



# Town of Cottesloe

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

**Tuesday, 15 December 2020**

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

Signed:

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

Presiding Member

Date: 23/2/2021

# TOWN OF COTTESLOE



## ORDINARY COUNCIL MEETING

# MINUTES

ORDINARY COUNCIL MEETING  
HELD IN THE  
War Memorial Hall, Cottesloe Civic Centre, 109 Broome Street, Cottesloe  
6:00pm Tuesday, 15 December 2020

**MATTHEW SCOTT**  
Chief Executive Officer

21 December 2020

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

The Presiding Member announced the meeting opened at 6:06pm.

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.

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

Chris Doerr, representing Ben and Tennille Hammond – 56 Grant Street, Cottesloe – item 11.1

Q1: The owners of 58 Grant Street have asked is there a conflict of interest between Cr Masarei and the owners of 56 Grant Street, their neighbours. They have had no notice of this meeting until this afternoon and there has been a one-sided effort by Cr Masarei to protect the demolition of the wall which has been improved and they are questioning why they have not been involved in this at all?

A1: Cr Masarei advised that there is not a conflict of interest. Mr Ozich approached him to assist with the matter.

The motion was abandoned.

The Town no longer has a role with regards to this matter. The Town's role was to issue a demolition permit, which was issued following due process and in accordance with the *Building Act 2011*.

This is now a matter between both parties.

Q2: Why were they not given adequate notice? They were not involved and not informed of this meeting or that part of the agenda which was put on late and had no notice of that until about 4pm this afternoon.

A2: The Town was in communication with the property owners' demolition contractor and there seems to have been a miscommunication that a Notice of Motion from a Councillor was on the agenda. Management processes will be modified to ensure this doesn't occur in the future.

#### 4.2 PUBLIC QUESTIONS

Nil.

#### 5 PUBLIC STATEMENT TIME

##### Janet and Greg Reudavey – Marine Parade, Cottesloe – item 10.2.1

The CEO read a statement on behalf of Janet and Greg Reudavey regarding their opposition to the proposed changes to Carpark #1.

##### Joe Algeri – 68 Canning Hwy, South Perth – item 10.1.1

Mr Algeri thanked those who participated at the onsite meeting regarding item 10.1.1 in Deane Street and explained why he believed that the cut and fill for the subject land is consistent with the approval given for the now constructed dwellings of the five other lots of the subdivision.

##### Yvonne Hart – 26 Matt Street, Cottesloe – item 10.2.1

Ms Hart requested that Councillors not accept the officer and committee recommendation from the Foreshore Precinct Advisory Committee as she believed the detailed design brief was not being met.

##### Ian Pearce – 22 Deane Street, Cottesloe – item 10.1.1

Mr Pearce stated that all the houses further up the street from this development have setbacks of 6m or more and he believed that this new development should have a setback of 6m also. From that elevation it has a sufficient gradient to get down to the level of the carpark and then join up with the crossover at lot 505 and cause little disturbance to the verge.

##### Vivienne Jagger – Deane Street, Cottesloe – item 10.1.1

Ms Jagger spoke about the issues caused by minimal setbacks and outlined the benefits for the neighbours and street of having larger setbacks on the site.

##### Tom Hockley – 125 Hammersely Rd, Subiaco on behalf of his clients at 20 and 22 Deane Street, Cottesloe – Item 10.1.1

Mr Hockley outlined reasons for supporting the officer's recommendation to refuse the application.

##### Geoff Rich – 34 Deane St – item 10.1.1

Mr Rich wants to preserve the footpath on the north side of the street and preserve the tree-lined avenue. Short-term benefit to the applicant but permanent detriment to ratepayers of Cottesloe.

##### Prue Birmingham – 33 Deane St, Cottesloe – item 10.1.1

Ms Birmingham spoke against the applicant's proposal.

**6 ATTENDANCE****Elected Members**

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

**Officers**

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

**6.1 APOLOGIES**

Nil

**Officers Apologies**

Nil

**6.2 APPROVED LEAVE OF ABSENCE**

Nil

**6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 DECLARATION OF INTERESTS**

Mr Scott declared a FINANCIAL INTEREST in item 13.1.2 by virtue “It involves my contract of employment.”

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.1 by virtue “I know Mr Algeri outside of my role on Council.”



Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.1 by virtue "Some of the parties involved are known to me."

Cr MacFarlane declared an IMPARTIALITY INTEREST in item 10.1.1 by virtue "I know one of the residents in Deane St."

## 8 CONFIRMATION OF MINUTES

Moved Cr Tucak

Seconded Cr Young

**That the Minutes of the Ordinary Meeting of Council held on Tuesday 24 November 2020 be confirmed as a true and accurate record subject to the following amendments:**

- The reason for Cr Tucak's declaration of interest for item 11.1 on pages 8 and 65 be corrected to say "I know the family of one of the residents at 56 Grant Street."
- For item 10.1.9 (on page 63) remove the votes for and against the substantive motion.

Carried 9/0

## 9 PRESENTATIONS

### 9.1 PETITIONS

#### ***Section 9.4 - Procedure of Petitions***

*The only question which shall be considered by the council on the presentation of any petition shall be -*

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

### 9.2 PRESENTATIONS

Nil

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

### 9.3 DEPUTATIONS

Nil

**10 REPORTS**

**10.1 REPORTS OF OFFICERS**

**COUNCIL RESOLUTION**

**Moved Cr Young**

**Seconded Cr Sadler**

**That Council adopts en-bloc the following Officer Recommendations contained in the Agenda for the Ordinary Council Meeting 15 December 2020:**

- | <b>Item #</b> | <b>Report Title</b>  |
|---------------|--|
| <b>10.1.3</b> | <b>Proposed Policy Revocation - Sundry Debtors</b>                                 |
| <b>10.1.4</b> | <b>Group Fitness and Personal Training Policy</b>                                  |
| <b>10.1.5</b> | <b>Event Conditions Policy</b>   |
| <b>10.1.6</b> | <b>Event Classification Policy</b>   |
| <b>10.1.9</b> | <b>Monthly Financial Statements for the period 1 July 2020 to 30 November 2020</b> |

**Carried 9/0**

**PLANNING****10.1.1 LOT 506 (20A) DEANE STREET - TWO-STOREY DWELLING WITH UNDERCROFT**

<b>File Ref:</b>	<b>SUB/2798</b>
<b>Applicant(s) Proponents:</b>	<b>Altus Planning</b>
<b>Attachments:</b>	<b>10.1.1(a) Applicants Plans - 20A Deane Street [under separate cover]</b>
	<b>10.1.1(b) Applicant's Submissions - 20A Deane Street [under separate cover]</b>
	<b>10.1.1(c) Neighbours' Submissions - 20A Deane Street [under separate cover]</b>
	<b>10.1.1(d) Whelans Survey - 20A Deane Street [under separate cover]</b>
	<b>10.1.1(e) Applicant's Perspectives - 20A Deane Street [under separate cover]</b>
	<b>10.1.1(f) Engineering drawings showing estimate of required cut to street verge [under separate cover]</b>
	<b>10.1.1(g) History of Site [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Wayne Zimmermann, Principal Planner</b>
<b>Author:</b>	<b>Ed Drewett, Coordinator Statutory Planning</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.1 by virtue "I know Mr Algeri outside of my role on Council."

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.1 by virtue "Some of the parties involved are known to me."

Cr MacFarlane declared an IMPARTIALITY INTEREST in item 10.1.1 by virtue "I know one of the residents in Deane St."

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**SUMMARY**

The application seeks approval for a two-storey dwelling with undercroft parking and amenity areas.

It has been assessed against the applicable statutory planning provisions and the main issues are:

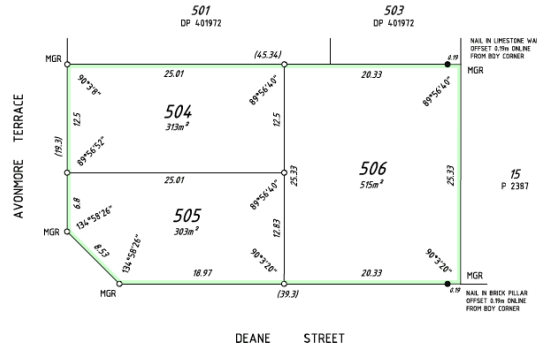
- The provision of a new crossover to the development, the introduction of new steps to the existing footpath, extensive alterations to the street verge, and its adverse impact on the streetscape, pedestrians' accessibility, and the amenity of the area;
- Concerns regarding the proposed front setback and impacts on the streetscape; and
- The impact on views from surrounding properties.

It is recommended that Council refuse the application for the reasons explained in this report.

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**CONTEXT**

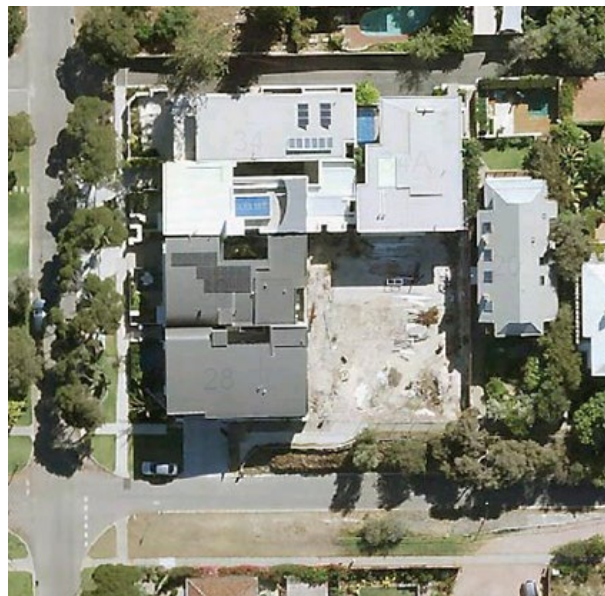
The site is approximately 515m<sup>2</sup> in area, is currently vacant and was created via a subdivision approval granted by the Western Australian Planning Commission (WAPC) dated 23 April 2014 (WAPC ref: 149321).



**Above: WAPC approved subdivision plan**



**Above: Site map**



**Above: Aerial photo of existing vacant site**

The site is bounded by Deane Street to the south, two, two-storey dwellings to the west, two, two-storey dwellings to the north and one, two-storey dwelling to the east.

Between Deane Street and the lot there is a limestone embankment which is densely vegetated in places. The embankment rises steeply up from Deane Street towards the lot.

As part of the subdivision approval a crossover was provided by the Town which was a shared access arrangement with the adjoining western lot. This crossover was constructed to satisfy a subdivision condition that required the provision of a crossover, or the making of suitable arrangements for the provision of a crossover.



**Above: Original crossover to Lots 505 & 506 following construction by the Town**

The existing crossover is adjacent to a pedestrian footpath on Deane Street but cannot currently be used as significant remedial works are required to make it functional. At the request of the current applicants these remedial works were deferred whilst a previous application for a new crossover to Lot 506 was before the SAT. The SAT decision has since been made however, the remedial works to the crossover are still yet to be completed. The current application proposes to replace the existing crossover with a new crossover.



**Above: Existing non-functional crossover and footpath looking west from Lot 506**

## **BACKGROUND**

There is an extensive history to the site that dates back to 2014. This has been incorporated as an attachment to this report.

## **CURRENT APPLICATION**

The current development application for a two-storey dwelling with undercroft was received by the Town on 8 September 2020. Details of the proposal are as follows:

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Basement	<ul style="list-style-type: none"> <li>• 6 carbays with turntable, accessed via new crossover</li> <li>• Basement</li> <li>• Storage</li> <li>• Bathroom</li> <li>• Cellar</li> <li>• Stairs/Lift</li> </ul>
Ground floor	<ul style="list-style-type: none"> <li>• 3 bedrooms &amp; bathrooms</li> <li>• Entry</li> <li>• Office &amp; powder room</li> <li>• Laundry</li> <li>• Living room</li> <li>• Stairs/Lift</li> <li>• Pool &amp; alfresco area</li> </ul>
Upper floor	<ul style="list-style-type: none"> <li>• Master bedroom, WIR &amp; ensuite</li> <li>• Living room, dining area, kitchen, pantry &amp; powder room</li> <li>• Balcony</li> <li>• Stairs/lift</li> </ul>

Zoning	MRS:	Urban
	LPS:	Residential R30
Use Class:		Single house
Lot Size:		514.9m <sup>2</sup>
Existing Land Use:		Vacant
Value of Development:		1.2M
Owners:		Nathan Stewart; Jarryd Stewart
Zoning	MRS:	Urban

### STRATEGIC IMPLICATIONS

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

### POLICY IMPLICATIONS

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

### STATUTORY ENVIRONMENT

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*

- *Local Planning Scheme No. 3*
- *State Planning Policy 7.3 - Residential Design Codes*
- *Street Tree Policy*

### **LOCAL PLANNING SCHEME NO. 3**

The aims of the Scheme relevant to this development include:

- (a) provide opportunities for housing choice and variety in localities which have a strong sense of community identity and high levels of amenity;
- (b) sustain the amenity, character and streetscape quality of the Scheme area;
- (c) ensure that proper regard is given to the needs of the local community in the determination of land use and development proposals;
- (d) ensure that development and the use of land within the district complies with accepted standards and practices for public amenity and convenience; and
- (e) recognise the principle of the maintenance and enhancement of important views to and from public places.

The objectives of the Residential zone are to:

- (a) encourage residential development only which is compatible with the scale and amenity of the locality;
- (b) provide the opportunity for a variety and choice in housing in specified residential areas;
- (c) allow for some non-residential uses where they are compatible with the amenity of residential localities; and
- (d) encourage the retention of local facilities and services within specified residential areas for the convenience of the local community.

### **FINANCIAL IMPLICATIONS**

There may be financial implications arising from the officer's recommendation in the event of an appeal being lodged to the State Administrative Tribunal (SAT).

### **STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation other than in the event of an appeal being lodged to the State Administrative Tribunal (SAT).

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

The application was advertised on 26 October 2020 to 13 adjoining owners and occupiers, including opposite the lot on the southern side of Deane Street. Advertising was for a minimum 14 days and closed on 12 November 2020.

3 submissions were received during advertising, including a submission made on behalf of 9 adjoining properties. One submission was also received after the advertising period, bringing the total to 4.

4 submissions were also submitted with the application from the owners of 28, 30, 32 & 34A Avonmore Terrace advising that they had no objection to the proposal.

A summary of the key concerns raised were:

- Objection to proposed crossover;
- Querying the determination of building height;
- Concerns regarding front setback;
- Restriction to view corridors;
- Lot boundary setbacks resulting in potential building bulk and ventilation impacts on adjoining properties;
- Site works & retaining walls that would be detrimental to the character and amenity of the locality and streetscape, especially as a result of the proposed crossover;
- Non-compliance with clause 67, Schedule 2 of the Planning & Development (Local Planning Schemes) Regulations 2015;
- The SAT previously dismissed appeals for two proposed crossovers to this lot and to the lot opposite; and
- The inclusion of steps along the footpath would result in it being unusable for many users (ie: prams, frail elderly, bikes, postman delivery).

In regards to the determination of building heights, a submission received from Allering & Associates dated 6 November 2020 refers to a previous application for Lot 503 (34A) Avonmore Terrace which was considered at an ordinary Council meeting on 15 December 2014. At that meeting, Council considered survey information provided by the applicant's surveyors, Brown McAllister Surveyors, and also information provided in an independent survey obtained by the Town from Whelans surveyors. Council resolved to include the following condition on the development approval:

*"The building heights, and the finished floor level of the ground floor above the basement, being adjusted where necessary to comply with Local Planning Scheme No. 3 and to reflect the survey information provided by Brown McAllister Surveyors and Whelans Surveyors, whichever is lower."*

At a closed session of Council on 25 February 2015, Council considered both the submission of an appeal by the applicant and review by the SAT of various planning conditions that were included on two approvals for single dwellings on Lot 501 (32) Avonmore Terrace and Lot 503 (34A) Avonmore Terrace that had been granted by Council on 15 December 2014 as part



of an on-going mediation process. These conditions related to the determination of natural ground levels.

Council subsequently resolved to replace the conditions regarding the determination of natural ground levels with the following:

*“The building height being adjusted to comply with Local Planning Scheme No. 3 and specifically to reflect the adoption of Natural Ground Levels in accordance with the survey information provided by Whelans Surveyors in plan reference 20502-000-006-00 and supported by their letter dated 15 February 2015.”*

This condition was accepted by the applicant and consent orders were adopted by the Tribunal on 4 March 2015, thereby allowing the appeal to be withdrawn.

The current development application has therefore been assessed by the Town against the Whelans Plan reference 20502-000-006-00 which was submitted by the applicant for the purposes of establishing natural ground levels and building height.

#### OFFICER COMMENTS

The development application has been assessed against the Provisions of the Town’s Local Planning Scheme No. 3, the Planning and Development (Local Planning Schemes) Regulations 2015, the Residential Design Codes, and the Town’s Street Tree Policy.

The table below is a summary of the planning assessment of the proposal against the statutory planning provisions. Where the proposal requires the exercise of discretion the relevant planning element is discussed in the section of the report following this table.

Provision	Complies with relevant legislation (ie: LPS 3 or deemed-to-comply)	Requires exercise of judgement
Storeys	✓	
Building height	✓ (based on TPS 1 NGL)	
Street setback		✓
Lot boundary setbacks		✓
Open space	✓	
Street surveillance	✓	
Street wall and fences	✓	
Sightlines	✓	
Outdoor living area	✓	
Parking	✓	
Vehicle Access		✓
Privacy		✓
Solar Access	✓	
Site Works/retaining		✓

walls		
Utilities and Facilities	✓	
Street trees		✓
Matters to be considered by local government		✓

<b>Front setback</b>	
<b>Requirement</b>	<b>Proposed</b>
<p><u>Residential Design Codes</u> 2.5m, or 1.5m to a porch, verandah, balcony or the equivalent for single house resulting from subdivision of an original corner lot and has its frontage to the original secondary street</p> <p><u>LPS 3 - clause 5.3.7</u> <i>May require an R20 front setback of 6m to be applied for the preservation of streetscapes, view corridors and amenity.</i></p>	<p>Front setback: 2.5m – 3.25m</p>
<p><b><u>Applicant’s comment</u></b></p> <p>The applicant contends that the proposed street setback is consistent with the character of the streetscape for the following reasons:</p> <ul style="list-style-type: none"> <li>• Before the lot was created as part of the previous subdivision, the original house presented to Avonmore Terrace, with a reduced setback to Deane Street. This configuration is the same as No. 26 Avonmore Terrace, which is opposite the subject site. No. 28 Avonmore Terrace has a reduced setback to Deane Street and these dwellings all ‘frame’ this portion of the streetscape. The proposed 2.5m front setback will be consistent with this character.</li> <li>• From a subdivision layout perspective, configuration of the subject site is such that it has a wider street frontage, but a shallow depth, particularly compared to other lots along Deane Street. It also does not have the ability to obtain vehicle access from Fig Tree Lane at the rear. The 2.5m setback therefore preserves the development viability of the lot in a manner that minimises building bulk presentation to neighbouring lots. It is submitted that this assists in preserving the amenity of the immediate locality.</li> <li>• The dwelling proposes both wall and building heights that are less than what is permitted under c15.7.2(b). The curved design of the room pays homage to the coastal setting of the block and minimises overall roof volume and total building mass. In conjunction with the topography of the subject site being lower than properties to the east, this maximises opportunities for view corridors.</li> <li>• It is acknowledged that the abutting eastern lot, No. 20, is setback a significant distance from the street. However, No. 20 represents older housing stock for the locality prior to LPS3 being gazetted. It is understood this dwelling reflects a historical</li> </ul>	

lower density coding (which in itself is setback further than other older existing dwellings in the street) and no longer represents the desired future character of the street.

- Notwithstanding the above, there is extensive mature landscaping in the northern verge of Deane Street screens a large portion of the proposed dwelling from the street. Accordingly, the presence of the dwelling in the streetscape will not be particularly visible and will not adversely impact its character.
- It is understood that the 2.5m setback of 5.1.2 C2.1(iv) has previously been communicated to the landowner in separate discussions and they have proceeded to design the dwelling around that basis.

#### **Officer's comment**

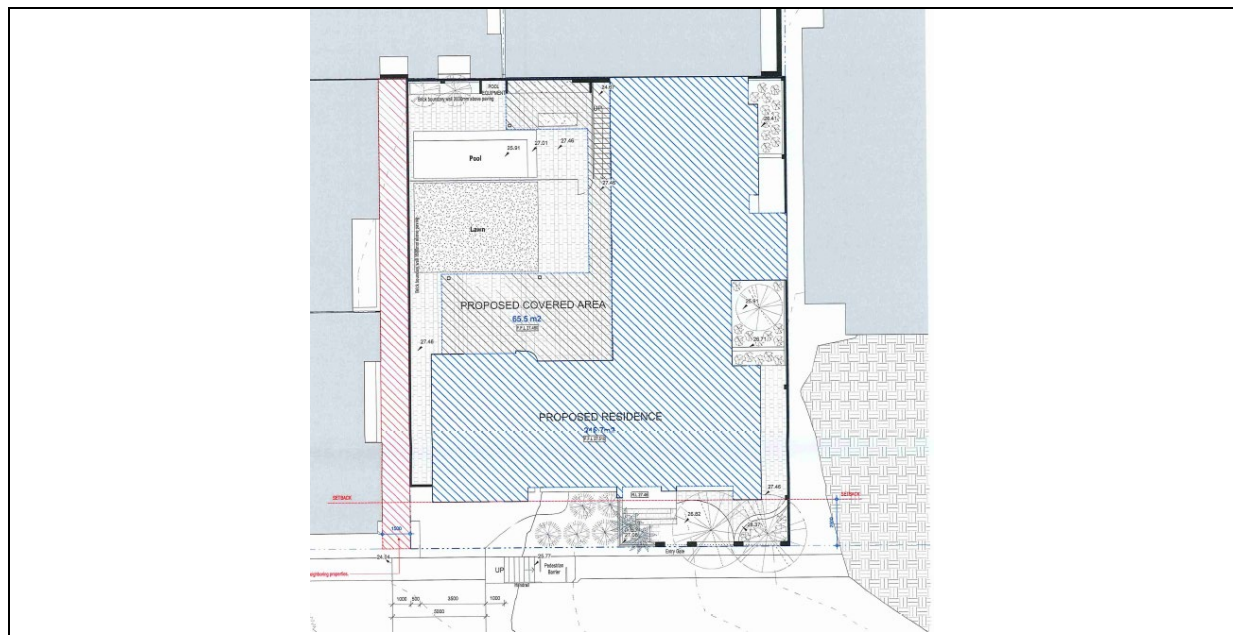
The Residential Design Codes explanatory guidelines advise that in the case of established residential areas with valued streetscapes, it will usually be the case that there is a consistent pattern of street setbacks and therefore new development should closely conform to the established pattern.

Although the proposed development meets the *deemed-to-comply* provisions of the Residential Design Codes as it is on a lot that resulted from subdivision of an original corner lot and has its frontage to the original secondary street, it may nevertheless be appropriate to apply clause 5.3.7 of the Local Planning Scheme in this case to assist in the preservation of the streetscape, view corridors and amenity.

The front setback to the proposed dwelling is especially relevant as the dwellings to the east of the lot on the northern side of Deane Street appear to have approximately 4m front setbacks (compliant with Residential Design Codes for primary street setback in R30 zone) or greater, whilst the adjoining eastern dwelling at 20 Deane Street is setback approximately 10m from the front boundary.



**Above: Aerial photo showing front setbacks of existing dwellings to east of Lot 506**



**Above: Site plan of proposed development showing front setback relative to existing adjoining dwellings**

The applicant was requested by the Town to demonstrate how clause 5.3.7 of LPS 3 could be satisfied with the current proposal, but no additional information has been forthcoming.

Lot setbacks (side and rear)	
Requirement	Proposed
<b>Residential Design Codes (RDC)</b>	
<i>To western boundary:</i> Upper floor living room - 3.8m Upper floor balcony - 4.2m	<i>To western boundary:</i> Upper floor living room - 2.76m Upper floor balcony - 3.2m
<i>To northern boundary:</i> Upper floor master bedroom - 3.8m	<i>To northern boundary:</i> Upper floor master bedroom - 1.5m
<b>RDC Design Principles</b>	
<i>Buildings set back from lot boundaries so as to:</i>	
<ul style="list-style-type: none"> <li>• <i>reduce impacts of building bulk on adjoining properties;</i></li> <li>• <i>provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i></li> <li>• <i>minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</i></li> </ul>	
<b>Applicant's comment</b>	
The applicant contends that these sections of wall meet the associated design principles on the following basis:	

Western side

- Building bulk is minimised through the articulation of the walls, which is provided to both the ground and upper floors of the western elevation. A landscaped planter box is provided between the two floors which further minimizes bulk and assists in delineating each storey. Furthermore, the dwellings on the abutting lots are all orientated towards Avonmore Terrace (and no neighbouring major openings directly face the proposed western elevation);
- There is extensive use of large glazing to reduce blank wall facades. To the balcony portion, this extends from floor to ceiling;
- The western lot boundary setbacks will not result in any overshadowing of outdoor living areas or major openings of the abutting western neighbours. It is submitted that the proposed setbacks still allow for access to direct sun and ventilation of neighbouring lots as the overall separation between dwellings will be 5m (at the smallest point from the upper floor to the neighbour's window);
- As there is not an outdoor living area, active outdoor habitable space, or major openings along the abutting lot's eastern façade, it is submitted that the proposed setbacks will not result in any loss of privacy.

Northern side

- The variations sought will not result in adverse building bulk presentation to the abutting northern property (34A) as this property has a large existing parapet wall along its communal lot boundary;
- There will be no overshadowing of 34A as the proposed setback variation is to its southern lot boundary;
- No. 34A's outdoor living area is situated away from the subject land. Also, there are no major openings along the southern elevation of No. 34A so there will be no loss of privacy to this lot.

Officer's comment

The proposed side setback variations to the western and northern boundaries can be supported under RDC *design principles* as the proposed upper floors will be articulated to provide varying setbacks from the boundaries which will assist in reducing building bulk; it will not have any significant impact on direct sun or ventilation; and will not result in overlooking of active outdoor living areas or major openings.

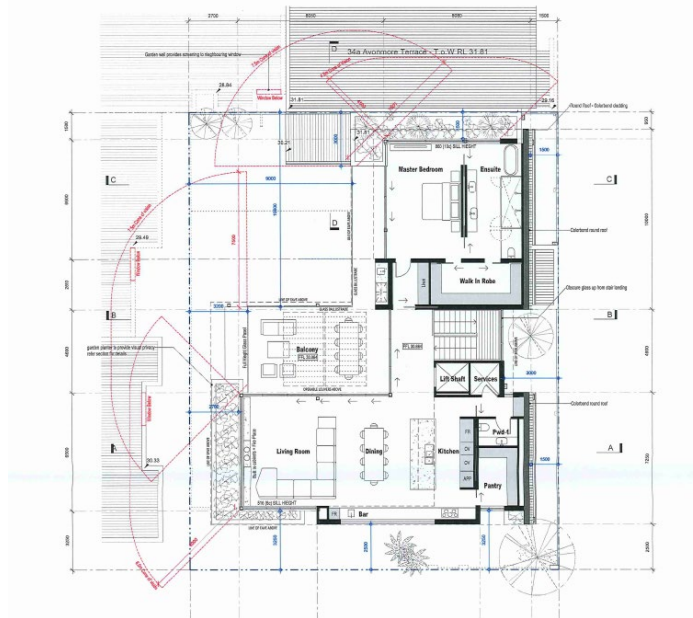
The proposed reduced setback to the northern boundary will also not result in greater impact of building bulk to the adjoining eastern dwelling as the setback from the proposed ensuite in the north-eastern corner to the northern boundary satisfies the *deemed-to-comply* provisions of the Residential Design Codes and the reduced setback from the master bedroom will not be visible from the adjoining eastern property.



Above: View of existing walls without major openings on adjoining western lots

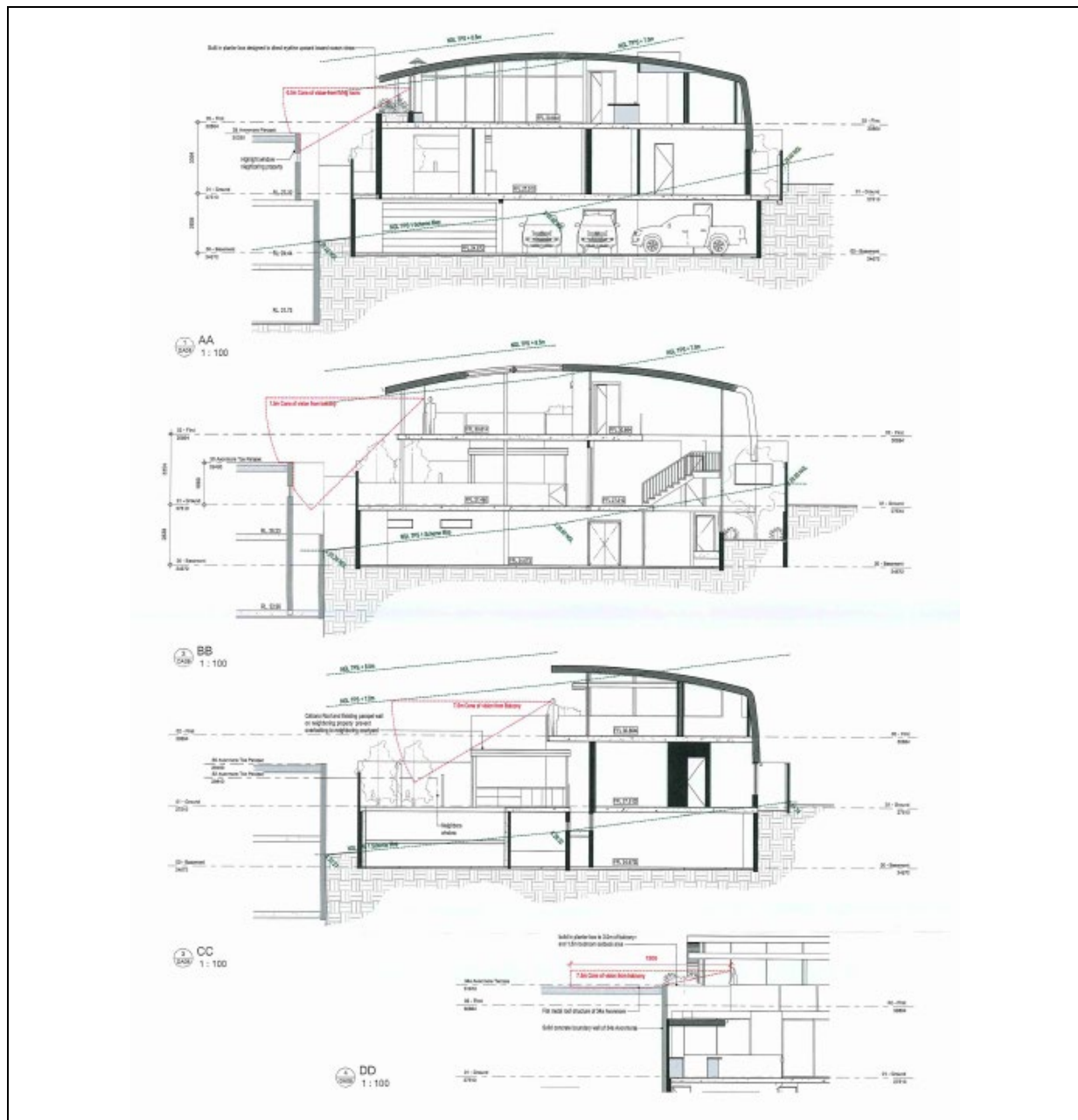


Above: View of existing wall without major openings on adjoining northern lot



Above: Upper floor plan showing proposed setbacks to side boundaries

<b>Visual Privacy</b>	
<b>Requirement</b>	<b>Proposed</b>
<p><u>Residential Design Codes (RDC)</u></p> <p><i>To western boundary:</i></p> <p>Upper floor living room - 6m Upper floor balcony - 7.5m</p> <p><i>To northern boundary:</i></p> <p>Upper floor master bedroom - 4.5m Upper floor balcony - 7.5m</p>	<p>Upper floor living room - 2.76m Upper floor balcony - 3.2m</p> <p>Upper floor master bedroom - 1.5m Upper floor balcony - 4.7m to No. 32; 3m to No. 34A</p>
<p><u>RDC Design Principles</u></p> <p><i>Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</i></p> <ul style="list-style-type: none"> <li>• <i>building layout and location;</i></li> <li>• <i>design of major openings;</i></li> <li>• <i>landscape screening of outdoor active habitable spaces; and/or</i></li> <li>• <i>location of screening devices.</i></li> </ul> <p><i>Maximum visual privacy to side and rear boundaries through measures such as:</i></p> <ul style="list-style-type: none"> <li>• <i>offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;</i></li> <li>• <i>building to the boundary where appropriate;</i></li> <li>• <i>setting back the first floor from the side boundary;</i></li> <li>• <i>providing higher or opaque and fixed windows; and/or</i></li> <li>• <i>screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).</i></li> </ul>	
<p><u>Applicant's comment</u></p> <ul style="list-style-type: none"> <li>• The building layout of the proposed dwelling is such that all major openings/active habitable spaces seeking variations to the visual privacy setback requirements are facing west or north over the roof lines of existing dwellings. Neighbouring windows along these elevations are all of a highlight design;</li> <li>• The proposed dwelling has been designed to provide landscape planter boxes in front of the relevant major openings to assist in preventing overlooking on a downward angle into neighbouring windows.</li> </ul>	



Above: Cross-sections showing proposed cone-of-vision diagrams

**Officer’s comments**

The proposed visual privacy variations to the western and northern boundaries can be supported under RDC *design principles*.

Site works/retaining walls	
Requirement	Proposed
<p><u>Residential Design Codes deemed-to-comply (RDC)</u></p> <p>Excavation or filling between the street and building, or within 3m of the street alignment, whichever is the lesser, shall not exceed 0.5m, except where necessary to</p>	<p>Excavation up to 4.2m adjoining eastern and southern boundaries.</p> <p><i>NB: A wall up to 2.2m in height is proposed along the western and northern boundaries. However, this has been assessed as a ‘wall on the boundary’ as it is enclosing the</i></p>



provide for pedestrian or vehicle access, drainage works or natural light for a dwelling.

Excavation or filling within a site and behind a street setback line limited by compliance with building height limits and building setback requirements.

Subject to subclause C7.2 above, all excavation or filling behind a street setback line and within 1m of a lot boundary, not more than 0.5m above the natural ground level at the lot boundary except where otherwise stated in the scheme, local planning policy, local structure plan or local development plan.

Local Planning Scheme No. 3 – clause 5.10 - Filling of land and height of retaining walls

In considering applications for planning approval, in relation to the maximum permissible height of land fill and the height of retaining walls the following shall apply –

- (a) on level land, fill will not generally be permitted, as determined by the local government; and
- (b) on sloping land, the local government may permit fill and the construction of retaining walls, provided there is approximately equal cut and fill of the existing ground levels and the amenity of surrounding properties is not unduly adversely affected.

LPS 3 - Schedule 13

The provisions of clause 5.10 are excluded from the operation of the discretion provided in clause 5.5.1

Clause 5.5.1

Except for residential development, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme with respect to that development, the local government may, despite the non-compliance, approve the

*proposed undercroft garage, rather than filling the site.*

<p>application unconditionally or subject to such conditions as the local government thinks fit.</p>	
<p><u>RDC Design Principles</u></p> <p><u>Site works</u></p> <ul style="list-style-type: none"> <li>• <i>Development that considers and responds to the natural features of the site and requires minimal excavation/fill.</i></li> <li>• <i>Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.</i></li> </ul> <p><u>Retaining walls</u></p> <p><i>Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.</i></p>	
<p><u>Applicant’s comment</u></p> <p><u>Excavation/fill</u></p> <ul style="list-style-type: none"> <li>• The natural topography of the site falls more than 4m in an east-west direction, from 29 AHD to 24.87AHD. Given the considerable slope on the site, excavation and fill is considered necessary to enable any appropriate form of development on-site. In this regard, an approximate equal amount of fill and excavation is proposed, in conformity with clause 5.10 of LPS 3;</li> <li>• Notwithstanding the above, the proposed development is considered to respond to the natural features and topography of the site, especially when viewed from Deane street. The extent of fill and excavation proposed also enables the site to be efficiently developed to accommodate a contemporary two-storey dwelling design;</li> <li>• The appearance of the dwelling from Deane Street respects the natural slope of the site from east to west;</li> <li>• The effective use of excavation/fill has enabled the following: <ul style="list-style-type: none"> <li>• A useable outdoor living area to be located in the north-west corner of the site to obtain northern solar access.</li> <li>• Car parking to be located towards the eastern lot boundary, screening the garage structure itself, as well as parked vehicles, from view to improve the presentation to the street.</li> </ul> </li> </ul> <p><u>Retaining walls</u></p> <p>The proposed retaining walls allow for a raised outdoor living area to be located in the north-west corner of the site. This is considered an effective use of the land by allowing for a northern solar orientation, which benefits the future occupants of the proposed dwelling. Furthermore, it will not detrimentally impact upon abutting properties as it will not result in any overlooking of neighbouring outdoor living areas or major openings to habitable rooms to the west or north. It is also considered that there is adequate separation to these existing dwellings to allow for sufficient ventilation to occur.</p>	

**Officer’s comment**

The existing vacant lot has been excavated, possibly at the time of the demolition of the original dwelling on the site. This has left an undesirable depression which does not correspond with the natural topography.



**Above: Photo of existing excavation along eastern boundary**

The proposed undercroft appears of significant size taking up a large proportion of the lot and the resultant dwelling will continue to utilise the partially excavated area rather than respect the natural topography. It therefore does not appear that the proposed dwelling will result in approximately equal cut and fill of the natural ground levels and not satisfy clause 5.10 of LPS 3.



**Above: Proposed undercroft to dwelling**

**Vehicle access****Officer's comment**

When considering this application, in addition to considering engineering requirements, it is necessary to have due regard to the aims and provisions of *Local Planning Scheme No. 3*, the *Planning and Development (Local Planning Schemes) Regulations 2015*, the requirements of orderly and proper planning, and comments received from residents.



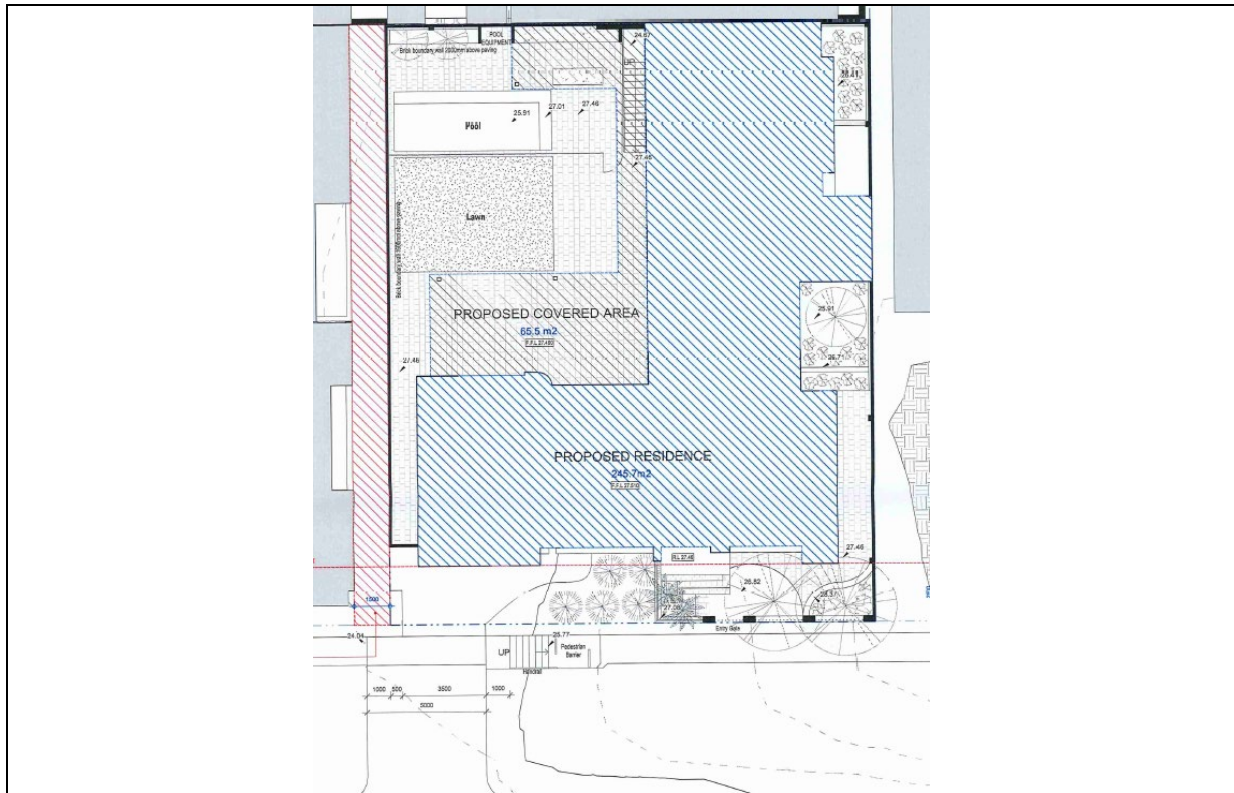
**Above: Picture of proposed crossover and steps**

A cutting in the Deane Street verge is proposed to create a new crossover to the lot which will be perpendicular to the street and will replace the existing crossover which runs approximately parallel to the street. The applicant is also proposing to regrade the remainder of the embankment between the proposed crossover and the existing crossover to the west which provides access to Lot 505, and to construct new steps in the existing footpath to the east of the proposed crossover.

The introduction of steps in the footpath to address the existing level difference where the crossover to Lot 505 has been lowered was recently considered by the Town's Engineering Department but was not pursued following consideration by Council at a Briefing Forum.



**Above: Street elevation along Deane Street showing new steps to the east of the proposed crossover to Lot 506**



**Above: Site plan along Deane Street showing proposed steps in footpath adjoining Lot 506**

Council has previously not supported a perpendicular crossover for Lot 506 or for a proposed development opposite at 21 Deane Street, as these both involved significant cutting through the embankment. Appeals against these decisions were also subsequently dismissed by the SAT (WASAT 118) and (WASAT 100).

The portion of the bitumenised section of Deane Street adjacent to Lot 506 runs below the natural ground level of the adjoining lots on both the southern and northern sides. The gradient of the road verge perpendicular to Deane Street rises sharply (to match the natural ground levels of the adjacent lots) at a point in front of the lots situated at Nos 28 and 26 Avonmore Terrace.

The steep road embankments are generally well-vegetated with trees and bushes and there is a pedestrian footpath along the top of the road verge embankments on both sides of Deane Street. These embankments were historically man-made and give the appearance of Deane Street as a partially 'sunken' street, particularly adjacent to the site.

It is proposed to make a partial cut through the existing embankment in the verge from Deane Street through to the site approximately 5m in width (subject to an amalgamation of a portion of the western lot with Lot 506). New retaining walls would also be constructed at the edges of that cut in order to retain the remaining embankment where required, although engineering drawings have not been submitted to show the actual method of construction.

The aims of *Local Planning Scheme No. 3* include, amongst other things, to sustain the amenity, character and streetscape quality of the Scheme area.

The proposed verge works introduces a driveway that requires the removal of a section of the existing embankment in the verge adjacent to the site and regrading of the embankment to the west. The proposals would also require cutting back sections of the face of the embankment to provide sight lines.

As previously observed by the SAT (WASAT 118) in consideration of the section of road almost directly opposite the site adjoining 21 Deane Street, inter alia:

*The embankment is a significant existing visual feature along this section. Over time, it has developed an appearance consistent with its near beachside location and it is part of the existing streetscape forming the character and amenity of the locality.*

*The fact that the embankment is man-made rather than natural makes no difference. The proposed crossover options would introduce a gap in the embankment where before there was no gap or similar gaps cut into the embankment to road level on Deane Street. The change would be detrimental to the streetscape and to the amenity of the locality.*

Furthermore, the SAT observed in consideration of the previous crossover applications for Lot 506 (WASAT 100), inter alia:

*While the proposed crossover would be safe from a traffic engineering perspective, the Tribunal found that there would be significant adverse amenity impacts caused by the proposed works. The Tribunal considered the Deane Street locality to be a high quality residential environment. The verge embankment is striking and Deane Street effectively cuts through the landscape.*

Whilst the current proposed crossover is only 0.5m from the existing western boundary (based on current lot boundary) compared to 6.42m from the existing western boundary which was previously considered and subsequently refused by Council and the SAT, and it may be safe from a traffic engineering perspective, it nevertheless is considered that it would still have a significant adverse amenity impact on the streetscape and should not be supported. Instead, the applicant should liaise with the Town's Engineering Department to provide an engineering solution to the existing crossover to Lot 506 and the adjacent footpath whilst ensuring that no street trees are required to be removed unless all engineering solutions have been exhausted and approval is granted by Council.

#### **Clause 67 - Matters to be considered by Local Government**

##### **Officer's comment**

Under clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 Council is to have regard to, amongst other things, the following relevant provisions:

- a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- b) the requirements of orderly and proper planning ;
- c) any approved State planning policy;
- d) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

- e) the amenity of the locality including the following
  - environmental impacts of the development;
  - the character of the locality;
  - social impacts of the development;
- f) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- g) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- h) the suitability of the land for the development taking into account the possible risk to human health or safety;
- i) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- j) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals; and
- k) any submissions received on the application.

The proposal, including the necessary construction of a new crossover perpendicular to Deane Street, the introduction of new steps to the footpath, and extensive alterations to the existing street verge (the removal approximately 125 m<sup>3</sup>) should not be supported as it does not satisfy clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 for the reasons outlined in this report.

Furthermore, as the SAT decision (WASAT 100) previous advised:

*“The Proposed Works are, on balance, contrary to the applicable planning framework and would result in a poor planning outcome.*

*While the Proposed Works may result in crossover that is regarded as safe from a traffic engineering perspective, broader planning considerations such as amenity, streetscape and compatibility weigh heavily against approval.”*

## VOTING REQUIREMENT

Simple Majority

## OFFICER RECOMMENDATION

THAT Council REFUSES development approval for a two-storey dwelling with undercroft on Lot 506 (No. 20A) Deane Street Cottesloe, as shown on the plans received 8 September 2020 for the following reasons:

- (i) The proposed development does not satisfy clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015, or the aims and provisions of Local Planning Scheme No. 3 as it will reduce the amenity, character and streetscape

quality of the locality, adversely affect pedestrian accessibility, and is contrary to orderly and proper planning.

- (ii) The proposed front setback will have a detrimental effect on the streetscape, amenity and view corridors, especially in relation to the adjoining eastern lot.
- (iii) The application does not adequately address vehicle sightlines which would affect the feasibility of the proposal and compliance with engineering and Australian Standards.
- (iv) The proposal would set an undesirable precedent for excavation in the Deane Street road reserve and changes to public infrastructure to allow vehicle access to a private lot.
- (v) The proposed crossover is likely to impact street trees and vegetation within the road reserve which would be contrary to Council's Street Tree Policy as not all other reasonable crossover alternatives have been exhausted.

### **COUNCILLOR MOTION**

**Moved Cr Young**

**Seconded Mayor Angers**

THAT Council REFUSES development approval for a two-storey dwelling with undercroft on Lot 506 (No. 20A) Deane Street Cottesloe, as shown on the plans received 8 September 2020 for the following reasons:

- (i) The proposed development does not satisfy clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015, or the aims and provisions of Local Planning Scheme No. 3 as it will reduce the amenity, character and streetscape quality of the locality, adversely affect pedestrian accessibility, and is contrary to orderly and proper planning.
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- (iv) The proposal would set an undesirable precedent for excavation in the Deane Street road reserve and changes to public infrastructure to allow vehicle access to a private lot.
- (v) The proposed crossover is likely to impact street trees and vegetation within the road reserve which would be contrary to Council's Street Tree Policy as not all other reasonable crossover alternatives have been exhausted.

#### Advice Notes:

1. The owner/applicant is advised that there are alternative vehicle crossover arrangements to the lot which would require less excavation in the Deane Street road reserve, preserve existing street trees and vegetation, do not require stairs in the footpath design and comply with engineering and Australian Standards.
2. The Council acknowledges the significant community concerns from affected residents regarding the amenity impact of the proposal.
3. The Applicant is at liberty to approach the Town of Cottesloe Administration to discuss their future options for the site.



**COUNCILLOR AMENDMENT****Moved Cr Tucak****No Seconder, Lapsed**

That the Town works collaboratively with the Applicant and affected residents within the scope of the Act.

**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

**THAT Council REFUSES development approval for a two-storey dwelling with undercroft on Lot 506 (No. 20A) Deane Street Cottesloe, as shown on the plans received 8 September 2020 for the following reasons:**

- (i) The proposed development does not satisfy clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015, or the aims and provisions of Local Planning Scheme No. 3 as it will reduce the amenity, character and streetscape quality of the locality, adversely affect pedestrian accessibility, and is contrary to orderly and proper planning.**
- (ii) The proposed front setback will have a detrimental effect on the streetscape, amenity and view corridors, especially in relation to the adjoining eastern lot.**
- (iii) The application does not adequately address vehicle sightlines which would affect the feasibility of the proposal and compliance with engineering and Australian Standards.**
- (iv) The proposal would set an undesirable precedent for excavation in the Deane Street road reserve and changes to public infrastructure to allow vehicle access to a private lot.**
- (v) The proposed crossover is likely to impact street trees and vegetation within the road reserve which would be contrary to Council's Street Tree Policy as not all other reasonable crossover alternatives have been exhausted.**

**Advice Notes:**

- 1. The owner/applicant is advised that there are alternative vehicle crossover arrangements to the lot which would require less excavation in the Deane Street road reserve, preserve existing street trees and vegetation, do not require stairs in the footpath design and comply with engineering and Australian Standards.**
- 2. The Council acknowledges the significant community concerns from affected residents regarding the amenity impact of the proposal.**
- 3. The Applicant is at liberty to approach the Town of Cottesloe Administration to discuss their future options for the site.**

**Carried 9/0**

**10.1.2 OUTCOME OF CONSULTATION - LOCAL PLANNING STRATEGY REVIEW DISCUSSION PAPER**

<b>File Ref:</b>	<b>SUB/2798</b>
<b>Applicant(s) Proponents:</b>	<b>Town of Cottesloe</b>
<b>Attachments:</b>	<b>10.1.2(a) LPS Review Discussion Paper 2020 - Schedule of Submissions [under separate cover]</b>
	<b>10.1.2(b) Community Submissions - LPS Review Discussion Paper [under separate cover]</b>
	<b>10.1.2(c) LPS Review Discussion Paper - Submission Statistical Data [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Wayne Zimmermann, Principal Planner</b>
<b>Author:</b>	<b>Gayle O'leary, Planning Officer</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**SUMMARY**

The Town's current Local Planning Strategy was adopted in 2008 and in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) is required to be reviewed every 10 years. The Town has prepared a Discussion Paper to invite community input into this process and inform the review of the Local Planning Strategy.

In November 2019, Council resolved to adopt the draft Local Planning Strategy Discussion Paper for the purpose of advertising. Advertising concluded in May 2020.

The submissions received are summarised in **Attachment A** and included in full in **Attachment B**, with submitter personal details redacted for privacy. A statistical summary of the responses received is contained within **Attachment C** which examines the trends in responses received.

The purpose of this report is to advise Council and the public of the submissions received for noting, and to advise Council of the next stages.

**BACKGROUND**

The Local Planning Strategy Review commenced in March 2018. Under the *Planning and Development Act 2005* (the Act), the Town is required to generally provide for an efficient and effective land use planning system and promote the sustainable use and development of land in the local government area. The Act enables local governments to prepare and administer a Local Planning Scheme to govern urban planning locally by regulating land use and development through a zoning system. The direction and aspirations of Local Planning Schemes are shaped by a preceding Local Planning Strategy – a comprehensive report examining the existing and projected demographics of a local government area, in addition to its economy, environment, and heritage. The Local Planning Strategy identifies existing challenges and shortfalls present within the Local Planning Scheme that require addressing in order to achieve the desired planning framework for the local government.

In summary, the new Local Planning Strategy is to address the following:

1. Population and Housing Density;

2. Mixed Use Development and Urban Design;
3. Heritage and Character;
4. Integrated Transport;
5. Recreation and Open Space;
6. Environment and Biodiversity;
7. Tourism (new);
8. Economy and Employment (consolidated);
9. Community Facilities; and
10. Emergency Management.

The Town's current Local Planning Strategy was adopted in 2008 and in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) is required to be reviewed every 10 years. This Review will allow the Town to address the objectives of the Town of Cottesloe Strategic Community Plan 2013-2023, and to address current and projected urban planning trends, as per the Regulations.

The Local Planning Strategy Discussion Paper was prepared to establish a dialogue with the community regarding the challenges and opportunities that reviewing the current Local Planning Strategy presents, and to ascertain the values of Cottesloe residents and desired outcomes for the Town of Cottesloe. The comments and suggestions received during the advertising of the LPS Discussion Paper will ultimately inform a revised Town of Cottesloe Local Planning Strategy and thereafter a new Local Planning Scheme.

Advertising of the Local Planning Strategy Review Discussion Paper commenced in November 2019 and was originally due to conclude on 3 April 2020. The submission period was subsequently extended to 3 May 2020 following the outbreak of the COVID-19 pandemic. The Town received fifty-five (55) submissions during this period, inclusive of duplicates.

### **STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

This report is consistent with the Town's *Corporate Business Plan 2020 – 2024*.

Priority Area 6: Providing open and accountable local governance.

### **POLICY IMPLICATIONS**

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

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Planning and Development Act 2005*

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

*Directions 2031 and Beyond*

*Town of Cottesloe Local Planning Strategy (2008)*

### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

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

### **STAFFING IMPLICATIONS**

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

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

Advertising of the Local Planning Strategy Review Discussion Paper commenced in November 2019 and was originally due to conclude on 3 April 2020. The submission period was subsequently extended to 3 May 2020 following the outbreak of the COVID-19 pandemic. Advertising of the Discussion Paper occurred in the following formats:

- Newspaper notices;
- Community workshops held on the following dates;
  - Community Workshop 1 – Saturday 16 November 2019;
  - Community Workshop 2- Saturday 23 November 2019;
  - Community Workshop 3 – Wednesday 27 November 2019;
  - Youth Workshop – Saturday 23 November 2019.
- The Town of Cottesloe email newspaper;
- The Town of Cottesloe website;
- Surveys (available online and on paper);
- Flyers; and
- A questionnaire contained within the Discussion Paper.

The Town received 55 (fifty-five) responses, inclusive of seven duplicate submissions. Feedback was provided in the form of completed survey questionnaires, submission forms, scanned letters, emails, and annotated copies of the Discussion Paper. A number of submissions expressed difficulty in responding to the survey and raised concerns about the format and similarity of many of the questions in the Discussion Paper. Concerns were also raised about the planning-related terminology used in the document which caused some confusion about what was being proposed (particularly in respect to “mixed use

development” and “activity centres”). The variety of formats in which feedback was invited presented challenges in collating and quantifying the responses received. The feedback provided is noted and will help in improving community consultation processes used for future projects of this nature.

### **OFFICER COMMENT**

Community feedback demonstrated the following enduring trends:

#### Population & Housing:

- Many respondents have lived in Cottesloe for over forty years;
- There is strong community pride and admiration for the area of Cottesloe;
- The beach and wide, tree-lined streets of Cottesloe are iconic and highly valued;
- There is general support for modest, sustained population growth;
- Generally there is support for increased population growth and resulting density to be concentrated along Stirling Highway and near train stations;
- There is balance of support for spread out (low density) development and for targeted infill (compact) development to support population growth;
- Generally there is opposition for increased density throughout the remainder of the Town in the traditionally low to medium density areas;
- Most respondents prefer to live in a single detached or semi-detached house;
- Many respondents have observed increased subdivision and growth in housing scale;
- Many respondents consider that traffic has grown exponentially over time;
- Some long-term residents expressed concerns over the trend of increased housing size and affluence within the area over the past decades;
- Respondents expressed concern regarding the changes to the character of Cottesloe that population growth may bring; and
- Many of the respondents expressed opposition to increased building heights near the foreshore of Cottesloe.

#### Mixed Use & Urban Design:

- The prospect of downsizing to a flat, unit or apartment garnered modest support;
- Many respondents expressed confusion over the definition and role of activity centres;
- Respondents demonstrated modest support of pedestrian-orientated activity centres;
- Discussion of medium to high density housing and development attracted some negative responses and connotations.
- Most of the respondents consider they live within a walkable catchment.

#### Heritage & Character:

- Overall the respondents demonstrated strong awareness and appreciation of heritage;

- Generally there is strong value held for the Town's natural and built heritage, particularly sites such as Mudurup Rocks, the foreshore, the Civic Centre and Gardens, the Norfolk Island Pine Trees, and iconic dwellings near the foreshore;
- Various respondents expressed a desire for sites such as the Indiana Tearooms, the Cottesloe Beach Hotel and the Ocean Beach Hotel to be recognised as places of heritage significance;
- The responses indicated limited awareness and understanding of the Town's existing regulatory framework in respect to heritage conservation (namely the Heritage List and Municipal Inventory), however there is strong support for a coordinated approach to reviewing local places of heritage significance;
- Some respondents advised of their concern of future development resulting in the gradual loss of heritage places locally.

#### Integrated Transport:

- Many of the respondents are avid cyclists and voiced general support for increased cycle path networks locally (support for this decreased notably based upon the respondents' proximity to North Cottesloe);
- Many of the respondents indicated satisfaction with the current public transport network within the Town based on their use of trains and buses locally;
- Many of the respondents advised of concerns regarding safety and access at sites such as the Jarrad Street and Railway Street railway crossing and accessing Grant Street Station.

#### Economy & Employment:

- Numerous respondents had not reviewed the Cottesloe Village Draft Precinct Plan;
- Respondents who had reviewed the Cottesloe Village Draft Precinct Plan expressed concerns over building height and future design of development in the area;
- Respondents demonstrated mixed support and opposition for traditional local shops and cafes (inclusive of "corner stores") which was largely dependent upon the residents' proximity to existing shops and cafes;
- Numerous respondents expressed support for planning protection of traditional local shops and cafes from being redeveloped as future housing;
- Numerous respondents expressed concern over the existing traffic and noise impacts that current local shops and stores have caused residents;
- Respondents demonstrated mixed support for Swanbourne Station and its surrounds being developed as a mixed use precinct, with confusion often expressed over the definition of "mixed use" and belief that the area already features it;
- Generally there is strong support for the provision of a local store and café in South Cottesloe.

Tourism:

- There is strong community support for regulated and licensed short stay accommodation near areas such as the foreshore. Elsewhere it is generally unpopular among residents and viewed as a nuisance due to noise and traffic;
- Operators of short stay accommodation expressed strong support, whereas numerous residents (particularly residents residing in strata complexes) expressed opposition due to the historical and potential impacts upon resident amenity;
- Overall there is local opposition and apprehension of un-hosted short stay accommodation being provided in traditional houses and residential areas.

Community Facilities:

- Most respondents expressed willingness to consider ageing in place, by remaining in their current accommodation without changing their arrangements as they age;
- Respondents in support of population growth generally considered there are sufficient community facilities to sustain population growth, whereas those in opposition did not;
- Respondents expressed strong diversity in suggestions for the types of community facilities the Town requires to support community growth, inclusive of improvements to the transportation network;
- Numerous respondents currently use the public transport and cyclist path networks;
- Most respondents advised they would increase use of the public transport and cyclist path networks if improvements to shade, safety and accessibility were provided;
- Some respondents expressed desire for a local tourism or visitor centre and a local history museum near areas such as the foreshore.

Recreation and Open Space:

- There is strong community satisfaction in current amount of public open space with a general desire to keep as is;
- There is demand for increased park facilities such as barbeques, toilets, play equipment, and increased general recreational facilities for youth;
- Some respondents expressed a desire for partial repurposing of large public open space reserves such as the Sea View Golf Course and John Black Dune Reserve in order to improve their accessibility to the public;
- Many respondents are frequent users of public open space;
- The majority of respondents consider there is sufficient public art in Cottesloe and there is limited demand for increased public art locally;
- Numerous respondents expressed desire for public art to be relocated and used for wayfinding where possible; and
- Respondents advised of mixed support and opposition to a new local skate park.

Environment & Biodiversity:

- Respondents demonstrated strong support overall for combatting climate change and improving sustainability;
- Strong support overall for increasing tree canopy and green plantings;
- Respondents demonstrated mixed support for the protection or incentivised retention of trees on private property;
- There is limited support for utilising the large Broome, Marmion and Grant Street median strips and verges as ecological corridors, and confusion over their delivery.

Emergency Management:

- Generally strong support overall for the Town developing a CHRMAP (Coastal Hazard Reduction Map), however some community members did not understand what a CHRMAP is or what it involves; and
- The majority of respondents expressed willingness to change aspects of their lifestyle in response to climate change, however many expressed a desire for increased involvement from the Town in educating the public and supporting such efforts.

The next stage of the Local Planning Strategy Review is to use this community input to inform the preparation of a draft Local Planning Strategy and to seek consent from the Western Australian Planning Commission (WAPC) to advertise this for public comment. Preparation of the draft Local Planning Strategy is to commence in early 2021.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

THAT Council:

1. NOTES the submissions received for the Local Planning Strategy Discussion Paper and that this community input is used to inform the preparation of a draft Local Planning Strategy; and
2. NOTES that preparation of the draft Local Planning Strategy will commence in early 2021 based upon the submissions received on the Local Planning Strategy Discussion Paper and the feedback from the Community Workshops held to identify community values and aspirations for the future development of the Town of Cottesloe.  
~~information obtained during the Review~~



**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

Moved Cr Tucak

Seconded Cr Young

**THAT Council:**

- 1. NOTES the submissions received for the Local Planning Strategy Discussion Paper and that this community input will be considered in the preparation of a draft Local Planning Strategy;**
- 2. NOTES that preparation of the draft Local Planning Strategy will commence in early 2021 and will take into account submissions received on the Local Planning Strategy Discussion Paper and the feedback from the Community Workshops held to identify community values and aspirations for the future development of the Town of Cottesloe.**
- 3. A Councillor workshop will be held with the commencement under point 2, including to discuss broad parameters or direction of the draft Local Planning Strategy under point 2 (or it will be included in a Briefing Forum at commencement, as time and resources permit).**

**Carried 9/0****COUNCILLOR RATIONALE:**

Whilst trends and other information are discernible from community feedback, there have been issues with the extent of feedback, and Councillors as representatives of the community should be involved in setting the direction or parameters of the first draft.

**ADMINISTRATION****10.1.3 PROPOSED POLICY REVOCATION - SUNDRY DEBTORS**

**File Ref:** SUB/2798  
**Attachments:** 10.1.3(a) Policy - Sundry Debtors [under separate cover]  
**Responsible Officer:** Shane Collie, Executive Manager Corporate Services and Governance  
**Author:** Ann-Marie Donkin, Governance Officer  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

This report recommends revoking the Sundry Debtors Policy (**Attachment a**).

**BACKGROUND**

Adopted in December 1994 the Sundry Debtors Policy was last reviewed in April 2010. This Policy was adopted to ensure a report was prepared and provided to the Corporate Services Committee related to outstanding sundry debtors.

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

This report is consistent with the Town's *Corporate Business Plan 2020 – 2024*.

Priority Area 6: Providing open and accountable local governance.

Major Strategy 6.2: Ongoing review and updating of various Council Policies, Local Laws and Delegations.

**POLICY IMPLICATIONS**

If the Officer's recommendation is accepted by Council the existing Sundry Debtors Policy will be revoked.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

**FINANCIAL IMPLICATIONS**

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

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**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Town Administration (Finance)

**OFFICER COMMENT**

It is recommended that this Policy be revoked as the Town reports Sundry Debtors to Council through the monthly Financial Activity Statement as per Part 4. Financial Reports – s.6.4 (r.34) of the *Local Government (Financial Management) Regulations 1996*.

It should also be noted that the Town no longer operates the Corporate Services Committee for which the Policy provides a reporting direction.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Young

Seconded Cr Sadler

**THAT Council REVOKES the Sundry Debtors Policy.**

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

**10.1.4 GROUP FITNESS AND PERSONAL TRAINING POLICY**

<b>File Ref:</b>	<b>SUB/2798</b>
<b>Attachments:</b>	<b>10.1.4(a) Group Fitness and Personal Training Policy - Adopted 25 July 2017 [under separate cover]</b> <b>10.1.4(b) DRAFT Group Fitness and Personal Training Policy 2020 [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Matthew Scott, Chief Executive Officer</b>
<b>Author:</b>	<b>Gabrielle Hall, Events Coordinator</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**SUMMARY**

The Group Fitness and Personal Training Policy was adopted in 2017. As part of the Town's Policy review the Group Fitness and Personal Training Policy has been updated and is attached. The updated Policy is recommended for adoption.

**BACKGROUND**

The current Group Fitness and Personal Training Policy in its current practice is used to manage group fitness and personal training bookings effectively. It is often used as a point of reference for the Officer managing the bookings.

The new Group Fitness and Personal Training Policy should be read in conjunction with the Town's Group Fitness and Personal Training Guidelines.

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

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

Priority Area 6: Providing open and accountable local governance.

Major Strategy 6.3: Continue to deliver high quality governance, administration, resource management and professional development.

**POLICY IMPLICATIONS**

The report recommends that Council adopts an updated Group Fitness and Personal Training Policy. There are no perceived adverse Policy implications arising from the officer's recommendation.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

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**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

As per the 2020/21 Schedule of Fees and Charges the hire fee for a Group Fitness and Personal Training bookings are as follows. The following Council fees include venue hire, excluding Cottesloe Civic Centre permits;

- \$20.00 per Group Fitness or Personal Training class - must be same day/time with a maximum of 10 consecutive weeks per application.
- \$2,000 Group Fitness or Personal Training class - annual permit (capped at \$2,000 per financial year, to be paid in advance quarterly, bi-annually or annually).

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Elected Members

**OFFICER COMMENT**

This Policy was submitted to the October 2020 meeting of Council however there were still some requested changes to be considered in the Policy, which have now been undertaken.

The major change which has already been adopted by Council was the inclusion of the North Cottesloe Surf Life Saving Club ski shed rooftop, adjacent to Barchetta as a location for group fitness and Personal Training activities.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Young

Seconded Cr Sadler

**THAT Council**

1. **REVOKES the Group Fitness and Personal Training Policy 2017.**
2. **ADOPTS the Group Fitness and Personal Training Policy 2020.**

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

**10.1.5 EVENT CONDITIONS POLICY**

<b>File Ref:</b>	<b>SUB/2798</b>
<b>Attachments:</b>	<b>10.1.5(a) Event Conditions Policy 2020 - DRAFT - V1 [under separate cover]</b>
	<b>10.1.5(b) Outdoor Concerts and Large Public Events Policy - Adopted 2005 [under separate cover]</b>
	<b>10.1.5(c) Fireworks Policy - Adopted 2012 [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Shane Collie, Executive Manager Corporate Services and Governance</b>
<b>Author:</b>	<b>Gabrielle Hall, Events Coordinator</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**SUMMARY**

The Town's Events Procedure has been reviewed, including utilising external feedback from historic events.

Seeking to streamline the Event Approval process that is utilised by the Town, it is recommended that an Event Conditions Policy be adopted and two other Policies, "Outdoor Concerts and Large Public Events" and "Fireworks" be revoked.

**BACKGROUND**

Through internal and external feedback the Town has identified that the current format in which the Town manages event approvals would benefit from improvement. From this feedback an Event Conditions Policy has been developed which addresses the 18 standard conditions and advice notes Council imposes on each conditional event approval. Replicating these conditions into a Policy will eliminate the need for such conditions to be imposed by Council resolution for each event.

Event organisers are to adhere to the Event Conditions Policy in addition to all relevant legislation, standards and legal requirements which are set out in the Event (Health) Approval, issued by the Town's Environmental Health Officer. An (Event Health) Approval is a legislated document issued under the Health (Miscellaneous Provisions) Act 1911 and subsidiary regulations, which overrides Town Policy.

In principal, the Policy incorporates the rationale of the Outdoor Concerts and Large Public Events Policy. However, variations have been made which may permit more commercial events to occur within the Town.

The Town does not require a Fireworks Policy as Fireworks operators attain approval through the Department of Mines and Petroleum (DMP) and must comply with all requirements of the *Dangerous Goods Safety (Explosive) Regulations 2007*. The Town's function, which can be carried out by the Events Coordinator in conjunction with an Environmental Health Officer is to request copies of their license, a site plan detailing the location of launch and a Risk Management Plan, which is reviewed by the Environmental Health Officer and would have been approved by DMP.

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The Town can include conditions in the health approval such as notification to affected residents and businesses (specify radius) that the display is taking place and any other requirements.

To streamline the approvals process, the Policy authorises the Chief Executive Officer to approve the use of land and conditionally approve all Town events, subject to compliance with relevant legislation, standards and legal requirements. However, in order for the Policy to be accurately activated, the Town's Beach Policy will require revocation of the references made to events and subsequent conditions. The Beach Policy currently does not permit commercial activity west of Marine Parade, unless from a fixed premises.

### **STRATEGIC IMPLICATIONS**

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

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

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

This report is consistent with the Town's *Corporate Business Plan 2020 – 2024*.

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

Major Strategy 1.3: Continue to improve access and inclusion of aged persons and those with disabilities.

### **POLICY IMPLICATIONS**

The report recommends that Council adopts an Event Conditions Policy.

The Policy provides the Chief Executive Officer with the authority to approve commercial events within the Town.

The Policy will provide a management method that does not require event applications to be referred to Council for consideration, unless referred by the Chief Executive Officer.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Health (Public Building) Regulations 1992*

*Food Act 2008*

*Health (Miscellaneous Provisions) Act 1911 and subsidiary regulations*

*Beaches and Beach Reserves Local Law 2012*

*Town's Health Local Law 1997*

*Special Events Local Law 2006*

*Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001*

*Outdoor Concerts and Large Public Events Policy*

*Town's Liquor (Licensed Premises) Policy*

*Event Classification Policy*

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*Civic Centre Hall Hire Policy*

*Beach Policy*

*Fireworks Policy*

### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

There are no perceived financial implications arising from the officer's recommendation. It is noted that the Event Conditions Policy will streamline the current events approvals process.

### **STAFFING IMPLICATIONS**

By implementing this Policy it will aid administration by reducing the need for the author and responsible officer to produce a report to Council for each commercial or impactful event.

As a management process, administration may be required to provide an executive report for the Chief Executive Officer for consideration of applications.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are perceived sustainability implications arising from event. The policy addresses mitigation methods to reduce any adverse environmental impacts. The Town's Events Coordinator works with each organiser to achieve sustainable event outcomes.

### **CONSULTATION**

Consultation with the Executive Manager of Compliance and Regulatory Services and Councillors who are assisting in Policy reviews.

No community consultation has been taken in developing this Policy. All of the proposed conditions are already implemented through other methods by the Town. This policy should act as one point of reference for event organisers, in lieu of the information available being spread across several platforms.

### **OFFICER COMMENT**

Through an effective management method there should no longer be a need for event applications to be presented to Council, unless determined necessary by the Chief Executive Officer. The Chief Executive Officer should evaluate each application and use discretion when considering new commercial events. This process will assist administration and Council.

### **VOTING REQUIREMENT**

Simple Majority



**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Young

Seconded Cr Sadler

**THAT Council:**

- 1. ADOPTS the Draft Event Conditions Policy;**
- 2. REVOKES Outdoor Concerts and Large Public Events Policy 2005;**
- 3. REVOKES Fireworks Policy 2012;**
- 4. NOTES the Special Events Local Law requires reviewing;**
- 5. NOTES the Beach Policy requires reviewing and redacting reference to Town events.**

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

**10.1.6 EVENT CLASSIFICATION POLICY**

<b>File Ref:</b>	<b>SUB/2798</b>
<b>Attachments:</b>	<b>10.1.6(a) Event Classification Policy 2020 - DRAFT - V1 [under separate cover]</b> <b>10.1.6(b) Event Facility Classification Policy - Adopted 25 July 2017 [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Shane Collie, Executive Manager Corporate Services and Governance</b>
<b>Author:</b>	<b>Gabrielle Hall, Events Coordinator</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**SUMMARY**

The Event and Facility Classification Policy was adopted in 2017. As a part of the Town's policy review the Event and Facility Classification Policy has been updated, this can be found as an attachment.

**BACKGROUND**

This Policy provides a mechanism that allows bookings or events held at Town of Cottesloe facilities to be classified according to their criteria. The event classification criterion determines the fees charged for the hire of the facilities in accordance with the Town's Schedule of Fees and Charges.

The Policy was originally developed as a range of organisations and individuals host events in Cottesloe, from large scale public events to small scale community events typically seeking ways to minimise their costs – including seeking discounts for hire. Due to the number of requests for fee waivers, a clear and well defined Policy was developed. The Policy classified events more efficiently and consistently. A number of these requests are for charitable purposes where Council waives any hire fees to support the charitable activity.

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

This report is consistent with the Town's *Corporate Business Plan 2020 – 2024*.

Priority Area 6: Providing open and accountable local governance.

Major Strategy 6.2: Ongoing review and updating of various Council Policies, Local Laws and Delegations.

**POLICY IMPLICATIONS**

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

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**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

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

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

- Elected Member Policy Delegation
- Town of Cottesloe Administration

**OFFICER COMMENT**

In principle, there are no major amendments to the Policy. It is to be noted that each permit is issued in accordance with the Event and Facility Classification Policy and has a set of conditions of hire imposed.

In the 2020-2021 Schedule of Fees and Charges the hire charges for event car bays and event bin hire for charitable and not-for-profit organisations have been set at \$0. In order to be applicable for these additional fee waivers the organisation must meet the event classification criteria as outlined in the Policy. This provision will allow administration to effectively manage these requests and avoid unnecessary event applications being presented to Council. Previously, several fee waiver requests had been presented to Council as the value was greater than the Chief Executive Officer's delegation. Other anomalies have been addressed through the exemptions, as stated in the Policy.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Young**

**Seconded Cr Sadler**

**THAT Council:**

- 1. REVOKES the Event and Facility Classification Policy 2017.**
- 2. ADOPTS the Event Classification Policy 2020.**

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

**FINANCE****10.1.7 BAD DEBT WRITE OFF**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Matthew Scott, Chief Executive Officer  
**Author:** Wayne Richards, Finance Manager  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

A recommendation is made to write off an amount of \$2,581.42 owed by a sundry debtor.

**BACKGROUND**

The Chief Executive Officer has delegated authority to write off amounts up to \$500.00 however the outstanding debt exceeds the delegated authority. The debt recommended for write off is \$2,581.42 which relates to penalty interest for late lease payments during the period May 2017 to October 2018 for debtor 65.01.

**STRATEGIC IMPLICATIONS**

This report is consistent with the Town's *Corporate Business Plan 2020 – 2024*.

Priority Area 6: Providing open and accountable local governance.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

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

- (1) *Subject to subsection (2) and any other written law, a local government may -*
- (a) *when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or*
  - (b) *waive or grant concessions in relation to any amount of money; or*
  - (c) *write off any amount of money, which is owed to the local government.*
- \* Absolute majority required.*
- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
-

**FINANCIAL IMPLICATIONS**

The total value of the debt to be written off is \$2,581.42. This amount is not considered as significant in the context of the overall Budget.

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

This matter has been discussed with senior management.

**OFFICER COMMENT**

The debt is being recommended for write off as it is highly unlikely that it will be able to be recovered and the costs associated with attempting recovery will likely far outweigh the debt itself. The original debt was for penalty fees associated with late lease payments for the Indiana Tea House premises, prior to the reassignment of the lease to the present Lessee.

Note the debt does not relate to the lease payments themselves, but only a penalty amount incurred for late payment. The Town has issued several reminder notices, however it is now deemed not economical to pursue the debt with the additional costs that the Town would incur in seeking to recover the debt.

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Young**

**Seconded Cr Sadler**

**THAT Council by Absolute Majority write off the debt as presented, representing a total of \$2,581.42 as at 16 November 2020.**

**Carried by Absolute Majority 9/0**

**10.1.8 BUDGET AMENDMENT - ROTUNDA DESIGN**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Matthew Scott, Chief Executive Officer  
**Author:** Shaun Kan, Executive Manager Engineering Services  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is asked to consider a budget amendment of \$33,000 within the Miscellaneous Infrastructure Program funded through cost savings from 45.6080.51 – Foreshore Stage 2 - Steps.

These funds are proposed to be used to undertake a dune outfall design to provide more effective erosion measures to better handle higher levels of surface runoff intensities at Cottesloe Main Beach.

**BACKGROUND**

Council at a July 2020 Special Meeting endorsed the 2020/2021 financial year budget.

In August 2020, a winter storm of unusual intensity damaged the Rotunda section of the main beach foreshore.

Under the financial regulations of the Local Government Act, 1999 Section 6.8(1) (b) requires Council approval by absolute majority to incur expenditure not included within the Annual Budget. This includes any unplanned reinstatement works that will be funded partially by insurance (income).

The intention would be to replace this landslide area to what has been proposed in the foreshore redevelopment detail design plans, pending Council's consideration in a separate item within the December 2020 Ordinary Meeting Agenda. This would be to avoid any sacrificial works.

Discussions have been ongoing with LGIS until recently where they have agreed in principle to contribute a sum equivalent to the cost of reinstating the area to what it would have been (not including the beach access path).

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**POLICY IMPLICATIONS**

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

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**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

**FINANCIAL IMPLICATIONS**

Council at the 4 May 2020 Special Meeting, approved an amendment to the 2019/2020 budget to account 45.6080.2 that increased available funding from \$280,000 to \$680,754. This allowed for the Foreshore Improvement Stage Two contract to be awarded. Some of these works were remunerated in the 2019/2020 financial year and \$450,000 was reallocated to the 2020/2021 financial year under account 45.6080.51.

The following provides a summary of the financial position to date.

APPROVED BUDGET	\$450,000
EXPENDITURE TO DATE	\$390,592
FUNDS REMAINING	\$59,408
LESS BUDGET TRANSFER (Pending Approval)	\$33,000
BUDGET REMAINING	\$26,408

Given the above, Council is asked to note that there is no net effect to the approved 2020/2021 budget as the \$33,000 budget amendment will be sourced through \$59,408 cost savings from 45.6080.51 – Foreshore Stage 2 – Steps.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer’s recommendation. The design will be undertaken by ordering a variation to the Aspect Studio’s Foreshore Redevelopment Design Consultancy Contract approved by Council at the July 2020 Special Meeting.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the officer’s recommendation. The design will improve the dune’s erosion resilience to reduce the probability of such sudden failures from occurring again in the future.

**CONSULTATION**

- Town of Cottesloe Staff
- Elected Representatives
- LGIS
- Cottesloe Coastcare

**OFFICER COMMENT**

The reinstatement works will involve:

- Constructing the Rotunda footpath section to the layout shown on the Foreshore Redevelopment Detail Design (Pending Council approval under a separate item);
- Not replacing the current beach access path damaged by the storm as there are adjacent paths within close proximity that can provide access to the same area of the beach; and
- Construction of a vegetated drainage swale to provide better scour protection of the dune to allow surface run-off to be distributed over a wider area under less turbulent flow conditions.

Cottesloe Coastcare have been consulted on the proposed works and have provided advice on the preferred swale planting that would be most effective in erosion control.

LGIS have recently agreed in principle to contribute a sum equivalent to reinstating the area back to what it would have been excluding the beach access path. Cost estimates will be developed during the design to confirm with LGIS the claim value prior to construction. A second budget amendment to obtain construction funding including the final design will then be put forward to Council for approval before commencing the procurement process for a builder.

Council can resolve for the original layout to be reinstated but it needs to be conscious that these works could be sacrificial should the Foreshore Redevelopment Detail Design be adopted as part of a separate item. What has been constructed would then be demolished to build the approved design in the next few years.

Council is asked to note that the \$33,000 will be obtained through cost savings from the Foreshore Stage 2 Project, south of Indiana Tea House that has now reached practical completion. These savings have been reflected in the financial implication section of the report.

If the budget amendment is approved, the design will be undertaken through a variation to the Aspect Studio's Foreshore Redevelopment Design Consultancy Contract awarded in July 2020 given the reinstatement works are within the confines of the Foreshore Precinct.

However, Council approval will be required for this proposed arrangement to occur as a 10% cap was placed on the variation to the contract value at the time it awarded the consultancy contract. The \$33,000 additional design works for the drainage swale on the dunes would take the contract value beyond the 10% threshold.

### **VOTING REQUIREMENT**

Absolute Majority

### **OFFICER RECOMMENDATION**

THAT Council by absolute majority:

1. APPROVES the variation to the Aspect Studios Foreshore Redevelopment Design Consultancy Contract beyond the original contract value extension limited of 10% to incorporate the additional dune swale design development works;
2. APPROVES a budget transfer of \$33,000 from 45.6080.51 – Foreshore Stage 2 – Steps



to a new project to undertake the works mentioned in Point One;

3. NOTES the revised budget value of \$417,000 in 45.6080.51 – Foreshore Stage 2 – Steps following the transfer mentioned in Point Two;
4. NOTES that a separate item will be brought to an Ordinary Council Meeting for the final design mentioned in Point One and construction funding to be approved once formal agreement has been reached with the Town’s insurers; and
5. NOTES that the purchasing process to engage a builder for the reconstruction works will only occur after the matters in Point four have been approved by Council.

#### **COUNCILLOR MOTION**

**Moved Cr Tucak**

**Seconded Cr Harkins**

**THAT Council by absolute majority:**

1. **APPROVES the variation to the Aspect Studios Foreshore Redevelopment Design Consultancy Contract beyond the original contract value extension limited of 10% to incorporate the additional dune swale design development works;**
2. **APPROVES a budget transfer of \$33,000 from 45.6080.51 – Foreshore Stage 2 – Steps to a new project to undertake the works mentioned in Point One;**
3. **NOTES the revised budget value of \$417,000 in 45.6080.51 – Foreshore Stage 2 – Steps following the transfer mentioned in Point Two;**
4. **NOTES that a separate item will be brought to an Ordinary Council Meeting for the final design mentioned in Point One and construction funding to be approved once formal agreement has been reached with the Town’s insurers; and**
5. **NOTES that the purchasing process to engage a builder for the reconstruction works will only occur after the matters in Point four have been approved by Council; and**
6. **REQUESTS due to the likely timeframe for reconstruction works being over 6 months, and in accordance with the Town’s Beach Policy and Local Law, referred to in the Rationale, that:**
  - (a) **the Town investigates the structural integrity of the existing Rotunda area, to determine if the area or any parts of it can be opened to the public without an unacceptable risk to safety;**
  - (b) **the Town reduces the temporary fencing as much as possible to re-instate existing uses of and public amenity provided by the limestone walls and continues to enforce its Local Law;**
  - (c) **the Town implement good quality signage, without unduly obscuring views of the ocean, to inform the public of the process, plans and timeframe for the reconstruction works; and**
  - (d) **subject to (a), the Town continues to maintain and keep tidy the fenced off Rotunda area.**

**Carried by Absolute Majority 8/1**

## COUNCILLOR RATIONALE:

1. The current temporary fencing at the Rotunda is affecting the amenity of the beach.
2. The Rotunda area is popular & may not be directly affected by the swales collapse.
3. The wall areas currently fenced off pending reconstruction are well used year round.
4. Minor changes to existing temporary fencing can greatly enhance the areas amenity.
5. The Town's Local Laws already prevent any person from entering the fenced areas:  
2.1 (3) A person shall not, without the permission of the local government - (a) climb over, under, or through any fence or gate designed or installed for the purpose of prohibiting or restricting the entry of persons or vehicles; (b) enter any place that has been fenced off or otherwise closed to the public; {'Beaches Law'}
6. The Town's Beach Policy prioritises the amenity of the beach environment for users:  
"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 Town of Cottesloe will maintain the existing access-ways from the road pavement to the beach and enhance them as required by pressure of numbers or by changing patterns and styles of use."  
"All projected uses of the beach reserves recognise the residential nature of the Town of Cottesloe and the need to maintain this character, the facilities and services for the amenity of the residents."
7. Keeping the public informed of the work can avoid damage to the Town's reputation.
8. General tidiness of any fenced off area will contribute greatly to improved amenity.

**10.1.9 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2020 TO 30 NOVEMBER 2020**

**File Ref:** SUB/2798  
**Attachments:** 10.1.9(a) Monthly Financial Statements for the period 1 July 2020 to 30 November 2020 [under separate cover]  
**Responsible Officer:** Matthew Scott, Chief Executive Officer  
**Author:** Wayne Richards, Finance Manager  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

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

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

**BACKGROUND**

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

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

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

This report is consistent with the Town's *Corporate Business Plan 2020 – 2024*.

Priority Area 4: Managing Development.

Major Strategy 6.3: Continue to deliver high quality governance, administration, resource management and professional development.

**POLICY IMPLICATIONS**

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

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**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

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

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Senior staff.

**OFFICER COMMENT**

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

- The net current funding position as at 30 November 2020 was \$6,780,676 as compared to \$7,678,711 this time last year.
- Rates receivables at 30 November 2020 stood at \$2,175,100 compared to \$2,279,253 this time last year as shown on page 25 of the attached financial statements.
- Operating revenue is more than year to date budget by \$228,535 with a more detailed explanation of material variances provided on page 21 of the attached financial statements. Operating expenditure is \$1,190,770 less than year to date budget due in main part to depreciation charges not having been posted, this will occur once the 2019/20 Annual Report has been audited and finalised in the coming weeks.
- The capital works program is shown in detail on pages 33 to 37 of the attached financial statements.
- The balance of cash backed reserves was \$9,109,148 as at 30 November 2020 as shown in note 7 on page 27 of the attached financial statements.

**List of Accounts Paid for November 2020**

The list of accounts paid during November 2020 is shown on pages 38 to 43 of the attached financial statements. The following significant payments are brought to Council's attention:

- \$77,531.10 to Rico Enterprises Pty Ltd T/As Solo Resource Recovery for waste collection and disposal services.
- \$155,320.55 & \$157,326.95 to the Shire of Peppermint Grove being the Town's quarterly contributions towards the Grove Library service.
- \$140,537.70 & \$95,768.47 to Roads 2000 Pty Ltd for various road resurfacing works.
- \$25,929.39 to SuperChoice Services Pty Ltd for staff superannuation contributions.
- \$116,106.05 to Procott Incorporated being levies that the Town collected on behalf of Procott via a differential rate.
- \$34,134.59 to the Construction Training Fund for levies collected on their behalf.
- \$50,507.82 to PRW Contracting Pty Ltd T/A Claremont Asphalt for various resurfacing works.
- \$123,600.71 & \$119,459.18 to Town of Cottesloe staff for fortnightly payroll services.

### **Investments and Loans**

Cash and investments are shown in note 4 on page 23 of the attached financial statements. The Town has approximately 40% of funds invested with the National Australia Bank, 38% with the Commonwealth Bank of Australia and 22% with Westpac Banking Corporation. A balance of \$9,109,148 was held in reserve funds as at 30 November 2020.

Information on borrowings is shown in note 9 on page 30 of the attached financial statements. The Town had total principal outstanding of \$3,298,441 as at 30 November 2020.

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

Rates outstanding are shown on note 6 on page 25 and show a balance of \$2,175,100 outstanding as compared to \$2,279,253 this time last year.

Sundry debtors are shown on note 6 on page 25 of the attached financial statements. The sundry debtors report shows that 58% or \$26,409 is older than 90 days. Infringement debtors are shown on note 6 on page 26 and stood at \$419,917 as at 30 November 2020.

### **Budget Amendments**

Budget amendments are shown on note 5 on page 24 of the attached financial statements.

### **VOTING REQUIREMENT**

Simple Majority

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

Moved Cr Young

Seconded Cr Sadler

**THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2020 to 30 November 2020 as submitted to the 15 December 2020 meeting of Council.**

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

**EXECUTIVE SERVICES****10.1.10 WESTERN SUBURBS WORKING GROUP**

**File Ref:** SUB/2798  
**Attachments:** 10.1.10(a) Letter - Western Suburbs Working Group Invitation to Nominate Representatives [under separate cover]  
**Responsible Officer:** Matthew Scott, Chief Executive Officer  
**Author:** Matthew Scott, Chief Executive Officer  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider nominating an Elected Member and Technical Officer from the Town of Cottesloe (ToC) to the proposed Western Suburbs Working Group (WSWG) being established by the Department of Planning, Lands and Heritage (DPLH).

**BACKGROUND**

It is understood that for many years several western suburbs Councils, including ToC, have queried the future strategic direction and development potential of the major transport corridors of Stirling Highway and the Fremantle Railway line. These corridors cross several Local Government Districts, making it incredibly difficult to have a coordinated strategic approach for future planning and development, at a Local Government level.

Previously, the State Government Utilised District Planning Committees (DPC) to provide direction and advice to the Western Australian Planning Commission (WAPC) on these matters. However over the years these DPC's have not achieved this objective, and are now being formally abolished by the State Government.

As an alternative, and in response to continued dissatisfaction with inter-agency strategic planning by the Local Government sector (including concerns raised by ToC), the DPLH are proposing to form working groups, made up of representatives from relevant State Agencies and associated local governments.

The aim of these working groups is to:

1. Provide advice to the WAPC in respect to the preparation of strategic plans for major Transport Corridors; and
2. Provide advice to the relevant decision making authority in respect to development of Activity Centres along these major Transport Corridors.

In November the ToC received an invitation to join the WSWG, via nominating one (1) Elected Member and one (1) Technical Officer to represent the Town's and the Cottesloe Community interests.

Within the Terms of Reference of the WSWG Council will note the working group's core functions, being:

1. Undertake the following streams of work (the project):
-

- a. Provide advice to the Western Australian Planning Commission in respect to the preparation of strategic plans for:
  - The Stirling Highway corridor, from Broadway to McCabe Street.
  - The Fremantle railway line corridor, from Subiaco Station to the northern boundary of the City of Fremantle.
2. Provide advice to the relevant decision-making authority in respect to the development of Activity Centres within the Stirling Highway and Fremantle railway line corridors.
3. Provide a forum for discussion between, and input from, key local government stakeholders.
4. Identify and discuss matters relevant to the project including consideration of all relevant issues, opportunities and constraints, as follows:
  - Land use.
  - Density and built form.
  - Public transport and transit orientated development.
  - Traffic management.
  - Land tenure.
  - Aboriginal and historic heritage.

Likewise the invitation for representation has been extended to:

- City of Subiaco
- City of Nedlands
- Town of Claremont
- Town of Mosman Park
- Shire of Peppermint Grove
- Department of Transport
- Public Transport Authority
- Main Roads WA

### **STRATEGIC IMPLICATIONS**

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

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

Major Strategy 2.2: Produce a draft Structure Plan showing the sinking of the railway and realignment of Curtin Avenue together with 'what's possible' in terms of sustainable redevelopment and pedestrian and traffic links and Town

This report is consistent with the Town's *Corporate Business Plan 2020 – 2024*.

Priority Area 4: Managing Development.

Major Strategy 4.1: Implement the Cottesloe Precinct Improvement Plan.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

N/A

**FINANCIAL IMPLICATIONS**

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

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation other than staff time attending WSWG Meetings.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

WESROC CEO Forum

Department of Planning, Lands and Infrastructure

**OFFICER COMMENT**

The WSWG is a great opportunity for the Town of Cottesloe to influence the future Strategic Planning for the Stirling Highway and Fremantle Railway Line transport corridors (as per the attached Terms of Reference). This aligns strongly with our Strategic Community Plan, especially the current Cott Village Precinct Plan Project with the Shire of Peppermint Grove. It is highly recommended the invitation is accepted.

At the December Western Suburbs Regional Organisation of Councils (WESROC) Mayoral meeting, universal concern was raised (including by Town of Cottesloe) of the confidentiality clause in the Working Groups' Terms of Reference. At this meeting it was agreed to seek further clarification on the application of this clause from DPLH, and for the Member Councils CEOs to review the clarification in order to develop an appropriate governance model to ensure elected member representatives are able to discuss Working Group activities and outcomes with their respective Councils.

**VOTING REQUIREMENT**

Simple Majority

The Presiding Member advised that he would ask each of the nominees to give a two minute presentation on why they are the best person for the job.



The CEO advised that once the nominees have given their presentations the Presiding Member would call for a motion from a Councillor, preferably from a Councillor who is not nominating themselves.

The Presiding Member advised that motions would be split so that a member could be nominated first and then an alternative representative would be nominated.

The Presiding Member invited presentations from the nominees in the following order:

Cr Sadler

Cr Tucak, who advised he would not nominate.

Cr Barrett

Cr MacFarlane

### **OFFICER RECOMMENDATION**

THAT Council

1. Agrees to participate in the Department of Planning, Lands And Heritage initiative to establish a Western Suburbs Working Group;
2. Nominates \_\_\_\_\_ as the Town's Elected Member representative, and \_\_\_\_\_ as an alternative representative to the Western Suburbs Working Group;
3. Notes the Chief Executive (or his delegate) will be the Town's senior technical officer representative to the Western Suburbs Working Group.

### **COUNCILLOR MOTION**

**Moved Cr Harkins**

**No Seconder, Lapsed**

2. THAT Council nominates Cr Barrett as the Town's Elected Member representative to the Western Suburbs Working Group.

### **COUNCILLOR MOTION**

**Moved Cr Tucak**

**Seconded Cr Masarei**

2. **THAT Council nominates Cr Sadler as the Town's Elected Member representative to the Western Suburbs Working Group.**

**Carried 7/2**

### **COUNCILLOR MOTION**

**Moved Cr Young**

**Seconded Mayor Angers**

3. **Nominates Cr MacFarlane as Town's alternative representative to the Western Suburbs Working Group.**

**Carried 9/0**

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

Moved Cr Tucak

Seconded Cr Young

**THAT Council**

1. **Agrees to participate in the Department of Planning, Lands And Heritage initiative to establish a Western Suburbs Working Group;**
2. **Nominates Cr Sadler as the Town's Elected Member representative, and Cr MacFarlane as an alternative representative to the Western Suburbs Working Group;**
3. **Notes the Chief Executive (or his delegate) will be the Town's senior technical officer representative to the Western Suburbs Working Group.**
4. **Requests the Administration prepare a Policy or Protocol under which representatives above are informed of the Town and Council's position on any matters considered by or under the Western Suburbs Working Group, and to report back to the Town and Council, subject to complying with any operating requirements (eg confidentiality) of the WSWG.**

**Carried 9/0****COUNCILLOR RATIONALE:**

The Town's representatives on the WSWG should reflect the view and position of the Town and Council, and timely reporting back thereon will assist with that process.

**10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES****10.2.1 RECEIPT OF FORESHORE PRECINCT ADVISORY COMMITTEE MINUTES - 19 NOVEMBER 2020**

- Attachments:**
- 10.2.1(a) Unconfirmed Minutes - Foreshore Precinct Advisory Committee - 19 November 2020 [under separate cover]**
  - 10.2.1(b) Detailed Design Summary Plan [under separate cover]**

THAT Council:

1. NOTES the attached Unconfirmed Minutes of the Foreshore Precinct Advisory Committee Meeting – 19 November 2020.
2. With the exception of items \_\_\_\_, \_\_\_\_, \_\_\_\_, \_\_\_\_, \_\_\_\_, \_\_\_\_, which are to be withdrawn and dealt with separately, Council ADOPTS the recommendations in the Foreshore Precinct Advisory Committee Minutes.

**Officer Note:**

Notwithstanding points one and two above, Council is asked to consider not including what is being proposed within playground area when it accepts the 85% detail design. This would then allow Council the opportunity to explore other recreational uses, such as, but not limited to, a skate facility (currently under review) to be incorporated into the same space.

Council is asked to note that the Administration has consulted with the Heritage Council and they have indicated support for the attached 85% detail design with the permanent inclusion of the Cottesloe Foreshore within the Heritage listing.

The CEO advised that the above updated commentary was incorrect. The Administration has not consulted with the Heritage Council. The Administration has consulted with officers from the Office of State Heritage, and they have indicated tentative support for the foreshore design as is at 85% but did recommend that the design be referred to the Heritage Council for comment.

The Detailed Design Summary Plan has been uploaded to the Town's website on Council Agenda page.

Cr Masarei left the meeting at 7:21pm.

Cr Masarei returned to the meeting at 7:23pm.

**COUNCILLOR MOTION**

**Moved Cr Barrett**

**Seconded Cr Harkins**

1. THANKS the community representatives of the Foreshore Precinct Advisory Committee for their time in providing feedback to both the 50% and 85% Foreshore Redevelopment Design.

2. NOTES the attached Unconfirmed Minutes of the Foreshore Precinct Advisory Committee Meeting – 19 November 2020.
3. ADOPTS the recommendations of the Foreshore Precinct Advisory Committee (except the playground area, which is dealt with in para (4) and (5), below) subjected to the following considerations within the 85% Detail Design:
  - a. APPROVES the extension to Aspect Studios consultancy contract to include the design of a public toilet facility, with the additional works to be negotiated with Aspect Studios to ensure value for money outcomes before agreeing on a design fee;
  - b. NOTES that concept drawings for the proposed toilet facilities shall be presented to FPAC for comment and feedback (including out of session feedback) and shall be presented to Council for endorsement by the end of February 2021;
  - c. NOTE that, subject to approval of the concept drawings referred to in para (b.), final design for the toilet facilities shall be completed and referred to FPAC for comment and feedback (including out of session feedback), and shall be presented to Council for endorsement by the end of March 2021;
  - d. NOTES that final design of the toilet facility shall be incorporated into the 100% Foreshore detailed design on completion of toilet facility design, so as to avoid delaying finalisation of other components of the Redevelopment scope of works and to allow the project to progress and funding to be sought;
  - e. Include a provision of \$240,000 in the 100% design cost estimate for the construction of a public toilet building to allow for funds for this portion of this work to be sourced;

#### **COUNCILLOR AMENDMENT**

**Moved Cr Young**

**Seconded Cr Sadler**

That paragraphs 3a to 3e of the Councillor Motion be deleted and be replaced with the following paragraph 4 of the motion Cr Young circulated today:

4. APPROVES a provision of \$300,000 in the 100% design costs estimate for the Foreshore works, for the design and construction of a foreshore toilet facility, to allow for funds for this portion of the work to be sourced;

**Lost 3/6**

#### **PROCEDURAL MOTION**

**Moved Cr Young**

**Seconded Mayor Angers**

**That points 1, 2 and 3a to 3e be put to the vote.**

**Carried 8/1**

**SUBSTANTIVE MOTION**

1. **THANKS** the community representatives of the Foreshore Precinct Advisory Committee for their time in providing feedback to both the 50% and 85% Foreshore Redevelopment Design.
2. **NOTES** the attached Unconfirmed Minutes of the Foreshore Precinct Advisory Committee Meeting – 19 November 2020.
3. **ADOPTS** the recommendations of the Foreshore Precinct Advisory Committee (except the playground area, which is dealt with in para (4) and (5), below) subjected to the following considerations within the 85% Detail Design:
  - a. **APPROVES** the extension to Aspect Studios consultancy contract to include the design of a public toilet facility, with the additional works to be negotiated with Aspect Studios to ensure value for money outcomes before agreeing on a design fee;
  - b. **NOTES** that concept drawings for the proposed toilet facilities shall be presented to FPAC for comment and feedback (including out of session feedback) and shall be presented to Council for endorsement by the end of February 2021;
  - c. **NOTE** that, subject to approval of the concept drawings referred to in para (b.), final design for the toilet facilities shall be completed and referred to FPAC for comment and feedback (including out of session feedback), and shall be presented to Council for endorsement by the end of March 2021;
  - d. **NOTES** that final design of the toilet facility shall be incorporated into the 100% Foreshore detailed design on completion of toilet facility design, so as to avoid delaying finalisation of other components of the Redevelopment scope of works and to allow the project to progress and funding to be sought;
  - e. **Include** a provision of \$240,000 in the 100% design cost estimate for the construction of a public toilet building to allow for funds for this portion of this work to be sourced;

**Carried 9/0**

**COUNCILLOR MOTION****Moved Cr Barrett****Seconded Cr Harkins**

- f. **Optimisation** of turfing within the mulched areas where possible around the playground and exercise area as shown on Plan 204 within the Surface Finishes Drawing Schedule provided that this does not compromise public safety and the health of trees;

**COUNCILLOR AMENDMENT****Moved Cr Young****Seconded Cr MacFarlane**

Remove point f and replace with wording in point j of the motion circulated by Cr Young today:

- f. Consider whether expansion of turf within the mulched areas around the playground and exercise areas (as shown on Plan 204 within the Surface Finishes Drawing Schedule) would enhance the usability and function of these areas and is compatible with other design and budget considerations – and if so, incorporate into the Detail Design.

**Lost 4/5****SUBSTANTIVE MOTION**

- f. **Optimisation of turfing within the mulched areas where possible around the playground and exercise area as shown on Plan 204 within the Surface Finishes Drawing Schedule provided that this does not compromise public safety and the health of trees;**

**Carried 9/0****COUNCILLOR MOTION****Moved Cr Barrett****Seconded Cr Harkins**

- g. **Where considered appropriate, provide picnic tables in the turfed area immediately around the playground as shown on plan 762 within the Active Recreation 2 Drawing Schedule;**

**Carried 5/4****COUNCILLOR MOTION****Moved Cr Barrett****Seconded Cr MacFarlane**

- h. **Investigate, and if possible implement the seating pods and accompanying tables immediately around the playground and exercise area as shown in the diagram on page 34 of the Cottesloe Foreshore Aspect Studio Detail Design Presentation attached to the July 2020 Ordinary Council Meeting Minutes Item 10.1.10 – Foreshore Masterplan Preliminary Design, noting that there are 6 such seatings in the diagram being referred to;**

**Carried 7/2**

Cr Masarei left the meeting at 8:15pm.

Cr Masarei returned to the meeting at 8:17pm.

**COUNCILLOR MOTION**

Moved Cr Barrett

Seconded Cr Harkins

- i. Update plan number PER20018-LA-305 P2 and PER20018-LA-307 P2 within the Fixtures and Furniture Drawing Schedule to reflect the installation of two drink fountains just north of the playground and south of Barchetta;

Carried 9/0

**COUNCILLOR MOTION**

Moved Cr Barrett

Seconded Cr Harkins

- j. Incorporate dog bowl facilities to all four new drink fountains;

Carried 9/0

**COUNCILLOR MOTION**

Moved Cr Barrett

Seconded Cr Masarei

- k. Review the playground layout and implement where possible the Imagination (PE03) and Dune (PE05) Play design principles within the approved Preliminary Design Scheme as shown on page 61 of the Cottesloe Foreshore Aspect Studio Detail Design Presentation attached to the July 2020 Ordinary Council Meeting Minutes Item 10.1.10 – Foreshore Masterplan Preliminary Design (Subjected to the outcome of Point Four below);

Cr Harben left the meeting at 8:21pm.

Cr Harben returned to the meeting at 8:22pm.

Mr Collie left the meeting at 8:28pm.

Mr Collie returned to the meeting at 8:32pm.

Cr Sadler left the meeting at 8:34pm.

Cr Sadler returned to the meeting at 8:34pm.

**COUNCILLOR AMENDMENT**

Moved Cr Young

Seconded Cr Tucak

That paragraph k be moved to become a new point 5 commencing with the words '*subject to the outcome of the studies and workshops referred to in point 4,*' Review the playground layout and implement where possible the Imagination (PE03) and Dune (PE05) Play design principles within the approved Preliminary Design Scheme as shown on page 61 of the Cottesloe Foreshore Aspect Studio Detail Design Presentation attached to the July 2020 Ordinary Council Meeting Minutes Item 10.1.10 – Foreshore Masterplan Preliminary Design (Subject to the outcome of Point Four above).

Carried 6/3

**COUNCILLOR MOTION**

Moved Cr Barrett

Seconded Cr Masarei

- k. Investigate the possibility of incorporating bike rails shown within the furniture drawing schedule with the design specified in the “Emerge” style guide pg 13;
- l. Investigate the possibility of incorporating beach showers shown within the furniture drawing schedule with full body shower heads and foot shower installed on opposite sides as per the “Emerge” style guide pg 19.
- m. Subject to the acceptance of Point l, give consideration to the location and orientation of the beach shower such that its final position is practical and convenient for users;

Carried 9/0

**COUNCILLOR MOTION**

Moved Cr Barrett

Seconded Cr Harkins

- 4. NOTES that, while the intent is that the playground area shall remain an area dedicated for play facilities, approval of the playground area shall be postponed to allow the opportunity for all outcomes from any associated Council commissioned studies/workshops to be properly considered before finalising the layout of the playground area;

Carried 9/0

**COUNCILLOR MOTION**

Moved Cr Barrett

Seconded Cr Harkins

- 6. Notwithstanding Point (4), APPROVE for the playground area mentioned to remain a designated area for the purpose of play facilities;

**COUNCILLOR AMENDMENT**

Moved Cr Young

Seconded Mayor Angers

That point 6 be removed.

Discussion ensued after moving the above amendment and Crs agreed to replace the word ‘play’ in Cr Barrett’s motion with the word ‘recreation’ and vote on it.

Cr Young withdrew the amendment.

**SUBSTANTIVE MOTION**

- 6. Notwithstanding Point (4), APPROVE for the playground area mentioned to remain a designated area for the purpose of recreation facilities.

Carried 9/0

Cr MacFarlane left the meeting at 8:44pm.

Cr MacFarlane returned to the meeting at 8:46pm.



**COUNCILLOR MOTION****Moved Cr Barrett****Seconded Cr Harkins**

7. NOTES that Council will be advised of the incorporation of all the items listed in para 3 and that the draft 100% detailed design will be provided to Council for endorsement at an Ordinary Council meeting;

**COUNCILLOR AMENDMENT****Moved Cr Tucak****No Seconder, Lapsed**

A new point 7 be added so that the current point 7 becomes point 8 as follows:

That Council refer the 85% design with the list of considerations above (referring to 3 and 4) to the Design Advisory Panel under 4.4a of the Design Advisory Panel Policy as a major site design issue under Policy 4.6 to provide design feedback alongside the considerations under points 3 to 5.

Cr Masarei left the meeting at 8:47pm.

Cr Masarei returned to the meeting at 8:47pm.

**SUBSTANTIVE MOTION**

7. **NOTES that Council will be advised of the incorporation of all the items listed in para 3 and that the draft 100% detailed design will be provided to Council for endorsement at an Ordinary Council meeting;**

**Carried 8/1****COUNCILLOR MOTION****Moved Cr Barrett****Seconded Cr Harkins**

8. REQUESTS the Administration to consult with the Heritage Council on the 85% detail design plans and on the 100% design plans when available.

**COUNCILLOR AMENDMENT****Moved Cr Tucak****No Seconder, Lapsed**

Add the following points to point 8 the motion:

- (a) instruct its designers to investigate the possibility of modifying the shorter term carpark layout within the final plans to reflect a wider set of only 20 "short term car bays" as shown in the concept below:



- (b) If a wider, closer, unobscured set of 20 short term car bays is deemed suitable by the design consultant, as shown in the above concept, that this change be included in the 100% final design.

Mayor Angers left the meeting at 8:59 pm.

Cr Sadler left the meeting at 9:00pm.

Mayor Angers returned to the meeting at 9.01pm.

Cr Sadler returned to the meeting at 9.01pm.

### SUBSTANTIVE MOTION

Moved Cr Barrett

Seconded Cr Harkins

8. **REQUESTS the Administration to consult with the Heritage Council on the 85% detail design plans and on the 100% design plans when available.**

**Carried 9/0**

### COUNCILLOR RATIONALE:

1. There are currently no adequate public toilet facilities in the foreshore area and this has been identified by the community, as a high priority need. Provision should be made in the foreshore works costs estimate to allow design and construction and for this cost to be included in the total cost for which funding is to be sought;
2. We have had substantial feedback from the community that it is essential we provide facilities next to the approved playground area.

3. It is not adequate to expect or suggest a parent should be required to travel either across a road or an extended distance (particularly when they have more than 1 child) to take a desperate child to a toilet.
4. It is essential that toilet facilities are incorporated as soon as possible into the total foreshore works for funding and we must therefore progress the design.
5. If we don't progress this to design then there is a real risk that we will not end up with these essential facilities, as it will be too late.
6. Aspect Studios are designing the WHOLE foreshore, and this is one small aspect of the design. Engaging them provides consistency with the total design and reduces issues of connections of all the services which can arise is numerous parties are involved.
7. THE FPAC Community members have supported a toilet to be incorporated at this already designated site and have shown support for the suggested design images provided by Aspect already.
8. The turf, picnic tables and seating pods in paras (3) above, were contained in Aspect Studio's 50% detail design drawings and Presentation which was approved by FPAC and Council. They would greatly enhance the use and enjoyment of the foreshore area;
9. Drink fountains in the "Emerge" style guide (pg 16) include dog bowls, which are important as the foreshore is a popular location for dog walking;
10. The additional drink fountains were inadvertently missed off the drawing but have been confirmed by Aspect already. This is just addressing this issue;
11. Providing consistency of street furniture along the foreshore will optimise the outcome of the foreshore renewal;
12. Bike rails at North Cottesloe are the same as those specified in the "Emerge" style guide that was produced for the initial foreshore works. Using the same style will improve the aesthetic of the foreshore redevelopment, without compromising on quality;
13. Beach showers with full body shower heads and foot showers on opposite sides of the shower have been installed elsewhere on the foreshore and are specified in the Emerge style guide. These are preferable as they increase the capacity and convenience for users, but may not be suitable in all locations. Flexibility on the choice of shower needs to remain with the design consultants, to address any site constraints;
14. An October 2020 Council Resolution requires Administration to engage a consultant to review previous skatepark feasibility studies and conduct a workshop with EM's to examine all possible locations for skate facilities. The foreshore may or may not be a suitable location for future skate facilities in the Town, however it is prudent to leave the option available until after the workshop;
15. It is appropriate that the Heritage Council be consulted on the detail design, particularly given Council's recent resolution to have the foreshore included as a permanent item on the Heritage list.

**11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****11.1 COUNCILLOR MOTION - FORESHORE DESIGN**

The following motion has been proposed by Cr Tucak.

The CEO referred to the officer's comments, in regards to Regulation 10, and said he had sought some verbal legal advice. As there is no definition in Regulation 10 in regards to 'substantially' different, therefore relying on a dictionary definition, 'substantially' has other similar meanings to significant, different is a change, something that is not the same. Given the 10 points raised by the designer, that include the term 'significant' more than once, this motion may be considered a substantial difference, therefore Regulation 10 needs to come into play.

The cleanest way for the application of Regulation 10 would be to completely revoke the previous motions and if that is successful, adopt all the previous motions plus the additional motion on notice from Cr Tucak.

In accordance with Regulation 10, this would require three Councillors to indicate their support for their change.

The Presiding Member ruled that this motion represented a significant change to the previous motion which has just been passed, therefore Regulation 10 needs to be considered.

The CEO advised that Cr Tucak could move the motion but he would need an indication of support from at least two other Councillors to move the motion.

As no other Councillors supported the motion it could not be put.

**COUNCILLOR MOTION**

THAT due to the 85% design's move of the Marine Parade "traffic bubble" away to the other side of Warnham Road, which was the prior obstacle to having a wider set of 20 "short term ocean viewing bays" closer to the ocean (and without half of the current bays facing away from the ocean and their view thus being obscured by other cars), that in the final design stage before the 100% final design:

- a) Council instruct its designers to address the inclusion in the final plans of a wider set of only 20 "short term car bays" in the layout shown in the below conceptual redesign:



- b) If a wider, closer, unobscured set of 20 short term car bays can be included as shown in the above concept, that Council request that it be included in the 100% final design.

### COUNCILLOR RATIONALE

1. Council's Resolution to close Car Park One was expressly made "subject to" the Masterplan, and the "detailed design of works".
2. The 2019 Masterplan consultation shows "short term active car bays" as the third highest preferred use of the Car Park One area.
3. The approved Masterplan required at least one-third of the Car Park One area as "short term car bays", including 'front row' bays.
4. The Masterplan was a high level concept, from which variations can evolve in the detailed design to achieve the desired purpose.
5. Council's Foreshore detailed design brief required (which is on the public record, as recently as the August 2020 Meeting's Minutes):
  - a. *"space to enable individuals of all ages and abilities to utilize Cottesloe's public open space"*
  - b. *"viewing areas are to be integrated into recreational areas, including short term car viewing bays in the Civic Plaza, to foster activation through inclusion"*
  - c. *"boardwalk with shade, wind protection and seating together with short term carbays for everyone to enjoy ocean views in this area"*

- d. *“deep respect and understanding for the Foreshore’s users together with their needs in these public spaces”*
  - e. *“final plans shall recognised that small changes make a big difference to the way the public open space is used and enjoyed”*
2. This brief makes it clear the final 100% design must include carbays in the Car Park One area to allow all ages, including elderly, reduced mobility (physically or mental health-based) and otherwise to enjoy Cottesloe Main Beach area “through inclusion”.
  3. This brief also requires that the specific needs of “ocean viewing car bays” must be included in the 100% design – this includes closeness to the ocean view, and not a location removed to the east away from the ocean, or behind the rows of other cars.
  4. Point (e) above, that for final plans, *“small changes make a big difference to how the public open space is used and enjoyed”*, means that the 85% design must be altered to provide that one-third of Car Park One required by the Masterplan (to which closure of Car Park One was subject) as “ocean viewing car bays” before the 100% final design – namely to reflect ‘deep respect for ocean viewing users’ and ‘inclusion of all users’.
  5. The obstacle shown in the 50% design to a wider set “ocean viewing bays”, closer to the Ocean, was the Marine Parade road “bubble” being too close, but the 85% design has moved the “bubble” a full block away to be in front of the Cottesloe Beach Hotel.
  6. The 100% “final plans” design now to be done therefore can include wider and closer “ocean viewing car bays” consistent with the design brief and Masterplan, to which the full closure of Car Park One was expressly made subject by Council in 2018, and which Council can still do.

#### **OFFICER COMMENT**

There has been limited time for either the Administration or Council’s designer, ASPECT Studios (ASPECT), to provide comment on the above design changes. Likewise the above design changes have not been reviewed or considered by the Council’s Foreshore Precinct Advisory Committee (FPAC). As of time of publication of the Agenda, ASPECT have provided the following preliminary comments:

- The layout fundamentally goes against the design principles of the project brief.
- The elongation creates conflict with pedestrian cyclist and vehicle movements, and would present a safety concern.
- The new layout would reduce extents of lawn, and functional event space.
- Additional bollards, safety signage and lighting would be required and would increase costs.
- The re-design would have a significant impact on arrangement, and require a variation and time extension to accommodate changes to landscape, civil, electrical, drainage and Irrigation documentation
- The turf will provide little value, as it is surrounded by vehicles and will be significantly smaller than drawn to accommodate the vehicle movements.

- The value of allowing vehicles to dominate such a premium location within Cottesloe Foreshore would be queried. Vehicles seeking ocean views would be best located at one of the many other carparks within the vicinity.
- The arrangement will require a 5.8m traffic lane of approximately 70m in length. This is significantly larger than what is proposed in the detail design documentation. This width is underrepresented in the provided sketch. A straight run of this size would likely require the introduction of traffic calming measures such as speed humps which would further detract from the usability of the space.
- The parking plaza has been designed as left in and left out arrangement. The entrance point of the parking bay conflicts with the intersection and would present a safety risk as it would provide an opportunity for vehicles to perform either U-turn when travelling south down marine parade, or enter from Warnham Road.
- The entrance to the parking area is also located at a proposed crossing location (aligned with the northern footpath of Warnham Road) this would present a potential pedestrian-vehicle conflict.

Additional detail comments may be available and distributed at or prior to the Council Meeting.

It is noted that this Motion of Notice may be considered subsequent to the Item 10.2.1 – Receipt of Foreshore Precinct Advisory Committee Minutes – 19 November 2020, which specifically deals with the 85% Detail Design of the Foreshore Design being considered and resolved (as per the current order of business of the Agenda). There is the potential that this motion, should be it successful, result in a change in the decision of item 10.2.1. If this is may be the case, Council may need to consider the application of the Regulation 10 Revoking or changing decisions (Act s. 5.25(1)(e), Local Government (Administration) Regulations 1996, being:

**10. Revoking or changing decisions (Act s. 5.25(1)(e))**

- (1) *If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported –*
  - (a) *in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
  - (b) *in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
    - (1a) *Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) *If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.*
- (3) *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

If this motion becomes substantially different to the decision of item 10.2.1 (which is unable to be determined prior to the meeting), 1/3 of elected members will need to indicate support of the motion prior to it being considered (regulation 10(1)(b)).

Further more it is recommended the form of motion be modified, as the opening paragraph of the motion provides additional rationale or background, rather than direction or instruction. A suggested rewording without changing intent could be:

THAT Council:

- (a) instruct its designers to investigate the possibility of modifying the shortterm carpark layout within the final plans to reflect a wider set of only 20 “short term car bays” as shown in the concept below:



- (b) If a wider, closer, unobscured set of 20 short term car bays is deemed suitable by the design consultant, as shown in the above concept, that this change be included in the 100% final design

And the rationale includes the following statement as an additional point:

“That due to the 85% design’s move of the Marine Pde “traffic bubble” away to the other side of Warnham Road, which was the prior obstacle to having a wider set of 20 “short term ocean viewing bays” closer to the ocean (and without half the bays facing away from the ocean and their view obscured by other cars).”



**12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:****12.1 ELECTED MEMBERS****12.2 OFFICERS****13 MEETING CLOSED TO PUBLIC****13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED****MOTION FOR BEHIND CLOSED DOORS**

Moved Mayor Angers                      Seconded Cr Young

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

**Carried 9/0**

*The public and members of the media were requested to leave the meeting at 9:16pm.*

**13.1.1 T07 - STREET SWEEPING AND DRAINAGE MAINTENANCE - TENDER RECOMMENDATION**

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (c) as it contains information relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

**File Ref:** SUB/2792

**Attachments:** 13.1.1(a) Tender Assessment Sheet - T07/2020 - Street Sweeping and Drainage Maintenance  
**[CONFIDENTIAL] [UNDER SEPARATE COVER]**

**Responsible Officer:** Shaun Kan, Executive Manager Engineering Services

**Author:** David Lappan, Engineering Technical Officer

**Author Disclosure of Interest:** Nil

**OFFICER RECOMMENDATION**

THAT Council:

1. APPROVES awarding the tender for Street Sweeping and Drainage Maintenance services for a period of three years to ENVIROSWEEP; and
2. AUTHORISES the Mayor and/or Chief Executive Officer to sign the Contract and affix the Town's Common Seal (if required).

Cr MacFarlane left the meeting at 9:18pm.

Cr MacFarlane returned to the meeting at 9:19pm.

Cr Harben left the meeting at 9:21pm.

Cr Harben returned to the meeting at 9:23pm.

**COUNCILLOR MOTION****Moved Cr Tucak****No Seconder, Lapsed****THAT Council:**

1. **APPROVES** awarding the tender for Street Sweeping and Drainage Maintenance services for a period of three years to ENVIROSWEEP; and
2. **CONFIRMS** that the appointment of the contractor **ONLY** sets aside the requirement for quotes to be obtained and considered from parties other than the successful contractor. All other requirements must still be met, including the need to obtain a written quote from the contractor where the purchasing thresholds so require, prior to work commencing. This Tender arrangement cannot be used to set aside the requirement for tenders to be called under this Policy or any Act or Regulation. Further this Tender arrangement cannot be taken to be Council's authorisation for purchasing under emergency provisions or any other provision/delegation that would allow for purchases to be made without a budget allocation that has been appropriately approved by Council.
3. **AUTHORISES** the Mayor and/or Chief Executive Officer to sign the Contract and affix the Town's Common Seal (if required).

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION****Moved Cr Sadler****Seconded Cr Barrett****THAT Council:**

1. **APPROVES** awarding the tender for Street Sweeping and Drainage Maintenance services for a period of three years to ENVIROSWEEP; and
2. **AUTHORISES** the Mayor and/or Chief Executive Officer to sign the Contract and affix the Town's Common Seal (if required).

**Carried 8/1**

**13.1.2 CEO PROBATION**

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (a) as it contains information relating to a matter affecting an employee or employees.

Mr Scott declared a FINANCIAL INTEREST in item 13.1.2 by virtue "It involves my contract of employment."

*All staff, with the exception of the Governance Coordinator, left the meeting at 9:25pm.*

<b>File Ref:</b>	<b>SUB/2792</b>
<b>Attachments:</b>	<b>13.1.2(a) CEO Probation Review Summary Report [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Matthew Scott, Chief Executive Officer</b>
<b>Author:</b>	<b>Matthew Scott, Chief Executive Officer</b>
<b>Author Disclosure of Interest:</b>	<b>Financial Interest as this relates to the CEO's Contract of Employment and remuneration package</b>

**OFFICER RECOMMENDATION**

**Moved Cr Young**                      **Seconded Cr Masarei**

THAT Council RECEIVES and RESOLVES the recommendations contained within the attached confidential CEO Probationary Review Report.

**COUNCILLOR AMENDMENT**

**Moved Cr Tucak**                      **No Secunder, Lapsed**

After the word report, adds the words 'and notes this results in an effective increase to the CEO's remuneration package of approximately 1%'.

**SUSPENSION OF STANDING ORDERS**

**Moved Mayor Angers**              **Seconded Cr Harben**

**That Standing orders be suspended for five minutes.**

**Carried 9/0**

Standing Orders were suspended at 9:30pm.

**RESUMPTION OF STANDING ORDERS**

**Moved Mayor Angers**              **Seconded Cr Sadler**

**That standing orders be resumed.**

**Carried 9/0**

Standing Orders were resumed at 9:35pm.

**COUNCILLOR AMENDMENT**

Moved Cr Barrett

Seconded Cr Young

That Council NOTES that due to an underestimation of the value of the CEO's motor vehicle within the CEO's contract the value of his total remuneration package is slightly higher than was provided in the contract.

Carried 9/0

**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

Moved Cr Young

Seconded Cr Barrett

THAT Council:

1. RECEIVES and RESOLVES the recommendations contained within the attached confidential CEO Probationary Review Report.
2. NOTES that due to an underestimation of the value of the CEO's motor vehicle within the CEO's contract the value of his total remuneration package is slightly higher than was provided in the contract.

Carried 9/0

**COUNCILLOR RATIONALE:**

Council amended the recommendation due to an error in the original contract value.

**MOTION FOR RETURN FROM BEHIND CLOSED DOORS**

Moved Mayor Angers

Seconded Cr Sadler

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

Carried 9/0

*Members of the media returned to the meeting at 9:39pm.*

**13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC****13.1.1 T07 - STREET SWEEPING AND DRAINAGE MAINTENANCE - TENDER RECOMMENDATION**

The resolution for item 13.1.1 was not read aloud as the CEO responded directly to media questions.

**13.1.2 CEO PROBATION**

The resolution for item 13.1.1 was not read aloud as the CEO responded directly to media questions.

**14 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 9:39pm.