



Town of Cottesloe

PUBLIC NOTICE

Review of the Beach Policy

Notice is hereby given that the Town of Cottesloe is seeking community comment and feedback on its Beach Policy.

The Purpose of the Policy is to control usage and behaviour within the beach and beach reserves and to protect and conserve the beach reserves.

The Policy may be obtained at the Town of Cottesloe Office, 109 Broome Street, Cottesloe, the Grove Public Library, cnr Stirling Hwy and Leake Street, Peppermint Grove and on the Town's website www.cottesloe.wa.gov.au.

Written submissions closing at **4.00pm on Monday 28 July 2014** should be addressed to the undersigned by mail to PO Box 606, Cottesloe WA 6911 or by email to council@cottesloe.wa.gov.au.

If you have any questions or would like to discuss the proposed changes, please contact the Town's administration on 9285 5000 during office hours.

A handwritten signature in black ink, appearing to read 'Carl Askew', written in a cursive style.

Carl Askew

Chief Executive Officer

10.4.2 REVIEW OF BEACH POLICY

File Ref: POL/40
Attachments: [Beach Policy](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate & Community Services
Proposed Meeting Date: 17 June 2014
Author Disclosure of Interest: Nil

SUMMARY

The Town's Beach Policy has been in place since May 2004. As it is more than 10 years old and pre-dates the current Beaches and Beach Reserves Local Law, it is recommended that it be reviewed.

BACKGROUND

The Beach Policy was formulated to guide the decision making of the Administration in the management of the beaches and beach reserves within the Town of Cottesloe. The policy is needed as while the local law does regulate activities on the beach, the local law is premised in most instances with the phrase "without the prior written approval of the Town". The effect of this is that most activities can be permitted, so long as an application is made which is in turn approved.

In 2012, the Town adopted a new Beaches and Beach Reserves Local Law. The revision of the local law, saw many redundant clauses removed. Further the form of the local law was amended such that rather than going into every specific activity that may be possible and writing a clause that prevents it, the law was written such that anything that was dangerous or would cause a nuisance was prohibited without prior written approval.

One such example is in the listing of the various forms of surfing. The previous local law went into great detail as to the various forms of surfing and excluding some but not others. For example windsurfing was allowed in some locations, but kite surfing was not mentioned and thus prohibited without written approval. The current version of the local law doesn't discriminate between activities that can be referred to as surfing, if one type of surfing is allowed, then the law allows all of them, unless the Town places signs to the contrary.

Since the writing of the policy there have been other changes that would have an impact on it. Examples include the arrival of events, such as Sculpture by the Sea. As these events are not specifically covered in the policy, any revision of the policy could reference these events and outline the Town's commitment to them.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

The Beach Policy would be reviewed and adopted with or without modification

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

While there is anticipated costs in the advertising of the policy review and the administrative costs in undertaking the works, it is anticipated these costs can be covered within the normal operating budgets.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

At this stage there is no anticipated sustainability implications in the review of the Beach Policy. However the beaches and beach reserves are an environmentally sensitive area and the recreation areas in these reserves are also prone to litter and other waste issues. Any policy position on these areas could have sustainability implications.

CONSULTATION

While no direct consultation has occurred on the Beach Policy to date, there have been a number of letters received in recent times on the events and activities that are permitted to occur on the beach and within the beach reserves. These letters often express concern about the activities that are allowed and potential impact on either the environment and/or other beach users.

It is proposed that the review will occur in two stages. The first stage will be advertising the Town's intent to review the policy and to seek submissions. Once received the submissions would be collated and referenced by Council in formulating a revised Beach Policy. The revised Beach Policy would then be advertised to allow further comment before final adoption.

STAFF COMMENT

Cottesloe is famous for its beaches and its coastal lifestyle. As such management of the beaches and beach reserves is of the highest importance. As the Beach Policy plays a vital role in the management of these areas, the policy should almost be given the same standing as a local law when it is reviewed and or amended. As such, it is recommended that the same consultation process be followed as set out below;

1. The intent to review the policy is advertised and submissions called for. It would also be appropriate to contact interested parties, such as the surf clubs, event organizers (Sculpture by the Sea for example), Coastcare and ratepayer and residents associations, to state the policy is being reviewed and requesting their input.
2. Once feedback is received and known issues collated, a re-write of the any required sections of the policy is undertaken. This would normally be done using in house resources, however, if the volume of feedback is considerable, a facilitator may be required and the issues workshopped.

3. Once any amendments are made and endorsed by Council, the amended policy would be advertised. Once again, interested parties would be notified, as would anyone who previously made a submission.
4. Once any further submissions are considered, the policy would be adopted with or without any minor amendments.

It is anticipated that there will be a higher level of interest in this policy, as there are many groups and individuals who use the beach who have concerns about how the beach is managed or how it is used by other beach goers. It will be a difficult task to balance all of the competing interests. However, as the policy provides a guide to decision making, the document itself can also be dynamic and have several revisions if required.

COMMITTEE DISCUSSION

Mayor Dawkins queried when the new policy would be implemented. Manager Corporate and Community Services estimated that the time frame would be approximately six months, however, this would depend upon the amount of feedback received.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Birnbrauer

THAT Council advertise its intent to review the Beach Policy and call for submissions accordingly.

Carried 8/0

BEACH

(1) DEFINITIONS

- “recreation”** means refreshment by means of some pastime, agreeable exercise, or the like and includes a pastime, diversion, exercise, or other source affording relaxation and enjoyment.
- “beach reserve”** includes all that area west of the property line on the east side of Marine Parade, from the Vlamingh Memorial in the south, to the junction of Marine Parade and North Street in the north.
- “significant beach event”** means an event which involves one or more agencies and which will result in more than 50 people, or any form of structure, being on the beachfront area (including the Marine Parade public areas). For clarification, events such as the Sea Dragon Festival, Rottnest Channel Swim and sporting tournaments are included in this definition. Cottesloe and North Cottesloe Surf Life Saving Club’s surf life saving activities are not considered to be significant events for the purposes of this policy.
- “functions”** without limiting the generality of such term, includes a carnival, show, fete, concert, exhibition, gymkhana, sporting event, a training or practice session in connection with a sport by a group or team of five or more persons, or a picnic for a gathering of more than 10 persons.

(2) BACKGROUND

Cottesloe is about the beach. The major focus of the suburb is about living in harmony with a marine environment. The Town of Cottesloe has developed significant knowledge of this environment and developed strategies to manage it. Over many years, these techniques, approaches and beliefs have changed with the increasing understanding of such matters as the importance of the dune system, the fragility of coastal vegetation, new techniques to conserve, preserve and restore and the ongoing conflict between man and the beach.

(3) ISSUES

Cottesloe Beach is predominantly a “C” class reserve, vested in the Town of Cottesloe, for the purposes of recreation and has been a holiday destination for West Australians for over one hundred years.

The Town of Cottesloe has care and control of the reserve in order to facilitate a wide range of recreational opportunities for the local and broader West Australian community as well as interstate and international visitors. The Town of Cottesloe has a responsibility to maintain a balance between recreation and beach conservation for the community, which has a right to enjoy the beach environment free from nuisance. Such usage should be within the limits of the capacity of the reserve, including the capacity of the Town of Cottesloe to finance and maintain the reserve.

Lifestyles in general have undergone substantial change. It is a generally accepted way of life to visit a cafe or restaurant, walk, undertake fitness activities and so on in the beach precinct. The beachfront is used for extended hours for these activities, from early morning to late evening across the seasons. The dual-use footpath has had a substantial impact on the level of usage of the beach area, including the extension of the path usage to joggers and cyclists, dog walkers and roller bladers. These changes have a significant impact on the expectations of the local and regional community with regard to the range and type of facilities available within a recreation reserve.

The number of people and range of activities on the beach continue to increase. While the Perth population has increased, the length of our available and accessible coastline has not increased proportionately, hence increasing the pressure on those areas of coastline where there is a range of water and land-based recreational activities available. In summer, the pressures on the beach area relate to parking, litter and the competing interests of pedestrians and vehicles. More recently, different types of water-based sports have placed further pressure on the beach.

Safety is always a factor that should be considered in natural environments such as the beach. Safe swimming areas are set up and patrolled by the Cottesloe and North Cottesloe Surf Life Saving Clubs and Council’s life saving contractor during the main beach-going months. Council has instituted annual beach safety audits to ensure that signage and other safety measures are noted for inclusion in the works plans.

On weekends, particularly in summer, further pressure is brought to the area and the adjacent community through the beachfront hotels, with parking at a premium. In winter, while the human pressure eases considerably, the natural environment takes its toll on the beach.

The beach environment is dynamic. The beach itself is subject to the enormous cyclical forces of nature which affect natural beaches all over the world. Storms can wash away an entire portion of beachfront by shifting unstable sand dunes and destroying beach access ways.

The effective and appropriate management of the beach front requires substantial funding. An understanding of the pressures on the beach is essential, as is a coordinated approach to the conservation and management issues by Town of Cottesloe, the community, sporting bodies associated with the beach, businesses which have a direct relationship with the beach, environmental groups and State or Federal Government agencies.

(4) AIM

To provide guidelines for the Town of Cottesloe to enable consistency in decision-making in relation to the Cottesloe beachfront.

(5) OBJECTIVES

Primary Objectives:

- (a) To ensure that the land area west of the Marine Parade road pavement is maintained or restored so that:
 - (i) the sea is accessible and free from pollutants and that the shore line is not altered except as a result of properly investigated and designed works to rehabilitate the land area;
 - (ii) the store of sand in the dune system to the east of the strand is maintained and stabilised with vegetation;
 - (iii) the remnant dunes bordering the Marine Parade road pavement are stabilised and protected using native vegetation as far as possible;
- (b) To avoid irreversible uses of the beach reserves that reduce the options for the future.
- (c) To ensure that the primary consideration against which all uses are measured is the public interest, particularly for residents of Cottesloe, and safety having regard to the environmental parameters and limits of capacity of the beach reserve. In this context, the beach reserves are to be administered in the interest of residents of Cottesloe, the people of Western Australia and visitors to the metropolitan region.

Secondary Objectives:

- (a) To maintain the areas of major recreational use, including their amenities. These areas being the major reserves of
 - (i) Cottesloe Beach (defined as being from Mudurup Rocks to Napier Street);
 - (ii) North Cottesloe Beach (defined as being from Eileen Street to Grant Street).
- (b) To maintain the natural features and ensure protection of the remnant dune system or any rehabilitated area on all other parts of the beach reserves from erosion by wind, stormwater run-off or pedestrian traffic.
- (c) To provide a level of essential amenity on the beach reserves which meets the expectations of residents of Cottesloe, the people of Western Australia and visitors to the metropolitan region.
- (d) To maintain the recreational uses of the foreshore and the capacity of the beach reserves to absorb the present and identifiable future recreational uses.
- (e) To involve the Town of Cottesloe employees, Council and the community in the correct maintenance and development of the beach reserves by ensuring that:
 - (i) the procedures for maintenance and development of the beach reserves are undertaken in accordance with best practice;
 - (ii) a permanent record is kept of works carried out on the beach reserves together with their cost and predicted and actual effects, so that proposed works may be judged with the full knowledge of past experience;
 - (iii) responsibilities in relation to ensuring a working knowledge of this policy are incorporated into all relevant Town of Cottesloe employees' duty statements.
 - (iv) changes in the beach environment are objectively monitored.
- (f) To identify and develop mechanisms to offset the cost of maintaining the beach area in order that the expenditure is not borne solely by residents and ratepayers of Cottesloe.

(6) POLICY

- (a) No use will be permitted within the area west of Marine Parade unless it contributes directly to the amenity of the recreational users of the beach reserves and is designed, constructed and operated in a way that protects and enhances the natural coastal environment.
- (b) No use, activity or modification should be permitted on the beach reserves if it has a significant adverse environmental effect.
- (c) Uses of the beach reserves should provide for as wide a variety of active and passive recreational opportunity as the coast is able to offer, now and in the future within the limits of the reserve's capacity and having regard to the objects of this policy.
- (d) In considering rehabilitation and stabilisation works on the beach reserve, recognition should be given to current best practice in relation to appropriate coastal vegetation.
- (e) Initially, the Town of Cottesloe will focus on maintaining the two major bathing areas, that is, Cottesloe Beach and North Cottesloe Beach, as areas which must withstand heavy pedestrian use and a high level of amenity, permanent access, adequate parking facilities and accessibility to public transport.
- (f) Where the natural topography permits, all other areas of the beach reserves will be treated to ensure, as far as practicable, that they consist of stable dunes. This involves the redistribution of sand and stabilisation by planting of vegetation adapted to the coastal environment. As organisational knowledge improves, dune management techniques may change.
- (g) All projected uses of the beach reserves recognise the residential nature of the Town of Cottesloe and the need to maintain this character, the facilities and services for the amenity of the residents.
- (h) In the context of Cottesloe, it is Town of Cottesloe's intent to maintain the area west of Marine Parade in as natural a state as the pressures from beach users permit. Therefore, only those recreation activities that do not threaten the integrity of the beach reserve, are acceptable to Cottesloe.
- (i) The Town of Cottesloe will discourage traffic from using Marine Parade as an alternative north-south through route.

(7) STRATEGIES

(a) Finance

As the beach areas in Cottesloe are part of an important regional recreational resource, it is unreasonable to expect that the total cost of their annual maintenance should be met solely by Cottesloe ratepayers. The Town of Cottesloe will:

- seek government grants, both Federal and State, subject to Town of Cottesloe retaining policy control of beach management issues;
- diligently impose fines for errant behaviour (abuse of parking, dog or litter regulations);
- use parking charges where financially viable;
- lease Town of Cottesloe facilities which provide an income stream;
- investigate other forms of revenue raising that are compatible with the overall beach policy.

(b) Building Control

- (i) The policy of the Town of Cottesloe shall be to limit the construction of any enclosed and roofed structures west of Marine Parade to replacement only without significant expansion of the footprint, height or mass of the structure.
- (ii) Any replacement program will only be considered following a public review of the need for the proposed facilities. Each proposal will be examined individually on its merits. Such a review will incorporate need, environmental and social impact, long term maintenance requirements and construction standards. It is acknowledged that existing buildings may require relocation in the light of such review.

(c) Conservation

- (i) The Town of Cottesloe is committed to the conservation of the dune face, crest and remnant vegetated foredunes at the Cottesloe beach reserves.
- (ii) Where works are proposed for the beach reserves, the prime consideration must be that they assist with the conservation of the dune face or with any attempts to re-establish a dune face.
- (iii) The Town of Cottesloe will seek Commonwealth and State Government financial assistance for beach management, subject to the Town of Cottesloe retaining policy and management control of the beach reserves.

- (iv) The Town of Cottesloe will support the activities of the local coast care committee and interested people where the objective is to enhance the beach reserve through revegetation, controlled access and other approaches to conservation. The Town of Cottesloe is prepared to assist volunteers with small grants and some secretarial assistance.
- (v) The Town of Cottesloe will join with other local governments in the development of plans and strategies for the use of the beach reserve.
- (vi) Prior to undertaking any work that may have an impact on the natural environment of the beach reserve, the Town of Cottesloe will seek advice from suitably qualified experts;

(d) Pedestrian Access

The Town of Cottesloe will maintain the existing access-ways from the road pavement to the beach and enhance them as required by pressure of numbers or by changing patterns and styles of use.

(e) Dual Use Path And Associated Walls

The Town of Cottesloe will maintain the dual use pathway and extend the wall in those areas where control of access to the dune system needs to be restricted, between Cottesloe Beach and North Cottesloe Beach inclusive.

(f) Revegetation

The Town of Cottesloe will maintain the beach reserves with natural vegetation commensurate with the intensity of use. The selected vegetation will be in accordance with the best practice.

Should it be necessary to provide the vegetation with water the reticulation network will be extended where ground water is available.

(g) Compatible Material

Any material used as part of a works or maintenance program must be compatible with the area of beach reserve in which it is to be placed.

(h) Stormwater

The Town of Cottesloe will work to minimise the use of stormwater outlets on beach reserves. Stormwater will be diverted into existing sumps where practicable. Alternatively, where space permits, shallow intermediate detention basins will be constructed to manage the run-off.

(i) Traffic

The Town of Cottesloe will:

- (i) actively pursue a policy to reduce the width of the Marine Parade trafficable pavement by widening footpaths, building pedestrian refuges and increasing on-road parking;
- (ii) modify the road design to permit a 40kph speed limit to be enforced, to control traffic speed and discourage through traffic;
- (iii) undertake an investigation into the effects and advisability of introducing pedestrian malls along Marine Parade.

(j) Parking

- (i) The Town of Cottesloe will use the existing Marine Parade pavement and adjacent parking areas to meet current and future parking requirements, and will not construct any further parking areas west of Marine Parade.
- (ii) Parking will be designed with the free movement of pedestrians and residential access to private homes in mind. Periodically the Town of Cottesloe will examine and report on the options for paid parking within the major car parks adjacent to the beach-front and along Marine Parade.
- (iii) The Town of Cottesloe will ensure that any development proposals east of Marine Parade meet the parking requirements in accordance with the Town Planning Scheme.

(k) Pedestrian and Cycle Traffic

- (i) The Town of Cottesloe will examine options that improve the safety for pedestrians and cyclists along or adjacent to Marine Parade, including the option of separating cyclists from pedestrian traffic.
- (ii) The Town of Cottesloe will liaise with neighbouring local governments to develop and implement a plan to establish

a western suburbs pedestrian and cycling route which links the coastline with other local governments.

(I) Significant Beach Events

(i) Subject to

- the provisions of the *Beaches and Beach Reserves Local Law*,
- consideration of how timing, location and activities may affect other beach users and residents,
- using discretion to ensure that the prime usage of Cottesloe and North Cottesloe beaches remains passive recreation, and
- the payment of the fee as set out in Council's List of Fees and Charges,

the CEO may approve applications for significant beach events without reference to Council in the following circumstances.

(ii) Only one significant beach event per month to be approved without specific referral to Council.

(iii) Significant events with any commercial or profit making goals will not be approved by the CEO in the first instance. At the CEO's absolute discretion, applications for such events may be referred to Council for approval which may or may not be granted by the Council.

(iv) Beach event organisers are required to submit evidence to the CEO's satisfaction that:

- An appropriate public liability insurance is in force.
- A suitable risk management plan has been prepared.
- Safety measures are in place, which are appropriate for the event. An aquatic safety plan is considered an appropriate safety measure for significant events with more than 3000 attendees.
- All relevant statutory requirements have been met (eg health, traffic, safety regulations).
- The Town of Cottesloe is indemnified against all claims arising from the event.

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- A strategy is in place to clean up after the event.
 - Noise limits from any equipment will not exceed statutory levels.
 - Public access to facilities will not be impeded.
 - Relevant emergency authorities have been informed of the event.
- (v) Beach event organisers are required to observe the directions of authorised Council officers throughout any event.

(m) Other Beach Events

- (i) Subject to
- the provisions of the *Beaches and Beach Reserves Local Law*,
 - consideration of how timing, location and activities may affect other beach users and residents,
 - using discretion to ensure that the prime usage of Cottesloe and North Cottesloe beaches remains passive recreation, and
 - the payment of the fee as set out in Council's list of Fees and Charges.

the CEO may approve applications for other beach events without reference to Council for the following events.

- (a) Cottesloe SLSC and North Cottesloe SLSC functions normally associated with the operations of a surf life saving club (including fund raising events such as the Cottesloe Classic Mile, Cottesloe Port to Pylon and the like that have a clear relationship to surf club operations but also have a fund raising aspect attached to them) on any beach area within the Town.
Note: Where there are conflicts in proposed uses of any beach, applications made by the surf life saving clubs will be given priority.
- (b) Surf competitions for locally based surfing clubs at any beach with the Town.
- (c) Beach volleyball events for the WA Beach Volleyball Association on any beach within the Town except that events at Cottesloe and North Cottesloe Beaches are to be limited to one playing day per month in the

months of December, January and February and two playing days in March.

- (d) Vac Swim swimming classes.
- (e) Training or lessons associated with surf life saving undertaken by Surf Life Saving Western Australia.
- (f) Rottnest Channel Swim (one day per year).
- (g) Water or beach based activities by any legally constituted sporting club on any beach area within the Town other than Cottesloe Beach and North Cottesloe Beach.
- (h) Water or beach based activities by any other legally constituted sporting club on Cottesloe Beach or North Cottesloe Beach where the application is supported by the resident surf life saving club and the event is occasional and its impact on other beach users is limited.
- (i) Wedding ceremonies at any location other than Cottesloe Beach.
- (j) Film shoots.
- (k) Picnics and the like where the impact on other users of the area is limited.

(n) Other

(i) Lighting

The Town of Cottesloe will actively foster arrangements to light the swimming area, beach and playgrounds at Cottesloe Beach and North Cottesloe Beach. Such lighting and all street lighting adjacent to the two main swimming beaches will be through the provision of underground power and designed to minimise backspill while providing targeted lighting for pedestrian safety.

(ii) Commercial Activity

In general, commercial activity on the beach is permitted only at the fixed facilities. Any other commercial activity may only be undertaken with the approval of Town of Cottesloe.

(iii) Shade

Town of Cottesloe will seek to provide shaded areas particularly along the beach front, by the use of suitable shade trees or appropriate environmentally acceptable and simple structures. In doing this, it will seek to establish an 'adopt a tree' program to encourage local residents to care for young vegetation on the western side of Marine Parade. No new plantings will be undertaken without prior community consultation.

(iv) Surf Skis

Surf skis may be used at all beaches except the two main swimming beaches at Cottesloe and North Cottesloe, with the exception that they may enter and leave the beach between two signs designating craft training areas and must then leave the area within a one hundred metre distance from the low tide mark of the shore line.

RESOLUTION NO.:	12.1.1
ADOPTION:	May, 2004
REVIEW:	May 2012