, it's walker and golfers, and that enforcement of relevant legislation; the *Dog Act 1976* (the Act) should be carried out by the Town.

The Town's Rangers are responsible for enforcing the provisions of the *Dog Act 1976*, which includes any local laws created under this Act and specific to the local government; the Dogs Local Laws. The Town's *Dogs*



*Local Law 2011* includes designated exercise areas for dogs. A designated dog exercise area means a dog may be off its lead however, the dog must be under effective control at all times and not cause a nuisance.

Notwithstanding that the Sea View Golf Course was not a designated exercise area for dogs, the Town is aware that residents utilise Sea View Golf Course as an off-lead area for their dog. Due to this, the Town consulted with management of the golf course in an effort to be able to offer this space as a designated off-lead dog exercise area at a specific time of the day. Management advised that the golf course is relatively clear of players between the hours of 6pm and 6am. Therefore, to allow residents to walk their dogs off-lead on the golf course while reducing risk to dogs, walkers and players (and given there are several other dog exercise areas within the Town) Council resolved to include Sea View Golf Course as a designated dog exercise area between the hours of 6pm until 6am each day.

The Town trusts you understand the reasons behind making this decision and hopes both dog walkers and golfers can enjoy Sea View Golf Course.

The Town of Cottesloe off-lead dog exercise areas are:

The southern dog beach;

The northern dog beach;

Grant Marine Park;

Jasper Green Reserve;

Cottesloe Oval;

Harvey Field;

John Black Dune Reserve;

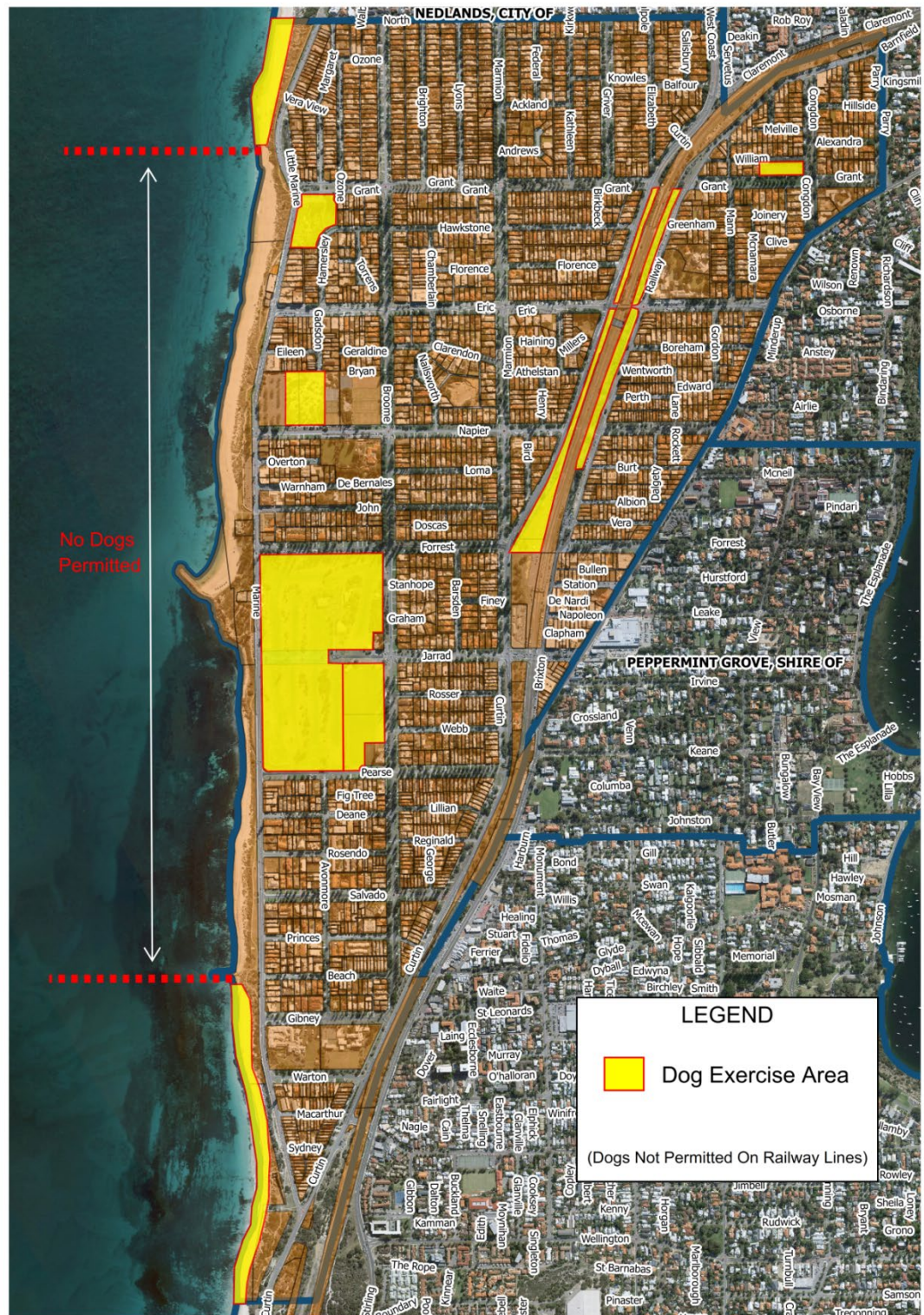
Curtin Avenue (from Eric Street to Forrest Street);

Curtin Avenue (from between Grant Street to Eric Street);

Railway Street (from Congdon Street to Eric Street);

Railway Street (from Eric Street to Burt Street); and

Sea View Golf Course between the hours of 6pm until 6am each day.



- Q5. Car Park Number number 2 - following on from the focus consultations I read that you had - when is the Town going to bring those back (the designs and proposed expenditures) back to the community for consultation?
- A5. Whilst the Town is progressing designs for the Foreshore redevelopment, this does not as yet include Carpark #2 in any meaningful way. There has been no progress to date with designs or

proposed expenditures at the Carpark #2 location. Council will consider the level of community consultation that is applicable if development is further progressed at this site.

- Q6. When am I going to get some responses, why did you not consult with dog owners and when are you going to hold community meetings so people can talk about Car Park 2?
- A6. In relation to your question regrading Carpark #2, please refer to the answer at Q3. In light of the background legal position in place for the golf club land and for dog exercise areas, it was not considered that public consultation (other than with the lessee of the land in question) was required.

Peter Rattigan – 9 Grant St, Cottesloe – Proposed Skate Park

- Q1. Will Council do a proper study that is by locals, by the staff or local people for the locals, not someone from Melbourne who doesn't understand the State or how people operate here?
- A1. The question cannot be answered as there was no evidence provided that the study was not "proper" or that the consultants don't "understand the State or how people operate here". Notwithstanding, Council may consider a further study and/or further community consultation when it gives consideration to the outcomes of the survey and the community contributions received.
- Q2. Has the Town spoken to the City of Nedlands as there are a couple of sites in the City of Nedlands - one behind the Swanbourne Surf Club, the other one is where the old bowling club used to be and it would be possible to build a much better skate park there than where it's proposed at the moment, without causing damage?
- A2. The availability of sites external to the Town of Cottesloe has been raised previously, and the community consultation currently underway will hopefully draw out community comments about these issues and they will all be taken into consideration by Council in due course.
- Q3. Would the Council be prepared to put the survey off until the middle of summer and Councillors actually turn up at the park and talk to the residents and the people who use it to get a feel for the use and what damage would be done?
- A3. It is not proposed to defer the five week survey response time at this point. Community consultation currently underway will hopefully draw out community comments about these issues raised and they will all be taken into consideration by Council in due course. Council may consider a further study and/or further community consultation when it gives consideration to the outcomes of the survey and the community contributions received.

Stephen Mellor – 8 Graham Court, Cottesloe – item 10.1.5

- Q1. Can you confirm that an annual report on the Town of Cottesloe's art collection has been carried out in each of the past three years? If so, can you explain why the active AAP and PAAC committees in the last three years have not been provided with these reports?
- A1. (a) Yes, the Engineering Team undertakes an annual maintenance audit and prepares a report;
- (b) It is assumed that the provision of those reports was not required for the committees to deliberate on the agenda issues presented to them.
- Q2. Can the Manager of Engineering Services confirm there are condition report photographs on file for each work in the Collection documenting its progressive condition and can he comment on any condition of concern of any of the works in the Collection? For example, the Liquorice Allsorts work outside the North Cottesloe Primary School?
- A2. Yes.
- Q3. Is there a comprehensive collection database linked to the foregoing answers? If so, was it updated and managed by any Town of Cottesloe Administrative staff over the last two and a half years? If there is such a database, can you confirm the collection database is not the one created by the AAP/PAAC Committee in 2018?
- A3. (a) A comprehensive catalogue of the Town's sculptures was developed by Engineering and is updated annually (new additions, locations etc). This along with the annual maintenance audit will be used to develop the Public Art Collection Register;
- (b) Yes; and
- (c) Yes (the Town's database for the purpose of an annual maintenance was created in 2017. It was this document that was forwarded to the committee for enhancement in 2018).
- Q4. Can you confirm who made the recommendation to have the Public Art collection made available on the Council website?
- A4. Council officers undertaking recent research relating to the Town's art collection policy review made the suggestion.
- Q5. Do you think it is strange to consider revising Art Acquisition and Art Management Policies without the intent to draw up or revise policies and guidelines for:
- Acquisition of works
  - Donations of works and associated acknowledgement guidelines
  - De-acquisition of works
  - Commissioning of works

- Outward loans/inward loans
- Private works on verges
- Ephemeral art projects

A5. No. The Town has a limited amount of resources to dedicate to its art activities and so choices about priorities is always required. Any further development of these type of documents might though, be given consideration at some future point in time.

#### **Questions Deferred from Special Council Meeting – 7 July 2020**

Janet Reudavey, Idris Matthews, Mick and Deb Watson, Robyn Chew, Tom Carmody – various addresses, Cottesloe – proposed Skate Park

- Q1. How many previous versions of the report by Enlocus, draft or final, were submitted to the Town of Cottesloe (Town) for consideration prior to the version (dated July 2019 and marked Revision D) which was published by the Town (Published Enlocus Report) in support of its invitation for public comment concerning the skatepark proposal? Please give dates and version numbers.
- A1. Two previous versions dated 15 December 2018 (Revision A and B) and 27 June 2019 (Revision C).
- Q2. Were any of the prior versions of the Published Enlocus Report ever made accessible on the Town's website or otherwise made publically available and if so how were such report(s) made available and for how long?
- A2. No.
- Q3. Is it correct that previous versions of the Enlocus report contained different scores for Grant-Marine Park (GMP) when assessed against the factors considered by Enlocus when evaluating potential sites?
- A3. Yes. Draft versions of the report have been progressively fine-tuned, including scoring assessments, until it concluded with a final report.
- Q4. Did any previous versions of the Enlocus report conclude that:
- (a) there were suitable sites within the Town for a skatepark; and/or
  - (b) GMP was the most suitable of those sites?
- A4. (a) Previous draft versions of the report did identify potential sites (with limitations) but did not conclude that they were definitely suitable without any further investigations.
- (b) Earlier draft versions of the Enlocus report did not identify Grant Marine Park as the most suitable amongst the list of possible sites.
- Q5. (a) Why did the Council ignore its CEO's recommendation to distribute the version of the Enlocus Report discussed in the Council's December 2019 meeting for public consultation?
-

- (b) Why has Council designated the December 2019 version of the Enlocus report as confidential and not for distribution to ratepayers?
  - (c) Why has the Town not made any of the versions of the Enlocus report prior to the December 2019 version available to ratepayers?
- A5 (a) The role of Council and of Councillors is outlined in the Local Government Act (S2.7, and S2.10). Council is not obliged to accept the recommendations of the CEO and it is not unusual in Local Government for Council to pass resolutions which vary from the recommendations of the Administration. In this case Council resolved to defer public consultation on the Enlocus study so that further information relevant to the decision could be obtained. The item was considered by Council, and the resolution to defer public consultation was passed, in an open Council meeting.
- (b) The report as attached to the agenda item in the December Council meeting is the same version that was distributed to ratepayers as part of the decision by Council to undertake the survey (including in the Town's Internet Site). The report was considered confidential at the time the Council Agenda was prepared. A copy of the report has now also been added to the attachments list of the December Council Meeting on the Town's Internet Site as an added reference point.
- (c) These were "works in progress" and therefore not finalised documents ready for consultation. It is common practice for draft documents to be used for operational purposes and only the final version made available for distribution.
- Q6. Does the Town consider that any of the previous versions of the Enlocus report are "reports or other documents that have been tabled at a council or committee meeting" and thus ought to be available on the Town's website in accordance with s 5.96A of the Local Government Act 1995 (WA) (LGA)?
- A6. Section 5.96A was inserted (No. 16 of 2019 s. 47.) effective 5 July 2019. It is understood that the Web Page meets those requirements from that date.
- Q7. Does the Council accept that the Published Enlocus Report states in effect that its site evaluation matrix is a key assessment tool when determining the most suitable location for a skatepark?
- A7. The Enlocus Report published on the Town's Website states at page 32 *"The following Site Evaluation Matrix is a key assessment tool when determining the most suitable location for the future provision of skate and youth facilities in the Town of Cottesloe"*. The purpose of the Enlocus Report was to provide Council with information that it could use to make a judgement. The matrix formed part of the information taken into consideration. It would be expected that Council might also take

into account other factors and might also give its own weighting to criteria included in the matrix, in reaching its decisions.

- Q8. Does the Council accept that the Published Enlocus Report states in effect that Enlocus will apply its matrix to six identified sites to rank them in order of suitability?
- A8. The Enlocus Report published on the Town's Website states at page 32 *"This matrix will evaluate the six sites identified by Enlocus and the Town of Cottesloe. The sites are then ranked in order of suitability. Each criteria considers not only the existing condition but future planning as some of the sites are currently being developed"*. The purpose of the Enlocus Report was to provide Council with information that it could use to make a judgement. The matrix formed part of the information taken into consideration. It would be expected that Council might also take into account other factors and might also give its own weighting to criteria included in the matrix, in reaching its decisions.
- Q9. Does the Council accept that the Published Enlocus Report states that Enlocus' site evaluation process has yielded a clear result, being that GMP is the most suitable site for a skatepark (Enlocus Statement)?
- A9. The Enlocus Report on the Town's Website states at page 35 *"The site evaluation process of the six sites in Cottesloe yielded a clear result, that the proposed area in Grant Marine Park should be selected and developed for a future Skate and Youth Facility. The Seaview Golf Course Carpark also scored quite highly, however a few critical factors scored lowly."* The purpose of the Enlocus Report was to provide Council with information that it could use to make a judgement. Its contents will form only part of the information taken into consideration. It would be expected that Council might also take into account other factors in reaching its decisions.
- Q10. Does the Council accept that the true position is that Enlocus' site evaluation matrix results in GMP being ranked third in terms of suitability, not first?
- A10. It is acknowledged that an error was made in the mathematical calculation in the matrix. Consequently, the numerical ratings of the various sites is not consistent with the text of the Enlocus report.
- Q11. Does the Council accept that the Enlocus Report therefore sets out an incorrect conclusion concerning Enlocus' evaluation of the suitability of potential sites in Cottesloe for a skatepark?
- A11. Please refer to the answer at Q10.
- Q12. Does the Council accept that the following statement on its website which appears under the heading "Consultation: Proposed Cottesloe Skate Park- Grant Marine Park and also under the heading "Skate Park Proposal - Feedback Invited' directly above the online survey link (Town Statement) is incorrect or misleading? "the Town of Cottesloe undertook a feasibility study in 2018 to identify a possible location for a

skate park. The study looked at six potential sites and identified one - Grant Marine Park- as a suitable location."

- A12. It is acknowledged that an error was made in the mathematical calculation in the matrix in the Feasibility Report. Consequently, the numerical ratings of the various sites is not consistent with the text of the Enlocus report. Council will have to consider in due course whether the error is such that the statements referred to were incorrect or misleading.
- Q13. Does the Town consider that, in publishing:
- the Published Enlocus Report containing the Enlocus Statement; and
  - its summary of the findings in the Published Enlocus Report containing the Town Statement, on its website for the purposes of public consultation and eliciting feedback, it has been open and accountable to the public in accordance with Reg 3(1) (e) of the Local Government (Rules of Conduct) Regulations 2007 (WA) (Conduct Regulations) and the Town's own Code of Conduct?
- A13. Yes. The Enlocus report was published in its entirety.
- Q14. In light of the inaccuracies in relation to the Enlocus Statement and the Town Statement, will the Town cease its current consultation process in respect of a skatepark at GMP and instead re-start the process based on a report that has been transparently prepared and is accurate?
- A14. No evidence has been provided to support the assertion that the Enlocus report was not transparently prepared. Further, irrespective of the error referred to above, the current consultation via the Survey (which was underway prior to the error being identified) is expected to produce useful information regarding the community's aspirations for a skatepark and it is not therefore intended to cease the current survey prior to its advertised conclusion date.
- Q15. Does the Town accept that any feedback it has obtained from the online survey to date (and will obtain if it continues the survey) as to the desirability of locating a skatepark at GMP as a result of the information it has published in relation to its survey is not based on factually correct information?
- A15. It is acknowledged that an error was made in the mathematical calculation in the matrix in the Feasibility Report. Consequently, the numerical ratings of the various sites is not consistent with the text of the Enlocus report. Council will have to consider in due course whether the error is such that the feedback from the survey as to the location of a skatepark at GMP can be relied on.
- Q16. Does the Council consider that in resolving to "approve" the Published Enlocus Report in its May 2020 meeting that it was basing its decision on



relevant and factually correct information in accordance with Reg 3.1 (f) of the Conduct Regulations and the Town's Code of Conduct?

- A16. It is acknowledged that an error was made in the mathematical calculation in the matrix in the Feasibility Report. Consequently, the numerical ratings of the various sites is not consistent with the text of the Enlocus report. The approval was for the purpose of facilitating public consultation, as it related to the Community Engagement Plan and the Enlocus Skate Park Feasibility Report.
- Q17. In light of the errors in the Published Enlocus Report referred to above/previously, together with other obvious inaccuracies in the Published Enlocus Report including but not limited to:
- the statement that the "train station site has been selected" (p.41); and
  - the statement that the GMP site is 100 m from residences when in fact it is 80m away (p.35);
- does the Town still have confidence in Enlocus?
- A17. The Enlocus contract has been concluded and so this is not a question that Council will likely need to consider.
- Q18. Does the Town intend to seek any refund from or investigate any other legal recourse against Enlocus?
- A18. This is not a question that Council has considered.
- Q19. Does the Town have any contract, arrangement or understanding with Enlocus that it would be engaged in respect of any future steps taken by the Town in respect of the skatepark?
- A19. No.
- Q20. Does the Town consider that in the processes it has engaged in between September 2017, when the skatepark was first proposed by a ratepayer (Proponent), and the present date it has been open and accountable to the public in accordance with Reg 3(1) (e) of the Conduct Regulations and the Town's Code of Conduct?
- A20. Yes.
- Q21. Does the Town consider that in the processes it has engaged in between September 2017 and the present date it has given affected and interested parties "equal opportunity to participate in the consultation process" in accordance with key policy principle 1.3 of its Community Consultation Policy?
- A21. To the extent the consultation is progressive and still ongoing, yes.
- Q22. Did the Town engage at any stage with the Cottesloe Coastcare Association prior to publishing the Published Enlocus Report? If not, why not?
- A22. No. This would have been part of the public consultation.
-

- Q23. How has the Town sought to implement the following statements and recommendations by its officials concerning consultation in respect of a skatepark at GMP (emphasis added)?
- (a) Minutes, 17/12/19- "However, the community, particularly residents living within close proximity to this location would need to be consulted before proceeding any further with this location?"
  - (b) Minutes, 26/5/20- ""However, the community, particularly residents living within close proximity to this location (directly impacted stakeholders) would need to be consulted before proceeding any further with this location?"
  - (c) Minutes, 26/5/20- "Council may wish to consider the feedback provided by directly impacted residents for the Grant Marine Park ... to determine the future of this project."
- A23. Whilst the first of the two quotations listed above for the 26 May 2020 is not accurately transcribed, and none of the quotations are recommendations of the report, the understood intent of the question is that it relates to consultation. Consultation is still the subject of ongoing consideration by Council as it progresses its overall considerations of this potential project.
- Q24. Given that no residents close to the perimeter of GMP have been consulted during the almost three years that the Town has deliberated on whether GMP is the most suitable site for any skatepark, how has the Town sought to identify, communicate with and obtain feedback from local residents who live in close proximity to and/or would be directly impacted by the proposed skatepark at GMP?
- A24. Letterbox drops were undertaken in the immediate area of Grant Marine Park in mid June 2020, encouraging their participation in the recent survey. All Cottesloe residents and the broader community have also been invited to comment. The question of whether any additional level of consultation or any additional emphasis of selected portions of the community is required has not yet been addressed by Council and may still be the subject of consideration.
- Q25. Does the Town have any way to determine, from its online survey, who is a directly affected or impacted person in respect of the proposed skatepark at GMP?
- A25. Respondents to the online survey can included this information, by way of additional comment.
- Q26. Is the Town aware that large online and social media campaigns have been instigated by persons outside the Town of Cottesloe advocating that the survey be completed in favour of a skatepark in GMP? If the Town intends to proceed with the online survey, how does it intend to audit the results so that the views of Cottesloe residents can be identified?

- A26. The Town is not aware of specific online or social media campaigns relating to the skatepark proposal although the Administration is aware that the public consultation has attracted a lot of interest and attention. Filters are applied during analysis to extract data from various groups (e.g. postcode, question sets, added comments, etc). It will therefore be possible for Council to understand the extent of support from the local community and it will be for Council to decide the weight, if any, it should give to support from sources outside of the local community.
- Q27. Why did the Council allow the Proponent to make at least two presentations to it (or its organs), including a "visual slideshow" in September 2017 and a 24-minute private presentation to the Public Open Space working group in November 2019, before publishing the Published Enlocus Report in June 2020 and seeking feedback from other residents and the wider community? Has any other person been given any or similar access to the Town's deliberations concerning a proposed skatepark in GMP?
- A27. The "visual slideshow" was presented to Council at a very well attended open Council meeting in September 2017. The Town often accepts requests to present to it, or invites presentations, to its various meetings, so it can obtain information which might be relevant to its decision making. Any requests from other parties and any suggestions of alternative presentations would have been duly considered during the time the skate park issue has been under consideration.
- Q28. Why did the Town's POS and Parks Strategy (provided to the community for consultation purposes and then adopted by Council in November 2019) and which made specific recommendations concerning GMP and in particular the playground and referred to suggestions that wheeled sports and other youth activities be located near the town centre, make no reference to a skatepark at GMP?
- A28. Strategies include information raised for consideration of inclusion and thought relevant at the time. There is no current decision confirming the construction of a skate park at Cottesloe, a budget to fund any construction, or what the location of a skate park might be.
- Q29. Why does the Published Enlocus Report make no reference to the POS and Playground Strategy?
- A29. This is not a question the Town can answer.
- Q30. Please detail the steps concerning and those persons involved in (including the dates and duration of all meetings between any PTA representative and any councillors, council officers or employees and all other communications between any of them) the efforts the Council made to negotiate terms for locating a skate park on PTA land adjacent to the railway.

- A30. The Town did not enter negotiations for the potential of a skate park on PTA land as PTA advised it had a standard six months “break clause” it applies for all uses of its land.
- Q31. What advice, study or report has the Council requested in order to ascertain the risks associated with a break clause being invoked and available risk mitigation strategies if a skate park were to be located on the 7,000 m<sup>2</sup> PTA land near the railway.
- A31. None. Council has been advised that PTA requires a break clause.
- Q32. Given the events of the preceding few weeks and the focus on Cottesloe to have a skate park accessible by and for the wider community, will the Council reconsider locating the skate park nearer to the town centre or where there is room for an appropriately sized facility?
- A32. There is no current decision confirming the construction of a skate park at Cottesloe, a budget to fund any construction, or what the location of a skate park might be. The Council will be considering the survey results once they have been analysed, later this calendar year.
- Q33. Prior to the Proponent giving his 24-minute presentation to the POS working group on 14 November 2019, had he been provided with any versions or drafts of the Enlocus report or any summaries of the contents of such versions or drafts? Did his presentation refer to such versions or drafts or their contents?
- A33. No not to the Town’s knowledge.
- Q34. Did Enlocus at any stage whilst engaged by the Town visit the home of the Proponent? What was the purpose of that visit?
- A34. The Town is not aware of any such visit but this is not a question the Town can answer.
- Q35. Did the Proponent have any communications, whether direct or indirect, written or oral, with members of the POS working group, members of the Reserves, Parks and Playgrounds Committee, Councillors or the Town's officers or employees, council members or council staff concerning the skatepark proposal (or attend any meetings of the Reserves, Parks and Playgrounds Committee or the POS working group other than the 14 November 2019 meeting of the POS working group):
- between 26 September 2017 and 14 November 2019;
  - between 14 November 2019 and 30 April 2020; or
  - between 30 April 2020 and the date the Published Enlocus Report was released for public consultation?
- A35. The Proponent has not attended any meetings of Council’s committees or Working Groups, other than those referred to in Q27, in relation to the proposed skatepark. There was a meeting on 14 October 2019 with the Proponent and Town Officers, there is also likely to have been other

communications between the Proponent and the Town's officers/employees relating to setting up the Presentation in November 2019. The other representatives listed could be expected to meet with numerous people, including ratepayers, in the course of their duties. It is therefore highly likely at least one of them had some contact with a person who might be defined as a "Proponent".

Sue Freeth – 1 Florence Street, Cottesloe – Proposed Skate Park – Questions Deferred from Special Council Meeting – 7 July 2020 - Tabled on 28 July 2020

- Q1. Are councillors aware that Grant Marine Park is the final destination of the Bush to Beach Trail, which is part of the Whadjuk trail network?
- A1. No.
- Q2. The trail network took several years to implement after big efforts from community groups and Noongar elders, with good support from all WESROC Councils. How can it be that the quiet end point of this popular walk trail where walkers are invited to stop, rest on the grass and take in the wonderful views of the ocean, could become a noisy, cement skate bowl?
- A2. The comments will be provided to Council for consideration and factored into the analysis when making a recommendation in the Council report summarising the public consultation results.

Peter Rattigan – 9 Grant St, Cottesloe – Proposed Skate Park – Questions Deferred from Special Council Meeting – 7 July 2020 - Tabled on 28 July 2020

- Q1. Was the Proposed Skatepark Location Feasibility Study Project Brief that was approved by full Council on 22 May 2018 advertised for tender and if so on what date and where was it publicised.
- Q2. Was consultation conducted pursuant to the unanimous resolution of Council of 22 May 2018, i.e. "Community Consultation, including Community and Councillor workshops will be held prior to the first draft of the Feasibility Study being prepared".
- a) If so, on what dates and who participated
- b) If not, will Council forthwith conduct such Community Consultation consistent with all council policies relating to community engagement and consultation, including Community and Councillor workshops as stated in the Council Resolution of 22 May 2018
- Q3. What level of consultation do Council's consultation and community engagement policies require for building a skatepark on Grant Marine Park, and what exactly does that require?
- Q4. How many draft and/or final reports relating to the possible location of the proposed Skatepark have been presented to Council staff and/or

Councillors by a) AECOM b) Enlocus c) any other person/company/consultant and what are the dates of those reports.

- Q5. Will Council immediately make available to ratepayers all reports and draft reports presented to Council staff and/or Councillors by AECOM and /or Enlocus and/or any other person/company/consultant relating to the possible location of the proposed skatepark.
- Q6. What consultation has Council and/or the administration undertaken with State Minister responsible for PTA land about more attractive lease terms for this land? If yes what were the outcomes and IF not, why not?
- Q7. Has Council done a risk assessment as to probability of the PTA invoking a six months break clause in a lease of the site for the proposed skate park near the Cottesloe train station and if so will it forthwith make the report available to ratepayers. a) If not, will Council forthwith do such a risk assessment b) will it make the assessment available to ratepayers.
- Q8. Has Council investigated the possibility of insuring against the risk of the PTA invoking a break clause in a lease of the site of the proposed skate park near the Cottesloe train station and if not a) will it do so and b) will it forthwith report such investigations to ratepayers.
- Q9. Why have I not received any notification from the Council of the skate park proposal for Grant Marine Park even though I reside near the park?
- Q10. What steps has Council taken to ensure that all residents that reside close to Grant Marine Park are advised of the skate park proposal and given the opportunity to comment on it?
- Q11. How much ratepayers' money has been expended in the last 15 years on the rehabilitation of Grant Marine Park land including all works by CoastCare?
- Q12. What are all the Town of Cottesloe strategies, plans, policies and expert reports that relate to the planning merits or otherwise of how Grant Marine Park should/should not be developed to which Council must pay due regard having regard to LPS3 clauses 3.4.2, 10.2.1 and 10.2.2, which include considerations of State policies, locality amenity, natural environment impacts, likely traffic generation, toilet facilities, vegetation preservation, loss of community benefit, and impact on views to and from the Park?
- Q13. What is the LPS3 clause 3.4.2(b) ultimate purpose of Grant Marine Park?
- Q14. Who is the approval authority for development of a skatepark at Grant Marine Park? If it is the Town of Cottesloe has the Council delegated the approval power to the CEO? If yes, will Council withdraw that delegation? IF not, the Town of Cottesloe who is the approval authority?

Q15. What liaison with the Minister or DPI and/or the WAPC has the TOC administration and/or Council representatives undertaken about the proposal to build a skate park in Cottesloe and/or at Grant Marine Park? If any, what were the outcomes and if none, why not?

The Presiding Member advised that the questions would be taken on notice and a response would be provided in writing.

#### 4.2 PUBLIC QUESTIONS

##### Cameron Robinson – 75 Hawkstone Street, Cottesloe – Item 9.1.2

Q1. Has Council considered the petition to save Lady Lawley College?

A1. The Town has the petition available at the meeting tonight.

Q2. Has Council had any communication from the Red Cross regarding their intentions with Lady Lawley College?

A2. Council will deal with the petition once it's been presented to Council.

##### Stephen Mellor – 8 Graham Court, Cottesloe – Responses to Previous Questions Taken on Notice

Q1. Would the Administration like to withdraw any of the written answers to my questions raised at the Ordinary Council Meeting of 23 June 2020 that are on tonight's agenda, as in my view the answers are evasive, at times misleading and sometimes incorrect?

Q2. Could the Administration suggest a way forward for me to respond to the answers in today's agenda?

Q3. Would it be possible for me to view by appointment the following documents (list provided)?

2017 Engineer's Annual Report on the Collection and report on associated maintenance actions

2017 Collection file photographs for the whole Collection

2018 Engineer's Annual Report on the Collection and reports on associated maintenance actions

2019 Engineer's Annual Report of the Collection and reports on associated maintenance actions

2019 New Acquisition file photographs

2019 Catalogue of the Collection

2020 Engineer's Annual Report on the Collection and reports on associated maintenance actions

2020 New Acquisition file photographs

2020 Catalogue of the Collection.

A selection of Artist/artwork files for the Collection Works:

‘Roundabout’; ‘Untitled’; ‘Kinetic Interference’; ‘Liquorice Allsorts’

- Q4. Would the Administration like to comment on why I have not received a response in writing?

The questions were taken on notice.

Mr Peter Rattigan – 9 Grant Street, Cottesloe – Proposed Skate Park

- Q1. Will Council confirm to the residents and ratepayers who live near and/or use Grant Marine Park that Grant Marine Park will not be considered as a site for a skate park?

A1. The Mayor advised he had made it quite clear to the public via the Post and it has been announced that Council at this point in time has not received the results from the survey undertaken. The main aspect Council is looking for is to find out whether or not Cottesloe wants a skate park or not in any area. Council has no money put aside in the budget to build a skate park and have not decided to do so. Council has also agreed that the figures that came from Enlocus on the criteria were mathematically incorrect and that those mathematic incorrections did not relate their text or the verbal comments made regarding the site. As far as which site it will be on Councillors will be looking carefully at the results of the survey to work out the most suitable site if the results demonstrate that a skate park is wanted. At this particular point time Council cannot rule anything in or out, other than to say that the Town will do a thorough job of looking into it. Enlocus will not be called back to assist the Town on this. The results are expected to be available at the end of September to early October.

- Q2. What makes up “the Community” referred to in the Town’s Mission Statement?

A2. Ratepayers and residents of the district.

- Q3. Will Council consider requiring Council staff to include compatibility with the Town’s Mission Statement as one of the criteria when providing reports on proposals to Council?

A3. The question was taken on notice.

*At this point in the meeting, the Presiding Member returned to item 4.2 to allow Ms Bulbeck to answer questions not raised at Public Question Time.*

Chilla Bulbeck – Unit 8, 19 Broome Street, Cottesloe – Item 9.1.1

- Q1. Does Council accept that the survey design means that the results do not reveal the community’s views on which location is preferred for a skate park?

A4. The Town accepts the fact that in the original survey the preferred location is incorrect but the Town will use sections of the survey that will be of value to the Town. It will be not be based on the location.



*At this point in the meeting, the Presiding Member returned to item 5 Public Statement Time.*

## **5 PUBLIC STATEMENT TIME**

Mike Davis, Associate, Element - Level 18, 191 St Georges Terrace, Perth – Item 10.1.1

Mr Davis spoke on behalf of his clients from two neighbouring properties, outlining their objections to the proposed development.

Fulvio Prainito – Unit 7, 94 Marine Parade, Cottesloe – Item 10.1.2

Mr Prainito provided a rebuttal to the deputation made by Ms Whiting's consultants at the Agenda Forum Meeting held on 21 July 2010.

David Prosser - 7 Avonmore Terrace, Cottesloe – Item 10.1.1

Mr Prosser spoke in support of the planning application for 7 Avonmore Terrace, Cottesloe.

Paul Hayter – 5B Avonmore Terrace, Cottesloe – Item 10.1.1

Mr Hayter outlined his objections to the proposed development.

Sue Galvin – Unit 1/5 Princes Street, Cottesloe – Item 10.1.1

Ms Galvin outlined her objections to the proposed development.

*At this point in the meeting, the Presiding Member returned to item 4.2 to allow Ms Bulbeck to answer questions missed at Public Question Time.*

Suzanne Watt – 5/8 Hamersley Street, Cottesloe – Items 9.1.3 and 11.2

Ms Watt spoke about the petition being presented to Council at this meeting, opposing the proposed trees in Hamersley Street.

Patrick Prendiville – 1 Geraldine Street, Cottesloe – Item 10.1.9

Mr Prendiville spoke about the adjustment to last week's agenda item regarding the installation of a bollard but requested the item be deferred pending consultation and advised a petition had been submitted to the Town today.

Ken Adam – 2/79 Thompson Road, North Fremantle – Item 10.1.1

Mr Adam, Planning Consultant, spoke on behalf of his client Ms Galvin, and outlined her objections to the proposed development.

Trent Will – 1/251 St Georges Terrace, Perth – Item 10.1.2

Mr Will spoke on behalf of his clients (the owners of 94 Marine Parade, Cottesloe) seeking support to initiate scheme amendment no. 12 to delete Clause 6.4.31(d) of Local Planning Scheme No. 3.

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Jeremy Hofland, Rowe Group – Level 3/369 Newcastle St, Northbridge – Item 10.1.1.

Mr Hofland spoke on behalf of the property owners of 7 Avonmore Terrace, Cottesloe supporting the proposed development.

## **6 ATTENDANCE**

### **Elected Members**

Mayor Philip Angers  
Cr Lorraine Young  
Cr Caroline Harben  
Cr Helen Sadler  
Cr Craig Masarei  
Cr Melissa Harkins  
Cr Michael Tucak  
Cr Kirsty Barrett  
Cr Paul MacFarlane

### **Officers**

Mr Matthew Scott	Chief Executive Officer
Mr Shane Collie	Executive Manager Corporate Services and Governance
Ms Freya Ayliffe	Executive Manager Compliance and Regulatory Services
Mr Shaun Kan	Executive Manager Engineering Services
Mr Wayne Zimmermann	Principal Planner
Mr Ed Drewett	Coordinator Statutory Planning
Ms Mary-Ann Winnett	Governance Coordinator

### **6.1 APOLOGIES**

Nil

#### **Officers Apologies**

Nil

### **6.2 APPROVED LEAVE OF ABSENCE**

Nil

### **6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

## **7 DECLARATION OF INTERESTS**

Mayor Angers declared an IMPARTIALITY INTEREST in item 10.1.1 by virtue "he knows several of the neighbours and owners in that area."

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.1 by virtue "some of the effected neighbours are known to me and I've engaged with the applicant and effected neighbours in respect of the application."

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.1.10 by virtue "one of the consultants from Aspect is known to me."

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.1.8 by virtue "I am a member of Reconciliation WA."

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.1 by virtue "some of the effected neighbours known to me."

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.9 by virtue "some of the effected neighbours known to me."

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.1 by virtue "two of the parties are known to me."

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.9 by virtue "two of the parties are known to me."

Cr MacFarlane declared an IMPARTIALITY INTEREST in item 10.1.1 by virtue "I knew one of the neighbours previously who lives adjacent but did not know previously where he lived."

Cr MacFarlane declared an IMPARTIALITY INTEREST in item 13.1.1 by virtue "I know one of the residents who live in that street near the retaining wall."

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.1.9 by virtue "one of the residents is known to me."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.9 by virtue "both of the effected residents are known to me."

## **8 CONFIRMATION OF MINUTES**

**Moved Mayor Angers**

**Seconded Cr Sadler**

**That the Minutes of the Ordinary Meeting of Council held on Tuesday 23 June 2020 be confirmed as a true and accurate record subject to the typographical error on page 1 being changed from Harmody to Carmody.**

**Carried 9/0**

**Moved Mayor Angers**

**Seconded Cr Sadler**

**That the Minutes of the Special Meeting of Council held on Tuesday 7 July 2020 be confirmed as a true and accurate record.**

**Carried 9/0**

## **9 PRESENTATIONS**

## 9.1 PETITIONS

### *Section 9.4 - Procedure of Petitions*

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

Item 9.1.1 was considered following item 9.1.2.

#### **9.1.1 SKATE PARK AT GRANT MARINE PARADE**

**On the 10 July 2020 the Town received a petition of approximately 514 signatures opposing the proposed Cottesloe Skate Park at Grant Marine Park.**

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

**Moved Mayor Angers          Seconded Cr Young**

**THAT Council:**

- 1. RECEIVES the Petition to Oppose Proposed Cottesloe Skate Park at Grant Marine Park; and**
- 2. REQUESTS that the Petition be dealt with in the Community Engagement Report to be prepared by the Town's Officers**

**Carried 9/0**

Item 9.1.2 was considered prior to item 9.1.1.

#### **9.1.2 THE PRESERVATION OF LADY LAWLEY COTTAGE AND THE LEGACY OF LADY ANNIE LAWLEY**

**A petition was tabled at the Agenda Forum on 21 July 2020 containing approximately 2,200 signatures opposing the permanent closure, selling, demolition or renaming of Lady Lawley Cottage and requests the legacy of Lady Annie Lawley and her namesake and the history of the building be preserved.**

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

**Moved Mayor Angers          Seconded Cr Barrett**

**THAT Council:**

- 1. RECEIVES the petition opposing the permanent closure, selling, demolition or renaming of Lady Lawley Cottage and**

requests the legacy of Lady Annie Lawley and her namesake and the history of the building be preserved.

2. REQUESTS that the CEO arranges for a report to be presented to the August 2020 Ordinary Council Meeting.

Carried 9/0

#### 9.1.3 TOWN OF COTTESLOE - HAMERSLEY STREET TREE PETITION

A petition was tabled at the Agenda Forum on 21 July 2020 containing approximately 25 signatures opposing the choice of verge tree – Coastal Sheoak (*Casuarina equisetifolia*) as per the Town of Cottesloe Street Tree Masterplan.

##### OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Angers                      Seconded Cr Sadler

THAT Council:

1. RECEIVES the petition opposing the choice of verge tree – Coastal Sheoak (*Casuarina equisetifolia*) as per the Town of Cottesloe Street Tree Masterplan.
2. REQUESTS that the CEO arranges for a report to be presented to the August 2020 Ordinary Council Meeting.

Carried 9/0

#### 9.1.4 TOWN OF COTTESLOE - GERALDINE STREET PETITION

On the 28 July 2020 the Town received a petition of approximately 9 signatures requesting deferral of item 10.1.9 on the agenda until consultation with the neighbours takes place and requesting Council pursue alternative solutions that allows continued access to their garage (but no other vehicle access).

##### COUNCIL RESOLUTION

Moved Mayor Angers                      Seconded Cr Masarei

THAT Council RECEIVES the petition.

Carried 9/0

#### 9.1.5 MORE SHORT-TERM PARKING BAYS AT COTTESLOE BEACH

Cr Tucak tabled a petition of approximately 200 signatures for the inclusion of more short-term bays for active users at Cottesloe Beach in relation to the current Foreshore Preliminary Design which is being considered by Council at tonight's meeting.

The Presiding Member advised that the petition could not be accepted as it did not meet the material requirements of the Standing Orders Local Law, specifically Clause 9.1

**COUNCILLOR MOTION**

**Moved Cr Tucak     No Secunder, LAPSED**

That the petition be accepted by Council and considered by Council in its decision tonight.

**9.2 PRESENTATIONS**

Nil

The Mayor advised that during the COVID-19 emergency period, item 9.2 (Presentations) will only be utilised for matters of significant importance.

**10 REPORTS**

**10.1 REPORTS OF OFFICERS**

Moved Mayor Angers Seconded Cr Harkins

**COUNCIL RESOLUTION**

That Council adopts en-bloc the following Officer Recommendations contained in the Agenda for the Ordinary Council Meeting 28 July 2020:

<b>Item #</b>	<b>Report Title</b>
<b>10.1.3</b>	<b>Citizen of the Year Policy</b>
<b>10.1.4</b>	<b>Music Recitals and Concerts at the Cottesloe Civic Centre Policy</b>
<b>10.1.7</b>	<b>Proposed extension of Contract for events at the Cottesloe Civic Centre</b>
<b>10.1.8</b>	<b>Acknowledgement of Country</b>
<b>10.1.11</b>	<b>Rates Write Off - Assessment 2157 - Lot 59 D/P 27919</b>
<b>10.1.12</b>	<b>Financial Statements For The Period 1 July 2019 to 30 June 2020</b>
<b>13.1.3</b>	<b>Rental Subsidy Request – Yellowdot Enterprises</b>

**Carried by En Bloc Resolution 9/0**

**PLANNING****10.1.1 LOT 37 (7) AVONMORE TERRACE - FRONT AND REAR ALTERATIONS AND ADDITIONS**

<b>File Ref:</b>	<b>SUB/2798</b>
<b>Applicant(s) Proponents:</b>	<b>David Prosser/Rowe Group</b>
<b>Attachments:</b>	<b>10.1.1(a) Email - 7 Avonmore Tce - justification from applicant [under separate cover]</b> <b>10.1.1(b) B1050 Avonmore Tce Visual Appraisal Issue 2 280520 [under separate cover]</b> <b>10.1.1(c) Revised Plans 7 Avonmore Terrace, Cottesloe - Extension &amp; Additions [under separate cover]</b> <b>10.1.1(d) 7 Avonmore Terrace - 1st set of attachments (neighbour comments) [under separate cover]</b> <b>10.1.1(e) 7 Avonmore Terrace - 2nd set of attachments (neighbour comments) [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Wayne Zimmermann, Principal Planner</b>
<b>Author:</b>	<b>Ed Drewett, Coordinator Statutory Planning</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

Mayor Angers declared an IMPARTIALITY INTEREST in item 10.1.1 by virtue "he knows several of the neighbours and owners in that area."

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.1 by virtue "some of the effected neighbours are known to me and I've engaged with the applicant and effected neighbours in respect of the application."

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.1 by virtue "some of the effected neighbours known to me."

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.1 by virtue "two of the parties are known to me."

Cr MacFarlane declared an IMPARTIALITY INTEREST in item 10.1.1 by virtue "I knew one of the neighbours previously who lives adjacent but did not know previously where he lived."

**SUMMARY**

This report discusses the statutory provisions and assessment criteria relevant to a development application received 3 January 2018 for front and rear alterations and additions to an existing dwelling. Although there has been a considerable length of time since the application was first submitted, the applicant has been liaising with the Town throughout this period to address various planning matters relating to the proposal.

Given the assessment that has been undertaken in respect to plans received 20 September & 28 November 2018, together with a Visual Impact Statement received 29 May 2020, the recommendation is to conditionally approve the application.

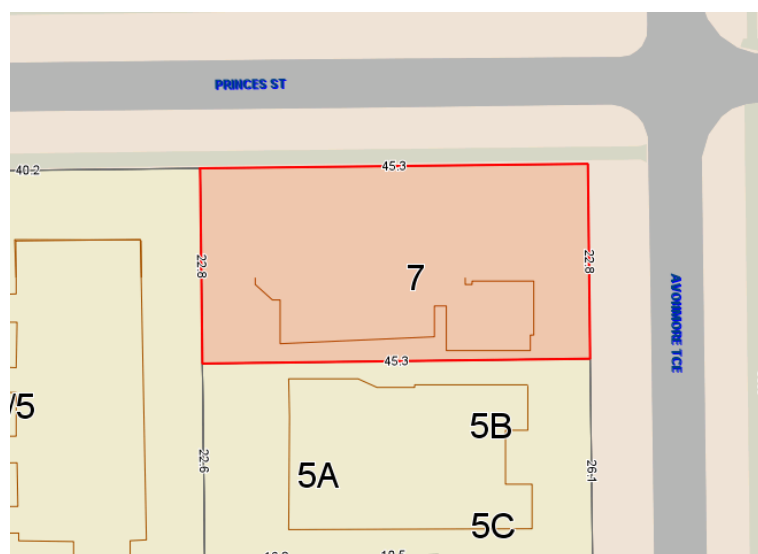
**BACKGROUND**

Zoning	MRS:	Urban
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LPS:	Residential R30
Use Class:	Permitted - Single House
Development Scheme:	Local Planning Scheme No. 3 (LPS 3)
Lot Size:	1030m <sup>2</sup>
Existing Land Use:	Single House
Value of Development:	\$300,000
Owner:	David Prosser

The existing architecturally-designed two-storey dwelling on the lot was constructed in the late 1980s, together with high retaining walls which are visible along Princes Street and a portion of the western boundary. These existing walls elevate the western end of the lot by approximately 2.4m above the adjoining street level (Princes Street) and are consistent with the raised outdoor living area on the adjoining southern lot.



Above: Site location map



Above: Existing dwelling and retaining walls viewed from Princes Street

**History**

**7 September 2009** - WAPC approval issued for creation of two lots (not completed);

**11 December 2009** - Development approval granted for 2 carbays from Princes Street (not constructed);

**31 May 2010** - Development approval granted for a two-storey dwelling with undercroft and pool (not constructed);

**3 June 2010** - WAPC approval issued for creation of two lots (not completed);

**9 May 2011** - Development approval granted for alterations to dwelling and a pool (completed);

**27 March 2014** - Development approval granted for alterations and extension to front of dwelling (completed).

### **STRATEGIC IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

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

### **STATUTORY ENVIRONMENT**

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Local Planning Scheme No. 3;*
- *State Planning Policy 7.3 - Residential Design Codes.*

### **FINANCIAL IMPLICATIONS**

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

### **STAFFING IMPLICATIONS**

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

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **HERITAGE**

The dwelling is listed as 'Category 6' in the Town's Municipal Inventory, noting that the dwelling is a *clever reinterpretation of Federation architecture by one of Perth's innovative architects, but as a recent construction this house has no heritage significance.*

**CONSULTATION**

The initial application was advertised on 16 January 2018 to 5 adjoining owners and occupiers. Advertising was for 14 days and closed on 1 February 2018. 4 submissions were received.

A summary of the key concerns raised were:

- The two-storey rear extension will have a detrimental and unnecessary impact on views of significance;
- The rear extension will overlook the surrounding neighbours' outdoor entertaining areas creating privacy issues and loss of amenity;
- The extension is oversized and will tower over the surrounding neighbouring dwellings creating unnecessary bulk and scale;
- The additional height required to maintain the existing finished floor levels is excessive and does not meet the aims and provisions of the Town's Local Planning Scheme No. 3;
- The proposed extension will overshadow the southern neighbours' properties reducing the amount winter northern light; and
- The proposed extension will exacerbate the noise nuisance experience by neighbours.

On 20 September 2018, the applicant submitted revised plans and these were advertised on 4 January 2019 to 18 adjoining owners and occupiers. Advertising was for 14 days and closed on 1 February 2019. 2 submissions were received on behalf of 3 owners.

A summary of the key concerns raised were:

- Noise & loss of amenity;
- Loss of visual privacy; and
- Overall building height, bulk and scale impacting on views of significance.

**APPLICANT'S COMMENT**

The application proposes the following alterations and extensions to the existing dwelling (based on the amended plans received 20 September & 28 November 2018):

**a) Ground Floor Western Boundary**

- i. New rectangular shaped bedroom at a floor level 686mm lower than the existing ground floor (13.024m in lieu of 13.71m);
- ii. Conversion of existing bedroom to a walk-in robe and ensuite bathroom;
- iii. Replacement of existing northern wall of the hallway with bifold doors;
- iv. Extension to the existing pool area to the west, increasing the ground level in this location by approximately 0.7m, with glass pool safety fence, gate and steps to the existing ground level;
- v. New heptagonal shaped outdoor kitchen with a floor level of 13.66 to integrate with the existing floor level of the adjacent pool area to the north, representing

an increase of approximately 750mm above the existing natural ground level to the west.

**b) Upper Floor Eastern Boundary**

- i. New porch/entry foyer to the Avonmore Terrace frontage;
- ii. New ensuite bathroom and walk in robe to the existing master bedroom;

**c) Upper Floor Western Boundary**

- i. New rectangular shaped library at a floor level 686mm lower than the existing ground floor (16.074m in lieu of 16.76m);
- ii. Demolition of existing octagonal balcony and construction of a larger heptagonal balcony with a minimum setback of 3465mm to the western boundary.

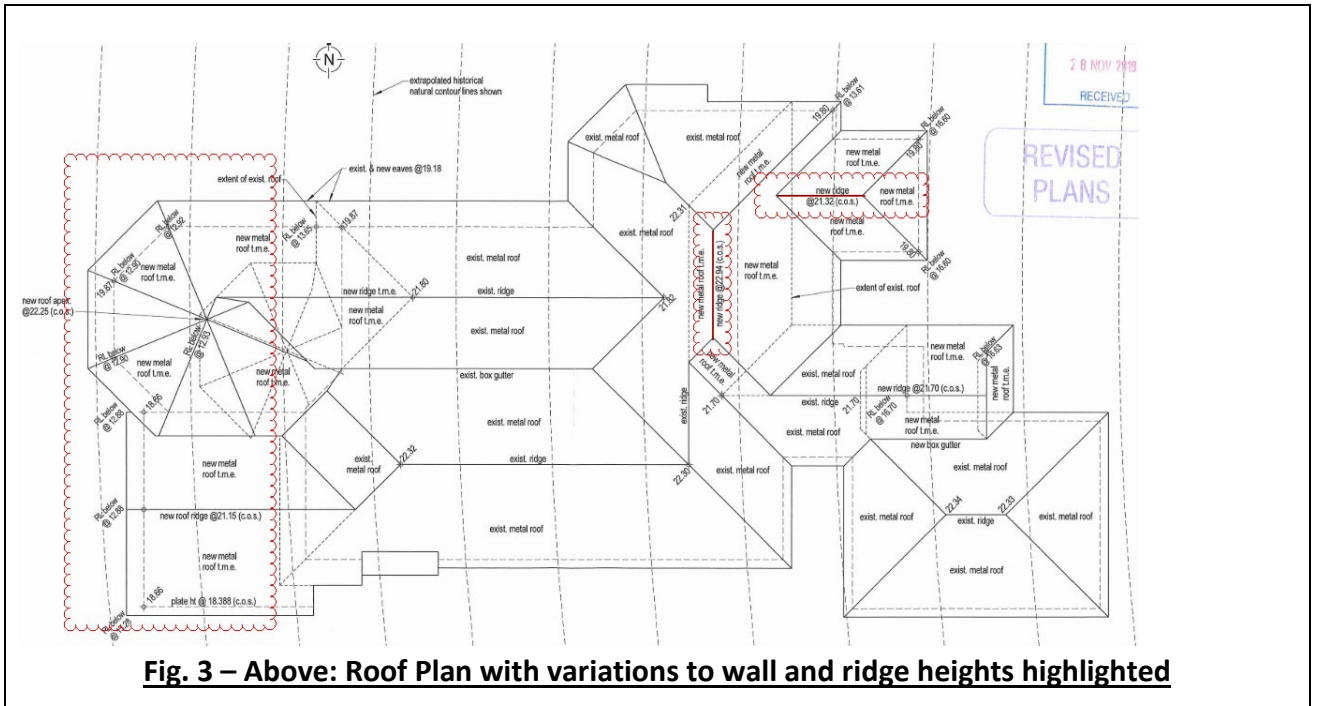
**OFFICER COMMENT**

The table below is a summary of the planning assessment of the proposal against the relevant provisions of the Town's Local Planning Scheme No. 3 and the Residential Design Codes.

Where the proposal requires the exercise of discretion, the relevant planning element is discussed in the section of the report following this table.

Planning assessment	Satisfies Local Planning Scheme No. 3 & deemed-to-comply provisions of the Residential Design Codes	Requires exercise of judgement
Storeys	✓	
Building height		✓
Street setback	✓	
Lot boundary setbacks	✓	
Open space	✓	
Street surveillance	✓	
Outdoor living area	✓	
Privacy		✓
Solar Access	✓	
Site Works		✓
Retaining Walls	✓	
Matters to be considered by local government		✓
<b>Building heights:</b>		
<b>Local Planning Scheme No. 3: Permitted building height</b>		<b>Proposed building height</b>
<u>Single storey</u>		<u>Single storey</u>
Building height - 6m		Front east-west ridge: max. <b>6.57m</b> above NGL

<p><b><u>Two storey</u></b></p> <p>Wall height - 6m</p> <p>Ridge height - 8.5m</p> <p><i>Clause 5.7.5: In the case of proposed alterations, additions or extensions to existing dwellings in the Residential, Residential Office, Town Centre, Local Centre, Foreshore Centre and Restricted Foreshore Centre zones, the local government may vary the maximum heights specified in Table 2 and clause 5.7.2, where in its opinion warranted due to the circumstances and merits of the proposal, having regard to -</i></p> <ol style="list-style-type: none"> <li><i>a) the existing heights of the dwelling;</i></li> <li><i>b) any relevant Local Planning Policy or Design Guidelines;</i></li> <li><i>c) any heritage considerations relating to the dwelling;</i></li> <li><i>d) relevant planning considerations identified in clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015;</i></li> <li><i>e) adequate direct sun into buildings and appurtenant open spaces;</i></li> <li><i>f) adequate daylight to major openings into habitable rooms;</i></li> <li><i>g) access to views of significance;</i></li> <li><i>h) building design to ameliorate the visual effects of height including consideration of setting-back the side walls of added storeys from the side walls of existing buildings; and</i></li> <li><i>i) the amenity of adjoining properties, including road and public open space reserves, and the character of the streetscape;</i></li> </ol> <p><i>and subject to the development -</i></p> <ol style="list-style-type: none"> <li><i>a) not exceeding the existing number of storeys or, where that is already exceeded, not exceeding the existing number of storeys; and</i></li> <li><i>b) Not exceeding the height of the existing dwelling, unless the Council is satisfied with the design and its implications having regard to the above criteria.</i></li> </ol>	<p>(height variation: 0.57m)</p> <p><b><u>Two-storey</u></b></p> <p><i>Wall heights:</i></p> <ul style="list-style-type: none"> <li>• Rear upper balcony: <b>max. 8.46m</b> wall height measured to plate height above NGL (height variation: 2.46m);</li> <li>• Rear upper library : <b>max. 7.18m</b> wall height measured to plate height above NGL (height variation: 1.18m).</li> </ul> <p><i>Ridge heights:</i></p> <ul style="list-style-type: none"> <li>• Front north-south ridge: <b>max. 8.54m</b> (height variation: 0.4m);</li> <li>• Rear upper balcony: <b>max. 10.65m</b> to apex (height variation: 2.15m).</li> <li>• Rear upper library ridgeline: <b>max. 9.95m</b> (height variation: 1.45m).</li> </ul>
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**Applicant's comment to building height**

Given the prior excavation which occurred a considerable time ago when the dwelling was initially constructed, it is not possible to confirm the exact ground level in the location of the existing building footprint. However, the feature survey prepared for the site incorporates contours within the Avonmore Terrace and Princes Street road verges, with Princes Street providing an indication of the likely levels across the property prior to development.

It is clear that many of the blocks in the area (including Lot 1 adjacent to the subject lot to the south), have had their natural ground levels modified over the years, in particular to bench the rear of the properties to provide practical, level, outdoor space with a westerly aspect.

In our view a practical approach needs to be taken in respect of the measurement of natural ground level in such circumstances. For example, it is apparent from Elevation 4 that the Natural Ground Level on adjacent Lot 1 is higher than the natural ground level on the subject Lot 37 in a number of locations. That is, whilst Lot 37 has excavated and terraced the land, Lot 1 appears to have filled the land under which the building sits, but have left the western most part of the lot at a lower level, creating a terraced effect.

In our view, given the ground levels that have been approved as part of pre-existing development, the fairer and more equitable approach to take would be to consider natural ground level in the context of the approach taken in respect of surrounding development.

As demonstrated in Plan Sheet Nos. SK4 and SK5 of the development plans, the additions to the proposed dwelling are generally within the 6.0 metre maximum wall height (to level of roof) and 8.5m maximum height as specified within Clause 5.7.2 of LPS3, aside from the location of the proposed balcony adjacent to Princes Street. In this location the development would have a maximum wall height of 6.0 metres to the roof and 6.76 metres when measured to the plate height of the wall; and a maximum height of 9.26m above the natural ground level, being 0.76m above the 8.5m standard.

In view of the above, the proposed balcony requires consideration against the relevant provisions of Clause 5.7.5 of Local Planning Scheme No. 3. The provisions within this clause are detailed below in bold and italic font, together with an assessment of the proposal for each:

<b>a) The existing heights of the dwelling.</b>	<i>The property is steeply sloping with a difference in level of 7.5m rising from west to east. The development proposed within the location of increased height has been designed to integrate with the established heights and floor levels of the existing dwelling, with the increased height arising from maintaining the established roof pitch within the increased floor area of the proposed balcony.</i>
<b>b) Any relevant Local Planning Policy or Design Guidelines.</b>	<i>There are no relevant Local Planning Policies or Design Guidelines applicable to the proposal.</i>
<b>c) Any heritage considerations relating to the dwelling.</b>	<i>The property does not have any recognised heritage significance.</i>
<b>d) Relevant planning</b>	<i>The matters within Clause 67 of the Regulations considered to</i>

<p><b>considerations identified in clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015.</b></p>	<p><i>be relevant are already captured within the provisions of Clause 5.7.5.</i></p>
<p><b>e) Adequate direct sun into buildings and appurtenant open spaces.</b></p>	<p><i>The portion of increased height is on the northern side of the property and would not affect access to direct sun for adjoining properties.</i></p>
<p><b>f) Adequate daylight to major openings into habitable rooms.</b></p>	<p><i>The portion of increased height is on the northern side of the property and would not affect access to daylight for major openings to habitable rooms within the dwelling.</i></p>
<p><b>g) Access to views of significance.</b></p>	<p><i>The portion of increased height consists of a roof with a 36-degree pitch, with the apex positioned approximately 11m from the northern property boundary adjacent to Princes Street. In view of the scale and location of this portion of the development, it would not unreasonably impede any existing ocean views for properties to the north and east, with the views of properties to the south also unlikely to be affected.</i></p>
<p><b>h) Building design to ameliorate the visual effects of height including consideration of setting-back the side walls of added storeys from the side walls of existing buildings.</b></p>	<p><i>The portion of increased height is minor in nature and positioned centrally within the width of the lot. Consequently, it would not result in increased building bulk or other adverse visual effects to surrounding properties.</i></p>
<p><b>i) The amenity of adjoining properties, including road and public open space reserves, and the character of the streetscape.</b></p>	<p><i>The development consists of extensions to the existing dwelling, with the design and materials used intended to achieve a 'seamless' integration with the existing dwelling, thereby maintaining the existing amenity and streetscape character of the locality.</i></p>
<p><b>Not exceeding the existing number of storeys, or where that is already exceeded, not exceeding the existing number of storeys.</b></p>	<p><i>The development maintains the existing number of storeys.</i></p>
<p><b>Not exceeding the height of the existing dwelling, unless the Council is</b></p>	<p><i>The portion of the development resulting in increased height does exceed the height of the existing dwelling. However, the increased height is partly due to the fall of the land to the</i></p>



**satisfied with the design and its implications having regard to the above criteria.**

*west. When viewed from both the northern and southern side boundaries, the area at which the 8.5m height is exceeded is lower than the (compliant) height of the proposed roof above the proposed ensuite bathroom and walk-in robe to the existing master bedroom.*



**Photo 1: View of proposed additions from Avonmore Terrace**



**Photo 2: View of proposed additions looking south-west**



**Photo 3: View of proposed additions looking south**



Photo 4: View of proposed additions from Princes Street

**Officer’s comment to building height**

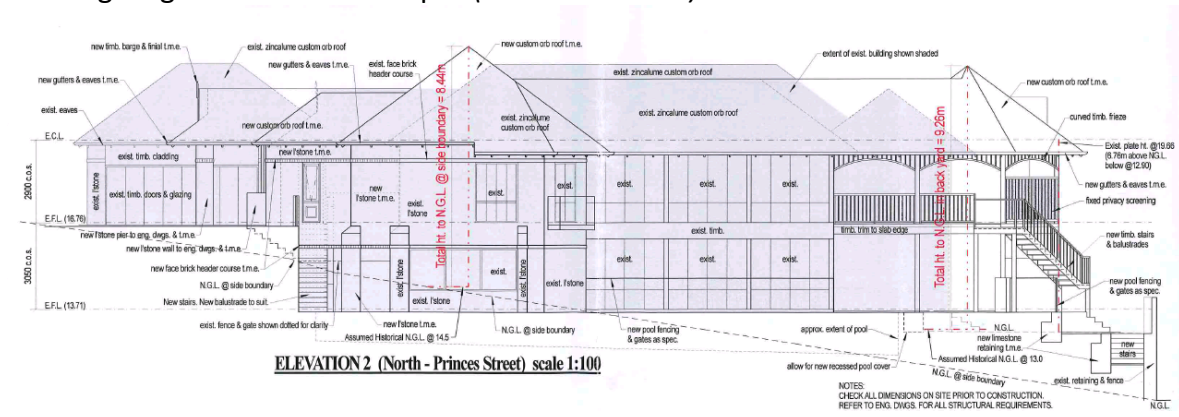
The existing site has high retaining walls constructed along its northern and western boundaries which are up to approximately 2.4m in height above Princes Street providing an outdoor living area (lawn) for the occupants which is approximately 0.81m below the existing ground floor level of the main dwelling and which is accessed by steps from an existing pool deck located on its northern side. Although the proposed outdoor kitchen and balcony on the north-western side of the lot will have a similar floor level to the existing dwelling, the proposed bedroom and library on the south-western side of the lot will be lower than the existing floor levels as shown in the table below:

Existing ground floor: RL: 13.71	Proposed outdoor kitchen: RL: 13.66 (0.05m lower); Proposed bedroom: RL: 13.024 (0.68m lower)
Existing upper floor: RL: 16.76	Proposed balcony: RL: 16.71 (0.05m lower); Proposed Library: RL: 16.074 (0.68m lower)

If the wall and ridge heights of the proposed extensions are calculated vertically above the existing ground levels then, based on the applicant’s submission, the approximate maximum building heights are shown below:

**North-west balcony (below)**

Wall height: Max. 6.76m (0.76m variation);  
Building height: 9.25m to roof apex (0.75m variation).





- *As a development the rear extension will not form an intrusive nor obtrusive element within the local character which is made up of very diverse built forms;*
- *The proposed structure does change a limited proportion of views from the neighbouring property, however the views affected are of the suburban character seen over the subject property where boundary conditions may change;*
- *The limited views are northerly and north westerly and are obtained over the garden of the subject site. As such they cannot be considered as views of significance; and*
- *The proposal does not have impacts on any significant views. All significant views from the public realm are unaffected.*

Although the proposed front and rear alterations and additions exceed to standard Building Height provisions referred to in Clause 5.7 of the Town's Local Planning Scheme No. 3, Clause 5.7.5 specifically allows Council to vary these building heights where it is considered warranted due to the circumstances and merits of the proposal, having regard to the following:

- a) the existing heights of the dwelling;
- b) any relevant Local Planning Policy or Design Guidelines;
- c) any heritage considerations relating to the dwelling;
- d) relevant planning considerations identified in clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015;
- e) adequate direct sun into buildings and appurtenant open spaces;
- f) adequate daylight to major openings into habitable rooms;
- g) access to views of significance;
- h) building design to ameliorate the visual effects of height including consideration of setting-back the side walls of added storeys from the side walls of existing buildings; and the amenity of adjoining properties, including road and public open space reserves, and the character of the streetscape;

and subject to the development:

- a) not exceeding the existing number of storeys or, where that is already exceeded, not exceeding the existing number of storeys; and
- b) Not exceeding the height of the existing dwelling, unless the Council is satisfied with the design and its implications having regard to the above criteria.

In this case, if the rear extension was built to comply with the standard building height provisions based on the natural ground levels extrapolated along Princes Street then the proposed wall & ridge heights to the library addition will need to be dropped by approximately 1.18m & 1.45m respectively, and the new balcony wall and apex heights will need to be dropped by approximated 2.46m & 2.15m respectively. This will make it difficult to access from the existing dwelling and may appear discordant in its design.

Furthermore, although the Town has discussed with the applicant the possibility of aligning the proposed southern wall to the upper floor library with the existing dwelling to provide a greater setback from the southern neighbour so as to assist in ameliorating its impact on the neighbour's views, the applicant does not wish to make this change as the proposed setback from the

southern boundary is already compliant with the deemed-to-comply provisions of the Residential Design Codes, based on existing ground levels along the boundary.

Finally, in 2010, Council allowed a building height variation for a proposed two-storey dwelling on the lot (not built) taking account of the existing site levels, and also the WAPC has previously supported the subdivision of the lot which would potentially have resulted in at least one additional two-storey development being built ‘as-of-right’ on the western part of the site which would likely have had an impact on views from the adjoining properties in any event. Therefore, whilst the concerns of the adjoining owners are acknowledged it does not appear unreasonable in this case to support the building height variations proposed. Also, unlike the existing upper floor rear balconies, the proposed upper floor west-facing openings will all be screened to a minimum height of 1.6m to prevent any overlooking of adjoining properties which may be an improvement on the current situation.



Above: Extent of existing overlooking over southern properties from 7 Avonmore Tce

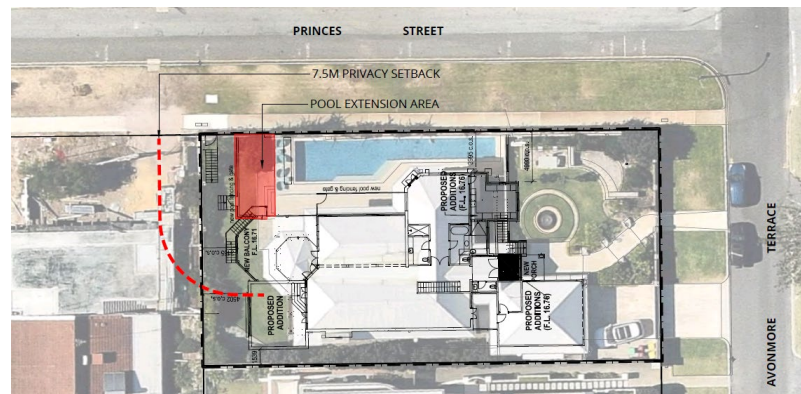
**Visual Privacy:**

Residential Design Codes – Visual privacy	Deemed-to-comply provisions of the Residential Design Codes	Design principles
Requirement	Required cone of vision from lot boundary: <ul style="list-style-type: none"> <li>• Major openings to bedrooms and studies: 4.5m;</li> <li>• Major openings to habitable rooms other than bedrooms and studies: 6m;</li> <li>• Unenclosed outdoor active habitable spaces: 7.5m</li> </ul> Screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters	Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: <ul style="list-style-type: none"> <li>• building layout and location;</li> <li>• design of major openings;</li> <li>• landscape screening of outdoor active habitable spaces; and/or</li> <li>• location of screening devices.</li> </ul> Maximum visual privacy to side and rear boundaries through measures

	<p>are to be at least 1.6m in height, at least 75 per cent obscure, permanently fixed, made of durable material and restrict view in the direction of overlooking into any adjoining property.</p>	<p>such as:</p> <ul style="list-style-type: none"> <li>• offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;</li> <li>• building to the boundary where appropriate;</li> <li>• setting back the first floor from the side boundary;</li> <li>• providing higher or opaque and fixed windows; and/or</li> <li>• screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).</li> </ul>
<p>Applicant's proposal</p>	<p>3.465m from proposed ground floor outdoor kitchen &amp; extended pool deck to western boundary.</p>	

**Applicant's comment to visual privacy**

The plan below consists of an aerial photo of the subject property and immediately surrounding properties, with the development plan included as an overlay. The plan illustrates that the 7.5m cone of vision from the proposed raised rear deck area extends into the western neighbouring property at Unit 1/No.5 Princes Street by approximately 3.5m.



With respect to this, we note the following:

- The portion of the ground level of Unit 1/No.5 in the location of the cone of vision is approximately 3m lower than the level of the proposed raised rear deck area;
- An existing boundary fence with a height of 1.5m above the finished ground level of No.7 is constructed on the common boundary between the properties. In conjunction with the difference in ground level, this means that persons standing on the proposed raised rear deck level would be unable to view persons at the ground level of Unit 1/No.5;
- The ground floor wall to the eastern boundary of Unit 1/No.5 does not incorporate any

major openings or doorways providing direct access to this space;

- d) The eastern wall of the development and the northern facing upper floor walkway/balcony at Unit 1/No.5 is outside the 7.5m cone of vision of the proposed raised rear deck area; and
- e) Notwithstanding the positioning of the development outside the 7.5m cone of vision, the upper floor wall to the eastern boundary of Unit 1/No.5 incorporates obscure glazing which would prevent any privacy concerns.

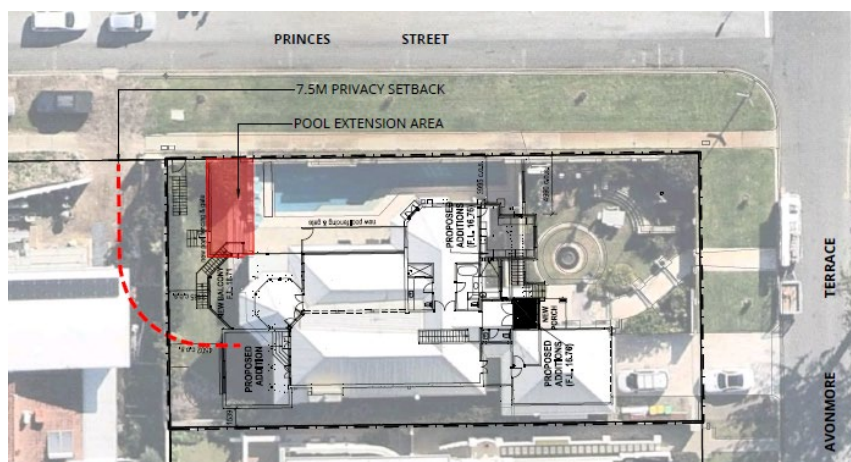
With respect to the above, a photo taken from the location of the proposed raised rear deck area looking west towards the eastern extent of development at Unit 1/No.5 is shown below:



This photo clearly illustrates the extent of the obscure glazing in this location. As demonstrated above, the proposed raised rear deck area satisfies the relevant deemed-to-comply standards within Clause 5.4.1 and no further screening or alteration is required.

We note that the plan at Attachment Two incorporates an aerial photograph dated 22 December 2018. This photo was used as it illustrates the location of the eastern wall to the development prior to it being obscured by the proposed roof, in order to clearly show that the 7.5m privacy setback is achieved.

The most recent aerial photograph dated 17 July 2019 shows the eastern portion of No. 5 Princes Road which is located within the 7.5m privacy setback and only includes the overhanging roof.



As this eastern end of the neighbouring property does not feature a balcony, visual privacy will not be compromised. Furthermore, the upper-level outdoor walkway along the northern side

of No. 5 is not used for entertainment purposes and is outside of the 7.5m privacy setback.



The ground floor north-facing outdoor entertaining area at Unit 1/No.5 will not be subject to privacy concerns associated with the raised rear deck area. This is as the outdoor entertaining area is forward of the street setback line of Princes Street, meaning that it is not subject to Clause 5.4.1 as described in C1.1. Notwithstanding this, the outdoor entertaining area is outside the 7.5m cone of vision associated with the proposed raised rear deck area at No.7.

#### **Officer's comment to visual privacy**

The front dwelling on the adjoining western lot has recently been extended. It has a 4m setback from its eastern boundary and is 7.46m from the proposed ground floor outdoor kitchen and raised deck on the adjoining western lot.

Although privacy (and noise) concerns have been raised by the adjoining western owner, it is not considered that there will be any significant direct overlooking of active habitable spaces and outdoor living areas within the 7.5m cone-of-vision as the adjoining development has no habitable rooms facing east and its front balcony is partly screened (see below).



#### **Above: View of western adjoining property with recently completed additions**

Existing plants & landscaping along the boundary also assists in screening the lower habitable spaces on the adjoining western property which are fronting the street, and the difference in the existing ground levels reduces the likelihood of any direct overlooking occurring. The proposed extensions are therefore considered to satisfy the design principles in respect to the



visual privacy requirements in the Residential Design Codes and are supported.

**Site Works:**

Residential Design Codes – Site works	Satisfies deemed-to-comply provisions of the Residential Design Codes	Design principles
Requirement	0.5m or less within 1m of a lot boundary.	Development that considers and responds to the natural feature of the site and requires minimal excavation/fill. Where excavation/fill is necessary, all finished floor levels respecting the natural ground level at the lot boundary of the site.
Applicant's proposal	Proposed pool deck extension is approximately 2.62m above natural ground level (0.72m above the existing ground level).	

**Applicant's comment to site works**

The proposal aims to further extend the pool area 4m to the west, to provide a seating area adjacent to the pool. Owing to the existing masonry wall constructed along the boundary with Princes Street, the proposed retaining and fill will not be visible from the street.

**Officer's comment to site works**

The proposed site works are necessary to enable level connectivity between the extended pool deck and the proposed outdoor kitchen extension. The finished ground level will be approximately RL: 13.62 which will make it approximately 0.72m above the existing ground level, albeit that it will be about 2.62m above the natural ground level if taken from Princes Street. However, as the existing retaining wall along this section of Princes Street is at RL: 14.29 the proposed extended pool deck will not be visible from the street.

The proposed site works are therefore considered to satisfy the design principles in the Residential Design Codes and are supported.

**Planning and Development (Local Planning Schemes) Regulations 2015 – Relevant matters to be considered by local government**

In considering an application for development approval the local government is to have due regard to the following relevant matters:

- a) the aims and provisions of the Scheme;
- b) the requirements of orderly and proper planning;
- c) any approved State planning policy;
- d) any policy of the Commission;
- e) any policy of the State;
- f) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality

including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

- g) the amenity of the locality including the following:
  - (i) environmental impacts of the development;
  - (ii) the character of the locality;
  - (iii) social impacts of the development;
- h) any submissions received on the application; and
- i) any other planning consideration the local government considers appropriate.

#### **CONCLUSION**

Following assessment of the proposed development for front and rear alterations and additions against the provisions of the Town's Local Planning Scheme No. 3, State Planning Policy 7.3 - *Residential Design Codes*, relevant matters under the *Planning and Development (Local Planning Schemes) Regulations 2015*, and having regard to the submissions received during the public consultation periods, it is recommended that the development be approved.

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER RECOMMENDATION**

THAT Council GRANTS development approval for front and rear alterations and additions on Lot 37 (No. 7) Avonmore Terrace, Cottesloe, as shown on the plans received 20 September and 28 November 2018, subject to the following conditions:

1. All construction work being carried out in accordance with the requirements of the Environmental Protection (Noise) Regulations 1997.
2. The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
3. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.
4. Details of all plant and equipment, including air-conditioning units, being designed, positioned and screened so as to be visually concealed and treated as may be necessary so as to ensure that sound levels emitted shall not exceed those specified in the Environmental Protection (Noise) Regulations 1997.
5. The upper floor balcony and library privacy screens shown on the approved plans shall be a minimum 1.6m in height above the finished floor level, 75% obscured, permanently fixed, made of durable material and designed to restrict overlooking of the adjoining properties. Details to be submitted at the Building Permit stage to the satisfaction of the Town.
6. A comprehensive Construction Management Plan shall be submitted to the satisfaction

of the Town prior to the issue of a Building Permit, and shall address (amongst other things) traffic management and safety for the street and site; worker parking, including off-site parking in consultation with and approval by the Town.

Advice Notes:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.
3. The owner/applicant is advised that this approval shall be deemed to be an approval under the Metropolitan Region Scheme.

**COUNCIL RESOLUTION**

**Moved Cr Young**

**Seconded Cr Sadler**

**THAT Council REFUSES development approval for front and rear alterations and additions on Lot 37 (No. 7) Avonmore Terrace, Cottesloe, as shown on the plans received 20 September and 28 November 2018, for the following reasons:**

1. **The height, bulk and scale of the proposed west-facing alterations and additions will have a detrimental impact on the amenity of the adjoining southern and western properties and will not maintain access to views of significance from the adjoining southern lot.**
2. **The proposed raised outdoor kitchen, extended pool deck, and external western stairs do not satisfy the design principles relevant to Visual Privacy in the Residential Design Codes and will result in significant overlooking of the adjoining western property.**

**Carried 9/0**

**COUNCILLOR RATIONALE:**

1. The proposed development does not warrant a variation to the maximum permitted building heights specified in clause 5.7.2 of Local Planning Scheme No. 3, having regard to the provisions of clause 5.7.5 in the Scheme.
2. The proposed development does not satisfy the design principles relevant to Visual Privacy in the Residential Design Codes.

**10.1.2 SCHEME AMENDMENT 12 TO LOCAL PLANNING SCHEME NO.3 - SEAPINES**

<b>File Ref:</b>	<b>SUB/2798</b>
<b>Applicant(s) Proponents:</b>	<b>Planning Solutions</b>
<b>Attachments:</b>	<b>10.1.2(a) Applicant Report - Proposed Amendment to Local Planning Scheme No.3 - Deletion of Clause 6.4.3.1(d) - Apartment Sizes in Special Control Area no. 2 [under separate cover]</b>
	<b>10.1.2(b) Strategic Planning Assessment - Review of Proposed Scheme Amendment 12 to LPS3 - Seapines [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Wayne Zimmermann, Principal Planner</b>
<b>Author:</b>	<b>Gayle O'leary, Planning Officer</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

**SUMMARY**

A proposal has been received from Planning Solutions on behalf of Seapines Property Group Pty Ltd, the owner of 17 strata lots at the Seapines property (No. 92 Marine Parade, Cottesloe) to amend Local Planning Scheme No.3 (LPS3) by deleting clause 6.4.3.1(d) of Local Planning Scheme No.3. This clause applies restrictions to the size of dwellings in Special Control Area No.2 - Cottesloe Beach Hotel site, Ocean Beach Hotel and Foreshore Centre zone.

Clause 6.4.3.1 (d) of LPS3 requires that:

*“Of the total number of each Multiple Dwellings or Grouped Dwellings on a site overall, a minimum of:*

- (i) 25% shall comprise a maximum plot ratio area of 70 square metres; and*
- (ii) (ii) 25% shall comprise a maximum plot ratio area of greater than 70 square metres but no greater than 90 square metres.”*

The proposed Scheme Amendment seeks to delete clause 6.4.3.1(d) for the following reasons:

- It is consistent with the strategic planning framework, including *Directions 2031 and Beyond, Perth and Peel @ 3.5 million* and the Town’s Local Planning Strategy 2008;
- It would allow for the provision of dwellings that reflect current market trends; and
- It will remove an unnecessary and outdated restriction on apartment sizes and would allow the framework provided by the recently adopted *State Planning Policy 7.3 Residential Design Codes – Volume 2 Apartments to regulate apartment size*.

The requested Scheme Amendment (**Attachment (a)**) is presented to Council to resolve to either:

- initiate and advertise the amendment in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), or
- not initiate the proposed amendment.

**BACKGROUND**

The subject site is zoned “Foreshore Centre” and falls within Special Control Area No.2 under LPS3. In October 2019, Planning Solutions acting on behalf of the owner of presented to the Council Agenda Briefing Forum the proposal for amending the Scheme to allow for larger apartment sizes at the property.

The proponents are now requesting that Council initiate and approve for advertising the proposed scheme amendment as attached in accordance with the Regulations.

**STRATEGIC IMPLICATIONS**

The proposed Scheme Amendment is inconsistent with the Town’s *Strategic Community Plan 2013 – 2023* as it will remove a provision in LPS3 that provides for a mix of residential uses in the beachfront precinct and will result in less choice in housing style and size, particularly for short stay accommodation in this locality.

Priority Area 4: Managing Development

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Planning and Development Act 2005*

*Planning and Development (Local Planning Schemes) Regulations 2015*

Local Planning Scheme No. 3

Local Planning Strategy 2008 - The proposed deletion of provisions to control the type and ratio of dwellings in this location is inconsistent with the actions of the strategy that include the provision of higher residential densities in the beachfront precinct to accommodate smaller households and also to cater for short-stay accommodation for visitors.

Financial Implications

Resource requirements are in accordance with the existing budgetary allocation.

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

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Planning Solutions presented the proposal to amend the Scheme to allow for larger apartment sizes at the property, to the Council Agenda Briefing Forum in October 2019.

**OFFICER COMMENT**

The proposed Scheme Amendment is classified as a complex amendment under the *Planning and Development (Local Planning Schemes) Regulations 2015* as it constitutes:

- (a) an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Western Australian Planning Commission;
- (b) an amendment that is not addressed by any local planning strategy;
- (c) an amendment that is at variance with the endorsed local planning strategy and State Planning policy that identifies the need for higher residential densities in such locations to accommodate smaller households and to cater for short-stay accommodation for visitors.

To verify that approval of the proposed Scheme Amendment would be inconsistent with the current planning framework, the Town obtained an independent review of the proposal (refer **Attachment (b)**). The review concludes that the proposed amendment not be supported on the basis that approval may not be consistent with the endorsed Local Planning Strategy and could result in development (within the Beachfront Precinct) with less dwellings and at a density less than contemplated by the Strategy. It also indicates that as the Town is currently in the process of reviewing its Local Planning Strategy, Council could further consider the Scheme Amendment once the Strategy Review is further developed and once the Town has a clear direction for future development of the Beachfront Precinct and the likelihood of achieving dwelling and population targets specified in the State Government's Strategic Planning framework for the Central Sub-region.

**Strategic Planning Framework**Directions 2031 and Beyond

Directions 2031 and Beyond is a high level spatial framework and strategic plan that establishes a vision for the future growth of the Perth and Peel Region. It provides a framework to guide detailed planning and the delivery of housing and services for a variety of growth scenarios. Directions 2031 promotes increased housing diversity, adaptability, affordability and choice.

The proposed Scheme Amendment will delete provisions in LPS3 limiting the size of dwellings on a site within the beachfront precinct that has been identified in the current Local Planning Strategy as an important tourist location and focus for more short-term and permanent residential development.

Central Sub-regional Planning Framework

The State's Central Sub-regional Planning Framework establishes a long-term framework for land use and infrastructure provision, with a focus on infill growth in the Central sub-region. Under the Strategy the Town is required to provide an additional 970 dwellings by 2050. This is reflected in the Draft Town of Cottesloe Strategy Discussion Paper released in November 2019.

In order to meet this target the Town needs to consider all areas in the municipality that are currently zoned for possible increased residential density. The deletion of provisions in LPS3 restricting the maximum plot ratio for 50% of the number of multiple dwellings or grouped dwellings on sites within the Special Control Area 2 could limit the ability of the Town to

meet its population and dwelling target as detailed in the State's Central Sub-regional Planning Framework, particularly if land elsewhere in the Town is not rezoned and/or up-coded as part of the Scheme Review to facilitate increased densities.

#### Perth and Peel @ 3.5 million

Perth and Peel @ 3.5 million is an overarching document that builds upon the vision of Directions 2031 and Beyond and provides a link across the four sub-regional land use planning and infrastructure frameworks that define the Perth and Peel spatial plan for the next 30 years. The key planning principles place a greater emphasis on urban infill and increased residential density. The urban consolidation principles that guide infill development include the provision of well-designed higher-density housing that considers local context, siting, form, amenity and the natural environment, with diverse dwelling types to meet the needs of the changing demographics.

The deletion of the provisions in LPS3 will make it difficult to achieve the infill development in the beachfront precinct for the same reason as outlined in the Central Sub-regional Planning Framework above.

#### Local Planning Strategy

Cottesloe's Local Planning Strategy 2008 was prepared to provide the basis for the Town's LPS3. The land that is the subject of the proposed Scheme Amendment is identified in the Strategy within the Foreshore Centre zone. The Strategy describes the purpose of the Foreshore Centre zone as follows:

*'This is the chief zoning for the beachfront activity precinct to enable its multi-purpose uses and built-up character to evolve (within clearly defined limits) while respecting the residential (including short-stay accommodation) amenity and informal recreational nature of the locality serving both local and regional users. Typically higher densities are allowed here subject to acceptable planning and development outcomes. Under LPS3 there is some minor rationalisation of this zoning and upgrading of density. In addition, LPS3 would restrict residential use to upper levels to encourage commercial activity at ground level. Also, to prevent residential land use predominating in the area, the size of dwellings, including short-stay accommodation dwellings, is restricted.'*

The Strategy also identifies the subject land as situated within a 'Beachfront Precinct' and states that:

*"Short-stay accommodation is proposed to be encouraged in beachfront locations and present opportunities for non-private dwelling opportunities. Dwelling size is to be limited in LPS3 to 125 square metres to provide short-stay dwellings an advantage over permanent residential."*

#### Enquiry by Design

During the preparation of the LPS3 the then Minister agreed to an Enquiry by Design (EbD) to inform the preparation of building design controls for the two hotel sites and to develop specific provisions for the Curtin Avenue/railways land adjacent to the Cottesloe Town Centre. The EbD identified Cottesloe beachfront a tourist destination and that there was a deficit of short stay accommodation for tourist purposes. It recommended that short-stay accommodation options should be increased with provision for a range of room sizes and configurations.

The proposed Scheme Amendment is inconsistent with the EbD recommendations as it will remove the controls to deliver a range of dwelling sizes to meet tourist accommodation purposes.

### **Statutory Planning Framework**

#### Metropolitan Region Scheme (MRS)

The land the subject of the proposed Scheme Amendment is zoned Urban under the MRS and the proposed change does not result in any inconsistencies with the intent of this zone.

#### Local Planning Scheme No.3

The objectives of the Foreshore Centre zone under LPS3 are to:

- a) *provide the opportunity for a wide range of residential and community uses and a limited range of commercial, shopping, tourism, recreational and entertainment uses which are compatible with the character and amenity of the beachfront locality;*
- b) *ensure that the predominantly residential and recreational nature of the locality is maintained;*
- c) *ensure that the urban character, aesthetics and amenity of the locality are not compromised by inappropriate land use or development; and*
- d) *give consideration to the maintenance and enhancement of important views to and from public places as a contributor to the character and amenity of the locality and the district e-overall.*

The proposed Scheme Amendment is inconsistent with the following aims of LPS3:

- promoting the Local Planning Strategy; and
- providing opportunities for housing choice and variety in localities which have a strong sense of community identity and high levels of amenity.

Deletion of the provision in LPS3 is also considered inconsistent with objectives of the Foreshore zone in that it is likely to undermine the opportunity to provide a range of residential and tourism uses which are compatible with the character and amenity of the beachfront locality.

Although Clause 6.4.3.4 (a) of LPS3 requires that any redevelopment of the Seapines site “...shall incorporate a minimum of 30 Hotel, Motel and/or Short-stay Accommodation rooms/units...”, the size of dwellings for short and long term accommodation would not be restricted if the proposed Scheme Amendment was approved.

The proponent claims that State Planning Policy 7.3 Volume 2 adequately provides for a mix of apartment sizes and types. Although State Planning Policy 7.3 provides guidance on the mix and types of apartments there is no specific standard for short-stay or holiday accommodation which is important in planning for development in beachfront localities such as the Cottesloe foreshore. Under the current circumstances if Clause 6.4.3.1 (d) is deleted, the Town’s statutory planning framework does not provide any development standards in relation to an appropriate dwelling mix for the Beachfront Precinct.

It is therefore not recommended that the proposed Scheme Amendment be initiated as it will delete a requirement in LPS3 for the provision of a range of dwelling sizes, including short-stay accommodation options in Cottesloe’s beachfront locality. This would be



inconsistent with the endorsed Local Planning Strategy as it would result in development within the Beachfront Precinct with fewer dwellings and at a density less than contemplated by the Strategy. As the Town is currently reviewing its Local Planning Strategy as part of the Local Planning Scheme review process, it is considered premature to delete this requirement until the Town has a clear direction for future development of the Beachfront Precinct and the likelihood of achieving dwelling and population targets specified in the State Government's Strategic Planning framework for the Central Sub-region.

Should Council decide to initiate the proposed Scheme amendment however, it is recommended that a local planning policy be prepared and adopted in conjunction with the amendment in order to guide a suitable dwelling mix for Special Control Area 2 and / or for all multiple dwelling developments within the Town.

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER RECOMMENDATION**

THAT Council:

1. In accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, resolve to NOT initiate Scheme Amendment No. 12 to LPS3 for the following reasons:
  - (a) The Scheme Amendment is inconsistent with the Town of Cottesloe endorsed Local Planning Strategy 2008 as it would result in development within the Beachfront Precinct with less dwellings and at a density less than contemplated by the Strategy. It will also remove an important requirement of the Local Planning Scheme that provides for dwelling sizes to accommodate smaller households and to cater for short-stay accommodation for visitors to this locality.
  - (b) The Town is currently reviewing its Local Planning Strategy as part of the Local Planning Scheme review process and it is considered premature to delete this requirement until the Town has a clear direction for future development of the Beachfront Precinct and the likelihood of achieving dwelling and population targets specified in the State Government's Strategic Planning framework for the Central Sub-region.

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

Moved Cr Sadler

Seconded Cr Young

1. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolve to NOT initiate Scheme Amendment No.12 to Local Planning Scheme No.3 (LPS3) for the following reasons:
  - (a) The Scheme Amendment is inconsistent with the Town of Cottesloe endorsed Local Planning Strategy 2008 as it would result in development within the Beachfront Precinct with less dwellings and at a density less than contemplated by the Strategy. It will also remove an important requirement of LPS3 that

provides for dwelling sizes to accommodate smaller households in this locality.

- (b) The Town is currently reviewing its Local Planning Strategy as part of the review of LPS3 and it is considered premature to delete Clause 6.4.3.1(d) of LPS3 until the Town has a clear direction for future development of the Beachfront precinct and the likelihood of achieving dwelling and population targets specified in the State Government's Strategic Planning framework for the Central Sub-region.

Carried 9/0

**ADMINISTRATION****10.1.3 CITIZEN OF THE YEAR POLICY**

<b>File Ref:</b>	<b>SUB/2798</b>
<b>Attachments:</b>	<b>10.1.3(a) Citizen of the Year Policy [under separate cover]</b> <b>10.1.3(b) Criteria - Citizen of the Year Awards [under separate cover]</b> <b>10.1.3(c) Categories - Citizen of the Year Awards [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Shane Collie, Executive Manager Corporate Services and Governance</b>
<b>Author:</b>	<b>Gabrielle Hall, Events Coordinator</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**SUMMARY**

A review of the Citizen of the Year Policy has been conducted and it is recommended that the Policy be revoked and be replaced with the criteria utilised by the Australia Day Council of Western Australia for the selection of awards.

**BACKGROUND**

The Town's Citizen of the Year Policy was last reviewed in on 27 June 2017.

The Australia Day Council WA (AUSPIRE) Community Citizen of the Year Awards are presented by Local Governments within local communities across Western Australia on Australia Day. The Awards recognise individuals and organisations making a notable contribution during the current year, and/or those who have given outstanding service over a number of years. AUSPIRE have a set criteria and categories for the awards.

The Town is a financial member of AUSPIRE, which is renewed annually. In recent years AUSPIRE has developed its nomination process and now administer all of the Town's nominations via their website.

The Town formerly had a Public Events Committee, which was disbanded in 2019. The Public Events Committee would utilise this Citizen of the Year Policy as an assessment guide when considering the Citizen of the Year nominations. Since the disbanding, nominations are presented directly to Council for consideration.

By revoking this Policy the Town will still have a set of award categories and eligibility criteria based on the AUSPIRE standard. A copy of the criteria can be found as attachments.

**STRATEGIC IMPLICATIONS**

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

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

Major Strategy 1.4: Continue to improve community engagement.

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

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

Major Strategy 1.4: Continue to improve community engagement.

**POLICY IMPLICATIONS**

By revoking this Policy the Town will revert to utilising the criteria set by AUSPIRE (Australia Day Council of Western Australia).

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

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

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Nil

**OFFICER COMMENT**

Referring to the guidelines set by AUSPIRE ensures that the Town is administering the most up to day criteria for the awards program. Each year the nominations will continue to be presented to Council for consideration and resolution of the chosen awardee/s.

Stated in the current Citizen of the Year Policy is the following; Citizen of the Year Award – Youth (under 25 years) 'In addition to the usual gifts/certificates provided to award winners, Council will contribute to a maximum of \$2,000 to this award winner for a personal or professional development program that will benefit the winner's long term career aspirations (eg a trip on the STS Leeuwin or a contribution to study fees). It is suggested that this clause is included in the Council resolution when a Youth Citizen of the Year is awarded. Officers will continue to ensure that the \$2,000 prize money is included for consideration in the Town's annual budget.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Mayor Angers**

**Seconded Cr Harkins**

**THAT Council:**

- 1. REVOKES the Citizen of the Year Policy 2017.**
- 2. UTILISES the criteria set out by the Australia Day Council of Western Australia to determine the Town of Cottesloe Citizen of the Year awards.**

**Carried by En Bloc Resolution 9/0**

**10.1.4 MUSIC RECITALS AND CONCERTS AT THE COTTESLOE CIVIC CENTRE POLICY**

**File Ref:** SUB/2798  
**Attachments:** 10.1.4(a) Music Recitals or Concerts at the Cottesloe Civic Centre Policy (1992) [under separate cover]  
**Responsible Officer:** Shane Collie, Manager Corporate Services and Governance  
**Author:** Gabrielle Hall, Events Coordinator  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The Music Recitals or Concerts at the Cottesloe Civic Centre Policy was adopted in July 1992. A review has been conducted and it is recommended that the Policy be revoked.

**BACKGROUND**

This Policy was prepared to set down procedures for the organisation and outline the logistical support for music recitals and concerts held at the Cottesloe Civic Centre, for the enjoyment of Cottesloe residents and the public generally.

This policy is not referenced when music recitals or concerts are considered to be held at the Cottesloe Civic Centre, including the Town's Music for Pleasure winter concert series. Some elements of the Policy are followed as a matter of administrative process.

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

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

Priority Area 6: Providing open and accountable local governance.

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

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

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

#### **STAFFING IMPLICATIONS**

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

#### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

#### **CONSULTATION**

Nil

#### **OFFICER COMMENT**

##### Town organised music recitals in the Cottesloe Civic Centre

The Town of Cottesloe concert series, 'Music for Pleasure' is indirectly related to this Policy.

Officers note that Council has been involved in the selection of artists for Music for Pleasure via memorandum, which is contradictory to the Policy.

Operational process for the Music for Pleasure Concert Series ensures that each performer signs an 'agreement to provide entertainment'. The agreement covers the requirements of the performer, some of which are stipulated in the Policy. Some additional items are not reflected in the 'agreement to provide entertainment', however they are no longer relevant such as, 'at the end of each concert series, the appointed elected member shall provide a written report for submission to the Finance and Administration Committee'.

Music for Pleasure has been cancelled for 2020.

##### Bookings received by the Town of music recitals in the Cottesloe Civic Centre

The Policy states that 'Concerts and recitals are to be limited to the War Memorial Hall and no more than eighteen in number with four reserved for local or regional Schools, to be held between 1 May and 30 September.' These restrictions are not required and the Town accesses each application on its merits. Officers exercise discretion when approving bookings and if concerns are raised regarding noise or impact, they are managed in accordance with the Conditions of Hire.

Should Council wish to administer any conditions as stated in the Music Recitals and Concerts at the Cottesloe Civic Centre Policy it is suggested that they be adopted into the 'Hall Hire – Conditions of Use' or 'Civic Centre Hall Hire Policy'.

#### **VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Mayor Angers**

**Seconded Cr Harkins**

**THAT Council REVOKES the Music Recitals or Concerts at the Cottesloe Civic Centre Policy 1992.**

**Carried by En Bloc Resolution 9/0**



**10.1.5 PRIVACY POLICY**

**File Ref:** SUB/2798  
**Attachments:** 10.1.5(a) Draft Privacy Policy [under separate cover]  
**Responsible Officer:** Shane Collie, Executive Manager Corporate Services and Governance  
**Author:** Ann-Marie Donkin, Governance Officer  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

This item is returned to Council for consideration after deferral from the June Ordinary Council Meeting. The Policy presented includes some amendments suggested at the June Agenda Forum Meeting which unfortunately did not carry through to the Policy attachment at the June 2020 meeting.

A recommendation is made for the adoption of the attached Privacy Policy.

**BACKGROUND**

The Town of Cottesloe collects personal information in the course of its daily business and through various activities such as community engagement.

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

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

Priority Area 6: Providing open and accountable local governance.

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

**POLICY IMPLICATIONS**

The officer's recommendation is to adopt a new Policy of Council, which, when adopted should be applied in conjunction with the Town's Code of Conduct and the following Council Policies:

- Community Engagement Policy.
  - Email Management Policy.
  - Media Policy.
  - Records Management Policy.
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**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

*Freedom of Information Act 1992*

*State Records Act 2000*

*Federal Privacy Act 1988*

*Privacy Amendment (Enhancing Privacy Protection) Act 2012*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

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

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Nil

**OFFICER COMMENT**

The Office of the Australian Information Commissioner (OAIC) mainly deals with issues that are covered by the Privacy Act 1988. The Privacy Act is a federal law which does not cover local, state or territory government agencies, except the Norfolk Island Administration.

The Federal Legislation provides some guidance in terms of the 13 Privacy principles contained therein and is referenced in the draft Town of Cottesloe Privacy Policy. In acknowledgement of the Federal Privacy Act 1988 the Town has an obligation to protect personal data and only use it for the purposes for which it is collected.

The adoption of a Privacy Policy will provide a framework that governs the way in which the Town collects, uses and discloses personal information, ensuring this information is handled appropriately.

It should be noted that the draft Policy does not cover surveillance devices (listening device, an optical surveillance device or a tracking device), which are covered by the *Surveillance Devices Act 1998*.

The Town does operate CCTV Surveillance and recently the Town's Rangers have been wearing body cameras on patrol. It has been recognised by the administration that due to the complexity of this function a separate Policy and set of guidelines /operating procedures is required and is presently being developed.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Young**

**Seconded Cr Masarei**

**THAT Council ADOPTS the Draft Town of Cottesloe Privacy Policy as attached.**

**Carried 8/1**

**10.1.6 ADVISORY AND WORKING GROUPS POLICY**

<b>File Ref:</b>	<b>SUB/2798</b>
<b>Attachments:</b>	<b>10.1.6(a) DRAFT - Advisory and Working Groups Policy [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Shane Collie, Executive Manager Corporate Services and Governance</b>
<b>Author:</b>	<b>Ann-Marie Donkin, Governance Officer</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**SUMMARY**

A recommendation is made for the adoption of an Advisory and Working Groups Policy.

**BACKGROUND**

An Advisory/Working Group's role is to act in an advisory capacity, providing the Town with its agreed views and/or proposals relevant to the Group's objectives. These groups do not have any delegated authority or power to make decisions.

Currently the Town has the following Advisory/Working Groups:

- Design Advisory Panel
- Active Transport Working Group
- Public Open Space Working Group
- Universal Access and Inclusion Reference Group

The Public Art Advisory Committee was disbanded in June 2020.

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

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

Priority Area 6: Providing open and accountable local governance.

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

**POLICY IMPLICATIONS**

The officer's recommendation is to adopt a new Policy of Council, which, when adopted should be applied in conjunction with the Town's Code of Conduct.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

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

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Nil

**OFFICER COMMENT**

The Town often looks to its community for individuals willing to provide their expertise to assist Council in formulating solutions with various projects and/or areas of operation.

The Advisory and Working Group Policy has been developed to provide guidance to Council appointed community representatives and stakeholders, Elected Members, and staff of the Town's Advisory and Working Groups. The Policy is related to the requirements of membership and is in addition to their Charters/Terms of Reference.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Cr Sadler**

**Seconded Cr MacFarlane**

THAT Council ADOPTS the Advisory and Working Groups Policy as attached.

**COUNCILLOR AMENDMENT**

**Moved Cr Young**

**Seconded Cr Barrett**

**That Council:**

- 1. ADOPTS the Advisory and Working Groups Policy as attached subject to the following changes:**
  - i. para 2.1 after the words "Advisory and Working Groups, Panels..." add the following: "(other than the Design Advisory Panel)"; and**

- ii. para 5.2 amend to read “A quorum of the group is 50% of the number of members, but must include at least one Councillor if the group contains a Councillor representative.”
2. **APPOINTS Cr Young, Cr Masarei and Cr Tucak to a Policy Review Delegation, to review new Policies and Policy amendments, on the request of the Administration, prior to the presentation of such Policies (by the Administration) to Council for consideration.**

**Carried 9/0**

#### **SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

**That Council:**

1. **ADOPTS the Advisory and Working Groups Policy as attached subject to the following changes:**
  - i. para 2.1 after the words “Advisory and Working Groups, Panels...” add the following: “(other than the Design Advisory Panel)”; and
  - ii. para 5.2 amend to read “A quorum of the group is 50% of the number of members, but must include at least one Councillor if the group contains a Councillor representative.”
2. **APPOINTS Cr Young, Cr Masarei and Cr Tucak to a Policy Review Delegation, to review new Policies and Policy amendments, on the request of the Administration, prior to the presentation of such Policies (by the Administration) to Council for consideration.**

#### **COUNCILLOR RATIONALE:**

1. The Design Advisory Panel is a unique Panel which is comprised of expert members but is chaired by a (Council appointed) elected member Chair (or (Council appointed) elected member Deputy Chair); the Panel does not vote on matters and the Chair performs a procedural role only; the Chair is not included in calculating the quorum of the meeting;
2. The Policy contains provisions which are not consistent with the Charter of the Design Advisory Panel. Eg appointment and voting of Chair;
3. The WAPC has issued guidelines for the purpose, composition and operation of Design Review Panels (the WAPC Design Review Guide May 2019).
4. At the October 2019 Council Meeting Council resolved to defer consideration of the Charter for the Design Advisory Panel to allow (amongst other things) the Administration to advise Council on changes to the charter to align it more closely to the terms of the Design Review Guide, including provisions relating to Purpose, role of Chair in voting and calculation of quorum and the relevant expertise of members;
5. Closer alignment between the Charter of the DAP and the Design Review guidelines will increase the likelihood of state planning decision-makers giving due weight to the opinions expressed by the DAP, in any cases under their consideration;
6. It is highly desirable that at least one Elected Member be in attendance at all meetings

of Working Groups, Panels and Committees to which the Policy will apply.

7. If no elected member is present at a meeting, or any part of a meeting, the requirement for an elected member to form part of the quorum will mean that the meeting cannot proceed. This would be inconvenient particularly if all unelected members of group were present. This factor should be balanced against the desirability of elected members being represented at such meetings. On balance, the better position is to have elected members represented.
8. The use of a delegation has been suggested by the Administration as a way to streamline the form and structure of Policies.

**10.1.7 PROPOSED EXTENSION OF CONTRACT FOR EVENTS AT THE COTTESLOE CIVIC CENTRE**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Shane Collie, Executive Manager Corporate Services and Governance  
**Author:** Gabrielle Hall, Events Coordinator  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

A recommendation is to grant an extension of one year for the Contract for Events at the Cottesloe Civic Centre.

**BACKGROUND**

On 5 May 2017 the Town issued a Request for Quotation for Event Management and Catering Services at the Cottesloe Civic Centre (RFQ). The Town selected Imogen Corporation Pty Ltd (Heyder and Shears) as the best candidate for providing the services described in the RFQ. The Town and the Contractor entered into a Contract on 1 September 2017 that sets out the terms and conditions of the agreement between the parties. The contract expires on 31 August 2020.

Prior to this contract, Beaumonde Australia Pty Ltd trading as Beaumonde Catering held the exclusive rights to catered private functions in the Cottesloe Civic Centre.

**STRATEGIC IMPLICATIONS**

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

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

Major Strategy 1.3: Identify places to host more cultural events and activities.

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

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

Major Strategy 1.4: Continue to improve community engagement.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

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There are no perceived financial implications arising from the officer's recommendation. The contractor pays hire fees for the use of the Cottesloe Civic Centre for events, with these fees and charges set by Council in the adoption of the Annual Budget.

### **STAFFING IMPLICATIONS**

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

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

Town of Cottesloe

Imogen Corporation Pty Ltd (Heyder and Shears)

### **OFFICER COMMENT**

Due to the uncertainty surrounding COVID-19 and the recent restrictions on gatherings, it is not perceived to be a suitable time to renegotiate an events contract. The recent implications and restrictions have had a substantial impact on the events industry and does not present itself as an opportune time to undertake this process.

Extending the contract for one year will allow the Town to reassess this matter in accordance with the permitting conditions at the time. Imogen Corporation Pty Ltd (Heyder and Shears) deliver a high quality service and the Town has not experienced any notable issues. Heyder and Shears have expressed satisfaction at the opportunity to extend the contract by one year.

A contract extension is in accordance with item 21 of the contract, which states that 'The contract can be modified, amended or varied only by a document in writing signed by or on behalf of each of the parties'. It is recommended that the Town extends its contract with Imogen Corporation Pty Ltd.

### **VOTING REQUIREMENT**

Simple Majority

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

Moved Mayor Angers

Seconded Cr Harkins

#### **THAT Council:**

- 1. APPROVES the extension of Contract VIT/203 to Imogen Corporation Pty Ltd as Trustee for the Grid Trust (trading as Heyder and Shears Catering) for Events at the Cottesloe Civic Centre until 31 August 2021.**
- 2. AUTHORISES the Chief Executive Officer to commence the formal process of inviting proposals for a new contract at an appropriate time prior to 31 August 2021.**

Carried by En Bloc Resolution 9/0

**10.1.8 ACKNOWLEDGEMENT OF COUNTRY**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Neil Hartley, Acting Chief Executive Officer  
**Author:** Shane Collie, Executive Manager Corporate Services and Governance  
**Author Disclosure of Interest:** Nil

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.1.8 by virtue "I am a member of Reconciliation WA."

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**SUMMARY**

A recommendation is made for the adoption of an Acknowledgement of First Peoples at Council meetings.

**BACKGROUND**

This report is in relation to the 29 October 2019 Ordinary Council Meeting Item 10.1.7 Strategic direction – First Peoples, item 1 (i).

The Substantive Motion and Council Resolution is as follows;

*That Council note the progress made with its respect and recognition of traditional owners (First Peoples) and confirm that Officers should continue to work with Reconciliation WA, and work with other local governments and appropriate State Government and Federal Government bodies to:*

1. Progress the Development of a First People's Engagement and Consultation Strategy to include:
  - i. *agreeing on suitable wording for the acknowledgement of First Peoples at Council meetings; and*
  - ii. *Guidelines for future consultation with First Peoples on the management of Aboriginal (First People) heritage sites within the Town of Cottesloe, and on projects of significance in Cottesloe, including identifying parties to be consulted and the preferred form of consultation;*

AND

2. Develop a draft Reconciliation Action Plan for Council consideration.

**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 6.4: Enhance the Town's ability to embrace and manage change.

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

Priority Area 6: Providing open and accountable local governance.

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Major Strategy 6.4: Enhance the Town's ability to embrace and manage change.

### **POLICY IMPLICATIONS**

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

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

Town of Cottesloe Standing Orders Local Law 2012 Clause 5.2 permits Council to change the meeting Order of Business from time to time if desired.

### **FINANCIAL IMPLICATIONS**

\$10,000 is allocated in the 2020/21 financial year budget to develop a First Peoples Engagement and Consultation Strategy part of which includes a Reconciliation Action Plan.

### **STAFFING IMPLICATIONS**

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

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

Elected Members

### **OFFICER COMMENT**

Administration has undertaken research and presents the following examples for the Acknowledgement of First Peoples;

#### **1. West Australian Local Governments**

##### **1.1 City of Stirling**

"On behalf of Councillors, we would like to acknowledge the traditional custodians of this land, the Wadjak people of the Nyoongar nation, on which this meeting is taking place and show our respect for Elders past, present and emerging."

(Reference: Council Agenda June 2020 - [stirling.wa.gov.au/your-city/about-council/council-and-committee-meetings/minutes-and-agendas](http://stirling.wa.gov.au/your-city/about-council/council-and-committee-meetings/minutes-and-agendas))

##### **1.2 Town of Victoria Park**

**1.2.1 Long** 'I am not a Noongar woman/man, I am a non-Indigenous woman/man. I am honoured to be standing on Whadjuk - Noongar country on the banks of the Swan River.

I acknowledge the traditional custodians of this land and respect past, present and emerging Leaders, their continuing cultural heritage, beliefs and relationship with the land, which continues to be important today.

I thank them for the contribution made to life in the Town of Victoria Park and to this region.'

**1.2.2 Medium** 'I acknowledge the traditional custodians of this land, the Whadjuk Noongars from the Noongar nation and pay my respects to past, present and emerging leaders, their cultural heritage, beliefs and relationship with this land which still continues today.'

**1.2.3 Short** 'I acknowledge the traditional custodians of the land, the Whadjuk Noongars from the Noongar nation of Australia and pay my respects to past, present and emerging leaders.'

(Reference: [victoriapark.wa.gov.au/Around-town/Community-development/Diversity/Aboriginal-Engagement](http://victoriapark.wa.gov.au/Around-town/Community-development/Diversity/Aboriginal-Engagement) )

### 1.3 Shire of Harvey

**1.3.1** "I/We wish to acknowledge the traditional custodians of the land we are meeting on, the Gnaala Karla Booja people. I/We wish to acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region."

**1.3.2** "I/We would like to acknowledge that this meeting is being held on the traditional lands of the Noongar people."

**1.3.3** "I/We would like to acknowledge that this meeting is being held on Aboriginal land and recognise the strength, resilience and capacity of Noongar people in this land."

(Reference: [harvey.wa.gov.au/policies-delegations-and-local-laws/](http://harvey.wa.gov.au/policies-delegations-and-local-laws/))

## 2. Federal Government

**1.1 Specific** 'I would like to begin by acknowledging the <insert name of people here (e.g. Ngunnawal)> people, Traditional Custodians of the land on which we <gather/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.'

**1.2 Generic** 'I would like to begin by acknowledging the Traditional Custodians of the land on which we <gather/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.'

(Reference: [indigenous.gov.au/contact-us/welcome\\_acknowledgement-country](http://indigenous.gov.au/contact-us/welcome_acknowledgement-country))

## 3. Reconciliation Australia

**3.1. General** 'I'd like to begin by acknowledging the Traditional Owners of the land on which we meet today. I would also like to pay my respects to Elders past and present.'

- 3.2. Specific** 'I'd like to begin by acknowledging the Traditional Owners of the land on which we meet today, the (people) of the (nation) and pay my respects to Elders past and present.'

(Reference: [reconciliation.org.au/wp-content/uploads/2017/11/Welcome-to-and-Acknowledgement-of-Country.pdf](https://reconciliation.org.au/wp-content/uploads/2017/11/Welcome-to-and-Acknowledgement-of-Country.pdf))

Words in the Nyoongar language can be spelt in different ways, it is recommended the Town adopts one spelling for the words Whadjuk and Nyoongar and acknowledges alternative spellings.

A budget allowance for a consultant has been made to progress the remaining Council resolutions from the 29 October 2019 Ordinary Council Meeting, Item 10.1.7 Strategic direction – First Peoples, item 1 (ii) and item 2.

### **VOTING REQUIREMENT**

Simple Majority.

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

Moved Mayor Angers

Seconded Cr Harkins

**THAT Council:**

- 1. ADOPTS the following acknowledgement of First People's at Council meetings;**  
**'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. NOTES that the Town of Cottesloe acknowledges alternative spellings for Whadjuk and Nyoongar.**

**Carried by En Bloc Resolution 9/0**

**ENGINEERING****10.1.9 GERALDINE STREET PEDESTRIAN ACCESS WAY**

**File Ref:** SUB/2798  
**Attachments:** 10.1.9(a) 1 and 1a Geraldine Cottesloe Ltr 190320\_with attachments [CONFIDENTIAL] [UNDER SEPARATE COVER]  
**Responsible Officer:** Neil Hartley, Acting Chief Executive Officer  
**Author:** Shaun Kan, Executive Manager Engineering Services  
**Author Disclosure of Interest:** Nil

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.9 by virtue "some of the effected neighbours known to me."

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.9 by virtue "two of the parties are known to me."

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.1.9 by virtue "one of the residents is known to me."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.9 by virtue "both of the effected residents are known to me."

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**SUMMARY**

Council is asked to consider approving restricting all vehicle access through the pedestrian access way (PAW) and the removal of all unauthorised street trees planted in this section of Geraldine Street.

**BACKGROUND**

In 2019, the Town approved the sub-division of 1A and 1B Geraldine Street. The driveway and cross-over leading to this sub-division and a PAW have been paved.

The residents of 1 Geraldine Street have a carport on the frontage of their property from Geraldine Street but at the same time also have access to a garage through this PAW.

The residents of 1 Geraldine Street have recently engaged a Town Planning Consultant to raise the following issues with the Town of Cottesloe:

- Unauthorised tree planted along the PAW
- Obstruction of the PAW by vehicles visiting 1A Geraldine Street

Elected Members have been copied into this email correspondence of 19 March 2020 (Confidential Attachment).

Affected property owners were informed on Monday 20 July 2020 after the Agenda Forum papers had been approved and uploaded onto the Town's website on Friday 17 July 2020. The timing of the notification is one week before the July Ordinary Council Meeting (Tuesday 28 July 2020) when a decision on this matter will be made.

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For safety reasons, such an access arrangement through the PAW would not be appropriate regardless of indemnity. The trees that have recently been planted by the 1A and 1B Geraldine Street development, particularly along the PAW, do not comply with our Street Tree Masterplan and Street Tree Policy.

### **STRATEGIC IMPLICATIONS**

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

Priority Area 5: Providing sustainable infrastructure and community amenities

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

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

Priority Area 5: Providing sustainable infrastructure and community amenities.

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

### **POLICY IMPLICATIONS**

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

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995;*

*Local Government (Functions and General) Regulations 1996; and*

*Land Administration Act 1997*

### **FINANCIAL IMPLICATIONS**

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

### **STAFFING IMPLICATIONS**

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

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

The officer's recommendation will result in two unauthorised plantings being relocated and replaced with the same number of Western Sheeks, the approved species within the Street Tree Masterplan.

### **CONSULTATION**

Town of Cottesloe Staff

Elected Members

### **OFFICER COMMENT**

The planting of the two trees in front of 1A and 1B Geraldine Street do not comply with the species within the approved Street Tree Masterplan. The planting along the PAW creates the

risk of property damage that creates a future claim against the Town. Both situations are inconsistent with our Street Tree Policy. However, Council can consider approving the tree that is planted outside the PAW given its thriving condition. However, this could create the risk of precedence for future developments. The preferred approach would be for the tree within the PAW to be removed with the second planting outside the PAW to be replaced by the Town with an approved species. The Administration will offer replanting both unauthorised trees at a location chosen by the owner provided it does not contravene any legislation.

The PAW access arrangements by 1 Geraldine Street are unsafe given these conflicts with pedestrians. One of the three previous owners relinquished their PAW access rights in the past and the Administration has been informed by the resident's planning consultant that the current access is based on historical precedence. One of the past owners, after the access rights had been relinquished, continued to use the PAW for vehicle access by providing public liability insurance to the Town. Regardless of arrangements, this access must cease immediately as this is not consistent with the purpose of the access way and at the same time creates a safety risk for pedestrians.

The alternative, should Council wish to continue providing the garage access, would be for an appropriate section of the PAW to be converted to road reserve to allow the vehicular thoroughfare. The remaining section will remain as a PAW. The owner of 1 Geraldine Street would however need to be responsible for replacing the existing surface and installing bollards so as to ensure some form of differentiation between the road reserve and PAW.

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER RECOMMENDATION**

THAT Council:

1. Subject to point two, APPROVES restricting vehicle access to the Pedestrian Access Way at the Geraldine Street cul-de-sac through the installation of a bollard;
2. APPROVES giving the owner 30 calendar days to make any necessary arrangements as part of the vehicular access restrictions;
3. APPROVES the removal of the two unauthorised trees planted in front of 1A and 1B Geraldine Street; and
4. NOTES that the Administration will plant two replacement species and transfer the removal to a location specified by the existing tree owner provided this is consistent with policies and local laws.

### **COUNCILLOR MOTION**

**Moved Cr Young**

**Seconded Cr MacFarlane**

**That Council:**

1. **Defers consideration of paragraphs 1 and 2 of the Officer's Recommendation pending further consultation with the owner of the property at 1 Geraldine St;**



2. **Defers consideration of paragraphs 3 and 4 of the Officer's Recommendation pending the proposed Elected Member workshop with the Town's arborists to discuss the rationale and objectives of the Street Tree Masterplan; and**
3. **Requests the Administration to remove the unauthorised tree and any associated equipment from the Public Access Way.**

**Carried 9/0**

Councillor Rationale:

1. The owner of 1 Geraldine Street was only notified of the Officer's recommendation on Monday 20 July 2020 and requests an opportunity for consultation and exploring possible solutions with all affected parties.
2. It is appropriate for the Town to consult more fully with the owner given the impact to him of the proposed closure of the Public Access Way;
3. Council has been asked to consider a number of requests for variations to the designated species under the Street Tree Masterplan;
4. as a consequence, Council has asked the Administration to organise a Councillor workshop with the Town's arborist so that the rationale and objectives of the Masterplan can be fully understood and can inform Councillor's decision making on such items. The Administration has agreed to schedule the workshop in the near future;
5. it would be appropriate for Council to defer making decisions regarding to requests for species variation until that workshop has been run.
6. The tree in the Public Access Way will grow to obstruct the access; as a general principle, the Town should act to remove unauthorised trees planted to block access to rights of way and public access ways under the Town's control.

**10.1.10 FORESHORE MASTERPLAN PRELIMINARY DESIGN**

<b>File Ref:</b>	<b>SUB/2798</b>
<b>Attachments:</b>	<b>10.1.10(a) Preliminary Design Drawings - Foreshore Masterplan - Pending Council Approval - Cottesloe Foreshore Master Plan Detail Design [under separate cover]</b>
	<b>10.1.10(b) Preliminary Design Drawings - Foreshore Masterplan - Pending Council Approval - Landscape [under separate cover]</b>
	<b>10.1.10(c) Preliminary Design Drawings - Foreshore Masterplan - Pending Council Approval - Architectural [under separate cover]</b>
	<b>10.1.10(d) Preliminary Design Drawings - Foreshore Masterplan - Pending Council Approval - Civil [under separate cover]</b>
	<b>10.1.10(e) Preliminary Design Drawings - Foreshore Masterplan - Pending Council Approval - Lighting &amp; Electrical [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Neil Hartley, Acting Chief Executive Officer</b>
<b>Author:</b>	<b>Shaun Kan, Executive Manager Engineering Services</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.1.10 by virtue "one of the consultants from Aspect is known to me."

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**SUMMARY**

Following their appointment at the 4 May 2020 Special Council Meeting, Aspect Studios have completed the preliminary design for the Foreshore Masterplan.

Council is asked to consider accepting the attached preliminary design to progress the detail design phase of the project.

**BACKGROUND**

A visual summary of past Foreshore Master Plans was developed in 2018 that consolidated past aspirations for consideration in the current study with the purpose of updating previous designs.

The public were then consulted in 2019, through a three phased approach, to validate previous visions and to identify what the community would like to see now in the contemporary Master Plan. Council approval was obtained at each milestone as the project progressed through the consultation process.

In December 2019, Council endorsed the Foreshore Masterplan and tenders were called in April 2020 to progress the next phase of designs. In May 2020, Aspect Studios were awarded the design consultancy for the works and Council approval will be required at the completion of preliminary design (50% milestone) before detail design. Similar endorsement would be required for the final construction drawings and specifications.

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

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

Priority Area 3: Enhancing beach access and the foreshore.

Major Strategy 3.1: Implement the 'Foreshore Redevelopment Plan' in consultation with the community.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation. The estimated cost of this preliminary design is \$22M.

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Elected Members

Town of Cottesloe Staff

Foreshore Precinct Advisory Committee

**OFFICER COMMENT**

On 8 July 2020, Aspect Studios presented the draft preliminary design to elected members and the Foreshore Precinct Advisory Committee. Attached are the final preliminary design drawings for the various project components within the approved Foreshore Masterplan.

Council is asked to accept these drawings for the project to progress the detail design towards developing a comprehensive set of construction drawings and specifications to be delivered in October 2020 for funding contributions to be sourced from both the State and Federal Government.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Cr Sadler**

**Seconded Cr Young**

THAT Council:

1. ACCEPTS the attached preliminary design drawings;
2. APPROVES the detail design phase of the project; and
3. NOTES that the final design in point two will be referred to Council Meeting for acceptance upon its availability.

**COUNCILLOR AMENDMENT**

**Moved Cr Barrett**

**Seconded Cr Harkins**

**That Council:**

1. **ACCEPTS the attached preliminary design drawings, subject to the following:**
  - i. **Amalgamation of the lawn area around the playground;**
  - ii. **Review of the interface with Indianas (north side) to increase protected lawn areas;**
  - iii. **Consideration of provision for public toilets adjacent to the playground and design for service connections, within the detailed design stage of design;**
2. **APPROVES progressing to the detailed design phase of the project, subject to paragraph 3, below;**
3. **REQUIRES the Administration to refer the preliminary design drawings to the community members of the FPAC and arrange for their comments and input to be relayed to Aspect Studios for consideration, prior to proceeding with detailed design; any significant variations should be brought back to Council for consideration prior to proceeding with detailed design;**
4. **NOTES that the final designs in point 2 will be referred to Council for final acceptance upon its availability.**

**Carried 9/0**

**COUNCILLOR AMENDMENT**

**Moved Cr Tucak**

**Seconded Cr Young**

In point 1 of the amendment include a point iv:

- iv. **Parking Plaza layout to move the bays west to optimise ocean viewing (and consider furniture that can buffer bays from pedestrians) and identify ways to include more short-term bays.**

**Lost 1/8**

**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

**That Council:**

- 1. ACCEPTS the attached preliminary design drawings, subject to the following:**
  - i. Amalgamation of the lawn area around the playground;**
  - ii. Review of the interface with Indianas (north side) to increase protected lawn areas;**
  - iii. Consideration of provision for public toilets adjacent to the playground and design for service connections, within the detailed design stage of design;**
- 2. APPROVES progressing to the detailed design phase of the project, subject to paragraph 3, below;**
- 3. REQUIRES the Administration to refer the preliminary design drawings to the community members of the FPAC and arrange for their comments and input to be relayed to Aspect Studios for consideration, prior to proceeding with detailed design; any significant variations should be brought back to Council for consideration prior to proceeding with detailed design;**
- 4. NOTES that the final designs in point 2 will be referred to Council for final acceptance upon its availability.**

**Carried 8/1**

**For: Mayor Angers, Crs Young, Harben, Sadler, Masarei, Harkins, Barrett and MacFarlane**

**Against: Cr Tucak**

**Councillor Rationale:**

The provisos in paragraph 1 reflect matters raised by a number of elected members in reviewing the preliminary designs and should be addressed in the detailed design stage;

It is highly desirable that the community members of the FPAC, each of whom have expertise relevant to Council's considerations, should provide input at this stage of the design process. Any significant variations suggested by FPAC should be brought back to Council for its consideration prior to proceeding with the detailed design stage.

**FINANCE****10.1.11 RATES WRITE OFF - ASSESSMENT 2157 - LOT 59 D/P 27919**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Shane Collie, Executive Manager Corporate Services and Governance  
**Author:** Wayne Richards, Finance Manager  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The purpose of this report is to write off rates and charges for Lot 59 D/P 27919 totalling \$9,359.84 as at 1-07-2020.

**BACKGROUND**

Following a subdivision of 135 and 137 Curtin Avenue, Cottesloe a small section of land remained as a rateable parcel (Lot 59 D/P 27919) and appears to have been left in the name of a previous owner who the Town is unable to contact nor locate.

**STRATEGIC IMPLICATIONS**

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

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

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**6.12 Power to defer, grant discounts, waive or write off debts**

- (1) *Subject to subsection (2) and any other written law, a local government may -*
  - (a) *when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or*
  - (b) *waive or grant concessions in relation to any amount of money; or*
  - (c) *write off any amount of money, which is owed to the local government.*

*\* Absolute majority required.*
- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*

**FINANCIAL IMPLICATIONS**

The amount to be written off in total is \$9,359.84. This amount is inclusive of rates, emergency services levies (which are unable to be recovered) and other charges, and is in accordance with the existing budgetary allocations.

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Senior staff.

**OFFICER COMMENT**

The amount of rates and charges to be written off is \$9,359.84 which is above the Chief Executive Officer's delegated amount of \$1,000.00. These charges appear to be the result of a subdivision whereby a small section of land on the boundary has not been incorporated into the new lots. Once the charges have been written off it is proposed that officers contact the adjoining properties to bring this matter to their attention. It will then be up to the adjoining owners to decide what action they wish to take.

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Mayor Angers                      Seconded Cr Harkins**

**THAT Council by absolute majority:**

- 1. WRITES OFF all rates, emergency services levies and other charges for Assessment 2157 (Lot 59 D/P 27919), totalling \$9,359.84 as at 2 July 2020.**
- 2. ENDOSES that the land not accumulate rates and charges until such a time that the ownership transfers.**

**Carried by En Bloc Resolution by Absolute Majority 9/0**

**10.1.12 FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2019 TO 30 JUNE 2020**

<b>File Ref:</b>	<b>SUB/2798</b>
<b>Attachments:</b>	<b>10.1.12(a) Monthly Financial Statements for the period 1 July 2019 to 30 June 2020 [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Shane Collie, Executive Manager Corporate Services and Governance</b>
<b>Author:</b>	<b>Wayne Richards, Finance Manager</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**SUMMARY**

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

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

**BACKGROUND**

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

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

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

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*Local Government (Financial Management) Regulations 1996*

### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation. Whilst the recent COVID-19 pandemic has had an effect on Council's operations, it has only had a minor financial impact on the Town to date.

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

### **STAFFING IMPLICATIONS**

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

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

Senior staff

### **OFFICER COMMENT**

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

- The net current funding position as at 30 June 2020 was \$2,037,440 as compared to \$2,449,168 this time last year. This is due to a range of factors including, but not limited to, year to date capital expenditure being less than anticipated.
- Rates receivables at 30 June 2020 stood at \$320,245 as shown on page 25 of the attached Financial Statements.
- Operating revenue is more than year to date budget by \$277,588 with a more detailed explanation of material variances provided on page 21 of the attached Financial Statements. Operating expenditure is \$899,921 less than revised year to date budget with a more detailed analysis of material variances provided on page 21.
- The Capital Works Program is shown in detail on pages 33 to 36.
- The balance of cash backed reserves was \$9,087,003 as at 30 June 2020 as shown in note 7 on page 27 of the monthly financial statements.

### **List of Accounts for June 2020**

The List of Accounts paid during June 2020 is shown on pages 37 to 45 of the attached Financial Statements. The following significant payments are brought to Council's attention:

- \$176,448.8 to the Department of Fire and Emergency Services for an instalment of emergency service levies collected by the Town on their behalf.
- \$25,383.16 & \$25,444.27 to Superchoice Services Pty Ltd for superannuation contributions.

- \$268,679.40 to Aspect Studios for design work relating to the foreshore development.
- \$60,551.14 to Landgate for revaluation services.
- \$150,584.51 to the Shire of Peppermint Grove for a contribution towards the Grove Library.
- \$39,026.45 to Western Metropolitan Regional Council for tipping fees.
- \$109,970.07 & \$108,872.96 to the Town of Cottesloe staff for fortnightly payrolls.
- \$930,669.00 to the Commonwealth Bank of Australia for a new term deposit.

#### **Investments and Loans**

Cash and investments are shown in note 4 on page 23 of the attached Financial Statements. The Town has approximately 43% of funds invested with National Australia Bank, 29% with Commonwealth Bank of Australia and 28% with Westpac Banking Corporation. A balance of \$9,087,003 was held in reserve funds as at 30 June 2020.

Information on borrowings is shown in note 10 on page 30 of the attached Financial Statements and shows Council had total principal outstanding of \$3,466,866 as at 30 June 2020.

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

Rates revenue information is shown in note 9 on page 29 of the attached Financial Statements. Rates outstanding are shown on note 6 on page 25 and show a balance of \$320,245 as compared to \$338,249 this time last year.

Sundry debtors are shown on note 6, page 25 of the attached Financial Statements. The sundry debtors show that 5% or \$10,707 is older than 90 days. Infringement debtors are shown on note 6 page 26 and stood at \$408,938 as at 30 June 2020.

#### **Budget Amendments**

The budget amendments are listed on pages 12, 13 and 24 of the Financial Statements.

#### **VOTING REQUIREMENT**

Simple Majority

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

Moved Mayor Angers

Seconded Cr Harkins

**THAT Council RECEIVES the Financial Statements for the period 1 July 2019 to 30 June 2020 as submitted to the 28 July 2020 meeting of Council.**

**Carried by En Bloc Resolution 9/0**

**10.2 RECEIPT OF COMMITTEE MINUTES**

Nil

**10.3 REPORTS OF COMMITTEES**

Nil

**11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**11.1 COUNCILLOR MOTION - 3D NAPIER STREET VERGE TREE PLANTING**

Cr MacFarlane withdrew this motion prior to the meeting.

**11.2 COUNCILLOR MOTION - DEFERRAL OF TREE PLANTING**

The following motion has been proposed by Cr Sadler.

**COUNCILLOR MOTION**

Moved Cr Sadler

Seconded Cr Young

1. That Council request that the administration DEFER planting of street trees in Hamersley Street until such time as the Green Infrastructure Management Plan has been adopted.
2. That Council request a briefing by Arbour Carbon on the Street Tree Masterplan.
3. That the Sheoaks intended for Hamersley Street not be planted until Council has reviewed the Street Tree Masterplan in their workshop with the arborist.

Carried 9/0

**COUNCILLOR RATIONALE**

1. Hamersley Street has a clear theme of Peppermint and Norfolk Island Pine trees, all of which are thriving.
2. Peppermint trees appear to have been planted there by the Town as recently as a couple of years ago (immediately prior to the Masterplan).
3. The Masterplan says that Street Tree themes are maintained in most cases unless trees are not thriving.
4. It also states that the choice of tree is to match the scale of the street. Hamersley is a narrow street and Coastal Sheoaks can grow to over 20m in height.
5. A briefing is requested both to understand the Masterplan better and to gain insight into need for review in light of diseases impacting street trees including the fungal infection of the Norfolk Island Pines, bora infecting the Peppermints and dieback affecting some natives in neighbouring Town of Claremont.
6. Planting the Sheoaks in North Street instead complies with the Street Masterplan, North Street already has Sheoaks, is a wide street that can accommodate them and has many gaps for further trees.

**OFFICER COMMENT**

Section 4.2 of the street tree policy provides reasons for not deviating from the approved street tree masterplan. Such factors include perceived problems and personal dislike associated with a particular species. The Coastal Sheok has been deemed to be suitable for locations near the ocean such as Hammersley Street. One of the other objectives of such a selection would be to diversify the species planted within Cottesloe. The anticipated 20 metre height growth is still significantly less than the Norfolk island Pines currently along the street. The Green Infrastructure Management Plan provides a framework towards

preserving green assets and has little to no relationship with the timing of verge tree planting.

Notwithstanding this, Council can resolve to amend the approved street tree accordingly to either a Norfolk island Pine or a Peppermint tree. It is also preferred that Council raises particular queries relating to the street tree masterplan for these to be further discussed with Arborcarbon prior to any briefing being carried out by the consultant. It is likely that such answers may possibly be provided by staff without having to remunerate the consultant to do so.

Investigations to the current Norfolk island Pines disease are ongoing and a briefing to Council will be developed once the consultant has completed the works.

**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****MOTION FOR BEHIND CLOSED DOORS****Moved Mayor Angers                      Seconded Cr Young**

**That, in accordance with Standing Orders 15.10, Council discuss the confidential reports behind closed doors.**

**Carried 9/0**

*The public and members of the media were requested to leave the meeting at 8:04pm.*

**COUNCIL RESOLUTION****Moved Cr Young                              Seconded Mayor Angers**

**That the meeting be adjourned for five minutes.**

*At 8:04pm the meeting was adjourned.*

*At 8:09pm the meeting resumed.*

**13.1.1 DEANE STREET RETAINING WALL TENDER AWARD**

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (c) 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.

**File Ref:                                      SUB/2792****Attachments:**

- 13.1.1(a) 20A Deane Street - Proposed Crossover - Looking East - Confidential [CONFIDENTIAL] [UNDER SEPARATE COVER]**
- 13.1.1(b) Deane Street Retaining Wall - Tender Evaluation Summary - Confidential [CONFIDENTIAL] [UNDER SEPARATE COVER]**
- 13.1.1(c) 20A Deane Street - Proposed Crossover - Looking North - Confidential [CONFIDENTIAL] [UNDER SEPARATE COVER]**
- 13.1.1(d) 20A Deane Street - Proposed Crossover - Plan View - Confidential [CONFIDENTIAL] [UNDER SEPARATE COVER]**





**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION****Moved Cr Barrett****Seconded Cr Young**

THAT Council AUTHORISES the Chief Executive Officer to grant consent (and execute any required documents to provide that consent) for a sublease of the kiosk area at the Indiana Tea House, subject to:

1. Town Officers physically checking the Kiosk between 24 July 2020 and 31 July 2020 to satisfy the condition that the Licensee has vacated;
2. The sublease terms being (broadly);
  - a. The area being the kiosk area on the middle level (Indi Fish);
  - b. The only permitted use being that of a kiosk;
  - c. The term being 3 + 3 (maximum 6) months;
3. Council NOTES the intent of Perth Venues Pty Ltd to forward the rent received under the sublease to a local community group;
4. Council DELEGATES authority to the Chief Executive Officer to allow further short term sub-leases of this site on the condition the area and the purpose of the sub-lease are reasonably aligned to the above approval.

Lost 0/9

**COUNCILLOR MOTION AND COUNCIL RESOLUTION (FORESHADOWED)****Moved Cr Young****Seconded Cr MacFarlane**

**That the item be deferred to the next Ordinary Council Meeting.**

Carried 9/0

**13.1.3 RENTAL SUBSIDY REQUEST – YELLOWDOT ENTERPRISES**

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.

**File Ref:** SUB/2792**Attachments:** 13.1.3(a) Letter from Barchetta [CONFIDENTIAL] [UNDER SEPARATE COVER]

13.1.3(b) Letter from Savill &amp; Co on behalf of Barchetta [CONFIDENTIAL] [UNDER SEPARATE COVER]

13.1.3(c) Covid-19 WA Code of Conduct for Small Commercial Leases [CONFIDENTIAL] [UNDER SEPARATE COVER]

**Responsible Officer:** Neil Hartley, Acting Chief Executive Officer**Author:** Shane Collie, Executive Manager Corporate Services and Governance**Author Disclosure of Interest:** Nil

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Mayor Angers

Seconded Cr Harkins

**THAT Council:**

1. **APPROVES** rental relief the equivalent amount of the turnover reduction for the period 1 July 2020 to 30 September 2020 for Yellowdot Enterprise Pty Ltd t/as Barchetta for 149 Marine Parade, COTTESLOE, consistent with the WA Code of Conduct for small commercial leases, subject to evidence being provided of the exact turnover reduction compared to the same period last year. Fifty percent of the rental relief to be waived and 50% to be deferred.
2. **DELEGATES** authority to the Chief Executive Officer to offer a similar rental waiver post September 2020 consistent with the WA Code of Conduct for small commercial leases should conditions relating to COVID-19 still see business turnover negatively impacted.

Carried by En Bloc Resolution 9/0

**MOTION FOR RETURN FROM BEHIND CLOSED DOORS**

Moved Mayor Angers

Seconded Cr Harkins

In accordance with Standing Orders 15.10 that the meeting be re-opened to members of the public and media, and motions passed behind closed doors be read out if there are any public present.

Carried 9/0

*The meeting was re-opened to the public at 8:30pm, however no members of the public or media were in attendance.*

**13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC****13.1.1 DEANE STREET RETAINING WALL TENDER AWARD**

As no members of the public returned to the meeting the resolution for item 13.1.1 was not read out.

**13.1.2 SUBLEASE - INDIANA TEA HOUSE KIOSK**

As no members of the public returned to the meeting the resolution for item 13.1.2 was not read out.

**13.1.3 RENTAL SUBSIDY REQUEST – YELLOWDOT ENTERPRISES**

As no members of the public returned to the meeting the resolution for item 13.1.3 was not read out.

**14 MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 8:30pm.