



# Town of Cottesloe

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

**Tuesday, 14 December 2021**

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

Signed:

A handwritten signature in blue ink, appearing to read 'Conaiey', written over the printed text 'Presiding Member'.

Presiding Member

Date: 22.2.22.

# TOWN OF COTTESLOE



## ORDINARY COUNCIL MEETING MINUTES

ORDINARY COUNCIL MEETING  
HELD IN THE  
Council Chambers, Cottesloe Civic Centre, 109 Broome Street, Cottesloe  
6:00pm Tuesday, 14 December 2021

**MATTHEW SCOTT**  
Chief Executive Officer

16 December 2021

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

The Presiding Member announced the meeting opened at 6:02pm.

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

**2 DISCLAIMER**

The Presiding Member 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 expressed her sincere thanks to her fellow Councillors for the work they do on behalf of the Town.

The Presiding Member, on behalf of Council, acknowledged and thanked the Town's Staff for the work that they do and thanked the members of the Town's Executive Team –Mr Scott (CEO), Mr Collie (Director Corporate and Community Services), Mr Kan (Director Engineering Services), Ms Ayliffe (Director Development and Regulatory Services, Mr Drewett (Coordinator Statutory Planning) and Ms Winnett (Governance Coordinator).

The Presiding Member asked members of the Executive to pass on to all Staff their great appreciation of all the work that they do.

The Presiding Member also wished everyone a very Merry Christmas and a very happy and safe festive season.

**4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Mr Stephen Mellor – 8 Graham Court, Cottesloe – General Questions

**Previous Questions Taken on Notice**

Q1: Can you tell me why my questions 8 and 9 have not been answered?

A1: Responses to questions 8 and 9 were provided at the meeting.

Q2: Can you please investigate why my questions taken on notice at the September and October Agenda meetings have not been answered in writing?

A2: This was an oversight due to a staff member being on leave. We apologise for the oversight and responses have now been provided.

**Anderson Pavilion**

Q3: Can you tell me, if within Administration, or with previous or new Councillors or any external third party, there have been any discussions of entering into a lease agreement for the Anderson Pavilion? If so, with whom or which potential leaseholders are being considered?

A3: Not at this stage though it is anticipated a Lease arrangement will be put in place following the upgrade of the Pavilion.

Q4: Will any of the sports clubs be charged any fees for using the pavilion?

A4: Currently sports clubs are not being charged, however this will be reviewed during Council's the 2022/23 budget deliberations.

Q5: Has there been a budget and cost analysis prepared for the ancillary associated works associated with the 'renovated' pavilion such as landscaping and access paths?

A5: Yes.

Q6: Has there been a budget and business case and cost to ToC analysis prepared for the on-going operation and maintenance of the pavilion?

A6: Yes.

Q7: Have any applications/requests been made to the sports clubs or codes for support funding for field realignment, lighting improvements, spectator seating or landscaping etc?

A7: Discussions have been underway for some time with clubs on contributions however this matter has not yet been finalised.

**Item 10.1.3 Lease of Aged Care (Wearne) Facility - Curtin Heritage Living Incorporated**

Q8: Can you confirm the associated legal fees are shared four ways?

A8: The legal fees are shared equally among the relevant stakeholders (5) including Curtin Heritage Incorporated.

**DAP Consultation - 110 Marine Parade and 28 Station Street**

Q9: Can the Council explain the date schedule that resulted in the very short 6 day time the Community had to comment of the proposals as advised by email announcement when the drawings were dated I think, August?

A9: 28 Station Street was advertised from 6 to 26 October 2021, and 110-112 Marine Parade was advertised from 8 to 27 October 2021 in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 and Local Planning Scheme No.3. Advertising was undertaken by writing to owners and occupiers of properties adjoining the sites and also making the plans and supporting information available on the Town's website and at the Council Offices.

**Local Government Reforms**

Q10: Will the Council be submitting comments and suggestions to the Minister on the proposed Local Government Reforms?

A10: Comments are currently being prepared by the Administration and may be submitted to the December Ordinary Council Meeting for Council's consideration. NOTE: The submission time has been extended to end of February and a report will most likely be presented to the February Ordinary Council Meeting.

**Seaview Golf Course Management Plan Consultation**

Q11: Can you explain why ToC is not prepared to provide the 2015 Management Plan, which must have been public at some time?

A11: The Management Plan presently open for comment is not the 2015 Plan.

Q12: Can you confirm that there have been NO discussions between ToC and the golf club and that ToC has not supplied any clauses or information on/for this draft?

A12: There were preliminary discussions on what was required to be included in the plan, however the plan presented was the product of the golf club.

Q13: As the community has been asked to comment on the management plan has Administration made any comments of its own?

A13: The Administration may prepare comments, subject to feedback received from the community.

**4.2 PUBLIC QUESTIONS**Patricia Carmichael – 14-116 Marine Parade, Cottesloe – Item 10.1.4

Q1: Do the proponents plan to have cordoned off a section of Cottesloe Beach exclusively for the use of their clients?

Q2: What are Councillors' thoughts on permitting a sectioning off of this area in front of the hotel for exclusive use of its hotel patrons like they do in Europe?

Q3: Has Council, in one of their meetings with the developers, been approached, considered the sectioning off of this area?

Q4: Is the surf club boat shed being relocated to the southern steps area near the groyne where the more recently wooden seating was erected for both shade and seating for beach visitors?

A1-4: Cordoning off a section of Cottesloe Beach is not a part of the proposal. The proposal deals with the lease site itself. It does not deal with any part of the beach and there has never been any suggestion that there would be any extension or encroachment outside of the lease area. The proposal shows the approximate location for a



relocated boat shed. This is a a proposal which Council will consider. It is not a done deal and there are many aspects of detail that would be worked out if the plan was to proceed.

Stephen Mellor – 8 Graham Court, Cottesloe – Items 10.1.1, 10.1.3 and 10.1.4 and General Questions

**10.1.1**

Q1: Will the officer please explain again more clearly the RAR and dates confusion for submission as contained in his report?

A1: A response to this question was provided at A9, on page 6 of tonight's agenda, which points out the advertising of the submission period and that will be considered tonight. The JDAP meeting will be held on Monday, 20 December 2021.

**10.1.3**

Q2: Have any sculptures been assessed as not being asset worthy through remaining useful life calculations or be of a value too low? If so which?

A2: The questions were answered at the Agenda Forum. The Town has a policy of only capitalising assets over \$5,000. Potentially the public art that is in the Administration building itself may not be covered in that policy. The Town has to have some sort of threshold in regards to what we capitalise.

Q3: Are donated works to the collection considered to be assets?

Q4: Will the small sculptures or maquettes inside the Civic Centre Administration, do they need to be added to the asset list?

A3-4: These matters will be taken into consideration to determine the exact numbers as part of the next iteration of the Asset Management Plan that will be presented to Council.

**10.1.4**

Q5: Will the Council please include under Point 1 of the Officer Recommendation tonight the requirement for the CEO to seek 'first stage' comments on the Proposal from the Cottesloe Community within the same time frame as the recommendation?

Q6: Will the Council please include under Point 1 of the Officer Recommendation the requirement for the CEO to formulate a 'second stage' Communications and Community Engagement strategy and a proposed timetable for further Community Consultation.

A5-6: It will be a decision of Council in relation to the consultation that will take place in respect of the Indiana Proposal. That is not currently the officer's recommendation. It is very difficult to consult in a vacuum and it may be Council's view that further information is necessary in order to have meaningful consultation with the community. It is a decision of

Council as to whether they want to provide for consultation at this stage.

### **Rotunda**

Q7: Has there been any development you can report on with regard to the start of the Rotunda works and contract? .

A7: As per last month's Council, the Town has been in negotiations with the Town's second preferred tenderer. Those have not yet been completed but we are hoping for a decision in the near future.

### **Anderson Pavilion**

Q8: Has a start date for the Pavilion replacement works been set?

A8: The resolution of Council was that we need to do the detailed design of the building before we can have a start date and the start date will be the demolition of the existing building before we can start building the new one. The Town has been going through the detailed design process and this should be completed prior to the Christmas break and then we can progress on to construction in January, once all the appropriate statutory approvals have been received.

## **5 PUBLIC STATEMENT TIME**

### Stephen Mellor – 8 Graham Court, Cottesloe – Item 10.1.4

Mr Mellor outlined his concerns that the officer's recommendation was not seeking comments from the community about the proposal now that it is in the public realm.

## **6 ATTENDANCE**

### Elected Members

Mayor Lorraine Young  
Cr Helen Sadler  
Cr Craig Masarei  
Cr Melissa Harkins  
Cr Paul MacFarlane  
Cr Chilla Bulbeck

### Officers

Mr Matthew Scott	Chief Executive Officer
Mr Shane Collie	Director Corporate and Community Services
Ms Freya Ayliffe	Director Development and Regulatory Services
Mr Shaun Kan	Director Engineering Services
Mr Ed Drewett	Coordinator Statutory Planning
Ms Mary-Ann Winnett	Governance Coordinator

**6.1 APOLOGIES**

Cr Caroline Harben

**6.2 APPROVED LEAVE OF ABSENCE**

Cr Kirsty Barrett

Cr Brad Wylynko

**6.3 APPLICATIONS FOR LEAVE OF ABSENCE****COUNCIL RESOLUTION**

**Moved Mayor Young      Seconded Cr Sadler**

**That Cr MacFarlane be granted leave of absence from 14 January 2022 to 3 March 2022.**

**Carried 6/0**

**7 DECLARATION OF INTERESTS**

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "Some of the nominees are personally known to me".

Cr Bulbeck declared an IMPARTIALITY INTEREST in item 13.1.1 by virtue "Two of the nominees are quite well known to me, one of whom I worked with on one of their projects".

Cr MacFarlane declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "Some of the candidates are personally known to me".

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "A number of the candidates are known to me."

Cr Masarei declared an IMPARTIALITY INTEREST in item 13.1.1 by virtue "A number of the nominees for the community citizens of the year are known to me."

Mayor Young declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "Some of the nominees are quite well known to me."

Mayor Young declared an IMPARTIALITY INTEREST in item 13.1.1 by virtue "Some of the nominees are quite well known to me."

Cr Sadler declared an IMPARTIALITY INTEREST in item 13.1.1 by virtue "Some of the nominees are known to me".

Cr MacFarlane declared an IMPARTIALITY INTEREST in item 13.1.1 by virtue "Some of the nominees are personally known to me."

**8 CONFIRMATION OF MINUTES****OCM239/2021****Moved Mayor Young****Seconded Cr Bulbeck**

**That the Minutes of the Ordinary Meeting of Council held on Tuesday 23 November 2021 be confirmed as a true and accurate record.**

**Carried 6/0****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.*

**9.1.1 PETITION REGARDING PARKING ISSUES IN MANN STREET AND INCREASED VEHICLE TRAFFIC AROUND JASPER GREEN RESERVE**

The Presiding Member presented a petition of 68 signatories regarding parking issues in Mann Street and increased vehicle traffic around Jasper Green Reserve. The Chief petitioner is Mr Peter Schwann of 10 William Street, Cottesloe.

**OCM240/2021****COUNCILLOR MOTION****Moved Mayor Young****Seconded Cr Sadler****THAT Council accept the petition.****Carried 6/0****9.2 PRESENTATIONS**

Nil

**9.3 DEPUTATIONS**

Nil

**10 REPORTS****10.1 REPORTS OF OFFICERS****OCM241/2021****Moved Mayor Young****Seconded Cr MacFarlane****COUNCIL RESOLUTION**

**That Council adopts en-bloc the following Officer Recommendations contained in the Agenda for the Ordinary Council Meeting 14 December 2021:**

<b>Item #</b>	<b>Report Title</b>
<b>10.1.2</b>	<b>Task Force For Recreational And Residential Verge Uses</b>
<b>10.1.3</b>	<b>Asset Management Plan</b>
<b>10.2.1</b>	<b>Receipt of Audit Committee Minutes</b>

**Carried 6/0**

The Presiding Member advised that Item 10.1.4 would be moved to the beginning of the agenda, followed by the remaining items as listed in the agenda.

**ENGINEERING SERVICES****10.1.2 TASK FORCE FOR RECREATIONAL AND RESIDENTIAL VERGE USES**

**Directorate:** Engineering Services  
**Author(s):** Shaun Kan, Director Engineering Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D21/52935  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider extending the appointment of the Task Force until 30 June 2022.

**OFFICER RECOMMENDATION IN BRIEF**

That Council extends the appointment of the Task Force until 30 June 2022.

**BACKGROUND**

At the April 2021 Ordinary Meeting, Council asked the Chief Executive Officer to develop a Terms of Reference for a Residential and Recreational Verge Task Force.

In May 2021, Council adopted a protocol to administer play equipment on verges (attached) and accepted the Terms of Reference for the Task Force to be established that allowed for nominations to be called. Elected members were appointed to the committee as part of the resolution.

In July 2021, community members and advisory agencies were appointed by Council.

A register of current verge play equipment was then developed and assessed against the protocol approved by Council in May 2021. The audit found a total of 193 verge play sites of which 78 required a permit and the remaining exempted. An application form (attached) was also developed to commence the administration of such equipment.

In September 2021, the Task Force at their first meeting deferred the implementation of the application process mentioned above and asked for the following to occur before re-tabling the matter for consideration:

- West Australian Local Government Association (WALGA) and LGIS to be consulted on insurance options; and
- Development of a roadmap to resolve issues raised by the committee would also include a meeting schedule for these matters to be progressively discussed.

**OFFICER COMMENT**

Council is asked to note the following progress and subsequent works required in order to respond to the request of the committee:

- Roadmap development has commenced and various risk categories including required mitigation is being identified before legal advice can be sought. This is expected to be completed by the end of January 2022;
- Upon completion of the preceding point, WALGA and LGIS can then be consulted on insurance options as they would provide advice based on the acceptability of risk that is highly dependent on the effectiveness of mitigation identified. This is anticipated to be completed by the end of February 2022;
- Once point two is completed, the Administration will then finalise the framework being asked and re-convene a Task Force Meeting in March 2022 to further discuss; and
- Subject to the outcome of point three above, a further three months has been allowed to progress the roadmap with the intent of presenting a framework to Council at its completion (June 2022).

A revised timeframe is being requested of Council due to unforeseen situations that have occurred over the past few months requiring resources to be redirected to resolving them. This includes the management of parking matters and the delivery of signagured major projects of Council to ensure they are either completed or progressed in line with the grant agreements.

The Town has to date and some extent met its duty of care obligations by taking active steps to progress a process towards mitigating the risk associated with existing play equipment.

Council should it wishes to can further mitigate by asking for the developed application process mentioned in the background section of the report (deferred by the taskforce) to be implemented as an interim to provide further protection against litigation. Should this be the case any permits or exemptions issued will only be valid until such time when:

- Council approves the implementation of the final system; and
- The Administration has had the opportunity to re-audit all verges to determine permitted and exempted play equipment

Notwithstanding the above, the Administration understands the significance of current play equipment within Council's verges and will allocate dedicated resource to ensure this is completed within the revised timeframe.

#### **ATTACHMENTS**

- 10.1.2(a) Application Form - Residential and Recreational Verge Play Equipment [under separate cover]**
- 10.1.2(b) Management Protocol for Play Equipment on Street Verges or Attached to Street Trees [under separate cover]**

#### **CONSULTATION**

No consultation has been undertaken on what is being proposed in the officer's comment section of the report.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995 Section 5.7 Sub-Division 2 – Committees and their Meetings*

**POLICY IMPLICATIONS**

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

The intent would be for Council to establish a framework to administer such matters.

**STRATEGIC IMPLICATIONS**

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

Priority Area 3: Enhancing beach access and the foreshore

Major Strategy 3.1 - Implement policies that protect existing trees and that actively seek to increase the tree canopy in Cottesloe

The officer recommendation if approved by Council will reduce the damage to trees by preventing play equipment from being attached to it in a destructive fashion.

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

It is estimated that this project will require two resources to prepare reports for committee agendas and undertake any necessary research work required to compile these documents.

There is funding available to engage temporarily additional resources should this be required.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

The outcome of the recommendation will impact the use of future public open space (including road verges) and prevent any damages to street trees.

**VOTING REQUIREMENT**

Simple Majority

**OCM242/2021**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Mayor Young

Seconded Cr MacFarlane

**THAT Council APPROVES the extension of the Taskforce for residential and recreational verge uses until 30 June 2022, noting the reasons for this request and the timeframes mentioned in the officer's comment section of the report.**

**Carried by En Bloc Resolution 6/0**



**10.1.3 ASSET MANAGEMENT PLAN**

**Directorate:** Engineering Services  
**Author(s):** Shaun Kan, Director Engineering Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D21/53049  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to note the attached Asset Management Plan.

**OFFICER RECOMMENDATION IN BRIEF**

That Council NOTES the attached Asset Management Plan and that this document will be used to develop the Town's Long Term Financial Plan.

**BACKGROUND**

In 2018, GHD was commissioned to revalue the Town's assets as part of developing an Asset Management Plan for Council. Talis Consultants were recently appointed to review this document and consider contemporary asset condition assessments by the Town as part of its update.

The Asset Management Plan (AMP) attached addresses the requirements of the Town of Cottesloe's Infrastructure, Buildings, Parking Systems and Vehicles, Plant and Equipment assets. It includes a summary of the activities, processes and costs required to manage the Town's assets and will facilitate the development of the long-term (10-year) expenditure forecast (Long Term Financial Plan).

**OFFICER COMMENT**

There is a relationship between the AMP, Strategic Community Plan (SCP), Corporate Business Plan (CBP) and Long-Term Financial Plan (LTFP) as part of any Local Government's Integrated Planning Framework.

An AMP predominantly identifies what assets are required and the standard that they will be maintained to (levels of service) to meet the goals of the organisation including the expectations of the community.

Normally, an Asset Management Strategy (AMS) is developed prior to the AMP to establish the expected level of service that assets need to be preserved at. This benchmark is then used to forecast operational maintenance including capital replacement based on their current condition (remaining life).

The attached AMP has been developed based on the following level of service assumptions:

- Historical operational maintenance and capital replacement expenditure.
- A routine maintenance schedule developed by the consultant

- Other replacement timeframes approved by Council within other supporting strategies:
  - Public Open Space and Playground Strategy.
  - Beach Access Path Upgrade Prioritisation.
  - Right of Way Upgrade Strategy.
  - Foreshore Redevelopment Strategy.

Council can use this as a foundation to compile its AMS for the AMP to be revised accordingly. This could possibly be done after the SCP is reviewed and will go through a standard process whereby the CBP and other informing strategies are updated accordingly (integrated planning framework), consistent with the recommendations of Talis Consultants.

With the exception of electrical and drainage infrastructure being in a condition that requires renewal fairly soon, the other Town assets are generally in an acceptable condition.

### **Operational Maintenance Requirements**

This takes into consideration the daily routine maintenance type activities required to preserve assets in an acceptable condition level to minimise its rate of deterioration.

The consultants have done a planned versus required maintenance cost type analysis that takes into consideration remaining life based on current asset condition and a prescribed maintenance schedule. This review has found that there is a \$2.5 million gap annually between what is being budgeted and what actually is needed that needs to be considered in future years budgets.

The mentioned shortfall takes into consideration the routine maintenance cost following planned capital replacement and acquisition of assets. The most significant project would be the Foreshore Redevelopment that has a substantial quantity of new assets being added as part of this project in addition to renewals. The gap does account for the volume of assets being acquired as part of this and other similar projects identified (beach access path, playgrounds and Recreation Precinct).

### **Renewal Requirements**

Renewal is major capital work which does not significantly alter the original service provided by the asset, but restores, rehabilitates, replaces, or renews an existing asset to its original service potential. Work over and above restoring an asset to original service potential is considered to be an acquisition resulting in additional future operations and maintenance costs (Foreshore Redevelopment).

This takes into consideration planned, required and modelled renewal cost based on the current condition of assets and their remaining life. The definitions of such cost can be found in section 6.4 of the AMP, noting that these are different from those described as part of operational maintenance due to objectives not being the same.

A comparison between planned and required renewal expenditure indicates an annual funding gap of approximately \$1.8 million with a higher modelled renewal expenditure in the first three years due predominantly due to the \$17 million Foreshore Redevelopment Project followed by the need to start looking at a drainage renewal program (not acquisition – increment in assets).

Whilst there may be a renewal gap, this does not translate to the need to source such funds in the short term to start renewing assets.

This needs to be considered in conjunction with the overall condition of the Town's assets that has been deemed acceptable (with the exception of 30% of drainage infrastructure and some electrical assets) to provide an indication to Council on the amounts it needs to set aside into various reserves as part annual budget planning over the next 10 years.

It would be important to note that this is critical to avoid the Town's financial sustainability from being impacted. This has been further elaborated in the next section.

### Financial Sustainability

Regulation 50 of the *Local Government (Financial Management) Regulations 1996* requires local governments to measure and report to the Department the asset consumption ratio, asset renewal funding ratio and asset sustainability ratio. These parameters predominantly determine Council's financial sustainability by considering available funding and whether this is sufficient to manage them to meet a benchmarked level of service.

These ratios relating to the Town of Cottesloe can be summarised as follows:

Key Performance Indicator	Calculation Method	Minimum Standard	Preferred Range	Town of Cottesloe
<b>Asset Consumption Ratio</b> - measures the aged condition of a Local Government's physical stock of assets	current asset value divided by current asset replacement cost	50% (0.5)	60% to 75% (0.6 to 0.75)	65% (0.65)
<b>Asset Sustainability Ratio</b> - indicates whether a local government is renewing or replacing existing assets at the same rate that its overall stock of assets is wearing out.	capital renewal expenditure divided by the depreciation of this replacement cost being spent	100% (1.0)	90% to 110% (0.9 to 1.1)	2022/2023 - 73% 10 yr Forecast - 49%
<b>Asset Renewal Funding Ratio</b> - indicates whether the local government has the financial capacity to fund asset renewal as required and can continue to provide existing levels of services in future, without additional operating	planned capital renewal expenditure over the next ten years divided by the net present value of capital expenditure in the same ten year period	75% to 95% (0.75 to 0.90)	95% to 105% (0.95 to 1.05)	49% (0.49)

The Town's asset management performance ratios can be summarised as follows:

- Current asset conditions have reached 35% of its design life;
- In the long term, the Town could be spending more to keep up with the rate to which its stock physical asset is wearing out, particularly in its electrical and drainage infrastructure.
- It would be important to note that:

- majority of its electrical infrastructure is located within the Foreshore Redevelopment Precinct that will be renewed as part of the improvement project in time to come; and
- drainage whilst based on accounting standards and asset condition assessments does need focus, the current infrastructure still does serve its purpose and emphasis may need to be placed on further rationalising replacements in areas that are prone to flooding.
- Council has 49% of the capital replacement funding available for what is required in the next 10 years.

### **Financial Gap Reduction Options**

The following are alternatives to increasing budgets required for operational maintenance and asset renewals through rate rises and other financial acquisition avenues:

- Option One: Reduce the acquisition of new infrastructure and current assets; and
- Option Two: Reduce level of service (maintenance frequency and the number of assets)

Given that there is a co-relation between the LTFP and the AMP, Council at this point in time is asked to note the attached document for the LTFP to be prepared. Both these documents will then be presented to Council at a workshop in 2022. The Administration will determine cost reduction opportunities based on the two options above and funding sources to cover the gaps identified.

Council is asked to note that any Asset Management Plan is an evolving document, any comments received at the December 2021 Agenda Forum (such as the sculpture quantities), and Ordinary Council Meeting will be addressed in the second iteration that will be presented to Council in 2022.

### **ATTACHMENTS**

**10.1.3(a)      Asset Management Plan - Talis Consultants [under separate cover]**

### **CONSULTATION**

Town of Cottesloe Staff

Council

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

Regulation 50 of the Local Government (Financial Management) Regulations 1996

### **POLICY IMPLICATIONS**

Asset Management Policy (22/03/2010).

An asset management strategy will need to be developed following the adoption of the attached plan before the policy is reviewed.

**STRATEGIC IMPLICATIONS**

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

Priority Area 5: Providing sustainable infrastructure and community amenities

Priority 5.3 Develop and implement long term planning strategies per the Integrated Planning and Reporting requirements that has identified an action for an asset management plan to be developed for Council's endorsement.

**RESOURCE IMPLICATIONS**

The asset management plan will be used to determine the requirements within the Long Term Financial Plan and Workforce Plan.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

OCM243/2021

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Mayor Young

Seconded Cr MacFarlane

THAT Council:

1. **NOTES** the attached first iteration of Asset Management Plan that will be used to develop the Town's Long Term Financial Plan;
2. **NOTES** that a second iteration of the Asset Management Plan that addresses all feedback provided at the December 2021 Agenda Forum and Ordinary Council Meeting including a draft Long Term Financial Plan will be brought back to an Elected Members Workshop before tabling at an Ordinary Council Meeting in 2022; and
3. **REQUESTS** the Administration to consider cost reductions opportunities in both the documents mentioned in point one before the meetings mentioned in point two.

Carried by En Bloc Resolution 6/0

**10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES**

**10.2.1 RECEIPT OF AUDIT COMMITTEE MINUTES**

**Attachments: 10.2.1(a) Unconfirmed Minutes - Audit Committee - 1 December 2021  
[under separate cover]**

**OCM244/2021**

**Moved Mayor Young                      Seconded Cr MacFarlane**

**THAT Council RECEIVES the attached Unconfirmed Minutes of the Audit Committee Meeting held on 1 December 2021 and ADOPTS the recommendations contained within.**

**Carried by En Bloc Resolution 6/0**

**EXECUTIVE SERVICES****10.1.4 INDIANA TEA HOUSE REDEVELOPMENT PROPOSAL**

**Directorate:** Executive Services  
**Author(s):** Matthew Scott, Chief Executive Officer  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D21/54185  
**Applicant(s):** Fiveight  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider the attached redevelopment proposal (the Proposal) for the Indiana Tea House, from Fiveight (the Proponent), a subsidiary company of Tattarang, which is the parent company of the lessee of the site.

**OFFICER RECOMMENDATION IN BRIEF**

That Council:

1. Seeks comment from relevant parties on the Proposal;
2. Provides the Proponent an opportunity to respond to any comments received; and
3. Defers consideration of the Proposal until Council has had an opportunity to consider said comments and responses.

**BACKGROUND**

The existing Indiana Tea House building was built in 1995, via a lease between the Town of Cottesloe and Greenport Nominees Pty Ltd. Since then the lease has been reassigned to several entities, with the Council resolving to assign the lease to Perth Venues Pty Ltd, a subsidiary Company of the Tattarang Group in 2019. Since this assignment, the Proponent has made their intention to redevelop or upgrade the site public, inclusive of conducting a public design competition in 2019. Since then there have been various discussions with the Town on redevelopment opportunities and/or options. At the request of the Proponent these have been kept confidential to date, which is not unusual given the commercial relationship via the lease.

Conceptual drawings were presented to a confidential Council Briefing in mid 2020. These were also seen by both the Town's Design Review Panel (DRP) and non-elected members (community members) of the Foreshore Precinct Advisory Committee (FPAC). Both the DRP and FPAC showed little support for the design presented (a different design in comparison to the design within the current proposal). During this time the Town was also completing the design for the Foreshore Redevelopment Project, and the Heritage Council of WA (HCWA) advised it was considering permanently listing the Cottesloe Beach Precinct which included increasing the heritage significance of Indiana.

The Proponent then developed a Conservation Management Plan (CMP) to assist in providing a pathway for the future redevelopment of the site. Several discussions occurred

with Town Officers, resulting in a CMP being considered and endorsed by Council at the April 2021 Ordinary Council Meeting (OCM).

With the completion of the CMP (and the subsequent permanent listing by HCWA), the Proponent began to develop general design principles for a redevelopment proposal. In establishing these design principles meetings were held with relevant Town Officers.

In July 2021 these general design principles were informally presented (including a scheme on how they could be incorporated in a possible design) to Council and the DRP. The DRP compared these general design principles against the ten design principles established within State Planning Policy 7.0 – Design of the Built Environment. The DRP was only able to provide a limited response, as they were unable to make comment on Design Principles relating to Sustainability, Legibility, Safety and Aesthetics due to lack of detail, and recommended further attention on the Principles of Landscape Quality, Built Form and Scale, Functionality, Build Quality, Amenity and Community. Only the Principle relating to Context and Character was supported by the DRP.

At the Council Briefing, the Town Administration received an indication that Council was apprehensive in providing feedback on the design principles presented. The design principles appeared broad, and did not address the potential controversial matters, being the proposed significant change of use to include a boutique hotel and additional retail facilities, a significant increase in patronage, and the relocation of the Boat Shed. The Proponent was subsequently advised by the Town's Chief Executive Officer (CEO) that he believed it was preferable for Council to consider a more detailed proposal rather than a disjointed process of dealing with design principles first, and then subsequently dealing with changes to land use and commercial arrangements separately.

In response, the following month (August) the Proponent advised the Town that the request for a more detailed proposal to Council presented some major challenges. The Proponent was hesitant to put forward a detailed proposal for Council consideration, which would require additional work, without any project assurance at this stage. Notwithstanding this, the Proponent advised it would assess its position and advise the Town accordingly. Likewise, there were discussions that there were alternative pathways for possible project approval, including via the State Development Advisory Unit (SDAU).

In September 2021, the Town received correspondence from the Department of Planning Lands and Heritage (DPLH) advising they had received a request to provide Landowner consent to a Section 17A 'Pre-lodgement advice request' application for the redevelopment of Indiana's and the relocation of the Boat Shed, via the SDAU. The Town, as the land managers, was asked to confirm whether approval was provided to the proponent for the section 17A to be lodged to ensure that there were no objections to the DPLH providing landowner consent for the Application.

DPLH were subsequently informed that until the before mentioned requested proposal was presented to Council for consideration, the Town was unable to indicate either support or objection to the request from DPLH.

It is understood that DPLH forwarded the Town's response to the Proponent, and correspondence was subsequently received from the Proponent asking if consent would require a Council resolution. The Proponent also advised that if such consent was not provided, the only remaining alternative would be for them to approach the Minister for



Lands, who has the authority to give consent (relating to crown land). Given the significance of Indiana's to the Cottesloe Community, the Proponent was informed that a Council decision would be required.

Since then, several discussions have occurred with the Proponent in order to progress a proposal to be presented to Council for consideration.

On 26 November 2021, the Town received the attached Proposal. Since receiving the Proposal, Council has received a briefing from the Administration. It is acknowledged that key elements of the Proposal have not differed significantly from what has been previously discussed and/or presented. External expert advice on the proposal has not been sourced at this stage, as it was believed premature to do so until a final proposal was formally presented, and there has been insufficient time to do so since receiving the final document.

Within the Proposal summary, the Proponent has requested Council to:

1. *Endorse their proposal for the development of Indiana and the new Boat Shed facilities, consistent with the development overview;*
2. *Endorse the Key Commercial Principles;*
3. *Endorse the Approval Framework; and*
4. *Formalise a commitment to commence and expedite tripartite negotiations with Fiveight and the State Government to formally resolve and progress the statutory approvals required to permit the development.*

The above request is effectively seeking "In Principle" agreement on the key elements of the proposal, noting that a number of issues remain outstanding, such as land tenure and a new lease, prior to the Proponent being able to submit a Development Application.

Given the above, Council now needs to determine whether it will provide this "In Principle" agreement and support.

#### **OFFICER COMMENT**

Given the iconic nature of Indiana's, the Town welcomes the opportunity to openly discuss the proposal, after several years of closed discussions. These discussions have been robust and proactive, noting that no agreement has been reached or support for the proposal been formally or informally provided. There are a number of existing issues (discussed within this report) which limits the Town Administration from supporting the current proposal at this stage.

Furthermore the Town and the Proponent have agreed that there needs to be significant concurrent changes to the current Land Tenure and leasing arrangements in order for the Proposal to progress. However, to date there has been no consensus on how these new arrangements would look or take effect. Likewise, agreements will also need to be reached with the State Government to progress this proposal.

Notwithstanding the above, it would be important for Council to consider the following elements in considering the Proposal (as it currently stands):

1. Council's Beach Policy;
2. Community and Economic Benefit; and

### 3. Heritage and Environmental Implications.

#### Town of Cottesloe Beach Policy

It is understood the Town of Cottesloe Beach Policy (Beach Policy) was established with the aim of enabling consistency in decision making in relation to the Cottesloe Beachfront (West of Marine Parade).

The Beach Policy does apply to both the existing Indiana site and proposed Boat Shed relocation site.

The Policy has both primary and secondary objectives, which the Proposal does clearly assist in achieving, such as objective 5.2(c):

- 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.*

The Beach Policy also places specific restrictions on uses and building control, including:

## **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.*

## **7 Strategies**

### **7.2 Building Control**

*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.*

*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.*

It is most likely that the additional facilities and services within the Proposal will contribute directly to the amenity of recreational users, however further investigation may be required to determine whether it will also protect and enhance the natural environment. A key feature of the proposal is the protection of the existing Norfolk Island Pines, which are extremely important to the Cottesloe community, from both an environmental and heritage perspective. Noting this, there is little information within the proposal on the environmental impact of the relocation of the Boat Shed, especially the required excavation into the existing terraces and/or dunes to achieve this relocation. Though the author expects the Proponent has looked into this, it may be prudent for Council to seek its own expert advice on this matter.

In relation to 7.2 Building Controls, it is difficult for the Town's Administration to support the Proposal, given the significant proposed increase in built form and additional uses (hotel and retail). To this end, the Policy provides for a public review, if the redevelopment is considered a replacement. For such a review to be undertaken, the public would need information to consider the various potential impacts stated in the Policy. The Proponent has previously acknowledged the Beach Policy does create an issue for Council in supporting the Proposal.

Part of the Role of Council, as per Section 2.7 of the *Local Government Act 1995*, is to determine the Local Government Policies (S2.7(2)(b)). Policies are a guide to decision-making and are not binding. It is within the power of Council to amend the Policy or to depart from this Policy position if it believes it is in the interest of the community. It is understood that the Beach Policy was developed with significant community consultation, and therefore the Administration would caution against amending the Policy or depart from the Policy position without community consultation first.

#### Community and Economic Benefit

Pages 38-39 of the Proposal outlines some 13 specific Economic and/or Community Benefits for both the Cottesloe and greater West Australian communities, being:

1. Improved access, legibility and safety;
2. New public toilets, showers and change rooms;
3. Integrating and complementing the Foreshore Masterplan;
4. Activating the promenade;
5. \$16.4m pa added value to the WA Economy;
6. 113 ongoing jobs pa;
7. Retaining and Improving a heritage listed iconic building;
8. Covered public plaza for activation and events;
9. Boutique Hotel;
10. New boat shed facilities;
11. Improved and more equitable beach access;
12. Diversity in retail and food & beverage offering; and
13. Investment to support local businesses.

The Proposal will most likely attract more local residents and visitors to Cottesloe Beach. Most of this activation is commercially based (cafes, restaurants, hotel, retail offering etc), and Town officers acknowledge the addition of a covered public plaza is an element currently missing from the Town's Foreshore Design. The Community has expected an upgrade to current toilet and change room facilities for some time, and the Town is aware the Cottesloe Surf Life Saving Club (CSLSC) has had ongoing issues with accessing its equipment from the current boat shed.

Some of the above benefits are however somewhat subjective, dependent on the needs of the individual, or lack specific detail to properly consider. For instance, how will this proposed investment support local businesses? Likewise, some could have consequences

that have yet to be explored thoroughly. For instance, the relocation of the boat shed would be extremely useful for the CSLSC, however the Proponent is only committing to the initial capital cost. From an Asset Management perspective, some party (presumably the Town and/or CSLSC) will need to be responsible for its ongoing maintenance and potential replacement. This could have serious long term financial implications, which have not been assessed.

Several of the above benefits most likely need further assessment, for example improved access, legality and safety, and the integration with the Foreshore Masterplan, which now has reached 100% design and any changes would incur additional costs to the Town. Council has the option to seek the views from its DRP and FPAC (community members) prior to accepting the Proponent's viewpoint on these elements. Likewise, Council may wish to seek expert commercial advice on these proposed economic and community benefits, to ensure they provide an adequate offset for the proposed change and intensification of use at the site.

Additional benefits that have not been listed are the anticipated increase in future rent income and rates income for the Town. Likewise, though there is an expectation that the Town will receive a cash in lieu contribution for the expected increase in demand for parking, the Town will at some stage need to physically develop this additional parking at a location in close proximity to the development. Where this additional parking will be located has not been formally identified at this time. Furthermore, depending on the building footprint and loss of existing recreational area, Council may also wish to consider investigating other options, such as a cash in lieu of public open space contribution offset to contribute to additional recreation space or amenity in another section of the Foreshore.

Given the overall complexity of the relationships between the State, the Town and the Proponent (both existing and future), Council should also seek legal advice to ensure it is meeting its statutory obligations with regards to considering this Proposal.

#### Heritage and Environmental Implications

Throughout the Proposal, the Proponent has advocated that the redevelopment will not have any detrimental impacts on either heritage or environment in or around the redevelopment area. At some stage these assertions will be tested, as any development application will need to be ultimately considered by the West Australian Planning Commission (WAPC), who will refer any application to bodies such as the Heritage Council of WA (HCWA) and Department of Environment. On this basis, it may be prudent for Council to seek some preliminary advice of possible implications, noting the Beach Policy requirements. This may also benefit the Proponent, if their assertions are verified.

#### Conclusion

Given the significance and iconic nature of Indiana, Council as the land manager and lessor needs to be cautious moving forward with this proposal. There are significant benefits, however there has been little opportunity to look at possible consequences (short and long term) that could also be created with this proposal.

With regards to the request from the Proponent, Council has effectively three options, being:

1. Agree with request (with or without conditions);

2. Reject the request; or
3. Seek additional information.

Given the confidential nature of past discussions, it has been difficult to seek external advice during the development of the Proposal. Council could support the request (option one), however Council has an obligation to the Community to act and make decisions with due diligence. It is the author's opinion that this obligation has yet to be satisfactorily met. Likewise it would be premature to simply reject the proposal without further investigation (option two).

To ensure Council is fully informed, and not completely reliant on the views put forward by the Proponent, it is recommended that Council seek comment from relevant local bodies and external expertise. Likewise, this (independent) information may be useful for future conversations with the community, should Council decide to seek public comment on the Proposal, after considering said advice.

It is acknowledged that whilst seeking comments will require additional time before Council can provide a response, it is the author's opinion that it is not an unreasonable step in considering a proposal of this nature. Likewise, independent advice that could potentially verify the Proponent's views can only assist the project in the long term.

### **ATTACHMENTS**

**10.1.4(a) Indiana Development Proposal [under separate cover] |**

### **CONSULTATION**

There has been insufficient time since receiving the Proposal document for consultation.

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

*Section 2.7 Role of Council*

### **POLICY IMPLICATIONS**

Town of Cottesloe Beach Policy (24/5/2004)

Town of Cottesloe Community Engagement Policy

### **STRATEGIC IMPLICATIONS**

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

Priority Area 3: Enhancing beach access and the foreshore

Major Strategy 3.2: Continue to improve access to beach facilities.

### **RESOURCE IMPLICATIONS**

The Proposal has been reviewed by key and relevant Town staff. The Officer recommendation would require the application of Council resources to seek additional

expert advice. Preliminary advice should be accommodated within existing budget allocations. Referral of the Proposal to panels and committees (DRP & FPAC) should have little resource implications other than member and officer time.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

A key design approach within the Proposal is sustainability, quoting a holistic approach to sustainability being adopted across the development. Examples provided include:

- Service technology (heat exchanges with bores on site);
- Smart technology to monitor air, water and resource usage;
- Selection of efficient and effective services and fixtures; and
- High quality material including glazing, shading and façade elements.

Sustainability is one(1) of the ten(10) Design Principles which will be commented on, should the Council wish the Proposal be considered/reviewed by the Town's Design Review Panel (DRP).

The Proposal has been developed not to impact on the existing Norfolk Island Pines in and around the existing Indiana building. The Proponent claims the redevelopment meets the current Conservation Management Plan (CMP) for the precinct. The Town does not have the internal resources to verify these claims, and therefore an external expert would be required to provide confidence that there are no detrimental environmental or heritage impacts.

The Boat Shed is proposed to be relocated to sit within the beachfront (dunes) between Indiana and the Cottesloe Surf Life Saving Club (CSLSC) Clubrooms. The Proposal does not comment on any possible environmental implications (positive or negative) this may have on the existing and surrounding flora and/or greater environment around the new location. Council may need to seek expert advice on possible implications the relocation may have, especially given it is proposed the Town (and/or CSLSC) will be responsible for the new boat shed.

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER RECOMMENDATION**

THAT Council:

1. INSTRUCTS the CEO to seek comment on the attached development proposal for Indiana Tea House and Boat Shed (the Proposal), no later than the 31 January 2022 from:
  - a. The Town of Cottesloe Design Review Panel (DRP);
  - b. The Non Elected members (community members) of the Town of Cottesloe Foreshore Precinct Advisory Committee (FPAC);
  - c. The Cottesloe Surf Life Saving Club (CSLSC)
  - d. A Heritage Expert; and

- e. An Environmental Expert;
- 2. INSTRUCTS the CEO to provide the Proponent an opportunity to respond to all comments received in relation to Point one;
- 3. INSTRUCTS the CEO to seek advice on the commercial and legal aspects of the Proposal, no later than 31 January 2022
- 4. DEFERS consideration on the Proposal until Council has had an opportunity to deliberate on the comments and advice received (Points one, two and three) at the February 2022 Ordinary Council Meeting or at a Special Council Meeting prior to the March 2022 Ordinary Council Meeting.

**OCM245/2021**

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

**Moved Mayor Young**

**Seconded Cr Masarei**

**THAT Council:**

- 1. **INSTRUCTS the CEO to seek comment on the attached development proposal for Indiana Tea House and Boat Shed (the Proposal), no later than the 31 January 2022 from:**
  - a. **The Town of Cottesloe Design Review Panel (DRP);**
  - b. **The Non Elected members of the Town of Cottesloe Foreshore Precinct Advisory Committee (FPAC); and**
  - c. **The Cottesloe Surf Life Saving Club (CSLSC)**
- 2. **INSTRUCTS the CEO to provide the Proponent an opportunity to respond to all comments received in relation to Point one;**
- 3. **INSTRUCTS the CEO to seek advice as soon as practicable on:**
  - a. **the commercial and legal aspects of the Proposal; and**
  - b. **the heritage and environmental impacts of the Proposal;**

**provided that prior to obtaining such advice, the Proponent agrees to meet the Town's costs reasonably incurred in obtaining such advice and provides security for such agreement, to the Town's reasonable satisfaction.**
- 4. **DEFERS consideration on the Proposal until Council has had an opportunity to deliberate on the comments and advice received (Points one, two and three), at the earliest opportunity.**

**Carried 6/0**

**COUNCILLOR RATIONALE:**

- 1. The Proposal requires complex analysis of many issues. Council needs high-calibre legal, commercial, heritage and environmental advice on the Proposal in order to fully understand the implications and to inform Council's decision-making process.
- 2. It would be expected that the Administration will work diligently to progress the

matter, and that the advice required by Council will be obtained and made available to Council in a timely manner.

3. However, imposing time limits on obtaining and considering such advice (especially over the December/January holiday period) is likely to limit the pool of potential advisers available and may impact on the quality of the advice received.
4. Council should proceed in a way that allows it to obtain the best possible advice. This will not add materially to the time involved in progressing the matter, particularly when viewed against the fact that it has been several years since the Proponent took over the Lease and started engaging with the public on possible plans for development.
5. Following an extended period of discussions about the future of the site (kept confidential at the Proponent's request), the Town has pressed the Proponent since July this year to formalise a Proposal for Council to consider. The Proponent has had a considerable period to consider its own position and prepare its Proposal. It is entirely reasonable that the Town/Council be afforded sufficient time to consider its own position in order to respond to the Proposal.
6. The Proponent has put to Council a Proposal that differs very significantly from the terms of the current Lease agreement, in terms of built form, commercial intensification and commercial use. The Town's resources are limited, and professional advice is expensive. It is reasonable for the Town to insist that the Proponent meet its costs reasonably incurred in obtaining the advice Council needs to inform its decision making.
7. This is particularly so given that the Proponent is not bound to proceed. The Proposal could be withdrawn at any time, so that costs incurred by the Town in relation to the Proposal, including the cost of obtaining its own professional advice, would be wasted costs to be borne by Cottesloe ratepayers.



**DEVELOPMENT AND REGULATORY SERVICES****10.1.1 APPLICATION TO THE METRO INNER-NORTH JOINT DEVELOPMENT ASSESSMENT PANEL - 110-112 (LOT 6) MARINE PARADE - MIXED USE DEVELOPMENT (COMMERCIAL & RESIDENTIAL)**

**Directorate:** Development and Regulatory Services  
**Author(s):** Ed Drewett, Coordinator Statutory Planning  
**Authoriser(s):** Freya Ayliffe, Director Development and Regulatory Services  
**File Reference:** D21/49511  
**Applicant(s):** Space Collective Architects  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Planning approval is sought for a mixed-use development (Commercial & Residential) to replace the Canteen (Pizza) restaurant, a fast-food fish & chip outlet, and 3 residential units located on the corner of Marine Parade and Warnham Road.

The applicant has opted for this application to be referred to the Metro Inner-North Joint Development Assessment Panel (JDAP) for determination.

A Responsible Authority Report (RAR) has been prepared and is due to be submitted to the JDAP on or before noon on Friday 10 December 2021.

The purpose of this report is for Council to:

- i. Consider the Officer recommendation in the attached RAR;
- ii. Be informed that the RAR will be referred to the JDAP on or before noon on Friday 10 December 2021 for its determination in accordance with the *Planning and Development (Development Assessment Panel) Regulations 2011 (DAP Regs)*; and
- iii. Note that the Development Assessment Panel has agreed to add the Council resolution as an addendum to the Responsible Authority Report.

Given the assessment that has been undertaken, the recommendation is that the JDAP conditionally approve the application, subject to no objections being received from the Heritage Council of WA.

**OFFICER RECOMMENDATION IN BRIEF**

That Council support the Officer Recommendation in the Responsible Authority Report (RAR).

**BACKGROUND**

Please refer to attached RAR.

**OFFICER COMMENT**

The proposal has been assessed against all the relevant legislative requirements of the Scheme, State and Local Planning Policies outlined in the Legislation and Policy section of the RAR report.

**ATTACHMENTS**

- 10.1.1(a) RAR report [under separate cover]
- 10.1.1(b) Revised Plans dated 10 and 26 November 2021 [under separate cover]
- 10.1.1(c) Transport Impact Statement received 10 November 2021 [under separate cover]
- 10.1.1(d) Landscape package received 10 November 2021 [under separate cover]
- 10.1.1(e) Waste Management Plan received 10 November 2021 [under separate cover]
- 10.1.1(f) Neighbour Submissions [under separate cover]
- 10.1.1(g) Applicant's legal advice **[CONFIDENTIAL] [UNDER SEPARATE COVER]**
- 10.1.1(h) Design Review Panel report and recommendations [under separate cover]
- 10.1.1(i) Heritage Council advice dated 8 October 2021 [under separate cover]
- 10.1.1(j) Applicants submission [under separate cover]

**CONSULTATION**

Please refer to attached RAR.

**STATUTORY IMPLICATIONS**

Please refer to attached RAR.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Priority Area 4: Managing Development

The principles of mixed-use, liveable neighbourhoods, good urban design, housing choice and residential amenity are all consistent with the proposed development and also in keeping with regional and local planning strategies for diverse and sustainable urban development.

**RESOURCE IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the officer's recommendation. The proposal includes potential improvements to the public domain such as tree planting, landscaping, a shade awning, and an alfresco area to be provided at the applicant/owner's cost.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Mayor Young**

**Seconded Cr Masarei**

1. THAT Council SUPPORTS the following Responsible Authority Recommendation to the DAP:

**Responsible Authority Recommendation**

That the Metro Inner-North Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/21/02066 and accompanying plans KHILL-COTT-02 (rev: 0); A1-01 (rev: A); A2-01 (rev: A); A2-02 (rev: A); A2-03 (rev: A); A2-05 (rev: A); A2-06 (rev: A); A2-07 (rev: A); A2-08 (rev: A); A2-09 (rev: A); A3-01 (rev: A); A3-02 (rev: A); A3-03 (rev: A); A3-04 (rev: A) received 10 November 2021, and A2-04 (rev: B) received 26 November 2021, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and Town of Cottesloe Local Planning Scheme No. 3 for a mixed use development on Lot 6 (110-112) Marine Parade, Cottesloe, subject to no objection being raised by the Heritage Council of WA, and the following conditions and advice notes:

1. The upper-floor 'mezzanine' level being deleted to ensure the development does not exceed the maximum permitted 5-storeys. Details to be submitted prior to the submission of a Building Permit to the satisfaction of the Town.
2. 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.
3. Plant and equipment, including air-conditioning units, shall be designed, positioned and screened so as to not be visible from the street; designed to integrate with the building; or located so as not to be visually obtrusive.
4. A minimum 27 car bays shall be provided on-site, with a minimum 2 car bays being exclusively allocated to the ground floor commercial uses and not used for residential purposes, in perpetuity.
5. Bicycle parking for a minimum 4 residents' bicycles and 1 visitor's bicycle shall be provided in the basement parking areas to the satisfaction of the Town.
6. The maximum total number of patrons permitted to be accommodated in the ground floor commercial restaurant shall not exceed 66 patrons at any one time.

7. All commercial bins shall be located in the commercial bin store area shown on drawing A2-03 (rev: A) with direct access to Warnham Road, to the satisfaction of the Town.
8. All goods and deliveries to the commercial tenancies shall have direct access to Warnham Road.
9. Prior to the submission of a Building Permit, final landscape plans and specifications for both the subject site and the public realm, including hard and soft landscape specifications and reticulation details are to be submitted to, and approved, by the Town.
10. Prior to occupation of the development, all landscape areas within the site and in the public realm are to be installed in accordance with the final approved landscape plans and thereafter maintained, at the applicant's cost, to the satisfaction of the Town.
11. Prior to occupation of the development, all car parking spaces, access aisles, and the loading bay in Warnham Road, are to be paved, sealed, marked and drained in accordance with AS2890.1, and thereafter maintained at the owners cost, to the satisfaction of the Town.
12. Prior to the submission of a Building Permit, details of delivery vehicle parking and loading/unloading areas together with the nature and times of use of any special delivery vehicle parking, suitable line markings, sign posting, operational procedures and management measures shall be submitted to, and approved, by the Town.
13. Prior to the submission of a Building Permit, the Waste Management Plan by Talis Consultants dated 8 November 2021 shall be submitted to, and approved, by the Town. The approved plan shall be adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Town.
14. Any external signage and awnings are to be integrated with the design of the building facades, with final details of the location and design of the signs and awnings being provided prior to installation, to the satisfaction of 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 existing redundant crossover(s) shall be removed and the verges, kerbs and all surfaces made good at the applicant's expense to the satisfaction of the Town.
4. Signage does not form part of this approval and may require a separate approval.
5. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
6. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

OCM246/2021

**COUNCILLOR AMENDMENT**

Moved Cr Sadler

Seconded Cr Masarei

That the following advice note be added:

7. The applicant is advised that any approval for built strata subdivision issued pursuant to the Strata Titles Act 1985 may include conditions that require the provision of public open space in the form of cash-in-lieu. It is recommended that the applicant lodge any built strata application prior to commencement of construction.

AND that the rationale below is included with the Responsible Authority Report.

Carried 6/0

OCM247/2021

**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

1. THAT Council SUPPORTS the following Responsible Authority Recommendation to the DAP:

**Responsible Authority Recommendation**

That the Metro Inner-North Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/21/02066 and accompanying plans KHILL-COTT-02 (rev: 0); A1-01 (rev: A); A2-01 (rev: A); A2-02 (rev: A); A2-03 (rev: A); A2-05 (rev: A); A2-06 (rev: A); A2-07 (rev: A); A2-08 (rev: A); A2-09 (rev: A); A3-01 (rev: A); A3-02 (rev: A); A3-03 (rev: A); A3-04 (rev: A) received 10 November 2021, and A2-04 (rev: B) received 26 November 2021, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and Town of Cottesloe Local Planning Scheme No. 3 for a mixed use development on Lot 6 (110-112) Marine Parade, Cottesloe, subject to no objection being raised by the Heritage Council of WA, and the following conditions and advice notes:

1. The upper-floor 'mezzanine' level being deleted to ensure the development does not exceed the maximum permitted 5-storeys. Details to be submitted prior to the submission of a Building Permit to the satisfaction of the Town.
2. 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.
3. Plant and equipment, including air-conditioning units, shall be designed, positioned and screened so as to not be visible from the street; designed to integrate with the building; or located so as not to be visually obtrusive.
4. A minimum 27 car bays shall be provided on-site, with a minimum 2 car bays being exclusively allocated to the ground floor commercial uses and not used for residential purposes, in perpetuity.
5. Bicycle parking for a minimum 4 residents' bicycles and 1 visitor's bicycle shall

be provided in the basement parking areas to the satisfaction of the Town.

6. The maximum total number of patrons permitted to be accommodated in the ground floor commercial restaurant shall not exceed 66 patrons at any one time.
7. All commercial bins shall be located in the commercial bin store area shown on drawing A2-03 (rev: A) with direct access to Warnham Road, to the satisfaction of the Town.
8. All goods and deliveries to the commercial tenancies shall have direct access to Warnham Road.
9. Prior to the submission of a Building Permit, final landscape plans and specifications for both the subject site and the public realm, including hard and soft landscape specifications and reticulation details are to be submitted to, and approved, by the Town.
10. Prior to occupation of the development, all landscape areas within the site and in the public realm are to be installed in accordance with the final approved landscape plans and thereafter maintained, at the applicant's cost, to the satisfaction of the Town.
11. Prior to occupation of the development, all car parking spaces, access aisles, and the loading bay in Warnham Road, are to be paved, sealed, marked and drained in accordance with AS2890.1, and thereafter maintained at the owners cost, to the satisfaction of the Town.
12. Prior to the submission of a Building Permit, details of delivery vehicle parking and loading/unloading areas together with the nature and times of use of any special delivery vehicle parking, suitable line markings, sign posting, operational procedures and management measures shall be submitted to, and approved, by the Town.
13. Prior to the submission of a Building Permit, the Waste Management Plan by Talis Consultants dated 8 November 2021 shall be submitted to, and approved, by the Town. The approved plan shall be adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Town.
14. Any external signage and awnings are to be integrated with the design of the building facades, with final details of the location and design of the signs and awnings being provided prior to installation, to the satisfaction of 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 existing redundant crossover(s) shall be removed and the verges, kerbs and all surfaces made good at the applicant's expense to the satisfaction of the Town.

4. Signage does not form part of this approval and may require a separate approval.
5. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
6. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
7. The applicant is advised that any approval for built strata subdivision issued pursuant to the Strata Titles Act 1985 may include conditions that require the provision of public open space in the form of cash-in-lieu. It is recommended that the applicant lodge any built strata application prior to commencement of construction.

**AND that the rationale below is included with the Responsible Authority Report.**

**Carried 6/0**

#### COUNCILLOR RATIONALE

1. The development proposed by the applicant does not have any provision for communal open space despite this being a requirement under the current State Planning Policy 7.3.
2. As justification for there being no communal open space in the development, the applicant has said that there is high quality public open space on the Cottesloe Foreshore. This is not the case. The Foreshore and other public open spaces are in need of renewal.
3. The Town has a Public Open Space Strategy and fully costed Foreshore Masterplan. These documents have been adopted after community consultation and form the framework upon which we will build new public infrastructure and upgrade existing infrastructure. Increased housing density with developments such as the one proposed, increase the need for public open space amenity.
4. The need and nexus are clearly demonstrated and the POS Strategy and Foreshore Masterplan provide a framework, upon which can be used as the basis for requesting cash-in-lieu. This can be done in an equitable fashion from this applicant and any subsequent applicants who do not provide communal open space, as required by the State Planning Policy 7.3.

**EXECUTIVE SERVICES****10.1.5 COMMITTEES AND WORKING GROUPS - APPOINTMENT OF COMMUNITY MEMBERS**

**Directorate:** Executive Services  
**Author(s):** Shaun Kan, Director Engineering Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D21/54202  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider nominations received from external persons and appoint members to the various Council Committees and Working Groups.

**OFFICER RECOMMENDATION IN BRIEF**

That Council considers the nominations received (Confidential) and appoints community members to the various Committees and Working Groups of Council.

**BACKGROUND**

Under section 5.11 of the *Local Government Act 1995*, tenure to a Committee is held until the next ordinary Local Government election which was held 16 October 2021.

Elected members have been appointed to the following committees including working groups and Council is required to do likewise for community members:

- Committees:
  - Foreshore Precinct Advisory (FPAC)
  - Audit
- Working Groups
  - Public Open Space (POS)
  - Active Transport
  - Universal Access and Inclusion
  - Reconciliation Action
  - Task Force on Residential and Recreational Verge Uses (subject to extension)
  - Design Review Panel

Council is asked to note that the:

- North Cottesloe Traffic Safety Committee has been deferred until the future of the Eric Street Bridge Project is known. This will be dealt with administratively with any items presented directly to Council until such time; and



- Coastal Hazard Risk and Adaptation Management Plan Committee has been appointed separately at the October 2021 Ordinary Council Meeting.

### **OFFICERS COMMENT**

Details of applicants to advisory committees, working groups, panels and community reference groups are included as a Confidential Attachment for consideration by Council. All charters have been previously approved by Council at the 26 October 2021 Ordinary Council Meeting.

### **Audit Committee**

The Audit Committee is responsible for reviewing and making recommendations to Council regarding financial management, risk management, internal controls, legislative compliance, internal and external audit planning and reporting.

The purpose of the Audit Committee is to:

- Guide and assist the local government in carrying out its financial management and audit functions.
- Monitor and advise the Chief Executive Officer in reviews conducted into financial management and audit systems and procedures.
- Oversee the implementation of any resulting Council recommendations so as to support better decision-making, greater accountability to the community and ensure a more efficient and effective Local Government.

Council is required to form an Audit Committee in accordance with the *Local Government Act 1995* with the members to be appointed by the Local Government and at least three of the members (and the majority) to be Elected Members.

The Town's Auditors attend the meetings. Additionally, the Chief Executive Officer, Director of Corporate and Community Services and Finance Manager are also in attendance, but cannot be members of this committee.

Councillors Masarei, Macfarlane and Wylynko have been appointed. There is scope to appoint external members to this Committee at the discretion of Council, though it is not a formal requirement. Three applications have been received for community membership to this Committee.

A recommendation has been made to appoint applicants two and three as indicated in the Confidential Attachment to be members of the Audit Committee. The two preferred appointees are considered to be best positioned to meet the requirements stipulated within the Committee's Charter.

### **Active Transport Working Group**

The Active Transport Working Group advises Council on the infrastructure and policy requirements to increase active and sustainable transport modes within the Town of Cottesloe.

This group can have up to four community representatives. Three nominations have been received who all appear suitable for appointment to the Committee. Mayor Young, Deputy Mayor Sadler and Councillor Barrett have been appointed to this group.

**Design Review Panel**

The Design Review Panel advises Council on the design quality of submissions or applications made to the Town. The Panel can also provide feedback on designs that the Town has developed for its own projects if Council requires it.

This review panel has no elected members and can have a maximum of six persons appointed. There have been five nominations. A recommendation is made to appoint all nominees given that they all possess the relevant skills and experience.

**Foreshore Precinct Advisory Committee**

The Foreshore Precinct Advisory Committee advises Council and makes recommendations on improvements within the Central Foreshore Zone.

Council has appointed Councillors MacFarlane, Harkins, Barrett, Bulbeck, Masarei and Mayor Young (Deputy Member). Four “expert” community members complete the representation on this Committee. Nine nominations have been received.

Given the overwhelming response and recognising the significant contributions this committee has made in the progress of the Foreshore Redevelopment to date, a recommendation has been made to reinstate the five current members as they have expressed interest for their tenure to continue.

This recommendation would also require amendments to the Committee Charter to allow five rather than four “expert” community members on the Committee.

**Public Open Space Working Group**

The Public Open Space Working Group advises Council on infrastructure and Policy requirements to improve all public open space provided by the Town (outside the Central Foreshore Precinct).

Councillors Harkins, Barrett, Wylynko and Bulbeck have been appointed to this Committee. The Committee Charter calls for one Coastcare representative and up to two community representatives. Five nominations have been received. A recommendation has been made to appoint all five, noting three are current members of the working group, including the Cottesloe Coastcare representative.

Similar to the FPAC, Council is also asked to consider amending the charter to allow one Coastcare Representative and up to four community representatives.

**Reconciliation Action Working Group**

The purpose of this Group is to guide and assist the Town of Cottesloe in the development of a Reconciliation Action Plan (RAP) in consultation with Reconciliation Australia, using their toolkit, templates and resources.

Membership comprises Councillors Bulbeck, Masarei and Harben with Mayor Young being the Deputy Member. Up to five community members including Aboriginal and Torres Strait Islander Community Members can be added. Three nominations have been received for the community member positions. A recommendation has been made to appoint all nominees. The CEO or Director delegate is also an appointment to this Committee.

**TaskForce on Residential and Recreational Verge Uses**

The Taskforce on Residential and Recreational Verge Uses advises Council on play equipment on verges. A request to extend its appointment to 30 June 2022 is pending Council approval.

Councillors Masarei, Bulbeck and Barrett have been appointed with three community member positions to be filled. Only one nomination has been received. A recommendation has been made to appoint the nominee received given that the individual is a current member of the group.

**Universal Access and Inclusion Community Reference Group**

The Universal Access and Inclusion Community Reference Group puts forward ideas and raises issues with a view to improving universal access across the Town.

Representatives of the Department of Communities and SHINE Community Services attend the meetings.

Deputy Mayor Sadler has been appointed and up to four community members can be appointed. Five nominations have been received. A recommendation is made to appoint all nominees received as they include current members of the Working Group. Similarly, Council would also need to amend the approved charter to allow up to five community representative as part of the working group's membership.

**ATTACHMENTS**

- 10.1.5(a) All Committee Nominees 2021 Combined **[CONFIDENTIAL] [UNDER SEPARATE COVER]**
- 10.1.5(b) 2021-2023 NOMINEES - Community ~ Committees, Reference and Working Groups v2 **[CONFIDENTIAL] [UNDER SEPARATE COVER]**

**CONSULTATION**

Council is asked to consider all applications received, nominate and appoint community members accordingly.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

**5.11. Committee membership, tenure of**

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
- (b) *the person resigns from membership of the committee; or*
- (c) *the committee is disbanded; or*
- (d) *the next ordinary elections day,*
- whichever happens first.*

**7.1A. Audit committee**

(1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*

(2) *The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*

*\* Absolute majority required.*

(3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.*

(4) *An employee is not to be a member of an audit committee.*

*Local Government (Audit Regulations) 1996 specifies the functions of the Audit Committee.*

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

The appointment of Committee and Working Group members are in accordance with the requirements of the Local Government Act (1995).

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

Administration staff time required to compile agendas, prepare minutes and attend meetings have been incorporated as part of the 2021/22 approved Budget.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

The appointment of the following will ensure the optimal use of green spaces within residential and recreational verges includes reserves:

- POS Working Group
- Taskforce on Residential and Recreational Verge Uses
- Foreshore Precinct Advisory Committee

The Active Transport Working Group will ensure the provision of appropriate infrastructure such as shared paths to promote walking and cycling as modes of transport, which in the long term will deliver benefits to environmental sustainability.

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION**

**Moved Cr Harkins**

**Seconded Cr Masarei**

THAT Council by Absolute Majority:

1. APPOINTS nominees two and three indicated in the confidential attachment as community members of the Audit Committee;
2. APPOINTS all nominees received, listed in the confidential attachment as community members of the Active Transport Working Group;
3. APPOINTS all nominees received, listed in the confidential attachment, as community members of the Design Review Panel;
4. APPROVES changes to the endorsed Foreshore Precinct Advisory Committee charter to include up to five expert community members;
5. Subject to the ACCEPTANCE of Point Four, APPOINTS all five current expert community members (Nominees five to nine indicated in the confidential attachment) who have all re-nominated to be members of the Foreshore Precinct Advisory Committee;
6. APPROVES changes to the endorsed Public Open Space Working Group charter to include up to five community members;
7. Subject to the ACCEPTANCE of Point Six, APPOINTS all five nominees received, listed in the confidential attachment, as community members of the Public Open Space Working Group;
8. APPOINTS all nominees received, listed in the confidential attachment as community members of the Reconciliation Action Working Group;
9. APPOINTS the single nominee received, listed in the confidential attachment, as a community member of the Taskforce on Residential and Recreational Verges Uses;
10. APPROVES changes to the endorsed Universal Access and Inclusion Working Group charter to include up to five community members; and
11. Subject to the ACCEPTANCE of Point Ten, APPOINTS all nominees received, listed in the confidential attachment, as community members of the Universal Access and Inclusion Working Group.

**OCM248/2021**

**COUNCILLOR AMENDMENT**

**Moved Mayor Young**

**Seconded Cr MacFarlane**

**That the officer's recommendation be amended to change paragraph 3 so that it now reads.**

3. **DEFERS the appointments to the Design Review Panel to allow the outgoing members, who were not contacted regarding their interest in continuing on the Panel, to be contacted to express their interest in continuing membership.**

**Carried by Absolute Majority 6/0**

**COUNCILLOR AMENDMENT**

**Moved Cr Bulbeck**

**No Seconder, Lapsed**

APPOINTS nominees 2, 4 and 6 to the Public Open Space Working Group.

**OCM249/2021**

**COUNCILLOR MOTION**

**Moved Cr Sadler**

**Seconded Cr Masarei**

**That this item be moved to section 13 of the agenda.**

**Carried 6/0**

**10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES**

**10.2.2 RECEIPT OF COASTAL HAZARD RISK MANAGEMENT AND ADAPTION PLAN STEERING COMMITTEE MINUTES**

**Attachments: 10.2.2(a) Unconfirmed Minutes - Coastal Hazard Risk Management and Adaption Plan Steering Committee – 3 December 2021 [under separate cover]**

**OCM250/2021**

**Moved Mayor Young                      Seconded Cr Sadler**

**THAT Council RECEIVES the attached Unconfirmed Minutes of the Coastal Hazard Risk Management and Adaption Plan Steering Committee Meeting held on 3 December 2021 and ADOPTS the recommendations contained within.**

**Carried 6/0**

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

Nil

**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**

**OCM251/2021**

**MOTION FOR BEHIND CLOSED DOORS**

**Moved Mayor Young                      Seconded Cr Sadler**

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

**Carried 6/0**

*The public and members of the media were requested to leave the meeting at 7:01pm.*

**13.1.1 COMMUNITY CITIZEN OF THE YEAR AWARDS**

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (b) as it contains information relating to the personal affairs of any person.

The Presiding Member proposed that the points be dealt with separately.

**OCM252/2021**

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

**Moved Mayor Young                      Seconded Cr Harkins**

**THAT Council AWARDS the 2021:**

- 1. Community Citizen of the Year Award to Nominee 1.**

**Carried 6/0**

**OCM253/2021**

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

**Moved Mayor Young                      Seconded Cr Harkins**

**THAT Council AWARDS the 2021:**

- 2. Senior Citizen of the Year Award to Nominee 2.3.**

**Carried 6/0**



OCM254/2021

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

Moved Mayor Young                      Seconded Cr Masarei

THAT Council AWARDS the 2021:

3. Youth Citizen of the Year Award to Nominee 3.1.

Carried 6/0

OCM255/2021

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

Moved Cr Harkins                      Seconded Cr Sadler

THAT Council AWARDS the 2021:

4. Active Citizenship (group or event) to Nominee 4.1; and
5. The selected nominees be embargoed until the official awarding of the honours.

Carried 6/0

COUNCILLOR RATIONALE:

The officer's recommendation was changed as Council chose candidates for each category.

**10.1.5 COMMITTEES AND WORKING GROUPS - APPOINTMENT OF COMMUNITY MEMBERS**

**Directorate:** Executive Services  
**Author(s):** Shaun Kan, Director Engineering Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D21/54202  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (b) as it contains information relating to the personal affairs of any person.

The Presiding Member advised that each point would be considered separately.

**OCM256/2021**

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

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

**THAT Council by Absolute Majority:**

1. **APPOINTS** nominees two and three indicated on page 87 of the confidential attachment as community members of the Audit Committee.

**Carried by Absolute Majority 6/0**

**OCM257/2021**

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

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

**THAT Council by Absolute Majority:**

2. **APPOINTS** all nominees received, listed in the confidential attachment as community members of the Active Transport Working Group.

**Carried by Absolute Majority 6/0**

**OCM258/2021**

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

**Moved Mayor Young**                      **Seconded Cr Harkins**

**THAT Council:**

3. **DEFERS** the appointments to the Design Review Panel to allow the outgoing members, who were not contacted regarding their interest in continuing on the Panel, to be contacted to express their interest in continuing membership.

**Carried 6/0**

**COUNCILLOR MOTION****Moved Cr Harkins****Seconded Mayor Young**

THAT Council by Absolute Majority:

4. APPROVES changes to the endorsed Foreshore Precinct Advisory Committee charter to include up to five expert community members;
5. APPOINTS nominees 5, 6, 7, 8 and 9, listed in the confidential attachment as community members of the community members of the Foreshore Precinct Advisory Committee.

**OCM259/2021****COUNCILLOR AMENDMENT****Moved Cr MacFarlane****Seconded Cr Sadler**

THAT Council by Absolute Majority:

5. APPOINTS nominees 3, 5, 6, 7, and 8, listed in the confidential attachment as community members of the community members of the Foreshore Precinct Advisory Committee.

**Lost 1/5****For: Cr MacFarlane****Against: Mayor Young, Crs Sadler, Masarei, Harkins and Bulbeck****OCM260/2021****SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

THAT Council by Absolute Majority:

4. APPROVES changes to the endorsed Foreshore Precinct Advisory Committee charter to include up to five expert community members;
5. APPOINTS nominees 5, 6, 7, 8 and 9, listed in the confidential attachment as community members of the community members of the Foreshore Precinct Advisory Committee.

**Carried by Absolute Majority 6/0****OCM261/2021****COUNCILLOR MOTION AND COUNCIL RESOLUTION****Moved Mayor Young****Seconded Cr Harkins**

THAT Council by Absolute Majority:

6. APPROVES changes to the endorsed Public Open Space Working Group charter to include up to five community members;
7. Subject to the ACCEPTANCE of Point Six, APPOINTS all six nominees received, listed in the confidential attachment, as community members of the Public Open Space Working Group.

**Carried 5/1****For: Mayor Young, Crs Masarei, Harkins, MacFarlane and Bulbeck****Against: Cr Sadler**

OCM262/2021

**COUNCILLOR MOTION**

Moved Cr Bulbeck

Seconded Cr Sadler

**That Council by absolute majority:**

8. APPOINTS all nominees received (including the nomination circulated to Councillors on 14 December 2021) listed in the confidential attachment as community members of the Reconciliation Action Working Group.

Lost 2/4

For: Crs Sadler and Bulbeck

Against: Mayor Young, Crs Masarei, Harkins and MacFarlane

**COUNCILLOR MOTION (FORESHADOWED)**

Moved Mayor Young

Seconded Cr Masarei

THAT Council by Absolute Majority:

8. APPOINTS all nominees received, listed in the confidential attachment as community members of the Reconciliation Action Working Group.

OCM263/2021

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

Moved Mayor Young

Seconded Cr Sadler

That Council suspends the standing order (for point 8) that requires the recording of people who vote for and against the motion.

Carried 6/0

OCM264/2021

**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION (FORESHADOWED)**

Moved Mayor Young

Seconded Cr Masarei

THAT Council by Absolute Majority:

8. APPOINTS all nominees received, listed in the confidential attachment as community members of the Reconciliation Action Working Group.

Carried by Absolute Majority 6/0

OCM265/2021

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

Moved Mayor Young

Seconded Cr Sadler

THAT Council by Absolute Majority:

9. APPOINTS nominee one, listed in the confidential attachment, as a community member of the Taskforce on Residential and Recreational Verges Uses.

Carried 6/0

OCM266/2021

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

Moved Cr Harkins

Seconded Cr Sadler

**THAT Council by Absolute Majority:**

10. **APPROVES** changes to the endorsed Universal Access and Inclusion Working Group charter to include up to five community members; and
11. **Subject to the ACCEPTANCE of Point Ten, APPOINTS, by absolute majority, all nominees received, listed in the confidential attachment, as community members of the Universal Access and Inclusion Working Group.**

**Carried by Absolute Majority 6/0**

OCM267/2021

**MOTION FOR RETURN FROM BEHIND CLOSED DOORS**

Moved Cr Harkins

Seconded Cr Masarei

**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 6/0**

*The meeting was re-opened to the public at 7:51pmpm, 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 COMMUNITY CITIZEN OF THE YEAR AWARDS**

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

**10.1.5 COMMITTEES AND WORKING GROUPS - APPOINTMENT OF COMMUNITY MEMBERS**

As no members of the public returned to the meeting the resolution for item 10.1.5 was not read out.

**14 MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 7:52pm.