

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING

AGENDA

**ORDINARY COUNCIL MEETING
TO BE HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6:00 PM Tuesday, 22 October 2024**

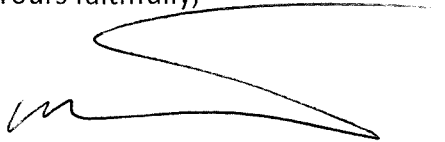
Town of Cottesloe

ORDINARY COUNCIL MEETING

Notice is hereby given that the next Ordinary Council Meeting will be held in the Council Chambers, Cottesloe Civic Centre 109 Broome Street, Cottesloe on **22 October 2024** commencing at **6:00 PM**.

The business to be transacted is shown on the Agenda hereunder.

Yours faithfully,

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

William Matthew Scott
Chief Executive Officer

18 October 2024

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Town for any act, omission, statement or intimation occurring during council meetings.

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Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a council meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Town of Cottesloe during the course of any meeting is not intended to be and is not taken as notice of approval from the Town.

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Members of the public should note that no action should be taken on any application or item discussed at a council meeting prior to written advice on the resolution of Council being received.

All formal Council Meetings will be audio/visual recording and livestreaming and will be publicly available via the Town of Cottesloe's website or social media platform.

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



Town of Cottesloe

DISCLOSURE OF INTERESTS

Agenda Forum ☐

Ordinary Council Meeting ☐

Special Council Meeting ☐

Name of Person Declaring an interest

Position

Date of Meeting

This form is provided to enable members and officers to disclose an Interest in the matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act 1995 and Local Government (Administration) Regulations 1996 34C.

INTEREST DISCLOSED

Item No

Item Title

Nature of Interest

Type of Interest

Financial ☐

Proximity ☐

Impartiality ☐

INTEREST DISCLOSED

Item No

Item Title

Nature of Interest

Type of Interest

Financial ☐

Proximity ☐

Impartiality ☐

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Item No

Item Title

Nature of Interest

Type of Interest

Financial ☐

Proximity ☐

Impartiality ☐

DECLARATION

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

DISCLOSURE OF INTERESTS

Notes for Your Guidance

IMPACT OF A FINANCIAL INTEREST (s. 5.65. & s. 67. Local Government Act 1995)

A member who has a **Financial Interest** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- a. In a written notice given to the Chief Executive Officer before the Meeting or;
- b. At the Meeting immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- a. Preside at the part of the Meeting relating to the matter or;
- b. Participate in, or be present during, any discussion or decision making procedure relative to the matter, unless and to the extent that, the disclosing member is allowed to do so under *Section 5.68* or *Section 5.69* of the *Local Government Act 1995*.

INTERESTS AFFECTING FINANCIAL INTEREST

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest in a matter**.

1. A Financial Interest, pursuant to s. 5.60A or 5.61 of the *Local Government Act 1995*, requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are expectations in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e sporting, social, religious etc, and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e, if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors and ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **must** be given when the matter arises in the Agenda, and immediately before the matter is discussed. Under s. 5.65 of the *Local Government Act 1995* failure to notify carries a penalty of \$10 000 or imprisonment for 2 years.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) of the *Local Government Act 1995*; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the *Local Government Act 1995*, with or without conditions.

INTERESTS AFFECTING PROXIMITY (s. 5.60b Local Government Act 1995)

1. For the purposes of this subdivision, a person has a proximity interest, pursuant to s.5.60B of the Local Government Act 1995, in a matter if the matter concerns;
 - a. a proposed change to a planning scheme affecting land that adjoins the person's land; or
 - b. a proposed change to the zoning or use of land that adjoins the person's land; or
 - c. a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.
2. In this section, land (the proposal land) adjoins a person's land if;
 - a. The proposal land, not being a thoroughfare, has a common boundary with the person's land; or
 - b. The proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - c. The proposal land is that part of a thoroughfare that has a common boundary with the person's land.
3. In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

INTERESTS AFFECTING IMPARTIALITY

Definition: An interest, pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.

A member who has an **Interest Affecting Impartiality** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- a. In a written notice given to the Chief Executive Officers before the Meeting or;
- b. At the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY DISCLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest exist.

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

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 directed the public's attention to the Disclaimer and the paragraph that advises that formal meetings of Council will be audio/visually recorded.

(a) ELECTION OF DEPUTY MAYOR

Section 2.15 of the Local Government Act (1995) provides that the Deputy Mayor is to be elected by the Council.

2.15. Filling office of deputy mayor or deputy president

The deputy mayor or deputy president is to be elected by the council from amongst the council under Schedule 2.3, Division 2.

Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy

Division 2 — Deputy mayors and deputy presidents

(i) Terms used

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);

office means the office of deputy mayor or deputy president.

(ii) When council elects deputy mayor or deputy president

(1) If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with —

(a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and

(b) at the first meeting of the council after an extraordinary vacancy occurs in the office.

(2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled —

- (a) *as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary*

elections day; and

- (b) *subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.*

- (3) *If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.*

(b) How deputy mayor or deputy president is elected

- (1) *The council is to elect a councillor (other than the mayor or president) to fill the office.*
- (2) *The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.*
- (3) *Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.*
- (3) *Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.*
- (4) *If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.*
- (5) *The council members are to vote on the matter by secret ballot as if they were electors voting at an election.*
- (6) *Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*
- (7) *As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.*

Notes:

The election is to be conducted by the Presiding Member and nominations for the office are to be given to the Presiding Member in writing.

If a Councillor is nominated by another elected member, the Presiding Member cannot accept the nomination unless the nominee has advised the Presiding Member orally or in writing that he or she is willing to be nominated for the office.

Elected Members are to vote on the matter by secret ballot as if they were electors voting at a optional preferential voting election.

The votes cast are to be counted and the successful candidate determined, as if those votes were votes cast at an election – provided there is not an equality of votes. If there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and not more than 7 days later, a special meeting of the Council is to be held. Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.

A person elected by the Council as Deputy Mayor has to make a declaration in the prescribed form before acting in the office.

(c) DEPUTY MAYOR DECLARATION OF OFFICE

(d) COUNCILLOR SEATING ARRANGEMENTS

Council's Local Government (Meetings Procedure) Local Law 2021, clause 7.1 provides that:

- (1) At the first meeting after an election, the CEO shall allot by random draw, a position at the council table to each councillor.*
- (2) Each councillor shall, until such time as there is a call by a majority of councillors for a re-allotment of positions, occupy that position when present at meetings of the council.*

Given the the Election of a new Deputy Mayor, the majority of Council (via a motion) may call for the re-allocation of the sitting positions, as per clause 7.1(2), alternatively Cr Salder could simply exchange sitting position with the new Deputy Mayor.

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4.2 PUBLIC QUESTIONS****5 PUBLIC STATEMENT TIME****6 ATTENDANCE****Elected Members**

Mayor Lorraine Young
Cr Helen Sadler
Cr Melissa Harkins
Cr Chilla Bulbeck
Cr Brad Wylynko
Cr Michael Thomas
Cr Katy Mason
Cr Jeffrey Irvine
Cr Sonja Heath

Officers

Mr William Matthew Scott	Chief Executive Officer
Mr Shaun Kan	Director Engineering Services
Mr Steve Cleaver	Director Development and Regulatory Services
Mrs Vicki Cobby	Director Corporate and Community Services
Mr Paul Neilson	Manager Planning Services
Ms Jacquelyne Pilkington	Governance & Executive Office Coordinator
Ms Larissa Stavrianos	Executive Office Trainee

6.1 APOLOGIES**6.2 APPROVED LEAVE OF ABSENCE****6.3 APPLICATIONS FOR LEAVE OF ABSENCE****7 DECLARATION OF INTERESTS****8 CONFIRMATION OF MINUTES**

That the Minutes of the Ordinary Meeting of Council held on Tuesday 24 September 2024 be confirmed as a true and accurate record.

9 PRESENTATIONS**9.1 PETITIONS**

Procedure of Petitions – Local Government (Meetings Procedure) Local Law 2021, Clause 6.11

- (3) *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;*
 - b) that the petition shall not be accepted;*
 - c) that the petition be accepted and referred to the CEO for consideration and report; or*
 - d) that the petition be accepted and dealt with by the full council.*

9.2 PRESENTATIONS**9.3 DEPUTATIONS**

10 REPORTS

10.1 REPORTS OF OFFICERS

COUNCIL RESOLUTION

That Council adopts the following en-bloc Officer Recommendations contained in the Agenda for the Ordinary Meeting of Council 22 October 2024:

____, ____, ____, ____, ____, ____, ____

CORPORATE AND COMMUNITY SERVICES**10.1.1 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2024 TO 31 AUGUST 2024**

Directorate: Corporate and Community Services
Author(s): Sheryl Teoh, Finance Manager
Authoriser(s): Vicki Cobby, Director Corporate and Community Services
File Reference: D24/41070
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

It is a requirement of the *Local Government (Financial Management) Regulations 1996*, Regulation 34 that monthly 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 2024 to 31 August 2024.

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; and
- 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 August 2024 was \$14,913,670, compared to \$13,652,265 at the same time last year. Please note that year-end postings and

adjustments are still to be processed as part of finalising the year-end financial statements.

- Operating revenue exceeds the year-to-date budget by \$2,147,875, while operating expenditure exceeds the year-to-date budget by \$378,627. A detailed explanation of material variances is provided in Note 3: Explanation of Material Variances, in the attached financial statements.
- Cash and investments are shown in Supplementary Information 3: Cash and Financial Assets at Amortised Cost, of the attached financial statements. The Town has 37.17% of funds invested with Westpac Banking Corporation, 33.29% with the Commonwealth Bank of Australia, and 29.54% with the National Australia Bank.
- The balance of cash-backed reserves was \$7,839,029 as at 31 August 2024, as shown in Supplementary Information 4: Reserve Accounts.
- The Capital Works Program is detailed in Supplementary Information 5: Capital Acquisitions. It shows that capital expenditure is \$80,924 lower than the year-to-date budget. An explanation of material variances is provided in Note 3: Explanation of Material Variances in the attached financial statements.
- Rates, sundry debtors, and other receivables are shown in Supplementary Information 7: Receivables. Outstanding rates amount to \$ 15,539,837, compared to \$14,436,376 at the same time last year. Sundry debtors and other receivables indicate that 74.7%, or \$368,389, are older than 90 days, which includes outstanding infringements.
- Information on borrowings is shown in Supplementary Information 10: Borrowings, of the attached financial statements. The Town had total principal outstanding of \$1,951,127 as at 31 August 2024.

List of Accounts Paid for August 2024

The list of accounts paid during August 2024 is included in the attachment. This includes purchases made via electronic fund transfers and cheque payments, credit card payments, and fuel cards payments.

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

- \$151,240.56, \$152,823.00 and \$162,458.12 to the Town of Cottesloe Staff for Fortnightly payroll
- \$223,274.72 to the WA Treasury Corporation for loan payment
- \$36,612.48 and \$41,755.12 to the Western Metropolitan Regional Council for Waste disposal services
- \$42,618.48, \$44,977.38 and \$44,736.97 to the SuperChoice Services Pty Ltd for Superannuation contributions
- \$40,150.00, \$41,413.00 and \$45,102.00 to the Australian Taxation Office for Payroll deductions
- \$42,239.11 to Proficiency Group Pty Ltd for software license charges
- \$34,621.43 to Managed IT Pty Ltd for IT services, maintenance and licensing

ATTACHMENTS

- 10.1.1(a) **Agenda Attachment - Monthly Financial Report 1 July 2024 to 31 August 2024 [under separate cover]**

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Reg. 34

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

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 RECEIVES the Monthly Financial Statements for the period 1 July 2024 to 31 August 2024.

10.1.2 PURCHASING POLICY REVIEW

Directorate:	Corporate and Community Services
Author(s):	Sandra Watson, Manager Community and Customer Services
Authoriser(s):	William Matthew Scott, Chief Executive Officer Vicki Cobby, Director Corporate and Community Services
File Reference:	D24/42277
Applicant(s):	Internal
Applicant(s) Proponents:	
Author Disclosure of Interest:	Nil

SUMMARY

The Town’s Purchasing Policy has recently been reviewed, with particular emphasis on ensuring that the authorisation of purchase orders and invoices can be undertaken by the appropriate officers at the appropriate level. This approach is to address the circumstance of a job title change or a new role being introduced, and officers still having the authority to approve purchase orders and invoices. In addition, some smaller changes to the policy are also being suggested.

AUDIT COMMITTEE RECOMMENDATION IN BRIEF

That Council amend the Purchasing Policy, as endorsed and recommended by the Audit Committee and shown in Attachment (a).

BACKGROUND

The Town’s Purchasing Policy has been reviewed to ensure that when a job title changes or a new role is introduced, officers will have the appropriate authority to authorise purchase orders and invoices. By way of illustration, the Manager Community and Customer Services commenced with the Town in April of this year, however as this job title was not listed in the Purchasing Policy as the majority of roles are specific, the officer has been unable to authorise purchase orders and invoices. It is proposed that the purchasing authority limits align with bands. For example the band of ‘All Managers’ have a purchase order limit of \$10,000, with any exceptions listed.

In addition, some changes to section 4 of the policy ‘Sustainable Purchasing’ are also proposed to ensure that goods or services can be procured inline with this policy and that best value can be maintained. For example, in the situation of when there is a sole supplier and they may not meet all the requirements of ‘sustainable purchasing’.

OFFICER COMMENT

The proposed amendments to the Purchasing Policy related to job titles and purchasing limits are listed in the table below. Where there are no changes to the purchasing authority this is noted in the comment column. It is considered that by making the references to job titles more generic in the purchasing limits and authorisation section, any anomalies will be

addressed when job titles change or new roles are introduced. There are no changes to the purchase order limits proposed.

At its meeting on 7 October 2024, the Audit Committee considered and endorsed the Purchasing Policy with minor changes for Council to amend. The minor changes have been made and the policy as it is presented in attachment (a) is being recommended.

Purchasing Thresholds and Purchase Order Limits

Title	Purchase Order Limit	Comment
Chief Executive Officer	\$250,000	No change
Directors	Maximum of \$150,000	Specific titles removed and generic term 'Director' used also the words "or their delegates" removed
Manager Parks and Operations	Maximum of \$150,000	No change
All other Managers not already listed	Maximum of \$10,000	Generic term for all other managers
Coordinator Ranger Services	Maximum of \$10,000	Title change to this role (previously a 'Manager')
Coordinator Infrastructure	Maximum of \$10,000	New addition – role title change
Event Coordinator	Maximum of \$10,000	No change
Coordinators not already listed	Maximum of \$2000	Generic term for all other Coordinators
Team Leaders	Maximum of \$2000	Generic term
Senior Administration Officers	Maximum of \$2000	Generic term
Administrator Building Administrator Planning	Maximum of \$2000	Generic term
Executive Service Officers	Maximum of \$2000	Generic term
Community Development Officer	Maximum of \$2000	No change

ATTACHMENTS

10.1.2(a) Purchasing Policy - clean [under separate cover]

10.1.2(b) Purchasing Policy - tracked changes [under separate cover]

CONSULTATION

Executive team and Finance staff.

STATUTORY IMPLICATIONS

Local Government (Functions and General) Regulations 1996

Regulation 11A Purchasing Policies for Local Governments

POLICY IMPLICATIONS

If the officer's recommendation is accepted by Council, the '*Purchasing Policy*' will be updated to reflect the amendments.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

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

AUDIT COMMITTEE RECOMMENDATION

That Council AMENDS the purchasing Policy as outlined in Attachment (a).

DEVELOPMENT AND REGULATORY SERVICES**10.1.3 LOTS 35 & 50 (7 & 11) STATION STREET, COTTESLOE - APPLICATION FOR SIGNIFICANT DEVELOPMENT - PROPOSED APARTMENTS, HOTEL AND COMMERCIAL TENANCIES - INITIAL CONSIDERATION OF COUNCIL COMMENTS TO WESTERN AUSTRALIAN PLANNING COMMISSION**

Directorate: Development and Regulatory Services
Author(s): Ed Drewett, Coordinator Statutory Planning
Authoriser(s): Steve Cleaver, Director Development and Regulatory Services
Paul Neilson, Manager Planning Services
File Reference: D24/39656
Applicant(s): Element Advisory/Architectus
Author Disclosure of Interest: Nil

SUMMARY

A significant development application for Lots 35 & 50 (7 & 11) Station Street, Cottesloe has been referred by the Western Australian Planning Commission (WAPC) to the Town for comment. The development application proposes two buildings with an overall height of 15 and 17 storeys above a three-storey podium, 125 multiple dwellings with residential amenities, a 128-room hotel with restaurant, function rooms, lounge, bar, co-working spaces and pool, 1,300m² of commercial and retail floor space, and four levels of basement parking with 289 car bays. The Applicant Development Report is shown as Attachment 1.

OFFICER RECOMMENDATION IN BRIEF

That Council does not support the mixed-use development application based on this initial assessment of the proposal for various reasons, including:

- insufficient grounds to support the proposed development ahead of the progression of the Cottesloe Village Precinct Structure Plan;
- concerns and inconsistencies with the application when considered against:
 - the Town's Local Planning Scheme No. 3;
 - the Residential Design Codes (Volume 2);
 - State Planning Policy No 7 the 'Design of the built Environment'; and
 - Council's Draft Local Planning Strategy.

- Significant concerns about height and massing and overshadowing of Napoleon Street during winter months.

Additional assessment of the application is required and it is intended that a Report will be brought to the Ordinary Council Meeting to be held on 26 November 2024 with a final recommendation from Town Officers on the application for Council's final determination.

BACKGROUND

As this is a significant development application under Part 17 of the *Planning and Development Act 2005* (PD Act), the planning application will be determined by the WAPC with the Town being a key stakeholder from whom advice/comment is sought. The proposal was referred to the Town on 4 October 2024 and Council staff have undertaken an intensive initial assessment of the application and this is detailed in this Report. Some technical assessments remain outstanding. The WAPC has supported Council providing its comments to the State Development Assessment Unit (SDAU) by 29 November 2024, allowing the matter to be finally considered by Council at its Ordinary Council November to be held on 26 November 2024.

The full suite of documents for the development application can be found at the Department of Planning Lands and Heritage (DPLH) website at the following website link; <https://haveyoursay.dplh.wa.gov.au/stationstcottaparts/>

Direct links are provided below:-

[Applicant Development Application Report](#)

[Applicant Certificate of Title – Appendix A](#)

[Applicant Design Report – Appendix B1](#)

[Applicant Architectural Plans – Appendix B2](#)

[Applicant Landscape Plans – Appendix C](#)

[Applicant Public Art Strategy – Appendix D](#)

[Applicant State Planning Assessment – Appendix E](#)

[Applicant Local Planning Assessment – Appendix F](#)

[Applicant Economic Benefit Statement – Appendix G](#)

[Applicant Residential Design Codes Assessment – Appendix H](#)

[Applicant Acoustic Report – Appendix I](#)

[Applicant Sustainability Report – Appendix J](#)

[Applicant Transport Impact Statement – Appendix K](#)

[Applicant Waste Management Plan – Appendix L](#)

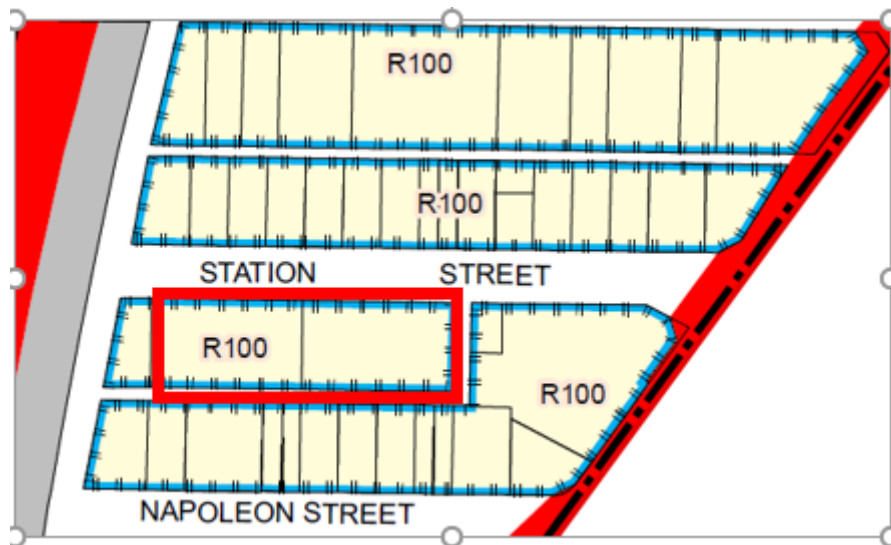
[Applicant Pedestrian Wind Statement – Appendix M](#)

[Applicant Stormwater and Drainage Management Plan – Appendix N](#)

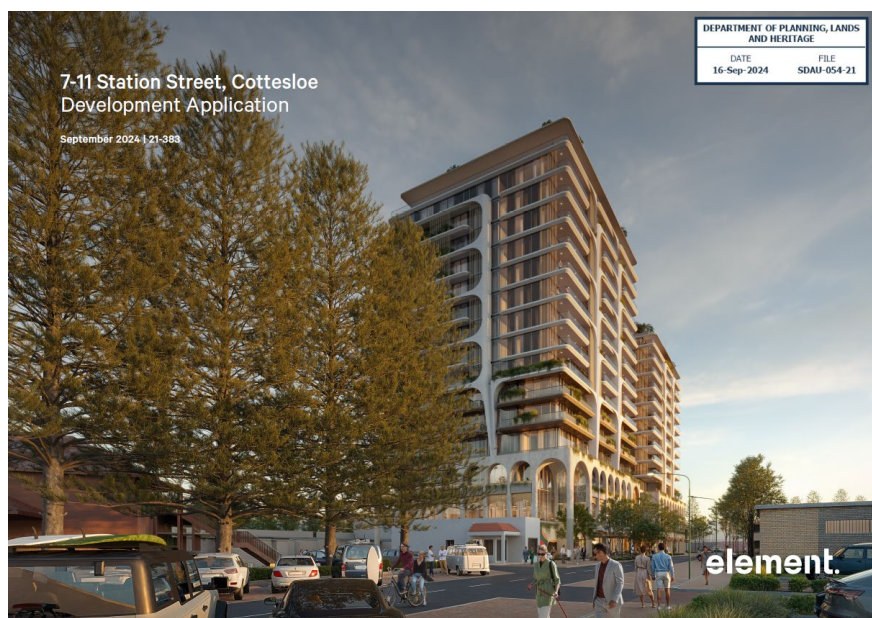
SITE INFORMATION

Zoning:	MRS: LPS:	• Urban • Town Centre/R100
Use Class:		• Multiple dwellings (Discretionary 'D' use) • Hotel (Discretionary 'A' use) • Restaurant (Discretionary 'D' use) • Shop (Permitted 'P' use) • Small Bar (Discretionary 'D' use)
Development Scheme:		Local Planning Scheme No. 3 (LPS 3)
Lot size:		• Lot 50: 1,606m² • Lot 35: 1,626m² Total: 3,232m ²
Existing Land Use:		Commercial
Estimated value of Development:		\$200M
Owner:		Station Street Partners Pty Ltd

**Above: Site location**



Above: Local Planning Scheme No. 3 (LPS 3) - Zoning map (Town Centre/R100)



Above: Proposed development (source: Element)

Sequential history of the site

15 December 2014 - Town Centre Design Guidelines

These guidelines currently guide the planning and design of development proposals within the town centre and provide a basis on which the Council may exercise its discretion on the design aspects of development proposals. The guidelines relevant to the application site are shown on Attachment 6.

Particularly relevant is building height which is set at three storey and 11.5 metre maximum and a requirement for vehicle access only from De Nardi Lane.

March 2017 – Station Street Place Making Strategy

Pursuant to Council's commitment to plan for improvements to Station Street in anticipation of future development, consultants, The Planning Group + Place Match, worked with the Town and stakeholders to formulate a *Station Street Place Making Strategy*.

On 28 March 2017, Council resolved to:

1. *RECEIVE and NOTE the community consultation feedback on the draft Station Street Place Making Strategy for ongoing consideration.*
2. *ACCEPT the Station Street Place Making Strategy March 2017 as a reference framework, subject to the deletion of pages 74-76 and any other reference to building heights, in consultation with TPG.*
3. *THANK all those who participated in the Strategy formulation and who made submissions on the advertised Strategy.*

April 2019 - Scheme Amendment No. 12

The Town received a request from planning consultants, Element, on behalf of the land owner(s) to initiate the Scheme Amendment 12 to form a building envelope over the site and amend existing provisions to increase the permissible building height to up to ten (10) storeys, and modify setbacks, plot ratio, land use, access and built form.

25 June 2019 - Scheme Amendment No. 12

Council considered the proposed Scheme Amendment and resolved to:

1. *Defer consideration for a period of up to six months to allow progress to be made on a local area plan (now known as the Cottesloe Village Precinct Structure Plan) for the Town of Cottesloe centre precinct, including community consultation, in order to guide an informed comprehensive future redevelopment of the area.*
2. *Notify the Western Australian Planning Commission of Council's decision to defer the proposed scheme amendment to LPS3, and provide the Commission with a copy of the scheme amending documentation in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.*
3. *Note the Administration's intention to commence the development of an Integrated Local Area Plan for the Town Centre Precinct in collaboration with the Shire of Peppermint Grove.*

The Town subsequently commenced the development of an Integrated Local Area (ILAP) for the Precinct in collaboration with the Shire of Peppermint Grove. The term ILAP has since been amended to Precinct Plan to accord with State Planning Policy 7.2 – *Precinct Design* (SPP 7.2).

November 2019 - Draft Cottesloe Village Precinct Plan 2019

Council considered the draft Precinct Plan 2019 and made the following resolution:

That Council resolves to initiate advertising the draft Cott Village Precinct Plan for community comment and further consultation for a period of not less than 90 days.

The draft Precinct Plan 2019 is shown in Attachment 2. It should be noted that it is no longer current being replaced by the new Cottesloe Village Precinct Structure Plan.

February 2021 - Draft Precinct Plan 2019

Council considered submissions received during advertising of the Precinct Plan and resolved that it:

1. *Notes the submissions and the views provided in the submissions on the Cottesloe Village Draft Precinct Plan.*
2. *Supports the next steps to be taken to progress the report as outlined in the minutes of the Steering Group Meeting of 17 December 2020.*
3. *Seek and progress the involvement of the Town's Design Advisory Panel (now known as Design Review Panel) in preparation of the design principles for development projects in the Cottesloe Village, and thereafter as appropriate.*

It was noted in the Council report that although advertising closed on 3 May 2020, assessment of the submissions had been prolonged due to the number of submissions received and that progress of the Precinct Plan had been awaiting the preparation and release by the WAPC of State Planning Policy 7.2 *Precinct Design* (SPP 7.2), associated guidelines and amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations).

4 May 2022 - Scheme Amendment No. 12

The Minister for Planning, pursuant to section 76 of the PD Act, issued an order to the Town to initiate the Scheme Amendment.

28 June 2022 - Scheme Amendment No. 12

Council resolved to note and comply with the Minister's order and initiate the Scheme Amendment in accordance with Part 5 of the PD Act and the LPS Regulations. The scheme amendment was advertised for 60 days commencing on 8 August 2022 and closing on 10 October 2022.

2 August 2022 – Significant Development Application (SDAU)

The WAPC provided plans and a planning report to the Town in respect to the proposed SDAU development at 7-11 Station Street and invited preliminary consideration and high-level comments in respect to the proposal prior to it being considered by the State Design Review Panel (SDRP). Since then, the development application has been referred back to the SDRP for consideration and refinement with the latest held in April 2024 (with Town Officers in attendance).

22 November 2022 – Scheme Amendment No. 12

Council made the following resolution (OCM170/2022)

1. *Note the submissions received and the comments provided in the submissions on Scheme Amendment No. 12;*
2. *Pursuant to section 75 of the Planning and Development Act 2005 and Part 5 of the Planning and Development (Local Planning Schemes) Regulations 2015, DOES NOT*

SUPPORT Scheme Amendment No. 12 as depicted in Attachment 1 to this report for the following reasons:

- a. In the absence of a Precinct Structure Plan, the proposed scheme amendment does not adequately address the requirements of SPP 4.2 and SPP 7.2, in particular pedestrian connectivity, accessibility, public spaces and built form and scale;*
 - b. The Town of Cottesloe and the Shire of Peppermint Grove are progressing a Precinct Structure Plan consistent with State Planning Policy 4.2 – Activity Centres (SPP 4.2) and State Planning Policy 7.2 – Precinct Design (SPP 7.2) to guide the comprehensive and coordinated redevelopment of the Cottesloe Activity Centre and delivery of land use planning and design outcomes in accordance with these policies;*
 - c. There are insufficient grounds to support the proposed Scheme Amendment ahead of the progression of the Precinct Structure Plan to a final approval stage as this would result in development of the Cottesloe Activity Centre in a poorly integrated, incohesive and inaccessible manner in conflict with SPP 4.2 and SPP 7.2.*
- 3. Pursuant to Part 5 of the Planning and Development (Local Planning Schemes) Regulations 2015 FORWARDS Scheme Amendment No. 12, the submissions received during advertising and Council's decision to the Western Australian Planning Commission for consideration.*
 - 4. Advise the Minister for Planning that should the modifications requested in the submissions received on Scheme Amendment No. 12 be supported, these modifications are considered substantial and warrant the re-advertising of the scheme amendment.*

Scheme Amendment No 12 was forwarded to the WAPC and remains undetermined.

December 2022 – Local Planning Strategy

The Town, engaged planning consultants, Hames Sharley, to undertake and complete the Town's new Local Planning Strategy. This took into consideration feedback gathered from the community in 2019 and mid-2023, broader Town and State strategic documents, and analysis of the local community profile.

April 2023 - Community Engagement Report for Cottesloe Village Precinct Structure Plan

The Town, in collaboration with the Shire of Peppermint Grove, engaged planning consultants, Hatch Roberts Day, to undertake a Community Engagement Report for the new draft Cottesloe Village Precinct Structure Plan (CVPSP). This Community Engagement Report is shown on Attachment 3.

December 2023 – Local Planning Strategy

Council considered the draft Local Planning Strategy (LPS) and resolved to defer the strategy pending further consideration.

January 2024 – Commence CVPSP

The Town, in collaboration with the Shire of Peppermint Grove, engaged planning consultants, Hames Sharley, to undertake and complete the draft CVPSP.

February 2024 – Draft Local Planning Strategy

Council considered the draft Local Planning Strategy (LPS) and conditionally resolved to endorse the draft LPS for advertising (OCM014/2024).

4 October 2024 – Significant Development Application (SDAU)

The current significant development application was referred to the Town by the WAPC under Part 17 of the PD Act. Information, comment or recommended conditions pertinent to this application are due by 15 November 2024. The Town has been advised by the Department of Planning, Lands and Heritage (DPLH) that it has approval to provide its comments by the 29 November 2024 which allows a report to be put to the Ordinary Meeting of Council to be held on 26 November 2024.

13 October 2024 – Draft Local Planning Strategy

Advertising of the draft LPS closed on 13 October 2024 and a report is being prepared targeting the 17 December 2024 Council meeting to consider submissions received and final endorsement to the WAPC.

December 2024 - Draft CVPSP

A report to Council to endorse the draft CVPSP and associated scheme amendment for advertising is scheduled for 17 December 2024.

OFFICER COMMENT

Local context and site characteristics

The 3,232m² site is occupied by two ‘U’ shaped ground level commercial/retail buildings with at-grade parking. De Nardi Lane abuts the south and east side of the site and Cottesloe Train Station is in close proximity to the west of the site. The Albion Hotel is located to the east, separated by De Nardi Lane and 19 Station Street. It is included in the Town’s Heritage List and Local Heritage Survey.

The Statement of Significance attributed for its inclusion is:

The hotel has social and historic significance as the place, dating possibly from the 1830s, where travellers stopped on their journey by road between the port of Fremantle and the city of Perth. The current building has significant landmark value on the Stirling Highway. Importance for association with John Briggs in the 1870s who had the original hotel, Robert Napoleon Bullen who developed the grounds in the 1880s and his wife Alice who ran it from 1888.

One of the reasons for its inclusion in the Heritage List is noted as:

The place contributes to the character and amenity of the street, locality and overall district.



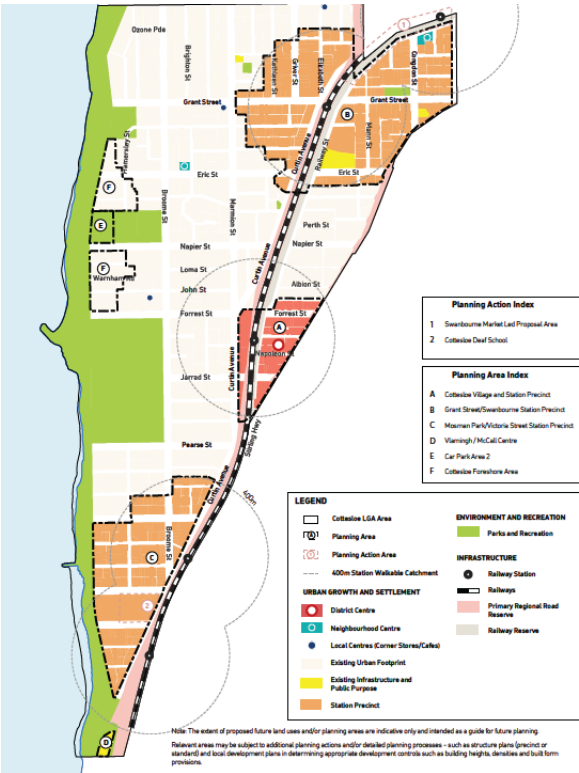
Above: Albion Hotel (*source: Google Earth*)

LOCAL PLANNING FRAMEWORK

Draft Local Planning Strategy

A draft Local Planning Strategy (LPS) has been prepared taking into consideration feedback gathered from the community in 2019 and mid-2023, broader Town and State strategic documents, and analysis of the local community profile. Advertising of the draft LPS closed on 13 October 2024 and a report is being prepared targeting the 17 December 2024 Council meeting to consider submissions received and final endorsement to the WAPC.

The draft LPS objectives include promoting the Cottesloe District Centre as the primary node for actively attracting locals, visitors, and a diverse range of businesses. It is an activity centre that has been identified in the draft LPS as 'Planning Area A'.



Above: Draft Planning Areas map (source: draft LPS)

The draft LPS refers to the adoption of the *Cottesloe Village Precinct Structure Plan* in accordance with SPP 4.2 Activity Centres and SPP7.2 Precinct Design Guidelines.

Table 15: Planning Areas

PLANNING AREA	PLANNING DIRECTION	ID	ACTION	RATIONALE	TIMEFRAME
Precinct A - Cottesloe Village and Station Precinct Overview: Through the adoption of the Cottesloe Village Precinct Structure Plan, create a vibrant mixed-use town centre and station precinct where community, commerce, culture & heritage are embraced.	Future planning of Cottesloe Village to be guided by a PSP.	A.1	Town to continue to develop a Precinct Structure Plan in accordance with State Planning Policy 4.2 Activity Centres for Perth and Peel and State Planning Policy 7.2 Precinct Design Guidelines. The boundary for Planning Area A has been developed through community/ stakeholder engagement. The PSP to provide a contemporary planning framework which addresses the following key issues: + Public realm; + Movement; + Land use; + Built Form. The PSP should also inform changes to LPS4. <i>Note: Action to be delivered in collaboration with the Shire of Peppermint Grove.</i>	Section 4.2.1 in Part 2 identifies a strong desire for the Town to achieve greater urban consolidation, to be achieved by promoting infill development in designated activity centres such as the Cottesloe Village District Centre.	Immediate <1 year

It is evident that the LPS intends that the CVPSP will provide the planning framework for the Cottesloe Village and Station Precinct. In this respect, the aim also for the Precinct to accommodate infill development which is to be guided by and achieved via an adopted CVPSP. It will address and shape built form as well as movement, public realm and land use.

The proposed development is inconsistent with the intent of the draft LPS, Local Planning Scheme No. 3, and the Town Centre Design Guidelines, and it does not represent orderly and proper planning for the locality.

Cottesloe Village Draft Precinct Plan (2019) and Engagement Summary 2023 – character and amenity of Napoleon Street

As discussed above, the draft Precinct Plan 2019 work and the Engagement Summary undertaken mid 2023 have now been reviewed and are being replaced by the current CVPSP (which takes account of key design principles previously envisaged).

A critical design consideration of the draft Precinct Plan 2019 was the intent to retain the character and amenity of Napoleon Street as the main street with its vibrant cafes, shops and meeting places all year round. The design sought then to maximise solar access (including winter sun) and minimise the impact of overshadowing from built form. The draft Precinct Plan 2019 included overshadowing diagrams to analyse appropriate heights on Station Street, with 10 storeys being the maximum. These are detailed further below.

The public engagement undertaken in 2023, leading to the Cottesloe Village Precinct Plan Engagement Summary and associated emerging concepts built on the vision and objectives of the draft Precinct Plan 2019 through consultation with key stakeholder groups and the broader community. Through that work, it was evident again that when considering built form, Napoleon Street is seen as the heart of the precinct and maximising solar access was critical (i.e. as noted in the summary document, the community group felt its ‘important to be able to see the sky’).

Draft Cottesloe Village Precinct Structure Plan (CVPSP)

The draft CVPSP is being prepared by planning consultants, Hames Sharley, on behalf of the Town of Cottesloe and Shire of Peppermint Grove. It is anticipated to be considered by both Councils in December 2024, together with associated Scheme Amendments.

In the Engagement Summary 2023, Station Street is proposed for mixed-use podium style developments with 3-storey podium heights, and tower forms with heights increasing to approximately 6 to 8 storeys. Whilst the emerging concepts identify major improvements on Station Street with a consistent and cohesive street edge, redevelopment on the southern side of Station Street will have to demonstrate that Napoleon Street is not adversely overshadowed.

The draft CVPSP will likely include a change to the current Town Centre/R100 zoning to R-AC0 and introduce new development controls to ensure that streets, such as Station Street, are able to transform into a vibrant, highly active mixed-use areas. These may be characterised by ground floor retail and commercial spaces to energise the area with activity and services, while multiple dwellings will be located on the upper levels (all the while promoting the intended amenity and character of Napoleon Street).

However, there are insufficient grounds presently to support the proposed significant development ahead of the draft CVPSP being adopted and the associated Scheme Amendment being gazetted as this process is well advanced and will provide orderly and proper planning to the District Centre.

Local Planning Scheme No. 3 (LPS 3)

The purpose of the Scheme is to set out planning aims and intentions for the Scheme area. Its aims include to:

- *Promote the Local Planning Strategy;*
- *Sustain the amenity, character and streetscape quality of the Scheme area;*
- *Facilitate improvements in the appearance, amenity, function and accessibility of Cottesloe town centre locality for residents and visitors; and*
- *Ensure that development and the use of land within the district complies with accepted standards and practices for public amenity and convenience.*

The Town's draft Local Planning Strategy has been publicly advertised and is sufficiently advanced that it is considered to constitute a 'seriously entertained' planning document. It refers specifically to the adoption of the CVPSP for the town centre, which is anticipated to occur in 2025 (with Council endorsement for public advertising set to occur early in 2025). The CVPSP and associated amendments to LPS 3 will override the current Scheme provisions for the town centre and ensure that appropriate development occurs in an orderly and proper way. A decision on the proposed development application should therefore either be refused or deferred until the CVPSP and associated amendments to the Scheme have been finalised.

Assessment under Part 17 of the Planning and Development Act, 2005**Residential Design Codes (R-Codes - Vol. 2)**

The proposal has been assessed against the Residential Design Codes (R-Codes - Vol. 2). A full description of the assessment is shown in Attachment 4.

A summary of the key issues identified is provided below.

Building height

Based on analysis undertaken in the draft Precinct Plan (2019), the proposed heights will have a significant detrimental impact on Napoleon Street due to overshadowing in the winter months, and the resultant built form and scale will be overbearing on the function, amenity and character of the street.

The proposed building heights also do not satisfy the Element Objective 2.2 of the R-Codes, as in addition to overshadowing concerns, it does not respond to the desired future scale and character of the street and local area, by substantially exceeding existing height controls contained in both LPS 3. It also does not respond to the prevailing character, which includes numerous existing heritage / character including buildings that are unlikely to change.

Overshadowing

The Draft Precinct Plan (2019) advises:

Overshadowing studies undertaken in accordance with the accepted R-code and CSIRO methodology (ie: the shadow cast by the building at midday 21 June) have demonstrated

that additional height of up to 10 storeys (33 metres) on Station Street do not overshadow Napoleon Street to the south of the building envelope.

The proposed development at 15 storeys (52m) and 17 storeys (59m), plus rooftop projections, will cast a significant shadow over the southern side of Napoleon Street during winter thereby resulting in a loss of sun and amenity for the occupants and visitors of the various commercial and hospitality venues within the area, including cafes, shops and restaurants.



Above: Southern side of Napoleon Street currently enjoys winter sunshine (*source: Google Earth*)

The extent of overshadowing does not satisfy numerous Element Objectives of the R-Codes Volume 2 namely:

- **O 2.2.4** – *The height of development recognises the need for daylight and solar access to adjoining and nearby residential development, communal open space and in some cases, public spaces.*
- **O 2.7.3** – *Buildings are separated sufficiently to provide for residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook.*
- **O 3.2.2** - *Building form and orientation minimises overshadowing of the habitable rooms, open space and solar collectors of neighbouring properties during mid-winter.*

Tree Canopy and Deep Soil Area

While the proposed development does satisfy the deep soil requirement through a combination of true deep soil and planting on structure it has not adequately considered the existing site conditions. The proposed design does not include retention of the existing mature trees located on the edge of the site on the site and appears reliant on new trees to be planted in the public domain to improve the tree canopy at ground level. The trees being removed are the only existing large trees at the western end of Station Street, and they are replaced with 3 small trees along the Station Street frontage.



Above: Existing healthy trees on the development site that are proposed to be removed
(source: Google Earth)

Vehicle Access

The proposed development has two car park access points: one to Station Street and one to De Nardi Lane. The existing Town Centre Design Guidelines only permit new vehicle access from De Nardi Lane. Further the proposed location of the Station Street access point conflicts with the Town's desires to transform Station Street into a highly active / shared space, including new pedestrian access to Cottesloe Station. The proposed access point is too close to the Railway Street intersection and is in an area which is desired to have clear pedestrian priority.

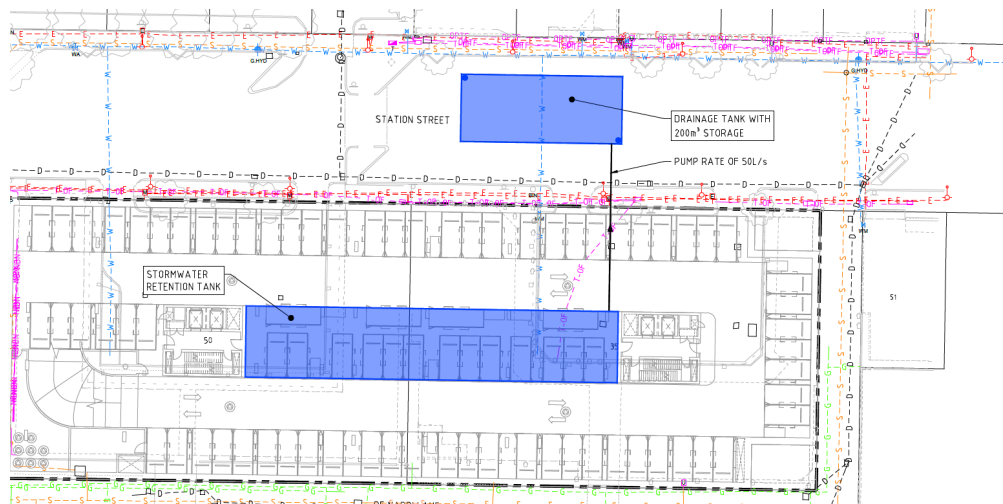
The proposal lacks detail about the

Car Parking

The proposed on-site bicycle and residential parking appear generally compliant, but there will be a shortfall of up to 17 on-site visitor bays, and a significant shortfall of 165 car bays for the non-residential uses.

Water Management and Conservation

The proposed stormwater design does not appear to be adequately addressed on-site and requires significant new infrastructure to be located in Station Street. The reliance on the use of a large drainage tank within the public road reserve is not supported by the Town which maintains a position is that existing drainage system is unlikely to handle the additional stormwater runoff from this property and that all stormwater must be retained on-site.



Above: Proposed on-site and off-site stormwater retention tanks (*source: Applicant's Site Stormwater and Drainage Management Plan*)

State Planning Policy 7.0 – Design of the Built Environment (SPP 7.0)

SPP 7.0 includes Ten Design Principles to guide the design and assessment of built environment proposals through the WA planning system. T

A full description of the assessment is shown in Attachment 5. A summary of the key issues identified is provided below.

Context and Character

The proposals height, bulk and scale will not respond sensitively to local building forms and patterns of development or likely respond positively to the intended future character of the area. It has also not adequately considered how existing mature trees can be retained and integrated into the development.

Built form and scale

The massing and height of the proposed development is not considered appropriate to its setting. Further, the extent of overshadowing on Napoleon Street is unacceptable and cannot be supported.

Safety

The proposed vehicle access off Station Street from the basement carpark is contrary to the current design guidelines that require all vehicle access to be from De Nardi lane and it may result in safety issues arising.

Aesthetics

The bulk, height and massing of the proposed development does not appear appropriate against the existing buildings, especially the heritage-listed Albion Hotel, and it is recommended that a more integrated response to the character of the place is desirable.

ATTACHMENTS

- 10.1.3(a) **Attachment 1 - Applicant Development Application Report [under separate cover]**
- 10.1.3(b) **Attachment 2 - Cottesloe Village Precinct Plan Nov 2019 (now superseded) [under separate cover]**
- 10.1.3(c) **Attachment 3 - Cottesloe Village Precinct Plan Engagement Summary - June 2023 [under separate cover]**
- 10.1.3(d) **Attachment 4 - Assessment Under Part 17 of the P&D Act, 2005 - Residential Design Codes (R -Codes - vol. 2) [under separate cover]**
- 10.1.3(e) **Attachment 5 - Assessment Under Part 17 of the P&D Act 2005 - State Planning Policy 7.0 – Design Of The Built Environment (SPP 7.0) [under separate cover]**
- 10.1.3(f) **Attachment 6 – Relevant parts of Town Centre Design Guidelines [under separate cover]**

CONSULTATION

The application was not advertised by the Town as the Council is not the determining authority. The application is for a significant development application that has been referred by the WAPC to the Town for comment. The WAPC has advertised the development application to owners and occupiers within an approximate 200m radius of the site with public submissions closing on 4 November 2024.

STATUTORY IMPLICATIONS

- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Planning and Development Act 2005 - Part 17*
- *Local Planning Scheme No. 3;*
- *Residential Design Codes.*
- *Draft Local Planning Strategy*
- *Town and Local Centres Design Guidelines*
- *Proposed Cottesloe Village Precinct Structure Plan*

POLICY IMPLICATIONS

The proposed development will have significant implications on the proposed *Cottesloe Village Precinct Structure Plan*.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 3: Our Prosperity - A vibrant and sustainable place to live, visit and enjoy.

Major Strategy 3.1: Activating Cottesloe and Swanbourne town centres and increasing their appeal, attracting more local business and visitors.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

It is noted that the Cottesloe Town Centre is a prime location for transit oriented development which has the potential to provide environmental, social and economic sustainability benefits. A contemporary and strategic planning framework guiding the comprehensive and coordinated redevelopment of town centre will ensure new development will provide sustainability benefits. Without this framework in place, it is inappropriate to support the development.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council not support the mixed-use development application for Lots 35 & 50 (7 & 11) Station Street based on this initial assessment for the following reasons (and as otherwise detailed in this report).

- 1. There are insufficient grounds to support the proposed development ahead of the progression of the Cottesloe Village Precinct Structure Plan (CVPSP) to its final approval stage, as this would result in the development of the Cottesloe Activity Centre in a poorly integrated, incohesive and inaccessible manner and undermine the purpose and function of the Precinct Plan.**
- 2. After consideration of Town's Local Planning Scheme No 3 (LPS No. 3), the Residential Design Codes (Volume 2) and State Planning Policy No 7 the 'Design of the built Environment':-**
 - The proposed building height and massing will have a significant detrimental impact on the amenity of the area, especially due to overshadowing of Napoleon Street during winter months and is significantly higher than the existing height controls contained in LPS No. 3 or anticipated heights contemplated in recent Cottesloe Village Precinct Planning.**
 - The resultant built form and scale will be overbearing on the character of the area, have a detrimental visual impact on the Albion Hotel, and be inconsistent with the Local Planning Scheme and local planning framework;**

- Related to the above, the proposal fails to satisfy numerous elements of the R-Codes Volume 2 namely 0 2.2.4, 0 2.7.3 and 0 3.2.2 relating to height and solar access, building separation, and building form and orientation.
 - The proposed design does not include retention of the existing mature trees located on the edge of the site on the site and appears reliant on new trees to be planted in the public domain to improve the tree canopy at ground level. The trees being removed are the only existing large trees at the western end of Station Street and they are replaced with 3 small trees along the Station Street frontage.
 - The application proposes two car park access points: one to Station Street and one to De Nardi Lane, which is inconsistent with the existing Town Centre Design Guidelines which only permit new vehicle access from De Nardi Lane.
 - There will be a shortfall of up to 17 on-site visitor bays, and a significant shortfall of 165 car bays for the non-residential uses.
 - The proposed development necessitates the provision of a large stormwater retention tank and other major infrastructure changes to be carried out within the Station Street road reservation which would require the separate approval of Council and is not currently supported.
3. The proposed development is inconsistent with the aims and objectives of the Town's draft Local Planning Strategy that has recently been advertised and should be considered as a 'seriously entertained' document.
4. NOTES that a report, with final recommendations from officers on the application (and subsequent advice to the Western Australian Planning Commission), will be brought to the Ordinary Council Meeting to be held on 26 November 2024 for Council determination subject to further assessment.

10.1.4 WASTE LOCAL LAW 2024

Directorate: Development and Regulatory Services
Author(s): Graeme Bissett, Manager Building and Health
Authoriser(s): Steve Cleaver, Director Development and Regulatory Services
File Reference: D24/30157
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

This report is to consider any submissions received as a result of the notification period concerning the proposed Town of Cottesloe Waste Local Law 2024 and consider its adoption to enable gazettal.

OFFICER RECOMMENDATION IN BRIEF

For Council to

- NOTE the outcome of the local public notice given and responses from the government agencies contacted,
- ADOPT the Town of Cottesloe Waste Local Law 2024 (the Local Law)
- AUTHORISE the Gazettal of the Local Law
- AUTHORISE the public notification of the Local Law after Gazettal and
- AUTHORISE the use of the Council seal in this matter.

BACKGROUND

After due consideration, Council resolved, at its May Ordinary Council Meeting to give the required notice of its proposed Waste Local Law 2024. Local public consultation commenced 16 July 2024. This period closed on 27 August 2024.

The local public notice was carried out in as outlined in Council's May 2024 OCM Resolution (OCM060/2024). In addition to the above, the following Government Agencies were also notified:

1. The Minister for Local Government
2. The Minister for Energy, Environment and Climate Action
3. The Department of Water and Environmental Regulation (DWER)

OFFICER COMMENT

At the conclusion of the notification period no public submissions or comments were received.

Correspondence was received from all three Government Agencies notified which only gave procedural advice to be followed. There are no implications from these to prevent proceeding with the Gazettal Local Law as advertised.

Given the response to the Public Notice there are no recommended changes to the proposed model Local Law as advertised.

ATTACHMENTS

10.1.4(a) Proposed Town of Cottesloe Waste Local Law 2024(2) [under separate cover]

CONSULTATION

The formal consultation process is embedded in the legislation associated with the making of a Local Law. A formal 6 week advertising period has been undertaken in accordance with Section 3.12 (3) of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 3.12 Procedure for making local laws

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation and consist predominantly of officer time and the cost of Gazettal.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

THAT Council:

- 1. NOTES the outcome of Local Public Notification with no submissions received and the responses from the agencies notified.**
- 2. ADOPTS by Absolute Majority the Town of Cottesloe Waste Local Law 2024 as attached to this Report;**
- 3. AUTHORISES the Waste Local Law's gazettal in the Government Gazette;**
- 4. AUTHORISES the Local Public Notice advertisement, (after gazettal), of the making of the Local Law including the date upon which it is to come into operation; and**
- 5. AUTHORISES the Mayor and the Chief Executive Officer to affix the Town's Common Seal to the Town of Cottesloe Waste Local Law 2024.**

ENGINEERING SERVICES**10.1.5 MARINE PARADE FORESHORE PRECINCT POSTED SPEED REDUCTION TO 30KM/H**

Directorate: Engineering Services
Author(s): Renuka Ismalage, Manager Projects and Assets
Authoriser(s): Shaun Kan, Director Engineering Services
File Reference: D24/35925
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider a posted speed limit reduction along Marine Parade between Forrest Street and Grant Streets to 30km/hour.

OFFICER RECOMMENDATION IN BRIEF

That Council SUPPORTS the reduction in the posted speed limit and REQUESTS for a formal application to be submitted to Main Roads Western Australia (MRWA) for consideration.

BACKGROUND

The current posted speed limits are as follows (illustrated in the diagram below):

- 50km/h south of the Cove Carpark;
- 50km/h north of Grant Street
- 40km/h north of the Cove Carpark to Grant Street



There is high pedestrian movement along Marine Parade Foreshore section between Forrest Street and Grant Street. Recent speed surveys have found that 85 percent of vehicles are travelling at 50km/h. The average speed of all vehicles surveyed is 40km/h.

A reduction in the posted speed limit to 30km/h **between the Cove Carpark and Grant Street** will provide a more conducive pedestrian environment. This is consistent with the safe active

street design principles used to develop the 2019 approved Foreshore Masterplan and the subsequent March 2021 approved detail design.

In July 2024, the Town met with MRWA to discuss this posted speed reduction opportunity amongst other issues and both parties agreed that there will be pedestrian safety benefits from this posted speed modification.

MRWA has recently invited the Town to make a submission for this reduction.

Given that this is a road under the jurisdiction of the Town of Cottesloe, a Council decision is required in order for the change to occur.

The Active Transport Working Group were consulted on 7 October 2024 and are supportive of this proposed reduction. They have asked for MRWA to consider the same 10km/h reduction to the other parts of Marine Parade such that the areas north of Grant Street and south of Forrest Street become 40km/h (currently posted at 50km/h).

The reason supporting their comments relates to the increase in pedestrian activity from land use changes such as the new Dutch Inn Playground and the expansion of Curtin Living (residential, retail, food and beverage offerings). They expect that this together with the future Foreshore Redevelopment will increase vehicles and pedestrians along the entire length of Marine Parade.

OFFICER COMMENT

Whilst the existing 40km/h speed limit maintains higher traffic performance and efficiency, the reduction to 30km/h will benefit active transport safety particularly along the Forrest Street to Grant Street section of Marine Parade where there is a higher volume of road users.

It is the Administration's view that the 10km/h posted speed difference between the Cove Carpark to Grant Street section (currently posted 40km/h) and the other parts of Marine Parade (currently posted 50km/h) is insufficient to influence a change in driver behaviour as they transition into a higher active transport user area being the Main Foreshore Precinct which has been defined to be between Forrest Street and Eric Street intersection within the Council approved Foreshore Masterplan.

Increasing the posted speed differential between the 2 distinct sections of Marine Parade (Forrest Street to Grant Street and the other sections) to 20km/h, offers a more definitive change towards improving pedestrian safety. This reduction also aligns with the goals of the Council approved Foreshore Masterplan, which focuses on creating a safer and more pedestrian friendly streetscape. Whilst Council can undertake this posted speed reduction as part of the Foreshore Masterplan construction, the early introduction is a very low cost way of improving safety.

MRWA has provided in principle support for this posted speed reduction (refer to email attached).

In conjunction with the "New Speed Ahead" signage normally installed by MRWA associated with such changes at both transition points (Forrest Street and Grant Street), the Grant Street roundabout and the slow point just north of the Cove Carpark also provides that local area traffic management calming measure for the transition into the 30km/h reduced speed environment.



MR-TAW-25

Figure 1: “New Speed Ahead” signage

However, given the distance between the slow point just north of the Cove Carpark and the Forrest Street pedestrian crossing and the lack of calming measures between the carpark and the crossing until the Foreshore Masterplan is completed, there is the risk that driver oversight could inevitably result in them “speeding up”. The same risk could apply for the section between Grant Street and Eric Street.

The following are temporary solutions available for Council’s consideration to mitigate such risks at the Forrest Street and Eric Street pedestrian crossings. Some of these may be sacrificed as part of the future Foreshore Project:

- Option 1 - Temporary speed cushions south of the Forrest Street (heading northbound) and north of Eric Street (heading southbound) pedestrian crossing where minimum cost is incurred when they are disposed (\$2000). Below is an example of such a treatment at the Broome Street and Eric Street intersection; or



Figure 2: Speed Cushions at Broome Street and Eric Street Intersection

- Option 2 - Upgrade both Eric Street and Forrest Street pedestrian facility to a Wombat Crossing (as shown in the raised platform example below), noting that this is sacrificial when the future raised intersection at this location is constructed as part of the Foreshore Masterplan (\$20,000).



Figure 3: Existing Pedestrian Crossing Facility at 40 Marine Parade

- Option 3 - An electronic message sign as a visual reminder to drivers of the change and whilst there may be minimal cost difference to the Option 2 raised plateau (\$20,000), it is more likely to remain in place as part of the Foreshore upgrade.



Figure 4: Electronic Speed Sign

Option 1 is preferred should Council wish to install some form of calming device given that this is the lowest sacrificial cost. There will also be public and community education through various sources regardless of option.

The proposed speed zone changes and the speed cushion locations are shown within Attachment B.

Option 2 whilst possible requires Council to be responsible for the entire cost but will remain as part of the Foreshore Masterplan.

Option 3 should not be considered due to the cost ineffectiveness as it is likely to be sacrificed.

There are no concerns should Council decide to rely solely on the MRWA “New Speed Limit” measure. It can then ask for the Administration to carry out speed surveys after the change is introduced and authorise the Chief Executive Officer to implement Option 1 should the results show that the MRWA signs are insufficient.

A formal application will be made to MRWA should Council support the officer’s recommendation.

Whilst not recommended, it is open for Council to reject the officer’s posted speed reduction proposal but this will appear to contradict a previous Council endorsement of the safety active street principles used to design the 2019 approved Foreshore Masterplan. Additionally, it is also a lost opportunity for the early creation of a pedestrian friendly environment ahead of the Foreshore Masterplan construction.

In line with the feedback provided by the Active Transport Working Group, the Administration will explore with MRWA the further reductions outside the section between Forrest Street and Grant Street as discussed in the Background Section of this report.

ATTACHMENTS

- 10.1.5(a) Email - Marine Parade Speed Zone Request [under separate cover]**
- 10.1.5(b) Attachment B - Posted Speed Change Diagram [under separate cover]**

CONSULTATION

MRWA

Elected Members

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 2.7 Role of council

Road Traffic Code 2000

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town’s *Council Plan 2023 – 2033*.

Priority Area 1: Our Community - Connected, engaged and accessible.

Major Strategy 1.2: Providing accessible and inclusive community spaces and facilities.

RESOURCE IMPLICATIONS

Resource requirements of Option 1 is 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. **SUPPORTS** the posted speed reduction along Marine Parade between **the Cove Carpark (just south of Forrest Street) and Grant Street** to 30km/h;
2. **REQUESTS** the Chief Executive Officer to monitor the speed after the posted speed reduction and **APPROVES** the installation of speed cushions **at Eric Street and Forrest Street pedestrian crossing as mentioned in Option 1** should there be non-compliance with the new posted speed limit;
3. **AUTHORISES** the Chief Executive Officer to submit an application to Main Roads Western Australia to request this posted speed change; and
4. **REQUESTS** the Chief Executive Officer to discuss with Main Roads Western Australia posted speed reductions in the sections outside that mentioned in point 1.

10.1.6 INTEGRATED TRANSPORT STRATEGY

Directorate: Engineering Services
Author(s): Varinder Singh, Asset Engineer
Tin Oo May, Project Engineer
Renuka Ismalage, Manager Projects and Assets
Authoriser(s): Shaun Kan, Director Engineering Services
File Reference: D24/40013
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider the various informing plans (Attachment A) within the Integrated Transport Strategy (ITS) and research findings of Ride Share arrangements.

OFFICER RECOMMENDATION IN BRIEF

That Council

- NOTES the attached informing plans (Attachment A) within Integrated Transport Strategy (ITS) that will be used to inform the Asset Management Plan (AMP);
- NOTES the Administration's response on Ride Share arrangement;
- NOTES the Active Transport Working Group's feedback; and
- NOTES Integrated Transport Strategy for future consultation as part of the overall AMP.

BACKGROUND

In March 2023, Council adopted the current Asset Management Plan (AMP) following the revision of its then Corporate Business Plan in 2022.

In December 2023, Council adopted a new Council Plan (2023 to 2033) that integrated both the Strategic Community Plan and Corporate Business Plan. Priorities within the endorsed document were then approved in March 2024.

Following this, Council, in April 2024, adopted the Asset Management Strategy that covered a number of major asset modules which included the ITS.

The ITS on its own contains a number of informing plans which is further discussed within officer's comment section.

Additionally, this item also provides the Administration's response to an April 2021 Ordinary Council Meeting Notice of Motion pertaining to Ride Share.

OCM066/2021

THAT Council:

- 1. REQUESTS that the administration brings a report to an elected member workshop regarding recommendations for ride-share arrangements in the Foreshore Precinct by October 2021;**
- 2. REQUESTS that the administration uses priorities of the Foreshore Masterplan design brief as background to the report, including the desire to create a safe, low speed pedestrian friendly environment;**
- 3. REQUESTS that the report address ride-share challenges faced by other coastal suburbs in Perth and possible solutions used in other locations;**
- 4. REQUESTS that the option of designated ride-share pick-up locations be investigated with information regarding how this works in practice;**
- 5. REQUESTS that information is sought from ride-share operators and the management of the Ocean Beach and Cottesloe Beach Hotels as part of the report;**
- 6. NOTES that this report may be used as the basis for the Town developing a rideshare policy for the Foreshore Precinct or be integrated into the Town's Parking Strategy.**

In September 2024, Elected members were consulted on these informing plans at their monthly workshop where the view amongst Council was for these to be referred to the Active Transport Working Group (ATWG).

The ATWG provided feedback earlier in October 2024. This has been considered within the respective plans and further discussed in the officer's comment section of this report.

OFFICER COMMENT

October 2024 Active Transport Working Group Feedback

- Informing plans to be aligned and well integrated with each other. For example, black spot treatment works should tie in with MRRG road resurfacing works and the like;
- Footpath continuity through intersections using raised intersection treatments as part of the overall footpath renewal program;
- Long term cycle network (LTCN) plan to include Marine Parade Shared Path noting that this is pending approval from Department of Transport;
- Noting the changes to the State Government funding parameters, consideration should still be given to progressing the LTCN through cost effective alternative means such as installing on road bicycle symbol marking;
- As part of discussion with PTA, ask them to consider smaller hybrid buses and include within any future public consultation survey questions on the community's expectations on addressing the bus route gaps;
- Consider traffic safety and efficiency improvements along North Street, Grant Street, Western end of Sydney Street and at the intersection of Victoria Street with Curtin Avenue;
- Consider additional raised plateaus to provide shorter intervals between treatments at the identified locations for speeding hotspot treatments to reduce the speed down effectively.

- ATWG's comment on ride share arrangement is as follows:
 - (a) 'Pick up & set down' or '5 minutes Drop off' bays may be necessary as options for other drivers (e.g. Uber Eats) in addition to ride share bays;
 - (b) Issues with drivers idling near Alfresco on these bays hence request the Administration to investigate the possibility of mandating turning off the engine while waiting for the sustainability; and
 - (c) For the above points (a) and (b) to be considered as part of any future Parking Strategy.

Council is asked to note that the feedback has been considered and either already applied or will be actioned appropriately when implementing the ITS.

Integrated Transport Guiding Principles

Local government plays a key role in transport planning and has an extensive role in road transport including road construction and maintenance. A municipal cooperation with other agencies and private sector is necessary in achieving good transport outcomes.

The contribution of local governments to the efficiency of the region's transport system promotes a prosperous local economy and maintains quality of life for current and future generations.

The transport infrastructure roles and responsibilities of local government are generally for the planning, design and construction and maintenance of local roads, bridges, footpaths, drainage, parking facilities and street parking.

Local roads are under local government jurisdiction which includes responsibility for the final road design, construction, maintenance and funding of local road improvements including road safety.

From a Town of Cottesloe context, it is vital to have a strategic approach that addresses the current and future needs of residents, visitors, businesses, as well as those who pass through the district in order to ensure the continued success of the Town as a vibrant coastal community, particularly with the challenges of population growth.

The Integrated Transport Strategy containing a number of informing plans sets the strategic direction for managing the Town's transport network. It aims to achieve the vision of delivering a holistic approach to providing an accessible and sustainable transport network that connects people to places and supports the Town as a liveable coastal community.

This vision is seen to be achieved by achieving the following strategic outcomes:

- Economy: Efficient movement of people and goods in order to support sustainable economic development and prosperity;
- Safety: A safe transport system that meets mobility, social and economic objectives with maximum safety for its users;
- Environment: Protect the environment and improve health by building and investing in transport systems that minimise emissions and consumption of resources and energy;
- Quality: A well maintained and connected transport network that provides quality travel infrastructure for all users; and

- **Equal Opportunity and Integration:** A well integrated transport systems that links different modes, aligns with land use and provides everyone with fair accessibility to the transport network.

The Integrated Transport Strategy and Informing Plans

The following informing plans (Attachment A) within the ITS both individually and when fully combined delivers the 5 strategic outcomes previously mentioned. Each plan details the capital works (renewal, upgrade and new infrastructure) for the various transport asset classes. The order of priority within the various plans are developed based on a number of service levels benchmarks covering:

- asset condition and service gaps;
- community expectations; and
- their inter-relationship with one another and the capital program from other asset portfolios, for example; public open space (Foreshore Redevelopment).

- **Drainage Management Plan**

The immediate priority is given to known flood prone locations for new drainage infrastructure upgrade. Longer term works will be identified through a whole of network drainage analysis which is to be undertaken in the future.

- **Footpath Management Plan**

This plan covers two components, namely, pedestrian footpaths and the approved Long Term Cycle Network (LTCN).

The Town has an overall well-connected pedestrian footpath network, hence, capital renewal is the main asset management requirement where priority has been given to footpaths that have been visually assessed to be in poorer condition.

Given the Western Australia Bike Network (WABN) Funding Program only funds paths within a 2km radius of a Metronet Station, the endorsed LTCN no longer meets the criteria for Government contributions. As a result, the attached plan for LTCN highlighted only the order of priority with no forecasted program.

- **Parking Management Plan**

[A Parking Strategy is currently being developed separate to this ITS.](#)

- **Public Transport Management Plan**

A gap analysis undertaken has identified a number of areas within Cottesloe that do not have public bus service coverage. The intent is to engage with PTA for them to assess the need to expand their service to cover these missing links.

- **Road Network Management Plan**

This covers three key road classifications (distributors, access and laneways) funded through different sources (Grants and Municipal Reserves). The renewal priority for both distributor and access roads are rationalised based on their condition and strategic significance.

Available external funding are generally through the Metropolitan Region Roads Group (MRRG) for the Distributor Roads and Roads to Recovery (RTR) for Access Roads.

Laneways are funded through Council sources and priority is given to asphaltting unsealed surfaces before renewing those that are already sealed which appear to be in an overall acceptable condition.

- **Traffic Safety and Performance Management Plan**

This identifies a number of possible blackspot funding locations (fatal and high number of crashes) prioritised using benefit to cost ratios. It also suggests traffic calming treatment (raised plateaus) for locations where speeding has been determined to be an issued.

From a Network Performance perspective, Eric Street, Jarrad Street and Congdon Street are the only known congested links that will be addressed by the State Government's upgrade of the road network (Eric Street Bridge, Curtin Avenue and Congdon Street Bridge)

Council can expect the ITS to be that overarching document that capitalises on knowledge gained from the different informing plans and community feedback in implementing a whole of network approach to ensure a safe, secure, efficient, reliable and integrated transport system that supports economic development and social and environmental wellbeing.

The officer in developing this ITS will consider:

- The views provided by Pearse Street residents at the Agenda Forum and the response provided;
- the school bus route within the district to determine how this affects the ITS and particularly the active transport elements;
- the principles, particularly the environmental element;
- All feedback provided within elected member correspondence to the Administration; and
- All feedback from the Active Transport Working Group particularly a whole of suburb safety improvement approach through the reduction of posted speeds, similar to what has been implemented by the City of Vincent.

Ride Share Arrangements

The Administration's responses to resolution OCM066/2021 pertaining to a Notice of Motion Council on rideshare are as follows:

- **Response to Resolution 1 and 2: Response to the Notice of Motion by using priorities of the Foreshore Masterplan design brief as background to the report, including the desire to create a safe, low speed pedestrian friendly environment**

The Foreshore Redevelopment Project road design are based on safe active street principles that aims to provide a low speed and pedestrian friendly environment for active transport users, particularly cyclist to share the road with vehicles.

Following recent discussions with Main Roads Western Australia (MRWA) on a number of safety issues at existing pedestrian crossings, the road authority recognizes the

safety issues and has provided in principle support to reduce the posted speed limited along Marine Parade (Forrest Street to Grant Street) to 30km/h, subject to a formal Council application.

- **Response to Resolution 3: Challenges faced by other coastal suburbs in Perth and along with the possible solutions:**

- (a) The City of Rockingham do not have ride share related challenges but are having problems accommodating more parking bays within carparks to meet the demands generated by developments. They have utilized increasing the number of on-street ride share bays as a form of justification to reduce the number of parking bays required;
- (b) The Town of East Fremantle have indicated that they do not encounter any challenges relating to ride share. They have suggested considering drop-off-only bays in carparks and main streets to accommodate the use of ride share;
- (c) The City of Cockburn is experiencing problems with ride share utilizing taxi bays to drop off their passengers. This is against their parking local laws and a number of operators have been infringed. Converting taxi ranks to pick-up and set-down bays allows the use by all vehicles;
- (d) Given the limited challenges mentioned by these Local Governments, research extended to the City of Boston in the United States where the following points have been mentioned:
 - (i) Dedicated pre-existing parking spots to pick-up/drop-off from 5pm to 8am;
 - (ii) Signage should indicate that during these hours the driver must stay with the vehicle and can only stay in the spot for up to five minutes;
 - (iii) Lyft and Uber apps should send ride requests to these pick-up spots;
 - (iv) Problems they encounter are as follows:
 1. Drivers only partially pulled their vehicles to the curb, hanging out into the travel lane and forcing traffic to slow down;
 2. Differing use cases such as food pick-up or delivery resulted in drivers leaving the vehicle in the PU/DO zone beyond the allowed five minutes;

- **Response to Resolution 5: Discussion with the management of the Cottesloe Beach (CBH) and Ocean Beach Hotels (OBH) on the implementation of ride share facilities.**

The feedback from the respective management on ride share facilities is as follows:

- (a) **The CBH**

CBH have suggested converting the two bays in front of the building and the two across the road as a pick-up and set-down bays. However, these pick-up and set-down bays will need to be relocated to John Street after the Foreshore Masterplan is completed. (Refer Attachment B – Suggested ride share Pick up and Drop off Bays for CBH and OBH)

Council is to note that for clarity reasons (capture feedback from hotel), the diagram includes both the current arrangement (pick up set down on Marine Parade) and the future Foreshore Masterplan solution (relocated to John Street).

This approach will prevent them from being used by beachgoers and also eliminate the need for northbound ride share having to make a U-turn to access the bays on the eastern side directly in front of the CBH.

Their view is that this will be highly used given the bars and restaurants open till late each night.

(b) The OBH

OBH suggested converting two parking bays on the hotel side in front of 142 Marine Parade and another two parking bays on the opposite side of the road into pick-up and drop-off bays with a 15 minute restriction. (Refer Attachment B – Suggested Ride share Pick up and Drop off Bays for CBH and OBH)

Their view on how it works in reality is similar to that of the CBH.

Council is to note Resolution 4 pertaining to option of designated ride share pick-up locations be investigated with information regarding how this works in practice are covered within the responses to resolution 3 and 5. Ride share operators have also been contacted but have not responded.

ATTACHMENTS

10.1.6(a) Attachment A - Integrated Transport Informing Plans - Updated 8 October 2024 [under separate cover]

10.1.6(b) Attachment B - Suggested Pick up & Drop off bays for CBH and OBH [under separate cover]

CONSULTATION

Elected Members

ATWG

MRWA

CBH

OBH

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 *Council Plan 2023 – 2033*.

Priority Area 2: Our Town - Healthy natural environs and infrastructure meeting the needs of our community.

Major Strategy 2.1: Town infrastructure is well planned, effectively managed and supports our community, whilst protecting and promoting our unique heritage and character

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. [This will be further elaborated at the time when Council is asked to adopt the ITS because this will be only known at that time, noting that one of the overarching principles of this strategy is to improve environmental sustainability.](#)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council:

- 1. THANKS the Active Transport Working Group for providing feedback;**
- 2. NOTES the attached Integrated Transport Strategy informing plans (Attachment A);**
- 3. NOTES the Administration's response to OCM066/2021 pertaining to a Notice of Motion on Ride Share arrangements; and**
- 4. NOTES that the feedback provided by the Active Transport Working Group and Elected Members will be used to develop an Integrated Transport Strategy Document and complete any further investigations needed to complete the update of the informing plans related to the Integrated Transport Strategy; and**
- 5. NOTES that the documents (Integrated Transport Strategy and Informing Plans) mentioned in point 4 will be presented to an Elected Members Workshop in 2025 before the future public consultation as part of the overall Asset Management Plan.**

10.1.7 SHARK BARRIER SECTION 91 LICENCE

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D24/40710
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider authorising the Mayor and Chief Executive Officer (CEO) to sign the attached Section 91 Licence (Licence) and affix the Town's Common Seal (if required)

OFFICER RECOMMENDATION IN BRIEF

That Council authorises the execution of the Licence for the installation of the shark barrier.

BACKGROUND

At the August 2024 Ordinary Council Meeting, Council awarded the shark barrier supply, installation and maintenance contract to Ecoshark Barrier. The current Licence needs to be renewed in order for the installation to occur.

The Town has received written advice it may install the barrier prior to the license being signed and executed.

OFFICER COMMENT

Attached is the Section 91 Licence renewed for a further 5 years.

ATTACHMENTS

10.1.7(a) Section 91 Licence - Case 2402083 - Cottesloe Beach Shark Barrier – Town of Cottesloe - October 2024 [under separate cover]

CONSULTATION

Department of Planning, Lands and Heritage

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 9.49A Execution of documents

Land Administration Act 1997

Section 91 Licences and profits à prendre over Crown land, grant of

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

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 AUTHORISE the Mayor and Chief Executive Officer to sign the attached Section 91 Licence and affix the Town's Common Seal.

EXECUTIVE SERVICES**10.1.8 CEO QUARTERLY INFORMATION BULLETIN**

Directorate: Executive Services
Author(s): Jacquelyne Pilkington, Governance & Executive Office Coordinator
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D24/40842
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

To provide Council information and statistics on key activities during the year on a quarterly basis, as requested by Council or recommended by the Administration.

OFFICER RECOMMENDATION IN BRIEF

THAT Council notes the information provided in the Quarterly Information Bulletin (Attachments).

BACKGROUND

This report is consistent with the Town's Council Plan 2023 – 2033, Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance and Major Strategy 4.3: Deliver open, accountable and transparent governance.

OFFICER COMMENT

Elected Members should be aware that the Council Plan deliverables do not currently have a priority rating. Deliverable priorities will be considered by Council at a future meeting. In the interim all deliverables have been commented on.

ATTACHMENTS

10.1.8(a) CEO Quarterly Information Bulletin [under separate cover]

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 5.41 Functions of CEO

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

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 notes the information provided in the Quarterly Information Bulletin

10.1.9 WALGA LOCAL GOVERNMENT ELECTIONS ADVOCACY POSITIONS

Directorate: Executive Services
Author(s): Vicki Cobby, Director Corporate and Community Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D24/40873
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider and advise the Western Australian Local Government Association (WALGA) on its Local Government Elections Advocacy Positions.

OFFICER RECOMMENDATION IN BRIEF

That Council supports the following WALGA Local Government Elections Advocacy Positions:

1. Voluntary voting at Local Government elections
2. Four year terms with a two year spill;
3. First Past the Post (FPTP) as the preferred voting for general and internal elections;
4. The option to hold general elections through:
 - (a) Electronic voting; and/or
 - (b) Postal voting; and/or
 - (c) In-Person voting.
5. All classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.

BACKGROUND

The Local Government Amendment Act 2023 introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections:

- the introduction of Optional Preferential Voting (OPV);
- extending the election period to account for delays in postal services;
- changes to the publication of information about candidates;
- backfilling provisions for extraordinary vacancies after the 2023 election;
- public election of the Mayor or President for larger Local Governments;
- abolishing wards for smaller Local Governments; and
- aligning the size of councils with the size of populations of each Local Government (change to representation)

Following requests from several Zone's, WALGA undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of these legislative reforms.

The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia. Refer attachment 1 "Local Government Reform Proposal Submission".

The Elections Analysis Review and Report was presented to State Council on the 4TH September 2024, with State Council supporting a review of WALGA's Local Government Elections Advocacy Positions.

WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting. Refer to attachment 2 'Advocacy positions for New Local Government Act, Key Issues from recent inquiries into Local government dated December 2020.' This report outlines various reform initiatives.

OFFICER COMMENT

The following is a summary of WALGA's current Advocacy Positions in relation to Local Government Elections:

ELECTIONS

The first past the post (FPTP) method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences.

The Local Government sector supports:

1. Four year terms with a two year spill
2. Greater participation in Local Government elections
3. The option to hold elections through:
 - Online voting
 - Postal voting, and
 - In-person voting
4. Voting at Local Government elections to be voluntary
5. The first past the post method of counting votes

The Local Government sector opposes the introduction of preferential voting, however if 'first past the post' voting is not retained then optional preferential voting is preferred.

METHOD OF ELECTION OF MAYOR

Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.

CONDUCT OF POSTAL ELECTIONS

Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.

The Local Government Act 1995 should be amended to allow the Australian Electoral Commission (AEC) and any other third party provider including Local Governments to conduct postal elections.

WALGA has requested feedback on below advocacy positions:

1. Participation

- (a) The sector continues to support voluntary voting at Local Government elections; or
- (b) The sector supports compulsory voting at Local Governments elections.

The Administration is supportive of maintaining voluntary voting at Local Government Elections (Option a). Though compulsory voting may increase voter turnout, there will be an element of electors who choose not to vote, requiring additional resources to issue and following up penalties associated for not voting. Alternatively there may be an increase informal (invalid) votes by electors who are not interested in the voting but wish to avoid a penalty for not voting.

2. Terms of Office

- (a) The sector continues to support four-year terms with a two year spill; or
- (b) The sector supports four-year terms on an all in/all out basis.

The Administration is supportive of four year terms with a two year spill (Option a), so there a sharing of knowledge and experience with existing Elected Members. Having the potential for the entire Council to change every four years could result in a significant loss of corporate knowledge and experience. While financial savings are likely by having fewer elections, this is considerably outweighed by the risk of significant delays to all projects and strategies.

3. Voting Methods

- (a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections; or
- (b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

The Administration is supportive of the FPTP as the preferred voting method for general elections (Option a). This is a simple, easy to understand and easy to count, timely process. It also enables a clear expression of the elector's intentions.

4. Internal Elections

- (a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections; or
- (b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.

For the same reasons as voting methods for general elections, the Administration supports FPTP as the preferred method for internal elections (Option a).

5. VOTING ACCESSIBILITY

The sector supports the option to hold general elections through:

- (a) Electronic voting; and/or
- (b) Postal voting; and/or
- (c) In-Person voting.

The administration is supporting of (a), (b) and (c) for general elections and encourages a process that is accessible and convenient for all voters.

6. METHOD OF ELECTION OF MAYOR/PRESIDENT

The sector supports:

- (a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method; or
- (b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President; or
- (c) Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.

The administration supports Option b, where each Local Government decides, by absolute majority, the method for electing their Mayor or President.

ATTACHMENTS

10.1.9(a) InfoPage - Elections Advocacy Positions [under separate cover]

CONSULTATION

NIL

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 *Council Plan 2023 – 2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.1: Engage, inform and actively involve our community in Council decision making.

RESOURCE IMPLICATIONS

NIL

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council RECOMMENDS that WALGA adopt the following Local Government Election Advocacy Positions:

- 1. PARTICIPATION – Council support advocacy position a**
- 2. TERMS OF OFFICE - Council support advocacy position a**
- 3. VOTING METHODS - Council support advocacy position a**
- 4. INTERNAL ELECTIONS - Council support advocacy position a**
- 5. VOTING ACCESSIBILITY - Council support advocacy position a, b & c**
- 6. METHOD OF ELECTION OF MAYOR - Council support advocacy position b**

10.1.10 EXECUTION OF DOCUMENTS AND APPLICATION OF THE COMMON SEAL POLICY

Directorate: Executive Services
Author(s): William Matthew Scott, Chief Executive Officer
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D24/41216
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider adopting a Council Policy (attached) for the execution of documents and application of the Common Seal.

OFFICER RECOMMENDATION IN BRIEF

That Council adopt the attached Execution of Documents and Application of the Common Seal Policy.

BACKGROUND

Pursuant to Section 9.49A of the *Local Government Act 1995*, a document is considered duly executed by a local government if the common seal is affixed, or it is signed on behalf of the local government by an authorised officer. Subsection (2) empowers the Council to authorise the use of the common seal, while Subsection (4) allows the Council, by resolution, to authorise the CEO, another employee, or an agent to sign documents on its behalf.

Unlike many other local governments, the Town of Cottesloe does not have a formal Council Policy specifying when the common seal is required or when officers are authorised to sign documents on the Town's behalf. As a result, many documents that the Council has limited or no ability to negotiate or amend must still be presented for the common seal's application (for example the Shark Barrier Section 91 Licence report within this agenda). Furthermore, unless specifically authorised by the Council, there is an argument that operational documents imposing obligations (financial or otherwise) on the Town may also require Council approval before execution. This could be necessary even when the Council holds limited authority under the *Local Government Act 1995* or when practical constraints, such as time limitations, make it impractical for the Council to approve each document individually.

For example, the signing of employment contracts (excluding that of the CEO) is a function of the CEO under Section 5.41(g), not the Council. Likewise, it is inefficient for the Council to convene to authorise routine documents such as purchase orders or minor service contracts that are essential for the Town's daily operations.

As previously discussed, many local governments have addressed this issue by adopting a Council Policy that outlines when the common seal should be used and authorises staff to sign certain documents. The attached policy has been developed to provide clarity on these matters and to ensure compliance with Section 9.49A. Regrettably, Section 9.49A does not specify which documents it applies to, so potentially it could be viewed that it applies to any document that requires a signature or the common seal to be executed.

The objective of this policy is to resolve these identified inconsistencies and streamline the execution of documents process.

OFFICER COMMENT

In adopting a policy regarding the use of the Common Seal and the execution of documents, the Council will provide clear guidance on the circumstances and conditions that apply, thereby reducing the need for formal Council approval for the execution of certain documents.

The potential benefits of this policy are as follows:

- 1) Clarity: It provides clear guidance on when the Common Seal is required.
- 2) Increased Transparency: The use of the Common Seal will be documented in the CEO's quarterly report, ensuring transparency.
- 3) Focus on Strategic Decision-Making: It allows the Council to concentrate on strategic decision-making, rather than routine administrative tasks needed to implement those decisions.
- 4) Operational Efficiency: It clearly defines the authority of the Administration to sign documents necessary for the day-to-day operations of the Town.

However, the community may perceive this policy as a potential dilution of the Council's responsibility in determining when documents should be signed. The proposed policy reflects current practice, existing delegated authority and statutory responsibilities. As a Council Policy, it can be amended at any time if concerns arise about the Administration acting beyond the policy's scope.

The Policy has been developed after reviewing similar policies from other local governments and aligns with the types of documents that officers currently sign to implement Council decisions and meet operational needs. While further restrictions could be placed on document execution, doing so would likely increase the Council's workload by requiring more frequent authorisation of individual or certain categories of documents.

ATTACHMENTS

- 10.1.10(a) Execution of Documents and Application of Common Seal Policy [under separate cover]**

CONSULTATION

WALGA

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 2.7 Role of council

Section 9.49A Execution of documents

POLICY IMPLICATIONS

This report is for Council to consider adopting a new Council Policy.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

RESOURCE IMPLICATIONS

Nil

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council adopt the attached Execution of Documents and Application of Common Seal Policy.

10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES

10.2.1 RECEIPT OF AUDIT COMMITTEE MINUTES

Attachments: 10.2.1(a) Unconfirmed Minutes of the Audit Committee [under separate cover]

THAT Council RECEIVES the attached Unconfirmed Minutes of the Meeting held on 7 October 2024 and ADOPTS the recommendations contained within.

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**

The Presiding Member requested the recording equipment to be deactivated when going behind closed doors.

MOTION FOR BEHIND CLOSED DOORS

That, in accordance with Section 5.23(2) (d), (e(ii)) and (c), Council discuss the confidential reports behind closed doors.

13.1.1 SEA VIEW GOLF COURSE TEE BOX RELOCATION AND FAIRWAY RE-ALIGNMENT (FAIRWAY 2/11)

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

13.1.2 CONSENT TO SUB-SUBLEASE - 40 MARINE PARADE, COTTESLOE

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (e(ii)) as it contains information relating to a matter that if disclosed, would reveal information that has a commercial value to a person.

13.1.3 SUBDIVISION FOR 22 JOHN STREET

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

13.1.4 SEA VIEW GOLF CLUB (SVGC) CLUBHOUSE REDEVELOPMENT - COMMUNITY CONSULTATION SUMMARY REPORT AND BUILDING CONDITION ASSESSMENT REPORT

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

MOTION FOR RETURN FROM BEHIND CLOSED DOORS

In accordance with Section 5.23 that the meeting be re-opened to members of the public and media, and motions passed behind closed doors be read out if there are any public present.

The Presiding Member requested the recording equipment to be reactivated after coming out of closed doors.

13.2 RESOLUTIONS PASSED IN MEETINGS CLOSED TO THE PUBLIC TO BE READ ALOUD FOR THE BENEFIT OF MEMBERS OF THE PUBLIC IN ATTENDANCE AND VIEWERS WATCHING THE LIVESTREAMING OF THE MEETING.**14 MEETING CLOSURE**