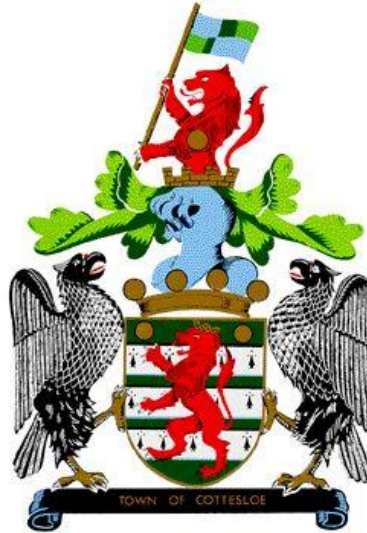


TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING

MINUTES

OF THE
ORDINARY COUNCIL MEETING
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6:00 PM Tuesday, 24 July 2018

MAT HUMFREY
Chief Executive Officer

31 JULY 2018

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS**2 DISCLAIMER****3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

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

The Mayor acknowledged and thanked the large number of people in the gallery who had come to share their questions and statements in relation to Item 10.1.9 – Principal Shared Path Update:

- Gratifying to see so many people who are keen to see the PSP go ahead and also keen to make sure our green canopy is maintained or increased;
- Assured the gallery that Council understands and shares the community's views and has committed to increasing a green canopy in Cottesloe – demonstrated by a recent motion passed unanimously, supporting a structured and funded approach to green infrastructure management by the Town of Cottesloe;
- Michelle Pryor from the Department of Transport (DoT) has given assurance that they are happy to work with the Town of Cottesloe to assess every tree on our shared path to minimise the number of trees that may need to be removed;
- DoT is also happy to employ the Towns preferred arborist at their expense
- Our arborist working under our direction and at their expense;
- Ms Pryor also gave assurance that they have undertaken this work with Bayswater and Bassenden with satisfaction;
- DoT is keen to work to achieve the best outcome for Cottesloe;
- For the benefit of the public in the gallery, a motion will be put after Public Question and Statement time to move item 10.1.9 to be the first Item discussed this evening.

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

Nil

4.2 PUBLIC QUESTIONS

Peter Rattigan, 9 Grant Street, Cottesloe – Item 10.1.9

- Has an economic assessment been done on the benefit of maintaining the trees along the bike path?

- Have any of the Councillors or staff cycled around the cycle way between Shenton Park and Subiaco where there is good tree coverage and to see how it meanders through the trees and around the river?
- Has anyone given the Main Roads department a condition in their brief that they must maintain all the trees or has the Council simply accepted all of Main Roads options?

Questions Taken on Notice

Shirley Primeau, 38 Marine Parade, Cottesloe – Item 10.1.9

- Tabled Petition with 400+ signatures to support the cyclists for the environment and the PSP.
- Did any Councillors receive any presentation from any agencies or the administration where the removal of trees was mentioned, and on what date and which Councillors attended and why did they not tell their ratepayers that trees were to be removed?
- Why did the sustainability implications read ‘the inclusion of a bike path from Grant Street to Victoria Street is a significant improvement to sustainability as it will encourage the use of bicycles? Why did it deliberately exclude the trees?’

Questions Taken on Notice

Standing Order 8 – Questions Submitted by Cr Pyis via email 10 July 2018

1. How many short stay accommodation land use development applications have been
 - received
 - approved
 - refused

by TOC in 2014, 2015, 2016, 2017 and 2018

Taken on Notice

2. How has TOC confirmed that there is no short stay accommodation currently operating at 177 Broome St?

Taken on Notice

3. How many qualified statutory planners does the TOC have?

Taken on Notice

4. How many Development Applications (DAs) did TOC receive in each of 2014, 2015, 2016, 2017 and 2018?

Taken on Notice

5. How many LPS3 scheme amendments did TOC receive in each of 2014, 2015, 2016, 2017 and 2018?

Taken on Notice

6. What impact on TOC statutory planning and development services has the loss of the Manager of Development Services (MS) had on the workload of the remaining statutory planner(s)?

Taken on Notice

7. Does TOC monitor the number of received Development Applications (DAs) and the time taken for processing those DAs?

Taken on Notice

8. If TOC monitors the number of received Development Applications (DAs) and the time taken for processing those DAs, what was the average time taken to process DAs in each of 2014, 2015, 2016, 2017 and 2018?

Taken on Notice

9. What is the deemed refusal period for Development Applications (DAs) at TOC?

Taken on Notice

10. On what date did the Manager Development Services (MDS) cease working (ie last day of work) at TOC?

Taken on Notice

11. How many current Development Applications (DAs) (received but not finalised) have reached deemed refusal period?

Taken on Notice

12. Has the number of Development Applications (DAs) that have reached the deemed refusal period increased since the date the Manager Development Services (MDS) ceased working at TOC?

Taken on Notice

13. Will the new Strategic Planner position be assisting the Statutory Planning Officer with processing Development Applications (DAs)?

Taken on Notice

14. Can EMs be provided with a list of foreshore concept plans/masterplans since 2000?

(Please list by date, title, consultant, cost)

Taken on Notice

15. What is the current adopted concept plan/masterplan for the foreshore?

Taken on Notice

16. What is defined as a "formal complaint" against TOC?

Taken on Notice

17. Can EMs be provided with a list of formal complaints lodged against TOC since 2014?

Taken on Notice

18. What date did the new Customer Relations Management (CRM) system commence operation at TOC?

Taken on Notice

19. How much has been expended on the Customer Relations Management (CRM) system since Council resolved to purchase it?

Taken on Notice

20. How do residents/ratepayers/public lodge a complaint/enquiry/request/suggestion using the Customer Relations Management (CRM) system?

Taken on Notice

21. Does the Customer Relations Management (CRM) system record statistics on its operation?

Taken on Notice

22. If the Customer Relations Management (CRM) system records statistics on its operation, can EMs be provided with a breakdown of/feedback on these statistics?

(Please list by date, matter/nature of complaint/enquiry/request/suggestion, whether this has been resolved/concluded)

Taken on Notice

23. Are all Customer Relations Management (CRM) system complaints/enquiries/requests/suggestions given a number?

Taken on Notice

24. Are any complaints/enquiries/requests/suggestions received by TOC not recorded on the Customer Relations Management (CRM) system?

Taken on Notice

5 PUBLIC STATEMENT TIME

Michael Fynn – 26 Deane Street, Cottesloe 10.1.2 – Lot 506, 20A Deane Street

- Received letters from Council regarding 20A Deane Street – 2 proposals, one for a crossover perpendicular to Deane St a pedestrian footbridge, the second a vehicle crossover perpendicular to Deane St and convergent on a pedestrian footpath.
- Strongly rejects both proposals – 100%
- Reminded the Council that he was at the meeting on this issue last year with the affected residents of Deane St and advised support from residents is unanimous in rejecting both of these proposals and all agree that retaining the existing driveway as the access to 20A Deane St – it is properly engineered and properly constructed now.
- At the moment it is a disaster area there.

Jack Walsh – Item 10.1.1 94 – Marine Parade (Seapines), Item 10.1.9 PSP and Item 10.1.10 Foreshore Renewal

- 10.1.1 – Seapines
 - Residents only support a 12m Height along Marine Parade
 - Asked the Councillors to oppose the amendment
 - 21m height – 5 storeys was forced on to the Town of Cottesloe by the State Government
 - A change to 6 floors will create visual clutter on the beach front
 - Approval will give an undeserved cash bonus to the developer
 - The Town of Cottesloe should not be proposing scheme amendments to suit developers
 - Answers to Cr Boulter’s questions advising this can be dealt with at the DA stage is leaving it to late if the amendment has already been passed
- 10.0.9 – Principal Shared Pathway
 - About time the path was extended to Leyton
 - Ask that the path be curved around the significant trees destined for removal
 - Most engineers have blinkered vision and little appreciation for aesthetics
 - Cottesloe needs to applaud the completion of the PSP but a curved path is a much more attractive option
 - Should defer until action is taken to avoid a straight line path occurring.
- 10.1.10 – Foreshore Renewal – Universal Ocean Access
 - Council should vote against the tender unless the State Government provides a significant amount towards the \$619k+
 - More than 80% of the beach users are not Cottesloe residents and the State Government should at least pay a fair share
 - The iron ore royalties are coming through again and they can afford it

Yvonne Hart – Item 10.1.1 94 – Marine Parade (Seapines) and 10.1.12 – North Cottesloe Primary School Budget Amendment

- 10.1.1 – Seapines
 - Referred to a 2 page document Ms Hart had sent out to Councillors on the 23 July, specifically page 2 (NB: this document was not tabled at the meeting)
 - Requests Councillors;
 1. Refuse to initiate a scheme amendment to LPS3
 2. Refuse to amend schedule 15
 3. Follow *Local Government Planning Regulation 2015* for implementing a scheme amendment
 4. Insist on a local development plan that will control the quality of changes the developer is intending for the Seapines site
- 10.1.12 – North Cottesloe Primary School – Budget Amendment
 - Council has already used \$40k of ratepayers money for a concept plan
 - Council has already set aside \$4,500 has been spent on a carpark for the school and now they are seeking more which would take ratepayers contributions to around \$60k
 - Last month a limited trial was approved by Council around parking in the area and ratepayers would be expecting feedback on this before a further request for funds
 - The traffic problem at the school is essentially an issue created by the parents – no amount of studies or trials will fix this issue
 - Asked Council to vote against the budget amendment.

Alan Wilson – Item 10.1.5 – Melanoma Community Skin Screening Week and 10.1.2 – Lot 506, 20A Deane Street and 10.1.9 – PSP

- 10.1.9 – PSP
 - Waiting for over 30 years for this to eventuate
 - We have the funding now – money has been put aside
 - To much time has been spent on worrying about the few trees that will be knocked out – trees are nice to have though not essential, would prefer a bike path
 - Lets just get on with it
- 10.1.5 – Melanoma Community Skin Screen Week
 - Been going since 2014
 - We should be encouraging these groups to be involved in our community
 - They are for our benefit
 - Reading through the conditions imposed on the approvals caused concern as they are very onerous and very unwelcoming to charity groups trying to help us
 - To much time is spent focusing on single use plastics – these are medical how are they supposed to do this

- There must be a simpler and nicer way to thank the people who are giving up their time to help us instead of putting up barriers
- Please consider approving the funding application

Ken Petit– Item 10.1.2 – Lot 506, 20A Deane Street

- Speaking on behalf of the owner of 20A Deane Street
- Only interested in Option 1
- The officer's report - The correct question should be that given that there has to be a crossover is it preferable that the existing crossover remain or is it preferable to have Option 1
- The Officer's report hasn't addressed that question, and has only advised Council by fault finding the Option
- If proper analysis was undertaken it might be found both existing and option 1 are less than perfect – but a driveway is required
- The existing arrangement is unsafe for anyone using the footpath – an ambiguous choice
- Reports say Option 1 is safe for pedestrians
- It also states Option 1 is unsafe for traffic – tightness of the turn
- There are many matters the officers report has not taken into account
- Unsafe and unsightly but also at to great an elevation
- Option 1 or rebuild – that is what needs to be considered
- The amenity of the proposal is better than the existing arrangement
- Officer's report – 5
 - Precedent – how many others are there?
 - There are no services that need relocation other than TELSTRA
 - No figures are given or any other information
 - Painting/Upkeep
 - That is wrong – nowhere near 9m – needs to be assessed on design principles

Jeff Rich – 34 Deane Street, Cottesloe Item 10.1.2 – Lot 506, 20A Deane Street

- The developer of these blocks started with a clean slate – had a clean slate
- Questioned why this needs to be discussed (by the residents) when the developer has not done what he should have done

Peter Scanlan – Item 10.1.16 – Cottesloe Pier

- Council is not being asked to support the proposal, only requested the Council allows the process to continue
- Hopeful that the information supplied to the Councillors over the past week provided enough information to gain their support for the process

- In the event Council can't support the proposal or have concerns, asked that the item be deferred to allow a workshop with the Elected Members and the community
- This is an important project to Cottesloe community, the State and tourism
- Welcomed the opportunity to take this to the community by way of meetings or surveys
- Feedback currently received from the community is supportive

Michael Thomas, 2 George Street – Item 10.1.9 – PSP

- All agree the bike path is critical infrastructure – a link to the City and to keep lives safe
- All agree the trees should be kept
- Council has 3 options – Approve with conditions that relate to the tree impact, Defer or Reject
- Risky to opt for Defer or Reject - could cause excessive delays and lose funding
- Department of Transport open and willing to work with the Council for the best outcome – believes community response will give support to Council discussions with the DoT
- Fast track the path to ensure meeting next years tree planting season
- Commended the Council on green initiatives and for trying to maintain the canopy
- Believes the Council has the best understanding of the political landscape and trusts they will keep the momentum of the bike path going, ensuring all environmental options are explored and considered.

Robert Frith – Item 10.1.9 – PSP

- A long term cyclist both recreational and for commuting 30+ years
- Frustrating riding on Curtin Avenue for many years
- Need to retain the tree cover – Shenton Park Station to Shenton College has managed to retain a number of their large trees
- Council should reject the current proposal – MRWA could do better

Barbara Pascoe 17 Deane St, Cottesloe – Item 10.1.9 – PSP

- Asked Councillors to support the alternate motion that will be put up by Cr Tucak to deter approval of the shared path until a full investigation has been made to save all or as many of the trees as possible.

Peter Ewing – Item 10.1.9 – PSP

- Has been involved with tree planting in the area for many years
- Was a very barren area – gained permission from government departments to plant trees in the railway reserve, Salvado Street and other areas/streets
- Grew species from local seeds, and along with volunteers began to plant several hundred trees, many of which are now 25 years old

- Continues to fill in bare patches
- Has a lot of knowledge and skills in this area
- Hearing that 50 trees were going was quite alarming and disappointing
- Has concerns about the number of trees that are planned to go
- Walked the full length of the path, documenting species and photographing the trees involved
- Finding are:
 - A minor route realignment, would save many important trees and shrubs
 - Some of the planned removals are local weeds and not important
 - The northern section was only 'drawn' in 2012 so in itself needs to be reviewed
 - Enhance the existing bushland by moving the safety fence drawn on the plan, closer to the railway line creating a larger reserve
- Urged Council to defer the approval to allow for a short review to change the route in some places, change the remove status of many trees and shrubs
- The community needs to have confidence they have been part of the process
- Is willing to be part of a working group to assist in solving the issues raised with the PSP

6 ATTENDANCE

Present

Mayor Philip Angers
Cr Sandra Boulter
Cr Sally Pyvis
Cr Rob Thomas
Cr Michael Tucak
Cr Melissa Harkins
Cr Helen Sadler
Cr Lorraine Young

6.1 APOLOGIES

6.2 APPROVED LEAVE OF ABSENCE

Cr Mark Rodda

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 DECLARATION OF INTERESTS

Cr Pyvis – declared an IMPARTIALITY INTEREST in items 10.1.9, 13.1.1 and 11.2

Cr Thomas – declared an IMPARTIALITY INTEREST in items 10.1.9, 13.1.1 and 11.2

Cr Young – declared an IMPARTIALITY INTEREST in items 10.1.12

Cr Sadler – declared an IMPARTIALITY INTEREST in items 10.1.9 and 10.1.12

Cr Tucak – declared an IMPARTIALITY INTEREST in items 10.1.14

CEO Mr Mat Humfrey declared an IMPARTIALITY INTEREST in items 10.1.5

Deputy CEO Mr Garry Bird declared a FINANCIAL INTEREST in item 10.1.7

8 CONFIRMATION OF MINUTES

Moved: Cr Young Seconded: Cr Harkins

That the Minutes of the Ordinary Meeting of Council held on Tuesday 26 June 2018 be confirmed as a true and accurate record, subject to 20A Deane St being changed to 28 Avonmore Terrace in the resolution to item 13.1.2.

CARRIED 7/1

For: Mayor Angers, Crs Tucak, Sadler, Young, Thomas, Pyvis and Harkins

Against: Cr Boulter

Moved: Cr Young Seconded: Cr Harkins

That the Minutes of the Special Meeting of Council held on Tuesday 5 June 2018 be confirmed as a true and accurate record.

CARRIED 7/1

For: Mayor Angers, Crs Tucak, Sadler, Young, Thomas, Pyvis and Harkins

Against: Cr Boulter

9 PRESENTATIONS

9.1 PETITIONS

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

For the benefit of the members of the public present, the Mayor announced that item 10.1.9 will be dealt with as the first order of business and the item was considered at this point of the meeting.

At the conclusion of item 10.1.9 the normal order of business resumed.

COUNCIL RESOLUTION

Moved: Mayor Angers Seconded: Cr Boulter

For the benefit of the members of the public present, the Mayor announced that items 10.1.1, 10.1.3, 10.1.5, 10.1.6, 10.1.7, 10.1.9, 10.1.10, 10.1.11, 10.1.12, 10.1.13, 10.1.14, 10.1.15, 10.1.16, 10.2.1, 11.1, 11.2, 13.1.1, 13.1.2, 13.1.3 have been withdrawn for discussion. All other items will be dealt with en bloc.

CARRIED 8/0

10 REPORTS**10.1 REPORTS OF OFFICERS****PLANNING****10.1.1 94 MARINE PARADE (SEAPINES) - PROPOSED AMENDMENT TO LOCAL PLANNING SCHEME NO.3**

| | |
|---------------------------------------|---|
| File Ref: | SUB/2594 |
| Attachments: | 10.1.1(a) Proposed Amendment to Local Planning Scheme No.3 - Sketch perspective fo concept proposal [under separate cover] |
| Responsible Officer: | Mat Humfrey, Chief Executive Officer |
| Author: | Angela Clare, Coordinator Strategic Planning |
| Author Disclosure of Interest: | Nil |

SUMMARY

An application has been received to amend LPS No. 3, to change the number of storeys permitted on the subject site from 5 storeys to 6 storeys, but still maintaining the permissible building height of 21 metres.

Concept plans have been prepared by the proponents to demonstrate the built form outcomes that could be achieved for a 6 storey building. They illustrate ample ceiling heights for each storey, a provision of hotel and retail uses at ground level (in accordance with LPS 3), and a streetscape that would be in keeping with what can be achieved on adjoining sites under LPS 3.

BACKGROUND

The subject site is on Marine Parade, located directly opposite Cottesloe Beach to the west, Cottesloe Beach Hotel to the north, restaurant uses to the south, and a right-of-way to the east. The site is commonly known as 'Seapines' and currently contains 29 strata units, including single and two storey villas.

The zoning for the site is 'Foreshore Centre' and it is situated within 'Special Control Area No. 2'. There are a number of strict requirements for this location under LPS 3 relating to building height and setbacks. Officers at the Town have previously advised that some of these requirements (namely building height) are not capable of being varied.

Over the past three years the proponent has prepared a number of different concept plans for redevelopment and has discussed these concepts with officers at the Town. On each occasion the proponents were told that any concept requiring an amendment to the scheme would require Council's consideration. None of the concepts have progressed beyond that point.

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Planning and Development (Local Planning Schemes) Regulations 2015

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

If the Council initiates the amendment, consultation will be in accordance with LPS No. 3.

OFFICER COMMENT**Proposed Amendment to LPS 3**

At a meeting in January between the proponents and the Town's officers, preliminary concepts and a possible amendment were discussed. The proponents were again told that any development requiring a scheme amendment would need Council's consideration and the first presentation should be at an Agenda Forum. This occurred at the March Agenda Forum. An application has now been lodged to amend LPS 3 to modify the number of storeys permitted on Lot 92 (94) Marine Parade to allow 6 storeys instead of the current 5 storey limit, but still maintaining the permissible building height of 21 metres.

Clause 6.4 of LPS 3 provides the requirements for 'Special Control Area 2' and the 'Foreshore Centre Zone'. Schedule 15 of LPS 3 provides the building height and storey limits, with Diagram 7 pertaining to the Seapines site, as well as to the Cottesloe Beach Hotel and Lido sites, and Diagram 4 pertaining to the Foreshore Centre Zone.

Specifically, the amendment seeks to modify the requirements of Schedule 15 (Building Design Controls for Special Area 2) of LPS No. 3 as follows:

- Modify Diagram 7 of Schedule 15 by showing the potential for a 6 storey building, instead of 5 storeys, but still within the 21 metre height limit.
- Add a note to Diagram 4 of Schedule 15 to clarify the permissible storeys for the Seapines site as 6 storeys.

Concept plans for proposed development

To demonstrate the potential built form outcomes which could be achieved by the amendment, the proponents have prepared concept plans to depict a 6 storey development. The proposal would include 38 apartments, 42 hotel rooms, 7 commercial tenancies, and 2 levels of basement parking.

Clause 6.4.3.4 (a) states: *“Any redevelopment of the Seapines site or Lot 51, on the corner of Eileen Street and Marine Parade, shall incorporate a minimum total of 30 Hotel, Motel and/or Short-stay Accommodation rooms/units...”*

Clause 6.4.3.5 (a) relates to the Foreshore Centre Zone and states: *“Consistent with clause 5.12, the first storey (ground floor) of any development in the Foreshore Centre zone (except for Lots 101-103 Eileen Street) shall be used for uses of a commercial nature including, but not limited to, Restaurant, Shop, Small Bar and Hotel uses, but shall not be used for residential purposes. On-site vehicle parking shall be provided in a basement or otherwise shall occupy a limited are of the first storey portion of the site...”*

The Concept Proposal complies with Clauses 6.4.3.4 (a) and 6.4.3.5 (a), with the number of hotel rooms exceeding the required minimum of 30, and the proposed first storey (ground floor) containing only retail uses and hotel rooms.

Ceiling heights

The applicants advise that their project team has carefully examined the impacts on ceiling heights as part of the preparation of the concept plans, and that these plans demonstrate that even at 6 storeys, the resulting development would have generous floor-to-floor heights, including:

- 4.0m for the ground floor (commercial)
- 3.2m for the upper floors (hotel and residential)

By way of comparison, a ‘standard’ floor-to-floor height of a residential apartment is 2.7 to 3.0 metres (depending on slab thickness).

Streetscape, views, overshadowing

The ‘il Lido’ site to the south has an allowable building height of 6 storeys and 24 metres. As the land slopes downward from John Street to Forrest Street, this allows the il Lido site a greater building height than the Seapines site. The proposed amendment for the Seapines development will not alter the intended streetscape as the overall height will be in accordance with LPS 3. Further, there will be no additional impacts on views, overshadowing, or amenity than the building height which is already permitted under LPS 3.

Conclusion

The proposed amendment will not alter the maximum building height stipulated in LPS No. 3 and there will be no additional impact on views, overshadowing, or amenity than the building height which is already permitted. Each storey will have ample ceiling heights for the intended uses, and the concept plans illustrate that the required number of hotel rooms can easily be accommodated. The proposed streetscape would be in keeping with what can be achieved on adjoining sites under LPS 3.

COUNCILLOR QUESTIONS

Questions provided by Cr Boulter – Emailed 14 July 2018**Governance**

Q1. Who signed the scheme amendment application and who specifically are the proponents?

A1. Planning Solutions have submitted the proposed scheme amendment on behalf of Seapines Property Group Pty.

Q2. Does the application satisfy the LPS3 and strata rule bylaws for such an application in terms of the requirements for an applicant?

A2 The application is for an amendment to LPS3 and the proposed changes to the LPS 3 have been identified. The application does not relate to strata bylaws.

Q3. Can and will the administration circulate a copy of the scheme amendment application to Crs before the Council meeting?

A3 A copy of the proposed scheme amendment is attached to the Agenda report.

Q4. How many current strata units are there in the SeaPines complex?

A4. 29

Q5. How many of these units are owned by the applicant/proponent?

A5. 16

Q6. How are the design possibilities for six storeys relevant to Council deliberations, ie which are the relevant provision of the legislative framework that makes consideration of these non-binding design suggestions/assurances relevant to whether or not the scheme amendment is supported?

A6. The concept design of a building is to indicate how a 6 storey building may be accommodated. The development application stage is where development would be considered. The scheme amendment does not include the concept design because it only relates to changing the number of storeys from 5 to 6.

Q7. Are projections such as air conditioners and plant equipment a swimming pool permitted to be over the building height under the current and under the proposed arrangements? If so, by how much?

A7. These are considerations at development application stage. The current height of the development is not proposing to be changed.

Q8. What do the red dotted lines mean on drawings in the attachments?

A8. These relate to the height of the building and where it is setback horizontally at the 12 metre height. The design of the building would be considered at development application stage.

Q9. What does the note “previous site boundary “ mean on the first diagram on page one of the relevant attachments?

A9. The proponent advises that this is where the ROW was previously located, and now it located up to the red dotted line.

Q10. Does the current scheme amendment permit the owner of the building to take up the whole or significant part of ground level floor with a hotel foyer?

A10. The scheme amendment is requesting a change in storeys, from 5 storeys to 6 storeys. All other development requirements will need to accord with LPS 3.

Q11. Will any of the design proposals suggested in this scheme amendment proposal be applicable or enforceable against a future developer?

A11. This is a scheme amendment and not a development application.

Q12. Who owns the ROW to the north?

A12. The ROW to the east is owned by the Council.

Q13. Has this ROW to the north been recently surveyed as to the accuracy of its boundaries? If yes, what were the outcomes of the survey and can these be circulated to Crs before the Council meeting?

A13. The ROW has not been recently surveyed.

Q14. Are there any time constraints running on this scheme amendment application?

A14. No

Q15. What specific documents are proposed to be part of the public submission documents?

A15. The proposed scheme amendment has not been agreed to be initiated at this stage. If Council agrees to initiate the scheme amendment then the Council can determine which documents will form part of the public submission.

Q16. Under financial implications how would this proposal affect the rate income from the site?

A16. The proposal is to change the number of storeys for the site and is not a development application.

Q17. Under staffing implications how much staff time will be needed for processing the scheme amendment?

A17. Processing time would be the same as for other standard amendments.

Q18. Under sustainability implications what are the possible proposed social and local amenity impacts of the proposed increased density from the rezoning, and especially on the foreshore?

A18. The density is not proposed to be increased and there is no rezoning. The proposed amendment seeks to change the number of storeys from 5 to 6 but keeping the same building height already permitted under LPS 3.

Q19. Under Consultation what consultation has already taken place by the proponents and by the TOC?

A19. None

Strategic:

Q20. What are the individual relevant elements of a streetscape consideration for Council in assessing the impact of this proposal on the streetscape? Can Crs be circulated an aerial map

of the current building showing the public and private land on and around the site, and clearly showing the current building lines going up both sides of the properties as they relate to the neighbouring footpaths/roads? Also, can the map show the permitted alfresco lines permitted for any redevelopment of the Cottesloe Beach Hotel and what is currently permitted for the SeaPines Site and other neighbours of the SeaPines site? NB for example Scheme policy requirements for looking onto the building...

A20. Streetscape and other aspects would be assessed and considered at development application stage.

Q21. Does the appearance of the proposed building affect the streetscape in more ways than height?

A21. Streetscape and other aspects would be assessed and considered at development application stage.

Q22. Can the current Diagram 7 in Schedule 15 of the Scheme Text be overlaid with the proposed amendment to the diagram be added to the attachments for the Council agenda, so Crs can easily see the proposed changes to LPS3?

A22. The height of the proposed building is compliant with LPS 3. The proposed amendment varies the number of storeys from 5 to 6.

Q23. Can the Strategic Implications header address the EBD (noting many of the EBD points that relate to the Cottesloe Beach Hotel are also relevant for the Sea Pines site and Local Planning Strategy outcomes? IF so, what do these important policy documents say to this proposal?

A23. This can be considered at the development application stage.

Q24. What do the applicable objectives of LPS3 under clause 1.6 say to this scheme amendment?

A24. Clause 1.6 applies to LPS 3. The proposed amendment relates to a change in number of storeys from 5 to 6.

Q25. Will the TOC Design Advisory Panel minutes be attached to the Council agenda attachments and responded to in the Officer Report as per Council policy? If not, why not?

A25. The Design Advisory Panel minutes have been circulated.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council:

Following and subject to consultation (two weeks) consider initiating an amendment to LPS 3 to amend Schedule 15 (Building Design Controls for Special Area 2) as follows:

- Modify Diagram 7 of Schedule 15 by showing the potential for a 6 storey building, instead of 5 storeys, but still within the 21 metre height limit.
- Add a note to Diagram 4 of Schedule 15 to clarify the permissible storeys for the Seapines site as 6 storeys.

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved: CR Boulter Seconded Cr Pyvis

That Council DEFER consideration of the 94 Marine Pde scheme amendment application until a workshop with Elected Members has been undertaken by end September 2018, which includes consideration of all the points in the Councillor rationale below:

Rationale

1. Council should consider about what advantages for the community can be obtained through this process
2. The scheme amendment should include a Local Development Plan (LDP) and/or additions to the currently proposed scheme amendment for the following reasons:
 - a. There are insufficient binding development controls to protect the amenity of the streetscape and ensure effective street activation on this corner.
 - b. The proposed amendment will generate around 20% more floor space, occupants, cars and impact on the local amenity.
 - c. Noting that the proposed amendment if successful will significantly increase the value of this land, the Town of Cottesloe can require a Local Development Plan or other scheme amendments within this proposed amendment for the community in return for considering this property developer's amendment proposal as a binding part of the scheme amendment. For example, an LDP or other scheme amendments within this proposed amend could show how the streetscape will be activated, and not all hotel lobby; and an LDP or other scheme amendments within this proposed amend could show where and how the two storey basement car park will empty its cars into and out of the development.
 - d. The graphics accompanying the scheme amendment application do not necessarily reveal a building design that will be anything like the development that is eventually submitted and approved. The graphics have no authority or influence if they are not part of the scheme amendment. The building could be something entirely different.
 - e. The Development Assessment Panel (DAP) – NOT the Town of Cottesloe - will decide the development application and the ONLY thing that will bind the DAP is what is in the current scheme including whatever is in the scheme amendment if adopted. The DAP regularly ignores local policy positions with impunity.
 - f. The special place this space holds in the community's heart demands some additional protection by the presence of an LDP or other scheme amendments within this amendment that is binding on this property developer as part of the scheme amendment, which is a reasonable response to a request for an extra floor.
 - g. The ROW to the east has not been recently surveyed by the TOC and this may be able to be asked of the proponent.
2. Clarity around the process is needed for the following reasons:

- a. The proponent stated at the Agenda Forum that this is a “simple” amendment but states in the scheme amendment documentation at page 25 (not circulated to EMs until the Friday before Council meeting) that it is a “standard” amendment. These are technical terms under the Regulations. On the face of it, it might be a “complex” amendment because of the potential significant social impact on the local amenity of this very special corner. The TOC administration have not advised EMs of their opinion as to the type of amendment this is and it is important that Elected members and the community understand what this actually means and what the TOC administration believes it should be characterised as.
 - b. The application is not signed by a property owner nor is there an authority from a property owner included in the amendment documents, as appears to be the requirement of s75 of the Planning and Development Act
3. The reasons for the workshop would include to identify clearly the current discretions in LPS 3 to help Council decide if any of these should be changed and identify any opportunities to improve the public domain through this process.

CARRIED 8/0

10.1.2 LOT 506, 20A DEANE STREET - CROSSOVERS AND CHANGES TO PUBLIC INFRASTRUCTURE

| | |
|---------------------------------------|---|
| File Ref: | SUB/2594 |
| Attachments: | 10.1.2(a) Applicant's submissions and Plans, Photographs of Site, Letter to Surveyor 31 March 2015 and Previous neighbour submissions [under separate cover] |
| | 10.1.2(b) Lot 506 20A Deane Street - New Neighbour Submissions and Summary [under separate cover] |
| Responsible Officer: | Mat Humfrey, Chief Executive Officer |
| Author: | Ed Drewett, Coordinator Statutory Planning |
| Author Disclosure of Interest: | Nil |

SUMMARY

On 22 and 23 May 2018, the Town received two separate planning applications for crossovers and changes to public infrastructure adjoining 20A Deane Street.

Planning approval is not generally required for vehicle crossovers. However, because the proposal(s) will involve significant excavation within the street verge and new infrastructure a planning application has been deemed necessary by the State Administrative Tribunal (SAT) and the Town's solicitors, in addition to requiring approval under Regulation 17 of the *Local Government (Uniform Local Provisions) Regulations 1996*, which has also been applied for.

Given the assessment that has been undertaken, the recommendation is to refuse the applications, and reaffirm to the SAT Council's previous decision to refuse a crossover application for this property that was made under the *Local Government (Uniform Local Provisions) Regulations 1996*.

BACKGROUND

| | |
|-----------------------|-------------------------------------|
| Property Address: | Lot 506 (20A) Deane Street |
| Zoning | MRS: Urban |
| | LPS: Local Reserves – Local Road |
| Development Scheme: | Local Planning Scheme No. 3 (LPS 3) |
| Existing Land Use: | Road Reservation |
| Value of Development: | \$20,000 |

On 23 April 2014, the *Western Australian Planning Commission (WAPC)* approved a 3-lot subdivision on the north-east corner of Deane Street and Avonmore Terrace. This was one of two subdivision approvals for the site located between Deane Street and Fig Tree Lane. All but one of the six lots has been developed. The vacant lot is Lot 506 and is the subject of this report as the proposed crossovers are to service that lot as an alternative to the already constructed crossover.

Condition 5 of the WAPC approval read:

Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision (Local Government).

On 8 August 2014, a planning application for a two-storey dwelling with an undercroft garage was submitted to the Town for Lot 506. However, this was subsequently withdrawn by the applicant as it was non-compliant with the Town's building height provisions.

On 31 March 2015, the then Manager Development Services, advised the applicant's surveyors that the Town was not prepared to clear Condition 5 for reasons detailed in a letter to the Automated Surveys dated 31 March 2015 (see attached).

On 19 August 2015, the then Manager Engineering Services, emailed Councillors of the Town's position regarding the clearance of the WAPC Condition in respect to the crossover. The advice stated, inter alia:

In summary, the developer of lot 506 Deane Street was required to arrange access to the lot as part of the subdivision approval. The Town developed a solution, and the developer agreed to bond the solution and enter into a legally binding agreement to construct the access at a later date. The developer lodged a bond, and then asked the WAPC to clear the condition, over the Town, on the basis of the lodged bond, without entering into the binding agreement.

In the absence of any agreement, the outstanding conditions of subdivision needs to be brought into compliance, as the lot has now been created. The Town has provided the developer an opportunity to make good on the original commitment to enter into a legally binding agreement, or alternatively, to complete the works. The developer has chosen to do neither, and, in accordance with the commitment made by the Town, the Town has engaged a contractor to complete the outstanding works.

The Town subsequently built a crossover to Lots 505 & 506.

On 27 April 2017, the applicants applied to the Town for permission to install a crossover perpendicular from Deane Street to the boundary of Lot 506 pursuant to the *Local Government (Uniform Local Provisions) Regulations 1996*.

On 24 May 2017, the Town refused the crossover application on the basis that:

- a) *a crossover had already been constructed which provides reasonable access from Deane Street, Cottesloe to Lot 506; and*
- b) *the works proposed in the crossover application created an unacceptable risk to the Town in terms of liability and maintenance costs.*

On 26 June 2017, the applicant lodged an appeal to State Administrative Tribunal (SAT) against the Town's decision to refuse the crossover application under the *Local Government (Uniform Local Provisions) Regulations 1996*.

On 19 April 2018, the SAT made Orders advising that, inter alia:

Pursuant to s31 of the State Administrative Tribunal Act 2004 (WA) the Town is invited to reconsider its decision.

The applicant was also invited to submit a planning application to the Town for the proposed crossover from Deane Street to Lot 506.

The SAT appeal will proceed to another Directions Hearing on 3 August 2018.

There is no current planning application for residential development on Lot 506.

STRATEGIC IMPLICATIONS

Further similar type crossovers might be sought.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulation 2015

Local Planning Scheme No.3

Residential Design Codes

Local Government (Uniform Local Provisions) Regulations 1996

FINANCIAL IMPLICATIONS

- Legal representation at the SAT
- Cost of Maintenance and liability insurance

STAFFING IMPLICATIONS

- Attendance to SAT proceedings

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Public consultation is not ordinarily a requirement in determining crossover applications; however where a planning application is necessary for private infrastructure in the road reserve then advertising is appropriate under Local Planning Scheme No 3.

The applications were advertised to 30 owners and occupiers of neighbouring properties, including opposite the site. Advertising was for 14 days and closed on 16 July 2018.

A total of 9 submissions were received: 7 objecting to the proposals; 2 in support (see attached). Submissions received from previous advertising of a crossover at this property in 2017 are also attached. There was a strong consensus at that time that creating a significant cut in the embankment was not favoured.

OFFICER COMMENT

The two planning applications under consideration are summarised as follows:

DA3710 (identified by the Town as Option 1)

A 5.5m wide crossover with a concrete bridge structure above.

DA3711 (identified by the Town as Option 2)

A 5.5m wide crossover with existing footpath being diverted down to street level for approximately 30m.

When considering these applications, in addition to considering engineering requirements, it is necessary to have due regard to the aims and provisions of Local Planning Scheme No. 3, the Planning and Development (Local Planning Schemes) Regulations 2015, the requirements of orderly and proper planning, and comments received from the Design Advisory Panel and residents. The Town should also have regard to on-going liability issues that may arise from the development and that an 'approval' by the Town could result in a precedence for similar proposals being applied for.

In both options, a cutting in the existing verge would be required perpendicular to the street. However, engineering drawings have not been submitted at this stage to determine the exact method of construction required. The Town's constructed crossover that slopes down between Lot 506 to Lot 505 parallel to Deane Street would be redundant if either of these alternatives is approved.

Key points made by the applicant in respect to earlier concerns raised by the Town are summarised below:

- *The works are not proposed to be private infrastructure but, following construction, would become public infrastructure under the Town's responsibility following a maintenance period;*
- *Arrangements are already in place with Western Power, the Water Corporation, and Telstra regarding relocation of services at no cost to the Town or the service authorities. Telstra would pull a new cable through conduit provisions left in the new footbridge;*
- *The design of the crossover has had regard to the Town's desire to minimise impact on the 'natural form' of the verge and the streetscape in this location;*
- *Retaining of the excavated area is proposed to be at the maximum slope that allows for the use of natural materials and landscaping to soften the structure and to avoid rigid vertical retaining walls; and*
- *Existing street trees will be retained and protected.*

The Town's Engineering Project Manager has considered the two alternative options presented and has advised that the 'bridge' option shown in DA 3710 (Option 1) provides the safest outcome, and the most appropriate access solution to Lot 506, subject to conditions.

However, the Town has not favoured these types of crossovers in the past and a similar application involving a cutting through the embankment at 21 Deane Street was refused by the SAT as recently as 28 September 2016 (WASAT 118).

Site and locality

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

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

It is proposed to make a cut through the existing embankment in the verge from Deane Street through to the site approximately 5.5m in width. New retaining walls would be constructed at the edges of that cut in order to retain the remaining embankment, although engineering drawings have not been submitted to show the actual method of construction.

In DA 3711 (Option 2), a portion of the existing footpath will be diverted down in front of Lots 14 and 15 to the east of Lot 506 to a position adjacent to Deane Street at the same level as Deane Street for approximately 30 metres, passing across the crossover that is proposed, and then it will rise up the embankment to join the existing footpath at the top of the embankment in front of Lot 505, to the west of Lot 506.

Impact on amenity, character and streetscape

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

The proposed verge works in both options introduce a driveway that requires the complete removal of a section of the existing embankment in the verge adjacent to the site. The proposals would also require cutting back sections of the face of the embankment to provide sight lines, and a new footpath for Option 2.

As previously observed by the SAT (WASAT 118) in consideration of the section of road almost directly opposite the site adjoining 21 Deane Street, the embankment is a significant existing visual feature along this section. Over time, it has developed an appearance consistent with its near beachside location and it is part of the existing streetscape forming the character and amenity of the locality.

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

Services

It is unclear from the submitted applications the extent of disturbance to the ground each side of the proposed crossover that would be required to relocate existing utility services. However, this could be significant and may disturb and alter the existing streetscape. Furthermore, the Town does not support services being attached to the underside of the proposed footbridge because it would likely add to the cost of future maintenance and repair works.

Design advisory panel

On 11 July 2018, the Panel reviewed the plans for the two proposed crossover options, were given background information from officers and photographs of the locality, and asked to provide comments with particular regard to amenity and streetscape. The Panel commented that Option 1 is able to be supported, subject to:

- an acceptable landscaping plan (implemented by the owner);
- a development application being submitted for the adjacent land showing the garage; and
- safety considerations on the cutting itself.

Conclusion

Having regard to clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the aims and provisions of *Local Planning Scheme No. 3*, the previous engineering decision of 24 May 2017, submissions from nearby residents, Council's previous resolution of 17 October 2017, and the decision of the SAT in respect to a similar proposal to Option 1 at 21 Deane Street, the two planning applications do not constitute orderly and proper planning and are recommended for refusal.

COUNCILLOR QUESTIONS

Questions provided by Cr Boulter – Emailed 14 & 15 July 2018

Q1. Could the SAT decision and the citation of the SAT decision be referenced in the officer recommendation?

A1. The SAT decision is not a reason for refusal. However, it is referenced in the Officer's report which is recommended to be forwarded to the SAT.

Q2. Can the TOC DAP minute be included in the attachments for the Council meeting?

A2. Yes, but the minutes are not confirmed. The draft minute is provided below:

The Design Advisory Panel commented that Option 1 is able to be supported subject to:

- *An acceptable landscaping plan (implemented by the owner);*
- *A DA being submitted for the adjacent land showing the garage;*
- *Safety considerations on the cutting itself.*

Q3. Would it be clearer for the SAT and more prudent to have 2 separate refusals each specifically identifying which application is being refused and each having its own reasons for refusal given there are in fact two applications and the reasons for refusal are slightly different for each of the two applications?

A3. The Officer Recommendation referencing the two planning applications separately could read as follows:

1. That Council REFUSE the application made under Regulation 17 of the *Local Government (Uniform Local Provisions) Regulations 1996*, and the planning application for a new crossover and associated infrastructure in the road reserve adjoining Lot 506 (20A) Deane Street, Cottesloe, as shown in the planning application and plans received 22 May 2018 (DA3710- Option 1) for the following reasons:

- (i) The proposed crossover application does not satisfy clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, or the aims and provisions of *Local Planning Scheme No. 3* as it will reduce the amenity, character and streetscape quality of the locality and be contrary to orderly and proper planning.
 - (ii) The application does not adequately address the relocation of services within the Deane Street road reserve or sightlines which would affect the feasibility of the proposal and compliance with engineering and Australian Standards.
 - (iii) The proposal(s) would set an undesirable precedent for excavation in the Deane Street road reserve and changes to public infrastructure and utilities to allow vehicle access to a private lot.
 - (iv) The proposal(s) would require greater future maintenance and repair works resulting in higher than usual costs to the Town.
 - (v) The development of a new crossover, in addition to the existing crossover, for Lot 506 would not satisfy clause 5.3.5 C5.2 of the Residential Design Codes as the width of the driveways in aggregate would exceed 9m at the street boundary.
2. That Council REFUSE the application made under Regulation 17 of the *Local Government (Uniform Local Provisions) Regulations 1996*, and the planning applications for a new crossover and associated infrastructure in the road reserve adjoining Lot 506 (20A) Deane Street, Cottesloe, as shown in the planning application and plans received 23 May 2018 (DA3711 - Option 2), for the following reasons:
 - (i) The proposed crossover application does not satisfy clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, or the aims and provisions of *Local Planning Scheme No. 3* as it will reduce the amenity, character and streetscape quality of the locality and be contrary to orderly and proper planning.
 - (ii) The application does not adequately address the relocation of services within the Deane Street road reserve or sightlines which would affect the feasibility of the proposal and compliance with engineering and Australian Standards.
 - (iii) The proposal(s) would set an undesirable precedent for excavation in the Deane Street road reserve and changes to public infrastructure and utilities to allow vehicle access to a private lot.
 - (iv) The proposal(s) may require greater future maintenance and repair works resulting in higher than usual costs to the Town.
 - (v) Diversion of the existing public footpath to the level of the adjoining street would result in increased danger to pedestrians, especially as they would have to cross the proposed crossover.
 - (vi) The development of a new crossover, in addition to the existing crossover, for Lot 506 would not satisfy clause 5.3.5 C5.2 of the Residential Design Codes as the width of the driveways in aggregate would exceed 9m at the street boundary.
3. That pursuant to s.31 (1) of the *State Administrative Tribunal Act 2004 (WA)* Council reaffirms its decision of 24 May 2017 to the State Administrative Tribunal to REFUSE the application made under Regulation 12 of the *Local Government (Uniform Local Provisions) Regulations 1996*.
4. That the officer's report, attachments, and the Council resolution of 24 July 2018 be forwarded to the State Administrative Tribunal.

Q4. Also has Mr Skinner checked the reasons for refusal insofar as defending the refusal in the SAT?
And do the reasons for refusal include every relevant point – having regard to the 2016 SAT decision and the public submissions - to best defend Council's decision at the SAT appeal, should Council endorse the officer recommendation?

A4. A draft copy of the Officer's report was sent to the Town's Solicitors on 7 July 2018. No comment was received.

Q5. Can all legal advices relating to this crossover and proposed refusal be provided to EMs well before July OMC?

A5. The legal advice has been regarding process only.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved: Mayor Angers Seconded: CR Boulter

THAT Council:

1. **REFUSE** the application made under Regulation 17 of the *Local Government (Uniform Local Provisions) Regulations 1996*, and the planning application for a new crossover and associated infrastructure in the road reserve adjoining Lot 506 (20A) Deane Street, Cottesloe, as shown in the planning application and plans received 22 May 2018 (DA3710- Option 1) for the following reasons:
 - (i) The proposed crossover application does not satisfy clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, or the aims and provisions of *Local Planning Scheme No. 3* as it will reduce the amenity, character and streetscape quality of the locality and be contrary to orderly and proper planning.
 - (ii) The application does not adequately address the relocation of services within the Deane Street road reserve or sightlines which would affect the feasibility of the proposal and compliance with engineering and Australian Standards.
 - (iii) The proposal would set an undesirable precedent for excavation in the Deane Street road reserve and changes to public infrastructure and utilities to allow vehicle access to a private lot.
 - (iv) The proposal would require greater future maintenance and repair works resulting in higher than usual costs to the Town.
 - (v) The development of a new crossover, in addition to the existing crossover, for Lot 506 would not satisfy clause 5.3.5 C5.2 of the Residential Design Codes as the width of the driveways in aggregate would exceed 9m at the street boundary.
 - (vi) Lot 506 already has a vehicle crossover, constructed by the Town in order to comply with a condition of the subdivision approval that created Lot 506, which provides for vehicle access from Deane Street to Lot 506. There is no approved development on Lot 506, or any application for approval for development on Lot 506, which requires access from the proposed new crossover in an alternative location to the existing crossover."

2. REFUSE the application made under Regulation 17 of the *Local Government (Uniform Local Provisions) Regulations 1996*, and the planning applications for a new crossover and associated infrastructure in the road reserve adjoining Lot 506 (20A) Deane Street, Cottesloe, as shown in the planning application and plans received 23 May 2018 (DA3711 - Option 2), for the following reasons:
- (i) The proposed crossover application does not satisfy clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, or the aims and provisions of *Local Planning Scheme No. 3* as it will reduce the amenity, character and streetscape quality of the locality and be contrary to orderly and proper planning.
 - (ii) The application does not adequately address the relocation of services within the Deane Street road reserve or sightlines which would affect the feasibility of the proposal and compliance with engineering and Australian Standards.
 - (iii) The proposal would set an undesirable precedent for excavation in the Deane Street road reserve and changes to public infrastructure and utilities to allow vehicle access to a private lot.
 - (iv) The proposal may require greater future maintenance and repair works resulting in higher than usual costs to the Town.
 - (v) Diversion of the existing public footpath to the level of the adjoining street would result in increased danger to pedestrians, especially as they would have to cross the proposed crossover.
 - (vi) The development of a new crossover, in addition to the existing crossover, for Lot 506 would not satisfy clause 5.3.5 C5.2 of the Residential Design Codes as the width of the driveways in aggregate would exceed 9m at the street boundary.
 - (vii) Lot 506 already has a vehicle crossover, constructed by the Town in order to comply with a condition of the subdivision approval that created Lot 506, which provides for vehicle access from Deane Street to Lot 506. There is no approved development on Lot 506, or any application for approval for development on Lot 506, which requires access from the proposed new crossover in an alternative location to the existing crossover."
3. Pursuant to s.31 (1) of the *State Administrative Tribunal Act 2004 (WA)* Council reaffirms its decision of 24 May 2017 to the State Administrative Tribunal to REFUSE the application made under Regulation 12 of the *Local Government (Uniform Local Provisions) Regulations 1996*.
4. FORWARD the officer's report, attachments, and the Council resolution of 24 July 2018 to the State Administrative Tribunal.

CARRIED 8/0

10.1.3 PROPOSED THIRD-PARTY SIGNAGE ON TELSTRA PAYPHONE FACILITIES

| | |
|---------------------------------------|---|
| File Ref: | SUB/2594 |
| Attachments: | 10.1.3(a) Proposed third-party signage on Telstra payphone facilities [under separate cover] |
| Responsible Officer: | Mat Humfrey, Chief Executive Officer |
| Author: | Angela Clare, Coordinator Strategic Planning |
| Author Disclosure of Interest: | Nil |

SUMMARY

An application has been received for third-party advertising to be incorporated with Telstra Smart City Payphone facilities which are being upgraded as part of a national rollout. Town planning approval is required to use the digital screen for third-party advertising content purposes.

Three locations on Marine Parade are allocated for the upgraded Smart City Payphones. Two of the locations already have an existing payphone, and the third location is nominated for a new payphone at the corner of the Cottesloe Hotel. The Town, as the relevant landowner, would need to sign the Form 1 application for planning approval under the Metropolitan Region Scheme.

BACKGROUND

Telstra can install and operate the Smart City Payphones as a 'low-impact facility' with immunity from state law and the powers and functions of local government, pursuant to Schedule 3 of the *Telecommunications Act 1997*. This statutory right includes the installation and use of a digital screen for the purposes of advertising, related only to the supply of standard telephone services and display of information. However, town planning approval is required to use the digital screen for third party advertising content purposes.

Telstra is partnering with JCDecaux, the largest outdoor communication company in the world, to provide, operate, service and maintain over 1,800 new Smart City Payphones across Australia. These facilities will replace the existing public payphone facilities and will include publically accessible Wi-Fi, USB charging ports, public transport information, public emergency messaging system, wayfinding, and disability services.

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Planning Scheme No.3

Metropolitan Region Scheme

Local Law No.33 Signs, Hoardings and Billposting

Telecommunications Act 1997

*Telecommunications (Low-Impact Facilities) Determination 2018***FINANCIAL IMPLICATIONS**

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

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Nil

OFFICER COMMENT

All three locations for the proposed upgraded Smart City Payphones are reserved "Parks and Recreation" under the *Metropolitan Region Scheme* and are within road reserves. Therefore the Town as the relevant landowner would need to sign the Form 1 application for planning approval under the MRS and submit this to the Western Australian Planning Commission. The WAPC would then be the decision-making authority and the Town can provide a recommendation to the WAPC.

The dimensions of the existing signage on the payphones are 1,678mm height by 970mm width. The proposed signage dimensions will remain consistent with the existing sign dimensions as the same digital screen will be utilised. The proposed signage will display a total of 6 advertisements per minute with an instantaneous transition time.

It is noted that the back of the two existing payphones face west, towards the beach, which would mean that the digital screen may not be seen by road traffic.

The applicants have addressed the 'Illuminated Signs' requirements in the Town's *Local Law 33 Signs, Hoardings and Billposting*. This includes that the advertising screens will be protected by durable coated glass.

Clause 26 of *Local Law 33* states:

"Notwithstanding that a sign would otherwise comply with the provision of these By-laws and without limiting the provisions of sub By-law (2) of the By-law 24 of these By-laws, the council may refuse a licence therefor, if the sign would in its opinion, be injurious to the amenity or natural beauty of the area."

Sub By-law (2) of the By-law 24 relates to the Prohibition of Hoardings and states:

"No person shall maintain and no owner or occupier of premises shall permit to remain on such premises any hoarding within the Municipality of Town of Cottesloe."

COUNCILLOR QUESTIONS**Questions provided by Cr Boulter – Emailed 16 July 2018**

Q1. What income is saved or generated by the advertising practices on TOC bus shelters and rubbish bins?

A1. No income is generated. The agreement is for the two companies to supply the bus shelters and bins to Council in return for advertising rights on this infrastructure.

Q1. What are the contractual arrangements in relation to these advertising practices on TOC bus shelters and rubbish bins and when are they due for review?

A1. The agreement with Adshel for the bus shelters has expired in a holding over state pending the completion of foreshore works and the bin advertising agreement with Nat Sales expires in 2020.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved: Cr Thomas Seconded: Cr Harkins

THAT Council

1. Advise the applicants that the Town is not prepared to sign the Form 1 Application for third-party advertising to be incorporated with Telstra Smart City Payphone facilities in the three locations identified on Marine Parade, Cottesloe, and that the Town does not support third-party advertising in these locations as they will be injurious to the amenity and natural beauty of the area.;
2. Forward the unsigned Form 1 application to the WAPC and advise of Council's decision.

COUNCILLOR AMENDMENT

Moved: Cr Tucak Seconded: Cr Harkins

An addition to current point 1 (shown in **bold underline** below):

1. Advise the applicants that the Town is not prepared to sign the Form 1 Application for third-party advertising to be incorporated with Telstra Smart City Payphone facilities in the three locations identified on Marine Parade, Cottesloe, and that the Town does not support third-party advertising in these locations as they will be injurious to the amenity and natural beauty of the area **but the Town is otherwise open to receiving an application for Telstra Smart City Payphone facilities without third party advertising incorporated, to replace existing facilities.**

CARRIED 8/0

COUNCILLOR AMENDMENT

Moved: Cr Boulter Seconded: Cr Pyvis

Add a point 3;

3. That the Town of Cottesloe administration bring to Council any proposed renewal or instigation of any contract or agreement relating to all and any third party signage including the companies providing third party signage on TOC bus shelters and rubbish bins.

CARRIED 6/2

For: Crs Tucak, Boulter, Sadler, Young and Harkins

Against: Mayor Angers and Cr Thomas

COUNCIL RESOLUTION

THAT Council;

- 1. Advise the applicants that the Town is not prepared to sign the Form 1 Application for third-party advertising to be incorporated with Telstra Smart City Payphone facilities in the three locations identified on Marine Parade, Cottesloe, and that the Town does not support third-party advertising in these locations as they will be injurious to the amenity and natural beauty of the area but the Town is otherwise open to receiving an application for Telstra Smart City Payphone facilities without third party advertising incorporated, to replace existing facilities.**
- 2. Forward the unsigned Form 1 application to the WAPC and advise of Council's decision.**
- 3. That the Town of Cottesloe administration bring to Council any proposed renewal or instigation of any contract or agreement relating to all and any third party signage including the companies providing third party signage on TOC bus shelters and rubbish bins.**

CARRIED 7/1

For: Crs Tucak, Boulter, Sadler, Young, Thomas, Pyvis and Harkins

Against: Mayor Angers

10.1.4 PLANNING APPLICATIONS DETERMINED UNDER DELEGATION

| | |
|---------------------------------------|---|
| File Ref: | SUB/2594 |
| Attachments: | Nil |
| Responsible Officer: | Mat Humfrey, Chief Executive Officer |
| Author: | Ed Drewett, Coordinator Statutory Planning |
| Author Disclosure of Interest: | Nil |

SUMMARY

This report provides details of the planning applications determined by officers acting under delegation, for the month of June 2018.

BACKGROUND

Pursuant to Local Planning Scheme No.3, Council has delegated its power to determine certain planning applications to the Chief Executive Officer and the Manager Development Services (or the Senior Planning Officer acting in his stead). This provides efficiency in processing applications, which occurs on a continual basis.

Following interest expressed from within Council, this report serves as a running record of those applications determined during each month.

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Planning & Development Act 2005

Local Planning Scheme No. 3

Metropolitan Region Scheme

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Nil

OFFICER COMMENT

During June 2018 the following planning applications were determined under delegation:

| Address | Description | Delegation Notice date | Date Determined |
|--------------------|--|-------------------------------|------------------------|
| 244 Marine Parade | Single garage at rear | 30 April 2018 | 1 June 2018 |
| 94A Napier Street | Two-storey dwelling | 30 April 2018 | 6 June 2018 |
| 13 Rosser Street | Ground and first-floor alterations and additions | 7 May 2018 | 6 June 2018 |
| 211 Curtin Avenue | Single-storey dwelling with studio and roof deck above | 7 May 2018 | 6 June 2018 |
| 23 Broome Street | Extension to existing carport and front boundary fence | 30 April 2018 | 6 June 2018 |
| 49 Brighton Street | Ground and first floor additions | 1 June 2018 | 25 June 2018 |
| 10 Deane Street | First-floor front extension | 1 June 2018 | 26 June 2018 |
| 58 Forrest Street | Ground and first-floor side and rear alterations and additions | 1 June 2018 | 26 June 2018 |

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved: Mayor Angers Seconded: Cr Boulter

That Council receive this report on the planning applications determined under delegation for the month of June 2018.

CARRIED 8/0

ADMINISTRATION**10.1.5 MELANOMA COMMUNITY SKIN SCREENING WEEK**

| | |
|---------------------------------------|---|
| File Ref: | SUB/2594 |
| Attachments: | Nil |
| Responsible Officer: | Garry Bird, Deputy Chief Executive Officer |
| Author: | Gabrielle Hall, Events Officer |
| Author Disclosure of Interest: | Nil |

SUMMARY

melanomaWA is seeking approval for their free mobile skin cancer screening unit to be set up at Cottesloe Beach foreshore, from Monday 19 November to Friday 23 November 2018, between 9.00am and 3.00pm daily.

In addition to event approval, melanomaWA have requested funding of \$4,539 as a contribution towards the cost of staging the 2018 Melanoma Community Skin Screening Week.

BACKGROUND

Approval has been granted to melanomaWA for free skin cancer screening since 2014. Over the course of the Skin Screening Week in 2017, melanomaWA screened 514 members of the public and found a total of 69 life threatening lesions (until proven otherwise with further investigation). The service is free and provides information to participants to raise awareness of melanoma.

Objectives of the free skin cancer screening unit initiative are to:

- Remove obstacles that prevent people from getting their skin screened, such as cost, and inconvenient General Practitioner or Dermatologist appointment times;
- Change people's behaviour when it comes to being proactive about their health;
- Highlight the importance of early detection as a way of preventing skin cancer, and in particular, potentially deadly melanoma;
- Showcase the work that melanomaWA does in the local Western Australian community; and to
- Highlight National Skin Cancer Action Week.

melanomaWA is a not-for-profit organisation focussed on providing support for people, and their families and carers, who have been diagnosed with melanoma, as well as educating our Western Australian community about melanoma prevention and sun and skin safety.

The screening unit will consist of a fully autonomous mobile clinic, together with its attached trailer. Three volunteer Dermatologists and a Clinic Lead will staff the clinic and will undertake the free skin screening examinations.

Information brochures about melanoma and National Skin Cancer Action Week, and a few associated products, will be available for members of the public to access and take away with them when visiting the community engagement tents.

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

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

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

POLICY IMPLICATIONS**Beach Policy**

This event appears to be in compliance with the Town of Cottesloe's Beach Policy.

Event/Facility Classification Policy

Under the Event/Facility Classification Policy the event would be considered a Charitable Event as, '*the primary aim of the event is to promote awareness of a significant community or health issue*'.

STATUTORY ENVIRONMENT

Local Government Act 1995

Health (Public Building) Regulations 1992

Health (Miscellaneous Provisions) Act 1911

Environmental Protection (Noise) Regulations 1997

The Town of Cottesloe's Beaches and Beach Reserves Local Law 2012 has provision for the maintenance and management of beaches and beach reserves.

FINANCIAL IMPLICATIONS

A late donation application requesting the Town to contribute \$4,539.00 towards the event has been received. Event organisers have provided a budget of expenditure as a part of their application. A budget amendment would be required if Council was to approve the request. The Town of Cottesloe contributed \$2,500.00 towards the costs of the clinic in 2016/17.

In addition to the donation, there is a small cost in providing additional bins for the event, but this can be met within existing budget allocations.

To comply with the Event and Facility Classification Policy, organisers would be charged \$480 per day for hire and a \$300 bond. The Town has not charged melanomaWA in the past for bin facility fees and charges. It is therefore recommended that the hire and bin fees be waived. Staff recommend that the bond for this event, and other community events, be charges in accordance with the Schedule of Fees and Charges.

STAFFING IMPLICATIONS

If approved, the Manager Compliance and Regulatory Services will liaise with event organisers to review the relevant event plans and discuss the requirements of Health (Public Building) Regulations 1992.

Officers will be required to attend the event to ensure compliance with the officer's recommendation and relevant Acts.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

Adequate arrangements are made for rubbish collection and removal, including the collection of recyclable materials.

CONSULTATION

- melanomaWA
- Town of Cottesloe Staff

OFFICER COMMENT

Two marquees will be erected; 3m x 3m and 4.5m x 3m, they will be used for melanomaWA as a shaded waiting area for the screening unit. Free sunscreen for members of the public visiting the screening unit will be housed in one of the tents, provided by one of the screening unit's sponsors. The tents will also provide shade from the elements.

Organisers have comprehensive Public Liability Insurance in place to cover the event.

Additional toilets and bins will be required for the event similar to the previous events.

As the events main purpose is to provide a free skin cancer screening consultation together with information about the importance of early detection as a way of preventing skin cancer, which provides a valuable service to the community, as well as the low impact expected, the application is recommended for approval.

COUNCILLOR QUESTIONS

Questions provided by Cr Boulter – Emailed 14 July 2018

Q1. Could the single use plastic condition be amended to include the words – or similar – “ subject to any single use plastic required specifically for the screening process that cannot be reasonably substituted”

A1. The officer recommendation will be amended to include this

Q2. Could there be a condition requiring disability access, which I have been requested to ask for?

A2. These details are currently being sought by the applicant

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved: Cr Harkins Seconded: Cr Thomas

THAT Council:

1. Approve the application to hold the 2018 melanomaWA Community Skin Screening Week event at Cottesloe Beach foreshore, from Monday 19 November to Friday 23 November 2018, from 9.00am to 3.00pm daily, with the following conditions:

- a. That the venue hire fees and bin hire fees be waived; and a bond of \$300 be taken.
- b. Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event for the approval of the Chief Executive Officer.
- c. Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required;
- d. All signage to be approved by the Chief Executive Officer one month prior to the event;
- e. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe;
- f. The event complies with all requirements of the:
 - *Health (Public Buildings) Regulations 1992*
 - *Food Act 2008*
 - *Town's Health Local Law 1997*
 - *Town's Liquor (Licensed Premises) Policy*
 - *Health (Miscellaneous Provisions) Act 1911*
 - *Environmental Protection (Noise) Regulations 1997*
- g. No alcohol is to be served unless a valid licence or permit from the Department of Racing, Gaming and Liquor is provided to the Town prior to the event;
- h. Adequate arrangements for rubbish removal and collection, including the provision for recycling;
- i. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event;
- j. No balloons to be used during the event;
- k. Single use plastic bags, plastic drinking straws, plastic utensils and plastic/styrofoam drink and/or food containers and lids will not be used by the applicant in setting up, during or clearing up after the event subject to any single use plastic required specifically for the screening process that cannot be reasonably substituted;
- l. Organisers will use their best endeavours to avoid the use of an other form of single use plastic;
- m. That the event is a non-smoking event;
- n. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and
- o. That the Western Metropolitan Regional Council 'Earth Carers' Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the

checklist and return to Council after the event with the aim of reducing the amount of plastics used at the event.

ADVICE NOTE

The Town of Cottesloe *Local Government Property Local Law 2001 (Consolidated)* prohibits at clause 2.8(1)(i) '*releasing an unsecured balloon inflated with a gas that causes it to rise in the air*' and fines apply.

The full length of the Cottesloe Reef is protected by a Fish Habitat Protection Area (FHPA), the only one in the Perth Metropolitan Area. The principal aim of the Cottesloe Reef FHPA is to preserve valuable fish and marine environments for the future use and enjoyment of all people. Plastic and balloon litter pose a significant risk to this very special marine environment. A Cottesloe Reef FHPA brochure is enclosed for your further attention.

2. With respect to the donation application seeking a contribution of \$4,539 towards the 2018 event, DECLINE the request on the basis that the application was received after the closing date and the Town has not been a regular funding partner for the Cottesloe screening clinics. Further that melanomaWA be invited to submit a funding request for the 2018/19 funding round.

COUNCILLOR AMENDMENT

Moved: Cr Boulter Seconded: Cr Harkins

That a condition be included requiring a wheelchair accessible tent to be provided as part of the screening set up.

CARRIED 7/1

For: Crs Tucak, Boulter, Sadler, Young, Thomas, Pyvis and Harkins

Against: Mayor Angers

COUNCIL RESOLUTION

THAT Council:

1. **Approve the application to hold the 2018 melanomaWA Community Skin Screening Week event at Cottesloe Beach foreshore, from Monday 19 November to Friday 23 November 2018, from 9.00am to 3.00pm daily, with the following conditions:**
 - a. **That the venue hire fees and bin hire fees be waived; and a bond of \$300 be taken.**
 - b. **Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event for the approval of the Chief Executive Officer.**
 - c. **Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required;**
 - d. **All signage to be approved by the Chief Executive Officer one month prior to the event;**

-
- e. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe;
 - f. The event complies with all requirements of the:
 - *Health (Public Buildings) Regulations 1992*
 - *Food Act 2008*
 - *Town's Health Local Law 1997*
 - *Town's Liquor (Licensed Premises) Policy*
 - *Health (Miscellaneous Provisions) Act 1911*
 - *Environmental Protection (Noise) Regulations 1997*
 - g. No alcohol is to be served unless a valid licence or permit from the Department of Racing, Gaming and Liquor is provided to the Town prior to the event;
 - h. Adequate arrangements for rubbish removal and collection, including the provision for recycling;
 - i. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event;
 - j. No balloons to be used during the event;
 - k. Single use plastic bags, plastic drinking straws, plastic utensils and plastic/styrofoam drink and/or food containers and lids will not be used by the applicant in setting up, during or clearing up after the event subject to any single use plastic required specifically for the screening process that cannot be reasonably substituted;
 - l. Organisers will use their best endeavours to avoid the use of an other form of single use plastic;
 - m. That the event is a non-smoking event;
 - n. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and
 - o. That the Western Metropolitan Regional Council 'Earth Carers' Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the checklist and return to Council after the event with the aim of reducing the amount of plastics used at the event;
 - p. That a wheelchair accessible tent to be provided as part of the screening set up.

ADVICE NOTE

The Town of Cottesloe *Local Government Property Local Law 2001 (Consolidated)* prohibits at clause 2.8(1)(i) '*releasing an unsecured balloon inflated with a gas that causes it to rise in the air*' and fines apply.

The full length of the Cottesloe Reef is protected by a Fish Habitat Protection Area (FHPA), the only one in the Perth Metropolitan Area. The principal aim of the Cottesloe Reef FHPA is to preserve valuable fish and marine environments for the future use and enjoyment of all people. Plastic and balloon litter pose a significant risk to this very special marine environment. A Cottesloe Reef FHPA brochure is enclosed for your further attention.

2. With respect to the donation application seeking a contribution of \$4,539 towards the 2018 event, **DECLINE** the request on the basis that the application was received after the closing date and the Town has not been a regular funding partner for the Cottesloe screening clinics. Further that melanomaWA be invited to submit a funding request for the 2018/19 funding round.

CARRIED 8/0

10.1.6 OPEN WATER SWIMMING SERIES 2019

| | |
|---------------------------------------|--|
| File Ref: | SUB/2594 |
| Attachments: | 10.1.6(a) Event Application and Course Map [under separate cover] |
| Responsible Officer: | Garry Bird, Deputy Chief Executive Officer |
| Author: | Gabrielle Hall, Events Officer |
| Author Disclosure of Interest: | Nil |

SUMMARY

The Western Australian Swimming Association Inc. (Swimming WA) is seeking approval to host the 2019 Swimming Western Australia Open Water Swim Series Event from Cottesloe Beach on Saturday, 16 February 2019, from 5.00am to 12.00pm.

BACKGROUND

The Open Water Swim Series Event is expected to draw a lot of interest, with 688 competitors and surf life saving club members actively involved last year, as well as many supporters. Races will be held at other Perth beaches over the season.

Open Water Swimming Races consist of a number of simultaneous races, with distances ranging from 500 metres to five kilometres, catering for a wide range of ages. Races will be open to the public, local residents and local surf club members are encouraged to take part in the event.

The event will be held at Cottesloe Beach foreshore and will use the same start/finish, staging area, and looped course for all four races.

Last year's event, held in October 2017 was successful, and no major issues were brought to the attention of the Council.

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 1.4: Continue to improve community engagement.

POLICY IMPLICATIONS**Beach Policy**

This event appears to be in compliance with the Town of Cottesloe's Beach Policy.

Event/Facility Classification Policy

Under the current Policy, the event meets the assessment criteria of a community event as outlined in the policy, as '*the event organisers are not seeking to make a profit*', '*spectating at the event is free*' and '*the event does not seek to promote a product, service or company*'.

STATUTORY ENVIRONMENT

Local Government Act 1995

Health (Public Buildings) Regulations 1992

Food Act 2008

Town's Health Local Law 1997

Town's Liquor (Licensed Premises) Policy

Health (Miscellaneous Provisions) Act 1911

Environmental Protection (Noise) Regulations 1997

The *Town of Cottesloe's Beaches and Beach Reserves Local Law 2012* has provisions for the maintenance and management of the beaches and beach reserves.

FINANCIAL IMPLICATIONS

Organisers would be charged fees in accordance with the Event and Facility Classification Policy and Schedule of Fees and Charges, organisers would be charged \$500 per day for hire and a \$750 bond.

STAFFING IMPLICATIONS

If approved, the Manager Compliance and Regulatory Services will liaise with event organisers to review the relevant event plans and discuss the requirements of the Health (Public Building) Regulations 1992 and the Food Act 2008.

Officers will be required to attend the event to ensure compliance with the officer's recommendation and statutory obligations including traffic management, risk management and relevant Acts.

Staff will meet with event organisers after the event to de-brief.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

Adequate arrangements are made for rubbish collection and removal of recyclable materials.

CONSULTATION

- Swimming WA Staff
- Town of Cottesloe Staff
- Cottesloe Surf Life Saving Club
- North Cottesloe Surf Life Saving Club

OFFICER COMMENT

Surf Life Saving Western Australia has been contracted as primary water safety provider for the series and will engage with all affected clubs.

Brief announcements will be made on a public address system at intervals during the event.

A comprehensive Risk Assessment Plan and a Course Map have been provided. A current Public Liability Insurance certificate and a comprehensive Event Management Plan will be provided prior to the event. Letters of support for the event from Cottesloe Surf Life Saving and North Cottesloe Surf Life Saving Club have been provided.

Due to the success of previous year's event, it is recommended to approve the event.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved: Cr Harkins Seconded: Cr Thomas

THAT Council APPROVE the application to hold the 2019 Swimming Western Australia Open Water Swim Series Event at Cottesloe Beach, Saturday, 16 February 2019, from 5.00am to 12.00pm, with the following conditions:

1. Class this event as a 'Community' event and charge the fee of \$500, and a bond of \$750, to be paid prior to the event commencing;
2. Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event for the approval of the Chief Executive Officer.
3. Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required;
4. All signage to be approved by the Chief Executive Officer one month prior to the event;
5. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe;
6. Compliance with the Town's Beaches and Beach Reserves Local Law 2012;
7. Compliance with relevant sections of the Town's Beach Policy;
8. The event complies with all requirements of the:
 - *Health (Public Buildings) Regulations 1992*
 - *Food Act 2008*
 - *Town's Health Local Law 1997*
 - *Town's Liquor (Licensed Premises) Policy*
 - *Health (Miscellaneous Provisions) Act 1911*
 - *Environmental Protection (Noise) Regulations 1997*
9. No alcohol is to be served unless a valid licence or permit from the Department of Racing, Gaming and Liquor is provided to the Town prior to the event;
10. Adequate arrangements for rubbish removal and collection, including the provision for recycling;
11. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, provided prior to the event;
12. No balloons to be used during the event;
13. Single use plastic bags, plastic drinking straws, plastic utensils and plastic/styrofoam drink and/or food containers and lids will not be used by the applicant in setting up, during or clearing up after the event;
14. Organisers will use their best endeavours to avoid the use of an other form of single use plastic;

15. That the event is a non-smoking event;
16. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and
17. That the Western Metropolitan Regional Council 'Earth Carers' Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the checklist and return to Council after the event with the aim of reducing the amount of plastics used at the event.

ADVICE NOTE

The Town of Cottesloe *Local Government Property Local Law 2001 (Consolidated)* prohibits at clause 2.8(1)(i) '*releasing an unsecured balloon inflated with a gas that causes it to rise in the air*' and fines apply.

The full length of the Cottesloe Reef is protected by a Fish Habitat Protection Area (FHPA), the only one in the Perth Metropolitan Area. The principal aim of the Cottesloe Reef FHPA is to preserve valuable fish and marine environments for the future use and enjoyment of all people. Plastic and balloon litter pose a significant risk to this very special marine environment. A Cottesloe Reef FHPA brochure is enclosed for your further attention.

CARRIED 8/0

10.1.7 SENIOR EMPLOYEES AND ACTING CHIEF EXECUTIVE OFFICER POLICY

File Ref: SUB/2594
Attachments: 10.1.7(a) DRAFT Senior Employees and Acting CEO Policy
[under separate cover]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Garry Bird, Deputy Chief Executive Officer
Author Disclosure of Interest: FINANCIAL

Acting CEO Mr Garry Bird declared a FINANCIAL interest in this item by virtue of “Employee who may receive a financial benefit from Policy”

Mr Garry Bird left the Chambers at 7:50pm.

SUMMARY

A recommendation is made to adopt a new Policy, Senior Employees and Acting Chief Executive Officer.

BACKGROUND

At present, the Chief Executive Officer appoints an Acting Chief Executive Officer when on leave or absent for periods of more than one working week. The Deputy Chief Executive Officer receives a higher duties allowance for when acting in this position.

There are no designated senior employees, as defined by the Local Government Act at present at the Town of Cottesloe, with all recruitment and dismissal the responsibility of the Chief Executive Officer.

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.

A practical and transparent policy for the appointment of an Acting Chief Executive Officer is in keeping with this major strategy.

POLICY IMPLICATIONS

The officer’s recommendation is to adopt a new Policy of Council.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 5.36. Local government employees

- (1) A local government is to employ —
(a) a person to be the CEO of the local government; and
-

- (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*
- (2) A person is not to be employed in the position of CEO unless the council —*
 - (a) believes that the person is suitably qualified for the position; and*
 - (b) is satisfied* with the provisions of the proposed employment contract.*
- * Absolute majority required.*
- (3) A person is not to be employed by a local government in any other position unless the CEO —*
 - (a) believes that the person is suitably qualified for the position; and*
 - (b) is satisfied with the proposed arrangements relating to the person's employment.*
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.*
- (5) For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.*

Section 5.37. Senior employees

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.*
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.*
- (3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*
- (4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.*
- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.*

Section 5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

FINANCIAL IMPLICATIONS

The Deputy Chief Executive Officer currently receives a higher duties allowance when acting as the Chief Executive Officer for a period of more than one week. This allowance is 50 percent of the difference between the Chief Executive Officer's and Deputy Chief Executive Officer's salary.

STAFFING IMPLICATIONS

The Draft Policy would define the manner in which an Acting Chief Executive Officer is to be appointed.

The position of Deputy Chief Executive Officer would become a Senior Employee as defined by the Local Government Act 1995 and the recruitment and/or dismissal of the employee in this position would require the Chief Executive Officer to seek Council endorsement of this decision.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

- Town of Cottesloe Staff
- Elected Members

The Draft policy was referred to the June 2018 Briefing Forum for preliminary discussion with Elected Members. No feedback was received at this time.

As the Policy is administrative in nature and relates to the terms and conditions of employment, it is not considered appropriate to advertise the Draft Policy for public comment.

OFFICER COMMENT

Although the current practice of appointing an Acting Chief Executive Officer has worked well for a number of years, the recent experience at the City of Perth, which was widely publicised at the time, has highlighted the need for a more formalised process.

Elected members may recall that at the City of Perth, some Elected members raised concern about the appointment of an Acting Chief Executive Officer made by the Chief Executive Officer. As a result of this situation the City of Perth have now prepared a Policy that has been used by the Town of Cottesloe

Staff are of the view that the Draft Policy provides an appropriate balance between short term appointments being made by the Chief Executive Officer and appointments for longer than four weeks being made by Council.

The four week period is used as it would allow any appointment for longer than this period to be referred to a Council meeting for consideration.

COUNCILLOR QUESTIONS

Questions provided by Cr Boulter – Emailed 14 July 2018

Q1. Who are all the senior employees in Town of Cottesloe who could be considered for this designation under the Local Government Act?

A1. Only the Deputy CEO at this stage

Questions provided by Cr Tucak – Emailed 14 July 2018

Q1. Whether in the draft Policy the reference in 3.1 to “s.5.36(b)” is correct? My reading of 5.36 suggests it would be (a) not (b) that determines who’s suitable – and I assume that “be employed in the position of CEO” includes acting in that position?

A1. Staff are of the view that 5.36b relates to an Acting CEO

Q2. Should the second paragraph of 3.2 be clearer that (for absences of between 4 days and 4 weeks) the CEO “must appoint an Acting Chief Executive Officer” (and thus, with the current wording, is authorised to appoint the DCEO). At present it reads that the CEO could choose not to appoint an Acting CEO, which wouldn’t make sense. Or are the first two paragraphs able to be combined (ie DCEO just appointed in either case)?

A2. Yes – that is correct.

Q3. I note also that the final para of 3.2 seems redundant to say “who has been appointed”, as it can only be the DCEO and so should perhaps read “in writing of that appointment and...”.

A3. Staff would be happy to make this minor change.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Young Seconded Cr Thomas

THAT Council ADOPT the Senior Employees and Acting Chief Executive Officer Policy.

COUNCILLOR AMENDMENT

Moved: Cr Tucak Seconded: Mayor Angers

Subject to the word “whom” on page 2 line 5 of the draft policy being replaced with “which senior employee”.

CARRIED 8/0

COUNCIL RESOLUTION

THAT Council ADOPT the Senior Employees and Acting Chief Executive Officer Policy subject to the word “whom” on page 2 line 5 of the draft policy being replaced with “which senior employee”.

CARRIED 8/0

10.1.8 APPROVAL TO ATTEND THE POOL SAFETY INSPECTION COURSE - COMPLIANCE OFFICER

| | |
|---------------------------------------|--|
| File Ref: | SUB/2594 |
| Attachments: | Nil |
| Responsible Officer: | Mat Humfrey, Chief Executive Officer |
| Author: | Freya Ayliffe, Manager Compliance and Regulatory Services |
| Author Disclosure of Interest: | Nil |

SUMMARY

This report recommends Council endorsement for the Town's Compliance Officer to attend the Pool Safety Inspection course in Queensland.

BACKGROUND

The key responsibilities of the Compliance Officer include;

- Onsite inspections of building and development projects;
- *Undertake assessments of private swimming pools;*
- Investigate complaints and provide advice to both internal and external stakeholders regarding the resolution of these complaints and;
- Enforcement of relevant statutory legislation and local laws.

Undertake Assessments of Private swimming Pools

- There are currently 870 private swimming pools registered with the Town;
- 66 are non-compliant and require a follow up inspection to achieve compliance;
- 94 have never been inspected and;
- 651 of these pools require an inspection in 2019.

Regulation 49 of the Building Regulations 2012 requires each local government to inspect each private swimming pool at intervals not exceeding four years. The purpose of the inspections is to monitor whether legislation, codes and standards are being complied with in regards to pool safety barriers.

A pool inspector is required to be an authorised person. In accordance with *sections 3, 93(2)(d) of the Building Act 2011* and *regulation 5(a) and 53(1) of the Building Regulations 2012*, an authorised person includes a person who is authorised by a local government as having 'appropriate experience or qualifications'.

Pool Safety Inspection Courses

There are currently not any pool safety inspections courses available in WA however; there are several courses available in other states, the next available course is in Queensland, in August, the total cost of the course is \$1,500.

The course teaches participants the skills and knowledge required to competently perform swimming pool inspections and issue non-compliance certificates in accordance with legislative requirements. The qualifications obtained during this course are nationally recognised.

The course will enable the Compliance Officer to perform their duties with confidence and is of benefit to the Town as the Officer performing all future private swimming pool inspections, including any follow up inspections required will be nationally accredited.

Currently the initial inspection of private swimming pools is outsourced to Royal Life Saving; all follow up inspections are carried out by the Principal Building Surveyor. The cost of outsourcing these inspections is approximately \$35,000. By sending the Town's Compliance Officer to the Pool Safety Inspection course, the Town will not have to outlay this cost and it will also free up the Town's Principal Building Surveyor allowing them to focus on assessing and approving building applications.

The Officer has advised they are willing to pay the full cost of airfares to and from the course however, due to the benefit to the town of the Officer attending, it is recommended the Town pay for the flights also.

Should the Officer cease employment with the Town within 6 months of attending the course, the Officer will be required to pay 50% of the total costs back to the Town.

There are funds available in the training budget to cover the costs of attending this course including flights and accommodation

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

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

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

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

POLICY IMPLICATIONS

The Town's Conference, Seminars and Training Policy requires interstate travel to be approved by Council.

STATUTORY ENVIRONMENT

Building Act 2011

Building Regulations 2012

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

The estimated cost for registration, flights and accommodation is approximately \$2,500.

STAFFING IMPLICATIONS

As noted in this report, having a staff member specifically trained in swimming pool inspections will remove the need to outsource inspections and could result in resource sharing opportunities in the neighbouring local governments.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

- Chief Executive Officer
- Deputy Chief Executive Officer

OFFICER COMMENT

The Compliance Officer is committed to the role and is motivated to maintain and enhance their professional knowledge and experience. Both the Officer and the Town would gain from attendance at the pool safety inspection course, which is a nationally recognised course.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved: Mayor Angers Seconded Cr Boulter

THAT Council APPROVE the attendance of the Compliance Officer at the Pool Safety Inspection Course, including airfares and accommodation at a cost of approximately \$2,500.

CARRIED 8/0

ENGINEERING**10.1.9 PRINCIPAL SHARED PATH UPDATE**

| | |
|---------------------------------------|--|
| File Ref: | SUB/2594 |
| Attachments: | 10.1.9(a) Proposed PSP Plan [under separate cover] |
| | 10.1.9(b) PSP Stage 1 - Landscaping Design [under separate cover] |
| | 10.1.9(c) PSP Stage 2 - Landscaping Design [under separate cover] |
| Responsible Officer: | Mat Humfrey, Chief Executive Officer |
| Author: | Denise Tyler-Hare, Project Manager |
| Author Disclosure of Interest: | Nil |

For the benefit of the members of the public present, this item was dealt with as the first order of business.

Cr Sadler declared an **IMPARTIALITY INTEREST** in this item by virtue of “member of Bicycles WA and member of Doctors for the Environment”.

Cr Pyvis declared an **IMPARTIALITY INTEREST** in this item by virtue of “Committee member West Tree Canopy”

Cr Thomas – declared an **IMPARTIALITY INTEREST** in items 10.1.9 by virtue of “being a committee member of West Tree Canopy”

SUMMARY

The Council is requested to approve the proposed principle shared path/associated works within the Town of Cottesloe’s road reserve.

BACKGROUND

Main Roads WA (MRWA) have been working on the connections for the PSP through Cottesloe, from Grant Street to Victoria Street. They have now prepared 100% drawings, and have secured funding to undertake the works as follows:

- Grant to Jarrad in the 2018/19 financial year; and,
- Jarrad to Victoria in the 2019/20 financial year.

They will be going out to tender in the near future for both packages.

MRWA have provided us with the proposed plans, which have been reviewed, and considered acceptable to the administration.

The Bike Planning Committee has also reviewed the plans and provided the following minor requests for change:

1. All feeder paths are detailed in red tarmac, and are the same width as the main PSP.
-

- a. This is to provide better turning movements for cyclists, and to match up with other areas like Daglish where the feeder paths are the same width as the main PSP.
 - b. This will improve safety as it will reduce conflict with pedestrians, improve clarity, as it signals the location of the PSP from Curtin Ave, and provide uniformity.
2. Make the entrances to the PSP from Curtin Avenue wider so that bikes can safely access the PSP off Curtin Ave.
 - a. The current design of the entrances seems to assume that these are merely crossing points for Curtin Ave, rather than entry points if one is riding along Curtin Ave.

This feedback has been passed back to MRWA for their review and input into the plan.

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 1.1: 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.

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

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.

Strategy Action c. Lobby for the completion of the principle shared path (along rail line).

POLICY IMPLICATIONS

This proposal complies with the New footpath construction policy principles in that it improves public amenity, universal access and safety. It provides a missing link to existing PSPs, and is likely to generate a high level of use.

STATUTORY ENVIRONMENT

The Town of Cottesloe, as the road reserve owners, will need to approve the proposed principle shared path.

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The inclusion of a bike path from Grant St to Victoria St is a significant improvement to sustainability, as it will encourage the use of bicycles.

CONSULTATION

- Bike Planning Committee
- Town of Cottesloe Staff
- MRWA Staff

OFFICER COMMENT

The administration has reviewed the proposal, and the Bike Planning Committee's requests, and recommend that the Council approve the proposed path/associated works within the Town of Cottesloe's Road Reserve.

COUNCILLOR QUESTIONS**Questions provided by Cr Boulter – Emailed 14 July 2018**

Q1. How many trees will be removed during the PSP construction? If yes, which trees?

A1. The following is a breakdown of trees to be removed:

Grant to Jarrad St – 22 small trees (0-0.3m trunk dia.) and 9 medium trees (0.3-1.0m trunk dia.). Of these, there are 9 small trees contained within Crown Reserve land vested with the Town of Cottesloe (just north of Forrest St), and one small tree in the road reserve at Jarrad St. The rest are contained within Crown Reserve Land vested with the PTA.

Jarrad St to Victoria St – 17 medium trees (0.3-1.0m trunk dia.). All of these are contained within Crown Reserve Land vested with the PTA.

Q2. Will the lost trees be replaced and by whom?

A2. MRWA have indicated they have a budget for planting and will work with the Town of Cottesloe to determine species, locations, size, etc. They will undertake this following completion of the paths.

Q3. By how much by % and what length of the new PSP, Grant to Victoria, will not be shaded by trees?

A3. The section from approximately the entry to Cottesloe Train Station car park through to the Police Station (~650m), Salvado St to Mosman Park Station (130m), and for a portion between Mosman Park Station and Victoria St Station (280m) will not be shaded by existing trees. This is approximately 36%.

Q4. What will be the best plan for preparing the relevant ground for tree planting during the PSP construction phase by MRWA and TOC working together, and are there cost savings for preparing the ground while constructing the PSP?

A4. The proposed works are not planned over the planting season, and so the ideal plan would be to come back following completion of the PSP and undertake planting in one go during the next planting season.

Q5. Will MRWA contribute to the cost of tree planting and landscaping along the PSP? IF so, how will they make a contribution? If not, will lobbying help?

A5. MRWA have indicated they have a budget for planting and will work with the Town of Cottesloe to determine species, locations, size, etc. Presumably, if the Town of Cottesloe would like more than what MRWA have a budget for, we may be asked for a contribution.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council APPROVE the proposed principle shared path and associated works within the Town of Cottesloe's road reserve.

COUNCILLOR MOTION

Moved: Cr Tucak Seconded: Cr Pyvis

That Council:

1. WRITE to the Minister of Transport thanking her for bringing forward funding to complete the Principle Shared Path (PSP) to Victoria Street, informing her of the Town's desire for this work to proceed and seeking her active assistance to ensure the proposed PSP works and route do not adversely impact on Cottesloe's tree canopy, by avoiding tree losses wherever possible
2. DEFER approval of the proposed PSP route and associated works in the Town's road reserve for one month only, to allow reassessment of the proposed PSP route to avoid tree losses wherever possible, and
3. HOLD a workshop with MRWA prior to the August 2018 Agenda Forum to discuss the proposed PSP route, the current placement and condition of trees, and to identify solutions to avoid tree losses, and
4. WORK with MRWA and the Department of Transport and PTA to ensure the green canopy in this area and along the PSP route will be increased over time by the planting of appropriate species now.

LOST 3/5

For: Crs Tucak, Boulter and Pyvis

Against: Mayor Angers, Crs Sadler, Young, Thomas and Harkins

FORESHADOWED MOTION

Moved: Cr Sadler Seconded: Cr Young

That the Council:

1. APPROVE the proposed principal shared path within the Curtin Avenue road reserve. SUBJECT TO a written commitment from the Department of Transport to plant a minimum of two trees on the Curtin Ave Road Reserve for every one tree that is removed; and,
2. REQUEST the Town of Cottesloe Administration to:

- i. Plant a further minimum two trees for every one tree that is removed on the Curtin Ave Road Reserve.
- ii. measure the current tree canopy cover in this area and repeat this process in 5 years.
- iii. work with the Department of Transport and MRWA to ensure that the green canopy in this area will be increased by 10 % in 5 years' time, including species that will provide food and habitat for native birds.
- iv. Work with the Department of Transport, MRWA and PTA to further reduce the loss of trees where-ever possible along the PSP route.
- v. Write to the Minister of Transport thanking her for bringing forward funding to complete the PSP to Victoria Street and informing her of the Town's desire for the PSP to proceed.

COUNCILLOR AMENDMENTS

Moved: Cr Tucak Seconded: Cr Boulter

1. That at the end of Point 1 where it reads "every one tree that is removed" add " along the PSP, minimize the number of trees removed and by assessing each tree of concern and to work with the Town of Cottesloe in doing so,"

CARRIED 8/0

Moved: Cr Tucak Seconded: Cr Boulter

2. At sub point (v) where it reads "for the PSP to proceed" add " seeking the Ministers assistance to ensure the route does not adversely impact the tree canopy by avoiding tree losses wherever possible"

LOST 3/5

For: Crs Tucak, Boulter and Pyvis
Against Mayor Angers, Crs Sadler, Young, Thomas and Harkins

COUNCIL RESOLUTION

Moved: Cr Sadler Seconded: Cr Young

That the Council:

1. **APPROVE** the proposed principal shared path within the Curtin Avenue road reserve. **SUBJECT TO** a written commitment from the Department of Transport to plant a minimum of two trees on the Curtin Ave Road Reserve for every one tree that is removed along the PSP, minimize the number of trees removed and by assessing each tree of concern and to work with the Town of Cottesloe in doing so; and,
2. **REQUEST** the Town of Cottesloe Administration to:
 - i. Plant a further minimum two trees for every one tree that is removed on the Curtin Ave Road Reserve.
 - ii. measure the current tree canopy cover in this area and repeat this process in 5 years.
 - iii. work with the Department of Transport and MRWA to ensure that the green canopy in this area will be increased by at least 10 % in 5 years' time, including species that will provide food and habitat for native birds.
 - iv. Continue to work with the Department of Transport, MRWA and PTA to further reduce the loss of trees where-ever possible along the PSP route.

- v. write to the Minister of Transport thanking her for bringing forward funding to complete the PSP to Victoria Street and informing her of the Town's desire for the PSP to proceed.

CARRIED 6/2

For: Mayor Angers, Crs Tucak, Sadler, Young, Thomas and Harkins

Against: Crs Boulter and Pyvis

10.1.10 FORESHORE RENEWAL - OCEAN UNIVERSAL ACCESS

| | |
|---------------------------------------|--|
| File Ref: | SUB/2594 |
| Attachments: | 10.1.10(a) UPDATED Proposed Tender Document [CONFIDENTIAL] [UNDER SEPARATE COVER] |
| Responsible Officer: | Mat Humfrey, Chief Executive Officer |
| Author: | Denise Tyler-Hare, Project Manager |
| Author Disclosure of Interest: | Nil |

SUMMARY

The Council is requested to approve the tender documentation for the Ocean Universal Access Path elements of the Foreshore Renewal to allow them to proceed to documentation.

BACKGROUND

At the May 2018 Foreshore Precinct Implementation Committee Meeting, the Committee resolved to endorse the plans for tender, subject to review of the retaining wall materials and paving extents.

This documentation for the ocean universal access and beach shade structure prototype was sent to Council for call-in, with 3 call-ins received by 12pm on the 25th June. Due to the call-ins, both the beach shade structure prototype and the ocean universal access path tenders were put on hold.

The call-ins for the Ocean Universal Access Path can be summarised as follows:

1. There was a suggestion made that this should be a structure that could be removed each year over winter, to prevent sand build up.
2. There were also concerns over the level of design and investigation that had been undertaken to date e.g. seasonal sand movement, undermining of concrete structure by wave action and seasonal movement of sand, suggestion that it should be a piled structure.

The cost of removing the structure each year would be very expensive, as you would probably have to hire a crane. This is a design and construct solution, so the details in point 2 would be investigated during the design component of the works.

It was suggested that some investigation be done into what is most commonly used around Australia for this type of structure – is it a permanently fixed structure, or a portable structure only used in summer, and the reasons why, as well as the potential for removing the structure each year. Emerge have advised the following key points:

- A removable structure was discussed very early on in the design process, however was ruled out due to concerns with longevity and structural integrity, as well as ongoing maintenance costs. It was advised that the maintenance costs to remove sand build up to the ramp would be significantly less than removing the structure annually and re-installing it. There were also concerns over whether a removable structure would be suitable in an area that experiences breaking waves, rips and changes in shoreline position.
 - It is estimated that 8 hours a month of the Town's maintenance time would be required to remove sand build-up from the ramp and to clean the handrail of the permanent structure.

- It is estimated that there would be approximately 20 hours every 6 months to remove/install, transport and store the structure, but also 4-6 hours of cleaning per month as well.
- With regard to point 2 above, a number of options were investigated as follows:
 1. A raised pier structure built beside the Groyne for approximately three quarters of the Groyne's length with the ramp pointing back toward the beach so as to avoid sand build up and allow deep water access. This is cost prohibitive and creates additional swimmer safety issues.
 2. Creating a concrete ramp from the end of the Groyne with the in water ramp structure sloping back toward the beach. This involves considerable modification of the existing Groyne at considerable cost.
 3. A separate elevated ramp structure set away from the Groyne to avoid impacting the Groyne. This ramp would be located further up the beach to the north of the Groyne, however sealed access becomes an issue, as does likely exposure to additional wave action and fluctuating sand locations and levels. Mettams Pool in Trigg is an example of this which has had erosion issues.
 4. A location attached to the north side of the existing Groyne and attached to its subsurface structure.
 5. A location set just off the existing Groyne (preferred design option as below)
- Further to ongoing liaison with Mick Rogers and Associates Marine Engineers, it is recommended that the preferred, and most cost effective design solution for Council, is to construct the ramp just beside the north side of the existing Groyne, as indicated in the proposed tender documentation.

This option will involve some minor modification to the existing Groyne's armour surface which will then be backfilled with additional matching rock material. This approach (unlike option 4) will not impact the Groyne's subsurface structure. The ramp is currently proposed to be set on the sub-sand underlying rock platform subject to clarification of its depth, failing this minor piling down to the rock surface may be necessary. This option does not rely on the structural properties of the Groyne as was first envisaged (option 4) as it is believed the structural integrity of the existing Groyne should remain undisturbed to the maximum extent possible.

It is proposed that aspects of the ramp be designed to enable them to be prefabricated off site rather than in-situ poured. This approach is envisaged to provide further cost efficiencies at construction. This will be confirmed as the final documentation occurs.

- In regards to what is commonly done around WA/Australia, there is not a simple answer to this as there are a number of varying examples which depend significantly on items such as swells, tides, beach conditions, geotechnical conditions, popularity etc. On the east coast, there are examples of a simple mat structure that can be rolled out and rolled up to allow wheelchair access. Jetty like structures are also common where the swell and tides conditions are more significant. We also found the attached example of a wheelchair ramp

structure in Europe where the structure includes a mechanical chair that descends into the ocean.





STRATEGIC IMPLICATIONS

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

Priority Area 3: Enhancing beach access and the foreshore

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

Priority Area 3: Enhancing beach access and the foreshore.

Major Strategy 3.1: Implement the 'Foreshore Redevelopment Plan' in consultation with the community.

POLICY IMPLICATIONS

Beach Policy

The Foreshore Renewal Masterplan complies with the policy as adopted by Council.

STATUTORY ENVIRONMENT

All works in the Cottesloe Foreshore Precinct will require a planning approval from the West Australian Planning Commission (WAPC) as the land sits under the Metropolitan Region Scheme. As the changes are minimal and do not significantly alter the purpose for which the land is to be used, there are no significant challenges that are expected when approvals are sought.

Much of the land contained within the Cottesloe Foreshore Precinct is also listed on the State Heritage Register. Officers will work with the State Heritage Office during the detailed design phase of every element to ensure heritage considerations are met.

FINANCIAL IMPLICATIONS

This project is expected to require significant resources over the next two years. The budget for the Ocean Universal Access Path is \$619,566, but this includes the foreshore universal access path as well.

STAFFING IMPLICATIONS

Administration resources are limited and consideration to the preparation of agenda and minutes ahead of time must be allowed.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The design approach for the Foreshore Masterplan has covered issues such as sustainability and the long term maintenance and management of the precinct. The design will need to include selected materials that have been chosen to ensure sustainability, longevity and ease of maintenance.

CONSULTATION

- Foreshore Precinct Implementation Committee
- Elected Members
- Town of Cottesloe Staff

OFFICER COMMENT

As significant research and effort has been put in to determining the most appropriate structure for the conditions, and the proposed tender will be a design and construct, which will allow for consideration of some of the points made in the call-in, it is recommended to proceed to tender with this documentation.

COUNCILLOR QUESTIONS**Questions provided by Cr Boulter – Emailed 14 July 2018**

Q1. Are there any applicable State Planning Policies to this proposal? If so, what are they and what do they say?

A1. Not that we are aware of. We have written confirmation from the WAPC dated 23 April 2018 confirming the proposed works are public works under the Public Works Act 1902 and therefore the proposed works are exempt from approval under the MRS in accordance with Section 6 (1) of the Planning and Development Act 2005.

Q2. Can the TOC administration canvass the likelihood of the WAPC approving this development and the anticipated conditions of approval before going to the cost of preparing documentation for tender?

A2. See answer to question 1.

Q3. Will the proposal Fisheries approval, given it is in an FHPA and require an Environmental Impact Assessment? IF so have Fisheries and the EPA been asked for preliminary advice about the proposal and any conditions they are likely to recommend and can they be asked before going to the cost of preparing documentation for tender?

A3. Fisheries have advised, on the 19th April 2018, that as long as the proposed activities do not require anchoring, there is no permit or approval from DPIRD required to complete the proposed works. All necessary approvals will be required as part of the design and construct project.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved: Cr Young Seconded: Cr Harkins

THAT Council APPROVE the Ocean Universal Access Path documentation for tender.

COUNCILLOR AMENDMET

Moved: Cr Pyvis Seconded: Young

Add

- 2. Seek financial support from the State Government;**

CARRIED 8/0

COUNCILLOR AMENDMET

Moved: Cr Pyvis Seconded: Cr Thomas

Add

- 3. Include additional text documentation to accompany the design and construct tender**

CARRIED 8/0

Deputy CEO, Mr Garry Bird returned to the Chambers at 8:17pm

COUNCIL RESOLUTION

THAT Council;

- 1. APPROVE the Ocean Universal Access Path documentation for tender; and,**
- 2. SEEK financial support from the State Government; and,**
- 3. INCLUDE additional text documentation to accompany the design and construct tender**

CARRIED 8/0

10.1.11 CONGDON STREET BRIDGE

| | |
|---------------------------------------|--|
| File Ref: | SUB/2594 |
| Attachments: | 10.1.11(a) Town of Cottesloe Local Planning Scheme No.3 Local Planning Policy Guidelines extract [under separate cover] |
| Responsible Officer: | Mat Humfrey, Chief Executive Officer |
| Author: | Denise Tyler-Hare, Project Manager |
| Author Disclosure of Interest: | Nil |

SUMMARY

The Council is requested to consider a proposed option for the replacement of Congdon St Bridge.

BACKGROUND

On the 19 April 2018, Main Roads WA briefed a number of Elected Members on the proposed Congdon Street Bridge Replacement Project.

The current bridge was constructed in 1910, and is comprised of a 5 span, 6.7m wide (between lanes) and 30m long bridge. It has a restricted load limit, and a vertical clearance of 4.6m, when the PTA have a requirement for 5.4m minimum. The footpath is insufficient, and the traffic barriers are sub-standard. There is approximately 3000 vehicles per day that use the bridge. The current bridge has a level of service of A, however, it is noted that there is significant congestion during AM and PM peak school periods.

MRWA have prepared a number of options for the replacement of the bridge. They have considered the optimal geometric location, cost effectiveness and land requirements, as well as impacts on existing Norfolk Island Pines, parking and impact to businesses during construction. The project is currently unfunded but expectations are that the Federal Government will commit to a 50:50 funding arrangement with state government as was the case with Ashton Bridge.

The options are as follows:

Option 1 – New alignment between Saladin St Roundabout on Claremont Cres in the north and new proposed roundabout at intersection of Railway Rd/Barnfield Rd & Parry Rd (dual divided carriageway) in south;

Option 2 – New alignment between Saladin St Roundabout and new 3 leg roundabout at Railway St / Windsor St intersection with Windsor St converted to Cul-de-sac;

Option 3 – Reconstruction and widening on existing alignment with widening to the east to accommodate one northbound lane + two southbound lanes linking into existing T intersections;

Option 4 – Same as Option 3 but with a new 3 leg roundabout at Claremont Crescent and Railway Street with Windsor St converted to Cul-de-sac;

The options are divided into two categories:

- Offline – Options 1 & 2
- Online – Options 3 & 4

'Offline' means construction occurs on a new alignment without impacting daily traffic demands. After completion of the new bridge the old bridge is then removed thus minimising disruption. Alternatively 'Online' means the existing structure is closed for the duration of deconstruction of the existing and reconstruction of the replacement (approx. 9mths).

Therefore, Options 3 and 4 will result in disruption to businesses and residents for approximately 9 months. During the briefing, Cottesloe Council viewed the closure of the access for the duration of construction as untenable due to the impacts on businesses and the community, thus precluding options 3 & 4 from further consideration.

Option 2 is preferred by MRWA as it provides a safer solution and improved efficiency with the removal of the right hand turn movement. This option is also supported by PTA who have requested an extension of the rail station to cater for a proposed additional train carriage in the future.

The proposed design speed would be 40 km/hr.

MRWA have presented to Claremont on the 30 April 2018, and at the Claremont June Ordinary Council Meeting, the Town of Claremont endorsed Option 2. From here, MRWA are hoping to get the Town of Cottesloe's endorsement on a preferred option. This will enable MRWA to run a community consultation forum, and hopefully proceed with an agreement in 2018. MRWA intend to construct in the 2019/2020 financial year.

Items that were discussed by Elected Members at the Town of Cottesloe briefing include roundabout treatments, aged care on both sides to be considered, and integration of the PSPs, resulting in potentially putting PSPs on both sides of the bridge.

Some landscaping will be included in the project, but MRWA intend to liaise early with both local governments to determine if any additional landscaping could be incorporated. Discussion was had around giving the Councils control of the landscaping funding may be more appropriate as it would be more cost effective.

MRWA is proposing to give Cottesloe and Claremont Councils the extremely valuable structural timber from the old Bridge for their future use within the community i.e. construction of social amenities etc.

At the Ordinary Council Meeting in May 2018, the Council resolved to undertake the following:

DEFER consideration of this matter until Council have had the opportunity to consider the points made by Mr Cownie tonight and for the Design Advisory Panel to provide input.

Subsequently, this information was put to the Design Advisory Panel on the 29th May 2018, with four outcomes from this meeting:

- Defer the decision on option 2, and continue to work with MRWA on a masterplan that deals with all future land use/stakeholders, PTA, etc;
- Engage with the Town of Claremont;
- Request further information from MRWA on the traffic impact and pedestrian cycleways; and,
- Support Option A of Neil Cownie's proposal, which was that the Town of Cottesloe and Claremont form a professional based joint committee to formally analyse the parameters of the precinct and formulate a 'design brief'. That 'design brief' is then to be provided to MRWA as the joint direction for the local centre, of which a new bridge forms one aspect.

In accordance with these outcomes, the administration have engaged with the Town of Claremont and requested additional information from MRWA. This information is provided below.

Consultation with the Town of Claremont, and the resolutions from their June 19th meeting, show they have decided to endorse Option 2 as their preferred option as follows:

That Council:

1. Support Option 2, subject to public consultation and design modifications to accommodate pedestrians and cyclist access on both sides of the proposed bridge, and to Swanbourne Station, for the following reasons:
 - a. To improve traffic flow across the bridge
 - b. To minimise disruption to local businesses and schools
 - c. To maximise parking near the shopping precinct
 - d. To allow easy access to pedestrians and cyclists across the bridge to the shopping precinct and to the station
 - e. To provide for future network growth and change, and
 - f. To provide for future redevelopment options of the Swanbourne shopping strip on Claremont Crescent
2. Request Main Roads WA assess the local traffic network and implement changes to the existing configuration to minimise congestion during works, and if needed thereafter, along Stirling Road at the intersections with Barnfield Road and Claremont Crescent and at other locations, which may be required
3. Request Main Roads WA consider the use of prefabricated elements to minimise the duration of construction
4. Request Main Roads WA to retain the existing bridge structure as a pedestrian/cyclist linkage between the Town of Claremont and the Town of Cottesloe to enhance the linkages between the two commercial centres and promote consideration of a future Transit Oriented Development for the Swanbourne Station precinct.
5. Request the Town of Cottesloe to consider contributing to the maintenance costs and development costs for the retention of the existing bridge structure as an enhanced pedestrian/ cyclist linkage between the Claremont Crescent and Railway Street shopping strips.
6. Request the Public Transport Authority to liaise with the Town of Claremont and the Town of Cottesloe on the consideration of long term redevelopment options for the existing bridge structure as an integrated pedestrian/ cyclist link which may involve the development of commercial space above and either side of the bridge and possibly a larger platform over the existing station linking with the new traffic bridge proposed by Option 2.

CARRIED (109/18) (NO DISSENT)

MRWA have been asked for further information on the traffic impact of each option and the information is presented below as follows:

- MRWA have undertaken extensive traffic analysis to date, at specific locations throughout the precinct.
- The current and predicted traffic summaries are as follows:
 - Queuing currently occurs between 8:10 and 8:45am and 15:15 – 15:45pm for predominantly eastbound vehicles along Railway St turning left to head north over the bridge. This queuing then causes delays to the west bound traffic along Railway St, waiting for a gap to turn right. Outside of these half hour peaks, the traffic is free flowing.
 - The primary cause of the congestion is due to the inadequate existing intersection of the bridge with Claremont Crescent i.e. the current give way control fails under the demand during the peaks.
 - The proposed dual northbound lane configuration provided in only Option 3 will eliminate the congestion through the separation of the school eastbound right-hand turn traffic demands from the West Coast Hwy westbound left turn demand. There is insufficient room to install a roundabout at the northern abutment.
 - Option 4 is safer and expected to perform slightly better than Option 3 with the inclusion of a roundabout treatment at the Railways St end of the bridge alignment. The roundabout will significantly improve the flow of traffic and thus eliminates the need for the additional northbound lane, according to the SIDRA (traffic analysis software) analysis.
 - Options 1 and 2 will eliminate all congestion and will dramatically improve traffic flow, safety and network efficiency, with the inclusion of roundabout treatments at either end of the new alignment.
 - The congestion is reduced by properly designed roundabouts physically control the speeds of all vehicles entering and travelling through the intersection, as well as the angle which traffic enters the intersection. As a consequence, it can be safer than other forms of at-grade intersection where traffic can pass through at high-speeds.
 - All traffic entering roundabouts undertakes the same relatively simple task of giving way to traffic from the right, ensuring that traffic conflict is only from one direction. The reduction in speed, fewer conflict points and the relatively low angle of conflict between entering and circulating traffic reduces the number and severity of crashes for motor vehicle occupants. When used in appropriate circumstances, a roundabout provides efficient operating conditions, often resulting in less overall delay to drivers, than signalised intersections.
- The expected traffic during construction is predicted as follows:
 - The program of works are expected to be undertaken over a 12 month period.
 - All options will experience some degree of interruption and delay over the course of the program, due to the risk of conflict between road users, construction activities

and work personnel. In addition, for online options 3 & 4, it will be necessary for the closure of the current bridge access for the duration of the works to enable deconstruction and reconstruction of the bridge.

- In an effort to mitigate the risks, traffic management will implement the following strategies:
 - Providing a sufficient number of traffic lanes to accommodate vehicle demand.
 - Ensuring delays are minimised.
 - Ensuring all road users are managed including motorists, pedestrians, cyclists, people with disabilities and people using public transport.
 - Ensuring work activities are carried out sequentially to minimise adverse impacts.
 - Provision will be made for works personnel to enter the work area in a safe manner in accordance with safety procedures.
 - All entry and exit movements to and from traffic streams shall be in accordance with the requirements of safe working practices.
- The following site constraints are likely to be imposed:
 - Implementing a road closure and/or lane closure to suit works activities where required.
 - Imposing a full time (24/7) 30km/h speed zone on the approaches to and past the work site.
 - Installation of temporary barrier system to separate traffic from workers on foot, excavation hazards and construction activities.
 - Maintaining a minimum of one operating traffic lane at all times during normal weekday work shift hours past the work site having a minimum width of 3.2 metres.
 - Installation of temporary pedestrian shared path (PSP) with minimum width of 2.5m.
- Generally, the works are carried out in stages to minimise adverse impacts on the traffic environment. Works to traffic lanes will be undertaken outside peak traffic periods (Mon – Fri 9am – 4pm). The works are intended to be undertaken mainly during normal daytime work shift hours. It will be necessary for controls to remain in place for extended periods outside of work shift hours as the work activities and areas will be a hazard to road and path users if not protected.
- Roadworks – modifications to Claremont Crescent to raise the southern edge of the carriageway and verge profiles, to enable construction of the roundabout and tie-ins will be required. Additional roadworks will be required to undertake piling works for construction of retaining walls and the bridge abutment.

- Provisions for non-vehicular traffic and access will be addressed comprehensively during the preliminary design phase to ensure it is in compliance with AS1428.1 Design for Access and Mobility. The shared path extents and tie-ins illustrated in the concepts and visualisations are shown indicatively only. MRWA intend on installing a shared path provision on both sides of the bridge to provide greater connectivity and safety.

STRATEGIC IMPLICATIONS

There are no apparent applicable strategy, priority or plan for this proposal included in the Corporate Business Plan or Strategic Community Plan.

POLICY IMPLICATIONS

The Town of Cottesloe Local Planning Scheme No. 3 has Local Planning Policy Design Guidelines for the Railway Street Local Centre. The area described in the policy is the precinct's buildings, and private land adjacent to the bridge and the PTA land, leased to Dawson's.

The policy provides guidance only to Council, and is not in any way binding on MRWA or the PTA.

The works in question do not require a Development Approval, which is what the guidelines were intended to assist with.

It is highly probably that any major works on the bridge/railway station would require the policy to be re-written.

STATUTORY ENVIRONMENT

MRWA have jurisdiction over this bridge, and all approvals will be undertaken by them.

FINANCIAL IMPLICATIONS

There is currently no budget for this project, however the only foreseeable financial implication to the Town would be additional landscaping that may be agreed to, or potentially keeping and upgrading the existing bridge.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The design approach will cover issues such as sustainability and the long term maintenance and management of the bridge. This will be undertaken by MRWA.

CONSULTATION

- Town of Cottesloe and Town of Claremont Elected Members
- Town of Cottesloe and Town of Claremont Staff
- MRWA Staff

OFFICER COMMENT

The Town has reviewed the options, and agrees with the MRWA and the Town of Claremont with the preferred Option 2, subject to inclusion of a PSP on both sides of the bridge and a number of conditions as per the Officer Recommendation below.

It is noted that any policy the Town has is not binding on the MRWA or the PTA. MRWA are responsible for Congdon St bridge, and as Public Works, is exempt from the Town's planning requirements.

The following is noted with regard to repurposing of the existing bridge or replacement with a pedestrian bridge as suggested by the Town of Claremont:

1. It is well below the minimum clearance height for bridges in the vicinity of a station, and is deemed a risk to retain. The PTA have advised the Town of Claremont therefore that they are not planning on retaining it.
2. The costs to refurbish the bridge into a POS are estimated at \$400,000, and the annual bridge maintenance estimated at \$15,000 per annum. The Town of Claremont are in effect, asking us if we would contribute to this, presumably 50%.
3. The costs and risks associated with maintaining the existing bridge need to be considered against the broader planning objective of maintaining pedestrian linkages and the longer term integrated development options for a Transit Orientated Development between the Towns of Claremont and Cottesloe.
4. Options in the longer term could include redeveloping the existing bridge as a pedestrian link with commercial development above and either side (Ponte Vecchio style), or a wider platform over the railway station linking with the new bridge structure to provide larger commercial development opportunities over the railway line.
5. Both these long term options may provide for a more economical pedestrian linkage which improves the connection between the shopping strips. Any future developments would be subject to detailed discussions between both Towns and the PTA.

At this stage, the administration will seek additional information on retaining the existing bridge from the Town of Claremont, before offering a recommendation on this option.

The additional information and Officer Recommendation below have been put to the DAP on the 11th July 2018, and the following comments noted:

The "Intended Direction" is supported subject to points 2. and 3. being switched and the wording of the current point 2. amended so that the option 'A' presented by Mr Cownie is the preferred option but that Option 2 is the preferred traffic alignment.

This has been incorporated into the Officer Recommendation below.

COUNCILLOR QUESTIONS**Questions provided by Cr Boulter – Emailed 14 July 2018**

Q1. What do the TOC design guidelines say about this area that speaks to the Bridge construction even if not directly applicable, e.g. height, parking, traffic flow, community amenity?

A1. Nil

Q2. Will the TOC DAP minutes be included in the attachments to the officer report for the Council meeting as per Council policy?

A2. They can be made available on the night – Draft minutes have been circulated.

Q3. Will the TOC DAP agenda and minutes be uploaded onto the TOC committee website portal? If so, when?

A3. Yes the minutes will be.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved: Cr Tucak Seconded: Cr Sadler

THAT Council:

1. Write to the minister to ask for a wider review of the proposal in both the planning and social contexts, (in line with Mr Cownie's Option A), as the Council does not believe that any of the four options presented by Main Roads WA are in the best interests of the local centre;
2. Support engagement with the Town of Claremont to ensure the design outcome is mutually beneficial, and request the Town of Claremont Elected Members and relevant Officers attend a joint workshop with, and organised by, the Town of Cottesloe to start this process.
3. In the interim, support option 2 as the preferred traffic alignment of the four presented by Main Roads WA, subject to:
 - a. Detailed consultation being undertaken with the local community prior to any design being selected or finalised;
 - b. Detailed engagement with design related consultants (other than just traffic engineers) occurs prior to any design being selected or finalised; due to the existing bridge and the proposed new bridge being located within a local centre;
 - c. A design speed of 30km/h in keeping with current speeds in the precinct;
 - d. MRWA engaging with Dawsons Garden World and other key stakeholders including the PTA in good faith to endeavour to relocate Dawson's within the area; and,
 - e. The inclusion of pathways on both sides of the bridge.

COUNCILLOR AMENDMENT

Moved: Cr Boulter Seconded: Cr Young

1. In officer recommendation 1, after the words "Option A" in brackets add the words "as attached"; and add " or the "Town of Cottesloe residents and ratepayers" after the words "local centre"

2. In officer recommendation 2, after the words “Town of Cottesloe” add as explicit for the Town of Claremont the words “ Elected Members and relevant officers”, as saying it differently suggests something different will happen
3. Defer point 3 of the officer’s recommendation until points 1 and 2 above have been completed.

CARRIED 8/0

COUNCIL RESOLUTION

THAT Council:

1. Write to the minister to ask for a wider review of the proposal in both the planning and social contexts, (in line with Mr Cownie’s Option A as attached), as the Council does not believe that any of the four options presented by Main Roads WA are in the best interests of the local centre;
2. Support engagement with the Town of Claremont to ensure the design outcome is mutually beneficial, and request the Town of Claremont Elected Members and relevant Officers attend a joint workshop with, and organised by, the Town of Cottesloe to start this process.

CARRIED 8/0

10.1.12 NORTH COTTESLOE PRIMARY SCHOOL - BUDGET AMENDMENT

| | |
|---------------------------------------|---|
| File Ref: | SUB/2594 |
| Attachments: | Nil |
| Responsible Officer: | Mat Humfrey, Chief Executive Officer |
| Author: | Denise Tyler-Hare, Project Manager |
| Author Disclosure of Interest: | Nil |

Cr Harkins declared an **IMPARTIALITY INTEREST** in this item by virtue of “Ex member of school community”

Cr Sadler – declared an **IMPARTIALITY INTEREST** in items 10.1.9 by virtue of “former parent at the school”

SUMMARY

The Council is requested to approve a budget amendment to undertake a traffic study and community consultation on the proposed North Cottesloe Primary School parking amendments.

BACKGROUND

The North Cottesloe Primary School Traffic Safety Committee made a resolution in May 2018, which was carried by Council at the June 2018 Ordinary Council Meeting as follows:

That the North Cottesloe Primary School Traffic Safety Committee recommend that Council ALLOCATE \$15,000 for a traffic study and broad consultation as part of the planned process, which is:

1. *Consultation with Western Power.*
2. *Undertake a traffic study (report to be provided to the Committee and Council). The traffic study is to include 3 points as follows:*
 - a. *Define the issue, encompassing pedestrians, cyclists, cars and universal access:*
 - i. *Safety perspective; and*
 - ii. *Traffic perspective.*
 - b. *Review the proposed concept plan to determine whether it is likely to improve these issues and how; and,*
 - c. *Provide alternative options to improve on these issues, and whether these improvements would be more appropriate than the proposed plan.*
3. *Focussed and broad consultation on the amended concept plan (as a result of the traffic study) to be undertaken by external consultant (feedback to be provided to the Committee and Council).*

Subject to 1,2 and 3 above proceed to points 4 – 7 below:

Undertake concept review (report to be provided to the Committee and Council).

4. *Detailed design (to be provided to the Committee and Council).*
 5. *Tender process*
 6. *Construction*
-

Carried 7/0

STRATEGIC IMPLICATIONS

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

Priority Area 2: Achieving connectivity between east and west Cottesloe

Major Strategy 2.4: Proactively pursue solutions for improved access to North Cottesloe Primary School, with a view to reducing congestion on Eric Street.

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

Priority Area 2: Achieving connectivity between east and west Cottesloe.

Major Strategy 2.4: Proactively pursue solutions for improved access to North Cottesloe Primary School, with a view to reducing congestion on Eric Street.

Strategy Action a. Develop a costed project that relocates the school's parking and drop off point from Eric St to Railway St.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

There are no apparent statutory implications arising from this proposal.

FINANCIAL IMPLICATIONS

A \$15,000 budget amendment is requested to undertake these works. There is currently no allocation in the 2018/19 budget for these works.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

- Town of Cottesloe Elected Members
- Town of Cottesloe Staff
- North Cottesloe Primary School Traffic Safety Committee

OFFICER COMMENT

The budget amendment requested is deemed sufficient for the proposed works, and is in keeping with the resolution adopted by Council at the June 2018 Ordinary Council Meeting.

COUNCILLOR QUESTIONS**Questions provided by Cr Boulter – Emailed 14 July 2018**

Q1. Under Financial Implications:

- a. Can funds for part of the budget amendment be taken from the NCPS Parking Reserve (\$4,500) and that particular reserve then cancelled?

A1a. This can be considered at the Budget Review.

- b. How is it anticipated that the \$15,000 will be disbursed and to whom?

A1b. The committee had allowed \$5000 for community consultation and \$10,000 for a traffic study. The funds will be expended in accordance with the Town's Purchasing Policy.

Q2. Under Consultation:

- a. Is the reported consultation the consultation that has taken place or will take place?

A2a. It has taken place for the budget amendment.

- b. Will community members who are affected neighbours be consulted as part of the traffic study?

A2b. No, the study will be purely technical. The community consultation will incorporate those neighbours.

- c. Will the crossing guards be consulted as part of the traffic study?

A2c. Potentially – that will be up to the consultant.

Q3. What will be the geographical boundaries of the traffic study?

A3. That will be determined by the consultant so that they can achieve the desired outcomes of the study.

Q4. Who will prepare the brief, obtain quotes and commission the traffic study?

A4. Town of Cottesloe Administration

Q5. Who will decide who undertakes the traffic study?

A5. Town of Cottesloe Administration

Q6. Once the traffic study is completed will more funds be required for the external consultant as identified in number 3 of the Committee/Council resolution?

A6. No, this has been accounted for in the \$15,000.

Q7. Who will appoint the external consultant and will this decision as to the external consultant be made by Council? If not, then by whom?

A7. Town of Cottesloe Administration

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

Moved: Cr Harkins Seconded: Cr Tucak

THAT Council by absolute majority APPROVE a budget amendment by transferring the sum of \$15,000 from Account No. 20173.30.50 Town Planning Contractors and Consultants to Account No. 20091.30.50 Parking Facilities Contractors and Consultants, to be used for a traffic study and community consultation, to be undertaken as part of the planning process of the North Cottesloe Primary School Traffic Safety Committee.

COUNCILLOR AMENDMENT

Moved: Cr Boulter Seconded: Cr Harkins

THAT Council by absolute majority APPROVE a budget amendment of \$15,000 to be used for a traffic study and community consultation, to be undertaken as part of the planning process of the North Cottesloe Primary School Traffic Safety Committee by:

- 1. Transferring the sum of \$11,439 from Account No. 20173.30.50 Town Planning Contractors and Consultants to Account No. 20091.30.50 Parking Facilities Contractors and Consultants;; and**
- 2. Transfer the funds of \$3,561 contained in the North Cottesloe Primary School Parking Reserve Fund towards this project.**

CARRIED 8/0

COUNCIL RESOLUTION

THAT Council by absolute majority APPROVE a budget amendment of \$15,000 to be used for a traffic study and community consultation, to be undertaken as part of the planning process of the North Cottesloe Primary School Traffic Safety Committee by:

- 1. Transferring the sum of \$11,439 from Account No. 20173.30.50 Town Planning Contractors and Consultants to Account No. 20091.30.50 Parking Facilities Contractors and Consultants;; and**
- 2. Transfer the funds of \$3,561 contained in the North Cottesloe Primary School Parking Reserve Fund towards this project.**

CARRIED 8/0

FINANCE**10.1.13 FINANCIAL STATEMENTS FOR THE MONTH ENDING 30 JUNE 2018**

| | |
|---------------------------------------|---|
| File Ref: | SUB/2594 |
| Attachments: | 10.1.13(a) Monthly Financial Statements 1 June 2018 to 30 June 2018 [under separate cover] |
| Responsible Officer: | Garry Bird, Deputy Chief Executive Officer |
| Author: | Wayne Richards, Finance Manager |
| 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 ensure that income and expenditure are compared to budget forecasts.

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

BACKGROUND

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

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

STRATEGIC IMPLICATIONS

There are no strategic implications arising from the Officer's Recommendation.

POLICY IMPLICATIONS

- Investments Policy.
- Investment of Surplus Funds Policy.

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

There has been consultation with senior staff in the preparation of this report.

OFFICER COMMENT

It should be noted that at the time of preparing this report, not all 2017/2018 transactions have been posted which accounts for the large surplus shown in note 3 on page 23 of the Financial Statements. As a part of the preparation of the 2018 Annual Financial Statements, these transactions will be posted and the report submitted to Council's auditors for review in September 2018.

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

- The net current funding position as at 30 June 2018 was \$3,047,479 and is in line with previous financial years as shown on pages 2 and 23 of the attached Financial Statements.
- Rates and emergency services levies receivables at 30 June 2018 stood at \$292,680 as shown on pages 2 and 26 of the attached Financial Statements.
- Operating revenue is more than year to date budget by \$827,007 with a more detailed explanation of material variances provided on pages 21 and 22 of the attached Financial Statements. Operating expenditure is \$401,080 less than year to date budget with a more detailed analysis of material variances provided on pages 21 and 22.
- The Capital Works Program is approximately 33% complete as at 30 June 2018 and a full capital works program listing is shown on pages 34 to 38.
- Whilst Salaries and Wages are not reported specifically, they do represent the majority proportion of Employee Costs which are listed on the Statement of Financial Activity (By Nature and Type) on page 7 of the attached Statements. As at 30 June 2018 Employee Costs were \$212,136 less than the budgeted year to date amount. When the non cash movement in leave provisions of \$201,337 is adjusted for, this results in an amount of \$10,799 under budgeted expenditure for employee costs.
- The balance of cash backed reserves was \$11,086,361 as at 30 June 2018 as shown in Note 7 on page 28 of the monthly financial statements.

List of Accounts for June 2018

The List of Accounts paid during June 2018 is shown on pages 39 to 47 of the attached Financial Statements. The following significant payments are brought to Council's attention;-

- \$48,689.04 to the Western Metropolitan Regional Council for waste tipping fees.
- \$58,830.12 to Solo Resource Recovery for waste collection and disposal services.
- \$42,662.40 to West Tip Waste Control Pty Ltd for bulk waste collection services.
- \$154,154.00 to SMC Marine Pty Ltd for pylon repairs.
- \$45,340.00 to F J Fitzsimmons & Co for right of way construction.
- \$63,498.49 to the Australian Taxation Office for the business activity statement.
- \$156,582.78 to the Department of Fire and Emergency Services for levies collected on their behalf.
- \$160,000.00 and \$270,000.00 to the National Australia Bank for transfers to the investment account.
- \$93,032.17 and \$98,702.03 for Town of Cottesloe staff payroll.

Investments and Loans

Cash and investments are shown in Note 4 on page 24 of the attached Financial Statements. Council has approximately 38% of funds invested with National Australia Bank, 32% with Bankwest, 18% with Commonwealth Bank of Australia and 12% with Westpac Banking Corporation. Council had a balance of \$11,086,361 in reserve funds as at 30 June 2018.

Information on borrowings is shown in Note 10 on page 31 of the attached Financial Statements and shows Council had total principal outstanding of \$4,219,401 as at 30 June 2018.

Rates, Sundry Debtors and Other Receivables

Rates revenue information is shown in Note 9 on page 30 of the attached Financial Statements. Rates outstanding are shown on Note 6 on page 26 and show a balance of \$292,680 as compared to \$399,448 this time last year.

Sundry debtors are shown on Note 6, pages 26 and 27 of the attached Financial Statements. The sundry debtors show that 10% or \$26,173 is older than 90 days. Infringement debtors are shown on note 6(a) and stood at \$463,674 as at 30 June 2018.

Budget Amendments

The budget amendments are listed on pages 12, 13 and 25 of the Financial Statements

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Statements for the period ending 30 June 2018 as submitted to the 24 July 2018 meeting of Council.

COUNCILLOR MOTION

Moved: Cr Pyvis Seconded: Cr Boulter

That Council DEFER consideration of this item until the August 2018 Ordinary Council Meeting.

CARRIED 8/0

EXECUTIVE SERVICES**10.1.14 WEARNE MASTER PLAN**

| | |
|---------------------------------------|--|
| File Ref: | SUB/2594 |
| Attachments: | 15.1(a) Schedule of Submissions [under separate cover] |
| | 15.1(b) Copy of Advertisement [under separate cover] |
| | 15.1(c) Copy of Feedback Form [under separate cover] |
| | 15.1(d) Minute from 27 March 2018 Ordinary Council Meeting [under separate cover] |
| | 15.1(e) Minute from 25 July 2017 Ordinary Council Meeting [under separate cover] |
| Responsible Officer: | Mat Humfrey, Chief Executive Officer |
| Author: | Mat Humfrey, Chief Executive Officer |
| Author Disclosure of Interest: | Nil |

Cr Tucak declared an **IMPARTIALITY INTEREST** in this item by virtue of “Member of Exec. known to me”

SUMMARY

Council is being asked to consider the responses to the advertised Master Plan for the Wearne Site and whether or not to adopt the Master Plan under the provisions of the Agreement for Lease

BACKGROUND

At the March Ordinary Council meeting Council resolved:

Moved Cr Rodda, Seconded Cr Sadler

That Council approves the Draft Master Plan for the purposes of public consultation.

CARRIED 9/0

The relevant Minute from the 27 March 2018 Ordinary Council Meeting have been attached to this report. The Attachment contains the background to the development of the Master Plan, the significance of the Master Plan within the Agreement for Lease, which will not be reproduced here.

Following that meeting, the four owner Councils undertook to advertise the Master Plan and seek comments. A copy of the advertisement and the feedback form have been attached to this report.

Further to the Master Plan process contained within the Agreement to Lease, the Town of Cottesloe separately resolved as follows at the 25 July 2017 Ordinary Council Meeting;

Moved Mayor Dawkins, seconded Cr Rodda

That Council:

1. Note the briefings and presentations to date regarding Curtin Care’s redevelopment project.

2. Note that the Planning and Development (Local Planning Schemes) Regulations 2015 have reduced the status of a structure plan and changed the process such that the Western Australian Planning Commission now determines structure plans.

3. Note the function of the proposed Master Plan and local planning policy is to provide the Town with authority over planning parameters and development requirements in relation to development.

4. Advise Curtin Care's consultants that Council would accept a local planning policy incorporating the agreed Master Plan instead of a structure plan, subject to the Master Plan having undergone extensive community consultation prior to Council's consideration.

EQUALITY 4/4

For: Mayor Dawkins, Crs Rodda, Downes and Burke

Against: Crs Boulter, Thomas, Pyvis and Birnbrauer

The Presiding Member exercised her casting vote for the motion CARRIED 4/5

STRATEGIC IMPLICATIONS

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

Priority Area 4: Managing Development

Major Strategy 4.2: Consider undeveloped Government owned land for higher density development provided there is both public support and benefit for the Cottesloe community.

The Wearne Site is currently owned by four local government authorities and the proposed development would provide a higher density. It could also be argued that the provision of aged care and housing options also provides a benefit to the Cottesloe community.

POLICY IMPLICATIONS

If the Officer's recommendation is adopted, the administration will prepare a draft Local Planning Policy for the purposes of community consultation and Council's consideration.

STATUTORY ENVIRONMENT

The consideration of the Master Plan (for the purposes of the Agreement for Lease) has no specific statutory implications.

The development, consultation on and adoption of a Local Planning Policy is subject to a series of statutory requirements and if the officer's recommendation is adopted, this will be the subject of a further and separate report.

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

There are no perceived ongoing staffing implications arising from the officer's recommendation, although the production of a further report on the proposed Local Planning Policy will be prepared by the Coordinator of Strategic Planning.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

The Master Plan was advertised and the advertisement and feedback form are attached to this report.

A total of 8 submissions were received and a summary of the submissions has been attached to the report. The proponents were asked to provide a response to any concerns raised, which has been collated in the table attached.

If the officer's recommendation is adopted, there will be additional and separate community consultation specifically for the Local Planning Policy, which will focus on any planning issues that may arise.

OFFICER COMMENT

Overall, the level of feedback received is relatively small, given the size of the proposed building and its location. This is quite likely a result of the consultation undertaken by Curtin Care during the development of their proposal, which has directly engaged the community and kept them informed of progress.

The redevelopment of the Wearne site, to provide further aged housing options is supported by the administration. It will provide an increased diversity in housing options and go some way to addressing the increased density requirements that have been set down by the State.

In the 8 submissions, three raised concerns with planning issues, particularly building heights, setbacks and parking (see attachment). These matters will need to be looked at again during the development and consultation on the Local Planning Policy. At this stage, Council is being asked to consider the Master Plan from a proprietary point of view.

Given the feedback received and support this proposal has experience to this point, it is recommended that the Master Plan be adopted, for the purposes of the Agreement for Lease and that work now begin on the Local Planning Policy.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved: Cr Young Seconded: Cr Sadler

THAT Council;

1. ENDORSE Curtin Care Incorporated's Wearne Redevelopment Draft Concept Master Plan;
and
2. AUTHORISE the Chief Executive Officer to develop a Local Planning Policy, incorporating the Master Plan, for Council's consideration.

COUNCILLOR AMENDMENT

Moved: Cr Boulter Seconded: Cr Pyvis

1. In officer recommendation 2 replace the words "Chief Executive Officer" with "Town of Cottesloe administration"; and add the following words after the word "consideration" > "for potential scheme amendments to protect the amenity of the locality and to ensure there are binding development controls made in the interests of the community".

CARRIED 6/2

For: Crs Tucak, Boulter, Sadler, Thomas, Pyvis and Harkins

Against: Mayor Angers and Cr Young

COUNCIL RESOLUTION

THAT Council;

1. ENDORSE Curtin Care Incorporated's Wearne Redevelopment Draft Concept Master Plan;
and
2. AUTHORISE the Town of Cottesloe Administration to develop a Local Planning Policy, incorporating the Master Plan, for Council's consideration and for potential scheme amendments to protect the amenity of the locality and to ensure there are binding development controls made in the interests of the community.

CARRIED 8/0

10.1.15 GREEN PAPER: MODERNISING WA'S PLANNING SYSTEM

| | |
|---------------------------------------|--|
| File Ref: | SUB/2594 |
| Attachments: | 10.1.2(a) Minute (Report) from June 2018 Ordinary Council Meeting [under separate cover] 10.1.2(b) Updated Submission as Circulated between Elected Members [under separate cover] 10.1.2(c) Email from Department of Planning Confirming Time Extension [under separate cover] |
| Responsible Officer: | Mat Humfrey, Chief Executive Officer |
| Author: | Mat Humfrey, Chief Executive Officer |
| Author Disclosure of Interest: | Nil |

SUMMARY

Council is being asked to consider an updated submission on the Green Paper "Modernising WA's Planning System".

BACKGROUND

At the 26 June 2018 Ordinary Council Meeting, Council resolved;

Moved Cr Boulter, Seconded Cr Pyvis

That Council;

1. *Defers consideration of this item to the July Ordinary Council Meeting; and*
2. *That the Department of Planning be requested to give Council an extension in which to make a submission until after the July Ordinary Council Meeting*

CARRIED 8 / 0

Following the meeting, the Town's Strategic Planner contacted the Department of Planning and requested the time extension, which was given (see attached email).

An electronic version of the text that made up the submission was also circulated and elected members have made contributions and edits to the document, such that it now appears ready for consideration by Council.

STRATEGIC IMPLICATIONS

Future strategic implications may include a review of the Town's Local Planning Strategy and preparation of a Housing Strategy.

POLICY IMPLICATIONS

Future implications may include a change in the administrative processes for dealing with Development Assessment Panel applications, as well as a review of other town planning administrative procedures.

STATUTORY ENVIRONMENT

Local Government Act 1995

Suggestions on the green paper and future white paper discussion may result in changes to the statutory environment.

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

There are no perceived staffing implications arising directly from the officer's recommendation, however the development of any planning strategy or policy could have an impact on staff resources.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

The draft submission was distributed electronically to Elected Members. It has been circulated and a number of changes have been made. The attached copy contains the changes as staff could distill them. There is still the opportunity for further small edits to be made.

OFFICER COMMENT

It is important that the Town have input into any process that proposes changes to the State's planning laws or systems. The updated submission covers Council's resolved positions on many topics and is ready for consideration by Council.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved: Cr Young Seconded: Cr Sadler

THAT Council ENDORSE the draft submission on the "Green Paper: Modernising WA's Planning System", as attached, for submission to the Department of Planning.

COUNCILLOR AMENDMENT

Moved: Cr Boulter Seconded: Cr Pyvis

1. To make the officer recommendation number one and add the following words"
" , subject to inclusion of the updates to the submission from Cr Boulter as identified in blue and red in the attachments".
2. Commend the staff for their engagement with Councillors in this process.

LOST 2/6

For: Crs Boulter and Pyvis

Against: Mayor Angers, Crs Tucak, Sadler, Young, Thomas and Harkins

SUBSTANTIVE MOTION

CARRIED 8/0

10.1.16 COTTESLOE PIER - REQUEST FOR COUNCIL'S CONSIDERATION

| | |
|---------------------------------------|---|
| File Ref: | SUB/2594 |
| Attachments: | 10.1.3(a) Cottesloe Pier Proposal - Email [under separate cover] |
| Responsible Officer: | Mat Humfrey, Chief Executive Officer |
| Author: | Mat Humfrey, Chief Executive Officer |
| Author Disclosure of Interest: | Nil |

SUMMARY

Cottesloe Pier is a project being put forward by a private group, led by a local architect, Mr Laurie Scanlan. The project has progressed to a point where the group are now considering submitting a development approval and the Town has been asked to provide feedback on 3 issues by officers at the Department of Lands. The purpose of this item is to allow Council to consider the 3 issues as requested.

BACKGROUND

The Council has previously received informal presentations on the Cottesloe Pier project by the proponent's architect, Mr Laurie Scanlan. The project essentially involves the construction of a restaurant and associated facilities in 'pier' type construction at the end of the Cottesloe Groyne.

The area in question is outside of the Town's boundaries as they are currently drawn, in an area that the Town has no direct control over. However, it is fairly obvious that if the development were to proceed, it would have a significant impact on Cottesloe Beach and the Cottesloe Groyne.

Recently, the Mayor, Deputy Mayor and the Chief Executive Officer met with Mr Scanlan (at his request) to hear Mr Scanlan's update on this project. A copy of the designs were presented (tabled but not attached due to the size of the document) and Mr Scanlan proceeded to outline that he was seeking to submit a development application (to the State not the Town), but that he had been told the Town would need to be consulted on several issues and provide feedback before a development application would be able to be considered.

The Chief Executive Officer has subsequently followed up the Department of Lands and sought clarification on exactly what the Town was being asked to consider and has received correspondence clarifying the issue (attached to this report).

STRATEGIC IMPLICATIONS

There are no specific items in the Strategic Community Plan which would address an development occurring in this location. However it would impact on the Foreshore and strategies as follows;

Priority Area 3: Enhancing beach access and the foreshore

Major Strategy 3.1: Implement the 'Foreshore Redevelopment Plan' in consultation with the community.

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

POLICY IMPLICATIONS

The Town's Beach Policy has one of its primary objectives

- (c) *To ensure that the primary consideration against which all uses are measured is the public interest, particularly for residents of Cottesloe, and safety having regard to the environmental parameters and limits of capacity of the beach reserve. In this context, the beach reserves are to be administered in the interests of residents of Cottesloe, the people of Western Australia and visitors to the metropolitan region.*

It also has secondary objectives;

- (a) *To maintain the areas of major recreational use, including their amenities. These areas being the major reserves of;*

- (i) *Cottesloe Beach (defined as being from Mudurup Rocks to Napier Street*

- (d) *To maintain recreational uses of the foreshore and the capacity of the beach reserves to absorb the present and identifiable future recreational uses.*

In the Policy Statement sections, the following paragraphs are relevant;

- (a) *No use will be permitted within the area west of Marine Parade unless it contributes directly to the amenity of the recreational users of the beach reserves and is designed, constructed and operated in a way that protects and enhances the natural coastline environment*

And finally under the Strategies section of the policy

- (b) *Building control*

- (i) *The policy of the Town of Cottesloe shall be to limit the construction of any enclosed and roofed structures west of Marine Parade to replacement only without significant expansion of the footprint, height or mass of the structure.*

While these extracts are the main points of consideration, the policy also contains guidance on matters such as traffic and preservation of the natural environment

STATUTORY ENVIRONMENT

As the proposal is for an area outside of the Town's boundary, at this stage, the Town is not able to consider any form or development application or lease. All approvals for the proposal will need to be sought and obtained from various State agencies.

Council is being asked to consider and provide comment only at this stage, it is not being asked to approve (or otherwise) the proposal itself.

FINANCIAL IMPLICATIONS

At this stage, officers are not able to provide any guidance on what potential financial implications may be – as there are too many variables to consider.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the officer's recommendation, however, staff resources will be required if this proposal proceeds in many different forms.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The entire Cottesloe Foreshore Area is a part of a Fish Habitat Protection Area (FHPA).

The proposal, as presented, has been considered by relevant State environmental agencies. Officers have not been able to make any assessment of the how the proposal would impact the natural areas at this point.

CONSULTATION

No formal consultation has been undertaken in respect of the proposal itself. As the Town is not being asked to determine any application in the officer's recommendation, no consultation is recommended either.

If Council were to resolve in a way materially different to the officer's recommendation, it would be recommended that extensive community consultation be undertaken before any further resolutions are made.

OFFICER COMMENT

The proposal, as presented, poses a very significant and challenging question for Council. Even though Council is not being asked to either support or not support the proposal at this stage, it is likely that the proposal itself will generate a very high level of community and media interest.

The email from the Department of Lands (attached) sets out three very specific questions that the Town is being asked to provide feedback on. It is recommended by officers that any response be limited to those issues at this stage.

The issues identified are;

1. If the Town considers the grant of a potentially long term lease to a private operator appropriate for this location;
2. A possible amendment to the Cottesloe district boundary to allow the proposal to fall within the Town's boundaries (summarised from email attached); and
3. The requirements for both access easements and service easements over the Groyne and Foreshore area, which are under the control of the Town (summarised from email attached).

Issue 1 – The grant of a potentially long term lease

Officers have concerns around the granting of any long term lease to private operators, particularly so if the lease covers areas that are designated for public use. Leases to private operators should be restricted to commercial areas only, with the public access areas remaining under the care and control of the relevant agency (which in this case would be a State agency). Officers are of this

opinion due to the ongoing issues around a nearby facility, which also has a long term lease and public amenities as a part of the lease area.

Issue 2 – A potential amendment to the Cottesloe district boundary

At this stage, officers do not support this approach. The Town has a Governor's Order which allows it to make and enforce local laws over the area 200 metres west of the Town's current boundaries. Rather than amending the boundary, which is a long and involved process, it would be better to amend the Governor's Order to allow for the enforcement of local government responsibilities under the various health, building and food legislation for that area.

Issue 3 – Access and Service easements

Having reviewed the designs, there are concerns around the level of vehicle access that would be needed for the day to day running of the Pier proposal. Waste collections alone will result in traffic needing to navigate an area where people would be otherwise enjoying a beach environment. It is also not clear how people would make their way from the current parking provided around Marine Parade to the Pier or whether current and proposed parking in the Foreshore Precinct would be sufficient.

Further, before any support for service or access easements could be fully considered, the Town would need to undertake a thorough engineering assessment of the Cottesloe Groyne, as it was not originally designed for this use. It would only be after such an investigation was completed would we be able to comment on the appropriateness of the Cottesloe Groyne for service provision.

In Summary

Officers have not considered the overall Pier proposal at this stage as we are not the approving authority. As we have been asked to consider 3 specific issues, are analysis has been confined to those issues at this stage.

As stated in the consultation section, if Council is of the opinion that it should make a statement about the proposed Cottesloe Pier itself, it would be strongly recommended that community consultation be undertaken prior to any position being finalised.

COUNCILLOR QUESTIONS

Questions provided by Cr Boulter – Emailed 14 July 2018

Q1. Noting that a refusal to recommend has been characterised by SAT as a decision that is appealable in some circumstances where the local government is not an approving authority, are these officer recommendation to "not support" decisions that can be taken to the State Administrative Tribunal?

A1. No

Q2. Has the Proponent done an engineering assessment? If so, what was the outcome and has this been provided to the Town?

A2. We believe they have undertaken an engineering assessment but the administration has not undertaken any form of engineering assessment itself.

Q3. Has the Proponent had an environmental impact assessment formally undertaken by the EPA and if so what was the outcome?

A3. It has been reported that they have but we don't have formal advice of that.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved: Cr Young Seconded: Cr Harkins

THAT Council in response to the enquiries made, inform the Department of Lands that;

1. It does not support the long term leasing to private operators of any area of Crown Land that is publicly accessible or provides for public amenities;
2. It does not support an amendment to the Town's boundaries at this time; and,
3. Is not able to support the use of the Cottesloe Groyne, for access or service easements, without a formal engineering assessment of the Groyne's suitability for such a use.

COUNCILLOR MOTION

Moved: Cr Boulter Seconded: Cr Pyvis

1. **DEFER consideration of officer recommendation ONE only pending:**
 - a. **an interactive question and answer workshop being held with Elected Members, and the applicant along with and any expert the applicant wishes to attend, with community and media invited to be present as observers and permitted to ask question at the discretion of the chair; and after this workshop; and**
 - b. **A public submission period in which a support or not support question is asked and unidentified submissions will not be accepted, and the entire proposal is available for inspection at front counter and in a drop box (or similar) accessible on line before the workshop and up to the end of the submission period.**

CARRIED 6/2

For: Mayor Angers, Crs Tucak, Boulter, Sadler, Thomas and Harkins

Against: Crs Pyvis and Young

COUNCIL RESOLUTION

THAT Council in response to the enquiries made, inform the Department of Lands that;

1. **DEFER consideration of officer recommendation ONE only pending:**
 - a. **an interactive question and answer workshop being held with Elected Members, and the applicant along with and any expert the applicant wishes to attend, with community and media invited to be present as observers and permitted to ask question at the discretion of the chair; and after this workshop; and**
 - b. **A public submission period in which a support or not support question is asked and unidentified submissions will not be accepted, and the entire proposal is available for inspection at front counter and in a drop box (or similar) accessible on line before the workshop and up to the end of the submission period; and,**
2. **It does not support an amendment to the Town's boundaries at this time; and,**

3. Is not able to support the use of the Cottesloe Groyne, for access or service easements, without a formal engineering assessment of the Groyne's suitability for such a use.

CARRIED 8/0

10.2 RECEIPT OF COMMITTEE MINUTES

| | | |
|---------------------|------------------|---|
| Attachments: | 10.2.1(a) | Minutes Bike Planning Committee 12 June 2018 [under separate cover] |
| | 10.2.1(b) | Minutes Community Safety and Crime Prevention 1 [under separate cover] |
| | 10.2.1(c) | Minutes Community Safety and Crime Prevention 2 [under separate cover] |
| | 10.2.1(d) | Minutes Disability Services Advisory Committee - 1 May 2018 [under separate cover] |
| | 10.2.1(e) | Minutes Disability Services Committee - 26 June 2018 [under separate cover] |
| | 10.2.1(f) | Minutes Reserves Parks and Playgrounds Committee Minutes - 28 June 2018 [under separate cover] |
| | 10.2.1(g) | Minutes Foreshore Precinct Implementation Committee [under separate cover] |
| | 10.2.1(h) | Minutes SHINE Community Services Committee - 13 June 2018 [under separate cover] |
| | 10.2.1(i) | Minutes Short Stay Use Committee Minutes - 5 June 2018 [under separate cover] |

OFFICER RECOMMENDATION

THAT Council note the Minutes of the following Committee Meetings with consideration given to the Committee's recommendations as highlighted below:

COUNCILLOR MOTION

Moved: Mayor Angers Seconded: Cr Harkins

That all Committee recommendations be moved together with Cr Boulters amendments

- **BIKE PLANNING COMMITTEE**

ITEM 7.1 BIKE PLANNING COMMITTEE CHARTER**OFFICER RECOMMENDATION**

That the Bike Planning Committee recommend that Council ADOPT the draft Bike Planning Committee Charter.

ITEM 7.2 REVISED BRIEF– BIKE ROUTES PLAN**COMMITTEE RECOMMENDATION**

That the Bike Planning Committee recommend that Council:

1. DEFER the Bike Routes Plan pending further information from the Department of Transport.
 2. CONTACT the Department of Transport offering to provide the Town's existing bike plans and relevant documents
-

3. PURSUE early engagement with the Department of Transport to advance the Town's bike planning.

COUNCILLOR AMENDMENT

Moved: Cr Boulter Seconded: Cr Pyvis

1. DEFER the Bike Routes Plan pending further information from the Department of Transport.
2. Request the TOC administration to CONTACT the Department of Transport offering to provide the Town's existing bike plans and relevant documents
3. Request the TOC administration PURSUE early engagement with the Department of Transport to advance the Town's bike planning.

- **DISABILITY SERVICES ADVISORY COMMITTEE**

ITEM 7.2 ACROD PARKING AT THE BLUE DUCK**COMMITTEE RECOMMENDATION**

That Council request Officers CONDUCT an internal audit of the number of ACROD bays to general parking bays with the audit to include an assessment of the number of current bays that meet Australian Standards.

That Council RELOCATE the existing ACROD bay adjacent to the Blue Duck on Marine Parade to the Barchetta Café carpark and that the number of ACROD bays to be increased to two.

- **FORESHORE PRECINCT IMPLEMENTATION COMMITTEE**

ITEM 9.4 GROVNE RESURFACING SCOPE**COMMITTEE RECOMMENDATION**

That if there are any savings in the Foreshore Tenders after the allocated contingency, against the allocated budget, the Foreshore Precinct Implementation Committee recommend that Council ALLOCATE the funds to expand the scope of the work to incrementally replace the dilapidated limestone retaining walls.

COMMITTEE RECOMMENDATION

That the Foreshore Precinct Implementation Committee recommend that Council SUPPORT the resurfacing of the groyne subject to funding and the design meeting the Foreshore Precinct Implementation Committee criteria.

COMMITTEE RECOMMENDATION

That the Foreshore Precinct Implementation Committee recommend that Council require all further development approvals and any proposed works located in the foreshore precinct (along Marine Parade from Forrest Street to Eric Street) be referred to the Foreshore Precinct Implementation Committee who may recommend it go to the Design Advisory Panel.

On completion of the Master Plan, the Works Depot staff be invited to attend a Foreshore Precinct Implementation Committee meeting to be inducted into the Foreshore Master Plan, design guidelines and palette of materials.

COUNCILLOR AMENDMENT

Moved Cr Boulter Seconded Cr Pyvis

That the Foreshore Precinct Implementation Committee recommend that Council require all further development applications and any proposed works located in the foreshore precinct (along Marine Parade from Forrest Street to Eric Street) be referred to the Foreshore Precinct Implementation Committee and the Design Advisory Panel.

On completion of the Master Plan, the Works Depot staff be invited to attend a Foreshore Precinct Implementation Committee meeting to be inducted into the Foreshore Master Plan, design guidelines and palette of materials.

- **RESERVES, PARKS AND PLAYGROUNDS COMMITTEE**

ITEM 6.1 COMMUNITY CONSULTATION FEEDBACK

COMMITTEE RECOMMENDATION

That the Reserves, Parks and Playgrounds Committee recommend that Council:

- 1. Thank the community for their submissions.**
- 2. Note the community consultation feedback submitted to consider for incorporation into the future strategic plan.**
- 3. That the Reserves, Parks and Playgrounds Presiding Member circulate a list of immediate works and maintenance and suggestions by email for committee discussion/input and then for the administration to undertake preliminary costings (including maintenance) and prioritisation.**

ITEM 7.3 RESERVES, PARKS AND PLAYGROUNDS STRATEGY BRIEF

COMMITTEE RECOMMENDATION

That the Reserves, Parks and Playgrounds Committee recommend that Council amend the 2018/19 budget to include \$70,000 provision for a Public Open Space (Reserves and Playgrounds) Master Plan.

That the Reserves, Parks and Playgrounds Committee present the above resolution to Council along with the proposed brief after the tenders have been received.

- **SHINE COMMUNITY SERVICES' COMBINED COUNCILS COMMITTEE**

ITEM 5.1 DRAFT SHINE COMMUNITY SERVICES BUDGET

COMMITTEE RECOMMENDATION

That the SHINE Community Services Combined Councils Committee recommend to the member Councils the adoption of the proposed budget and Council contributions for the 2018/2019 financial year

ITEM 5.2 DRAFT KEY PERFORMANCE INDICATORS

COMMITTEE RECOMMENDATION

That the SHINE Community Services Combined Councils Committee recommend that the member Councils adopt the output indicators as detailed and add the effectiveness and efficiency indicators for the 2018/2019 financial year.

COUNCILLOR AMENDMENTS

CARRIED 7/1

**For: Mayor Angers, Crs Tucak, Boulter, Sadler, Thomas, Pyvis and Harkins
Against: Cr Young**

SUBSTANTIVE

CARRIED 8/0

10.3 REPORTS OF COMMITTEES

NIL

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 COUNCILLOR MOTION - SINGLE-USE PLASTICS IN THE TOWN OF COTTESLOE**

The following motion has been proposed by Cr Harkins and Cr Boulter

COUNCILLOR MOTION

Moved: Cr Boulter Seconded: Cr Harkins

THAT Council;

1. For the purpose of each of the motions proposed in this notice of motion “single use plastics” includes items designed for single use: plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic lined coffee cups and lids, plastic straws and plastic lolly sticks, plastic cutlery, single plastic wrapped lollies and plastic fish bait bags.
2. The use of “single use plastics” is prohibited for use by the Town of Cottesloe for its own Council and committee meetings, events and functions.
3. All event and outside food van (and the like) approvals by the Town of Cottesloe will be conditioned to prohibit the use of “single use plastics” as defined at number one above, and that the TOC standard event conditions and advice notes are amended to include the following conditions and advice notes:

Conditions

- a. Single use plastics including balloons, plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic lined coffee cups/lids, plastic straws, plastic lolly sticks, plastic cutlery and single plastic wrapped lollies will not be used by the Applicant and Organisers in setting up, during or in clearing up after the event.
- b. The Applicant and Organisers will use their best endeavours to minimise waste and litter production from the event.

Advice Note:

The *Town of Cottesloe Local Government Property Local Law 2001 (Consolidated)* prohibits at clause 2.8(1)(i) “releasing an unsecured balloon inflated with a gas that causes it to rise in the air. Fines apply for breach of this Local Law, and applies to all events and food vans (and the like) approvals.

Advice Note:

Exemptions may apply if the Applicant or the council requires the use of single use plastic items for medical reasons, where there is no reasonable alternative and the single use plastics are not disposed of in the Town of Cottesloe.

4. The draft Waste Minimisation check list currently being prepared by the TOC administration is reported to Council by November 2018, and includes recommendations about how to compel reporting back to the Town of Cottesloe about the Waste Minimisation Check list.

COUNCILLOR AMENDMENT

Moved: Cr Tucak Seconded: Cr Pyvis

Council resolves that:

1. For the purpose of each of the motions proposed in this notice of motion “single use plastics” means plastic items designed for single use, including without limit: balloons, plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic lined coffee cups and lids, plastic straws and plastic lolly sticks, plastic cutlery, single plastic wrapped lollies and plastic fish bait bags.
2. The use of “single use plastics” shall not be used by the Town of Cottesloe for its own Council and committee meetings, events and functions.
3. All event and outside food van (and the like) approvals by the Town of Cottesloe will be conditioned to prohibit the use of “single use plastics” as defined at number one above, and that the TOC standard event conditions and advice notes are amended to include the following conditions and advice notes:

Conditions

- a. Single use plastics including without limit balloons, plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic lined coffee cups/lids, plastic straws, plastic lolly sticks, plastic cutlery and single plastic wrapped lollies will not be used by the Applicant (and any parties under their control or supervision) in setting up, during or in clearing up after the event.
- b. The Applicant will (including by directing any parties under their control or supervision) use their best endeavours to minimise waste and litter production from the event.

Advice Note: The *Town of Cottesloe Local Government Property Local Law 2001 (Consolidated)* prohibits at clause 2.8(1)(i) “releasing an unsecured balloon inflated with a gas that causes it to rise in the air. Fines apply for breach of this Local Law, and applies to all events and food vans (and the like) approvals.

Advice Note:

Exemptions may apply if the Applicant or the council requires the use of single use plastic items for medical reasons, where there is no reasonable alternative and the single use plastics are properly recycled or disposed of or stored safely and sustainably, or are removed from the Town of Cottesloe.

CARRIED 8/0

COUNCIL RESOLUTION

THAT Council;

1. For the purpose of each of the motions proposed in this notice of motion “single use plastics” means plastic items designed for single use, including without limit: balloons, plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic lined coffee cups and lids, plastic straws and plastic lolly sticks, plastic cutlery, single plastic wrapped lollies and plastic fish bait bags.
2. The use of “single use plastics” shall not be used by the Town of Cottesloe for its own Council and committee meetings, events and functions.

3. All event and outside food van (and the like) approvals by the Town of Cottesloe will be conditioned to prohibit the use of “single use plastics” as defined at number one above, and that the TOC standard event conditions and advice notes are amended to include the following conditions and advice notes:

Conditions

- a. Single use plastics including without limit balloons, plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic lined coffee cups/lids, plastic straws, plastic lolly sticks, plastic cutlery and single plastic wrapped lollies will not be used by the Applicant (and any parties under their control or supervision) in setting up, during or in clearing up after the event.
- b. The Applicant will (including by directing any parties under their control or supervision) use their best endeavours to minimise waste and litter production from the event.

Advice Note:

The *Town of Cottesloe Local Government Property Local Law 2001 (Consolidated)* prohibits at clause 2.8(1)(i) “releasing an unsecured balloon inflated with a gas that causes it to rise in the air. Fines apply for breach of this Local Law, and applies to all events and food vans (and the like) approvals.

Advice Note:

Exemptions may apply if the Applicant or the council requires the use of single use plastic items for medical reasons, where there is no reasonable alternative and the single use plastics are properly recycled or disposed of or stored safely and sustainably, or are removed from the Town of Cottesloe.

4. The draft Waste Minimisation check list currently being prepared by the TOC administration is reported to Council by November 2018, and includes recommendations about how to compel reporting back to the Town of Cottesloe about the Waste Minimisation Check list.

CARRIED 8/0

COUNCILLOR RATIONALE

- a) This Notice of Motion provides local government leadership towards reduction of single use plastics and litter in line with changing community values reflected in the Plastic Free July campaign. The Town of Cottesloe Strategic Community Plan 2013-2023 has the Priority 1.9 Develop and implement policies and strategies to reduce litter on public reserves.
- b) Disposal of waste is an increasing cost to the Town of Cottesloe and the reduction in single use plastics will reduce waste costs. United Nations Environment Program, Marine Litter: *Plastic is responsible for killing 1 million seabirds an over 100,000 sea mammals each year.*
- c) The TOC entire western boundary is a coastal environment that is Fish Habitat Protection Zone, and the impact on marine life and ocean waters from pollution of the marine environment by plastics might be catastrophic. WA Govt: *Under the Commonwealth*

Environment Protection and Biodiversity Conservation Act 1999, marine debris is recognised as a 'key threatening process' that 'threatens or may threaten the survival, abundance or evolutionary development of a native species or ecological community'.

- d) The TOC coast is popular for events, tourists and outdoor activities that generate a lot of litter and waste. WA Govt: *An estimated 47 per cent of wind-borne litter escaping from landfills is plastic, with the majority of this being plastic bags.⁷ Lightweight flexible plastics are highly mobile and easily blown from areas on land into waterways and the ocean.*
- e) In January, China announced it would no longer be accepting plastic waste from Australia for recycling. This will have a huge impact on our ability to recycle so we have a responsibility to reduce the amount we produce.
- f) WA gov: *Plastics do not biodegrade – they break down into small fragments and create microplastics. As plastics break down into smaller and smaller fragments, they can be ingested by lower order marine animals, which in turn are eaten by larger fish. Persistent organic pollutants found in the ocean adsorb onto plastics and micro-plastics. Concentrations of persistent organic pollutants on microplastic particles are several orders of magnitude higher than the surrounding seawater. If ingested by marine species they present a potential route for these chemicals to enter the human food chain.*
- g) This article/ www.news.com.au/technology/environment/why-you-need-to-stop-using-plastic-now/news-story/456d1f433a7bbbadd05d56e676856eee
- a. *An estimated eight million metric tons of plastic waste enter the oceans each year. The problem is found in every known ecosystem and at every level of the food chain;*
 - b. *More than 350 million tons of plastics are manufactured each year and that number continues to rise;*
 - c. *Only 1% of what you see on the beach and on the surface is the plastic that exists in the world;*
 - d. *If current marine pollution trends continue, the oceans will contain more plastic than fish by the year 2050;*
 - e. *Leading environmentalists see the end of most sea life happening within the next 6–16 years;*
 - f. *By 2025 all the coral reef ecosystems in the world will be gone;*
 - g. *When wildlife ingest plastic, the brew of toxic chemicals can be transferred to the animal's tissues. Fragments of plastics and textile fibres have been found in the guts of a huge variety of fish and shellfish that we eat.*
 - h. *Diminishment of biodiversity in our oceans is the single greatest threat to the survival of humanity. ...The most effective way to keep rubbish from washing up on the world's beaches is to reduce our dependence on plastics, especially single-use items, and to commit to seek out alternative materials where possible.*

- h) The TOC Balloon Ban has been embraced by the Cottesloe community and the TOC leadership has led to other Councils following TOC lead: and especially see for example the recent TOC Sustainability Calendar which features the importance of the balloon ban
- i) Bassendean Council has banned single use plastics from events organised and sponsored by Council in recognition of *“the scourge that single use plastics has on our environment.”*
- j) Brisbane City Council has banned plastic straws, helium balloons and single use water bottles.
- k) Whether or not the state government support such a by-law, the process is educative and will show the Town of Cottesloe’s strong support for a ban on single use plastics.
- l) WA govt: *While there has been considerable research into biodegradable plastics, studies have shown that there is no significant difference between standard and degradable plastics in the environment or when they are ingested by wildlife.*
- m) An estimated 500 million plastic straws are used and discarded everyday – enough to wrap around Earth 2.5 times per day.
- n) Plastic straws, utensils and the like end up in the ocean through human error and misuse – such as litter or down storm drains. Coastal clean-up days show straws, plastic utensils and plastic bags among the most common items collected
- o) Nearly all plastic, regardless of whether it’s been recycled, still exists
- p) Plastic never biodegrades, it just breaks up into smaller pieces and becomes hazardous to the environment, particularly marine life.
- q) 500 trillion pieces of plastic are estimated to be in the ocean, 92% of which are smaller than a grain of rice.
- r) These fragments are misidentified as food by aquatic biota and enter the food chain.
- s) Plastics in the ocean also attract other pollutants which magnify the toxicity of the fragments consumed by marine life and ultimately consumed by people
- t) Over the past 15 years the use of plastics has multiplied. Coffee cups are now routinely single-use and include lids; plastic straws and utensils are freely dispensed on countertops. Plastic takeaway containers are the norm, when we just used to take our saucepans to the takeaway before plastic.
- u) An overwhelming majority of Western Australians, more than 90%, are concerned about the impact of single-use plastics on our environment. See WA govt research.
- v) The popularity of *Plastic Free July* and *Coastcare* and *Tangaroa Blue* coastal clean ups demonstrates widespread support for ending the scourge of plastic

- w) Local government can augment these actions and reflect the will of the people through regulation.
- x) The Western Australian State Government has announced a ban on single use plastic bags from July 1, 2018.
- y) There are alternatives to plastic food ware. Regulating single-use plastics in Cottesloe needn't be difficult, drastic or expensive. There are alternatives that many food businesses can use or are already using. For example:

| ITEM | BEST OPTION | ALTERNATIVE OPTIONS |
|-----------------------------|---|--|
| plastic straws/lolly sticks | refuse to dispense straw/lolly sticks | paper or stainless-steel straws (sell as an add-on point of sale item) Where no other option: waxed paper straws |
| plastic utensils | Use reusable plates and utensils, eg china/stainless steel | Use/supply sustainably sourced wooden/plant based (eg bamboo) utensils Food Ware that is plant based or meets home composting standards are preferred |
| plastic bags | No carry bags supplied Customer BYO bags | Paper/cloth bags Retailers and TOC provide/sell BYO bags |
| plastic wrapped sweets | Loose sweets in a dispenser | Non-plastic wrapping |
| coffee cups /lids | Use cafe crockery cup Provide return coffee cup service discount for customers' supplying BYO cups eg: keeppups | no lids - and explain why Cup (can include liner) and lid certified commercial compost standard (AS 4736) Cup meets home composting standard (AS 5810) preferred |
| takeaway containers | Customer BYO containers Don't use Support return service for customers | Provide biodegradable containers (AS 5810) home compost standard only |
| Plastic bait bags | Customer BYO containers | Provide biodegradable containers (AS 5810) home compost standard only |

11.2 COUNCILLOR MOTION - TREE NODES

Cr Pyvis declared an **IMPARTIALITY INTEREST** in this item by virtue of “Committee member West Tree Canopy”

Cr Thomas – declared an **IMPARTIALITY INTEREST** in items 10.1.9 by virtue of “being a committee member of West Tree Canopy”

The following motion has been proposed by Cr Sadler.

COUNCILLOR MOTION

Moved: Cr Sadler Seconded: Cr Young

THAT Council;

- 1. That the Town plant shady tree nodes at locations generally shown in the attached plan by Simon Rodrigues, using appropriate species on the west side of Marine Parade in front of the Seaview Golf Club.**
- 2. That this is to be a demonstration project, with any feedback, suggestions or improvements to guide future node planting along the foreshore.**
- 3. That prior to any works commencing, Cottesloe Coastcare Association be consulted to confirm that it is compatible with their works and to assist in the selection of species and implementation.**
- 4. That the Cottesloe Longboard Club and the Cottesloe Board Riders Club are given the opportunity to confirm the optimal placement of the shady tree nodes to enhance the amenity for board riders and their events.**
- 5. Thank Simon Rodrigues for this initiative**

CARRIED 8/0

COUNCILLOR RATIONALE

The area in front of Seaview Golf Club has limited shade and is a high pedestrian area. Providing shade will increase the amenity for locals and visitors

Providing shady tree nodes will visually break up the length of Marine Parade, encouraging car drivers to move more slowly

The trees will assist in stabilising the foreshore thereby protecting Marine Parade and structures to its East

Trees planted in this area will not obstruct the views of residents

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

12.1 ELECTED MEMBERS

Moved: Cr Tucak Seconded: Cr Boulter

That one item of urgent business be considered which recommends the Town takes appropriate action to ensure the Beach Pool feasibility study is on track.

LOST 2/6

For: Crs Tucak and Boulter

Against: Mayor Angers, Crs Sadler, Young, Thomas, Pyvis and Harkins

12.2 OFFICERS

Nil

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

MOTION FOR BEHIND CLOSED DOORS

Moved: Mayor Angers Seconded: Cr Tucak ?

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

CARRIED 6/2

For: Mayor Angers, Crs Tucak, Sadler, Young, Thomas and Harkins

Against: Crs Boulter and Pyvis

The meeting was closed to the media and public at 9:55pm.

The media and public vacated the gallery at 9:55pm.

13.1.1 NAPOLEON STREET - TREE REPLACEMENT - CONTRACT

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

File Ref: SUB/2597
Attachments: Nil
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Denise Tyler-Hare, Project Manager
Author Disclosure of Interest: Nil

Cr Pyvis declared an **IMPARTIALITY INTEREST** in this item by virtue of “Committee member West Tree Canopy”

Cr Thomas – declared an **IMPARTIALITY INTEREST** in items 10.1.9 by virtue of “being a committee member of West Tree Canopy”

OFFICER RECOMMENDATION

Moved: Cr Sadler Seconded: Cr Harkins

1. THAT Council by absolute majority AUTHORISE the termination of LD Total’s contract with regard to the Napoleon Street Tree Replacement Project, due to the lack of availability of suitable tree stock, and the subsequent delays involved in the project.

COUNCILLOR AMENDMENT

Moved: Cr Boulter Seconded: Cr Pyvis

1. To add an amendment being number 2 and 3 and identify the officer recommendation as number 1

To add to the officer recommendation after the word “project” “that led to missing the 2018 planting season”.

By simple majority

2. That once the contract is finalised, the TOC will release a media statement assuring the community that the Napoleon Street trees will be replaced in the 2019 planting season to the best of the Town of Cottesloe powers, and including the details and costs of the contract termination.
3. To place this issue on the tree workshop agenda to be held with Town of Cottesloe Councilors’ and officers and City of Subiaco officers.

Amendment point 1 and point 3 were considered together

Carried 8/0

Amendment point 2 was then considered

LOST 2/6

For: Crs Boulter and Pyvis

Against: Mayor Angers, Crs Tucak, Sadler, Young, Thomas and Harkins

COUNCILLOR AMENDMENT**Moved: Cr Thomas Seconded: Cr Harkins****That a point 2 be added to the officer's recommendation that reads:****For the administration to set up a meeting before the end of August with the Elected Members, the relevant Town staff and the following persons to discuss the Napoleon Street Trees present;**

- **The chair of ProCott**
- **A prominent/ respected person from the Arbor culture industry**
- **A leading grower and supplier of Trees in W.A.**
- **A leading landscaper working within the Western Suburbs**

CARRIED 8/0**COUNCIL RESOLUTION**

- 1. THAT Council by absolute majority AUTHORISE the termination of LD Total's contract with regard to the Napoleon Street Tree Replacement Project that led to missing the 2018 planting season, due to the lack of availability of suitable tree stock, and the subsequent delays involved in the project.**
- 2. For the administration to set up a meeting before the end of August with the Elected Members, the relevant Town staff and the following persons to discuss the Napoleon Street Trees present;**
 - **The chair of ProCott**
 - **A prominent/ respected person from the Arbor culture industry**
 - **A leading grower and supplier of Trees in W.A.**
 - **A leading landscaper working within the Western Suburbs**
- 3. To place this issue on the tree workshop agenda to be held with Town of Cottesloe Councilors' and officers and City of Subiaco officers.**

CARRIED 8/0

13.1.2 REGISTRATION OF INTEREST (ROI) - 53 CURTIN AVENUE, COTTESLOE (WAIDE)

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

File Ref: SUB/2597
Attachments: 13.1.2(a) ROI Document [under separate cover]
13.1.2(b) Site Photo [under separate cover]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Mat Humfrey, Chief Executive Officer
Author Disclosure of Interest: Nil

It was agreed by all that point 1 of the Officer's recommendation be considered separately from points 2 and 3 and was resolved as follows:

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved: Cr Sadler **Seconded:** Cr Young

THAT Council;

1. **AUTHORISE** the Chief Executive Officer, to prepare a Registration of Interest for 53 Curtin Avenue Cottesloe (WAIDE) for consideration at the August Ordinary Council Meeting

CARRIED 6/2

For: Mayor Angers, Crs Tucak, Sadler, Young, Thomas and Harkins

Against: Crs Boulter and Pyvis

Moved: Cr Sadler **Seconded:** Cr Harkins

2. **AUTHORISE** the Mayor and Chief Executive Officer to meet with the Minister for Lands and Planning to discuss the WAIDE site and in particular;
 - a. Assert that it should be used for aged care and amenities that compliment as well as compliment the proposed development of the Wearne Site; and
 - b. That prior to any sale being finalised, Local Planning Scheme 3 be amended to implement controls that are consistent with the proposed development of the Wearne site.
3. **REQUEST** the Chief Executive Officer to establish relationships with the Department of Lands Manager responsible for the ROI process to ensure the Town is fully informed.

CARRIED 8/0

13.1.3 INDIANA TEA HOUSE - UPDATED SUB-LEASE DOCUMENTATION

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

File Ref: SUB/2597
Attachments: 13.1.3(a) Updated sub-lease documentation [CONFIDENTIAL]
[UNDER SEPARATE COVER]
13.1.3(b) Signed sub-lease documentation [CONFIDENTIAL]
[UNDER SEPARATE COVER]
13.1.3(c) Email from Jackson McDonald [CONFIDENTIAL]
[UNDER SEPARATE COVER]
13.1.3(d) Report and Minute from March 2018 OCM
[CONFIDENTIAL] [UNDER SEPARATE COVER]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Mat Humfrey, Chief Executive Officer
Author Disclosure of Interest: Nil

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved: Cr Harkins Seconded: Cr Young

THAT Council AUTHORISE the Mayor and Chief Executive Officer to execute the updated Surf Club Lease Extension documents as attached.

CARRIED 8/0

MOTION FOR BEHIND CLOSED DOORS

Moved: Mayor Angers Seconded: Cr Tucak

In accordance with Standing Orders 15.10 that the meeting be re-opened to members of the public and media.

CARRIED 8/0

The meeting reopened to the public at 10:14pm but no members of the public or media returned to the Chambers.

14 MEETING CLOSURE

The Mayor declared the meeting closed at 10.15pm

CONFIRMED MINUTES OF 24 JULY 2018 PAGES 1 – 117 INCLUSIVE.

PRESIDING MEMBER: Mayor Philip Angers

POSITION: Town of Cottesloe Mayor



DATE: 4 / 9 / 2018