



Town of Cottesloe

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

Tuesday, 23 November 2021

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

Signed:

Presiding Member

Date: 14-12-21

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING

MINUTES

ORDINARY COUNCIL MEETING
HELD IN THE
Council Chambers, Cottesloe Civic Centre, 109 Broome Street, Cottesloe
6:00pm Tuesday, 23 November 2021

MATTHEW SCOTT
Chief Executive Officer

26 November 2021

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

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6:01pm.

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

2 DISCLAIMER

The Presiding Member drew attention to the Town's Disclaimer.

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Presiding Member announced that the meeting is being recorded, solely for the purpose of confirming the correctness of the Minutes.

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

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

Previous Questions taken on Notice

Q1. Can you please identify the error and correction?

A1. The Foreshore Precinct Advisory Committee (FPAC) attempted to meet on the 29 July 2021, however due to a lack of quorum, the meeting had to be adjourned until it met again on 15 September 2021. In the FPAC agenda for the 15 September 2021, FPAC was requested to confirm the minutes for the 29 July 2021. This was a typographical error and should have read 17 March 2021. This will be corrected at the next FPAC Meeting.

Q3. Can the CEO explain how the 15 September 2021 FPAC minutes were signed by him as being correct on the cover page when he was also present at the 'ghost' meeting?

A3. There is no declaration by the CEO that unconfirmed minutes are true and correct, confirmation of minutes is resolved by the Committee members, not the Administration.

Q4. Is it fair to say that the 7 members of the FPAC that approved the minutes as being correct, were misinformed?

A4. That is for the members of FPAC to determine.

Q5. Can the CEO confirm that, under the regulations, it is ok for members to approve minutes of a meeting they were not in attendance at?

A5. Yes.

- Q6. Can the CEO explain why the 15 September FPAC minutes do not include the Agenda note concerning the lack of a quorum and why that advice was not included in the answers to my questions?
- A6. The Members of FPAC were aware of the lack of a quorum at 29 July 2021 meeting, and it noted in the verbal advice given at the start of the 15 September 2021 FPAC meeting.
- Q7. On page 2 of the FPAC Agenda (and as happens on other agendas) there is a proclamation dated 11 September 2021 for the holding of that meeting. Can the CEO please advise where this proclamation is published or is it only a notice for the members of the Committee and staff?
- A7. Generally Committee Agendas are uploaded on the Town's website, as per response to a similar question on notice at the September OCM, in this case it was not (in error), processes have been reviewed to ensure Committee Agendas are uploaded onto the website in the future.

Anderson Pavilion

- Q10. Is the Anderson Pavilion leased?
- A10. No.
- Q11. If so, to whom and for what lease period?
- A11. As per question 10.
- Q12. If the Pavilion is not leased, will it be in the future like the Golf and Rugby clubs, to whom and for what lease periods?
- A12. This will be a future decision of Council.
- Q13. Is or will there be an income stream from such a lease for the benefit of the Town?
- A13. Any and/or all lease income is for the benefit of the Town.
- Q14. Where in the accounts can I identify the income from all the leases issued by the Town as lessor?
- A14.

<u>General Ledger</u>	<u>Program</u>	<u>Budget (page)</u>
10120.46.12	Other Sport & Recreation	61
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Indiana Tea House

- Q15. In the *Indiana* lease, are there any provisions assigned regarding the possibility or options of that site being re-developed?

A15. There are no specific provisions regarding redevelopment options, however any redevelopment would need to be approved by the Town.

Mr David Prosser – 7 Avonmore Tce, Cottesloe – General Questions

Q1. How much were your legal fees and other fees spent defending a lost cause?

A1. The Town of Cottesloe's cost in responding to the SAT Appeal was \$104,743.77 (GST exclusive).

4.2 PUBLIC QUESTIONS

The CEO advised there was an error in the Agenda under 4.1 Response To Previous Public Questions Taken On Notice – the questioner for the first questions (Mr Mellor) was omitted but this will be corrected for the minutes.

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

Previous Questions Taken on Notice

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

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

Anderson Pavilion

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

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

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

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

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

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

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

DAP Consultation - 110 Marine Parade and 28 Station Street

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

Local Government Reforms

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

Seaview Golf Course Management Plan Consultation

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

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

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

5 PUBLIC STATEMENT TIMEStephen Mellor – 8 Graham Court, Cottesloe – Items 10.1.4 and 10.1.10

Mr Mellor requested that two items (10.1.1 Council Meeting Dates 2022 and 10.1.4 Cottesloe Pylon Restoration Appeal) not be passed 'en bloc' tonight so that Councillors can propose amendments to the resolutions.

Patricia Carmichael – 14-116 Marine Parade, Cottesloe – Item 10.1.10

Ms Carmichael referred to item 10.1.10 East Cottesloe Playground Community Engagement Plan and requested the Residents and Ratepayers Association and the Cottesloe Primary School be included in this consultation process.

6 ATTENDANCEElected Members

Mayor Lorraine Young
Cr Caroline Harben
Cr Helen Sadler
Cr Craig Masarei
Cr Melissa Harkins
Cr Paul MacFarlane
Cr Chilla Bulbeck
Cr Brad Wylynko

Officers

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

6.1 APOLOGIES

Ms Freya Ayliffe	Director Development and Regulatory Services
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6.2 APPROVED LEAVE OF ABSENCE

Cr Kirsty Barrett

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL RESOLUTION

Moved Mayor Young Seconded Cr Harkins

That Cr Wylynko be granted leave of absence for the Ordinary Council Meeting being held on 14 December 2021.

Carried 8/0

7 DECLARATION OF INTERESTS

Cr Wylynko declared an IMPARTIALITY INTEREST in item 10.1.6 by virtue "I am familiar with the Principals of Planning Solutions".

The CEO, Mr Matthew Scott, declared an FINANCIAL INTEREST in item 13.1.4 by virtue "It impacts on my contract of employment".

8 CONFIRMATION OF MINUTES**OCM218/2021****Moved Cr Sadler****Seconded Cr Harkins****That the Minutes of the Ordinary Meeting of Council held on Tuesday 26 October 2021 be confirmed as a true and accurate record.****Carried 8/0****9 PRESENTATIONS****9.1 PETITIONS*****Section 9.4 - Procedure of Petitions***

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

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

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

10 REPORTS**10.1 REPORTS OF OFFICERS****OCM219/2021****Moved Cr Masarei****Seconded Cr Harben****COUNCIL RESOLUTION**

That Council adopts en-bloc the following Officer Recommendations contained in the Agenda for the Ordinary Council Meeting 23 November 2021:

Item #	Report Title
10.1.1	Council Meeting Dates 2022
10.1.2	Local Government (Meetings Procedure) Amendment Local Law 2021
10.1.4	Cottesloe Pylon Restoration Appeal
10.1.5	Monthly Financial Statements for the period 1 July 2021 to 31 October 2021
10.1.7	Local Planning Scheme No.3 - Report of Review
10.1.11	Energy Sustainability and Renewable Project - WALGA Preferred Supplier Recommendation
13.1.2	Barchetta Commercial Lease

Carried 8/0

CORPORATE AND COMMUNITY SERVICES**10.1.1 COUNCIL MEETING DATES 2022**

Directorate: Corporate and Community Services
Author(s): Mary-Ann Winnett, Governance Coordinator
Authoriser(s): Shane Collie, Director Corporate and Community Services
File Reference: D21/47471
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

A proposed Council Meeting schedule for the 2022 calendar year has been prepared and a resolution of Council is required to formalise the dates, times and locations for the next 12 months of Ordinary Council Meetings.

OFFICER RECOMMENDATION IN BRIEF

For Council to adopt the proposed meeting dates for Agenda Forum and Ordinary Council Meetings for 2022.

BACKGROUND

The Local Government Act 1995 requires local governments to give local public notice of the dates, times and location of the Ordinary Council Meetings for the following twelve months.

Council normally sets these dates, times and locations late in the calendar year, for the following calendar year.

In addition to the Ordinary Council Meetings, the Town has also advertised the Agenda Forum dates which are open to members of the public and are held on the week prior to the Ordinary Council Meeting. Adverts for the 2021 Council/Forum meeting dates occurred in both local papers in January 2021.

Generally the Ordinary Meeting is scheduled for the fourth Tuesday of the month and the Agenda Forum on the third Tuesday. The exception to this in past years has been the December meetings.

Anzac Day can be a direct conflict on occasion, and Easter can also have operational impacts. Neither will cause any issues in 2022.

Taking the above into account, a proposed Council Meeting schedule for the 2022 calendar year has been prepared and included in the recommendation.

OFFICER COMMENT

The December meeting is recommended to be brought forward one week from the normal cycle, to avoid clashing with the festive season.

It is proposed that Forum dates again be included in the local public notice and placed on the Town's website for electors' information.

Any Special Council Meetings will be advertised individually (if/when they are set).

The 2021 Council/Forum Meeting dates were advertised in both local papers in January 2021 and it is proposed that the approved dates will be advertised similarly, in January 2022.

ATTACHMENTS

Nil

CONSULTATION

Whilst no consultation has occurred prior to the report's preparation, in addition to the formal local public notice, the date, times and locations of the meetings will also be placed on the Town's website for electors' information.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

Major Strategy 6.3: Implement technologies to enhance decision making, communication and service delivery.

RESOURCE IMPLICATIONS

Local public notice of the dates, times and locations will be placed in January, the cost of which is in accordance with the existing budgetary allocation for advertising.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OCM220/2021

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Masarei

Seconded Cr Harben

That Council:

1. **OBSERVES** a recess for January 2022, with no Ordinary Meeting of Council;
2. **ADOPTS** the following Ordinary Council Meeting dates for 2022, which are to commence at 6.00pm in the Council Chambers, 109 Broome Street, Cottesloe;
Tuesday 22 February
Tuesday 22 March
Tuesday 26 April
Tuesday 24 May
Tuesday 28 June
Tuesday 26 July
Tuesday 23 August
Tuesday 27 September
Tuesday 25 October
Tuesday 22 November, and
Tuesday 13 December
3. **ADOPTS** the following Agenda Forum dates for 2022 which are to commence at 6.00pm in the Council Chambers, 109 Broome Street, Cottesloe;
Tuesday 15 February
Tuesday 15 March
Tuesday 19 April
Tuesday 17 May
Tuesday 21 June
Tuesday 19 July
Tuesday 16 August
Tuesday 20 September
Tuesday 18 October
Tuesday 15 November, and
Tuesday 6 December
4. **ADVERTISE**, in January 2022, the Ordinary Council meeting and Agenda Forum meeting dates for 2022, and also publish this information on the Town's website

Carried by En Bloc Resolution 8/0

10.1.2 LOCAL GOVERNMENT (MEETINGS PROCEDURE) AMENDMENT LOCAL LAW 2021

Directorate: Corporate and Community Services
Author(s): Shane Collie, Director Corporate and Community Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D21/50046
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

This report proposes the making of a new Town of Cottesloe (Meeting Procedure) Amendment Local Law 2021 pursuant to Section 3.12 (4) of the Local Government Act 1995.

OFFICER RECOMMENDATION IN BRIEF

For Council to adopt the Town of Cottesloe (Meeting Procedure) Amendment Local Law 2021.

BACKGROUND

The Town of Cottesloe (Meeting Procedure) Local Law 2021 was gazetted on 9 March 2021 and came into force as of 23 March 2021. The Local Law was submitted to the Joint Standing Committee for Delegated Legislation (JSCDL) as required with all Local Laws. The JSCDL raised some minor concerns with the Local Law and subsequently advised the Town that some changes were needed to the Local Law before the Committee would agree to formally pass the legislation.

The JSCDL sought an assurance that the sections of the Local Law would not be used where there were concerns raised and the Town provided that assurance. The amendments required to the Local Law were subsequently completed and Council resolved to advertise its intention to amend the principle Local Law at its meeting held on 28 September 2021.

The required 6 week advertising period for the Amendment Local Law concluded on 19 November 2021 and at the time of preparing this report no submissions have been received. Should any submission be received between the time of preparing this report and the close of submissions they will be tabled.

OFFICER COMMENT

The purpose of this report is to:

1. Consider the submissions received on the proposed Town of Cottesloe (Meeting Procedure) Amendment Local Law 2021.
 2. Give notice to the purpose and effect of the Town of Cottesloe (Meeting Procedure) Amendment Local Law 2021.
 3. Make the Town of Cottesloe (Meeting Procedure) Amendment Local Law 2021.
 4. Authorise the Local Law's Gazettal in the Government Gazette.
-

5. Give local public notice, (after gazettal) of the making of the Local Law including the date upon which it is to come into operation.
6. Authorise the affixing of the Town's Common Seal to the Local Law.

The purpose and effect of the proposed Town of Cottesloe Local Government (Meeting Procedure) Amendment Local Law 2021 is as follows:

Purpose: To correct minor typographical and non-industry standard clauses within the Town of Cottesloe Local Government (Meeting Procedure) Local Law 2021.

Effect: To ensure that all Council meetings, committee meetings, and other meetings as described in the *Local Government Act 1995*, and the use of the Council's Common Seal, are governed by the amended Town of Cottesloe Local Government (Meeting Procedure) Local Law unless otherwise provided in the Act, regulations or written law.

ATTACHMENTS

- 10.1.2(a) Draft Town of Cottesloe Local Government (Meeting Procedure) Amendment Local Law 2021 [under separate cover]**

CONSULTATION

The formal consultation process is embedded in the legislation associated with the review of a Local Law. Consultation consists of two 6 week advertising periods.

STATUTORY IMPLICATIONS

Local Government Act 1995

3.5. Legislative power of local governments

- (1) *A local government may make Local Laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*

3.12 Procedure for making a Local Law

- (1) *In making a Local Law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
 - (a) *give local public notice stating that —*

- (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*
- * Absolute majority required.*
- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) After the local law has been published in the Gazette the local government is to give local public notice —*
- (a) stating the title of the local law; and*
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.*
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) In this section —*
- making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Absolute Majority

OCM221/2021

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Masarei

Seconded Cr Harben

THAT Council:

- 1. ADOPTS by Absolute Majority the Town of Cottesloe (Meeting Procedure) Amendment Local Law 2021 as attached to this report;**
- 2. AUTHORISES the Local Law's gazettal in the Government Gazette;**
- 3. 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**
- 4. AUTHORISES the Mayor and the Chief Executive Officer to affix the Town's Common Seal to the Town of Cottesloe (Meeting Procedure) Amendment Local Law 2021.**

Carried by En Bloc Resolution by Absolute Majority 8/0

10.1.4 COTTESLOE PYLON RESTORATION APPEAL

Directorate: Corporate and Community Services
Author(s): Shane Collie, Director Corporate and Community Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D21/49615
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider expanding the Cottesloe Pylon Restoration Appeal to the remainder of the Cottesloe Beach Heritage Precinct.

OFFICER RECOMMENDATION IN BRIEF

That Council redefine the Cottesloe Pylon Restoration Appeal to broaden the scope to permit donations to be raised for the Cottesloe Beach Heritage Precinct.

BACKGROUND

The Cottesloe Pylon Restoration Appeal has been in place for a number of years however has been inactive for some time now. The Appeal was initially set up to raise funds for the preservation of the Cottesloe Pylon and is narrow in its focus to the point that it states as its purpose as "To restore the bell component of the Heritage Listed Cottesloe Pylon".

There is \$1,012 in the Appeal account at this time which is insufficient to undertake any worthwhile works. Studies to plan and protect the Pylon are well in excess of the funds available and also contain other elements of the Pylon such as the base and underwater structure.

OFFICER COMMENT

With the listing of the Cottesloe Beach Heritage Precinct an opportunity presents itself to reinvigorate not only the Pylon Appeal itself but to expand the Appeal to include the Cottesloe Beach area that falls within the precinct. With the Town presently seeking funding sources for the Foreshore Redevelopment works there is the opportunity to seek Heritage donations that could contribute to the proposed Foreshore improvement works.

Any donations made to such an Appeal, which is administered by the National Trust of Western Australia, are tax deductible, which if raised through the Town itself, are not.

It makes sense to broaden the scope of the Appeal, whether or not Council wishes to use or promote the Appeal as an income source for Foreshore Development Works. One of the key initiatives contained in the Town's Corporate Business Plan is to seek alternative sources of income aside from rates, to diversify and find alternative sources of funding for community projects and this fits that mantra very well.

The representative from the National Trust has advised that there are many innovative ways in which donations can be sought and a suggestion was the use of QR codes with the purpose of the Appeal and detail placed in areas of high foot traffic and where the proposed Appeal

funds would be spent. This certainly would apply in this instance with the high use Foreshore area being the obvious place to target. A donation can be made with a mobile device and a static QR code.

ATTACHMENTS

10.1.4(a) Cottesloe Beach Precinct Map [under separate cover]

10.1.4(b) Email from National Trust WA [under separate cover]

CONSULTATION

National Trust Western Australia.

STATUTORY IMPLICATIONS

State Heritage Act 2018.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 3: Enhancing beach access and the foreshore

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

Should Council be supportive of extending the current Cottesloe Pylon Restoration Appeal to include the Foreshore area designated as Heritage a proposal will be developed for Council's consideration which would contain the recommended specifics of any intended donation raising campaign.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority.

OCM222/2021

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Masarei

Seconded Cr Harben

THAT Council:

1. **REDEFINES** the Cottesloe Pylon Restoration Appeal to broaden the scope to permit donations to be raised for the Cottesloe Beach Heritage Precinct.
2. **RECEIVES** a further report in due course on how an Appeal, which would include the raising of funds for the Cottesloe Beach Heritage Precinct, is proposed to operate.

Carried by En Bloc Resolution 8/0

10.1.5 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2021 TO 31 OCTOBER 2021

Directorate: Corporate and Community Services
Author(s): Lauren Davies, Finance Manager
Authoriser(s): Shane Collie, Director Corporate and Community Services
File Reference: D21/50263
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

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

OFFICER RECOMMENDATION IN BRIEF

That Council receives the Monthly Financial Statements for the period 1 July 2021 to 31 October 2021.

BACKGROUND

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

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

OFFICER COMMENT

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

- The net current funding position as at 31 October 2021 was \$10,496,780 as compared to \$7,715,834 this time last year. This is due to rates being raised in early August last year compared to late August this year.
 - Rates receivables as at 31 October 2021 stood at \$4,375,995 as compared to \$3,765,555 this time last year as shown on page 23 of the attached financial statements. This is due to the timing of the raising of rates.
-

- Operating revenue is more than year to date budget by \$496,013 with a more detailed explanation of material variances provided on page 19 of the attached financial statements. Operating expenditure is \$844,588 less than year to date with a more detailed analysis of material variances provided on page 19.
- The capital works program is shown in detail on pages 33 to 34 of the attached financial statements.
- The balance of cash backed reserves was \$8,498,619 as at 31 October 2021 as shown in note 4 on page 21 of the attached financial statements.

List of Accounts Paid for October 2021

The list of accounts paid during October 2021 is shown on pages 35 to 41 of the attached financial statements. The following material payments are brought to Council's attention:

- \$28,888.17 & \$28,634.76 to SuperChoice Services Pty Ltd for staff superannuation contributions.
- \$96,299.78 to the ATO for payroll deductions.
- \$77,670.46 to Solo Resources for Waste removal in September.
- \$44,559.41 to Managed IT for provision of two months IT services, and laptops, plus \$101,978.91 for IT Hardware equipment purchases, office 365 email migration, cloud hosting and server upgrade.
- \$30,097.73 to McLeods Barristers & Solicitors for various legal fees.
- \$99,318.83 to LGIS for 2nd instalment on the 2021/2022 insurance.

Investments and Loans

Cash and investments are shown in note 4 on page 21 of the attached financial statements. The Town has approximately 39% of funds invested with the National Australia Bank, 40% with the Commonwealth Bank of Australia and 21% with Westpac Banking Corporation. A balance of \$8,498,619 was held in reserve funds as at 31 October 2021.

Information on borrowings is shown in note 10 on page 30 of the attached financial statements. The Town had total principal outstanding of \$2,994,390 as at 31 October 2021.

Rates, Sundry Debtors and Other Receivables

Rates outstanding are shown on note 6 on page 23 and show a balance of \$4,543,581 outstanding as compared to \$3,050,058 this time last year.

Sundry debtors are shown on note 6 on page 23 of the attached financial statements. The sundry debtors report shows that 36% or \$21,870 is older than 90 days. Infringement debtors are shown on note 6 on page 25 and were \$444,191 as at 31 October 2021.

ATTACHMENTS

10.1.5(a) Monthly Financial Report 1 July to 31 October 2021 [under separate cover]

CONSULTATION

Senior staff.

STATUTORY IMPLICATIONS

Local Government Act 1995 Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OCM223/2021

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Masarei

Seconded Cr Harben

THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2021 to 31 October 2021 as submitted to the 23 November 2021 meeting of Council.

Carried by En Bloc Resolution 8/0

10.1.7 LOCAL PLANNING SCHEME NO.3 - REPORT OF REVIEW

Directorate: Development and Regulatory Services
Author(s): Wayne Zimmermann, Manager of Planning
Authoriser(s): Freya Ayliffe, Director Development and Regulatory Services
File Reference: D21/49225
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider and approve the attached report of the review of Local Planning Scheme No.3 (LPS No.3) prepared in accordance with Part 6 - Review and consolidation of local planning schemes requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) for submission to the Western Australian Planning Commission (WAPC) for approval.

OFFICER RECOMMENDATION IN BRIEF

That Council approve the report of the review of LPS No.3 and submit it to the Western Australian Planning Commission with a recommendation that:

- A new Local Planning Scheme should be prepared and the Town of Cottesloe Local Planning Scheme No. 3 should be repealed upon the approval of the new scheme.
- The current Town of Cottesloe Local Planning Strategy should be reviewed and revoked once a new Local Planning Strategy is prepared and approved.

BACKGROUND

The Town began a review of its Local Planning Strategy in January 2019 as part of reviewing LPS No.3 however, a report of review of LPS No.3 was not prepared and approved by the WAPC prior to the review commencing. The Regulations require that a local government must review its local planning scheme every five years however, in the case of local planning schemes which pre-date the Regulations by less than five years, the review is required in the fifth year after the date that the Regulations were gazetted.

The Regulations were gazetted on 19 October 2015 and therefore a review of the Town of Cottesloe's LPS No.3 was required five years from that date. The Town commenced a review of its Local Planning Strategy in 2019 as part of reviewing LPS No.3 which is within the required timeframe however, a review report of the scheme was not prepared and approved prior to this occurring.

OFFICER COMMENT

Local Planning Scheme No. 3 contains a number of provisions that guide development across the City. A number of these provisions are lengthy and in some instances result in interpretation difficulties. It is therefore considered that there are opportunities to refine provisions in LPS No.3 to improve clarity and interpretation.

The preliminary work undertaken for the review of the Local Planning Strategy identifies existing challenges and shortfalls present within LPS No.3 that require addressing in order to achieve the desired planning framework for the Town. These include providing for appropriately designed and located higher density development in the Town, the need to enhance and activate the Cottesloe Town Centre, providing for 'ageing in place' in addition to the provision of aged care facilities, the loss of heritage places locally and the need to balance new development with the retention of existing heritage, and providing suitably designed and sustainable development along the Cottesloe Beach foreshore.

This demonstrates that development potential provided by the LPS No.3 is not delivering residential development in the Town at a level or at a density to meet the required density infill housing targets. In addition, it is considered necessary for the existing zones, reserves, land use classifications and definitions to be reviewed, with an aim of better aligning these with the Model Provisions contained within the Regulations, where possible, as well as addressing community expectations. Although it may be possible to amend the existing scheme to address the above issues, given the number and scale of the potential changes, it is considered more appropriate to prepare a new scheme to replace LPS 3.

ATTACHMENTS

10.1.7(a) Local Planning Scheme No. 3 Report of Review Nov 21 [under separate cover]

CONSULTATION

The Town commenced a review of its Local Planning Strategy in January 2019 as part of reviewing LPS No.3 and released a Discussion Paper in November 2019 as part of this process. The Local Planning Strategy Discussion Paper was prepared to establish a dialogue with the community regarding the challenges and opportunities that reviewing the current Local Planning Strategy presents, and to ascertain the values of Cottesloe residents and desired outcomes for the Town of Cottesloe.

The Discussion Paper was advertised for an extended period due to COVID19 to invite community input into this process and inform the review of the Local Planning Strategy. The public comments received during the advertising of the LPS Discussion Paper were considered and noted by Council at its Ordinary Meeting on 15 December 2020 and will ultimately form a revised Town of Cottesloe Local Planning Strategy and thereafter a new Local Planning Scheme.

STATUTORY IMPLICATIONS

Local Government Act 1995

Planning and Development Act 2005

Planning and Development Amendment Act 2020

Planning and Development (Local Planning Schemes) Regulations 2015

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 4: Managing Development

Major Strategy 1.4: Continue to improve community engagement.

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

OCM224/2021

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Masarei

Seconded Cr Harben

THAT Council:

- 1. Pursuant to Regulation 66(1)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015, approve the Report of Review contained in Attachment 1.**
- 2. Pursuant to Regulation 66(1)(c) of the Planning and Development (Local Planning Schemes) Regulations 2015 forward the approved Report of Review to the Western Australian Planning Commission.**
- 3. Pursuant to Regulation 66(3)(a)(iii) of the Planning and Development (Local Planning Schemes) Regulations 2015 recommend to the Western Australian Planning Commission that a new Local Planning Scheme should be prepared and the Town of Cottesloe Local Planning Scheme No. 3 should be repealed upon the approval of the new scheme.**
- 4. Pursuant to Regulation 66(3)(b)(iii) of the Planning and Development (Local Planning Schemes) Regulations 2015 recommend to the Western Australian Planning Commission that:**
 - The current Town of Cottesloe Local Planning Strategy should be reviewed and revoked once a new Local Planning Strategy is prepared and approved.**

Carried by En Bloc Resolution 8/0

10.1.11 ENERGY SUSTAINABILITY AND RENEWABLE PROJECT - WALGA PREFERRED SUPPLIER RECOMMENDATION

Directorate:

Engineering Services

Author(s):

Emma Saikovski, Coordinator Environmental Projects

Authoriser(s): Shaun Kan, Director Engineering Services
File Reference: D21/49479
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

Following a Memorandum of Understanding (MoU) between the Town and Western Australian Local Government Association (WALGA), being endorsed by Council in July 2021, WALGA have progressed to Tender with the Energy Sustainability and Renewables Project.

Critical action is now required to ensure the collaboration project can be executed, and provide cost effective renewable energy for the 52 Local Governments who are participating in the project.

OFFICER RECOMMENDATION IN BRIEF

For Council to consider:

- Accepting the recommendation of WALGA and award of the supply of brown and renewable energy, including integrated projects tender to Synergy as part of WALGA's Energy Sustainability and Renewables Project; and
- Authorise the CEO to sign the Form of Agreement for Option One unbundled brown energy and adopt 100% renewable energy in its agreement.

BACKGROUND

At the July 2021 Ordinary Meeting, Council authorised the CEO to sign an MoU that allowed WALGA to collate the necessary power usage for various Local Governments and go through a tender process to appoint a supplier to provide brown and renewable energy including the delivery of integrated projects.

Following the procurement process through the WALGA Preferred Supplier Panel, WALGA have recommended Synergy to be awarded the contract for the mentioned supply of energy and integrated projects delivery as part of phase one of the Energy Sustainability and Renewables Project, subject to contracting, satisfaction of minor variations and the minimum thresholds of Local Government participation reached.

WALGA estimates the product will deliver a collective saving of five million dollars a year amongst the 52 participating Councils and deliver the single largest reduction in carbon footprint for the Local Government Sector if, fully adopted.

OFFICER COMMENT

The project will assist to meet the renewable energy and carbon reduction targets set into policy at the Local, State and Federal levels of Government. The sector is in a unique position to lead the sustainability charge in Western Australia by adopting locally sourced renewable energy derived from Albany Wind Farm, Collgar Wind Farm and Emu Downs Wind Farm. A complete renewable adoption from the Sector is the carbon reduction equivalent to planting 14 million new trees.

Participants in the Tender are being provided provisions for the development of a Local Government Power Purchase Agreement (PPA) following the initial 3-year term. Cooperating with other WALGA Members within the Sector, the Local Government Steering Group has sought an energy partner to help guide the sector into an uncertain future of the Western Australian energy network.

The offer has a strict validity period for acceptance and is contingent on a collective minimum scaled volume of 60 Gigawatt hours across a three-year term. Due to market pricing processes and vesting arrangements, no extensions can be sought, and if WALGA is not able to accept this offer due to a lack of collective participation levels then it will lapse.

It is therefore critical that this offer is accepted in writing from tender participants as soon as possible with a deadline of 19 November 2021. Given the recent Local Government elections, WALGA have approved a late response to allow Council to consider accepting Synergy as their recommended supplier.

The supply of renewable energy is also contingent on a minimum volume being achieved on each contract year and as such this component can only be confirmed after all participating Councils have indicated their interest in this form of energy. WALGA encourages all tender participants to adopt 100% renewable energy. In the event that this cannot be achieved, the supply will simply revert to the unbundled brown energy option which is still at a significantly more competitive rate than the one that is being paid for (detailed below).

Option One – Unbundled

Unbundled energy allows for a greater cost saving, by enabling market driven price fluctuations. The analysis done by WALGA indicates that annual savings in 2022 could vary between \$479 to \$9,222. This is the WALGA preferred option as it allows for greater savings and also enables a potential Power Purchasing Agreement (PPA) in the future. Around two thirds of the other Local Governments involved in the project have elected this option.

Option Two – Bundled

Bundled energy would be supplied at a fixed rate. The WALGA analysis indicates that this would cost around \$4,970 more per annum in comparison to what the Town is currently paying. Such a calculation outcome is fairly usual as suppliers would normally charge higher rates to cover any uncertainties in the future for fixed price arrangements.

Given the potential cost savings in general, the Administration's recommendation would be for Council to accept WALGA's proposal to appoint Synergy and endorse Option One: Unbundled Energy and adopt 100% renewable energy to the Town for the next three years. This is subject to contracting, satisfaction of minor variations and the minimum thresholds of Local Government participation reached.

Council is asked to note that as the contract is still being finalised by WALGA, details pertaining to this report should remain confidential and the Town will publicise our participation in this environmental sustainability program once details are confirmed.

ATTACHMENTS

**10.1.11(a) Energy Project Award - WALGA CEO Address - Cottesloe [CONFIDENTIAL]
[UNDER SEPARATE COVER]**

- 10.1.11(b) Energy Project DRAFT Form of Agreement - Unbundled **[CONFIDENTIAL]**
[UNDER SEPARATE COVER]
- 10.1.11(c) Energy Project Offer Document - Cottesloe **[CONFIDENTIAL]** **[UNDER SEPARATE COVER]**

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 3.57(1) requires a Local Government to invite tenders before entering into a contract of a prescribed kind under which another person is to supply goods or services.

Local Government (Functions and General) Regulations 1996.

Part 4, Division 2 – Tenders for Providing Goods and Services.

Regulation 18 Rejecting and accepting tenders.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 5: Providing sustainable infrastructure and community amenities

Major Strategy 5.1: Develop sustainability and capacity criteria to assess major strategies.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The Officers Recommendation will provide the option to use renewable energy supply which will in turn reduce the Town's overall carbon footprint.

VOTING REQUIREMENT

Simple Majority

OCM225/2021

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Masarei

Seconded Cr Harben

THAT Council:

1. **APPROVES Option One: Unbundled brown energy in the Energy Sustainability Project;**
2. **APPROVES the Adoption of 100% renewable energy in the Energy Sustainability Project, NOTING that this is subject to minimum purchasing volumes reached; and**
3. **AUTHORISES the CEO to sign the attached Form of Agreement.**

Carried by En Bloc Resolution 8/0

10.1.3 LEASE OF AGED CARE (WEARNE) FACILITY - CURTIN HERITAGE LIVING INCORPORATED

Directorate: Corporate and Community Services
Author(s): Shane Collie, Director Corporate and Community Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D21/49273
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to pass resolutions surrendering the current Lease over the Wearne Aged Care Facility and to enter into a new Lease over the upgraded facility on the site.

OFFICER RECOMMENDATION IN BRIEF

That Council surrender the current Lease over the Wearne Aged Care Facility to Curtin Heritage Living Incorporated and enter into a new lease with the same service provider now that the upgraded facility has been substantially completed.

BACKGROUND

As part of the new development of the Wearne premises a new Lease is contemplated as part of the current Agreement with Curtin Heritage Living Incorporated. The new Lease is to take effect when Practical Completion is reached for Stage 1 of the Development.

The Lease of the premises known as Wearne is for the land situated at Lot 555 Gibney Street, Cottesloe, Certificate of Title Volume 2704 Folio 97. The Lease is held in quarter shares by the Town of Cottesloe, Town of Claremont, Town of Mosman Park and the Shire of Peppermint Grove.

As part of the redevelopment project, the stakeholders involved have entered an Agreement to Lease that defines:

- a. Curtin Heritage Living (the Lessee) has sole responsibility for the redevelopment works; and
- b. On practical completion of the residential care development and stage 1 of the retirement village:
 - a. Curtin Heritage Living will surrender, and the owners (Lessor) will accept a surrender of the original lease, and
 - b. The Lessor will grant a new 25-year lease of the land to the Lessee. The terms of the lease have been agreed.

There are conditions precedent, all of which have either been met or will be met on practical completion:

No.	Item	Status
1.	The Lessee preparing and providing to the Lessor a risk management plan for the redevelopment project.	Completed in 2018. Updated and circulated 2019.
2.	Completion of an agreed Master Plan.	Completed and approved by landowner councils in 2018.
3.	The Lessee undertakes an open and competitive process to select an appropriately credentialed not-for-profit manager of the premises; and	Landowner councils agreed that the condition was satisfied when an independent report on manager selection recommended that Curtin Heritage Living adopt a direct form of management in 2019.
4.	Practical completion of the first stage of redevelopment being achieved in accordance with the agreement by the deadline outlined in the agreement (within 8 years of the execution of the Agreement for Lease or August 9, 2023).	Practical completed expected in November with all residents scheduled to enter the new home and village from December 1.

Clause 8 of the current Agreement to Lease document reads as follows:

8. Completion of New Lease

8.1 Completion of New Lease

Subject to the due and punctual performance by the Lessee of all its covenants as contained herein and Completion of the Redevelopment Works by the Deadline for Practical Completion (or such other date as agreed by the parties), the Lessee authorises the Lessor's solicitors to complete the New Lease by the insertion of the following information:

- (a) Commencement Date;
- (b) Termination Date;
- (c) details of the Manager; and
- (d) any other information as may be necessary to complete the Lease in registrable form.

8.2 Execution of New Lease

The New Lease will be finalised by the Lessor's solicitors and will be submitted to the Lessee for execution at least 14 days before the commencement of the New Lease term. The Lessee agrees to execute and return to the Lessor's solicitors the duly executed Lease in triplicate before the commencement of the New Lease term. The Lessor will execute a copy of the New Lease and deliver it to the Lessee before the commencement of the New Lease term.

A new Lease has been drafted and is attached to this Report.

OFFICER COMMENT

Curtin Heritage Living Incorporated have already indicated that they are satisfied with the contents of the draft new Lease. There are a number of other administrative matters that require attending to prior to this matter being finalised. These include:

1. The current lease registered on the title (and due to expire in 2029) needs to be surrendered. Each local government will need to confirm its preferred execution clause.
2. The Commonwealth Bank of Australia will need to Discharge its mortgage from the current lease. This will be something that Curtin Heritage will need to arrange.
3. The commencement date of the New Lease will need to be confirmed.
4. Each local government will need to resolve to enter into the new lease and execute the document under common seal.
5. The Minister for Lands will need to provide consent to the New Lease.
6. The duplicate Certificate of Title will need to be provided.

The Surrender of Lease and New Lease will need to be registered at Landgate.

In April 2016 all four local governments passed resolutions to enter into the original Lease with what was then known as "Curtin Care". Those resolutions also contained a delegation to the Chief Executive Officers for action on "all matters relating to the Agreement to Lease Lot 555 to Curtin Care". There was an exception clause which stated that the delegation did not apply if "the matter for decision is a material change to the terms and conditions of the Lease".

While it could be argued that this removes the requirement for the four local governments to pass resolutions to enter into a new Lease, it is preferred that they do given that the entity has changed its legal name to Curtin Heritage Living Incorporated, and the fact that the issue at hand is an entirely new Lease and not an inconsequential amendment.

ATTACHMENTS

- 10.1.3(a) Final Draft Lease [CONFIDENTIAL] [UNDER SEPARATE COVER]
- 10.1.3(b) Draft Surrender of Lease [under separate cover]
- 10.1.3(c) Draft Landgate Cover Sheet [under separate cover]
- 10.1.3(d) Item 10.1.4 April 2016 Minutes - Proposal for New Lease - Wearne [under separate cover]

CONSULTATION

Curtin Heritage Living Incorporated.

Town of Mosman Park.

Town of Claremont.

Shire of Peppermint Grove.

McLeods Solicitors.

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 3.58 of the Local Government Act 1995 deals with the disposal of property which includes licences, leasing or sale. However within Regulation 30 of the Local Government (Functions and General) Regulations 1996 an exemption is provided for charitable, not-for profit, sporting groups etc., in respect to the provisions of Section 3.58 of the Act.

Section 3.59 (1) of the *Local Government Act 1995* describes a Major Land Transaction. A **major land transaction** means a land transaction other than an exempt land transaction if the total value of —

- (a) the consideration under the transaction; and
- (b) anything done by the local government for achieving the purpose of the transaction,

is more, or is worth more, than the amount prescribed for the purposes of this definition;

The Wearne Lease is not a Major Land Transaction as the consideration (\$1) is under the prescribed amount. The prescribed amount is in this situation the lesser of —

- (i) \$10 000 000; or
- (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year;

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

Major Strategy 1.5: Continue to improve access and inclusion of aged persons and those with disabilities.

RESOURCE IMPLICATIONS

Lease preparation costs are shared equally between all parties.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority.

OFFICER RECOMMENDATION

THAT Council:

1. Surrender the current Lease over the Wearne Aged Care Facility to Curtin Heritage Living Incorporated.
2. Enter into a new lease over the Wearne Aged Care Facility to Curtin Heritage Living Incorporated in the substantial form as attached to this Report.
3. Provide Delegated Authority to the Chief Executive Officer to make any minor, non substantial changes to the lease document if required.
4. That the Chief Executive Officer and the Mayor be authorised to sign and seal the new Lease document.

OCM226/2021

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Mayor Young

Seconded Cr Masarei

THAT Council:

1. **Surrender the current Lease over the Wearne Aged Care Facility to Curtin Heritage Living Incorporated.**
2. **Enter into a new lease over the Wearne Aged Care Facility to Curtin Heritage Living Incorporated in the substantial form as attached to this Report.**
3. **Provide Delegated Authority to the Chief Executive Officer to make any minor, non substantial changes to the lease document if required.**
4. **That the Chief Executive Officer and the Mayor be authorised to sign and seal the new Lease document.**

Advice note:

Council notes the advice of the Administration that the new lease referred to in paragraph 2 is in substantially the same terms as the Lease which Council approved when it approved the execution of the Agreement to Lease at the April 2016 OCM.

Carried 8/0

COUNCILLOR RATIONALE:

The advice note is added to clarify that the terms of the new lease have previously been agreed by Council and are the subject of an Agreement to Lease between the parties, as per the April 2016 resolution of Council.

DEVELOPMENT AND REGULATORY SERVICES**10.1.6 APPLICATION TO THE METRO INNER-NORTH JOINT DEVELOPMENT ASSESSMENT PANEL - 28 (LOT 1) STATION STREET - OFFICE DEVELOPMENT**

Directorate: Development and Regulatory Services
Author(s): Ed Drewett, Coordinator Statutory Planning
Authoriser(s): Freya Ayliffe, Director Development and Regulatory Services
File Reference: D21/48118
Applicant(s): Planning Solutions
Author Disclosure of Interest: Nil

Cr Wylynko declared an IMPARTIALITY INTEREST in item 10.1.6 by virtue "I am familiar with the principles of Planning Solutions".

SUMMARY

Planning approval is sought for a 3-storey office development, with undercroft basement and ground level parking, on the north-east corner of Station Street, adjoining Stirling Highway.

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

The purpose of this report is for Council to:

- i. Consider the RAR recommendation;
- ii. Be informed that the application will be referred to the JDAP on or before noon on Friday 19 November 2021 for its determination in accordance with the Planning and Development (Development Assessment Panel) Regulations 2011 (DAP Regs); and
- iii. Note that the Development Assessment Panel has agreed to add the Council resolution as an addendum to the Responsible Authority Report.

Given the conditions received from Main Roads Western Australia (MRWA) on 18 November 2021, the recommendation is that the JDAP defer the application to allow further discussion in respect to its advice.

OFFICER RECOMMENDATION IN BRIEF

That Council advise the DAP that it supports the Responsible Authority Recommendation.

BACKGROUND

Proposed Land Use	Office – P (means the use is permitted providing it complies with the relevant development standards and requirements of the Scheme).
Zoning:	MRS: Urban/Primary Regional Road LPS: Town Centre/R100
Development Scheme:	Local Planning Scheme No.3 (LPS 3)
Lot size:	744m ²

Proposed Net Lettable Area:	1000m ²
Proposed No. Storeys:	3
Proposed No. Dwellings:	N/A
Value of Development:	\$3M

- The lot was previously used as a Service Station from 1953 to 2018.
- The service station was demolished and the site is currently vacant.
- The site is contaminated but classified as 'Remediated for Restricted Use' which permits offices.
- A portion of the site is zoned 'Primary Regional Road' under the MRS.
- Amended drawings were received on 4 & 8 November 2021 to address matters raised by the Town, the Design Review Panel, and Main Roads WA in respect to the original proposal.
- A Responsible Authority Report (RAR) has been prepared and is due to be submitted to the JDAP on or before noon on Friday 19 November 2021.
- A DAPS meeting is scheduled to be held at the Town on Tuesday 30 November 2021 at 9.00am.

Details of the proposal are as follows:

Basement	<ul style="list-style-type: none"> • 10 carbays • Bike area • End of trip facilities (toilet/shower) • Carpark lobby, lift, stairs • Shared space • Ramp down • Stairs
Ground floor	<ul style="list-style-type: none"> • 10 carbays, including 1 Acrod bay • Motorbike parking • Bin store (off Bullen Lane) • Carpark lobby, lift, stairs • Main entry lobby • Office tenancy (90m² NLA) • Ramp up
First floor	<ul style="list-style-type: none"> • Office tenancy (455m² NLA) • Toilet facilities

	<ul style="list-style-type: none"> • Lobby/lift/stairs
Second floor	<ul style="list-style-type: none"> • Office tenancy (455m² NLA) • Toilet facilities • Lobby/lift/stairs
Roof	<ul style="list-style-type: none"> • Stair access to plant/service deck • Lift overrun



Illustration 1: Proposed development as viewed from Station Street



Illustration 2: Proposed development as viewed from Stirling Highway.

Above: Illustrations of proposed development provided by applicant

Context

The site is approximately 744m² in area, irregular in shape, and displays a gentle rise of approximately 1.2m from it’s north-western to north-eastern corners.

The site is bounded by Station Street to the south, Stirling Highway to the east, Bullen Lane (ROW) to the north, and the Town’s public car park to the west.

The lot is partially affected by a *Primary Regional Road* reservation.

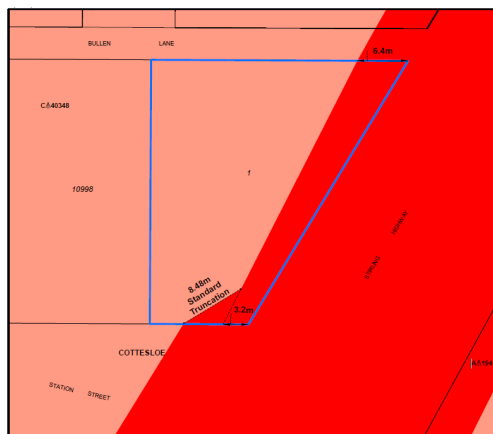
The site is adjoining a major bus route and is within 220m of the Cottesloe train station making it easily accessible to public transport.

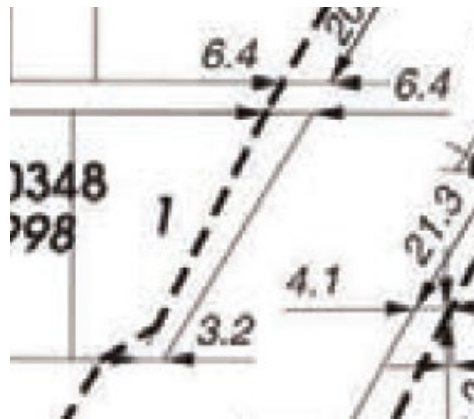


Above: Site location plan



Above: Site viewed from corner Station Street/Stirling Highway





Above: Primary Regional Road reservation (shown in red) affecting lot

Design Review Panel

There was no pre-lodgement referral. The application was presented to the Town’s Design Review Panel on Thursday 14 October 2021 and it was evaluated against the performance-based Design Principles based on State Planning Policy 7.0 - *Design of the Built Environment*.

A summary of the Design Review Panel’s comments is provided below:

Design Principle	Comment
Context & character	Supported
Landscape quality	Suggests landscaping along western elevation to reduce visual impact
Built form & scale	Suggests landscaping along western elevation to reduce visual impact
Functionality & build quality	Advises that screens projecting over Bullen Lane need to allow for adequate vehicle clearance
Sustainability	Supported
Amenity	Supported
Legibility	Supported
Safety	Supported
Community	Supported
Aesthetics	Supported

Other Advice

The application was referred internally to the Town’s Building, Health & Engineering departments. Comments received are summarised below:

Building	An exit must not be blocked at the point of discharge and where necessary, suitable barriers must be provided to prevent vehicles from blocking the exit, or access to it.
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Health	Requires compliance with the Environmental Protection (Noise) Regulations 1997
Engineering	Convex safety mirrors are of no use and will further restrict line of sight. Bin store gates cannot open outwards

OFFICER COMMENT

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

Local Planning Scheme No. 3 (LPS 3)

The aims of the Scheme relevant to this development include:

- (a) *Support land use, transport and development within the Scheme area;*
- (b) *Sustain the amenity, character and streetscape quality of the Scheme area;*
- (c) *Facilitate improvements in the appearance, amenity, function and accessibility of Cottesloe town centre for residents and visitors and*
- (d) *Ensure that development and the use of land within the district complies with accepted standards and practices for public amenity and convenience.*

The objectives of the Scheme relevant to this development are:

- (a) *improve the amenity and function of the Cottesloe town centre;*
- (b) *provide for a wide range of land uses, including shops, offices, entertainment, health, and community facilities and services, consistent with the district-serving role of the centre;*
- (c) *provide the opportunity for residential uses and development within the town centre; and*
- (d) *give consideration to the maintenance and enhancement of important views to and from public places as a contributor to the character and amenity of the locality and the district overall.*

Assessment

The table below sets out the planning assessment of the development proposal.

Provision	Complies with relevant legislation	Requires exercise of judgement
Land use	✓	
Building height	✓ (see comment below)	
Building size/Plot ratio (max. plot ratio allowed 1.15:1 = 855.6m ²)		✓ (1.344.1 - 1000m ² plot ratio area proposed)

Site cover (max. site cover allowed 100%)	✓ (77% proposed)	
Street setbacks (0m permitted; upper floor may be setback)	✓ (In accordance with Town Centre Design Guidelines)	
Side setbacks (0m permitted)	✓ (In accordance with Town Centre Design Guidelines)	
Parking		✓
Site works	✓	
Vehicle access (subject to MRWA approval)	✓	
Matters to be considered by local government	✓	

Town Centre Design Guidelines – Station Street North	Complies with relevant guidelines	Requires exercise of discretion
Vision	✓	
R100 density	Not applicable	
Building height	✓	
Plot ratio		✓
Site cover	✓	
Street setback	✓	
Side and rear setbacks	✓	
Vehicle and service access in Bullen Lane.	✓	

With the exception of plot ratio and parking, the proposed development satisfies all of the Town's strategic and statutory planning requirements and is considered to be an attractive, well-designed development that meets the aims and objectives of the Town Centre locality.

Building Height

Whilst the development has been assessed as compliant in terms of its building height, the height of the protruding lift overrun and plant/service deck enclosure are discussed in the table below:

Provision	Requirement	Proposal	Assessment
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<p>Local Planning Scheme No. 3 (LPS 3) – Clause 5.7</p>	<p>Maximum 3 storeys. Maximum Building Height = 11.5m, subject to no undue adverse impact on amenity and to design guidelines. Maximum height of parapet = 10m. Minor projections are excluded.</p>	<p>3 storeys. Maximum building height = 10.37m Maximum height of parapet = 10m Rooftop service enclosure up to approx. 12.9m (minor projection)</p>	<p>The proposed development complies with the permitted Building heights. The protruding lift overrun and plant/service deck enclosure are considered to be ‘minor projections’ which will not have undue adverse impact on the amenity of the area and are excluded from the maximum permitted building height provisions in LPS 3. The roof will be inaccessible, except for providing access to the service area.</p>
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Comment

Amended plans received 4 November 2021 satisfactorily address the building height provisions of LPS 3 by demonstrating that the proposed skillion roof is detached from the external parapet walls thereby making it compliant. The amended plans also show the original proposed rooftop stair enclosure has been removed (replaced by a hatch), and the plant/service deck enclosure has been relocated 3m away from the western boundary thereby reducing any adverse visual impact of the adjoining carpark and addressing the concerns raised by the Town’s Design Review Panel in respect to the height of the proposed western boundary wall (now does not exceed a height of 10m which is permitted in LPS 3).

Minor projections are exempt from being included in the building heights requirements in Local Planning Scheme No. 3 and can include a lift overrun and plant/service deck enclosure. Furthermore, Council at its meeting on 26 November 2019 resolved to advertise the draft *Cott Village Precinct Plan* for community comment which proposes building up to 6 storeys and 21m on the site, although it has not been formally adopted by Council.

Plot ratio

Provision	Requirement	Proposal	Assessment
Local Planning Scheme No. 3 & Design Guidelines	1.15:1 (855.6m ²)	1.344:1 (1000m ²)	Variation sought 0.194:1 = 144.4m ² .
<u>Comment</u>			
<p>A plot ratio of 1.15:1 (855.6m²) is permitted 'as-of-right' under LPS 3 in this part of the Town Centre, although that may be varied at the Town's discretion to allow an increase of up to 20% of the ratio pursuant to LPS 3, clause 5.5 and Schedule 13. The proposed development is seeking a plot ratio of approximately 1:344:1 (1000m²), an increase of 144.4m² or 0.19% more plot ratio, which is below the maximum additional plot ratio permissible of 1.38:1 and can be supported. Furthermore, other non-residential developments in the locality have applied this plot ratio reduction discretion.</p>			

Parking

Provision	Requirement	Proposal	Assessment
Local Planning Scheme No. 3	25.58 car bays based on 1 space to every 50m ² GFA <i>(Parking requirements may be reduced by up to 20%, subject to provision of a traffic impact assessment that demonstrates that it will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality – Schedule 13).</i>	20 bays	The proposed office has a gross floor area of 1279m ² which requires 25.58 car bays. However, as the applicant has provided a <i>traffic impact assessment</i> this requirement may be reduced by up to 20% which brings the total number of car bays required down to 20.464 bays (rounded down to 20), thereby making the development compliant.
<u>Comment</u>			
<p>The applicant's <i>Traffic Impact assessment</i> (Transcore) estimates that the proposed development would generate a total of approximately 144 daily vehicle trips with about 21 and 20 trips during the AM and PM peak hour periods.</p>			

Time period	Directional traffic split	Office trips	Peak hour trips
Morning Peak	Inbound	17	21
	Outbound	4	
Afternoon Peak	Inbound	4	20
	Outbound	16	

Above: Peak hour trips for proposed development as estimated by Transcore.

The Report also advises that the development crossovers on Bullen Lane are proposed to operate right-in/right-out only controlled by appropriate signage, and that the estimated traffic impact from the proposed development would be nowhere near the critical threshold of 100 vehicles per hour and hence the impact on the surrounding road network will be insignificant. The development is also proposed close to a bus route, a train station, cycle paths and has good pedestrian access.

Under clause 7.1 in Schedule 13 of LPS 3, the parking requirements may be varied by up to 20%, subject to the provision of a *traffic impact assessment* to the satisfaction of the Council, addressing the matters referred to in clause 5.5.4c (ie: that the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development in the locality). This is further explained in the Council’s *Parking Matters* Policy which was adopted 15 December 2014 (amended 27 July 2015).

The Town’s Engineering department has advised that they consider the proposed office use to be a *low impact* proposal thereby making it eligible for up to a 20% parking reduction. They have also supported the *Traffic Impact Assessment* submitted by Transcore in terms of it satisfying the *Parking Matters* Policy criteria.

In addition, the applicant has provided the following table to further address the *Parking Matters* Policy:

Effects on	Impact assessment	Applicant response
<i>Occupiers or users of the development</i>	<i>Parking needs and effects of occupiers or users of the development</i>	<ol style="list-style-type: none"> 1. Parking provision is adequate and consistent with contemporary expectations for office staff and visitor parking. 2. A wide range of alternative travel modes service the site, including high frequency buses, trains, and the cycle network. 3. End of trip facilities are provided within

		the proposed development.
<i>Inhabitants of the locality</i>	<i>Traffic and parking effects and patterns in relation to residents and users/visitors</i>	<p>4. No parking is available in Bullen Lane and, as such, vehicle parking associated with the proposed offices is not expected to impact on Bullen Lane.</p> <p>5. As the proposed use is for offices, the site is not anticipated to attract substantial numbers of visitors. Minimal visitation is expected outside standard office hours.</p> <p>6. On-street parking along Station Street is time limited to 2 hours and, as such, is not likely to be utilised by staff. Visitors may choose to use short-term on-street parking, which is consistent with the purpose and function of this parking within a town centre.</p> <p>7. On-street parking along Forrest Street is approximately 200m walk from the subject site, and is time limited to 2 hours. This parking is not expected to be utilised by staff, and is less likely to be utilised by visitors.</p>
<i>Likely future development</i>	<i>Indicated by zoning, development proposals and</i>	8. The City's Parking Policy and Station

<p><i>of the locality</i></p>	<p><i>planned road or public domain changes</i></p>	<p>Street Place Making Strategy (2017) contemplate construction of decked parking at the abutting to the west.</p> <p>9. The draft Cott Village Precinct Plan contemplates more intensive development in the town centre. The plan acknowledges that people must be prioritised over cars, and that a range of tools will be required to manage parking and community expectations. A parking reduction for a lower-intensity use such as office, on a site with excellent transit accessibility, is entirely consistent with these objectives.</p> <p>10. The proposal is not expected to impact on the future development of the precinct.</p>
<p><i>Nature of proposed use</i></p>	<p><i>Traffic generation and parking demand depending on type, magnitude and days/hours of use.</i></p>	<p>11. A Transport Impact Statement (TIS) was prepared by Transcore and submitted with the original application. The TIS has been reviewed by the Town’s officers and MRWA, and the methodology and conclusions in relation to trip generation are</p>

		<p>accepted. The TIS concludes there will not be any material impact on traffic or parking in the locality.</p> <p>12. The proposed use is for offices. The anticipated traffic will be predominantly inwards in the morning, and outwards in the afternoon. Minimal traffic is expected on weekends, or out of business hours.</p>
<p><i>Likely volumes of goods or materials and numbers of people moving to or from the land.</i></p>	<p><i>Traffic and parking implications of deliveries, waste removal, service vehicles, staff and visitors</i></p>	<p>13. Service vehicles are not expected to attend the site on a regular basis. Rubbish will be collected weekly by private contractors, in accordance with the Waste Management Plan submitted with the application. Bins will be collected from the store adjoining Bullen Lane.</p> <p>14. The reduction in the number of bays within the internal car park will not impact on service vehicle access.</p>
<p><i>Likelihood of traffic congestion on roads or in public places in the locality.</i></p>	<p><i>Traffic circulation and flow to access the development and parking areas, including peak periods.</i></p>	<p>15. The TIS confirms the projected vehicle trips may be readily accommodated by the existing road network, with no requirement for upgrades.</p>

On balance, in view of the Town’s Engineering Department’s support of the submitted TIS

and their assessment that the use is considered to be 'low impact' the proposed parking is considered adequate and can be supported under LPS 3 and Council's *Parking Matters* Policy.

Cash-in-lieu

Schedule 2, Part 9A of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)* now applies to any provision of cash-in-lieu (adopted 1 July 2021). Although interim parking provisions provide a two year period for a local government to put in place *Payment in Lieu of Parking Plans* to address the new regulations, during the transition period Council is still required to apply the method(s) used to calculate the *Reasonable Estimate of Costs for Payment in Lieu of Parking* approved by the WAPC and published in the Gazette, as provided in clause 77H(4). Council therefore has until 1 July 2023 to have a *Payment in Lieu of Parking Plan* adopted in a manner and form prescribed in the Regulations.

It is therefore likely that in the transitional period the Council's adopted *Parking Matters* Policy can still be applied so that up to up 25% of the parking shortfall can be required as cash-in-lieu. However, the applicant has asked that cash-in-lieu not be applied and in any event it cannot be applied when there are less than a two-carbay shortfall which is the case assuming that the *Parking Reduction* referenced in Schedule 13 in LPS 3 has been applied.

Town Centre Design Guidelines - Station Street North

The Town Centre Guidelines have the following provisions applicable to the site:

Vision

While Station Street is a discrete entity in many respects, its width does not encourage pedestrian cross-interaction and the north (and shaded) side is a logical location for retail development, offices and support services, and upper-level apartments. It is also a logical location for public car parking, preferably in and below buildings, at the periphery of the retail centre.

At the northern end of the Centre, any redevelopment of the existing service station site should be complementary to that of the adjoining site, which is currently owned by the Council and developed as a public car park.

Vehicle & Service Access

From Bullen Lane, except for visitor parking (including customers), at Council's discretion.

Bullen Lane Frontage

All service areas and car parking to be concealed from view; nil setback, subject to adequate space for vehicle access; upper level apartments encouraged, with overlooking of Bullen Lane.

General provisions

Provision	Description	Proposal	Assessment
Pedestrian Shelter	All active fronts to shops, cafes/restaurants and the like on Napoleon Street, Station Street South and Jarrad	Small roof projections to ground floor and upper level fronting Stirling Highway & Station Street.	No pedestrian shelter is required on the northern side of Station Street.

	Street North are required to have street awnings of 2.5m width on the north side of the street, and 3m width on the south sides. In the case of alfresco areas the coverage may be extended to up to the full pavement width.		
Pedestrian Link	Where possible pedestrian links between Napoleon, Station and Jarrad Streets, and De Nardi and Clapham Lanes, shall have a minimum width of 1.8m and active frontages or entries to adjoining buildings. Where possible, covered links are encouraged, especially utilising translucent material.	Not applicable.	Not applicable on the northern side of Station Street.
Street Level Facades	All street-level façades to Napoleon and Station Streets are to be visually-permeable to the street.	Ground floor corner tenancy has glass doors and straight and curved glazing.	Complies.
Facades to Core Streets	Façades to buildings facing Napoleon Street and Station Street South shall be not less in height at the street front than existing common parapets in Napoleon Street, and no roofing shall be visible from the street.	Not applicable.	Not applicable on the northern side of Station Street.
Building Entries	All building entries shall be clearly identified as such at	Entry doors are proposed from both	Complies.

	the street face. Entries to upper-level offices and apartments may be from public pedestrian links.	Stirling Highway and Station Street.	
Built Form, Style and Finishes	A very high degree of design quality is required, including to façades facing De Nardi and Clapham Lanes. This will be reflected in the way building form, the articulation of surfaces and the selection of finishes are managed. Whilst there is no preconceived set of rules to be applied to the whole of the Town Centre, the relationship of each development to its context will be considered in assessing proposed development.	The elevations and perspectives show a mix of glazing, perforated screens, planting on structure.	The proposed <i>built form, style and finishes</i> were supported by the Town's Design Review Panel, although it was recommended that landscaping be introduced to the western façade to reduce its visual impact.

Comment

The proposed development is generally consistent with the Council's Town Centre Design Guidelines.

Draft Village Cott Precinct Plan (DVCP)

The proposed development is with *Sub-Precinct 3* which incorporates lots on both sides of Station Street up to and including the intersection with Stirling Highway. It is also located within proposed *Special Control Area 5 (SPA 5)* which allows up to 6 storeys and 21m.



Above: Draft Sub-Precinct Map

Although the DVCPP has not been adopted by Council at this time, the proposed development is generally consistent with the proposed future strategic planning framework for the locality.

Traffic Impact Statement

A Traffic Impact Statement by Transcore has been submitted to support the development application.

In summary, it advises that the proposed development plans allow for the planned Stirling Highway road reservation widening project, it has very good accessibility by the existing pedestrian and cyclist networks and enjoys very good public transport coverage through existing bus and train services available within the close proximity of the site.

The traffic modelling undertaken in the report shows that the traffic generation of the proposed development is estimated to be in order of about 144 daily and 21/20 peak hour trips during AM/PM peak respectively (both inbound and outbound). Accordingly, it advises that the traffic impact of the proposal on the surrounding road network will be insignificant.

Furthermore, it advises that no particular transport or safety issues have been identified for the proposed development and that the traffic-related issues should not form an impediment to the approval of the proposed development.

Waste Management Plan

A Waste Management Plan by Encycle Consulting Pty Ltd has been submitted to support the development application. The report advises that the estimated generation of waste and recyclables is as shown in the table below:

	Bin size (L)	Number of bins	Collection frequency
General waste	240	3	Weekly
Commingled recycling	240	3	Weekly
Confidential documents	To be organised by office tenants (located inside premises)		As required

The report further advises that a trained and informed caretaker will be responsible for overseeing the waste management systems.

The Town's Health Department has raised no specific issues with the proposal but the applicant has been advised that the doors of the proposed bin store are not to open into the laneway. Details will be required at the Building Permit stage.

Matters to be considered

Planning and Development (Local Planning Schemes) Regulations 2015 – Relevant matters to be considered by local government

In considering an application for development approval the local government is to have due regard to the following relevant matters:

- (a) the aims and provisions of this Scheme;
- (b) the requirements of orderly and proper planning;
- (c) any approved State planning policy;
- (d) any policy of the Commission;
- (e) any policy of the State;
- (f) any local development plan that relates to the development;
- (g) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (h) the amenity of the locality including the following:
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;
- (i) any submissions received on the application; and
- (j) any other planning consideration the local government considers appropriate.

Comment

The applicant has satisfactorily addressed the relevant matters to be considered in the report submitted with the development application.

ATTACHMENTS

- 10.1.6(a) Revised plans [under separate cover]**
- 10.1.6(b) Applicant's amended submission [under separate cover]**
- 10.1.6(c) Applicant's initial submission [under separate cover]**
- 10.1.6(d) Advertising submissions [under separate cover]**
- 10.1.6(e) MRWA submission dated 12 October 2021 [under separate cover]**
- 10.1.6(f) Design Review Panel Report and Recommendations [under separate cover]**
- 10.1.6(g) MRWA response dated 18 November 2021 [under separate cover]**
- 10.1.6(h) Responsible Authority Report [under separate cover]**

CONSULTATION

The application was advertised from 6 to 26 October 2021 in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 and Local Planning Scheme No.3. Advertising was undertaken by writing to owners and occupiers of properties adjoining the site to the north and also making the plans and supporting information available on the Town's website and at the Council Offices.

One submission was received, which was in support of the proposal. One other submission was received after the advertising period requesting that cash-in lieu of parking be provided for any shortfall to pay for more parking in the Town Centre (attached).

Referrals/consultation with Government/Service Agencies

The development application was referred to Main Roads Western Australia (MRWA) on 13 & 16 September 2021 as the lot is affected by a Primary Regional Road Reservation.

On 12 October 2021, MRWA provided the following advice:

Main Roads formally requests the following additional information be provided:

- *Traffic Management Plan detailing parking controls to manage vehicle movement into site.*
- *It is unclear from the plans provided whether the proposal encroaches into the Primary Regional Road Reservation. The plans to demonstrate any encroachment into the Primary Regional Road Reservation. Any encroachment must be detachable and affixed only to the building façade.*
- *Plans include annotations for signage. There are no details on the signage.*
- *It is unclear how commercial waste from the café will be managed.*

With regards to the Transport Impact Statement (TIS) prepared by Transcore and dated June 2021 the following matters need to be addressed:

- *Sight distances at the intersection of Stirling Hwy and Bullen Lane. At present there may not be an issue with building lines and boundary setbacks. However, future widening of Stirling Hwy the road reserve appears to be next to the building line and this may create restrictions in sight line.*
- *Bullen Lane should be made one-way, signs could be ignored. Additionally, signs cannot be installed on buildings, therefore the installation of any regulatory sign may be difficult to achieve with a 4m road width and building wall of Medical centre opposite the development.*
- *The TIS suggests that the daily traffic flows on Stirling Hwy north of Jarrad St is unchanged in the past few years based on the historical data on Traffic Map. The absence of volume data on Traffic Map may not necessarily mean that the traffic volumes are unchanged. Network Performance had a look at the NetPReS data and it suggests that there is a constant increase in the VKT along the entirety of Stirling Hwy between 2016 and 2021.*

Please be advised Main Roads is not in a position to support the subject proposal until above information has been received and reviewed.

The Town forwarded this information to the applicant on 14 October 2021 and the applicant has subsequently met with MRWA and submitted revised drawings.

On 18 November 2021, the Town received a letter from MRWA advising that in response to correspondence received 1 November 2021 it had no objections to the proposal, subject to conditions (refer attached).

Conditions 1 & 4 in the MRWA letter dated 18 November 2021 require further discussion as Condition 1 will affect the direction of traffic flow along Bullen Lane which is vested in the Town and outside the control of the applicant, and Condition 4 may have design implications affecting the comments of Council and the Design Review Panel recommendations. A deferral of the application is therefore recommended.

CONCLUSION

The proposed development satisfies all of the Town's strategic and statutory planning requirements and is considered to be an attractive, well-designed development that meets the aims and objectives of the Town Centre locality, with the exception of plot ratio and parking. The proposed parking and plot ratio is discussed in this report and can be supported under the Town's Local Planning Scheme No. 3 provisions and *Parking Matters* Policy.

Notwithstanding this, Conditions 1 & 4 received in the MRWA advice dated 18 November 2021 are of concern to the Town and need to be resolved prior to the application being supported. However, in the event that the DAP resolves to approve the development application at its meeting on 30 November 2021, then the following conditions and advice notes are recommended:

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

1. *Approve DAP Application reference 21/02073 and accompanying plans A01.00 - Issue F; A01.01 - Issue B; A01.02 - Issue E; A01.03 - Issue G; A02.01 - Issue H; A02.02 - Issue J; A02.03 - Issue k; A02.04 - Issue J; A02.06 - Issue K; A06.01 - Issue E; A06.02 - Issue C; A06.02 - Issue B; A07.01 - Issue K; A07.02 - Issue A; 10.01 - Issue B, dated 4 & 8 November 2021 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Town of Cottesloe Local Planning Scheme No. 3 for a 3-storey office development on Lot 1 (28) Station Street, Cottesloe, subject to the following conditions:*

Conditions

- (a) *All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site, where climatic and soil conditions allow for the effective retention of stormwater on-site.*
- (b) *Plant and equipment, including air-conditioning units, shall be designed, positioned and screened so as to not be visible from the street; designed to integrate with the building; or located so as not to be visually obtrusive.*
- (c) *The driveways shall include the installation and maintenance of a system to warn entering vehicles of vehicles exiting the basement and ground floor car parking areas, to the satisfaction of the Town.*

- (d) *The development shall comply with Conditions 2 to 8 (inclusive) in the Main Roads Western Australia (MRWA) letter dated 18 November 2021.*
- (e) *A minimum 20 car bays shall be provided on-site together with end-of-trip facilities to the satisfaction of the Town.*
- (f) *The bin storeroom doors shall not open on to Bullen Lane.*
- (g) *Arrangements shall be made with the Town to provide landscaping on the adjoining lot along the western elevation at the applicant/owner's cost, to the satisfaction of the Town. Details to be submitted at the Building Permit stage.*
- (h) *Any screens projecting over Bullen Lane shall have adequate vehicle clearance to the Town's specifications. Details to be submitted at the Building Permit stage.*
- (i) *The external profile of the development as shown on the approved plans not being changed, except with the written consent of the Town.*

Advice Notes:

- (a) *The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.*
- (b) *The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.*
- (c) *The existing redundant crossover(s) shall be removed and the verges, kerbs and all surfaces made good at the applicant's expense to the satisfaction of the Town.*
- (d) *Signage does not form part of this approval and may require a separate approval.*
- (e) *Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.*
- (f) *This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.*

STATUTORY IMPLICATIONS

Legislation

- *Planning and Development Act 2005*
- *Metropolitan Region Scheme*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Planning and Development (Development Assessment Panel) Regulations 2011 (DAP Regs)*
- *Local Planning Scheme No. 3*

State Government Policies

- *State Planning Policy 7.0: Design of the Built Environment*

Structure Plans/Activity Centre Plans

- *Draft Cott Village Precinct Plan (sub-precinct 3, SPA 5)*

Local Policies

- Town Centre Design Guidelines
- Local Planning Policy No.1 – Parking Matters

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

RESOURCE IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved Mayor Young

Seconded Cr MacFarlane

THAT Council SUPPORTS the Responsible Authority Recommendation to the DAP:

Responsible Authority Recommendation

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

1. DEFER the DAP Application reference 21/02073 for a 3-storey office development on Lot 1 (28) Station Street, Cottesloe, to allow further discussion with the MRWA in respect to its advice dated 18 November 2021.

Advice Notes

1. The applicant/owner is advised that the Town is unable to agree to Condition 1 in the MRWA letter dated 18 November 2021 which requires the conversion of Bullen Lane to 'one-way traffic' as the lane is vested in the Town and outside the control of the applicant. It would also have wider strategic implications which would require a separate traffic assessment and approval by Council.
2. The applicant/owner is advised that Condition 4 may have design implications affecting the comments of Council and the Design Review Panel recommendations.

OCM227/2021

COUNCILLOR AMENDMENT

Moved Cr Sadler

Seconded Cr Masarei

2. That Council **REQUIRES** in the event that the Responsible Authority Recommendation is not followed by the Metro Inner-North Joint Development Assessment Panel (JDAP), the amendment of Responsible Authority Report submitted to the JDAP on 19 November 2021 to include in the following recommended condition:

All external glazing to the ground floor office tenancy shall be visually permeable (clear glass) to provide visual interest to the building at street level. Details to be submitted at the Building Permit stage to the satisfaction of the Town.

Carried 7/1

For: Mayor Young, Crs Sadler, Harben, Masarei, Harkins, Bulbeck and Wylynko

Against: Cr MacFarlane

OCM228/2021

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

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

Responsible Authority Recommendation

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

DEFER the DAP Application reference 21/02073 for a 3-storey office development on Lot 1 (28) Station Street, Cottesloe, to allow further discussion with the MRWA in respect of its advice dated 18 November 2021.

Advice Notes

1. The applicant/owner is advised that the Town is unable to agree to Condition 1 in the MRWA letter dated 18 November 2021 which requires the conversion of Bullen Lane to 'one-way traffic' as the lane is vested in the Town and outside the control of the applicant. It would also have wider strategic implications which would require a separate traffic assessment and approval by Council.
 2. The applicant/owner is advised that Condition 4 may have design implications affecting the comments of Council and Design Review Panel recommendations.
2. That Council **REQUIRES** in the event that the Responsible Authority Recommendation is not followed by the Metro Inner-North Joint Development Assessment Panel (JDAP), the amendment of Responsible Authority Report submitted to the JDAP on 19 November 2021 to include in the following recommended condition:

All external glazing to the ground floor office tenancy shall be visually permeable (clear glass) to provide visual interest to the building at street level. Details to be submitted at the Building Permit stage to the satisfaction of the Town.

Carried 8/0

COUNCILLOR RATIONALE:

1. Ensuring that the Street Level Facades are visually permeable is one of the criteria in the Council's Town Centre Design Guidelines against which the development was assessed.
2. Visually permeable ground floor windows activate the streetscape, create interest and add to the overall amenity of the Cottesloe Village.
3. The development currently complies with this design element. It is important to have this as a condition of the building permit to ensure that the ground floor windows continue to be visually permeable once built and in use.

10.1.8 TEMPORARY CHANGE IN MEMBERSHIP TO THE DEVELOPMENT ASSESSMENT PANEL

Directorate: Development and Regulatory Services
Author(s): Freya Ayliffe, Director Development and Regulatory Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D21/51703
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to update Councillors on Development Assessment Panel (DAP) Local Membership requirements.

OFFICER RECOMMENDATION IN BRIEF

1. That Council NOTE the DAP Local Members before and after 27 January 2022, and
2. That Council NOMINATES a second Alternate Local DAP Member.

BACKGROUND

At the Ordinary Council meeting held on 26 October 2021, Council resolved to appoint Cr MacFarlane and Cr Masarei as primary delegates and Cr Barrett as deputy delegate to the DAP. However, the Town has since received information from the Department of Planning Lands and Heritage (DPLH) advising that the nominated Councillors will not be DAP members until the Minister has approved their appointments.

Their start dates will therefore be from 27 January 2022.

Development Assessment Panels are intended to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge. Each panel consists of five members, comprising three specialist members and two local government councillors. Members are appointed by the Minister for Planning and the role of the panel is to determine development applications of a certain type and value through consistent, accountable and professional decision making. The applications are determined using the relevant local planning scheme. Specialist members are appointed from a list of appropriately qualified persons, based on the requirements outlined in *the Planning and Development (Development Assessment Panels) Regulations 2011*. Specialist members must have experience in one or more of the following areas:

- Planning
 - Architecture
 - Urban design
 - Engineering
 - Landscape design
 - Environment
 - Law
-

- Property development and management.

OFFICER COMMENT

Following the advice from the DPLH, and in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*, the DAP Local Members are as follows

DAP Local Members up until 27 January 2022

Cr Lorraine Young	Primary delegate
Cr Paul MacFarlane	Primary delegate

DAP Local Members on and after 27 January 2022

Cr Paul MacFarlane	Primary delegate
Cr Craig Masarei	Primary delegate
Cr Kirsty Barrett	Alternate delegate

It should further be noted that under the DAP regulations Council is required to have two alternate DAP Local Members. Council is therefore asked to nominate a second Councillor for this position, commencing 27 January 2022. Alternate local members will be used when an issue of quorum arises or when a DAP local member is unable to act by reason or illness, absence or any other causes when sufficient notice is provided.

ATTACHMENTS

Nil

CONSULTATION

Department of Planning Lands and Heritage

STATUTORY IMPLICATIONS

Planning and Development (Development Assessment Panels) Regulations 2011

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. NOTES the DAP Local Members before and after 27 January 2022, and
2. NOMINATES a second Alternate Local DAP Member.

OCM229/2021**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

Moved Mayor Young

Seconded Cr Sadler

1. **NOTES the DAP Local Members before and after 27 January 2022 subject to the inclusion of Cr Masarei as an alternative delegate before 27 January 2022; and**
2. **NOMINATES Cr Wylynko as the second alternative DAP member.**

Carried 8/0

COUNCILLOR RATIONALE:

1. Filling in information that was overlooked in the matrix under 'Officer Comment' and recognising that Cr Masarei is an alternative delegate already.
2. Although Cr Wylynko has not yet had the training, three members have had the training, Cr Wylynko is keen to take on the role and his background makes him very well suited to that role.

ENGINEERING SERVICES**10.1.9 BUDGET AMENDMENT - RAILWAY STREET RESURFACING**

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D21/49508
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider a budget amendment of \$69,215 for the Railway Street (Parry Street to Greenham Street) Resurfacing Works.

OFFICER RECOMMENDATION IN BRIEF

That Council by ABSOLUTE MAJORITY APPROVES the budget amendment of \$69,215 for the Railway Street (Parry Street to Greenham Street) Road Resurfacing works and NOTES that approximately \$65,078 of additional funding required has been sourced through grant savings with the remaining \$4,137 being obtained through a budget transfer from the Town's Road Maintenance allocation.

BACKGROUND

Council approved a \$260,000 item under capital account 40.1156.2 within the 2020/2021 budget for the resurfacing of Railway Street between the intersections of Parry Street and Greenham Street. The approved project funding comprises of a \$173,333 funding contribution through the State Government's Metropolitan Regional Roads Group (MRRG) Program, equivalent to two thirds of the approved project budget.

Following Council's adoption of the 2021/2022 budget, quotes were then sourced through the Town's asphalt contractor (Roads2000), who were appointed by Council in 2018 through an open tender process. Returned cost indicates an additional \$69,215 is required for the project.

OFFICER COMMENT

Council is asked to note that the MRRG grant funding application is determined based on a per metre square rate empirical formula set by Main Roads. The State Government only provides two thirds of the required project budget identified from this fixed calculation method with the remaining one third financed by the Local Government. This makes establishing a precise project allocation during budget development difficult.

Any additional funding required by a Local Government after the allocation has been assigned by MRRG would either be through the Program's variation approval process under a one third / two third arrangement or paid entirely by the municipal.

It is proposed that the additional \$69,215 be funded through surpluses from Federal Stimulus and Roads to Recovery grant savings together with an increased allocation from MRRG. This

option would cost the Town \$4,138 in comparison to requesting for the entire additional amount to be funded through the MRRG Program where Council will then be responsible for its one third contribution of approximately \$23,072.

Council is asked to note that MRRG, the Federal Government and Roads to Recovery have approved their portion of contribution subject to the budget amendment being approved.

The financial summary to the preferred funding option has been detailed in the resource implication section of the report.

ATTACHMENTS

Nil

CONSULTATION

Federal Government

Town of Cottesloe Staff

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 5: Providing sustainable infrastructure and community amenities

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

Priority Area 6: Providing open and accountable local governance

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

Priority Area 5: Providing sustainable infrastructure and community amenities

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

Budget Summary 40.1156.2 – Railway Street (Parry Street to Greenham Street) – MRRG

Approved Budget Summary		
A	Municipal Funds (1/3)	\$86,666.67
B	MRRG Contribution (2/3)	\$173,333.33

C = (A+B)	Approved Project Budget	\$260,000.00
Additional Budget Requirements		
D	Revised Budget	\$329,215.00
E = C-D	Additional Funds Required (Budget Shortfall)	-\$69,215.00
Proposed Funding Sources and Revised Shortfalls		
F	Less Surplus Federal Government Stimulus	\$39,854.00
G	Less Surplus Road to Recovery	\$16,950.00
H	Less Addition Contribution from MRRG	\$8,274.00
I	Less Local Government Contributions	\$4,137.00
J = F+G+H+I	Total Additional Funds Identified	\$69,215.00
J+E	Revised Shortfall	\$0.00

It is proposed that item I (Local Government Contributions) for \$4,137 be funded through a budget transfer from 85.9000.3 – Road Maintenance to 40.1156.2 – Railway Street (Parry Street to Greenham Street). This will have a zero net effect to the 2021/2022 Council approved budget as shown below:

Account Number	Project Location	Current Budget	Revised Budget
40.1156.2	Railway Street (Parry Street to Greenham Street) - MRRG	\$260,000.00	\$329,215.00
85.9000.3	Road Maintenance	\$211,894.00	\$207,757.00
Total Allocations		\$471,894.00	\$536,972.00
(A) Gross Effect to 2021/2022 Approved Budget		-\$65,078.00	
(B) Other Grant Funding (Stimulus Surplus, Roads to Recovery & MRRG)		\$65,078.00	
(A) + (B) Net Effect to 2021/2022 Approved Budget		\$0.00	

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Absolute Majority

OCM230/2021

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Young

Seconded Cr Sadler

THAT Council by absolute majority:

1. **APPROVES** a budget increase of \$69,215 for capital account 40.1156.2 – Railway Street (Parry Street to Greenham Street) – MRRG from \$260,000 to \$329,215 to undertake the road resurfacing works on this section of Railway Street;
2. **Subject to the ENDORSEMENT of Point One, APPROVES:**
 - a. a budget transfer of \$4,137 from operational account 85.9000.3 – Road Maintenance to 40.1156.2 – Railway Street (Parry Street to Greenham Street) – MRRG to finance part of the \$69,215 shortfall mentioned in Point One;
 - b. Following this budget transfer mention in Point Two (a), a revised operational account 85.9000.3 – Road Maintenance budget from \$211,894 to \$207,757; and
3. **NOTES** that the outstanding balance of \$65,078, **Subject to the APPROVAL of Point Two** will be obtained from the following grant income sources:
 - a. Surplus Federal Government Stimulus \$39,854
 - b. Surplus Roads to Recovery \$16,950
 - c. Additional MRRG Contributions \$8,274

Carried by Absolute Majority 8/0

10.1.10 EAST COTTESLOE PLAYGROUND COMMUNITY ENGAGEMENT PLAN

Directorate: Engineering Services
Author(s): Parshia Queen, Engineering Technical Officer
Authoriser(s): Shaun Kan, Director Engineering Services
File Reference: D21/49583
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider the attached community engagement plan and carry out public consultation to determine the community aspirations for the East Cottesloe Playground.

OFFICER RECOMMENDATION IN BRIEF

That Council

- APPROVES the public consultation as per the attached Community Engagement Plan for the East Cottesloe Playground concept design development;
- NOTES that a concept will be developed for Council's consideration through the rationalisation of feedback received; and
- NOTES the project delivery framework contained with the officer's comment section of this report.

BACKGROUND

The Town of Cottesloe's Public Open Space & Playground Strategy was adopted by Council at the November 2019 Ordinary Meeting and concurrently prioritised the upgrade of playgrounds identified in the document, as per the resolution below. The integration of the Purple Dinosaur and Railway and Albion Park, also known as East Cottesloe Playground is in the second order after the completion of Dutch Inn in south Cottesloe.

THAT Council:

1. *Thanks the survey participants and the community for taking the time to provide feedback on the Public Open Space and the Playground Strategy.*
 2. *Approves the following playground upgrade priorities as follows:*
 - a. *Priority One - Dutch Inn Reserve*
 - b. *Priority Two - Purple Dinosaur and Railway and Albion Park - Integration*
 - c. *Priority Three - Grant Marine*
 - d. *Priority Four - Civic Centre*
 - e. *Priority Five - Jasper Green*
 - f. *Priority Six - Andrews Place*
 - *Cottesloe Main Beach playground upgrade will be incorporated into the Foreshore Masterplan*
-

- *Harvey Field playground upgrade will be incorporated into the Recreation Precinct Masterplan*
- *Vlamingh memorial is being carried out by Cottesloe CoastCare*
- 3. *Notes that subject to the approval of point 2, Priority One in point 2(a) will commence in the 2019/2020 financial year and others to follow as soon as possible.*
- 4. *Notes that designs to integrate the two playgrounds in Priority Two in point 2 (b) would need to be released for public consultation following consultation with the Public Open Space Working Group.*

OFFICER COMMENT

Council is asked to note that the consultation will occur through a structured survey as detailed in the attached community engagement plan. The objective would be to determine community aspirations for the East Cottesloe Playground and then develop a concept for Council's consideration through the rationalisation of the survey results and comments provided.

Once this is complete the project can then progress possibly through a design and construct delivery arrangement. The proposed project delivery framework is highlighted below for Council's information:

PROJECT DELIVERY STRATEGY

Project Stage	Milestone	Objective
1	Review current strategy	Ensure that the POS WG is happy with the principles of both parks
2	Develop RFQ document and design brief	Incorporate WG indicative layout and associated specifications to request for quotation to engage a playground consultant
3	Procurement Period	Engagement of a suitably qualified consultant
4	On boarding of design consultant	Identify possible play equipment and potential site location for the consultation
5	Develop consultation survey	Establish a questionnaire with concept images that provides community aspirations
6	Consultation Period	Obtain directly impacted stakeholder feedback
7	Compilation and analysis of results	Collate data and develop analysis report
8	Develop a concept based on consultation results	Develop concept based on aspirations
9	Presentation of concept to WG	WG provides feedback and concept revised where required
10	Council approval of concept	Council accepts concept to progress detail design
11	Concept put out for information	Approved concept sent out to community for information. Feedback received will be considered in developing the detail design

12	Detail design and specification	Develop construction drawings, specifications and RFT documentation
13	Tender for builder	Appointment of a suitably qualified builder, approved by Council
14	Construction	Delivery of approved plans

Council resolving to undertake public consultation would complete stages six of the table above. Stages one to five have been completed.

The development of the attached community engagement plan and the project delivery framework above has been done in consultation with the POS Working Group. Below are works that had been done by the working group at each meeting and various milestones that have been achieved for the project:

- 22 October 2020 – Agreed on the East Cottesloe Playground site that has been defined as being between Purple Dinosaur Playground and Albion Street Playground. The group also felt that a design consultant would need to be appointed to assist with the development of the community engagement plan.
- 26 November 2020 – Agreed on the project delivery framework and a budget of \$340,000 for the East Cottesloe Playground from the Town's cash-in-lieu of public open space contributions. Consensus on the draft community engagement strategy and proposed consultation catchment being a radius of 400 metres from the existing playgrounds.
- 16 September 2021 – The State Government approved the \$340,000 cash-in-lieu allocation for the East Cottesloe Playground. A design consultant had been appointed for the works and the working group provided feedback on images that would form part of the draft community engagement strategy.

STRATEGIC IMPLICATIONS

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

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

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

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

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

Major Strategy 1.1: Develop an 'integrated transport strategy' that includes cycling, park and ride, Cott Cat, public transport and parking management strategies to meet the needs of pedestrians cyclists and other non-vehicular traffic.

POLICY IMPLICATIONS

There are no perceived policy implications arising from the officer's recommendation and what is being proposed is consistent with the Public Open Space and Playground Strategy (November 2019) adopted by Council.

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

There is \$340,000 in the 2021/2022 approved budget within capital account 30.7035.2 – East Cottesloe Playground to deliver the design and construction works including any related activities.

External funding opportunities will be identified through sources such as Department of Transport.

RESOURCE IMPLICATIONS

There are no perceived staffing implications arising from the officer's recommendation. The concept development will be undertaken by consultants and possibly delivered under a design and construction through contractors.

The Town's Engineering Services staff will be responsible for the overall project management and contract administration.

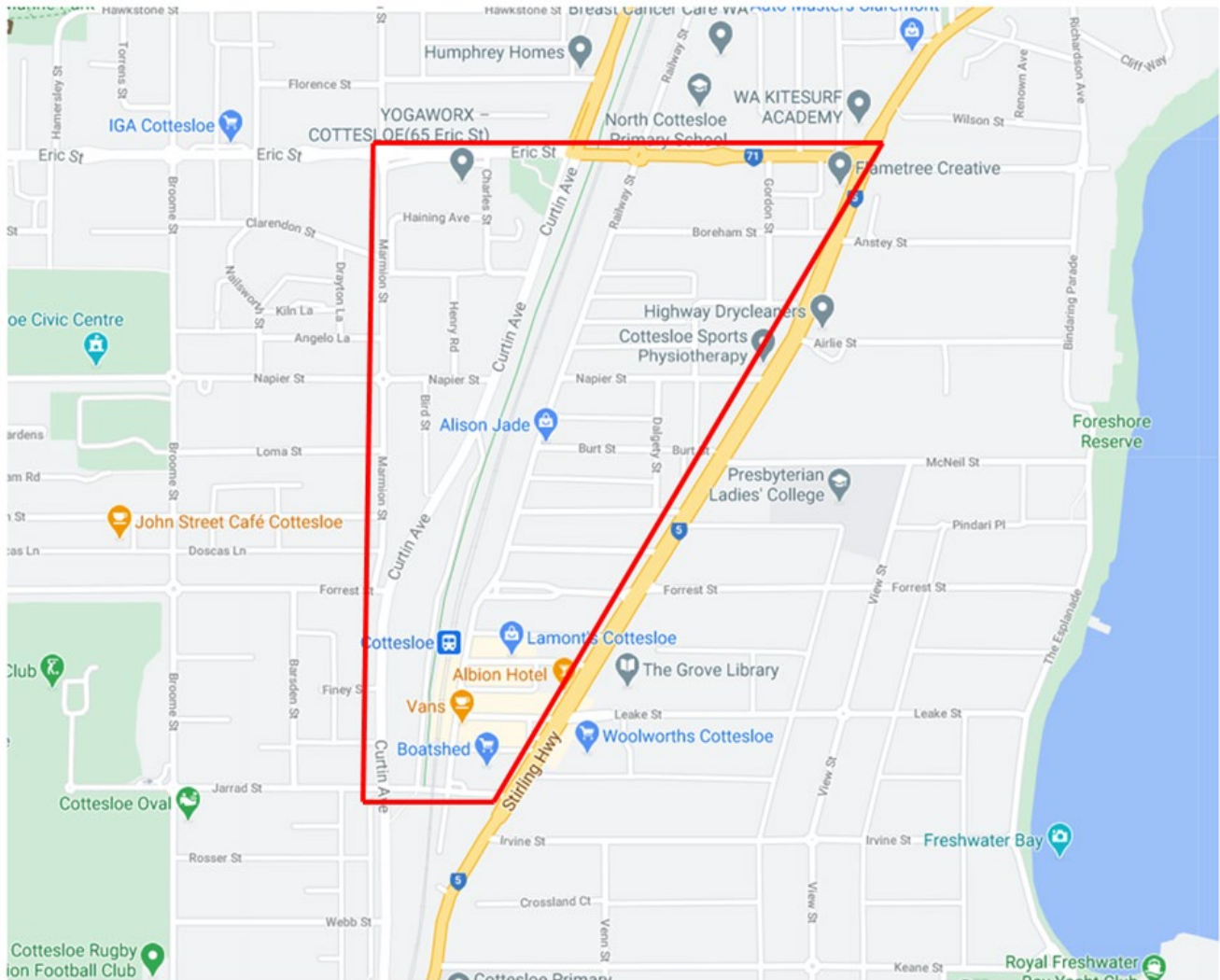
ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation but this would need to be confirmed and mitigated accordingly during detail design.

CONSULTATION

It is proposed that the following stakeholders are consulted in accordance with the survey detailed in the attached community engagement plan:

- Cottesloe residents and ratepayers within a 400m radius of both parks and linkage trail/s (shown in the map below)



- POS Working Group
- Elected Members
- Cottesloe Residents
- Town Centre Businesses/Procott
- Public Transport Authority and Department of Transport
- North Cottesloe Primary School

ATTACHMENTS

- 10.1.10(a) **Community Engagement Plan - Purple Dino_Railway-Albion Integration 2021 v3 [under separate cover]**
- 10.1.10(b) **East Cottesloe Play area possible layout v2 [under separate cover]**
- 10.1.10(c) **PROJECT - East Cottesloe Playground concept images (revisionB) [under separate cover]**

10.1.10(d) Summary of Councillors and POS Working Group Feedback - East Cottesloe Playground - Community Engagement Plan [under separate cover]**VOTING REQUIREMENT**

Simple Majority

OFFICER RECOMMENDATION**Moved Cr Harkins****Seconded Cr Wylenko**

THAT Council:

1. THANKS the Public Open Space Working Group for their time and contributions in progressing the East Cottesloe Playground Project;
2. APPROVES the attached Community Engagement Plan to carry out public consultation to determine the community's aspirations for the East Cottesloe Playground;
3. NOTES that upon the completion of the public consultation, consideration will be given to the survey results and feedback received to develop a concept that will be tabled at a future Ordinary Council Meeting before progressing with the detail design phase of the project; and
4. NOTES the project framework detailed in the officer's comment section of the report.

OCM231/2021**COUNCILLOR AMENDMENT****Moved Cr Bulbeck****Seconded Cr Wylenko**

That Cottesloe Primary School be added into the list of stakeholders for consultation.

Lost 2/6**For: Crs Bulbeck and Wylenko****Against: Mayor Young, Crs Sadler, Harben, Masarei, Harkins and MacFarlane****OCM232/2021****SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

THAT Council:

1. THANKS the Public Open Space Working Group for their time and contributions in progressing the East Cottesloe Playground Project;
2. APPROVES the attached Community Engagement Plan to carry out public consultation to determine the community's aspirations for the East Cottesloe Playground;
3. NOTES that upon the completion of the public consultation, consideration will be given to the survey results and feedback received to develop a concept that will be tabled at a future Ordinary Council Meeting before progressing with the detail design phase of the project; and

4. NOTES the project framework detailed in the officer's comment section of the report.

Carried 8/0

10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES

Nil

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

12.1 ELECTED MEMBERS

12.2 OFFICERS

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

OCM233/2021

MOTION FOR BEHIND CLOSED DOORS

Moved Mayor Young Seconded Cr Masarei

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

Carried 8/0

The public and members of the media were requested to leave the meeting at 6:43pm.

13.1.1 ENTERPRISE RESOURCE PLANNING SYSTEM

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

OCM234/2021

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Bulbeck Seconded Cr Sadler

THAT Council:

1. By Absolute Majority AUTHORISES the transfer of funds contained in the Information Technology Reserve to the Municipal fund up to the maximum amount required for the procurement and implementation of a new Enterprise Resource Planning System.

2. Selects the pre qualified WALGA Preferred Supplier company Datacom to be the provider of the new Enterprise Resource Planning System.
3. NOTES the requirement to budget accordingly in 2022/23 for the completion of the roll out of the Enterprise Resource Planning system.

Carried by Absolute Majority 8/0

13.1.2 BARCHETTA COMMERCIAL LEASE

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.

OCM235/2021

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Masarei

Seconded Cr Harben

THAT Council:

1. UTILISES an Expression of Interest Process for the determination of the future Commercial Lease for the premises known as Barchetta on Marine Parade Cottlesloe.
2. ENGAGES Property Valuations Advisory Incorporated to prepare Expressions of Interest documents, including but not limited to Valuation details and options available for the future Commercial Lease of the Barchetta site, in accordance with their quotation of 23 September 2021.
3. Calls for Expressions of Interest for the proposed future Commercial Lease of the Barchetta site on Marine Parade.

Carried by En Bloc Resolution 8/0

13.1.3 T02/2021 - ROTUNDA RECONSTRUCTION AND DUNE STABILISATION PROJECT - TENDER RECOMMENDATION

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

OCM236/2021

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr Masarei

THAT Council:

1. AUTHORISES the Chief Executive Officer to commence negotiations with MG Group and subject to the aforementioned contractors being agreeable to their original offer of \$730,431.78 (excluding GST), awards the scope of works associated with T02-2021 to MG Group for a contract sum of \$730,431.78 (excluding GST);

2. Subject to Point One being acceptable to MG Group:
 - a. **AUTHORISES** the Mayor and/or Chief Executive Officer to sign the Contract and affix the Town's Common Seal (if required);
 - b. **AUTHORISES** the Chief Executive Officer or delegate to manage the construction contract, including provision of possible variations (provided the variation is necessary in order for the goods or services to be supplied, does not change the general scope of the contract and is managed within the allotted budget allocation); and
3. Should point one be unsuccessful, rejects all tenders received and re-advertise Tender T02-2021.

Carried 8/0

13.1.4 CHIEF EXECUTIVE OFFICER PROPOSED PERFORMANCE CRITERIA 21-22

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

The CEO, Mr Matthew Scott, declared an FINANCIAL INTEREST in item 13.1.4 by virtue "It impacts on my contract of employment".

OCM237/2021

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Masarei

Seconded Cr Sadler

THAT Council:

1. **ADOPTS** the attached CEO Key Performance Criteria's for 2021/21; and
2. **NOTES** the progress of Performance Criteria identified in Resolution OCM194/2021(5).

Carried 8/0

OCM238/2021

MOTION FOR RETURN FROM BEHIND CLOSED DOORS

Moved Mayor Young

Seconded Cr Bulbeck

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

Carried 8/0

The public returned to the meeting at 6:59pm.

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

13.1.1 ENTERPRISE RESOURCE PLANNING SYSTEM

The resolution for item 13.1.1 was read aloud.

13.1.2 BARCHETTA COMMERCIAL LEASE

The resolution for item 13.1.2 was read aloud.

13.1.3 T02/2021 - ROTUNDA RECONSTRUCTION AND DUNE STABILISATION PROJECT - TENDER RECOMMENDATION

The resolution for item 13.1.3 was read aloud.

13.1.4 CHIEF EXECUTIVE OFFICER PROPOSED PERFORMANCE CRITERIA 21-22

The resolution for item 13.1.4 was read aloud.

14 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 7:04pm.