



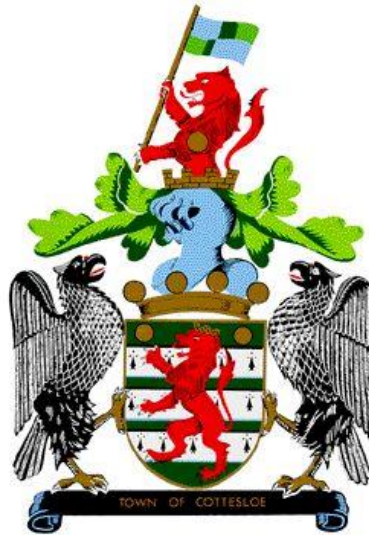
Town of Cottesloe

I hereby certify that the minutes of the Council meeting held on
Tuesday, 19 September 2023
were confirmed as a true and accurate record by Council resolution.

Signed: *Kimberly J*
Presiding Member

Date: 25/10/23

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING CONFIRMED MINUTES

ORDINARY COUNCIL MEETING
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6:00 pm Tuesday, 19 September 2023

WILLIAM MATTHEW SCOTT
Chief Executive Officer

29 September 2023

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Agenda and minutes are available on the Town's website www.cottesloe.wa.gov.au

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

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

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.

As this was the last Ordinary Council meeting for some Councillors, the Presiding Member took the opportunity to thank Cr Barrett, MacFarlane and Masarei for their genuine service for the last 4 years and also thanked Cr Atkins for the past 9 months of hard work. These Councillors are not renominating and the Presiding Member wanted to acknowledge that they had put their hearts and souls into representing our community.

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

Mr Stephen Mellor – 8 Graham Court Cottesloe

Q4 Having read in the press concerns about the renewal of the Seaview Golf Course and Clubhouse lease, can you please give a brief status report on renewal negotiations, even though the renewal date is three years away? This needs to be expedited for the Club to invest in building upgrades.

R4. With the lease coming up for renewal in July 2025, the Town's Administration has been engaged in discussions with the Club about exploring options for redevelopment of the Clubhouse in such a way that the needs of the Club are met, while also potentially delivering a better outcome for the Cottesloe community.

There may be options for the redevelopment of the Clubhouse that will deliver better amenity and a better financial outcome for the broader community. A collaborative approach between the Club and the Town in exploring redevelopment options is likely to better serve the interests of all parties. In all discussions with the Club's management the focus has been on looking for a "win-win" outcome, to deliver for all parties.

Council has not as yet formalised its position on the lease discussions. The Town's Administration will bring a report to Council in the

September Council meeting, so that Council can determine how the matter should proceed going forward.

Q5 Is the Council committed in principle to golf remaining on the current reserve land and renewing the Seaview Golf course and Clubhouse lease?

R5. See response R4.

Q6: The lease of the Harvey Field Rugby Clubhouse expires 31 December 2024. Can you please give a brief status report on any renewal negotiations?

R6. There have been preliminary discussions with the Rugby Club, which have indicated they would like the lease renewed.

Q7 At the December 2021 OCM In answer to questions I was informed about the future lease for the New Anderson Pavilion.

Quote:

it is anticipated a Lease arrangement will be put in place following the upgrade of the Pavilion.

Has this been advanced by the Administration?

R7 Given that operational costs and demand from other external users are not known at this stage, it is proposed to retain the existing informal arrangement with the Clubs, to ensure flexibility of use of the new pavilion for at least the first 12 months.

Q8 If so, with whom or which potential leaseholders are being considered?

R8 See response to Q6.

Q9 Will any of the sports clubs or codes be charged any fees for using the pavilion?

R9 There were no fees associated with the use of the old pavilion, and no fees have been set in the 2023/24 schedule of fees and charges for Anderson Pavilion.

Q10 Have or will any of the sports clubs or codes be asked for building and infrastructure contributions?

R10 Council has approved the construction of the Pavilion to be financed from a CSRFF grant (\$400k) and the Town's Property Reserve (\$1,285k). Conversations continue with the Clubs regarding contributing towards the project.

Q11 Has the Town been successful in obtaining any additional building funding for the Pavilion?

R11. The funding arrangement for the Pavilion remains unchanged.

Q12 Will the Pavilion public toilet facilities be available at non sporting times?

R12 That will be a decision for Council once construction is complete.

4.2 PUBLIC QUESTIONS

Sue Freeth – 1 Florence Street Cottesloe

Item 10.1.8 - Natural Areas Management Plan

Q1: Does the amended financial information on p48 relate to the proposed expenditure of John Black Park or the vegetation of dunes.

R1: The financial information has been amended to align with what Council had approved previously. It is equivalent to 3 years of \$80,000 per annum for soft landscaping and a \$100,000 for hard landscaping that covers footpaths, lookout and drink fountains.

5 PUBLIC STATEMENT TIME

Sue Freeth – 1 Florence Street, Cottesloe

Ms Freeth spoke on behalf of Cottesloe Coast Care regarding the Natural Areas Management Plan and why it is important to protect our natural areas in the future.

Jean Perkins – 8 Rockett, Lane Cottesloe

Ms Perkins thanked Councillors for their very hard work to create Cottesloe Skate Park and other amenities in the suburb of Cottesloe.

Natalie Kendal and Luke Watson – 33 Lyons Street Cottesloe

Mr Watson spoke of Verge Play and how he has now moved the entrance/exit of his trampoline and stated is the only trampoline that is on the verge and enclosed.

Ms Kendal spoke of her support for Verge Play as it delivers so many benefits to children including being active and connected to the community.

Ollie and Will Freeman – 11 Elizabeth Street Cottesloe

Mr Ollie and Mr Will Freeman spoke of Verge Play and the use of their trampoline that is used by both themselves and others in the community.

Sam Freeman – 11 Elizabeth Street Cottesloe

Mr Freeman spoke of Verge Play and urging the Councillors to consider the trampoline at his property to remain.

Colonel Steve Joske – 38 Glyde Street Mosman Park

Colonel Joske spoke of the Seaview Golf Club Lease, the term of and the need to have the Lease signed.

Stephen Browne – 7 Andrews Place Cottesloe

Mr Browne spoke of the Seaview Golf Club Lease and the Redevelopment Clause.

James Green – 52 John Street Cottesloe

Mr Green spoke of the Seaview Golf Club Lease renewal and his support of Colonel Joske and Mr Browne statements.

6 ATTENDANCE

Elected Members

Deputy Mayor Helen Sadler	Presiding Member
Cr Melissa Harkins	
Cr Kirsty Barrett	
Cr Paul MacFarlane	
Cr Brad Wylenko	
Cr Richard Atkins	

Officers

Mr William Matthew Scott	Chief Executive Officer
Mr Shane Collie	Director Corporate and Community Services
Mr Steve Cleaver	Director Development and Regulatory Services
Mr Shaun Kan	Director Engineering Services
Mr Ed Drewett	Coordinator Statutory Planning
Ms Jacquelyne Pilkington	Governance & Executive Office Coordinator

6.1 APOLOGIES

Nil

Officers Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Mayor Lorraine Young
Cr Craig Masarei
Cr Chilla Bulbeck

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

OCM183/2023

Moved Cr Harkins

Seconded Cr MacFarlane

That Cr Atkins be granted a leave of absence from 3 October to 26 October 2023

Carried 6/0

OCM184/2023

Moved Cr Harkins

Seconded Cr Sadler

That Cr MacFarlane be granted a leave of absence from 12 October – 26 October 2023.

Carried 6/0

7 DECLARATION OF INTERESTS

Deputy Mayor Sadler declared an IMPARTIALITY INTEREST in item 10.1.10 by virtue “as some of the residents are known to me”.

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.10 by virtue “as some of the residents are known to me”

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue “as some of the people involved are known to me”

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.11 by virtue “as some of the residents are known to me”.

Cr Wylenko declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue “as the Principal of the Applicant, Element Advisory is known to me”

Cr Atkins declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue “as the Principal of the Applicant, Element Advisory is known to me”.

Cr Atkins declared an IMPARTIALITY INTEREST in item 10.1.12 by virtue “as I am a member of the golf club”.

Cr Harkins declared an IMPARTIALITY INTEREST in item 10.1.10 by virtue “as some of the residents are known to me.”

8 CONFIRMATION OF MINUTES

OCM185/2023

Moved Cr Wylenko

Seconded Cr MacFarlane

That the Minutes of the Ordinary Meeting of Council held on Tuesday 22 August

2023 be confirmed as a true and accurate record.

Carried 6/0

For: Crs Sadler, Harkins, Barrett, MacFarlane, Wylynko and Atkins

Against: Nil

OCM186/2023

Moved Cr Wylynko

Seconded Cr MacFarlane

That the Minutes of the Special Meeting of Council held on Thursday 24 August 2023 be confirmed as a true and accurate record.

Carried 6/0

For: Crs Sadler, Harkins, Barrett, MacFarlane, Wylynko and Atkins

Against: Nil

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.*

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Element Advisory – Item 10.1.7 - Lot 122 (66) Marine Parade; Lot 121 (2 Salvado Street); Lot 1 (7) Rosendo Street and Lots 2 and 3 (4B and 4C) Salvado Street, Cottesloe - New Two Storey Dwelling, Additions and Alterations to Existing Heritage Building 'Le Fanu' and Associated Boundary Re-Alignments

Lateral Planning – Item 10.1.11 - Right of Way 2 (ROW2) Partial Closure Request

10 REPORTS

10.1 REPORTS OF OFFICERS

OCM187/2023

Moved Cr Sadler

Seconded Cr MacFarlane

COUNCIL RESOLUTION

That Council adopts en-bloc the following Officer Recommendations contained in the Agenda for the Ordinary Council Meeting 19 September 2023:

- | Item # | Report Title |
|----------------|--|
| 10.1.1 | Public Transport Authority License To Occupy Renewals 1735 and 6560 |
| 10.1.3 | Seaview Kindergarten Lease Extension |
| 10.1.5 | Monthly Financial Statements For the Period 1 July 2023 to 31 July 2023 |
| 10.1.6 | Event Application Electric Island 5-6 April 2024 |
| 10.1.8 | Natural Areas Management Plan |
| 10.1.9 | Skate Park Project |
| 10.1.11 | Right of Way 2 (ROW2) Partial Closure Request |

Carried 6/0

For: Crs Sadler, Harkins, Barrett, MacFarlane, Wylynko and Atkins

Against: Nil

The Presiding Member advised that Council would deal with item 10.1.10, then followed by item 10.1.7 and 10.1.12, then return to the order as listed in the Agenda.

CORPORATE AND COMMUNITY SERVICES**10.1.1 PUBLIC TRANSPORT AUTHORITY LICENSE TO OCCUPY RENEWALS 1735 AND 6560**

Directorate: Corporate and Community Services
Author(s): Shane Collie, Director Corporate and Community Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D23/32157
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

Renewal notices for two License to Occupy documents 1735 and 6560 have been received from Burgess Rawson, agents acting on behalf of the Public Transport Authority (PTA). These License to Occupy documents relate to land utilised by the Town of Cottesloe for parking and beautification respectively. Given the purposes and use of the land have not changed it is recommended that the Licence to Occupy documents be renewed under the same terms and conditions as present.

OFFICER RECOMMENDATION IN BRIEF

That Council renew Licence to Occupy documents 1735 and 6560 with the PTA for a further 10 years.

BACKGROUND

License to Occupy documents 1735 and 6560 have been held by the town of Cottesloe for at least the last 10 years.

License 1735 is the parking area either side of the Jarrad Street railway crossing and is a busy carpark, particularly the northern section which fronts commercial premises and leads to the busy Boatshed shopping area. This License expires on 30 September 2023 and a plan of the area is attached. An annual license fee is paid to the PTA (through their agent Burgess Rawson) of \$30,000 excluding GST. This has risen in accordance with the terms and conditions of the Lease from \$18,360 when it was instigated 10 years ago.

License 6560 is a triangular parcel of land just to the north of the Cottesloe Railway Station adjoining Curtin Avenue. The area has had significant planting and landscaping undertaken over recent years in conjunction with Main Roads WA when the Principal Shared Path program was undertaken. This License expires on 31 March 2024 and a plan of the area is attached. There is no License fee applicable for this parcel of land.

OFFICER COMMENT

License 1735 (Carpark) has timed parking restrictions and Council receives parking fine revenue from the site. The Town's new Parking and Parking Facilities Local Law 2023 has also increased the penalty for overstay in this carpark from \$50 to \$100 which would likely increase the fine revenue generated from the site, which was \$45,000 in 2022/2023.

The maintenance requirements of this carpark are minimal and the PTA, through their agent Burgess Rawson, have conformed that they are not seeking any increase in the License fee payable, after negotiations were undertaken. It is however pointed out that subsequent to this matter being actioned another section of Burgess Rawson has written to Council seeking an increased rental of \$46,912 per annum. The first offer of an unchanged rental amount of \$30,000 per annum is clearly more acceptable and is the one that Council will respond to.

License 6560 (Landscaping and Beautification) is an area that the Town has contributed beautification works and it would want to see these work continue. Given there is no License fee for this parcel of land and that maintenance is minimal with the plantings being native and established it is recommended that Council retain control by way of the PTA License to Occupy.

ATTACHMENTS

- 10.1.1(a) Extract from current PTA Lease 1735 [under separate cover]**
- 10.1.1(b) 10 year Licence renewal to Occupy documents 1735 and 6560 from the Public Transport Authority of Western Australia [under separate cover]**

CONSULTATION

Public Transport Authority via agent Burgess Rawson
Works and Services Staff

STATUTORY IMPLICATIONS

The License to Occupy documents are formal legal instruments.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 5: Providing sustainable infrastructure and community amenities

Major Strategy 5.4: Maximise income from non-rates sources.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

Lease 6560 is designated for "Landscaping and Beautification". The Town has undertaken various native planting works in this area over recent years. There has been a strong push to have this area beautified and Council has an active interest that the land remains under Town control to continue this initiative.

Lease 1735 is designated for the purposes of “Parking and Drainage Sump” and does not have the environmental considerations of Lease 6560.

VOTING REQUIREMENT

Simple Majority

OCM188/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr MacFarlane

THAT Council:

- 1. Renew Licence to Occupy documents 1735 and 6560 with the PTA for a further 10 years commencing from the current dates of expiry being 30 September 2023 and 31 March 2024.**
- 2. Accept the offer from PTA through their agents Burgess Rawson that the rent for License to Occupy 1735 remain unchanged at \$30,000 per annum excluding GST.**
- 3. Advise PTA through their agent Burgess Rawson of this decision.**

Carried by En Bloc Resolution 6/0

10.1.3 SEAVIEW KINDERGARTEN LEASE EXTENSION

Directorate: Corporate and Community Services
Author(s): Shane Collie, Director Corporate and Community Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D23/32977
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

The Seaview Kindergarten Incorporated are seeking to extend their Lease over the Kindergarten premises in Broome Street by invoking the additional 10 year option clause as contained in their current Lease.

OFFICER RECOMMENDATION IN BRIEF

That Council approve of the invoking of the further term of 10 years for the lease of the Seaview Kindergarten to Seaview Kindergarten Incorporated.

BACKGROUND

The current Seaview Kindergarten Lease expired on 31 December 2022 and has been held over since that time in accordance with Clause 27 of the current Lease. The Kindergarten have indicated they would like to invoke clause 26.1 of the current lease which is a further 10 year term option.

OFFICER COMMENT

There are no unresolved issues with the Seaview Kindergarten and the Town has had a good relationship over a long period of time. The Kindergarten offers a key community service and the Town has been pleased to support its operations.

The Town assists with maintenance and upgrade works at the centre on a case by case basis and has also been in receipt of and supporting of community grants for the premises.

It is recommended that the Lease extension be approved.

ATTACHMENTS

10.1.3(a) Extract - Seaview Kindergarten Lease [under separate cover]

CONSULTATION

Seaview Kindergarten.

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 3.58 deals with disposal of premises including leasing. Community groups and sporting clubs have an applicable exemption to the normal disposal process.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OCM189/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr MacFarlane

THAT Council approve of the invoking of the further term of 10 years for the lease of the Seaview Kindergarten to the Seaview Kindergarten Incorporated.

Carried by En Bloc Resolution 6/0

10.1.5 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2023 TO 31 JULY 2023

Directorate: Corporate and Community Services
Author(s): Wayne Richards, Acting Finance Manager
Authoriser(s): Shane Collie, Director Corporate and Community Services
File Reference: D23/33926
Applicant(s): Nil
Author Disclosure of Interest: Nil

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 to ensure that income and expenditure are compared to budget forecasts.

OFFICER RECOMMENDATION IN BRIEF

That Council receives the Monthly Financial Statements for the period 1 July 2023 to 31 July 2023.

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.

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 31 July 2023 was \$1,539,173 as compared to \$12,797,847 this time last year. This large variance is due to the timing of rates being levied, the rates were levied in August in 2023-24 as compared to July in 2022-23.
 - Operating revenue is more than the year to date budget by \$20,380 with a more detailed explanation of material variances provided at note 2, explanation of material variances, of the attached financial statements. Operating expenditure is \$388,168 less
-

than year to date budget, with a more detailed analysis of material variances provided at note 2, explanation of material variances, of the attached financial statements.

- The Capital Works Program is shown in note 13, details of capital acquisitions, of the attached financial statements.
- The balance of cash backed reserves was \$8,283,427 as at 31 July 2023 as shown in note 7, cash backed reserves, of the attached financial statements.

List of Accounts Paid for July 2023

The list of accounts paid during July 2023 is shown on note 14, list of accounts, of the attached financial statements.

The following material payments are brought to Council's attention:

- \$68,544.25 to Classic Contractors Pty Ltd relating to construction works at Anderson Pavilion
- \$74,446.77 to Roads 2000 Pty Ltd for road resurfacing works
- \$80,794.17 to Solo Resource Recovery for waste collection services
- \$40,265.78 & \$64,952.20 for staff superannuation contributions
- \$41,577.00, \$74,242.82 & \$76,806.00 to the Australian Taxation Office for payroll tax contributions
- \$32,819.01 to Electricity Generation and Retail for electricity supply
- \$151,041.00 to the Shire of Peppermint Grove for contributions towards the Grove Library service
- \$156,628.23 to Local Government Insurance Services for insurance premiums
- \$48,648.65 to D B Cunningham Pty Ltd T/As Advantesting Civil Engineering
- \$195,337.73 to Western Metropolitan Regional Council for waste management services
- \$136,251.96 & \$198,850.73 to Town of Cottesloe Staff for fortnightly payroll

Investments and Loans

Cash and investments are shown in note 4, cash and investments, of the attached financial statements. The Town has approximately 35% of funds invested with the National Australia Bank, 35% with the Commonwealth Bank of Australia and 30% with Westpac Banking Corporation.

Information on borrowings is shown in note 10, information on borrowings, of the attached financial statements. The Town had total principal outstanding of \$2,460,557 as at 31 July 2023.

Rates, Sundry Debtors and Other Receivables

Rates outstanding are shown on note 6, receivables, and shows a balance of \$152,088 outstanding as compared to \$12,007,297 this time last year. This is due to the earlier issuing of rates in 2022/23 as compared to 2023/24.

Sundry debtors are shown on note 6, receivables, of the attached financial statements. The sundry debtors report shows that 8% or \$21,515 is older than 90 days. Infringement debtors are shown on note 6, receivables, and shows a balance of \$440,697 as at 31 July 2023.

ATTACHMENTS

10.1.5(a) Monthly Financial Report 1 July 2023 to 31 July 2023 [under separate cover]

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OCM190/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr MacFarlane

THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2023 to 31 July 2023 as submitted to the 19 September 2023 meeting of Council

Carried by En Bloc Resolution 6/0

10.1.6 EVENT APPLICATION ELECTRIC ISLAND 5-6 APRIL 2024

Directorate: Development and Regulatory Services
Author(s): Steve Cleaver, Director Development and Regulatory Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
Steve Cleaver, Director Development and Regulatory Services
File Reference: D23/32563
Applicant(s): T1000 Events
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider approving the use of Cottesloe Beach for the Electric Island Event taking place on Saturday 5 April 2024 3.00 pm to 10.00 pm and Sunday 6 April 2024 from 3.00pm until 8.00pm

OFFICER RECOMMENDATION IN BRIEF

It is recommended that Council approve the use of Cottesloe Beach for the Electric Island Event taking place on Saturday 5 April 2024 3.00 pm to 10.00 pm and Sunday 6 April 2024 from 3.00pm until 8.00pm, subject to the event complying with relevant statutory requirements including the requirement to submit comprehensive event, risk, noise, medical, security, traffic, parking and disability access and inclusion plans.

BACKGROUND

T1000 Events was approved by Council for an Electric Island event on Cottesloe Beach on 2 April 2023.

A further application has since been received from T1000 Events to hold the Electric Island Event at Cottesloe Beach on Saturday 5 April 2024 3.00 pm to 10.00 pm and Sunday 6 April 2024 from 3.00pm until 8.00pm. The event will consist of one stage with will feature a number of high calibre, international Acts including Armand Van Helden (American), Jamie Jones (Welsh), Sasha (Welsh), Groove Armada (English) Roger Sanchez (American). The proposed timeframe will allow patrons to visit local businesses both before and after the event bringing economic stimulus to the area.

The genre of music is considered house music and attracts an older age demographic of 35+ years old. Other infrastructure includes a bar providing both alcoholic and non-alcoholic drinks, and food vans providing a variety of food to patrons.

The event has successfully been held in four other states across Australia including New Zealand (refer to attachments where letters of support have been provided from the Botanic Gardens in Sydney).

A pre-event meeting was held with the applicant where issues from events previously held at this location were discussed. As a result, the following additional measures will be implemented to reduce impact to surrounding residents, businesses and potential damage to the beach and grassed areas:

- Minimal infrastructure;
- Staged bump in;
- Reduced timeframe for bump in;
- Beach will be accessible at all times;
- Shuttle buses in place both pre and post event;
- Additional security in place to patrol areas external to the event;
- Clean up to include outside event area; and
- Clean up crew to commence clean up of beach (sand) immediately after the event.

OFFICER COMMENT

In addition to the above, the applicant will be required to provide comprehensive event, risk, noise, medical, security, traffic, parking and disability access and inclusion plans.

The applicant shall also provide shuttle buses from the train station to the event for patrons to utilise both pre and post event and ensure, in conjunction with the Cottesloe Surf Club, that suitable measures are implemented to enable the Club's member's access to its facilities for the week leading up to the event and event day.

BUMP IN

The bump-in will be a staged approach to ensure the public have access to the grassed area and beach for as long as safely possible. Bump in will commence on Wednesday 3 April 2024, noting that Sculptures will have completed bump out by this date. There is minimal infrastructure associated with the event, which allows for a staged bump in and minimal impact to grassed areas. The proposed capacity for the event is 8,000 patrons, with expected numbers to be between 7,000 – 7,500 patrons.

RISK MANAGEMENT

A draft risk management plan (RMP) has been submitted which complies with the requirements of ISO 31,000. The RMP is currently being reviewed.

SECURITY

Event organisers have engaged a reputable security company for the event. Security will be on site prior to, during and post event. They will also conduct regular patrols of the surrounding areas and identify problem areas. Police will also be deployed to the event (at least 10 officers) known as 'user pay' as per the requirements of the *Police Amendment Act 2011*.

FIRST AID

First aid will be on site for the duration of the event and will be located in a marquee clearly visible to patrons. Clear access will be maintained at all times for emergency vehicles.

NOISE

The applicant has submitted an application for a regulation 18 noise approval, as per the requirements of the *Environmental Protection (Noise) Regulations 1997*. The approval will include conditions relating to:-

- Noise level limits;
- Strict start and finish times;
- The requirement for affected residents and businesses to be notified of the event at least seven days prior to the event;
- A dedicated complaints line for the event (to be answered in person at all times); and
- Noise level limits to be monitored by an independent acoustic consultant.

STAKEHOLDER CONSULTATION

The event organisers will be required to liaise with -

- The Surf Club
- The Golf Club (potentially using this space for bus turn around and VIP)
- Indigo Oscar
- Approval from Fiveight's to use the grassed area (if used)
- Surrounding Businesses

COMPLIANCE

The applicant is required to obtain approval from WA Police and Racing, Gaming and Liquor. An event approval will be issued with relevant conditions imposed as per the requirements of:-

- *Public Health Act 2016*
- *The Health (Public Buildings) Regulations 1992*;
- *Food Act 2008*; and
- *Environmental Protection (Noise) Regulations 1997*.

Further, Environmental Health Officers will be on site for the duration of the event to ensure compliance with set conditions.

Public Liability insurance with a cover of \$20 million dollars has been provided.

ATTACHMENTS

- 10.1.6(a) Application Electric Island 5-6 April 2024 [under separate cover]**
- 10.1.6(b) Electric Island Site Plan 2024 [under separate cover]**

CONSULTATION

Surrounding businesses

The Surf Club

The Golf Club
Elected Members

STATUTORY IMPLICATIONS

Local Government Act 1995
Public Health Act 2016
The Health (Public Buildings) Regulations 1992
Food Act 2008
Environmental Protection (Noise) Regulations 1997

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Strategic Community Plan 2013 - 2023*.
Priority Area 1: Protecting and enhancing the wellbeing of residents and visitors
Major Strategy 1.3: Identify places to host more cultural events and activities.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.
Environmental Health Officers will be on site for the duration of the event to monitor compliance with event conditions, including noise level limits and potential noise complaints.
The total revenue through associated event fees is approximately \$33,250 plus a \$10,000 bond.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation.
The applicant is aware that single use plastics and balloons are prohibited.

VOTING REQUIREMENT

Simple Majority

OCM191/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr MacFarlane

THAT Council APPROVES the use of Cottesloe Beach for the Electric Island Event to be held

on Saturday 5 April 2024 3.00 pm to 10.00 pm and Sunday 6 April 2024 from 3.00pm until 8.00pm subject to:

- 1. Compliance with relevant statutory requirements being met including the provision of comprehensive event, risk, noise, medical, security, traffic, parking and disability access and inclusion plans; and**
- 2. Access to the beach including disabled access, to be maintained at all times.**

Carried by En Bloc Resolution 6/0

10.1.8 NATURAL AREAS MANAGEMENT PLAN

Directorate: Engineering Services
Author(s): Adeline Morrissey, Coordinator Environmental Projects
Authoriser(s): Shaun Kan, Director Engineering Services
File Reference: D23/22539
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider noting the attached Natural Areas Management Plan (NAMP) for the purpose of public consultation and Cottesloe Coastcare's prioritisation of recommendations.

OFFICER RECOMMENDATION IN BRIEF

That Council notes the attached NAMP for the purpose of public consultation.

BACKGROUND

There is a total of 18.8 ha of natural areas within Cottesloe.

The Natural Areas Alliance (NAA) incorporating the Town of Cottesloe, Perth Natural Resource Management (Perth NRM) and Cottesloe Coastcare is a partnership of organisations who share the approach towards the preservation of the coastal dune system and protection from impacts of climate change. The Natural Areas Management Plan (NAMP) is the overarching document that guides the annual dune restoration works and informs any Asset and Long Term Financial Plan.

Ecoscape first created the NAMP in 2008 for coastal dune preservation and the baseline condition of vegetation along the coastline was established in its 2015 version by Syrinx. Vegetation condition assessments were carried out again in 2022 by Syrinx to provide the next five year program for the restoration works with a further five year forecast to ensure a long term vision continues to form part of the plan.

At the July 2023 Ordinary Council Meeting, Council resolved as follows on the Green Infrastructure Management Strategy:

OCM154/2023***SUBSTANTIVE MOTION***

Moved Mayor Young Seconded Cr Sadler

- 1. THAT Council NOTES the attached Green Infrastructure Strategy for the purpose of public consultation and that this will be advertised for a period of two weeks and;***
 - 2. Prior to releasing the Green Infrastructure Strategy for public consultation AMENDS Objective 1, success indicator 1 '30% canopy cover by 2050. Net increase of canopy cover of 2% compared to each previous imaging cycle (imaging cycle to be completed every 3 to 5 years)***
-

To

30% canopy cover by 2040 in line with WALGA’s Urban Forest Advocacy position. Net increase of canopy cover of 1% per annum, averaged as measured by an imaging cycle completed every 3-5 years.

3. THAT Council NOTES the attached Green Infrastructure Strategy for the purpose of public consultation and requests the Administration to defer undertaking public consultation of the Green Infrastructure Strategy until Council has considered the Natural Areas Management Plan and the Street Tree Masterplan and so that these plans can then be advertised together for a period of two weeks.

Carried 6/0

For: Mayor Young, Crs Sadler, Harkins, Bulbeck, Wylynko and Atkins

Against: Nil

Given the resolution, Council is asked to note the attached NAMP for the purpose of public consultation.

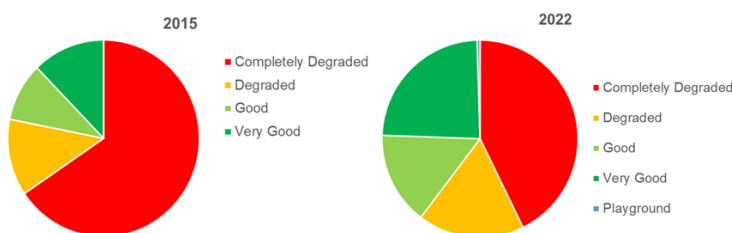
OFFICER COMMENT

The report can be summarised as follows:

Strategic Overview

The 2022 survey has concluded that there was a 22% (4.2 ha) improvement to the overall natural area condition since the last assessment in 2015. Key points within the attached NAMP is summarised as follows:

- Majority of individual sites show between 10 – 50% condition improvements as shown within the NAMP’s overview Figure 5 below; and



Year	Completely Degraded (ha)	Degraded (ha)	Good (ha)	Very Good (ha)	Total (ha)
2015	12.3	2.4	1.8	2.3	18.8
2022	8.1	3.4	2.8	4.5	18.8
Reduction or increase in condition between 2015 and 2022					
(ha)	-4.2	1.0	1.0	2.2	
%	-23%	5%	6%	12%	

- Priority weed cover has been reduced, however the distribution remains the same and some additional weed species were recorded at Victoria Station PSP revegetation areas.

Appendix 3 (page 35 to 53) provides a series of maps that show the natural area vegetation condition in 2015 and 2022.

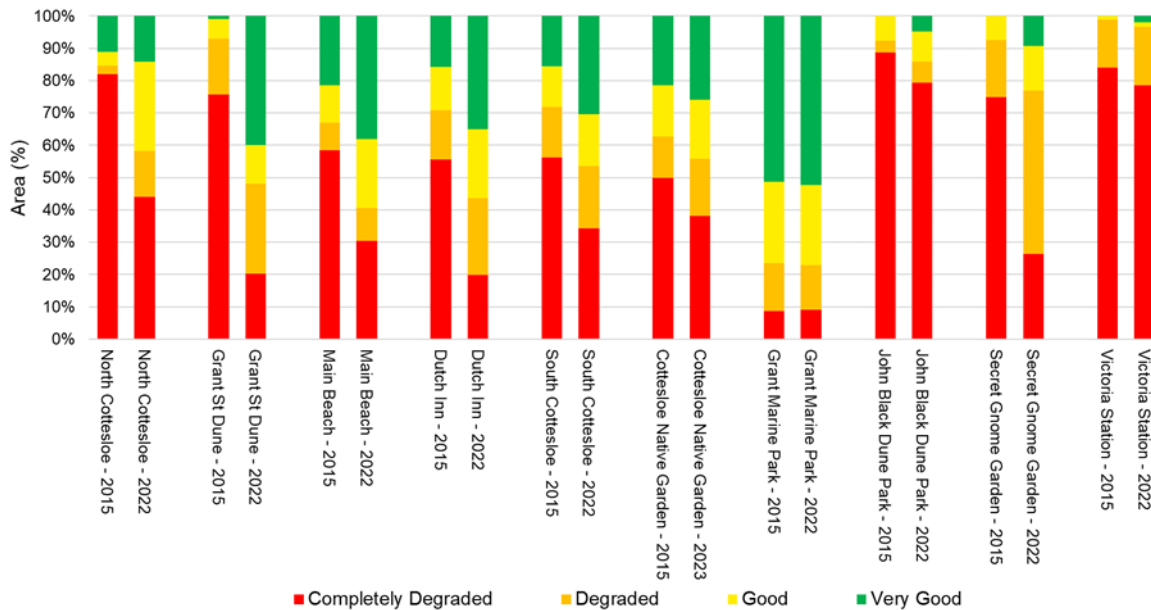
Appendix 4 (page 54 to 60) provides an aerial overview of the natural area in 2015 and 2022.

Information in both these attachments is of significance as the documents establishes achievements from Council's investment in its natural area over the past 7 years. For context and clarity, the image below defines the Town's southern boundary, ending approximately at Vlamingh and the Cable Station.



Summary of Individual Sites

Figure 4 below within the attached report provides an improvements summary at the different dune sites. It is anticipated that the Victoria Street Station location will improve over the next period with the continued implementation of the Perth to Fremantle Principal Shared Path Greening Plan. The same result is expected for John Black Dune Park with the roll out of Council's adopted Landscaping plan that was approved in conjunction with the Skate Park Project.



2015 to 2022 Key Performance Criterion

The report Table 2 summarising the outcomes of the 2015 key performance indicators provides a qualitative analysis of each key result area. It can be said that all objectives have been achieved and there are opportunities that can be considered to ensure the continued restoration of dunes to mitigate against the effects of climate change.

Vision for the next 10 years

The NAMP has provided 17 recommendations for Council to consider as part of its future dune preservation program and this has been rationalised by Cottesloe Coastcare. When approved, this will be used to inform the future Asset Management, Workforce Plan and Long Term Financial Plan.

Cottesloe Coastcare’s priorities have been broken down into 3 main categories and summarised in the table below:

- (a) highest importance/ priority;
- (b) secondary issues; and
- (c) operational issues.

ATTACHMENTS

10.1.8(a) 22033_Natural Areas Assessment Summary Report 2022_V3_FINAL-3.1-JBDP table update [under separate cover]

10.1.8(b) NAMP - COTTESLOE COASTCARE - PRIORITISATION OF REPORT RECOMMENDATIONS [under separate cover]

CONSULTATION

Cottesloe Coastcare Association
 Perth Natural Resource Management (NRM)

Syrinx

Cottesloe Coastcare's prioritisation of the 17 recommendations is attached

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 2.7 (2b) – Role of Council is to determine the Local Government's policies.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 3: Enhancing beach access and the foreshore

Major Strategy 3.3: Improve dune conservation outside the central foreshore zone (implement NAMP).

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

The current long term financial plan incorporates \$60,000 for the natural areas budget and a \$20,000 Perth NRM contribution element to support and operating budgets. This will be reviewed after the adoption of the new Strategic Community Plan.

Council is to note that since the Agenda Forum, the financial information within the NAMP have been amended to reflect:

- \$240,000 in soft landscaping; and
- \$100,000 in hard landscaping.

This is as per the resource implications within the April 2022 Ordinary Council Meeting Report when Council was asked to consider the John Black Dune Masterplan then.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The sustainability implications arising from the officer's recommendation will enhance habitat and ecological restoration of the coastal dunes and natural areas within the Town of Cottesloe.

VOTING REQUIREMENT

Simple Majority

OCM192/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr MacFarlane

THAT Council

1. **NOTES** the attached Natural Areas Management Plan – Natural Areas Condition Assessment Summary Report 2022 for the purpose of public consultation; and
2. **NOTES** the attached Cottesloe Coastcare’s prioritization of recommendations within the Natural Areas Management Plan.

Carried by En Bloc Resolution 6/0

10.1.9 SKATE PARK PROJECT

Directorate:	Engineering Services
Author(s):	Shaun Kan, Director Engineering Services
Authoriser(s):	William Matthew Scott, Chief Executive Officer
File Reference:	D23/33708
Applicant(s):	Internal
Author Disclosure of Interest:	Nil

SUMMARY

For Council to consider a revised skate park concept.

OFFICER RECOMMENDATION IN BRIEF

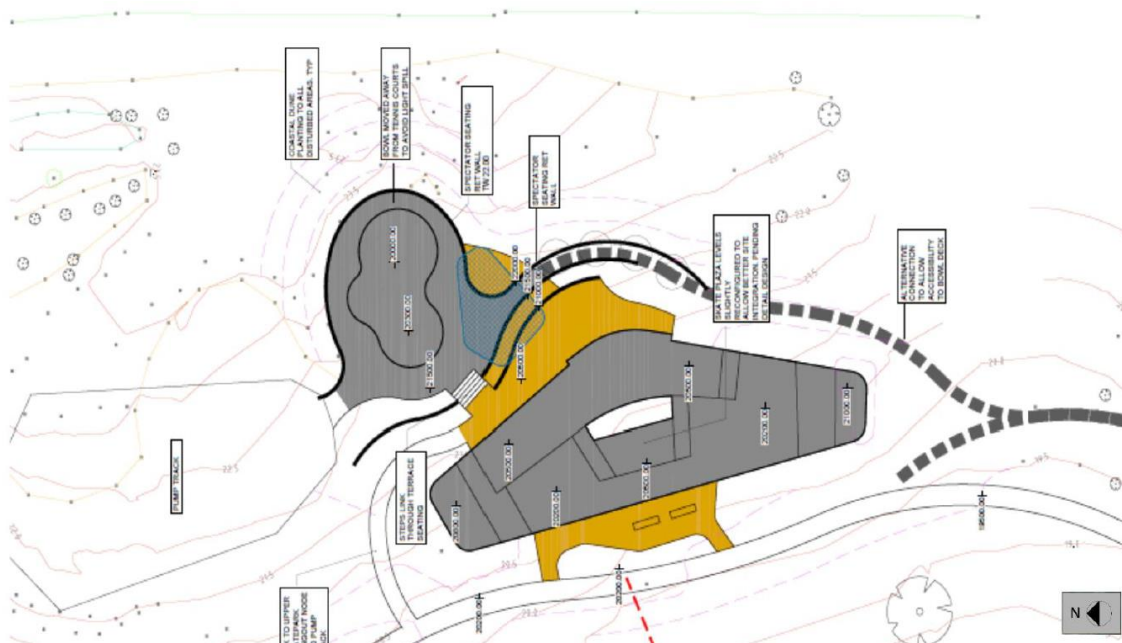
The Council adopts the attached revised skate park concept.

BACKGROUND

Phase 3 was awarded the Skate Park Facility Design and Construct Tender following a Special Council Meeting on 30 May 2023. Geotechnical and feature surveys were then carried out. In July 2023, Council adopted a modified concept (below) that addressed the following matters found from the mentioned site investigations:

- Significant earthworks will be required to build an appropriately interconnected facility
- Possible light spill from the tennis courts that may encourage afterhours use
- Drainage discharge overflow from the tennis courts

Council is to note that dimensions were not known at the July 2023 meeting.



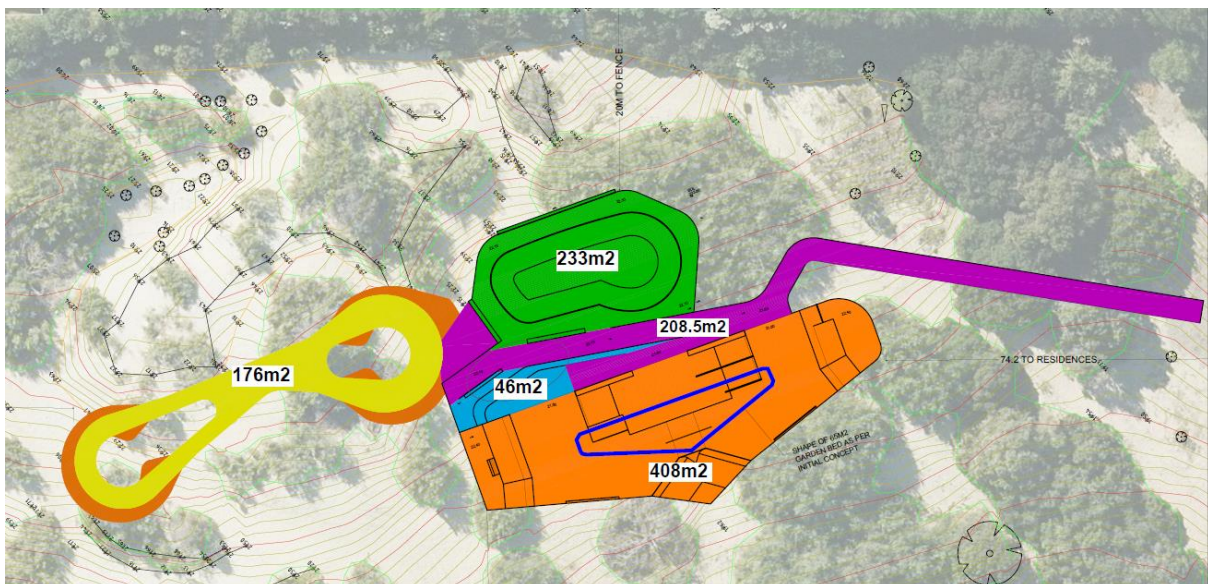
Detail design then commenced and the July 2023 concept then had to be further revised to address pump track safety and skate park usability.

OFFICER COMMENT

The following summarises the revisions:

- Pump track – The multi-loop layout and the position of the ramps combined with terrain features created user safety issues associated with user collision and running off the play surface. The track has been modified to a single loop design to mitigate against these issues; and
- Skate park -
 - (a) Bowl – This has been re-position and modified so as to avoid duplicating the same design as the one located in Mandurah;
 - (b) A hang-out area has been introduced for place-making reasons; and
 - (c) Plaza – The planting areas have been removed to allow the entire area to be connected and utilised.

Attached is the revised concept. The table below provides the area for the various elements.



Element	Tender Concept	Current Concept
Plaza	346	408
Bowl	240	233
Pump Track	195	176
Hang Out Area	0	46
Total (m2)	781	863

These changes are within 10% of the dimensional limits approved by Council. Whilst not recommended for safety reasons, Council can infill the blue triangular area (highlighted in blue) with plantings should it wishes to reduce the area down to 800m2. This alternative approach will remove the collision avoidance run off space. To this end, it can be concluded that the additional 60m2 is needed for user safety.

The separation from properties to the north and south are approximately 60 metres and 74 metres respectively in this revised concept.

The adoption of the revised concept will allow the detail design to progress in conjunction with the lighting and acoustics modelling.

ATTACHMENTS

10.1.9(a) SKATE PARK CONCEPT [under separate cover]

CONSULTATION

Elected members

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 2.7 – Role of Council

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 5: Providing sustainable infrastructure and community amenities

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OCM193/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr MacFarlane

THAT Council ADOPTS the attached revised Concept

Carried by En Bloc Resolution 6/0

10.1.11 RIGHT OF WAY 2 (ROW2) PARTIAL CLOSURE REQUEST

Directorate: Engineering Services
Author(s): Tin Oo May, Project Engineer
Authoriser(s): Shaun Kan, Director Engineering Services
File Reference: D23/33658
Applicant(s): The Owner 170 Little Marine Parade
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider a request from the Owner of 170 Little Marine Parade (Attachment A) for the partial closure of Right of Way 2 (ROW2) and amalgamate this portion of laneway land with the mention property title.

OFFICER RECOMMENDATION IN BRIEF

Council declines the applicant's request.

BACKGROUND

The consultant (Lateral Planning) acting on behalf of the owner of 170 Little Marine Parade (Lot 500) has requested for 14.8m² of Lot 501 (ROW 2) and amalgamated into the Lot 500 land titles through a land acquisition. They have indicated that this will be used as additional open space and a garden. Figure 2 provides an indication of the area being asked.

ROW 2 is Crown Land with Management Orders vested to the Town of Cottesloe where it extends westward from Margaret Street and has a total area of 134m². The cadastral boundary of Lot 500 and 501 is shown in Figure 1 below.



Figure 1: Locality Plan



Figure 2: Proposed 14.8m2 Road Closure

Historically, ROW2 provided a connection between Margaret Street and Little Marine Parade before 2007. The western portion of the ROW abutting Lot 500 was closed and acquired by the owner of 170 Little Marine Parade in 2007. It is unknown what the laneway ownership was at that time. The topography of the ROW 2 is generally flat and contains a gravity sewer.

Council is to note the three abutting properties on southern side; Lot 58 (No.6), Lot 57 (No.8) and Lot 56 (No.10) Grant Street, currently gains property access from the ROW2. Lot 58 currently uses this small section when reversing out of their garage.



Figure 3: Looking east from Little Marine Parade (Left) and west from Margaret Street (Right) towards ROW2



Figure 4: Photos showing difference in level

Given ROW 2 is Crown Land, the State Government is the determining authority pertaining to this request and the partial closure request must comply with the Land Administration Act (1997) Section 58 process. The Town will not be compensated for this 14.8m² portion by virtue that the ROW2 is a Crown Land.

Council is to note that a development application for Lot 500 is currently being advertised to obtain public feedback solely for the development proposal. The plans being consulted on shows the partial closure, conditional on this being approved by the relevant authorities. Council is also to note that the requested 14.8m² closure of the ROW2 is not required for the development to occur as the area is mainly to be used for landscaping and outdoor living area. The proposed building fits the current Lot 500 boundary.

Consultation with the property owner through a telephone conversation suggest that they are not supportive of the proposed partial road closure. An email confirming this is attached.

OFFICER COMMENT

Summary of Request

The applicant has listed the following as reasons for requesting the closure:

- The closure has no impact to Lot 58 access and reversing distance to the west is over 2.5m (Attachment B);
- The proposed road closure could be better utilised for landscaping and functional open space;
- The portion of the ROW intended for closure does not serve any functional purpose within the Town's road network nor have any impact on traffic movements; and

- The partial closure provides 2.6m of separation distance to the existing sewer chamber, which is sufficient for maintenance works.

Council is to note that the area is zone R20 and the amalgamation of the 14.8m² does not make the current 465m² lot sub-dividable. The minimum plot size is 450m² for any subdivision to occur. This requires a total land area of 900m².

Options for Council

Option 1: Should Council decide to support the closure, it will need to follow the provisions within the *Land Administration Act 1997*, Part 5, Division 1, Section 58 - Closing Roads:

1. *Council determines on whether or not to proceed with advertising;*
2. *Local advertising occurs (minimum 35 days);*
3. *Council considers any comments and objections and resolves whether to support the request for closure;*
4. *If resolution is to support request this is then referred to the Minister for Lands via the Department of Planning Lands and Heritage (DPLH)*
5. *The Minister for Lands determines the request and advises the town of the decision.*

In this scenario, it is predicted that the advertising will happen over the month of October 2023 and November 2023 for consideration at the December 2023 Ordinary Council Meeting (OCM). This timeframe complies with the minimum 35 days period of advertisement but Council can determine a different period.

Option 2: The matter does not proceed any further and the applicant is informed that Council has resolved to reject the request.

Recommended Approach

Council is asked to reject the request for the following reasons:

- There would be community benefits for the owner suggested improvements (open space and gardens) to be carried out and remain as public land;
- The owner of Lot 58 may want to make the same purchase; and
- Residents are able to currently enjoy the unimproved use of the public space being proposed for amalgamation with Lot 500.

Notwithstanding the above, it is open for Council to amend the officer's recommendation and proceed with the advertising.

ATTACHMENTS

10.1.11(a) ATTACHMENT A - 170 LITTLE MARINE PARADE - PARTIAL ROAD CLOSURE PROPOSAL

CONSULTATION

Owner's Planning Consultant – 170 Little Marine Parade

STATUTORY IMPLICATIONS***Local Government Act 1995 Section 2.7 – Role of Council******Land Administration Act (1997) Section 58 - Activities on Thoroughfares and Trading in Thoroughfares and Public Places***

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —
 - (a) by order grant the request; or
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
 - (c) refuse the request.
- (5) If the Minister grants a request under subsection (4) —
 - (a) the road concerned is closed on and from the day on which the relevant order is registered; and
 - (b) any rights suspended under section 55(3)(a) cease to be so suspended.
- (6) When a road is closed under this section, the land comprising the former road —
 - (a) becomes unallocated Crown land; or
 - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

Land Administration Regulations (1998) Regulation 9 - Local government request to close road permanently (Act s. 58(2)), requirements for

For the purposes of preparing and delivering under section 58(2) of the Act a request to the Minister to close a road permanently, a local government must include with the request —

- (a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and
 - (b) sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed; and
-

- (c) copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58 (3) of the Act, the local government has received, and the local government's comments on those submissions; and
- (d) a copy of the relevant notice of motion referred to in paragraph (c); and
- (e) any other information the local government considers relevant to the Minister's consideration of the request; and
- (f) written confirmation that the local government has complied with section 58(2) and (3) of the Act.

POLICY IMPLICATIONS

There are no perceived policy implications.

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation and any associated cost with the closure (not including advertising) is the responsibility of the applicant.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OCM194/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr MacFarlane

THAT Council REJECTS the partial closure request

Carried by En Bloc Resolution 6/0

10.1.10 RESIDENTIAL AND RECREATIONAL VERGE PLAY EQUIPMENT

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D23/33380
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider rejecting applications for verge play equipment that do not meet the requirements of the Management Protocol for Play Equipment on Street Verges or Attached to Street Trees.

OFFICER RECOMMENDATION IN BRIEF

That Council accepts the proposed outcome detailed in the officer's comment and recommendation section of the report for:

- 11 Elizabeth Street;
- 33 Lyons Street; and
- 15 Broome Street

BACKGROUND

At the June 2023 Ordinary Council Meeting, Council adopted the Management Protocol for Play Equipment on Street Verges or Attached to Street Trees.

Under clause 3 of the policy, Council approval is required before any verge play equipment is removed. Similar endorsement is required for any applications that do not meet the standards of the policy.

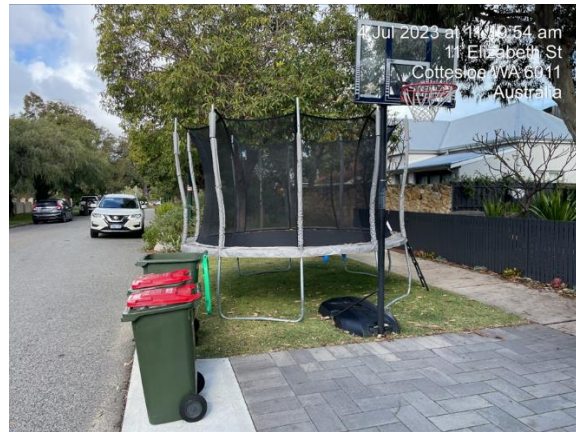
Play equipment at three locations have been identified that fall under these circumstances.

OFFICER COMMENT

The current Management Protocol requires all play equipment needing a permit to be set back 1.5 metres back from the kerb (clause 2i).

Council is asked to consider the following verge play equipment applications that do not meet this requirement of the Management Protocol:

Location one: 11 Elizabeth Street



The trampoline is currently positioned 0.5 metre from the kerb and 0.3 metres from footpath.

Location 2: 33 Lyons Street



This trampoline is 0.8 metre from road and 0.8 metre from the footpath.

There is no space on both verges for play equipment of this nature to be placed on so as to meet the 1.5 metre setback requirement from the road and footpath.

Council is to note that LGIS were consulted on its August 2023 decision to amend the officer's recommendation to approve the trampoline at 28 Kathleen Street with zero setback. Our interpretation of the advice provided would be that the Town's insurers are concerned of this decision as there is a significant departure from the 1.5 metre setback requirements, notwithstanding that this buffer from hard surfaces was a recommendation by LGIS.

They have suggested a procedure be put in place to allow the proper rationalisation of such major variations.

Furthermore, a fact sheet from Kidsafe WA also recommends a minimum of 1.5 metre setback for trampolines that have fall protection. This extends to 2.5 metres for those without any preventive measures.

Attached is correspondence from LGIS and the Kidsafe WA fact sheet.

For this reason, it is recommended that Council declined the applications and require both the trampoline play equipment be removed.

Given the advice from LGIS and in the interest of the Town’s duty of care obligations, a separate report will be prepared for Council in October 2023 to rescind its August 2023 resolution relating to 28 Kathleen Street. The issue of a permit will be delayed until such time. Council may also need to include in its policy a process to determine the risk of its departure from the policy.

Location 3: 15 Broome Street



Attached is a letter from the property owner denying responsibility of the tree house.

Though Council records indicate that the tree house must have been constructed after 2014 the Town is unable to confirm who is responsible for its construction.

As the items do not meet the 1.5 metre setback and swings are protruding onto a right of way (clause 1g), a recommendation has been made for their removal.

However, as there is no established play equipment ownership, the Town is responsible for its removal should Council agree with the officer’s recommendation. This creates the risk of precedence being set where other residents could use similar reasons to ask the Town to carry out the removal when they do not want the equipment.

Council is to note that there is a current resident request for the Town to remove unwanted play equipment but this would be different to the case of 15 Broome Street as there is sufficient evidence to identify ownership responsibility.

Given the circumstances, a recommendation has been made for Council to authorise the Administration to carry out the demolition at its cost, noting that this by no means sets precedence and removal responsibilities will be determined on a case by case basis.

Alternatively, Council can ask for the 15 Broome Street property owner to remove the play equipment by virtue (on the balance of probabilities) that they were aware of the installation on their verge and had not objected to it.

ATTACHMENTS

- 10.1.10(a) Letter from Jonathon Carson - Redacted - 15 Broome Street [under separate cover]**
- 10.1.10(b) LGIS - Verge Play Equipment - Request for Advice - Redacted [under separate cover]**
- 10.1.10(c) Kidsafe WA - Trampoline Fact Sheet [under separate cover]**

CONSULTATION

There have been no consultation with the residents of Lyon and Elizabeth Street.

There has been correspondence with the resident of 15 Broome Street (attached)

STATUTORY IMPLICATIONS

Local Government Act 1995

Regulation 17 Local Government (Uniform Provisions) Regulations 1996

POLICY IMPLICATIONS

The Management Protocol for Play Equipment on Street Verges or Attached to Street Trees.

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

Reduction in available green space with play equipment occupying the verge and possible damage to verge trees continues to be a risk.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council:

1. APPROVES for the Administration to remove the play equipment located at the 15 Broome Street verge at the cost of the Town for the reasons mentioned in the officer's comment section of the report;
2. REJECTS the application for the following properties and requires the play equipment be removed in accordance with the process mentioned in the Management Protocol:
 - a. 11 Elizabeth Street; and
 - b. 33 Lyons Street

OCM195/2023

COUNCILLOR MOTION

Moved Cr Harkins

Seconded Cr Atkins

THAT Council:

1. APPROVES for the Administration to remove the play equipment located at the 15 Broome Street verge at the cost of the Town for the reasons mentioned in the officer's comment section of the report;
2. APPROVES the application for the following properties:
 - a. 11 Elizabeth Street; and
 - b. 33 Lyons Street
3. REQUEST that the administration include an addition to the Management Protocol to allow fully enclosed trampolines on verges where the recommended setbacks are not achievable, so long as the entry/exit point is 1.5 meters away from hard surfaces and the Administration is satisfied that traffic conditions in the vicinity present acceptable risk.

Carried 6/0

For: Crs Sadler, Harkins, Barrett, MacFarlane, Wylynko and Atkins

Against: Nil

Rationale:

Neither trampoline impedes access to the footpath or the street.

As the southern end of Elizabeth Street is a cul de sac it is a very quiet section of the street with no through traffic. Lyons Street is a relatively quiet Street and is generally

not used as a thoroughfare.

We have received correspondence indicating that both trampolines are used not just by the owners of the trampolines but by many children in both streets thereby acting as a community hub.

Both trampolines are fully enclosed mitigating a great deal of risk and the entry and exit points can be positioned so they are 1.5m from hard surfaces.

If we include these sorts of trampolines in our Play Equipment on Street Verges Management Protocol then the Administration will have confidence that the risk has been mitigated.

10.1.7 LOT 122 (66) MARINE PARADE; LOT 121 (2 SALVADO STREET); LOT 1 (7) ROSENDO STREET AND LOTS 2 AND 3 (4B AND 4C) SALVADO STREET, COTTESLOE - NEW TWO STOREY DWELLING, ADDITIONS AND ALTERATIONS TO EXISTING HERITAGE BUILDING 'LE FANU' AND ASSOCIATED BOUNDARY RE-ALIGNMENTS

Directorate: Development and Regulatory Services
Author(s): Steve Cleaver, Director Development and Regulatory Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D23/33155
Applicant(s): Element Advisory Pty Ltd
Author Disclosure of Interest: Nil

SUMMARY

Development approval is sought for a new two storey dwelling at 66 Marine Parade, alterations and additions to the existing heritage listed dwelling at 2 Salvado Street "Le Fanu/Banksia", demolition of the townhouses at 4b and 4c Salvado Street and associated lot boundary realignments to 7 Rosendo Street and 4b and 4c Salvado Street.

OFFICER RECOMMENDATION IN BRIEF

That Council conditionally approve the development application and plans received on 25 August 2023.

BACKGROUND

Zoning:	Residential R30
Use Class:	Single House
Existing Land Use:	<i>Single House x 2 (one under construction)</i>
Land area:	<i>66 Marine Parade – 727m² 2 Salvado Street – 1,492m² 4a,4b,4c Salvado Street – 911m² 7 Rosendo Street – 5,001m²</i>
Heritage Listing:	2 Salvado Street – 'Le Fanu/Banksia' State Heritage Registered single house
Value of development:	\$30m
Owners:	Andrew and Nicola Forrest; HDH Cottesloe Pty Ltd and Carla Marks

History

The Town has previously issued development approvals for the site as follows:

66 Marine Parade

- Lot created and two storey dwelling approved on 2 November 1999.
- Alterations and additions to two storey dwelling approved on 19 January 2015 and 26 May 2015.
- Demolition of dwelling approved on 26 November 2021.
- Two storey dwelling approved on 11 April 2022.
- Amendment to two storey dwelling approved on 15 August 2022.
- Building permit for piling and bulk excavation issued on 31 May 2022. This work has commenced.

2 Salvado Street

- Alterations and additions to dwelling including new second storey approved in 2010.
- Alterations and additions to dwelling including removal of second storey approved on 22 December 2022.

Current proposal

Whilst there are currently valid development approvals for a two storey dwelling at 66 Marine Parade and for additions and alteration at 2 Salvado Street, a new application has been submitted which proposes:

- A new dwelling at 66 Marine Parade which proposes a variation to the height limits stipulated in Local Planning Scheme No. 3 (LPS3);
- Alterations and additions to the heritage listed building at 2 Salvado Street including the removal of the upper storey (this application differs slightly from that approved in 2022);
- A connection to the existing adjacent house at 7 Rosendo Street;
- Demolition of the existing grouped dwellings at 4b and 4c Salvado Street; and
- Boundary realignments with the intention of 4b and 4c Salvado Street being amalgamated into 66 Marine Parade with minor boundary realignments also to 2 Salvado Street and 7 Rosendo Street.

An indicative subdivision concept showing the proposed new boundaries to 66 Marine Parade and adjoining properties is provided in Attachment 2.

Site Context

The site is bounded by Salvado Street to the south, multiple dwellings to the east, dwellings to the north, including the State Heritage listed 'Tukurua', and Marine Parade to the west.

The topography of the land is a slope up from Marine Parade to the rear/eastern boundary by approximately 5.0 metres.



Above: Aerial photograph of site

OFFICER COMMENT

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 (as amended), and the Residential Design Codes (R Codes).

Local Planning Scheme No. 3 (LPS 3)

The aims of the Scheme relevant to this development include:

- *provide opportunities for housing choice and variety in localities which have a strong sense of community identity and high levels of amenity;*
- *sustain the amenity, character and streetscape quality of the Scheme area;*
- *ensure that land uses and development adjacent to Marine Parade are compatible with the residential and recreational nature of their setting and the amenity of the locality;*
- *ensure that proper regard is given to the needs of the local community in the determination of land use and development proposals; and*
- *ensure that new development is compatible with the conservation significance and aesthetic value of heritage places and areas...*

The objectives of the Residential Zone are to:

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

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

Part 3, Clause 12 (1) of the Regulations allows for variations to local planning scheme provisions for heritage purposes and states as follows:

“The local government may vary any site or development requirement specified in this Scheme to-

(a) facilitate the built heritage conservation of a place entered in the State Register of Heritage Places under the Heritage Act 2018 section 42 or included on the heritage list; or

(b) enhance or preserve heritage values in a heritage area.”

The proposed building height at 66 Marine Parade exceeds that permitted under LPS 3. This height variation therefore can only be considered under these heritage provisions.

Heritage

The existing dwelling at 2 Salvado Street “Le Fanu/Banksia” is listed on the State Register of Heritage Places. Its Statement of Significance is that the “house is of considerable significance on a state level for its rare architecture and its historical associations. The original owners were prominent in business and charity. Examples of a breed rarely seen these days”.

To assist with the heritage assessment of the application, the applicant submitted a ‘Heritage Impact Assessment’. The analysis reviews the proposed works at 2 Salvado Street, as well as the impact on it by the new development proposed at 66 Marine Parade and is attached to this report (see Attachment 3).

Heritage Council advice

The application was referred to the Heritage Council and advice was received on 26 May 2023. The Heritage Council noted that ‘the proposed development at 66 Marine Parade is two storey, with lower ground level, in an “L” shape wraps around the north east corner of Le Fanu, is considerably higher, creates a hierarchy and has a visual impact on the setting and landmark qualities of the heritage place”. The Heritage Council supports the application, subject to the following conditions:

1. *The reinstatement of the pitch of the ballroom portion of the roof is to reflect the original height.*
2. *Deconstruction and reconstruction works are to be undertaken with extreme care. Where possible, early and original fabric to be removed shall be carefully deconstructed, salvaged and reused in the reconstruction works.*
3. *Prior to the application for a building permit, the following shall be provided to the satisfaction of the Director, Historic Heritage Conservation:*
 - a. *A report detailing the methodology of the demolition of the second storey, including protection methods for retained fabric.*
 - b. *A proposed external window and door schedule.*
 - c. *A colour and material schedule.*

4. *Drawing A1002 Ground Floor Plan includes the addition of an underground pool which was not included in the previous drawing set. As this element was not considered by the Heritage Council at its meeting on 24 March 2023, it is therefore not currently supported.*

The proposed development at 66 Marine Parade proposes modification to the common lot boundary between Le Fanu, 66 Marine Pde, The Beach House, 4B&C Salvado St to create an amalgamated lot at 66 Marine Parade. Any proposed future changes to the registered Heritage curtilage of Le Fanu and The Beach House should be made through an application to the Heritage Council.

ASSESSMENT

The table below is a summary of the relevant planning assessment of the proposal against the statutory planning provisions. Where the proposal requires the exercise of judgement the relevant planning provisions is discussed in the section of the report following this table. The applicant's assessment of the development against the relevant local planning framework is provided at Attachment 2.

Provision	Complies with LPS3 and/or R Codes deemed-to-comply provisions	Requires exercise of judgement
Storeys	✓	
Building height		✓
Lot boundary setbacks		✓
Visual privacy		✓
Solar access	✓	
Site works and retaining		✓

Building height

2 Salvado Street

LPS 3: Permitted building height	Proposed building height
6m (top of external wall and roof pitch)	7.06m to top of roof pitch

The additional height is supported for the following reasons:

- The removal of the upper storey and reinstatement of original roof line is supported by the Heritage Council.
- As there is an agreed heritage outcome, the provisions of Clause 12(1)(a) can be used to permit the higher roof height as the works facilitate the built heritage conservation of 2 Salvado Street.
- The height variation is consistent with the provisions of Clause 5.7.5 of LPS 3 and Clause 67 of the Regulations as the amenity of the locality including access to daylight and views of significance as well as the character of the streetscape will be improved.

66 Marine Parade

LPS 3: Permitted building height	Proposed building height
7m (to top of parapet)	<p>Front (west) portion of new dwelling: (RL17.285) North-west corner: 7.535m South-west corner: 7.485m</p> <p>Rear (east) portion of new dwelling: (RL21.185) North-west corner: 9.485m North-east corner: 8.335m South east corner : 7.785m South-west corner: 9.035m</p>

The height of the development has been assessed against the natural ground level contours across the site rather than the excavated level of the basement that is currently under construction. In considering the height variation, the Council must consider:

1. Whether varying the height requirement specified in LPS 3 to approximately 9.5 metres in lieu of 7.0 metres, facilitates the built heritage conservation of a heritage place ("Le Fanu/"Banksia").
2. If it is determined that the development does facilitate the built heritage conservation of a heritage place and Council does have the discretion to vary the height, Council must be satisfied that the development meets the deemed provisions of Clause 67- *Matters to be considered by local government* of the Regulations and the relevant design principles of the R Codes.

Heritage advice

The Town obtained an independent assessment of the application from Hocking Heritage and Planning specifically on whether the proposal, which includes a building height at 66 Marine Parade that exceeds that permitted under LPS3, will facilitate the built heritage conservation of Le Fanu/Banksia at 2 Salvado Street. In summary their advice was as follows:

1. *Whilst the increased height of the proposal will be visible, its impact is negligible and will not harm the value statements relating to Le Fanu as established in the Statement of Significance.*
2. *Key views of Le Fanu will be preserved. The increased height of the proposed development is situated to the rear of the property with the two principal faces of Le Fanu remaining clearly visible and maintaining their contribution to the local streetscape.*
3. *It is considered that the proposed development is respectful of the heritage significance of Le Fanu. The increased height of the proposal is not seen as a negative element and will result in a positive heritage outcome.*
4. *Therefore, under the terms of Clause 12 (1) (a) of the Deemed Provisions, if the planning requirements are varied to allow for the increased height of 66 Marine Parade, the variation will facilitate the built heritage conservation of Le Fanu.*

The Town understands that as the proposed development can be determined to facilitate the built heritage conservation of Le Fanu, it is reasonably open to Council to exercise the Clause 12(1)(a) powers to consider the building height variation at 66 Marine Parade. The Town's legal advice supports this position.

The application should therefore be considered against the provisions of Clause 67 of the Regulations.

Clause 67 – Matters to be considered by local government

Clause 67 – Matters to be considered by local government
<p>Under Part 3 of Clause 67 (2) of the Planning and Development (Local Planning Schemes) Regulations 2015, in considering an application for development approval Council is to have regard to, amongst other things, the following relevant provisions:</p> <ul style="list-style-type: none"> a) <i>the aims and provisions of this Scheme;</i> b) <i>the requirements of orderly and proper planning....;</i> c) <i>any approved State planning policy;</i> k <i>the built heritage conservation of any place that is of cultural significance:</i> l) <i>the effect of the proposal on the cultural heritage significance of the area in which the development is located;</i> m) <i>the compatibility of the development with its setting including:</i> <ul style="list-style-type: none"> (ii) <i>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;</i> n) <i>the amenity of the locality including the following -</i> <ul style="list-style-type: none"> (i) <i>environmental impacts of the development;</i> (ii) <i>the character of the locality;</i> (iii) <i>social impacts of the development;</i> x) <i>the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals; and</i> y) <i>any submissions received on the application.</i>

The proposed dwelling is significantly over the 7.0 metre wall height limit by nearly 2.5 metres. No clear justification for why this additional height is required has been provided. It is not considered that there are any significant constraints on the site, which is proposed to become larger as a result of the proposed amalgamation of the lots to the rear, inhibiting the construction of a dwelling which either complies, or comes close to complying, with building height requirements.

With regard to the effect of the proposal on the built heritage conservation of a place and cultural heritage significance of the area in which the development is located, the Heritage Council did identify that the proposed building at 66 Marine Parade is 'consistently higher, creates a hierarchy and has a visual impact on the setting and landmark quality of the heritage place". Whether this 'impact' is detrimental or beneficial is left open to interpretation. It is noted that the Town's independent heritage advice is that the impact of the additional height on 'Le Fanu/Bankisa' will be negligible.

The compatibility of the development within its setting, including the relationship of the development to adjoining properties and the likely effect of the height, bulk, scale, orientation and appearance of the development must also be considered. Six submissions were received during the advertising period expressing concern over the proposed building height and its subsequent impact on access to views of significance, building bulk, the streetscape and locality.

In response the applicant provided information on how neighbouring views have been considered in the design of the proposal noting that additional views will be made available as a result of this application due to the removal of the second storey at Le Fanu/Banksia and removal of 4b Salvado Street and a compliant scenario (with a pitched roof) for 66 Marine Parade would have similar impact on view corridors.

Notwithstanding these comments and assessing the plans submitted rather than a possible scenario, it is considered that the height and bulk of the proposed building at 66 Marine Parade which includes a building height variation and lot boundary setback variations to both side boundaries, does result in a detrimental impact to the streetscape and surrounding properties.

With regard to the concerns raised in the submissions received (see Consultation section below), it is considered that the Town does have the discretion to vary the building height at 66 Marine Parade as there has been clear independent advice from a heritage expert that considers that the development does facilitate the built heritage conservation of the building at 2 Salvado Street 'Le Fanu'.

In exercising this discretion, however, the Town must be satisfied that the height of the building at 66 Marine Parade not only has no significant detrimental impact on 2 Salvado Street (which both the Heritage Council and the Town's heritage consultant have advised is the case) but also has no significant impact on surrounding neighbours, the streetscape and the general locality.

The transferral of an upper storey from 2 Salvado Street to 66 Marine Parade means that an existing separation between two storey buildings and view corridor for properties within the Salvado Street/Rosendo Street/Avonmore Terrace street block is removed. Whilst it is acknowledged that no one has an intrinsic right to a view, where variations to deemed to comply requirements are sought, existing views should be taken into consideration.

The applicant notes that a compliant pitched roof dwelling constructed on 4b and 4c Salvado Street would result in a similar obstruction of views to properties further up the hill. Whilst this may be the case, such a dwelling would be further up the hill and form part of a contiguous streetscape of dwellings following the topography of Salvado Street and is not, in itself, justification for allowing a height variation to a dwelling further down the hill.

It is considered that the building height variation is substantial and there does not appear to be specific site constraints to a development that at least partially meets the 7.0 metre wall height requirement. Indeed, the proposed plans provide for a significant ceiling height between ground and upper levels that could be reduced to lower the overall building heights without significantly compromising the overall design.

Lowering the overall height of the dwelling to achieve a 7.0 metre wall height at the front and rear of the dwelling would address the following:

- The dwelling would appear as ‘deemed to comply’ for properties to the east for the purpose of building height and negate the issue of views across the roof of the property.
- The overall height would be reduced to 19.85RL, which would be consistent with the established height and scale of dwellings in the same position within the streetscape, as the adjoining property to the north at 7 Rosendo Street, to which the rear portion of proposed dwelling will align, has a similar building height of 19.59RL.
- A lower building height facing Marine Parade would reduce its impact on the streetscape and be more consistent with heights of surrounding development within the immediate locality.

The reduction in ceiling heights between levels can be achieved with minimal redesign of the proposed dwelling at 66 Marine Parade. There will still be an overheight portion of building central to the development (to a maximum variation of 1.15 metres), but this would only impact on properties within the same ownership which either have similar heights or have been deemed to not have been negatively impacted by the proposal in terms of its heritage significance.

For the above reasons, it is recommended the proposal for a building height variation at 66 Marine Parade be supported subject to the height of the front portion of dwelling being reduced to a maximum height of 16.75RL and the rear portion of the dwelling being reduced to a maximum height of 19.85RL. This will mean from both the Marine Parade frontage and from the rear boundary, the development will maintain building heights that meet a 7 metre height limit with the over height section of building contained to the middle of the site.

Lot boundary setbacks

R Codes – deemed to comply	Proposed
<p><u>66 Marine Parade</u> <i>Northern boundary:</i></p> <ul style="list-style-type: none"> – Ground floor: 6.3 metres – Upper floor: 5.4 metres <p><i>Southern boundary:</i></p> <ul style="list-style-type: none"> – Ground floor: 6.3 metre – Upper floor: 4.8 metre <p><u>2 Salvado Street</u> <i>Eastern boundary:</i></p> <ul style="list-style-type: none"> – Ground floor: 1.1 metre 	<p><u>66 Marine Parade</u> <i>Northern boundary:</i></p> <ul style="list-style-type: none"> – Ground floor: 1.24 metre – Upper floor: 1.64 metre <p><i>Southern boundary</i></p> <ul style="list-style-type: none"> – Ground floor: Nil to 3.81 metres – Upper floor: 2.82 metre <p><u>2 Salvado Street</u> <i>Eastern boundary:</i></p> <ul style="list-style-type: none"> – Ground floor: 1 metre
<p><u>Design principles</u></p> <p><i>Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</i></p> <ul style="list-style-type: none"> • <i>reduce impacts of building bulk on adjoining properties;</i> • <i>provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; an</i> • <i>minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</i> 	

Buildings built up to boundaries (other than the street boundary) where this:

- *makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *does not compromise the design principle contained in clause 5.1.3 P3.1;*
- *does not have any adverse impact on the amenity of the adjoining property*
- *ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- *positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.*

The adjoining buildings to the northern side presents as a blank face to 66 Marine Parade with solid privacy walls and no major openings. The adjoining property is under the same ownership. There is no impact from the side setback variations on the northern side of the proposed dwelling on the adjoining property.

The boundary to the south is irregular and therefore results in variations to deemed to comply requirements. The irregular boundary does, however, mitigate issues of building bulk and overshadowing on the adjoining property and potential for overlooking is minimal.

It is noted that advice from both the Heritage Council and the Town’s independent heritage consultant is that the proposed dwelling at 66 Marine Parade does not have a detrimental impact on the heritage listed property at 2 Salvado Street.

The setback variation to the eastern/rear boundary is relatively minor with the adjoining property being at a higher level and having a landscaping screen along the property boundary which will assist with any issues of building bulk.

Visual privacy

R Codes – deemed to comply	Proposed
<p><u>66 Marine Parade</u> <i>Northern boundary:</i> – Studios : 6.0 metres – Terraces: 7.5 metres <i>Southern boundary:</i> – Bedroom: 4.5metres – Terraces: 7.5 metres</p>	<p><u>66 Marine Parade</u> <i>Northern boundary:</i> – Studios: 5.5 metres – Terraces: 2.2 metres <i>Southern boundary:</i> – Bedroom: 1.8 metres – Terraces: 5.1 metres</p>
<p><u>2 Salvado Street</u> <i>Northern boundary:</i> – Bedrooms 4 and 5: 4.5 metres – Rumpus Room: 6.0 metres</p>	<p><u>2 Salvado Street</u> <i>Northern boundary:</i> – Bedrooms 4 and 5: 4.1 metres – Rumpus room: 4.1 metres</p>

Design principles

Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:

- *building layout and location;*
- *design of major openings;*
- *landscape screening of outdoor active habitable spaces; and/or*
- *location of screening devices.*

Maximum visual privacy to side and rear boundaries through measures such as:

- *offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;*
- *building to the boundary where appropriate;*
- *setting back the first floor from the side boundary*
- *providing higher or opaque and fixed windows; and/or*
- *screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).*

As stated above, the adjoining property to the north has an existing blank façade to the subject property so that any major openings/habitable spaces ensures no direct overlooking into major openings or active habitable spaces. In addition, the two properties are in the same ownership.

Overlooking to the south occurs into areas already publicly visible and not into active habitable spaces or outdoor living areas of the neighbouring property.

With regard to 2 Salvado Road, the overlooking is to the north adjoining property at 66 Marine Parade (in the same ownership) and adjacent to the proposed boundary wall such that there is no direct overlooking of habitable rooms or outdoor active habitable spaces.

Site works

R Codes – deemed to comply	Proposed
<u>66 Marine Parade</u> Northern boundary: 0.5 metres fill/retaining	<u>66 Marine Parade</u> Northern boundary: 1.3 metres (maximum)

Design principles

Development that considers and responds to the natural features of the site and requires minimal excavation/fill.

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.

The natural features of the site will be maintained and the retaining allows for a level access area along the north side of the dwelling to provide for access from the street and from the adjoining property to the north.

The front portion of dwelling will respect the natural ground level as viewed from the street.

ATTACHMENTS

- 10.1.7(a) Attachment 1 - Development plans [under separate cover]**
- 10.1.7(b) Attachment 2 - Applicant submission [under separate cover]**
- 10.1.7(c) Attachment 3 - Heritage Impact Statement (applicant) [under separate cover]**
- 10.1.7(d) Attachment 4 - Heritage assessment (Town of Cottesloe) [under separate cover]**
- 10.1.7(e) Attachment 5 - Submissions (Redacted) [under separate cover]**

CONSULTATION

The application was advertised from 2 August to 22 August 2023 in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 and Local Planning Scheme No. 3. Advertising was undertaken by writing to owners and occupiers of properties within the general locality of the site as per the provision of Clause 12(3) of the Regulations. Plans were made available for viewing at the Council Offices. 15 submissions were received, which were all from within the general locality (see map below).

During this period, the applicant undertook their own consultation and some submissions were provided by them during the advertising period.

Of the 15 submissions received, 6 raised concerns with the proposal. The submissions in favour of the proposal were acknowledged that discretion was being sought with regard to the proposed height of the dwelling at 66 Marine Parade and supported this on the basis of the height being offset by the removal of the first floor at 2 Salvado Street ('Le Fanu/Banksia').



The submissions objecting to the proposal raised the following concerns:

- The proposed height of the dwelling at 66 Marine Parade will restrict views.
- Allowing the building to extend across the boundary by realignments of boundaries allow a significant bulk of the building with the loss of usual setbacks between properties.
- The additional height of the dwelling and therefore greater mass will have a negative impact on the streetscape along Salvado Street.
- The new development and heritage development are mutually exclusive as they are on separate lots and not intrinsically linked so that the heritage development can be performed without the new development and vice versa.
- Any reliance on heritage legislation to gain advantage and build over height limits is unfair.

These issues have been considered in this report as part of the assessment against the provisions of Clause 67 of the Regulations.

STATUTORY IMPLICATIONS

Local Planning Scheme No.3

Planning and Development (Local Planning Schemes) Regulations 2015 (as amended)

State Planning Policy 7.3 – Residential Design Codes Vol. 1.

Town of Cottesloe – Heritage List

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 4: Managing Development

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council APPROVES the development application for a new two storey dwelling on Lot 122 (66) Marine Parade and portion of Lot 1 (7) Rosendo Street; alterations and additions to the existing heritage listed dwelling at Lot 121 (2) Salvado Street and demolition of the townhouses at Lots 2 and 3 (4b and 4c) Salvado Street, Cottesloe as shown on the plans received 23 August 2023 and 14 September 2023, subject to the following conditions:

1. The overall height of the front (west) portion of the dwelling at Lot 122 (66) Marine Parade being reduced to a maximum height of 16.75RL and the overall height of the rear (east) portion of the dwelling being reduced to a maximum height of 19.85RL. Details to be shown at the Building Permit stage to the satisfaction of the Town.
2. Lot 122 (66) Marine Parade, Lot 121 (2) Salvado Street, Lots 2 and 3 (4b and 4c) Salvado Street and Lot 1 (7) Rosendo Street being amalgamated/subdivided into the lot configuration shown on the development proposal and new Certificates of Titles being issued for the proposed lots prior to occupation.
3. The development shall satisfy the conditions specified in the Heritage Council letter dated 26 May 2023.
4. The approved heritage conservation works to 2 Salvado Street "Le Fanu/Banksia", including the removal of the second storey addition, shall be completed prior to the occupation of the new dwelling at 66 Marine Parade.
5. Prior to the occupation of the development at 66 Marine Parade, the owner of 2 Salvado Street "Le Fanu/Banksia" must enter into a restrictive covenant in favour of the Town of Cottesloe in accordance with Section 129BA of *the Transfer of Land Act 1893* which provides that:

“Until such time as the development at 66 Marine Parade, the subject of this approval, is either:

- demolished; or
- the planning framework as it relates to 66 Marine Parade is changed such that the height of the development on that site the subject of this approval is ‘deemed to comply’,

no modifications are to be made to the building on 2 Salvado Street (‘Le Fanu/Banksia’) which reinstates a second storey addition (as removed by this approval)”.

6. The finish and colour of the boundary wall on 66 Marine Parade facing the adjoining southern boundary shall be to the satisfaction of the Town. Details to be shown at the Building Permit stage;
7. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site;
8. Plant and equipment, including air-conditioning units, shall be designed, positioned and screened so as to not be visible from the street; designed to integrate with the building; or located so as not to be visually obtrusive.
9. Walls, fences and other structures shall be truncated or reduced to no higher than 0.75m within 1.5m of where the driveway joins the front boundary/street. Details to be shown at the Building Permit stage.
10. The bridge link between 66 Marine Parade and the adjoining northern property at 7 Rosendo Street shall be removed if either property is sold to a different owner.
11. The dwelling at 66 Marine Parade shall be provided with a tree with a minimum 2m x 2m tree planting area that is free of impervious surfaces and roof cover, and the street setback area shall be landscaped with no more than 50% of this area to consist of impervious surfaces. Details to be shown at the Building Permit stage to the satisfaction of the Town.

Advice notes:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner’s property.
 2. The owner/applicant is responsible for applying to the Town for a Building Permit and obtaining approval prior to undertaking the works.
 3. The owner/applicant is responsible for applying to the Town for a new crossover and obtaining approval prior to commencement of works.
 4. The owner/applicant is requested to liaise with adjoining landowners prior to undertaking works that may affect the health of trees located on adjoining lots or altering dividing fences.
 5. With regard to Condition 2, the applicant/owner is advised that the proposed
-

subdivision/amalgamation of the subject lots should also include an easement across lot 1 (4a) Salvado Street for the purpose of providing a right of vehicular access over the existing driveway to allow access to the proposed undercroft garage at the rear of 66 Marine Parade.

6. With regard to Condition 3, the applicant/owner is advised that the Heritage Council approval conditional upon:
 - The reinstatement of the pitch of the ballroom portion of the roof is to reflect the original height;
 - Deconstruction and reconstruction works are to be undertaken with extreme care. Where possible, early and original fabric to be removed shall be carefully deconstructed, salvaged and reused in the reconstruction works.
 - Prior to the application for a building permit, the following shall be provided to the satisfaction of the Director, Historic Heritage Conservation:
 - A report detailing the methodology of the demolition of the second storey, including protection methods for retained fabric.
 - A proposed external window and door schedule.
 - A colour and material schedule.
 - Drawing 1002 Ground Floor Plan includes the addition of an underground pool which was not included in the previous drawing set. As this element was not considered by the Heritage Council at its meeting on 24 March 2023, it is therefore not currently supported.
 - Any proposed future changes to the registered Heritage curtilage of Le Fanu and The Beach House should be made through an application to the Heritage Council.
7. With regard to Conditions 4 and 5, the applicant/owner is advised that development approval has been granted involving the exercise of discretion under Clause 12 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. This discretion involved a building height variation at 66 Marine Parade via facilitating the built heritage conservation of the dwelling at 2 Salvado Street “Le Fanu/Banksia” including the removal of the second storey addition, which shall not be reinstated.
8. All construction work shall be carried out in accordance with the requirements of the Environmental Protection (Noise) Regulations 1997.
9. The owner/applicant is advised that this approval shall be deemed to be an approval under the Metropolitan Region Scheme

OCM196/2023

COUNCILLOR MOTION

Moved Cr Sadler

Seconded Cr Harkins

THAT point 4 be deleted from the Officers Recommendation and replace with the words;

The approved heritage conservation works to 2 Salvado Street “Le Fanu/Banksia”, including the removal of the second storey addition, shall be commenced prior to the issue of a building permit for 66 Marine Parade, and completed prior to the occupation of the new dwelling.”

- 1. Height concessions are being proposed 66 Marine Parade because it facilitates the**

heritage outcomes of Le Fanu. 66 Marine Parade and Le Fanu are on two separate titles. This amendment will strengthen the resolution as completion of the Le Fanu heritage restoration is central to the support for the height concessions at 66 Marine Parade

Lost 2/4

For: Crs Sadler and Harkins

Against: Crs Barrett, MacFarlane, Wylynko and Atkins

FORESHADOWED MOTION – CR MACFARLANE

Moved Cr MacFarlane

Officer Recommendation

This Foreshadowed Motion was lost due to a lack of Secunder

OCM197/2023

FORESHADOWED MOTION – CR BARRETT

Moved Cr Barrett

Seconded Cr Atkins

COUNCILLOR MOTION

THAT Council APPROVES the development application for a new two storey dwelling on Lot 122 (66) Marine Parade and portion of Lot 1 (7) Rosendo Street; alterations and additions to the existing heritage listed dwelling at Lot 121 (2) Salvado Street and demolition of the townhouses at Lots 2 and 3 (4b and 4c) Salvado Street, Cottesloe as shown on the plans received 23 August 2023 and 14 September 2023, subject to the following conditions:

1. Lot 122 (66) Marine Parade, Lot 121 (2) Salvado Street, Lots 2 and 3 (4b and 4c) Salvado Street and Lot 1 (7) Rosendo Street being amalgamated/subdivided into the lot configuration shown on the development proposal and new Certificates of Titles being issued for the proposed lots prior to occupation.
2. The development shall satisfy the conditions specified in the Heritage Council letter dated 26 May 2023.
3. The approved heritage conservation works to 2 Salvado Street “Le Fanu/Banksia”, including the removal of the second storey addition, shall be commenced prior to the issue of a Building Permit for 66 Marine Parade, and completed prior to the occupation of the new dwelling, to the satisfaction of the Town.
4. Prior to the occupation of the development at 66 Marine Parade, the owner of 2 Salvado Street “Le Fanu/Banksia” must enter into a restrictive covenant in favour of the Town of Cottesloe in accordance with Section 129BA of *the Transfer of Land Act 1893* which provides that:

“Until such time as the development at 66 Marine Parade, the subject of this

approval, is either:

- demolished; or
- the planning framework as it relates to 66 Marine Parade is changed such that the height of the development on that site the subject of this approval is 'deemed to comply',

no modifications are to be made to the building on 2 Salvado Street ('Le Fanu/Banksia') which reinstates a second storey addition (as removed by this approval)".

5. The finish and colour of the boundary wall on 66 Marine Parade facing the adjoining southern boundary shall be to the satisfaction of the Town. Details to be shown at the Building Permit stage;
6. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site;
7. Plant and equipment, including air-conditioning units, shall be designed, positioned and screened so as to not be visible from the street; designed to integrate with the building; or located so as not to be visually obtrusive.
8. Walls, fences and other structures shall be truncated or reduced to no higher than 0.75m within 1.5m of where the driveway joins the front boundary/street. Details to be shown at the Building Permit stage.
9. The bridge link between 66 Marine Parade and the adjoining northern property at 7 Rosendo Street shall be removed if either property is sold to a different owner.
10. The dwelling at 66 Marine Parade shall be provided with a tree with a minimum 2m x 2m tree planting area that is free of impervious surfaces and roof cover, and the street setback area shall be landscaped with no more than 50% of this area to consist of impervious surfaces. Details to be shown at the Building Permit stage to the satisfaction of the Town.

Advice notes:

11. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
12. The owner/applicant is responsible for applying to the Town for a Building Permit and obtaining approval prior to undertaking the works.
13. The owner/applicant is responsible for applying to the Town for a new crossover and obtaining approval prior to commencement of works.
14. The owner/applicant is requested to liaise with adjoining landowners prior to undertaking works that may affect the health of trees located on adjoining lots or altering dividing fences.

15. With regard to Condition 1, the applicant/owner is advised that the proposed subdivision/amalgamation of the subject lots should also include an easement across lot 1 (4a) Salvado Street for the purpose of providing a right of vehicular access over the existing driveway to allow access to the proposed undercroft garage at the rear of 66 Marine Parade.
16. With regard to Condition 2, the applicant/owner is advised that the Heritage Council approval is conditional upon:
 - The reinstatement of the pitch of the ballroom portion of the roof is to reflect the original height;
 - Deconstruction and reconstruction works are to be undertaken with extreme care. Where possible, early and original fabric to be removed shall be carefully deconstructed, salvaged and reused in the reconstruction works.
 - Prior to the application for a building permit, the following shall be provided to the satisfaction of the Director, Historic Heritage Conservation:
 - A report detailing the methodology of the demolition of the second storey, including protection methods for retained fabric.
 - A proposed external window and door schedule.
 - A colour and material schedule.
 - Drawing 1002 Ground Floor Plan includes the addition of an underground pool which was not included in the previous drawing set. As this element was not considered by the Heritage Council at its meeting on 24 March 2023, it is therefore not currently supported.
 - Any proposed future changes to the registered Heritage curtilage of Le Fanu and The Beach House should be made through an application to the Heritage Council.
17. With regard to Conditions 3 and 4, the applicant/owner is advised that development approval has been granted involving the exercise of discretion under Clause 12 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. This discretion involved a building height variation at 66 Marine Parade via facilitating the built heritage conservation of the dwelling at 2 Salvado Street “Le Fanu/Banksia” including the removal of the second storey addition, which shall not be reinstated.
18. All construction work shall be carried out in accordance with the requirements of the Environmental Protection (Noise) Regulations 1997.
19. The owner/applicant is advised that this approval shall be deemed to be an approval under the Metropolitan Region Scheme.

Carried 4/2

For: Crs Harkins, Barrett, Wylynko and Atkins

Against: Crs Sadler and MacFarlane

Rationale:

Council was satisfied that the building height variation sought for the proposed dwelling at 66 Marine Parade should be approved as it had the support of the State Heritage Office and the Town’s independent heritage advisor and any impact to the streetscape and/or surrounding properties has been minimised. It would also facilitate the built heritage conservation of the adjoining heritage place (Le Fanu/Banksia).

10.1.12 SEA VIEW GOLF CLUB LEASE RENEWAL

Directorate: Executive Services
Author(s): William Matthew Scott, Chief Executive Officer
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D23/33859
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

For Council to establish a position on the renewal of the Sea View Golf Course Lease

OFFICER RECOMMENDATION IN BRIEF

That Council:

1. Adopt of set of key principles associated with the Sea View Golf Course
2. Provide in principle support a 10 year lease with the Sea View Golf Club, with a redevelopment clause;
3. Invite the Sea View Golf Club to work with the Town to investigate redevelopment options for the club rooms and associated facilities.
4. Instruct the CEO to continue negotiate lease terms with the Golf club with aim of tabling a draft lease with Council within six (6) months.

BACKGROUND

At the September 2004 Ordinary Council Meeting, the Council agreed to enter into a 21 year lease with the Sea View Golf Club (Golf Club) over Class "A" Crown Reserves 6613 and 1664 (the Golf Course), commencing at the expiry of the then existing 15 year lease on 30 June 2005. Based on Council Minutes, discussion on renewing the lease commenced in 2002.

The Key components of the current lease are:

Term: 21 years
Rent: \$0.00 + Rates (being \$5,766.67 for 23/24) and other outgoings
Lease Area: Portions of Crown Reserves 6613 and 1664, approximately 193,000 m2.
Purpose: Golf Course and associated clubhouse facilities

Other requirements: Responsible for all Maintenance, provision of a Management Plan, and Public Access (as agreed with the Town).

It is understood that 21 years is the maximum term permitted under the reserves' management orders. Since executing the current lease, the Town understands the Golf Club initially did look at redevelopment options, however this process was subsequently put on hold due to the Global Financial Crisis.

It should be acknowledged that the Sea View Golf Course is an important area of Public Open Space for the Cottesloe Community. The area has been used as a Golf Course since

1909 (initially as the Cottesloe Golf Club and subsequently as the Sea View Golf Club from 1931) and was listed in the Register of Heritage Places, by the Heritage Council of Western Australia (HCWA) in 2003, given its significance as the first links golf course established in the metropolitan area. This being said the Cottesloe Community has also had continued access to the Golf Course, as a Public Open Space.

Since 2021, there have been ongoing discussions with the Sea View Golf Club regarding the potential renewal of the lease, which expires on 30 June 2025. This has included Councillors meeting with the Golf Club Management Committee (onsite), inspecting the current club room facilities, meetings with representatives of the Town Administration, and more recently meetings between the Golf Club President and the Mayor. It is understood since Covid, club membership has increased by well over 350 in number. It should be noted that though overall membership has increased, it is also understood the majority of members are non-Cottesloe residents.

Despite these ongoing discussions regarding the lease renewal, the critical issue of the proposed term of the new lease has frustrated the process. The Golf Club has requested 21 years (expiring in 2047) in order to implement a number of upgrades to their facilities. These improvements include the provision of female change rooms and toilets, disability access, roof repairs, and improved fencing, currently estimated to cost in the order of \$250,000 to \$500,000. It is understood the Golf Club has the majority of funding available to commence these works, however is not prepared to expend these funds without security of tenure. In recent discussions the Golf Club has indicated a preparedness to consider a 15 year lease instead of the original requested 21 years.

The Town acknowledges that the proposed upgrades are important, however, informal discussions with Council have resulted in the opinion that the Golf Course, given its unique location and size, has significant redevelopment potential, which could be beneficial to the Town, the Golf Club, and the wider Cottesloe Community. This position is supported by the current Strategic Community Plan, which indicates a community aspiration for sustainable development, providing sustainable community amenities and maximises the return to the community from assets under the Town's control. This being said investigating the redevelopment potential will take some time, and committing to a long-term lease (say 21 years) may restrict what options are available through the investigation and feasibility process, or may hamper the implementation of any actual redevelopment in the short to medium term. It is understood the Golf Club recognises the need for redevelopment however, it has immediate needs that require resolving in the short term.

As stated, to date these discussions have been of an informal nature, and at a recent meeting with Golf Club representatives, the Mayor, and the CEO agreed that it is time for the Council to provide a formal position to the Golf Club.

This report has been created so the Council can discuss and resolve a formal position on the lease renewal.

OFFICER COMMENT

The current point of contention between the Town and Golf Club is the potential term of the new lease. Until this is resolved, there seems to be little ability to discuss other lease elements.

In looking at developing a formal position for the Council to consider, the Administration has attempted to separate the issue into two broad aspects:

- 1) General Principles in relation to the continued use of the Golf Course, which should be acceptable to all parties, and
- 2) An actual renewal term position will enable formal lease negotiations to proceed.

With regard to General Principles, the following have been developed, highly influenced by similar principles discussed by the Council prior to the lease being renewed in 2005.

1. The Sea View Golf Course (being Class "A" Crown Reserves 6613 and 1664) is under the control and management of the Town of Cottesloe for the purposes of Park Lands and Recreation;
2. The Sea View Golf Course cannot be used for residential or commercial development which is not compatible with the purposes of the associated crown reserve(s);
3. As Public Open Space, public access to the Sea View Golf Course needs to be maintained;
4. The continued use of the Sea View Golf Course as a golf course is supported by the Town of Cottesloe, acknowledging its heritage significance to the Cottesloe and Greater West Australian Community; and
5. All activities on the Sea View Golf Course must provide positive environmental sustainability, public safety, and community benefit outcomes for the Cottesloe Community.

It is believed that the above principles represent the existing use and access to the Golf Course, and should remove any suggestion or speculation that the Town intends to significantly change the current use of the Golf Course from what the entire community currently enjoys (residents and golfers).

If the above general principles are acceptable to the Council, then the matter of lease term needs to be considered. The following are considered the main options available to the Council:

- 1) 15-21 year term, being the preference of the Golf Club.
- 2) No renewal until redevelopment options and properly investigated, feasibility studies are finalised and the form of redevelopment has been determined; or
- 3) A reasonable renewal term (10 years), with a redevelopment clause that provides the Council the ability to commence a redevelopment, should the opportunity arise during the lease term.

In reviewing these options, Options 1 and 2 have been discounted for the following reasons:

Option 1

Though this is the preferred option for the Golf Club and may result in some initial improvement in the current facilities, there is uncertainty that the Golf Club would be

motivated to further investigate, implement, or support significant redevelopment, once their immediate needs are met. 21 years a long time, and the priorities of both the Council and the Golf Club could significantly change in this time frame. Based on the recent leasing decision, the Council seems not supportive of long-term leases. Finally, the Golf Club and the Town represent different interests. A significantly long-term lease could be problematic if conflicts between these differing interests cannot be resolved.

Option 2

This option may suit the need for the Town to undertake an extensive exploration of redevelopment opportunities however, it would provide little to no security of tenure for the Golf Club, which seems a requirement for the Golf Club to upgrade its existing facilities. To do an investigation properly would require significant focus by the Town, noting that resources are currently stretched completing current projects and priorities. Likewise, it is unknown whether it is the right time to commence such an undertaking given the current dynamic (post Covid) economic environment.

Option 3

This option has been recommended as a 10 year term should remove any short term security of tenure concerns of the Golf Club, so they can implement the current proposed upgrades to their facilities (Female Changes Rooms, disability access, roof repairs, and fencing upgrades). It also removes the risks associated with long term lease and a redevelopment clause provides the Town the flexibility to investigate redevelopment options and determine the most advantageous timeframe to implement, without being dependent on the Golf Club's support or agreement.

This being said, a redevelopment clause would only be necessary if there was no further progress on exploring the long term redevelopment opportunities prior to expiry of the existing lease. The current lease expires on 30 June 2026, which provides just under 3 years to investigate and potentially undertake a feasibility study on redevelopment opportunities. As previously stated, Council resources are currently focused on completing existing projects, which would mean additional external resources such as a "project facilitator" would need to be engaged to scope a potential redevelopment investigation project and to understand what steps would be required to undertake a redevelopment exercise. A scoping exercise should not be excessively costly (estimated in the order of \$5-10k), which could be reduced if the Golf Club agreed to contribute to the exercise, given the outcome could benefit both organisations in better understanding what would be required to achieve an appropriate and beneficial redevelopment project.

Furthermore, concerns regarding the impact of this option with regards to accessing finance for the current proposed upgrade has been discounted, as the opportunity is present for the Town to assist funding any proposed upgrades via a self supporting loan with Town.

The above recommendation is based on informal discussions over the last several years. Should this option (option 3) not represent the Council's intentions, the Council is able to amend the officer's recommendation to better reflect its preferred position.

ATTACHMENTS

Nil

CONSULTATION

Sea View Golf Club Management Committee

STATUTORY IMPLICATIONS

The Officer's recommendation for Council to adopt an "In Principle" position on the proposed lease renewal, which does not have any direct statutory implications. Should the Council resolve to progress this position to a formal consideration of a lease document, any associated statutory implications will be identified at that stage.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 5: Providing sustainable infrastructure and community amenities

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

RESOURCE IMPLICATIONS

The estimate to engage a "project facilitator" to develop a scope of works required to undertake a investigation and feasibility exercise is estimated at \$5-\$10k, which can be accommodated with the current budget, however the Town would also welcome any contribution from the Golf Club. Part of the scope of works should include determining the cost of actually doing the investigation and feasibility exercise, which Council will need to consider if it chooses to proceed with the project.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The Sea View Golf Course is on a reserve(s) for the purposes of Park Land and Recreation and represents a significant proportion of land available for public open space within the District. Access to public open space is considered to have positive health and environmental benefits for a community.

There is a management plan that ensures the environmental aspects of the course is maintained to best practice.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council:

1. ADOPT the following key principles in relation to land associated with reserves 6613 and 1664, commonly referred to as the Sea View Golf Course:
 - a. The Sea View Golf Course is a Class “A” crown reserve(s), under the management of the Town of Cottesloe for the purposes of Park Lands and Recreation;
 - b. The Sea View Golf Course cannot be used for residential or commercial development which is not compatible with the purposes of the crown reserve(s);
 - c. As Public Open Space, the public access to the Sea View Golf Course needs to be maintained
 - d. The continued use of the Sea View Golf Course as a golf course is supported, acknowledging its heritage significance to the Cottesloe and Greater West Australian Community; and
 - e. All activities on the Sea View Golf Course must provide positive environmental sustainability and public safety outcomes for the Cottesloe Community.
2. PROVIDES in principle support for:
 - a. A ten (10) year lease renewal (new lease) of the Sea View Golf Course to the Sea View Golf Club;
 - b. The inclusion in the new lease of a redevelopment clause at the discretion of Council, exercisable upon a six (6) month notice period; and
 - c. The redevelopment clause (point (2)(b)) to be removed from new lease should Council resolve that it is satisfied with the progress of investigating redevelopment opportunities of the existing club rooms and associated facilities prior to expiry of the current lease, 30 June 2026.
3. INVITES the Sea View Golf Club to continue to work with the Town of Cottesloe to investigate redevelopment options for the existing club rooms and associated facilities for the benefit of the Cottesloe Community and Sea View Golf Club members; and
4. INSTRUCTS the Chief Executive Officer to:
 - a. Continue negotiations with the Sea View Golf Club with regards to the new lease, with the aim of developing a draft lease to be presented to the Council no later than 31 December 2025;
 - b. Investigate the feasibility of a self supporting loan with the Sea View Golf Club in order to assist in financing any current upgrade plans;
 - c. Engage an appropriately qualified Project Facilitator to assist the Town in defining a redevelopment investigation scope;
 - d. Invite the Sea View Golf Club to participate and contribute to the redevelopment investigation scoping exercise; and
 - e. Prepare a report on the redevelopment investigation scoping exercise for Council’s consideration no later than 31 December 2023.

OCM198/2023

COUNCILLOR MOTION

Moved Cr Wylynko

Seconded Cr Atkins

THAT Council;

1. **ADOPT** the following key principles in relation to land associated with reserves 6613 and 1664, commonly referred to as the Sea View Golf Course:
 - a. The Sea View Golf Course is a Class “A” crown reserve(s), under the management of the Town of Cottesloe for the purposes of Park Lands and Recreation;
 - b. The Sea View Golf Course cannot be used for residential or commercial development which is not compatible with the purposes of the crown reserve(s);
 - c. As Public Open Space, the public access to the Sea View Golf Course needs to be maintained
 - d. The continued use of the Sea View Golf Course as a golf course is supported, acknowledging its heritage significance to the Cottesloe and Greater West Australian Community; and
 - e. All activities on the Sea View Golf Course must provide positive environmental sustainability and public safety outcomes for the Cottesloe Community.
 2. **PROVIDES** in principal support for a ten (10) year lease renewal (new lease) of the Sea View Golf Course to the Sea View Golf Club, subject to either:
 - a. The inclusion in the new lease of a redevelopment clause exercisable by Council upon a six (6) month notice period; or
 - b. Council resolving that the progress of investigating redevelopment opportunities is sufficient to result in a redevelopment plan being incorporated into the lease.”
 3. **INVITES** the Sea View Golf Club to continue to work with the Town of Cottesloe to investigate redevelopment options for the existing club rooms and associated facilities for the benefit of the Cottesloe Community and Sea View Golf Club members; and
 4. **INSTRUCTS** the Chief Executive Officer to:
 - a. Arrange a workshop with Council by 1 March 2024 to consider and provide input on a new lease;
-

- b. Subject to paragraph 4a, continue negotiations with the Sea View Golf Club with regards to the new lease, with the aim of developing a draft lease to be presented to the Council no later than 31 December 2024;
- c. Engage an appropriately qualified Project Facilitator to assist the Town in defining a redevelopment investigation scope;
- d. Invite the Sea View Golf Club to participate in the redevelopment investigation scoping exercise; and
- e. Prepare a report on the redevelopment investigation scoping exercise for Council's consideration no later than 31 December 2023.

Carried 5/1

For: Crs Sadler, Harkins, Barrett, Wylynko and Atkins

Against: Cr MacFarlane

Rationale:

As noted in the Officers Report, discussions have been underway with the Sea View Golf Course over renewal of the lease since 2021. The current lease expires on 30 June 2026.

As also noted in the Officers Report, given its unique location and size, the Golf Course clubhouse has significant redevelopment potential. Redevelopment presents an opportunity for both improved facilities for the Golf Club, and increased community amenity and benefit. Of course, such redevelopment must be compatible with the purposes of the Crown Reserve (Class A) upon which the golf course is located.

Three options were presented in the Officers Report. The third option, a 10 year term with a redevelopment clause, was recommended. It was pointed out that such a clause would only be necessary if there was no further progress on exploring the long term redevelopment opportunities prior to expiry of the existing lease.

Accordingly, paragraphs 1 and 3 are supported.

Amendment to paragraph 2 is for added clarity. As currently proposed, paragraph 2.c. might be seen to have several interpretations, including not meeting the objective set out in the Officers Report.

Amendment to paragraph 4 slightly modifies the process for the preparation of the new lease. The amendments:

- a. propose that Council hold a workshop in order to provide input to the lease process;
- b. amends the date for submission to Council of a draft lease (bringing it forward a year);

- c. deletes the offer of a self-supporting loan to assist in financing current upgrade plans on the basis that the Club has not requested a loan, and in fact indicated that it has sufficient resources to fund such upgrades without the need for a loan; and
- d. deletes the invitation for the Club to contribute (presumably funds) to the redevelopment investigation scoping exercise on the basis that this exercise is more properly funded and directed by the Town.

10.1.2 MANAGEMENT OF INVESTMENTS POLICY

Directorate: Corporate and Community Services
Author(s): Shane Collie, Director Corporate and Community Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D23/32970
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

For Council to review its Management of Investments Policy.

OFFICER RECOMMENDATION IN BRIEF

That Council update its Management of Investments Policy making minor changes to the number of personnel who can sign off on investments.

BACKGROUND

At the Interim Audit held in March 2023 it was noted that the Town's Investment Policy had not been reviewed for some time. The current Policy states that the document should be reviewed every 4 years and that review time is due. The last Review was undertaken in 2018.

The Administration have reviewed the current document, including Finance staff and the following changes are recommended:

- Format and email address in the footer to be updated.
- The inclusion of two additional signatories for the approval of investments being the Director Engineering Services and the Director Development and Regulatory Services.

The inclusion of two additional signatories will assist where there is annual leave or other absences from the office of the normal signatories. All Directors are of a sufficient senior level (All are now designated Senior Officers) within the organisation suitable for this level of responsibility.

ATTACHMENTS

10.1.2(a) Management of Investments Policy [under separate cover]

CONSULTATION

Ernst and Young Auditors

Finance Staff

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 6.14

Local Government Financial Management Regulations 1996 Clause 19

19. Investments, control procedures for

- (1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.
- (2) The control procedures are to enable the identification of —
 - (a) the nature and location of all investments; and
 - (b) the transactions related to each investment.

POLICY IMPLICATIONS

Updated Policy is recommended for adoption.

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Barrett

Seconded Cr Harkins

THAT Council update its Management of Investments Policy making the following minor changes:

- Format and email address in the footer to be updated.
- The inclusion of two additional signatories for the approval of investments being the Director Engineering Services and the Director Development and Regulatory Services.

COUNCILLOR AMENDMENT

MOVER CR SADLER

Adding point 3 below;

3. That an additional Policy Principle be inserted at 3.6 with the subsequent numbering to be corrected

“Divestment from fossil fuels

4.6 The Town of Cottesloe acknowledges climate change and supports more environmentally responsible investing. As much as possible, it will seek to invest in financial institutions and products which do not fund fossil fuel directly or indirectly, subject to minimum credit risk, portfolio exposures limits and investment returns prescribed elsewhere in this policy.”

This amendment was lost due to a lack of seconder

OCM199/2023

SUBSTANTIVE MOTION

Moved Cr Barrett

Seconded Cr Harkins

THAT Council update its Management of Investments Policy making the following minor changes:

- **Format and email address in the footer to be updated.**
- **The inclusion of two additional signatories for the approval of investments being the Director Engineering Services and the Director Development and Regulatory Services.**

Carried 6/0

For: Crs Sadler, Harkins, Barrett, MacFarlane, Wylynko and Atkins

Against: Nil

10.1.4 APPROVAL FOR JUNIOR CRICKET AT HARVEY FIELD

Directorate: Corporate and Community Services
Author(s): Shane Collie, Director Corporate and Community Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D23/33534
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider the use of Harvey Field by the Swanbourne Junior Cricket Club over the summer period of 2023/24.

OFFICER RECOMMENDATION IN BRIEF

That Council provide approval for the Swanbourne Cricket Club (The Club) to use Harvey Field for junior cricket games over the 2023/24 summer period on Saturday mornings from 8am to 10am between 14 October 2023 and 9 December 2023 and then reconvening in February once final season dates are confirmed.

The Chief Executive Officer to be provided with the authority to approve the February 2024 to end of season dates.

BACKGROUND

The Town has been approached by the Swanbourne Cricket Club to use Harvey Field for junior cricket games over the summer period.

The Club has grown considerably over recent years with the addition of a girls program to the point where the Club are struggling to fit all games into their current venue at Allen Park. Their players come from across the western suburbs including Mosman Park and taking in the feeder schools of Cottesloe and North Cottesloe.

The Club is seeking the use of Harvey Field on Saturday mornings from 8am to 10am between 14 October 2023 and 9 December 2023 and then reconvening in February once final season dates are confirmed.

OFFICER COMMENT

The Club has approached the regular users of Harvey Field being the Cottesloe Rugby Club, and the Cottesloe Senior and Junior Football Clubs. The Junior Football Club and the Rugby Club have offered support. The Senior Football Club have scheduled their 2024 pre season training on Saturday mornings which clashes with the time the Junior Cricket was seeking. Given the Football Club had the first booking their request should be honoured. The Junior Cricket Club have not yet set their February 2024 to end of season dates yet and should be able to work around the times/dates of the Football Club. Hence it is not that the Senior Football Club any objections to Junior Cricket being played, it was just at that particular time.

The pitch to be used is a “Flicx” pitch which is portable and roll out therefore not impacting the ground surface to any significant degree. The age range of participants is predominantly Under 10. There are no fees in place for the use of Harvey Field by regular or casual users.

The upgraded Anderson Pavilion is unlikely to be completed by October 2023 therefore would be unable to be utilised in the pre Christmas period. It is intended to provide clarity on use and operations of not only the Pavilion but Sports Club use of Harvey Field in general as the new building comes on line.

A Terms Sheet for the proposed operation of the new Anderson Pavilion and associated questions are presently being prepared however will not be completed and signed off by Council and the Club(s) in time for when the Cricket Club wishes to commence using the Harvey Field. Nevertheless this should not prevent junior cricket being played.

Council discussed this matter at its September Briefing Session held on 5 September 2023 and these appeared to be string support for the proposal.

The Administration recommends that the Swanbourne Cricket Club (Juniors) be permitted to use Harvey Field for their games as requested. The main reasons being that the oval is there for use by the community, the Town promotes physical activity pursuits and there is community benefit to both residents and visitors in undertaking and being involved in junior sport.

ATTACHMENTS

10.1.4(a) Liaison with impacted clubs regarding Swanbourne Cricket Club use of Harvey Field for junior cricket games over the summer season 2023/24 [under separate cover]

CONSULTATION

Swanbourne Junior Cricket Club.

Cottesloe Senior Football Club.

Cottesloe Junior Football Club.

Cottesloe Rugby Club.

STATUTORY IMPLICATIONS

Nil.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council:

1. Provide approval for the Swanbourne Cricket Club to use Harvey Field for junior cricket games over the 2023/24 summer period on Saturday mornings from 8am to 10am between 14 October 2023 and 9 December 2023 and then reconvening in February once final season dates are confirmed.
2. Authorises the Chief Executive Officer approve additional times and dates for use in February 2024 to end of season provided that those dates do not directly clash with the pre booked Football Club use.

OCM200/2023**COUNCILLOR MOTION**

Moved Cr Barrett

Seconded Cr Wylynko

THAT Council:

1. Provide approval for the Swanbourne Cricket Club to use Harvey Field for junior cricket games over the 2023/24 summer period on Saturday mornings from 8am to 10am between 14 October 2023 and 9 December 2023 and then reconvening in February once final season dates are confirmed;
2. REQUEST Administration to work with the Rugby Club, Football Club(s) and Cricket club to find a workable solution to enable the Junior Cricket games to continue on either oval for the second half of the season.
3. Authorises the Chief Executive Officer to approve additional times and dates for use in February 2024 to end of season, provided a workable solution can be found with the relevant parties.

Carried 6/0

For: Crs Sadler, Harkins, Barrett, MacFarlane, Wylynko and Atkins

Against: Nil

Rationale:

It is wonderful to encourage the Ovals to be utilised through out the year.

There are 2 Ovals. There should be a workable solution where all Clubs can share the ovals. It is easier and beneficial for the Council to assist in this regard.

10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES

Nil

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:

12.1 ELECTED MEMBERS

12.2 OFFICERS

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

14 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 7:40 pm.