



Town of Cottesloe

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

Tuesday, 24 May 2022

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

Signed:

Presiding Member

Date:

5/8/22

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING MINUTES

ORDINARY COUNCIL MEETING
HELD IN THE
Council Chambers, Cottesloe Civic Centre, 109 Broome Street, Cottesloe
6:00pm Tuesday, 24 May 2022

A handwritten signature in blue ink, appearing to read 'Matthew Scott', is positioned above the printed name and title.

MATTHEW SCOTT
Chief Executive Officer

31 May 2022

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6:00pm.

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

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

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

The Presiding Member reflected on the outcome of the Federal Election last week-end and on behalf of the Town took the opportunity to thank outgoing Curtin Member, Celia Hammond for her hard work and her interest in Cottesloe and congratulated incoming Curtin Member, Kate Chaney on her success.

During the election period the Town engaged with candidates from all of the major parties and with Kate Chaney to discuss priorities for Cottesloe and also in particular, to draw support for the Foreshore Masterplan. The project was very well received by all candidates and we now very much look forward to working with Kate Chaney to secure her lobbying support.

We would expect that the Federal Labor Government would view the project positively, given the sound business case that we have for upgrading the foreshore, and we also are continuing our engagement with the State Government, which has already acknowledged that the foreshore needs to be upgraded. We have had some very positive meetings with State Government members that leaves us quite optimistic that State Government will support the project.

The intention of the Foreshore Masterplan is that it will deliver a Cottesloe foreshore that lives up to its reputation, meets its potential and meets the expectations of locals and the many hundreds of thousands of visitors each year. It is a very worthwhile project and we expect that to continue, notwithstanding the changes to government on the weekend.

The end of this week marks the start of National Reconciliation Week with the theme of "Be Brave, Make Change" and that is inviting all Australians to be brave enough to tackle unfinished business of reconciliation so that we can make change for the benefit of all Australians.

The Town is organising a few events to recognise this and also we will be marking Naidoc Week with some events and details of those are on the Town's website.

The Town has started working on a Reconciliation Action Plan so we are very excited about the celebrations and also about moving to a greater degree of understanding through the reconciliation process.

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

Stephen Mellor – 8 Graham Court, Cottesloe (on behalf of Cottesloe Residents and Ratepayers Association) – General Questions

120 Marine Parade SDAU 3rd amended application

Q1: Has the Town of Cottesloe made a submission for the 120 Marine Parade amended application renewed consultation which closes on Thursday 28 April 2022?

A1: The Town made a submission to the DPLH on 4 May 2022, which due to limited timeframe to respond, was not able to be considered by Council however, the submission was circulated to Councillors when submitted.

Q2: If so, has the Town of Cottesloe in principle agreed to the 122 Marine Parade application and its associated vehicle and pedestrian access from Napier Street - that is before that public consultation for 122 has commenced?

A2: No, as the application for 122 Marine Parade has not been referred to the Town for comment by the SDAU.

Q3: If so, has the Town of Cottesloe made any observations or objections to the separate rather than combined consultations for the two 'applications'?

A3: Refer above.

140 Marine Parade OBH SDAU Development application

Q4: To what extent will the Elected Members support the key elements of the Cottesloe Residents and Ratepayers Association submission (forwarded to the Mayor and Elected Members), heritage - and with urgency step in and investigate/ protect the historic remaining elements of the original building by declaring a Town heritage interest under 7.1 of the LPS3?

A4: This is a matter for individual councillors when considering the item on the meeting Agenda. However, it is noted that there is currently no heritage protection for the building. It was assessed by the Heritage Council within the last two years and it was not included on the State Heritage Register. It is important that the Town's reasons for rejection and any conditions it recommends to be attached to any approval are based on proper planning grounds.

Q5: Has the Town of Cottesloe in the past made any investigations or research into the remaining 'heritage' elements in the existing OBH building?

A5: The 2002 review of the Town's Municipal Inventory advised that *this hotel was not considered to have sufficient architectural merit to warrant heritage listing. The alterations and adaptations to this building over time,*

particularly the most recent, have reduced the architectural integrity and heritage value of the place. The State Heritage Council made more recent investigations and on 2 September 2020 advised the Town that it does not have sufficient cultural heritage significance at the State level for inclusion in the State Register of Heritage Places.

Pineapple Bash Music Event

Q6: Was there any financial benefit or cost to Town of Cottesloe associated with the event?

A6. Financial arrangements for the hire are detailed in the answer below Q7.

Q7: What was the hire fee? Was the fee a one-off rate, a day rate or negotiated? What was the bond and did the bond cover the landscaping repairs?

A7. The financial arrangement for the event were as follows:

Health Fees (Regulation 18)	\$1,000
Public Building Fee	\$1,200
Food Vendors Fee	\$360
Hire Fee	\$25,000
Bond	\$10,000
Portion of Bond Retained	\$3,625

The portion of the bond retained was utilised for landscaping repairs.

Q8: As a result of the operational experience of this event is there any requirement to update the Events Policy?

A8. No however, a review will be carried out in the near future along with a community noise survey to determine residents' acceptability of the types, number and style of events held on the Foreshore.

Jack Walsh – 35 Grant Street, Cottesloe – Indiana Development

Q6: Have I or any Elected Members engaged in 'informal' discussions with any representatives of Forrest companies regarding the Indiana redevelopment and if so, which Elected Members have participated?

A6: There have been informal discussions and I will take the balance of that on notice in order to provide a complete response. (balance of answer taken on notice: as Deputy Mayor I was involved, with the then Mayor, in discussions with representatives of the Tattarang group of companies, in relation to their aspirations for the future of Indiana's. Since becoming Mayor I have been involved on two occasions following the December OCM in discussions with representatives of the Tattarang group of companies, at their request, to clarify the rationale behind Council's resolution in December 2021. To the best of my knowledge no other elected members have been involved in any discussions with any

representatives from the Tattarang group of companies regarding the Indiana's redevelopment).

Kevin Morgan – 1 Pearse Street, Cottesloe – Items 10.1.1 and 10.1.5

Q1: Given that section 5.56(1) of the *Local Government Act* and Regulations 19BA and 19C of the *Local Government (Administration) Regulations* require the community priorities and strategies in the Strategic Community Plan must stem from prescribed community consultation and can only be amended following further consultation, and given that pursuant to Regulation 19DA(3)(a) the priorities and strategies in the Corporate Business Plan must reflect those in the Strategic Community Plan, and given that pursuant to Regulation 19DA(5) the priorities and strategies in the Corporate Business Plan can only be modified to reflect changes first made to the Strategic Community Plan following such community consultation, how is it that Cottesloe Council last financial year completely rewrote the Corporate Business Plan with changes of which I now give examples even though none of the changes stem from any modifications first made to the Strategic Community Plan following such community consultation, but were apparently instead formulated by elected members at behind closed doors meetings?

For example, the community priority for 'connectivity between east and west Cottesloe' is now a corporate priority called 'Infrastructure', and community strategies for east/west connectivity to do with Curtin Avenue and the railway are abandoned, replaced by strategies which have nothing to do with east/west connectivity, such as renewal projects such as the Anderson Pavilion.

Even a community strategy to "Implement the Foreshore Redevelopment Plan in consultation with the community" is modified in the Corporate Business Plan by deleting the words "in consultation with the community."

A1: The question is based on a misinterpretation or misunderstanding of regulations 19C & 19DA. Regulation 19C(3) states the Strategic Community Plan (SCP) is to set out the vision, aspirations and objectives of the Community, there is no mention of the SCP setting Strategies on how these will be achieved. Regulation 19DA(3)(a) states the Corporate Business Plan (CBP) is to set out the Local Governments (Council's) priority for dealing with objectives and aspirations of the community (as identified in the SCP); there is no reference to dealing with strategies contained within the SCP. The CBP effectively demonstrates Council's interpretation of the SCP and how it plans to action (deal with) the Community's objectives and aspirations contained within. Consideration, debate and resolution on recent reviews of the Corporate Business Plan (both in Oct'21 and April'22) were made in open Council Meetings (not behind closed doors), in accordance with the Local Government Act 1995.

- Q2: How is that in the context of this statutory regime at least 16 strategies from the Strategic Community Plan have now been removed from the Corporate Business Plan, and the Corporate Business Plan has instead now added an additional 8 strategies, none of which arise from the changes to the Strategic Community Plan?
- A2: As per A1, the CBP is based on Council's interpretation of the SCP and the community's objectives and aspirations contained within. The Community will have an opportunity to articulate its vision, objectives and aspirations to Council when a new SCP is developed in 22/23.
- Q3: Given that section 5.53(2)(i) of the *Local Government Act* and Regulation 19B(2)(k) of the *Local Government (Administration) Regulations* require the Annual Report to detail any significant modifications to the Corporate Business Plan during the financial year, how is that the 2020/2021 Annual Report is not unlawful in making no mention of these many and significant modifications to the Corporate Business Plan, particularly in the context of its failure to include an overview of the Strategic Community Plan given the divergence now created between these two plans ?
- A3: The entire CBP was reviewed (modified) in 20/21, and the process of this review and when it was adopted by Council (Ordinary Council Meeting October 2020) was disclosed in the Annual Report. There has been no change to the current SCP, therefore no modifications were noted in the Annual Report.
- Q4: Why do the minutes of the Annual Electors' Meeting last month make no mention of my public statement of these grounds on the basis of which the electors in attendance overwhelmingly refused to receive the Annual Report because of these alleged illegalities?
- A4: The minutes of Local Government Council, committee and electors' meetings do not include a record of commentary made in debate.
- Q5: Has each Elected Member satisfied themselves as to these allegations of unlawfulness, given the statutory penalties and any potential for disqualification from office that might arise if this unlawfulness is substantiated?
- A5: The Town has satisfactorily met the requirements of Section 5.56 (and the associated regulations).

Questions Taken on Notice at the Agenda Forum Meeting – 17 May 2022

Stephen Mellor – 8 Graham Court, Cottesloe – 10.1.8

- Q1: What is the 'status' of the real estate agent's sponsor sign to the Seaview Kindergarten?
- A1: The Town has sent correspondence to the Seaview Kindergarten requesting the sign be removed. This will be followed up by Administration in due course.

Q2: Why has this 'unauthorised' sign not been removed?

A2: As above.

Q3: Did this sign and other signs on Reserve lands fall within the Sign Audit carried out by the Administration and referenced in the officer's recommendation?

A3: Yes.

Q4: From what I have heard, the Council document for submission on the OBH application that was provided at the last OCM was amended with major changes after the meeting.

A4: There were no changes made by the Town to the OBH application after the meeting.

Q5: It had been stated that the Council wished for the Community to be able to read the response particularly as the consultation had at that time not closed.

A5: The Town encouraged the community to read the report in the Council agenda as this may have been helpful in making a submission to the SDAU.

Q6: Will Administration please make it available now through the Council website and with active links in Newsletter emails and any press advertisements?

A4: See above.

4.2 PUBLIC QUESTIONS

Stephen Mellor – 8 Graham Court, Cottesloe

Cycle Route

Marine Parade is classified by the Active Transport Working Group as a Primary Cycle Route and designed as dual direction off road and 3m wide.

Q1: What in the 100% Foreshore Development Design meets the design requirements for such a Priority cycle route particularly with increased pedestrian visitation, the Marine Parade narrowing and of course all the new developments in process?

Q2: Is the twisting beachside shared path really the priority route and is it safe within the intent to increase the pedestrianisation of this coastal strip?

Q3: Where is a design reference to cycle routes in the public documentation for the Foreshore?

10.1.10 Street Tree Policy

Q4: Does the Town of Cottesloe abide by its own current or proposed revised Street Tree Policy?

- Q5: If it claims it does, when did Council approve the cutting down of the iconic trees at the Anderson Pavilion site?
- Q6: Three of the trees noted on the drawing are left from 5 marked for protection. Why did these two get removed?
- Q7: Was the main large tree, whose stump was shown in the Post Newspaper last week, removed just to make way for car parking spaces?
- Q8 Was Council made aware of the trees removal when they approved the larger building concept?
- Q9 Was the removed palm tree salvaged for replanting elsewhere?

Survey process and 10.1.11 Shark Barrier Community Survey

- Q10 Why did the Harvey Field Survey to go out to public consultation without the promised Community Engagement Plan first being put to Council as required in the March 2022 OCM resolution and with its then subsequent endorsement?
- Q11 Why does Administration think it appropriate to propose in the Officer Report that the Community Engagement Plan regarding the Shark Barrier be circulated 'out of session' amongst Council before the public survey and that a report will only be tabled at an Ordinary Council Meeting upon the completion of the public consultation survey?
- Q12 Does Council agree the public consultation 'validation' it is seeking would have better success if Council followed its own Community engagement process?

The above questions were taken on notice.

Patricia Carmichael – Marine Parade, Cottesloe – Item 10.1.9

My questions relate to the Asset Management Plan 2022/23 to the 2031-2032 that I believe Council has approved. The Asset Management Plan states there are 71 playgrounds in its report.

- Q1: Where are these playgrounds located?
- Q2: Are those 71 playgrounds compliant with the AS Standard 4685?
- Q3: HAS AN AUDIT BEEN CARRIED OUT OR WILL THIS AUDIT ON ALL THESE PLAYGROUNDS PLUS ALL THE NEW PLAYGROUNDS AND WILL AN AUDIT BE CARRIED OUT IN THE 2022/23 BUDGET YEAR?

THE PRESIDING MEMBER ADVISED THAT THE ASSET MANAGEMENT PLAN HAS NOT YET BEEN ENDORSED BY COUNCIL – IT WAS BROUGHT TO THE DECEMBER OCM AND COUNCIL NOTED IT. THE FIGURE OF 71 PLAYGROUNDS DOES NOT CORRESPONDENCE WITH MY UNDERSTANDING OF THE PLAYGROUND SITUATION IN COTTESLOE.

THE ABOVE QUESTIONS WERE TAKEN ON NOTICE.

5 PUBLIC STATEMENT TIMEStephen Mellor – 8 Graham Court, Cottesloe – street tree item

Mr Mellor referred to his earlier questions regarding Harvey Field and outlined his concerns about obtaining information that is specific to Harvey Field; his concerns that the community were unable to interrogate the Harvey Field concepts; the confusion over the different closing dates and times advertised and urged Council to amend the Shark Barrier resolution to include the provision for Community Engagement.

Mr Bernie Riegler – 8 Clive Road, Cottesloe – Item 10.1.7

Mr Riegler outlined his concerns regarding the number of potential sources of contamination on the site in relation to the proposed development of Lot 1 #443 Stirling Highway, Cottesloe.

Kate Akerman – 14 Burt Street, Cottesloe – item 10.1.9

Ms Akerman outlined her concerns about the lack of spending on playgrounds in the East Ward and urged Council to do the East Ward a service with a playground that is engaging and safe for families and children 0-12.

6 ATTENDANCEElected Members

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

Officers

Mr Matthew Scott	Chief Executive Officer
Mr Shane Collie	Director Corporate and Community Services
Mr Shaun Kan	Director Engineering Services
Mr Wayne Zimmermann	Manager of Planning
Ms Mary-Ann Winnett	Governance Coordinator

6.1 APOLOGIESOfficers Apologies

Ms Freya Ayliffe	Director Development and Regulatory Services
Mr Ed Drewett	Coordinator Statutory Planning

6.2 APPROVED LEAVE OF ABSENCE**6.3 APPLICATIONS FOR LEAVE OF ABSENCE****COUNCIL RESOLUTION****Moved Mayor Young****Seconded Cr Harkins****That Cr Wylynko be granted leave of absence from 28 June 2022 to 28 June 2022 inclusive.****Carried: 9/0****7 DECLARATION OF INTERESTS**

Mayor Young declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "I live in the neighbourhood and many of the concerned and potentially impacted residents are known to me."

Cr MacFarlane declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "I am a DAP Delegate and I will be sitting in on that determination."

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "I am a DAP Delegate and I will be sitting in on that determination."

Mr Scott declared a FINANCIAL INTEREST in item 13.1.1 by virtue "This relates to my contract of employment."

8 CONFIRMATION OF MINUTES**OCM052/2022****Moved Mayor Young****Seconded Cr Sadler****That the Minutes of the Ordinary Meeting of Council held on Tuesday 26 April 2022 be confirmed as a true and accurate record.****Carried 9/0****9 PRESENTATIONS****9.1 PETITIONS*****Section 9.4 - Procedure of Petitions***

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

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

9.2 PRESENTATIONS**9.3 DEPUTATIONS****9.3.1 DEPUTATION - APPLICATION TO THE INNER-NORTH JOINT DEVELOPMENT ASSESSMENT PANEL - 443 (LOT 1) STIRLING HIGHWAY - OFFICE DEVELOPMENT, TWO SINGLE DWELLINGS, AND A LARGE FORMAT DIGITAL SIGN.**

Mr Cribb stated that he's generally supportive of the development of the site but outlined his three main concerns to the development - the increased traffic flow in the laneways; car parking in a quiet road; the off-street car parking allowance that has been made in the application.

10 REPORTS**10.1 REPORTS OF OFFICERS****OCM053/2022****Moved Cr Masarei****Seconded Cr Harben****COUNCIL RESOLUTION**

That Council adopts en-bloc the following Officer Recommendations contained in the Agenda for the Ordinary Council Meeting 24 May 2022:

Item #	Report Title
10.1.1	Delegations Register Update
10.1.2	Reconciliation Action Plan
10.1.3	Monthly Financial Statements for the period 1 July 2021 to 28 March 2022
10.1.4	Cottesloe Village Precinct Structure Plan - MOU between Town of Cottesloe and Shire of Peppermint Grove
10.1.6	Verge Valet Service
10.1.8	Application for a Sign Licence - Shop 1, 7 Station Street, Cottesloe
10.1.12	Request for Approval - New License to Occupy Public Transport Authority Land

Carried 9/0

The Presiding Member advised that Council would deal with item 10.1.7 first, followed by items 10.1.5 and 10.1.9 and then return to the order as listed in the agenda.

CORPORATE AND COMMUNITY SERVICES**10.1.1 DELEGATIONS REGISTER UPDATE**

Directorate: Corporate and Community Services
Author(s): Shane Collie, Director Corporate and Community Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D22/20590
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

Council is being asked to endorse the reviewed Delegations Register.

OFFICER RECOMMENDATION IN BRIEF

It is recommended that Council adopt the reviewed Delegations Register to ensure compliance with Section 5.46 (2) of the *Local Government Act 1995* and enabling all of the Town's Delegations to be contemporary, industry best practice and up to date with all relevant legislation.

BACKGROUND

Delegations allow the Chief Executive Officer (and other appropriate staff) to make decisions on behalf of Council in certain circumstances. This allows for the more efficient operation of the Town and improves the level of services that the Town is able to offer residents.

The Delegations Register contains all such delegations made to the Chief Executive Officer and where the Chief Executive Officer has then on-delegated to other staff. The Register also contains any limits on the types of decisions that can be made under the Delegation, but importantly, it does not set out what decision has to be made (which would be contained in the appropriate policies).

The Delegations Register must be reviewed at least once every financial year. The Register was last adopted by Council at the May 2021 Ordinary Council Meeting therefore to ensure compliance with Section 5.46 (2) of the *Local Government Act 1995* the review of Delegations should occur at the May 2022 meeting of Council. The Review will set Council's Delegations in place for the 2022/23 financial year.

The Delegations Register, as reviewed by the Administration, is attached along with the corresponding list of Authorised Officers which go hand in hand with the Delegations Register.

OFFICER COMMENT

The 2020 Delegations Register Review included reference to feedback from the WA Local Government Association (WALGA) who provided assistance and guidance on the current Register. This free service assisted greatly in ensuring that not only is compliance achieved with the review but industry best practice is followed.

There were a number of Delegation updates in 2020 as the Delegations Register had not been comprehensively reviewed for some time. The 2021 Review built on this to the point where the current Delegations Register is considered satisfactory and without any need for further change (with one exception) unless any errors have been identified, legislation has changed or the Town's Policies and Practices have changed.

The one minor change recommended is the inclusion of the Coordinator Statutory Planning (Ed Drewett) in Delegation 8.2, Authority to issue Section 40 Certificate of Planning Authority for premises applying for a liquor license. This is a normal part of the Statutory Planning Process and it is appropriate that this Delegation encompass this position.

All formal letters to officers involved in implementing and enforcing Council's Delegations are up to date and they will be reaffirmed again once the Delegations Register is adopted by Council.

As there is only one minor change to the Delegations Register there would appear no justification to conduct a Councillor Workshop or undertake additional analysis other than any discussion generated as part of a normal Council Report. A Councillor Workshop may be more appropriate for the Review in the coming years when updated local government legislation comes into force.

The Delegations Register only refers to decisions that are made under delegation, it does not contain all of the authorities that staff have. For example, the Local Government Act itself enables staff to undertake a range of functions and authorises them to do so. Sections of the Act provide that the Chief Executive Officer is responsible for the day to day administration of a local government, and many sections of the Act (and other legislation) empower 'Authorised Officers' to undertake certain functions and make prescribed decisions. As these powers are not provided to Council in the first instance, there is no requirement for them to be recorded in the Delegations Register.

ATTACHMENTS

10.1.1(a) Delegations Register - 24 May 2022 [under separate cover]

10.1.1(b) Authorised Officers Schedule 2022 [under separate cover]

CONSULTATION

Executive Staff

STATUTORY IMPLICATIONS

Local Government Act 1995

Sections 5.42, 5.43, 5.44 and 5.46 of the *Local Government Act 1995* (the Act) regulate the ability of a local government to delegate the exercise of its powers or discharge its duties under the Act.

POLICY IMPLICATIONS

There are no Policy implications relevant to an unchanged review of Council's Delegations Register.

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Absolute Majority

OCM054/2022

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Masarei

Seconded Cr Harben

That Council by Absolute Majority APPROVES the Delegations made to the Chief Executive Officer in the Delegations Register attached for 2022/23.

Carried by En Bloc Resolution by Absolute Majority 9/0

10.1.2 RECONCILIATION ACTION PLAN

Directorate: Corporate and Community Services
Author(s): Shane Collie, Director Corporate and Community Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D22/22106
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to be informed of the actions and discussions held at the latest Reconciliation Action Working Group meeting.

OFFICER RECOMMENDATION IN BRIEF

That Council note the latest actions in the Reconciliation Action Plan process.

BACKGROUND

The Town is embarking on a journey for Reconciliation and has commenced the process of developing a Reconciliation Action Plan. A Working Group has been set up to facilitate this process and the purpose of this Report is for Council to be informed of the detail that the Working Group is undertaking.

Council at its 24 August 2021 meeting resolved as follows:

THAT COUNCIL:

- 1. APPROVES the establishment of the Town's first Reflect Reconciliation Action Plan (RAP);***
- 2. APPROVES the establishment of a Reconciliation Action Working Group (RAWG) as per the attached Terms of Reference.***
- 3. CALLS for nominations for the Community Members positions;***
- 4. INSTRUCTS the CEO to present the nominations received at the Ordinary Council Meeting after the October 2021 Local Government Elections.***

A Reconciliation Action Plan has four stages and this first stage is termed a "Reflection" Plan which is an initial 12 month Plan. There are three further stages following this initial Plan.

A RAP is a strategic document that supports an organisation's business plan. It includes practical actions that will drive an organisation's contribution to reconciliation both internally and in the communities in which it operates. There are four types of RAP that an organisation can develop: Reflect, Innovate, Stretch and Elevate.

Reflect

– *Scoping reconciliation*

A Reflect RAP clearly sets out the steps you should take to prepare your organisation for reconciliation initiatives in successive RAPs. Committing to a Reflect RAP allows your organisation to spend time scoping and developing relationships with Aboriginal and Torres

Strait Islander stakeholders, deciding on your vision for reconciliation and exploring your sphere of influence, before committing to specific actions or initiatives. This process will help to produce future RAPs that are meaningful, mutually beneficial and sustainable.

Innovate*– Implementing reconciliation*

An Innovate RAP outlines actions that work towards achieving your organisation's unique vision for reconciliation. Commitments within this RAP allow your organisation to be aspirational and innovative in order to help your organisation to gain a deeper understanding of its sphere of influence and establish the best approach to advance reconciliation. An Innovate RAP focuses on developing and strengthening relationships with Aboriginal and Torres Strait Islander peoples, engaging staff and stakeholders in reconciliation, developing and piloting innovative strategies to empower Aboriginal and Torres Strait Islander peoples.

Stretch*– Embedding reconciliation*

A Stretch RAP is best suited to organisations that have developed strategies, and established a strong approach towards advancing reconciliation internally and within the organisation's sphere of influence. This type of RAP is focused on implementing longer-term strategies, and working towards defined measurable targets and goals. The Stretch RAP requires organisations to embed reconciliation initiatives into business strategies to become 'business as usual'.

Elevate*– Leadership in reconciliation*

An Elevate RAP is for organisations that have a proven track record of embedding effective RAP initiatives in their organisation through their Stretch RAPs and are ready to take on a leadership position to advance national reconciliation. Elevate RAP organisations have a strong strategic relationship with Reconciliation Australia and actively champion initiatives to empower Aboriginal and Torres Strait Islander peoples and create societal change. Elevate RAP organisations also require greater transparency and accountability through independent assessment of their activities.

OFFICER COMMENT

The draft Reconciliation Action Plan continues to be developed and input was provided at the Working Group. Some matters still to do include:

- "Deliverables" need to be personalised to the Town of Cottesloe.
- A Message/Introduction will need to be included from the Mayor / CEO.
- It was recommended Deanne Poole from Reconciliation WA review the document before it goes to Council.
- Checking for typographical and grammar to be undertaken.

The current draft of the plan is attached for information. It is intended to finalise the Plan for presentation at the next Reconciliation Action Working Group meeting to be held on 30

May 2022 in view of adoption by Council at its June 2022 meeting. The Plan would become applicable from 1 July 2022.

The Working Group also discussed the various activities that are being held over Reconciliation week which are detailed in the attached notes.

The following Table represents the current Action Items of the Group:

Responsible Officer	Action item
Meeting 2 May 2022	
JH	1. Confirm the status of the settlement, understand the settlement location and identify the key contacts for Cottesloe (view the Native Title website).
JH	2. Contact the South West Land and Sea Council to explain that we would like to build a relationship with local aboriginal people and ask for the details of those who we should be engaging with within the Town of Cottesloe (and for which purpose these contacts are most suited).
JH	3. Contact Deanne Poole at Reconciliation WA to ask for the details of those who we should be engaging with within the Town of Cottesloe (and for which purpose these contacts are most suited).
JH	4. Invite an identified key aboriginal stakeholder for Cottesloe to a future RAWG meeting.
Mayor	5. The Mayor to include a message in her new item to convey that the Town welcomes all people, that the RAP journey has commenced and that we invite those interested in being engaged or informed about the process to register their interest.
KS/JH	6. Set up register for members of the community interested in being engaged or informed about the RAP journey.
JH	7. Include additional detail in the RAP: <ul style="list-style-type: none"> - Review the aboriginal content on the Town's website and add content to display that the RAP process has commenced - include the Wardun Beelie Trail on the Town's website - https://trails.wa.gov.au/trails/trail/wardun-beelie-trail. - NRW activities to be added to the RAP. - Investigate purchasing policies/practices that support procurement from Aboriginal businesses (including State policies) and explore what opportunities exist to support this at the Town (purchasing policy or other)

ATTACHMENTS

10.1.2(a) Reconciliation Action Working Group Meeting Notes - 2 May 2022 [under separate cover]

10.1.2(b) Reflect Reconciliation Action Plan Cottesloe Draft 11 May 22 [under separate cover]

CONSULTATION

Community Representatives

Town of Mosman Park

Reconciliation WA

STATUTORY IMPLICATIONS

Nil.

POLICY IMPLICATIONS

It is likely that following the adoption of the Reconciliation Action Plan that Policies relevant to the Plan would be developed. At this stage there are no Policies of Council that have been put in place regarding the proposed RAP.

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.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OCM055/2022

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Masarei

Seconded Cr Harben

THAT Council notes and supports the activities of the Reconciliation Action Working Group through their meeting notes of 2 May 2022.

Carried by En Bloc Resolution 9/0

10.1.3 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2021 TO 28 MARCH 2022

Directorate: Corporate and Community Services
Author(s): Lauren Davies, Finance Manager
Authoriser(s): Shane Collie, Director Corporate and Community Services
File Reference: D22/22122
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

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

OFFICER RECOMMENDATION IN BRIEF

That Council receives the Monthly Financial Statements for the period 1 July 2021 to 31 March 2022.

BACKGROUND

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

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

OFFICER COMMENT

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

- The net current funding position as at 31 March 2022 was \$6,026,672 as compared to \$3,185,592 this time last year. This is due to a combination of higher revenue from Infringements, and less payments YTD (which is a timing difference only).
- Rates receivables as at 31 March 2022 was \$702,989 as compared to \$540,759 this time last year as shown on page 25 of the attached financial statements. This is in part

due to the timing of the raising of rates, and the due dates of final notices being later in 2021-2022.

- Operating revenue is more than year to date budget by \$850,414 with a more detailed explanation of material variances provided on page 21 of the attached financial statements. Operating expenditure is \$656,973 less than year to date with a more detailed analysis of material variances provided on page 21.
- The capital works program is shown in detail on pages 35 to 36 of the attached financial statements.
- The balance of cash backed reserves was \$8,608,880 as at 31 March 2022 as shown in note 7 on page 28 of the attached financial statements.

List of Accounts Paid for March 2022

The list of accounts paid during March 2022 is shown on pages 37 to 43 of the attached financial statements. The following material payments are brought to Council's attention:

- \$532,065.11 Q3 ESL payment to DFES.
- \$242,938.72 loan repayments to W.A Treasury Corp.
- \$34,495.94, \$35,293.82 & \$33,599.17 to SuperChoice Services Pty Ltd for staff superannuation contributions.
- \$124,762.36 to Menchetti Consolidated Pty Ltd for the Rotunda reconstruction.
- \$100,681.25 to Solo Resource Recovery for January waste removal.
- \$60,137.34 to ATO for payroll deductions.
- \$35,609.32 to Surf Life Saving WA for surf life saving services for one month.

Investments and Loans

Cash and investments are shown in note 4 on page 23 of the attached financial statements. The Town has approximately 36% of funds invested with the National Australia Bank, 41% with the Commonwealth Bank of Australia and 23% with Westpac Banking Corporation. A balance of \$8,601,202 was held in reserve funds as at 31 March 2022.

Information on borrowings is shown in note 10 on page 32 of the attached financial statements. The Town had total principal outstanding of \$2,827,187 as at 31 March 2022.

Rates, Sundry Debtors and Other Receivables

Rates outstanding are shown on note 6 on page 25 and show a balance of \$702,989 outstanding as compared to \$369,991 this time last year.

Sundry debtors are shown on note 6 on page 25 of the attached financial statements. The sundry debtors report shows that 15% or \$15,669 is older than 90 days. Infringement debtors are shown on note 6 on page 27 and were \$536,096 as at 31 March 2022.

ATTACHMENTS

10.1.3(a) Monthly Financial Report 1 July to March 2022 [under separate cover]

CONSULTATION

Senior Staff.

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OCM056/2022

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Masarei

Seconded Cr Harben

THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2021 to 31 March 2022 as submitted to the 24 May 2022 meeting of Council.

Carried by En Bloc Resolution 9/0

DEVELOPMENT AND REGULATORY SERVICES**10.1.4 COTTESLOE VILLAGE PRECINCT STRUCTURE PLAN - MOU BETWEEN TOWN OF COTTESLOE AND SHIRE OF PEPPERMINT GROVE**

Directorate: Development and Regulatory Services
Author(s): Victoria Rizzi, Project Officer Strategic Planning
Authoriser(s): Wayne Zimmermann, Manager of Planning
File Reference: D22/5591
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

This report is for Council to review and approve a revised Memorandum of Understanding (MOU) prepared for the Cottesloe Activity Centre (Cottesloe Village) Precinct Structure Plan project. Authorisation is also sought for the Chief Executive Officer to sign the MOU on the Town's behalf and to forward the MOU to the Shire of Peppermint Grove for endorsement.

OFFICER RECOMMENDATION IN BRIEF

That Council authorises the Chief Executive Officer to sign the attached Memorandum of Understanding (MOU) with the Shire of Peppermint Grove for the Cottesloe Activity Centre (Cottesloe Village) Precinct Structure Plan project and forward the MOU to the Shire of Peppermint Grove for endorsement.

BACKGROUND

A proposed Amendment to Local Planning Scheme No.3 was received from planning consultant Element on behalf of the landowner of 7 and 11 Station Street, Cottesloe in April 2019. During preliminary discussions with the proponent, it was determined that additional development controls would be necessary to inform the scheme amendment approach. A need was subsequently identified by the Town of Cottesloe (the Town) and the Shire of Peppermint Grove (the Shire) to develop a long term strategic vision and associated planning tools for the whole Town Centre, the Cottesloe Activity Centre, to guide its redevelopment over time. To that end, the Town collaborated with the Shire in a joint effort to develop an Integrated Local Development Plan (ILAP) for the Cottesloe Activity Centre (Cottesloe Village).

As part of this process, an MOU was prepared and signed between the Town and Shire in August 2019. The MOU set out a two year arrangement whereby the Town and Shire agreed to work together collaboratively in good faith for the promotion, advancement and (re)development of the Cottesloe Activity Centre (Cottesloe Village).

A Precinct Structure Plan is now required due to changes to the State planning framework, through the release of State Planning Policy 7.2 – Precinct Design by the Western Australian Planning Commission in February 2021.

A revised MOU has been prepared to govern the preparation of the Cottesloe Activity Centre (Cottesloe Village) Precinct Structure Plan. This is to update the original two year agreement,

including amendments to financial contributions, responsibilities and representation of interest, and acknowledge the changes made to the State planning framework through State Planning Policy 7.2 – Precinct Design. The main changes to the MOU include:

- Reorganising the way the MOU is set out so each clause and subclause has its own reference number.
- Updating terminology in the agreement, including ‘Integrated Local Development Plan’ or ‘ILAP’ to ‘Precinct Structure Plan’ and ‘Cott Village’ to ‘Cottesloe Activity Centre (Cottesloe Village)’.
- Removing Clause 9 Guiding Principles of Collaboration, including management principles, planning principles and design principles, and Clause 11 Meetings and Reporting (Governance).
- Introducing a separate Terms of Reference for the Project Steering Group (PSG). The PSG Terms of Reference expand on the governance principles removed in Clauses 9 and 11 (see above).
- Updating the funding arrangement clause to ensure any expenses incurred during the preparation of the Cottesloe Activity Centre (Cottesloe Village) Precinct Structure Plan are subject to a consistent funding structure.
- Updating the dispute resolution process in the event of a breach or disagreement between the Town and Shire.

The updated MOU has been prepared in collaboration with the Shire of Peppermint Grove administration, and will be presented to Project Steering Group (PSG) members at Project Steering Group meeting No.10 on 13 May, 2022. Should any changes be requested from the group, the MOU will be amended accordingly prior to the Ordinary Council Meeting.

OFFICER COMMENT

The revised MOU is required to improve the governance framework to deliver a Precinct Structure Plan for the Cottesloe Activity Centre (Cottesloe Village). In considering the revised MOU, the options for Council are:

- Approve the changes to the MOU and authorise the Town’s Chief Executive Officer to sign the document and forward it to the Shire of Peppermint Grove for their endorsement.
- Require changes to the MOU and authorise the administration to undertake the changes to the satisfaction of the CEO and submit the amended MOU to the Shire of Peppermint Grove for their endorsement.
- Not approve the revised MOU, require changes to be undertaken and incorporated into the MOU and the modified MOU to be reported back to Council for approval.

ATTACHMENTS

- 10.1.4(a) MOU Cottesloe Activity Centre (Cottesloe Village) Precinct Structure Plan Project 30.03.22 [under separate cover]**

CONSULTATION

The MOU, once approved by Council, will be sent to the Shire of Peppermint Grove for endorsement.

STATUTORY IMPLICATIONS

Local Government Act 1995

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

State Planning Policy 7.0 – Design of the Built Environment

State Planning Policy 7.2 – Precinct Design

Town of Cottesloe Local Planning Strategy (2008)

Station Street Cottesloe Place Making Strategy (2017)

Town of Cottesloe Town and Local Centre Design Guidelines (2014)

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 4: Managing Development

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OCM057/2022

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Masarei

Seconded Cr Harben

THAT Council AUTHORISES the Chief Executive Officer to sign the attached Memorandum of Understanding (MOU) with the Shire of Peppermint Grove for the Cottesloe Activity Centre (Cottesloe Village) Precinct Structure Plan project and forward the MOU to the Shire of Peppermint Grove for endorsement.

Carried by En Bloc Resolution 9/0

10.1.6 VERGE VALET SERVICE

Directorate: Development and Regulatory Services
Author(s): Freya Ayliffe, Director Development and Regulatory Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D22/19968
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

Agreement from Council is sought to extend the Verge Valet service provided to residents for a period of two years.

OFFICER RECOMMENDATION IN BRIEF

It is recommended that Council agree to extend the Verge Valet service currently managed by the Western Metropolitan Regional Council (WMRC) to ensure residents can continue with scheduled collection of both bulk and green waste. By continuing with this service it will ensure that the Town aligns with the objectives of the WA Waste Avoidance and Resource Recovery Strategy 2030.

BACKGROUND

In July 2020 Council agreed to participate in an 18-month trial for a service known as Verge Valet. The service provides a pre-booked bulk and green verge side household waste collection offered by WMRC to its Member Councils. The service provides a collection service at a time that suits the individual resident and reduces many issues that arose from the previous 'traditional bulk' collections. Some of these issues included:-

- Missed collections;
- Waste being dumped from residents outside of the Town;
- Suspicious behaviour; and
- Impact on residents' amenity, health and safety from verges being filled with bulk junk and/or green waste for long periods.

The Verge Valet service currently allows residents two general waste, one green waste and one mattress collection per year, and has the added benefit for residents to exchange their allocated bulk collections for green waste collections. In addition, residents can also purchase additional collections, if required.

The trial period has now ceased and Council's approval is sought for the continuation of the service for a period of two years. The WMRC will be responsible for the ongoing management of the service (this includes complaints and dispute management and resolution), liaison with the collection and recycling/disposal contractors and will continue to provide bi-annual reports to the Town detailing tonnages collected, types of waste collected and tonnages diverted from landfill.

The current contractual arrangements and roles of all parties are summarised in the following table. D&M Waste Management provides the collection and delivery service, WMRC manages the contracts with D&M and the processing contractors, and the service is delivered to the Town by the WMRC under the guidance of the Memorandum of Understanding (attached).

The Town	WMRC - contract and communications manager	D&M - service provider
Communicate service to residents	Host booking materials on website including booking form, change form, FAQs, layout instructions, accepted items, information leaflets	Manage bookings process including booking form, changes, cancellations
Manage issues of non-compliance (eg early placement of waste, placement of waste without a booking)	Manage contract with service provider, designate drop off locations for processing	Manage customer feedback process including complaints, compliments, service enhancements
Fund the services delivered	Design education and communications materials including brand, concept, advertisements, information material	Provide collection service according to booking received
Allocate service level allowances	Manage relationship with client(s) including regular meetings, troubleshooting, feedback	Deliver materials to designated locations
Ensure relevant staff are aware of the service	Assist residents with non-routine queries	Invoice WMRC for collection service
Assist residents with routine queries	Invoice the Town for combined collection and processing	Manage communications with residents once booking received including confirmation, reminder communications and feedback requests

OFFICER COMMENT

Feedback received since the commencement of Verge Valet shows that residents are happy with the current service and the service is being well utilised. The table below demonstrates the type of waste, tonnage collected and total cost to the Town per calendar year since its commencement in August 2020.

Calendar Year	Type	Tonnage	Cost (sum of collection & processing)
2020 (Aug - Dec)	Bulk/general	54 tonnes	\$24,399
	Green	42 tonnes	\$11,376
	Mattresses	54	\$2,457
2021	Bulk/general	169 tonnes	\$74,518
	Green	98 tonnes	\$24,276
	Mattresses	174	\$8, 274
2022 (Jan-Apr)	Bulk/general	57 tonnes	\$24,879
	Green	28 tonnes	\$7,903
	Mattresses	61	\$2,723
TOTAL BULK/GENERAL			280 tonnes
TOTAL GREEN			168 tonnes
TOTAL MATRESSES			289 mattresses

Below is a sample of recent positive and negative comments received regarding the service.

Positive Comments

- *Super service. Loved it;*
- *Great opportunity being able to put out waste when manageable/convenient. Very efficient service;*
- *This is an amazing service and we were so grateful to use it;*
- *Clean and tidy collection.....also didn't have to put stuff out early and have people randomly adding to the pile - or rifling through the stuff and scattering it around the verge;*
- *Really liked the updates regarding time of pickup. Much improved on previous experience and;*
- *I am astounded at how good this service is. After receiving confirmation, I received a reminder on the day we could take stuff out. On the day of collection I received an email confirming verge collection was that day, followed by an email to confirm the Verge Valet was on the way (complete with a tracking app and an estimated arrival time). After completion, I received an email confirming the job had been done. Verge was left spotless.*

Negative Comments

- *Difficult for elderly users of this system to comply with 'putting out' waste the day before;*

- *I am led to believe that verge valet recycles as much as possible however, I have seen a couple of occasions where perfectly good items were crushed by the pick up team. I vote for bringing back the old system to reduce items going to landfill; and*
- *The name of 'verge valet' is so elitist when it is a waste pickup service; maybe recycling greens would be more realistic and less pretentious title.*

All comments received to date, from the commencement of the service are attached.

Alignment to WA Waste Avoidance and Resource Recovery Strategy 2030 and Waste Plan

The below table demonstrates some areas of alignment with the targets in the WA Waste Avoidance and Resource Recovery Strategy through the Town's Waste Plan by using the Verge Valet service.

Target	Source	Comment
2025 – Reduction in Municipal Solid Waste (MSW) generation per capita by 5%	Waste Avoidance and Resource Recovery Strategy 2030 (p25)	Verge Valet leads to a significant decrease in waste collected vergeside; 42% less waste is taken to landfill under this system.
2030 – Move towards zero illegal dumping	Waste Avoidance and Resource Recovery Strategy 2030 (p33)	Verge Valet helps with prompt collection of any material and discourages illegal dumping.
Reduce hard waste per capita by at least 5% by 2025 Target 75% recovery by 2025	Waste Plan - Waste services	Waste reduction target surpassed. Recovery rate subject to market conditions.
Reliable ID and litter data obtained January 2022	Waste Plan - Data	Verge Valet logs instances of illegal dumping.

Continuing with the Verge Valet service will ensure consistent, cost effective and functional waste services are provided to residents while reducing waste to landfill.

ATTACHMENTS

- 10.1.6(a) Verge Valet Memorandum of Understanding [under separate cover]**
- 10.1.6(b) Verge Valet Roles & Responsibilities [under separate cover]**
- 10.1.6(c) WMRC Renewal Letter [under separate cover]**
- 10.1.6(d) Verge Valet Customer Comments [under separate cover]**

CONSULTATION

- WMRC
- Residents

STATUTORY IMPLICATIONS

Local Government Act 1995

Waste Avoidance and Resource Recovery Act 2007

Waste Avoidance and Resource Recovery Strategy 2030

Town of Cottesloe Waste Plan 2020 - 2025

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

Current Costs (Collection rates)

- bulk waste (general) \$45.36
- bulk waste (green) \$36.67
- mattress \$14.48 (each household is entitled to one free mattress removal)
- Annual overall cost for 2021 was \$107,068

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

By continuing with the Verge Valet service the Town will be providing sustainable waste and recycling practices to its residents which is driven by the targets set in the WA Waste Avoidance and Resource Recovery Strategy 2030.

VOTING REQUIREMENT

Simple Majority

OCM058/2022

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Masarei

Seconded Cr Harben

THAT Council APPROVES the extension of the Verge Valet Service for a period of two years.

Carried by En Bloc Resolution 9/0

10.1.8 APPLICATION FOR A SIGN LICENCE - SHOP 1, 7 STATION STREET, COTTESLOE

Directorate: Development and Regulatory Services
Author(s): Freya Ayliffe, Director Development and Regulatory Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D22/22073
Applicant(s): Station Street Partners
Author Disclosure of Interest: Nil

SUMMARY

Council is being asked to consider granting retrospective approval for a 'roof sign' located at Shop 1, 7 Station Street, Cottesloe.

OFFICER RECOMMENDATION IN BRIEF

It is recommended that Council grant retrospective approval for the sign located at Shop 1, 7 Station Street, known as Cartridge World, subject to compliance with the *Signs Hoardings and Billposting Local Law 1988* and any other conditions imposed by Council.

BACKGROUND

A recent audit carried out by the Town's Compliance Officer has revealed a number of unauthorised signs throughout the Town. The majority of these signs can be approved under delegated authority and have been through the Town's application process however, the Town's current local law stipulates that 'roof signs' must be approved by resolution of Council.

OFFICER COMMENT

Cartridge World has been operating in the Town of Cottesloe since 2014. A recent sign audit carried out by the Town's Compliance Officer revealed the business has erected a 'roof sign' without approval from Council. The sign does not appear to be obtrusive, is securely fixed which has been confirmed by a structural engineer, is within the height of the building, and complies with the Town's *Signs Hoardings and Billposting Local Law 1988*.

A photograph of the sign is shown on the following page.



Roof Sign: Shop 1, 7 station Street.

As a result of the audit, administration recognises that the *Signs Hoardings and Billposting Local Law 1988* is outdated and has commenced an urgent review, which will be presented to Council in the next three to six months.

It is therefore recommended Council grant retrospective approval for the sign located at Shop 1, 7 Station Street.

ATTACHMENTS

10.1.8(a) Application for Sign Licence 2021 [under separate cover]

CONSULTATION

Director Corporate and Community Services.

STATUTORY IMPLICATIONS

Local Government Act 1995.

Town's Signs Hoardings and Billposting Local Law 1988.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OCM059/2022

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Masarei

Seconded Cr Harben

THAT Council APPROVES the roof sign located at Shop 1, 7 Station Street, Cottesloe.

Carried by En Bloc Resolution 9/0

10.1.12 REQUEST FOR APPROVAL - NEW LICENSE TO OCCUPY PUBLIC TRANSPORT AUTHORITY LAND

Directorate: Engineering Services
Author(s): Emma Saikovski, Coordinator Environmental Projects
Authoriser(s): Shaun Kan, Director Engineering Services
File Reference: D22/23022
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to Authorise the Chief Executive Officer (CEO) and Mayor to sign the attached confidential License to Occupy Public Transport Authority (PTA) Land and apply the Common Seal if required.

OFFICER RECOMMENDATION IN BRIEF

That Council Authorises the CEO and Mayor to sign the attached confidential Licence to Occupy and apply the Common Seal (if required).

BACKGROUND

In June 2021, the Town received \$20,000 in funding from the Department of Transport to deliver mid-trip facilities along the Curtin Ave Principle Shared Path (PSP) as a means to encourage use of the route and sustainable transport. Council has approved this in the 2021/2022 budget under item 45.1055.2 – End of Trip Facilities, Perth to Fremantle Stage one.

As a part of this initiative, bike maintenance stands will be installed at three points along the PSP, adjacent each of the three train stations (Grant Street, Cottesloe and Victoria Street) within the municipal boundary. The Cottesloe Train Station site will also include a drinking water station.

Sites at the Victoria Street Station and Grant Street Station occur within land managed by the Town. Engagement with Main Roads occurred throughout the project to ensure placement of infrastructure did not cause traffic interruptions on the PSP.

The site (shown below) at Cottesloe Station occurs within land owned by Public Transport Authority (PTA), and therefore a licence agreement (10 years) is required for use. This is similar for land adjacent to this location.



OFFICER COMMENT

The Town currently holds two other ‘peppercorn’ lease arrangements with PTA for drainage and beautification purposes at sites between Cottesloe train station and Curtin Avenue. This additional licence allows for the infrastructure to be installed, adding value to the Town’s ongoing active transport initiatives.

The Town notes all standard clauses which apply, and seeks Council support to enter into the licence agreement with PTA, so that PSP activation initiatives can be delivered for the benefit of Cottesloe residents and visitors.

ATTACHMENTS

- 10.1.12(a) Confidential - Licence to Occupy. Draft Agreement - Cottesloe Train Station **[CONFIDENTIAL] [UNDER SEPARATE COVER]**
- 10.1.12(b) Confidential - L7553 Plan Rev_A - Cottesloe Train Station **[CONFIDENTIAL] [UNDER SEPARATE COVER]**

CONSULTATION

Main Roads WA

Public Transport Authority

Town of Cottesloe Staff

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 9.49A

9.49A Execution of documents

- (1) *A document is duly executed by a local government if —*
- (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
- (a) *the mayor or president; and*
 - (b) *the CEO,*
- each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) *A local government may, by resolution, authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*
- (5) *A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.*
- (6) *A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
- (7) *When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.*

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 5: Providing sustainable infrastructure and community amenities

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

The works are fully funded by DoT and will add value to the Town's active transport initiatives.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

DoT has contributed \$20,000 for the delivery of PSP activation initiatives.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

The delivery of activation initiatives will support and encourage sustainable transport options and usage of the PSP in Cottesloe.

VOTING REQUIREMENT

Simple Majority

OCM060/2022

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Masarei

Seconded Cr Harben

THAT Council AUTHORISES the CEO and the Mayor to execute the attached Confidential License Agreement and apply the common seal if required.

Carried by En Bloc Resolution 9/0

10.1.7 APPLICATION TO THE INNER-NORTH JOINT DEVELOPMENT ASSESSMENT PANEL - 443 (LOT 1) STIRLING HIGHWAY - OFFICE DEVELOPMENT, TWO SINGLE DWELLINGS, AND A LARGE FORMAT DIGITAL SIGN.

Directorate: Development and Regulatory Services
Author(s): Ed Drewett, Coordinator Statutory Planning
Authoriser(s): Freya Ayliffe, Director Development and Regulatory Services
File Reference: D22/21684
Applicant(s): Urbis
Author Disclosure of Interest: Nil

Mayor Young declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "I live in the neighbourhood and many of the concerned and potentially impacted residents are known to me."

Cr MacFarlane declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "I am a DAP Delegate and I will be sitting in on that determination."

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "I am a DAP Delegate and I will be sitting in on that determination."

SUMMARY

Planning approval is sought for a two-storey office development and two single dwellings to replace the existing Auto Masters repair workshop located on the corner of Clive Road and Stirling Highway, together with a Large Format Digital Sign to replace an existing roof sign.

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

A Responsible Authority Report (RAR) has been prepared and is due to be submitted to the JDAP by noon on Wednesday 25 May 2022.

OFFICER RECOMMENDATION IN BRIEF

That Council support the Officer Recommendation in the RAR.

BACKGROUND

This application is being brought to Council to:

- i. Consider the Officer Recommendation in the attached RAR; and
- ii. Be informed that the RAR and Council resolution will be referred to the JDAP on Wednesday 25 May 2022 for its determination in accordance with the *Planning and Development (Development Assessment Panel) Regulations 2011 (DAPS Regs)*.

Further background information is provided in the RAR.

OFFICER COMMENT

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

ATTACHMENTS

- 10.1.7(a) Development Plans [under separate cover]
- 10.1.7(b) Applicant's planning report [under separate cover]
- 10.1.7(c) Transport Impact Statement [under separate cover]
- 10.1.7(d) Road Safety Assessment Report [under separate cover]
- 10.1.7(e) Updated Traffic Impact Statement [under separate cover]
- 10.1.7(f) Updated Road Safety Assessment Report [under separate cover]
- 10.1.7(g) MRWA letter [under separate cover]
- 10.1.7(h) DRP Report & Recommendations [under separate cover]
- 10.1.7(i) Neighbour submissions (redacted) [under separate cover]
- 10.1.7(j) Applicant's response to submissions and DRP Report & Recommendations [under separate cover]
- 10.1.7(k) Responsible Authority Report [under separate cover]

CONSULTATION

Please refer to the attached RAR.

STATUTORY IMPLICATIONS

Please refer to the attached RAR.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 4: Managing Development

RESOURCE IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved Mayor Young

Seconded Cr Barrett

THAT Council SUPPORTS the following Responsible Authority Recommendation to the DAP:

It is recommended that the Metro Inner-North Joint Development Assessment Panel resolve to:

Approve DAP Application reference DAP22/02156 and accompanying plans received 4 & 17 March 2022 for two, two-storey dwellings; and drawings SK-100 (rev.05), SK-101 (Rev. 05), SK-102 (Rev. 05), SK-110 (Rev. 06), SK111 (Rev. 08), SK112 (Rev. 08), SK113 (Rev. 04), SK-200 (Rev.08), SK-201 (Rev. 08), SK-600 (Rev. 10), and SK-601 (Rev. 10) received 4 May 2022 for a two-storey office development and roof sign, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the Town of Cottesloe's Local Planning Scheme No. 3, subject to the following conditions and advice notes:

Dwellings

1. All water draining from roofs and other impermeable surfaces should be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.
2. The finish and colour of the boundary wall(s) facing the adjoining side boundaries shall be to the satisfaction of the Town.
3. Any proposed fencing within the front setback area shall be visually permeable above 1.2m of natural ground level, measured from the primary street side, except where shown on the approved plans. Details to be shown at the Building Permit stage.
4. Walls, fences and other structures shall be truncated or reduced to no higher than 0.75m within 1.5m of where the driveway joins the front boundary/street. Details to be shown at the Building Permit stage.
5. Plant and equipment, including air-conditioning units, should be designed, positioned and screened so as to not be visible from the street; designed to integrate with the building; or located so as not to be visually obtrusive.
6. Finalisation of the subdivision issued by the Western Australian Planning Commission on 21 April 2022 (Application No: 161866) and new Certificates of Title being issued for the proposed lots prior to occupation.
7. A tree for each dwelling shall be provided within a minimum 2m x 2m tree planting area that is free of impervious surfaces and roof cover to the satisfaction of the Town.
8. The development shall satisfy the conditions specified in the Main Roads Western Australia (MRWA) letter dated 18 February 2022 (or as amended).

Advice notes

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and

obtaining approval prior to undertaking the works.

3. The owner/applicant is responsible for applying to the Town for new crossover(s) and obtaining approval prior to commencement of works. In this regard, the width of the crossover(s) may be less than the driveway widths shown on the approved plans.
4. The owner/applicant is requested to liaise with adjoining landowners prior to undertaking works that may affect the health of trees located on adjoining lots or altering dividing fences.
5. The owner/applicant is advised that the lots may be required to be subdivided and new Certificate of Titles be issued prior to the granting of a Building Permit.
6. All construction work shall be carried out in accordance with the requirements of the Environmental Protection (Noise) Regulations 1997.
7. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
8. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

Office and roof sign

1. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site, where climatic and soil conditions allow for the effective retention of stormwater on-site.
2. Plant and equipment, including air-conditioning units, shall be designed, positioned and screened so as to not be visible from the street; designed to integrate with the building; or located so as not to be visually obtrusive.
3. The development shall satisfy the conditions specified in the Main Roads Western Australia (MRWA) letter dated 18 February 2022 (or as amended).
4. The proposed roof sign shall only display static advertising (non-digital). Details to be submitted at the Building Permit stage to the satisfaction of the Town.
5. Vehicle parking for the office use shall be provided on-site, together with end-of-trip facilities/bicycle parking, as shown on the approved plans.
6. A detailed landscaping plans shall be submitted for the proposed non-residential development to the satisfaction of the Town and maintained at the applicant's cost.
7. The external profile of the development as shown on the approved plans not being changed, except with the written consent of the Town.
8. All external glazing to the ground floor office tenancy shall be visually permeable (clear glass) to provide visual interest to the building at street level. Details to be submitted at the Building Permit stage to the satisfaction of the Town.
9. Finalisation of the subdivision issued by the Western Australian Planning Commission on 21 April 2022 (Application No: 161866) and new Certificates of Title being issued for the proposed lots prior to occupation.

Advice Notes:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the

approved plans are correct and that the proposed development is constructed entirely within the owner's property.

2. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.
3. The existing redundant crossover(s) shall be removed and the verges, kerbs and all surfaces made good at the applicant's expense to the satisfaction of the Town.
4. The owner/applicant is responsible for applying to the Town for new crossover(s) and obtaining approval prior to commencement of works.
5. The owner/applicant is responsible for obtaining approval for a separate Signage Licence from the Town.
6. In respect to Condition 4, the applicant/owner may be required to obtain the separate approval of MRWA.
7. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
8. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

OCM061/2022

COUNCILLOR AMENDMENT

Moved Cr Sadler

Seconded Cr Wylynko

1. That under the DWELLINGS section of the resolution the following Advice Note is added:
 - (9) The owner/applicant is responsible for ensuring that the land is suitable for the proposed development and that any appropriate remediation of the site has occurred prior to works being commenced, in accordance with the Department of Water and Environment Regulations. This is separate to the planning approval process.

Carried 9/0

OCM062/2022

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

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

It is recommended that the Metro Inner-North Joint Development Assessment Panel resolve to:

Approve DAP Application reference DAP22/02156 and accompanying plans received 4 & 17 March 2022 for two, two-storey dwellings; and drawings SK-100 (rev.05), SK-101 (Rev. 05), SK-102 (Rev. 05), SK-110 (Rev. 06), SK111 (Rev. 08), SK112 (Rev. 08), SK113 (Rev. 04), SK-200 (Rev.08), SK-201 (Rev. 08), SK-600 (Rev. 10), and SK-601 (Rev. 10) received 4 May 2022 for a two-storey office development and roof sign, in

accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the Town of Cottesloe's Local Planning Scheme No. 3, subject to the following conditions and advice notes:

Dwellings

1. All water draining from roofs and other impermeable surfaces should be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.
2. The finish and colour of the boundary wall(s) facing the adjoining side boundaries shall be to the satisfaction of the Town.
3. Any proposed fencing within the front setback area shall be visually permeable above 1.2m of natural ground level, measured from the primary street side, except where shown on the approved plans. Details to be shown at the Building Permit stage.
4. Walls, fences and other structures shall be truncated or reduced to no higher than 0.75m within 1.5m of where the driveway joins the front boundary/street. Details to be shown at the Building Permit stage.
5. Plant and equipment, including air-conditioning units, should be designed, positioned and screened so as to not be visible from the street; designed to integrate with the building; or located so as not to be visually obtrusive.
6. Finalisation of the subdivision issued by the Western Australian Planning Commission on 21 April 2022 (Application No: 161866) and new Certificates of Title being issued for the proposed lots prior to occupation.
7. A tree for each dwelling shall be provided within a minimum 2m x 2m tree planting area that is free of impervious surfaces and roof cover to the satisfaction of the Town.
8. The development shall satisfy the conditions specified in the Main Roads Western Australia (MRWA) letter dated 18 February 2022 (or as amended).

Advice notes

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and obtaining approval prior to undertaking the works.
3. The owner/applicant is responsible for applying to the Town for new crossover(s) and obtaining approval prior to commencement of works. In this regard, the width of the crossover(s) may be less than the driveway widths shown on the approved plans.
4. The owner/applicant is requested to liaise with adjoining landowners prior to undertaking works that may affect the health of trees located on adjoining lots or altering dividing fences.
5. The owner/applicant is advised that the lots may be required to be subdivided and new Certificate of Titles be issued prior to the granting of a Building Permit.

6. All construction work shall be carried out in accordance with the requirements of the Environmental Protection (Noise) Regulations 1997.
7. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
8. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
9. The owner/applicant is responsible for ensuring that the land is suitable for the proposed development and that any appropriate remediation of the site has occurred prior to works being commenced, in accordance with the Department of Water and Environment Regulations. This is separate to the planning approval process.

Office and roof sign

1. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site, where climatic and soil conditions allow for the effective retention of stormwater on-site.
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3. The development shall satisfy the conditions specified in the Main Roads Western Australia (MRWA) letter dated 18 February 2022 (or as amended).
4. The proposed roof sign shall only display static advertising (non-digital). Details to be submitted at the Building Permit stage to the satisfaction of the Town.
5. Vehicle parking for the office use shall be provided on-site, together with end-of-trip facilities/bicycle parking, as shown on the approved plans.
6. A detailed landscaping plans shall be submitted for the proposed non-residential development to the satisfaction of the Town and maintained at the applicant's cost.
7. The external profile of the development as shown on the approved plans not being changed, except with the written consent of the Town.
8. All external glazing to the ground floor office tenancy shall be visually permeable (clear glass) to provide visual interest to the building at street level. Details to be submitted at the Building Permit stage to the satisfaction of the Town.
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Advice Notes:

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6. In respect to Condition 4, the applicant/owner may be required to obtain the separate approval of MRWA.
7. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
8. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

Carried 9/0

COUNCILLOR RATIONALE:

1. While not a planning consideration, it is essential that owner/application complies with the Department of Water and Environment Regulations and that this is in the public domain.

10.1.5 PROPOSED MRS AMENDMENT 1389/57 TO REZONE LOT 556 CURTIN AVENUE, COTTESLOE (THE MCCALL CENTRE) FROM 'PUBLIC PURPOSES - SPECIAL USES RESERVE' TO 'URBAN ZONE'

Directorate: Development and Regulatory Services
Author(s): Wayne Zimmermann, Manager of Planning
Authoriser(s): Freya Ayliffe, Director Development and Regulatory Services
File Reference: D22/13423
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

The Western Australian Planning Commission (WAPC) has resolved to prepare an amendment under section 35 of the *Planning and Development Act 2005* to the Metropolitan Region Scheme (MRS) to transfer Lot 556 Curtin Avenue, Cottesloe (including the McCall Centre), as shown in Figure 1 below, from the 'Public Purposes - Special Uses reservation' to the 'Urban' zone (**Attachment 1** - WAPC Scheme Amendment Report). The MRS Amendment report also indicates that should the proposed 'Urban' zoning be supported, under Section 126(3) of the *Planning and Development Act 2005*, the Towns of Cottesloe and Mosman Park have the option of requesting the WAPC to concurrently rezone the land to a 'Development' zone (or similar) in the respective Local Planning Schemes (LPS).

The WAPC is seeking comments from Council regarding the MRS amendment. Consultation closed on 29 April 2022 however, the Town has been granted an extension of time until 27 May 2022 to make a submission.

This report examines the proposed change to current reservation of the land and provides comments and a recommendation on the proposed MRS Amendment including advice on the option of a concurrent rezoning in Local Planning Scheme No.3 (LPS 3).

OFFICER RECOMMENDATION IN BRIEF

That Council advises the WAPC that:

- It has concerns about the proposed Metropolitan Region Scheme Amendment 1389/57 - Lot 556 Curtin Avenue, Cottesloe (The McCall Centre) due to its inconsistency with the strategic planning that has been previously undertaken for the site and its surrounds and unresolved planning issues affecting the land; and
- It submits this Council Report and attachments to the Western Australian Planning Commission providing comments and reasons for the Council's concerns about the proposed Metropolitan Region Scheme Amendment 1389/57 Lot 556 Curtin Avenue, Cottesloe (The McCall Centre).

BACKGROUND

Lot 556 Curtin Avenue (the McCall Centre site), is traversed by the local government boundary between the Town of Mosman Park and the Town of Cottesloe. It is approximately 8,028m² in area with approximately 80 percent of the site (6,395 m²) falling within the Town of Cottesloe, and the balance (approximately 1,650 m²) located within the Town of Mosman Park (Figure 2 – Aerial Photograph of site).

The site is owned by the State Government and is occupied by the former Cottesloe Cable Station built in 1926, which is listed on the State Register of Heritage Places. The Cable Station was one of only two purpose-built facilities in Western Australia. The place is associated with the submarine cable system of communication which played an important role in improving communications between Australia and the rest of the world.

It forms a landmark feature on high ground along the coastal landscape between Cottesloe and Leighton. To the west of the McCall Centre is the Vlamingh Memorial which marks the site where Dutchman Willem de Vlamingh and a party of his men set foot on the mainland of Western Australia on 5 January 1697.

In 1990, in response to years of community lobbying, the State Cabinet approved the principle of establishing a regional park on the Leighton Peninsula. This was followed by the Leighton Park Peninsula Study undertaken by the WAPC, chaired by the then Member for Cottesloe, Hon. Colin Barnett MLA, with representatives from the City of Fremantle and Towns of Cottesloe and Mosman Park.

In 1997, the Western Australian State Government decided to establish a network of linked open spaces between the river and sea to be named 'The Vlamingh Parklands', to commemorate the explorer's arrival 300 years earlier. This culminated in the publication of the Vlamingh Parklands Report, October 1998, which included recommendations to make the most of the natural and historical attributes of this unique part of the metropolitan area.

The Vlamingh Parklands report identified that the McCall Centre had the potential to become a major attraction linking together the existing attractions of Buckland Hill, the WWII era gun emplacement and tunnels, and the coast. It was recommended that the McCall Centre include a café/restaurant and that additional parking be provided on the land to the north.

In recent years the buildings on the site have been known as the McCall Centre and were occupied by the Department of Child Protection and Family Support until 2016. The buildings have been unoccupied since then.

The site is located in an area, which over approximately 30 years has been subject to a number of strategic planning projects and studies for the future planning and conservation of the Leighton Beach Peninsula. The projects and studies include:

- The Fremantle Regional Planning Strategy (FRPS) (1994);
- The Vlamingh Parklands Study (1998);
- The Leighton Regional Planning Guidelines (2000);
- Fremantle to Cottesloe Transport Plan (August 2001);
- MRS Amendment No.1074/33 - Leighton Beach and Environs (proposed August 2004 - gazetted June 2009);

- The Leighton Oceanside Parklands Masterplan (2007); and
- Previous MRS Amendment Proposal for 'Urban' zoning over the McCall Centre (2016).

The resultant plans and reports were prepared in close consultation with numerous stakeholders including, but not limited to, State Government, Landgate, Main Roads Western Australia, neighbouring local governments at the Town of Cottesloe, City of Fremantle, Town of Mosman Park and community groups.

The McCall Centre property was entered in the State Register of Heritage Places on a permanent basis on 8 January 1999 (Government Gazette). It is also on the Town's Heritage List under LPS No.3 as a place of higher-order local cultural heritage significance, being classified as Category 1 in the Town's Municipal Inventory (MI).

OTHER CONSIDERATIONS

Environmental Impacts

The WAPC referred the proposed Amendment to the Environmental Protection Authority (EPA) for advice on whether environmental assessment would be required. The EPA has determined that the proposed amendment does not require formal assessment under Part IV of the *Environmental Protection Act 1986*. It has advised that the implementation of the Scheme may result in clearing of vegetation including potential habitat for endangered black cockatoos, and impact to Aboriginal and heritage values.

The EPA also advises that any future development of the land needs to carefully consider retention of existing trees and vegetation on the site and any impacts on the heritage values.

Aboriginal Heritage

The WAPC have advised that the amendment will be referred to the South West Aboriginal Land and Sea Council (SWALSC) during the formal advertising period. The SWALSC is the recognised Native Title Representative Body for Western Australia's southwest region.

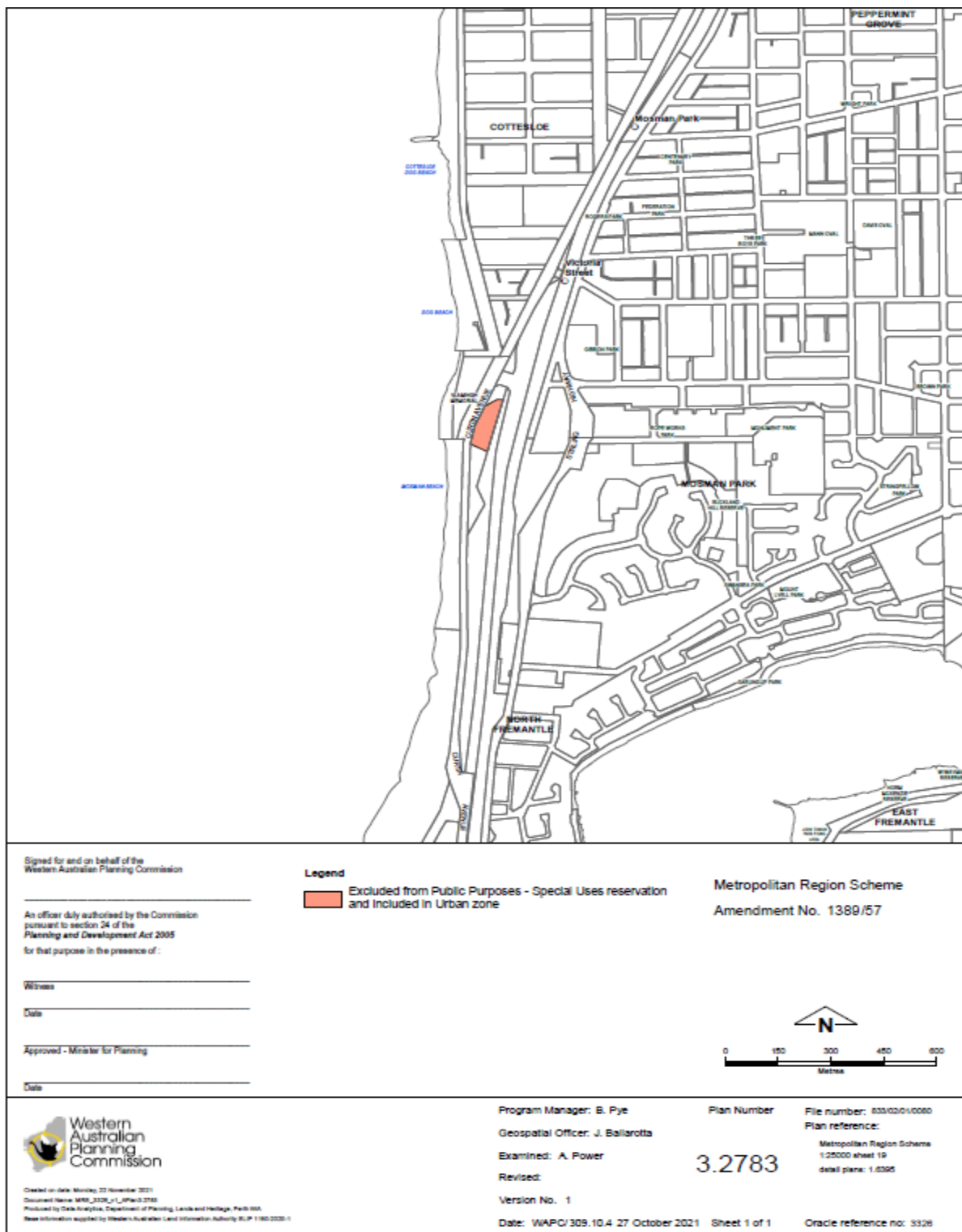


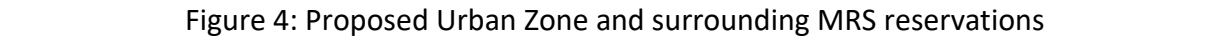
Figure 1: Proposed MRS Amendment



Figure 2: Aerial Photograph of site

EXISTING METROPOLITAN REGION SCHEME (MRS)

The MRS is a statutory planning scheme for the Perth metropolitan region and the principal statutory mechanism for implementing future strategic land use and infrastructure proposals. The site is currently reserved for 'Public Purposes - Special uses' under the MRS (Figure 3 - MRS Reservation over the site). The proposed 'Urban' zoning of the land and surrounding reservations in the MRS is shown in Figure 4 below.



PREVIOUS MRS AMENDMENTS

MRS Amendment - Report No. 1074/33 – Leighton Beach and Environs (proposed August 2004 - gazetted June 2009)

The subject site was previously rezoned from 'Urban' to 'Public Purposes – Special Use', as part of a MRS Amendment - Report No. 1074/33 - Leighton Beach and Environs (gazetted on 19 June 2009) that included a number of other sites (Figure 5 below). At the time of that MRS amendment, the Public Purpose – Special Use reservation was considered the only appropriate reservation for the sites to accommodate and secure the existing uses, being the Beehive Montessori School and the McCall Centre.

The site at the time was used by the Department for Community Development as a hostel and training centre for adolescents (juvenile rehabilitation) and this was intended to continue and further develop.

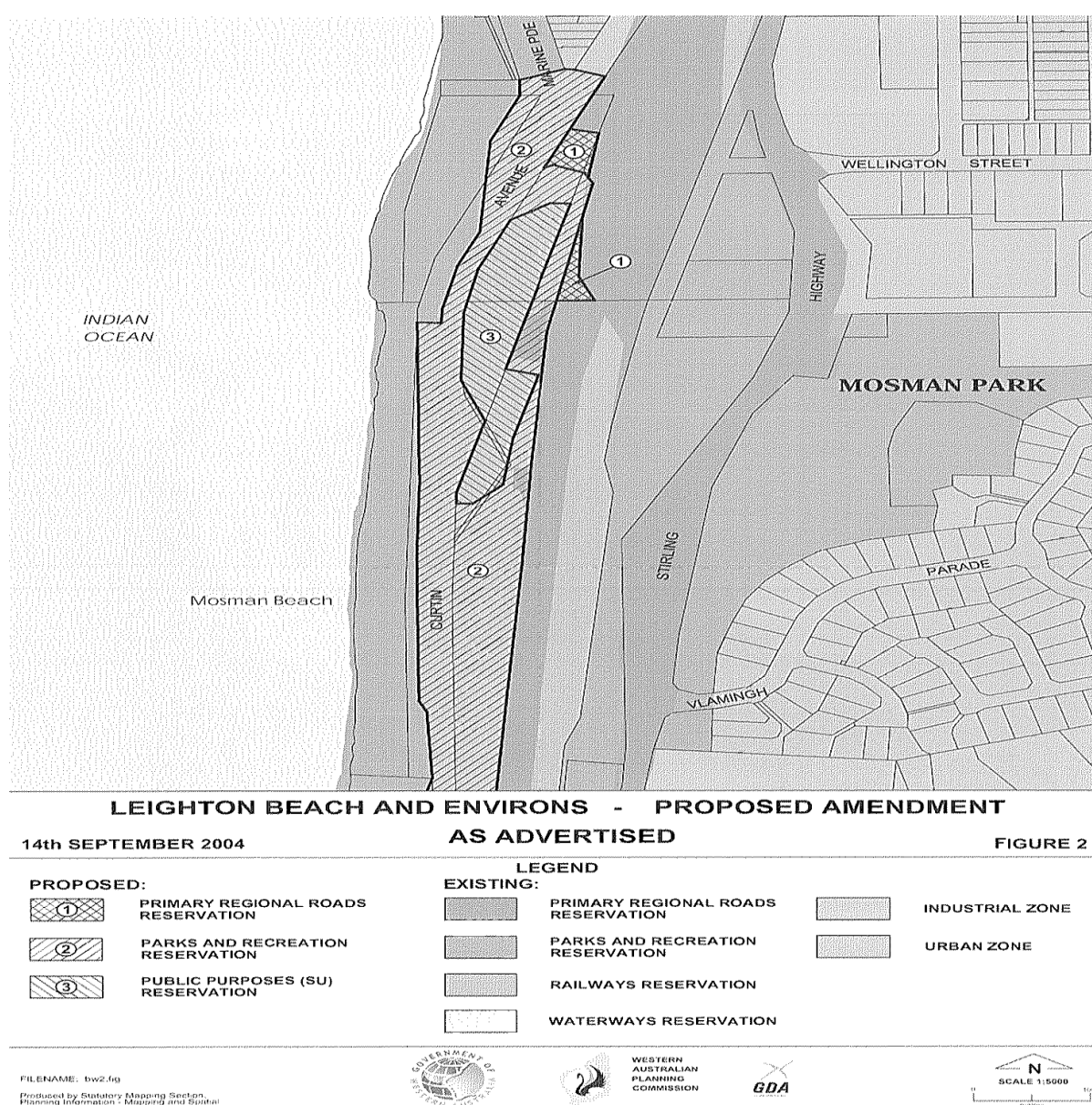


Figure 5: Part of MRS Amendment No. 1074/33 that included site

Prospective MRS Amendment - Lot 225 (No.1) Curtin Avenue, Mosman Park & Lot 346 (No.2) Curtin Avenue, Cottesloe

A previous proposal to rezone the site to Urban under the MRS was refused in 2017 due to unresolved issues including coastal setback requirement, regional road impacts and insufficient information regarding the potential future development of the site. No reference is made in the current Amendment report to this proposal.

OFFICER COMMENT

The MRS Amendment Report includes discussion of the proposal from a strategic and statutory planning perspective. The following comments are provided on this discussion.

STATE AND REGIONAL STRATEGIC PLANNING CONTEXT**Perth and Peel @ 3.5 Million and Central Sub-regional Planning Framework**

The MRS Amendment report acknowledges that the McCall Centre site is not identified in either of these strategic planning documents as suitable for urban development. The Perth and Peel @ 3.5 Million suite of planning documents provides a vision of the possible future development outcome for the growth of the Perth and Peel regions. The Central Sub-regional Planning Framework (the Framework) identifies the site as 'Public Purposes' consistent with the current reservation in the MRS, and the surrounding adjacent land is designated as 'Green Network' and 'Urban Corridor'.

The MRS Amendment report contends that although the subject land is not designated as part of an Activity Centre, an Urban Corridor or a Station Precinct in the Framework, the amendment is broadly consistent with the intent of the Framework as:

- The site is located adjacent to or in close proximity to land designated as 'Urban Corridor' or 'Station Precinct' in the Framework; and
- The proposed 'Urban' zoning will facilitate the adaptive re-use of heritage buildings on the site which would ensure the conservation and protection of the heritage values of the site and make a positive contribution to the character and sense of place of the locality.

The MRS Amendment report fails to reference or consider the extensive strategic planning that has been undertaken over the past three decades for the Leighton Beach and Environs, including the subject land and its surrounds. Although the grounds for the proposed change to an 'Urban' zone may have some merit, it is considered inappropriate to ignore the findings and resultant plans prepared in close consultation with numerous stakeholders and the broader community.

The foundation of the Framework is a consolidated urban form with an integrated land use and movement network that maximises the use of existing infrastructure and avoids and protects regionally-significant environmental attributes where appropriate. The core objectives of the Framework include to:

- encourage and guide increased connectivity between areas of open space or conservation and protect areas with regional conservation and landscape value through an integrated green network and establish the elements and functions of the green network in supporting an active and healthy community; and

- facilitate and support a future regional infrastructure network including transport, service, community, social, health, tertiary education, regional sport and recreation infrastructure.

A strategic direction/priority of the Framework is to target urban consolidation precincts (including urban corridors and station precincts) and examine opportunities for increased residential and mixed-use densities where appropriate. The framework specifically aims to minimise the impact of urban consolidation, in particular, infill development on existing suburbs, and retain the existing built-up residential character and amenity by:

- identifying targeted increases in the density and diversity of mixed-use development, housing and employment that have the most potential to occur in activity centres, industrial centres, urban corridors and station precincts;
- ensuring urban consolidation precincts have access to existing and future high-frequency public transit including bus and rapid bus transit routes, passenger rail; and
- protecting the green network of high-quality natural areas such as parks, rivers, beaches and wetlands and the linkages between these areas”.

The identification of the site for ‘Public Purposes’ in the Framework recognises the historical uses of the land as a telegraph cable station and community support services facility. Although the site is located in proximity to an urban corridor and station precinct identified under the Framework, there is insufficient information in the Framework to support the assertion that the proposed ‘Urban’ zoning in the Amendment is broadly consistent with the intent of the Framework.

The Framework is a first step in the ongoing process of refining and detailing planning proposals for the Central Sub-Regional area of Perth. Therefore in considering the proposed change to an ‘Urban’ zone for the McCall site, a proper and thorough examination should be undertaken of the regional significance of the site, not only for potential urban infill purposes but also for community and recreational purposes. This includes consideration of the previous strategic planning that has been undertaken for the Leighton Beach and Environs, including the subject land. Without this examination, it is arbitrary to claim that the proposed ‘Urban’ zoning is an extension of the boundaries of the urban corridor and station precinct identified in the Framework.

Treating the McCall Centre site in this way infers that it is a suitable site in principle for higher density urban development. This assumption disregards the potential adverse impacts such development is likely to have on the conservation and retention of the former Cable Station building, including the landmark views to and from the building. It is considered the justification the WAPC is promoting for the ‘Urban’ zoning of the site fails to address this issue. It would also establish a precedent for other similar MRS amendments to occur, in conflict with the objective of achieving coordinated and integrated urban development in accordance with the Framework.

In terms of the other WAPC rationale for the MRS Amendment being the adaptive re-use of the buildings on the site, it is considered that this is unnecessary as the conservation and adaptive reuse of significant heritage buildings for commercial and/or publicly-accessible land uses is possible under a Public Purposes - Special Use reservation. An example of this is the Old Swan Brewery buildings on Mounts Bay Road in Perth, which is a Special Use reserve under the MRS and contains a range of hospitality, entertainment, tourism-orientated

businesses, office related uses and private residential apartments in the existing heritage buildings.

PREVIOUS STRATEGIC PLANNING OF THE AREA

The Fremantle Regional Planning Strategy (FRPS), Vlamingh Parklands Report, Leighton Regional Planning Guidelines, Leighton Oceanside Parklands Masterplan and Fremantle to Cottesloe Transport Plan

These strategic planning documents form the basis of a longstanding community vision to establish an integrated parkland in the surrounds of the Leighton Peninsula. The FRS recommended the establishment of integrated parkland network within the peninsula to provide public open space linkages between the Swan River and the coast.

In 1998 the WAPC published the Vlamingh Parklands Report which articulated the recommendations of the FRPS in the form of a concept plan. The southern corner of the Town of Cottesloe forms part of the Vlamingh parklands, which extend into Mosman Park and North Fremantle. This regional parkland is reserved 'Parks and Recreation' in the MRS. Proposals recommended in the Vlamingh Parklands Report include upgrading of the Vlamingh Memorial, re-vegetation around the site and possible future conversion of the McCall Centre into an interpretation centre and café with car parking.

The Leighton Regional Planning Guidelines (WAPC, 2000), which followed the Vlamingh Parklands Report, set broad planning parameters to guide future decision making. The Guidelines included a heritage management strategy which identified the McCall Centre as a significant site.

The Guidelines are intended to be the basis for the preparation of amendments to the MRS and provide guidance to government, the community and future landowners and occupiers as to the future use and development of landholdings in the Leighton Peninsula locality. The Leighton urban village redevelopment project has been implemented in the southern part of the Peninsula, providing residential apartments, restaurants, cafes and some small scale mixed use development consistent with the Guidelines.

The Leighton Guidelines indicate that the McCall Centre and the Beehive Montessori School could be included in the foreshore Parks and Recreation area. Further, the McCall Centre could be developed with recreation related facilities such as a café, restaurant or a visitor centre to enable the refurbishment of this heritage building and to provide greater opportunity for public access. Under the proposed MRS Amendment the potential future land uses contemplated for the site are restaurant, residential building, single house, grouped dwelling, bed and breakfast, short-stay accommodation, educational establishment, medical centre, tavern, small bar and reception centre. The provision of a restaurant and reception centre are consistent with those envisaged under the Leighton Guidelines however, justification is lacking for the other land uses mentioned.

Although the MRS Amendment Report includes information on coastal planning requirements, heritage matters, bushfire risk and road and rail noise issues, this information fails to consider the previous strategic planning that has occurred over the past three decades. It provides little guidance as to the suitability of the potential future land uses and development, and focuses instead on the intent of the scheme amendment to demonstrate the capability of the site of supporting urban land use.

The MRS Amendment documentation indicates that the suitability of future land uses will be determined through the structure planning process which will be considered once the rezoning to 'Urban' occurs. This approach is questionable as an 'Urban' zoning in the MRS provides for a broad range of land uses to be considered on the site that may not be suitable. In addition, under the *Planning and Development (Local Planning Schemes) Regulations 2015* a structure plan must be prepared in a manner and form approved by the WAPC and is determined by the WAPC. Consequently Local government and the community may have limited say in what uses are approved for the site.

The strategic planning for this area needs to be revisited and updated where necessary before any decision is made to support the change to 'Urban' and the contemplated land uses for the site. It is vital that this occur given the relative isolation of the land from existing residential, commercial and tourism development, constraints on the redevelopment of the site (i.e. heritage protection, vehicle and pedestrian access, retention of existing vegetation and bushfire hazard issues) and the importance of integrating any proposed urban land uses with the surrounding parks and recreation and public purpose reservations under the MRS. This would also allow for proper engagement with the public to explore other opportunities for use of the site that could provide for greater public benefit than simply the sale of the site and its reuse for commercial and private purposes

The Guidelines also indicate that the building's relative proximity to the proposed new railway station at Wellington Street strengthens the case for a more public and commercial use of the building and that future uses will be guided by the conservation management plan (CMP) prepared for the site. The proposed MRS Amendment Report does not include a CMP making it difficult to understand if there are issues restricting the reuse of the buildings and their surrounds. In addition the Guidelines proposed a widening of the Parks and Recreation reserve over part of Leighton Beach area and reservation of land for public open space in the Town of Mosman Park which was reflected in an associated MRS Amendment 1074/33 gazetted on 19 June 2009 (Figure 5).

The MRS Amendment Report also fails to mention the previous transport studies and MRS requirements that impact on access to and from the site and connection with other development areas in the locality. One such study is the Fremantle to Cottesloe Transport Plan, August 2001. The Plan includes objectives to implement transport planning that minimises the impact on the community and the environment, to provide for the safe convenient movement of pedestrians and cyclists, and to manage the demand for travel by car. It discusses an upgrade option for Victoria and Wellington Street involving a new east west road at Wellington Street passing under the railway, crossing the north south road at a signalised intersection. (Figures 6 & 7 below).

The intent of the new graded road link at Wellington Street would be to eliminate the existing crossing at Victoria Street. The McCall Centre site is located directly below the proposed Wellington Street connection and this should be carefully considered as part of the proposed rezoning to Urban.

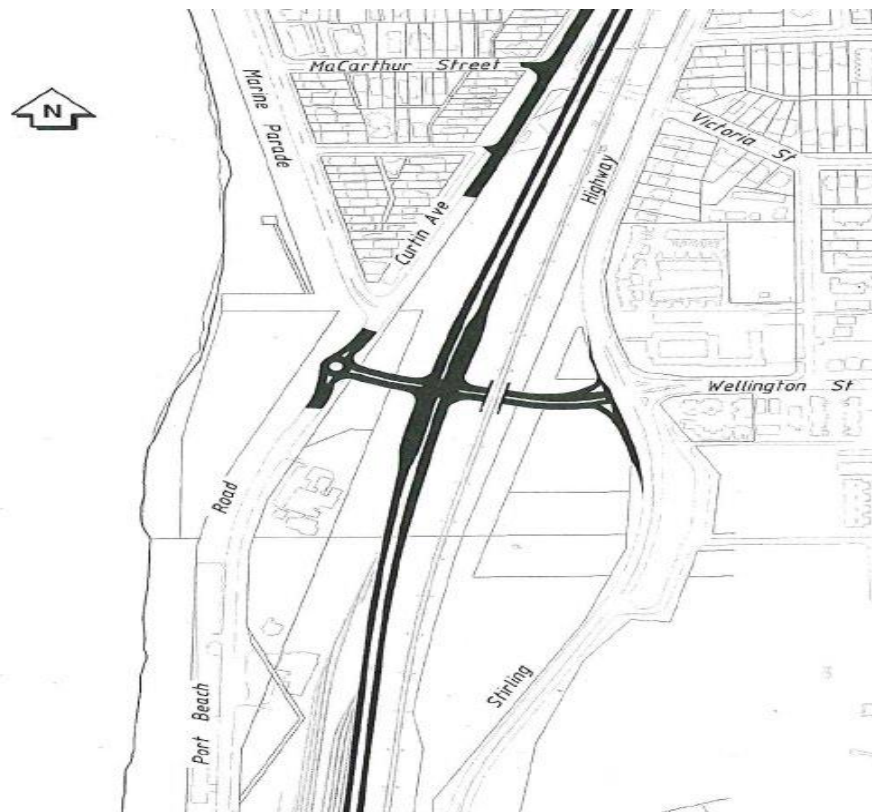


Figure 6: Option for Wellington Street Connection



Figure 7: Road reservations in MRS

In May 2005, the WAPC commenced public consultation to develop a shared vision for the Leighton Oceanside Parklands. This included the formation of a community stakeholder

reference group (CSRG) comprising 20 participants to provide ongoing detailed input into the development of the Masterplan. A draft Leighton Oceanside Parklands Masterplan report was prepared which concentrated public coastal access and recreational facilities in three areas referred to as the 'southern area' (Leighton Node), 'central area' (south of the footbridge), and 'northern area' (immediately south of the Beehive School). Consultation including public forums, identified strong community support for three more intensive nodes of development, one at the surf club node, one at the footbridge, and a third at the Vlamingh Memorial and McCall Centre.

The project area at the northern node included the foreshore reserve and Port Beach Road reserve as far north as the Vlamingh Memorial but excluded the McCall Centre and Beehive School on the grounds that these parcels of land were the subject of existing government use and leases (Figure 8 below). The draft Leighton Oceanside Parklands Masterplan report indicated that although the existing uses were to be retained, the relationship of these uses in the context of the future public use needs to be considered.

The WAPC agreed to include the CSRG's proposed Northern Node Concept B in Appendix 3 of the draft masterplan report (Figure 9 below), noting that the treatment of this area was one of the most contentious issues raised throughout the consultation period. All reference to the Northern Node Concept Plan was subsequently removed without further consultation from the final version of the Leighton Oceanside Parklands Masterplan Report endorsed by State Cabinet in 2007.

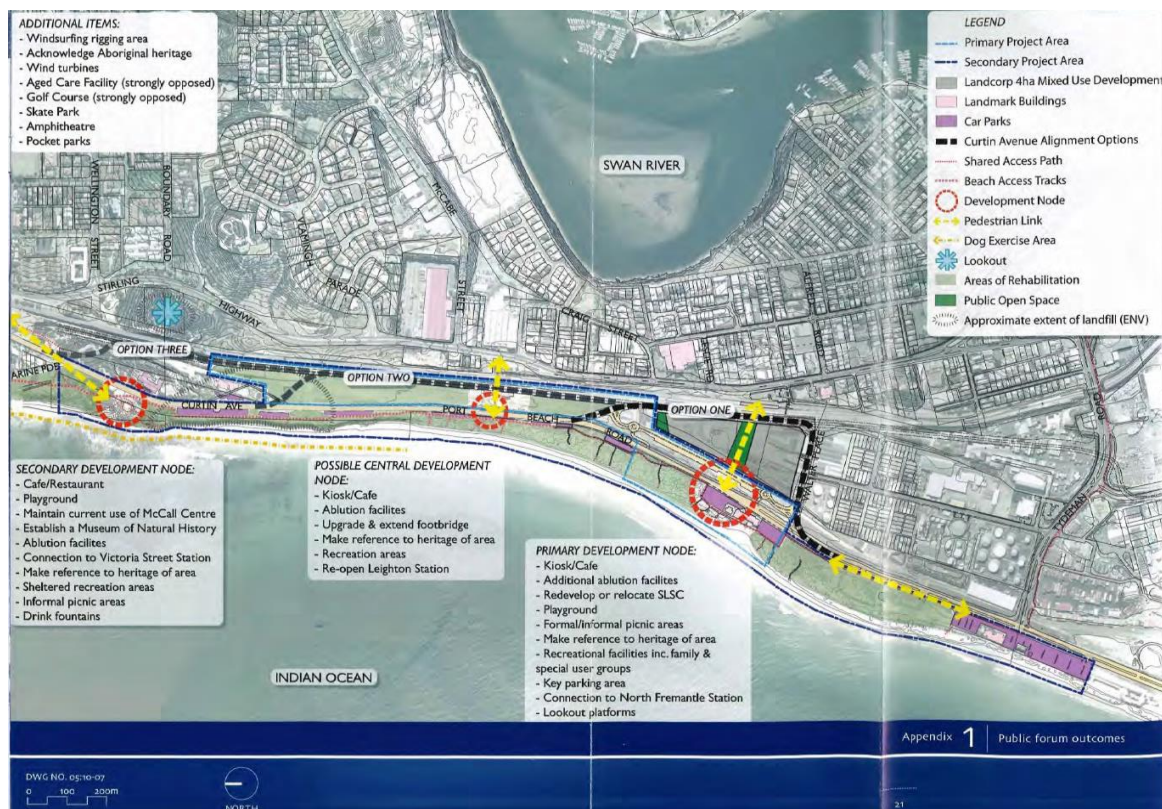


Figure 8: Draft Leighton Oceanside Parklands Report project area (including northern node)

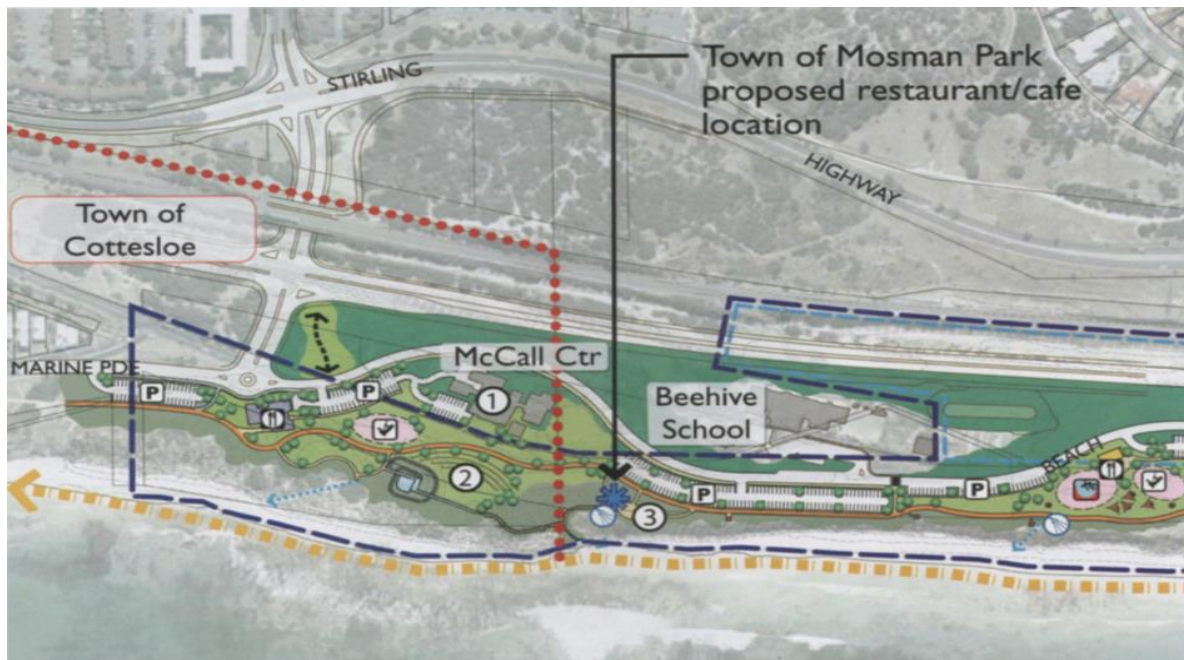


Figure 9: Northern Node Concept B as supported by the Community Stakeholder Reference Group - Leighton Oceanside Parklands Masterplan - Draft Report 2006

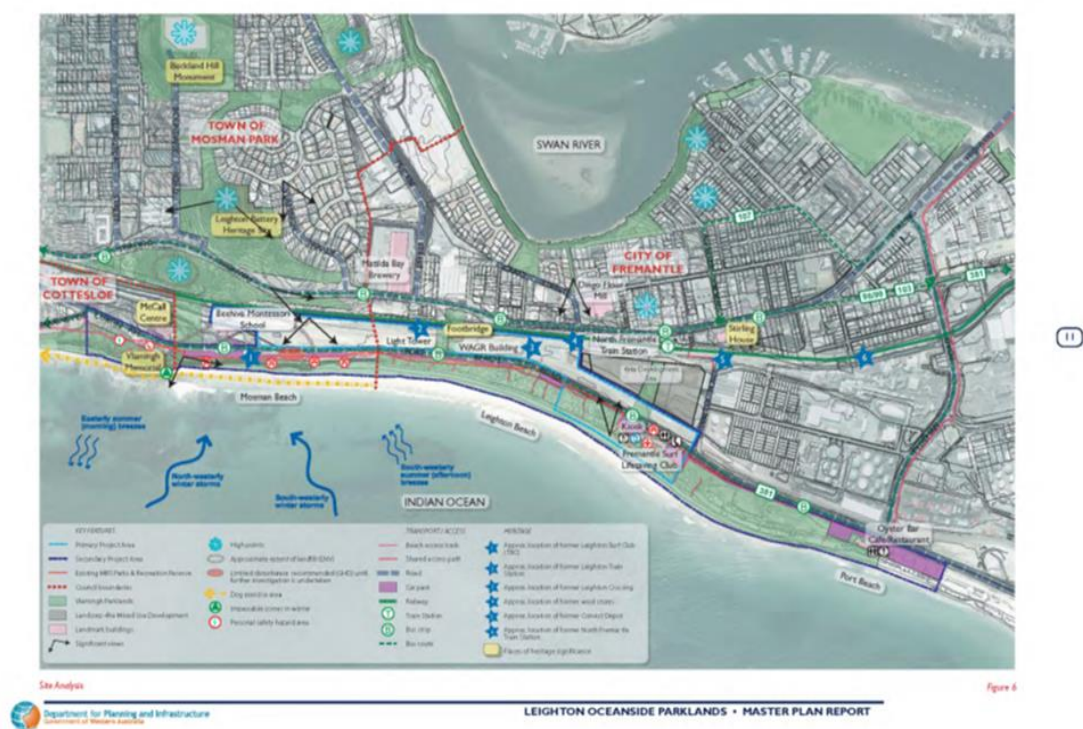


Figure 10 - Site analysis of Leighton Oceanside Parklands Study Area

In 2007, the Leighton Oceanside Parklands Masterplan Report (Attachment 2) was released as a guiding landscape document and included a site analysis of the study area (Figure 10 above). The Masterplan identifies public amenity and recreation facilities envisaged to occur in five stages of development and addresses a range of matters including the rehabilitation and suitable landscape treatment of Leighton Beach.

Therefore should the rezoning to 'Urban' proceed, any future proposal for the adaptive re-use of the buildings on the site should not preclude the ability to implement the vision of the Masterplan. Rather, it should provide an opportunity to restore a deteriorating heritage asset and improve the interface and relationship of the site with its surrounds.

LOCAL PLANNING CONTEXT

Town of Cottesloe Local Planning Strategy and Local Planning Scheme No.3

The Town of Cottesloe Local Planning Strategy (2012) identifies the site as 'Parks and Recreation'. Although the Strategy does not depict the McCall Centre site as land reserved for 'Public Purposes - Special Uses', the site is reserved for this purpose in LPS No.3. Under the current reservation the land could be used and developed for purposes associated with the surrounding open space reservation however, this isn't a specific requirement of the reservation.

The Town of Cottesloe Local Planning Scheme No.3 includes a Development zone that provides for a structure plan to be prepared for particular landholdings when required. Should the proposed rezoning to Urban be supported by the WAPC it is not recommended that the Town request the WAPC to concurrently rezone the land to a 'Development' zone as this will not provide the opportunity for consultation with the community on the need for a structure plan for the site, suitability of the contemplated uses of the land and integration of these with other land uses and development in the locality.

Town of Mosman Park Local Planning Strategy and Local Planning Scheme No.3

The Town of Mosman Park Local Planning Strategy (2013) identifies the land to the south adjoining Lot 556 Curtin Avenue (the McCall Centre site) for 'Public Purposes'. This land is currently occupied by the Montessori School under a State Government lease.

Part 5.4 'Heritage and Tourism' of the Strategy indicates that Mosman Park would benefit through investigating or considering the potential for additional recreation and dining facilities to be developed on foreshore reserves and at the rivers edge. The Strategy also indicates that the Leighton Beach locality may have potential to include a centre accommodating recreational or other activities and this should be considered.

The aims, strategies and actions in Part 7.4 of the Strategy reinforce this view including:

- To ensure that items and places of cultural heritage significance are enhanced and maintained in Mosman Park.
- Identify opportunities for tourism attractions within the Leighton Beach Area.
- Prepare a joint tourism strategy in tandem with other neighbouring local authorities in the Western Suburbs.

The Strategy does not identify or recommend any potential residential or commercial development on the land reserved for 'Public Purposes' or 'Parks and Recreation' in the Leighton Beach area. It does not provide justification for the proposed rezoning to 'Urban' in the MRS and the Town of Cottesloe is not aware of the Town of Mosman Park preparing a joint tourism strategy for its municipality.

Furthermore, the Town of Mosman Park Local Planning Scheme No. 3 does not have a zone to require the preparation of a structure plan over the land, as proposed by the WAPC in the event that the site is rezoned to 'Urban' in the MRS.

Consideration of Proposed Amendment by Town of Mosman Park and City of Fremantle

Town of Mosman Park

The Town of Mosman Park Council considered an officer's report on the proposed MRS Amendment at its meeting on 26 April 2022 and resolved to support the proposal subject to the a number of issues and matters being addressed (Refer to item 13.2.3 page 47 of the OCM Minutes: https://www.mosmanpark.wa.gov.au/wp-content/uploads/2022/05/Minutes-OCM_20220426_MIN_1019_PF-1.pdf

City of Fremantle

An officer's report on the proposed MRS Amendment was considered by the City of Fremantle Council at its Ordinary Meeting on 27 April 2022. (Refer item C2204-2 page 96 of Council Minutes: <https://www.fremantle.wa.gov.au/sites/default/files/Minutes%20-%20Ordinary%20Meeting%20of%20Council%20-%2027%20April%202022-0.pdf> and item C2204-2 page 19 of Additional Information: <https://www.fremantle.wa.gov.au/sites/default/files/Additional%20information%20-%20Ordinary%20Meeting%20of%20Council%20-%2027%20April%202022%20%28Reduced%29.pdf>

In brief the City of Fremantle Council resolved to advise the WAPC of its comments on the proposed Metropolitan Region Scheme Amendment 1389/57 – The McCall Centre, Lot 556 Curtin Avenue, Cottesloe as follows:

- It is premature until detailed planning for the implementation of the Northern Node of the Leighton Oceanside Parklands Masterplan, including further consideration of the merits of the incorporation of the Concept B design from the draft Masterplan has not been undertaken
- Further consideration should be given to retaining Lot 556 with a modified Public Purpose reservation instead of rezoning the site to Urban as the conservation and adaptive reuse of the heritage listed buildings on the site could be achieved under an appropriate Special Use reservation.
- Lot 556 should be retained and used in a manner that enhances the green network of high quality natural areas in the locality and improves linkages between these areas which would satisfy locally a key imperative of the Central Sub-regional Planning Framework. Also due to increased demand for improved access and facilities through population growth, the land would be best used to improve and expand recreation facilities along this constrained coastal foreshore.

In addition the Town has received a copy of a comprehensive public submission from a City of Fremantle Councillor opposing the sale of the McCall Centre and the site being rezoned to 'Urban' (**Attachment 3**).

Options available to Council for submission on proposed MRS AmendmentOption 1 - Proposed MRS Amendment supported as:

- The site is near an urban corridor and station precinct identified under the Central Sub-regional Planning Framework (the Framework) and the proposed rezoning to Urban will enable the preparation of a structure plan for the site to provide for other potential land uses and development of the land.
- The site is unused with the heritage listed buildings vacant and in disrepair. The rezoning to Urban has the potential to result in development that provides for conservation and adaptive reuse of the heritage listed buildings.
- The proposed rezoning to Urban will provide an opportunity for revitalisation of the site to provide for commercial and public facilities that will assist in activation of the area and revenue to fund such improvements.

Option 2 - Advise the WAPC of the concerns and comments Council has about the Proposed MRS Amendment and the reasons for these concerns as outlined below:

- The proposed rezoning of Lot 556 Curtin Avenue, Cottesloe to Urban is premature prior to detailed planning and design development being undertaken for the site and its surrounds as recommended in the Leighton Oceanside Parklands Masterplan (2007) and the Vlamingh Parklands Report (October 1998).
- The site is separated from urban development and is not identified as part of an Activity Centre, an Urban Corridor or a Station Precinct in the WAPC's two lead strategic planning documents (Perth and Peel @ 3.5 Million and the Central Sub-regional Planning Framework). Furthermore it is identified for 'Public Purposes' in the Central Sub-regional Planning Framework which recognises the historical uses of the land as a telegraph cable station and community support services facility. Therefore the claim in the Amendment report that the proposed 'Urban' zoning is broadly consistent with the intent of the Framework is unfounded.
- The proposed change to an 'Urban' zone will enable land uses and development to be considered that could adversely impact on the intended uses of the site for recreational and community purposes as identified in strategic planning projects and studies prepared over the past 30 years for the future planning and conservation of the Leighton Beach Peninsula. It is contrary to the orderly and proper planning of the locality to ignore this strategic planning prepared in close consultation with numerous stakeholders including, but not limited to, State Government, Landgate, Main Roads WA, neighbouring local governments at the Town of Cottesloe, Town of Mosman Park, City of Fremantle and community groups.
- The conservation and adaptive re-use of heritage buildings on the site, which is part of the stated reason for the MRS Amendment, could also be achieved under the existing or a modified Special Use reservation to provide for compatible new land uses consistent with the strategic planning that has been undertaken for the site and its surrounds.

It is recommended that Council endorse Option 2 as its submission on the proposed MRS Amendment.

ATTACHMENTS

- 10.1.5(a) MRS Amendment 1389/57 Report - Lot 556 Curtin Avenue, Cottesloe [under separate cover]
- 10.1.5(b) Leighton Oceanside Parklands Masterplan Report [under separate cover]
- 10.1.5(c) Copy of Public Submission on MRS Amendment [under separate cover]

CONSULTATION

The purpose of this report is to recommend a submission by the Town of Cottesloe in response to consultation being undertaken by the WAPC.

STATUTORY IMPLICATIONS

Local Government Act 1995

Metropolitan Region Town Planning Scheme Act 1959

Metropolitan Region Scheme Text (MRS)

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 4: Managing Development

Major Strategy 6.4: Enhance the Town's ability to embrace and manage change.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

This report includes comments on the EPA advice provided on the proposed MRS Amendment. There are no perceived sustainability implications arising from the officer's recommendation.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION**Moved Cr Sadler****Seconded Mayor Young**

THAT Council:

1. Advise the Western Australian Planning Commission that it does not support the proposed rezoning of Lot 556 Curtin Avenue, Cottesloe to Urban as:
 - It is premature prior to detailed planning and design development being undertaken for the site and its surrounds as recommended in the Leighton Oceanside Parklands Masterplan (2007) and the Vlamingh Parklands Report (October 1998).
 - The site is separated from urban development and is not identified as part of an Activity Centre, an Urban Corridor or a Station Precinct in the Western Australian Planning Commission's two lead Strategic Planning documents (Perth and Peel @ 3.5 Million and the Central Sub-regional Planning Framework). Furthermore it is identified for 'Public Purposes' in the Central Sub-regional Planning Framework which recognises the historical uses of the land as a telegraph cable station and community support services facility. Therefore the claim in the Amendment report that the proposed 'Urban' zoning is broadly consistent with the intent of the Framework, is unfounded.
 - The proposed change to an 'Urban' zone will enable land uses and development to be considered that could adversely impact on the intended uses of the site for recreational and community purposes as identified in strategic planning projects and studies prepared over the past 30 years for the future planning and conservation of the Leighton Beach Peninsula. It is contrary to the orderly and proper planning of the locality to ignore this strategic planning prepared in close consultation with numerous stakeholders, including, but not limited to State Government, Landgate, Main Roads Western Australia, neighbouring local governments at the Town of Cottesloe, Town of Mosman Park, City of Fremantle and community groups.
 - The conservation and adaptive re-use of heritage buildings on the site, which is part of the stated reason for the MRS Amendment, could also be achieved under the existing or a modified Special Use reservation to provide for compatible new land uses consistent with the strategic planning that has been undertaken for the site and its surrounds.
2. Authorise the Town's administration to submit this Council Report and attachments to the Western Australian Planning Commission as the Town's submission on the proposed Metropolitan Region Scheme Amendment 1389/57 Lot 556 Curtin Avenue, Cottesloe (The McCall Centre).
3. Advises the Western Australian Planning Commission that should it support the proposed rezoning to Urban, the Town objects to the concurrent rezoning of the land to a 'Development' zone as this will remove the opportunity for proper engagement with the public to examine the need for a structure plan for the site and to explore other opportunities for use of the site that could provide for greater public benefit than simply the sale of the site and its reuse for commercial and private purposes.

COUNCILLOR AMENDMENT**Moved Cr Bulbeck****No Secunder, Lapsed**

Insert as point 2

REQUESTS the WAPC to recommend to the State government that it implements the State government's and WAPC's previous commitments to develop the 'The Vlamingh Parklands', a network of open spaces that link the coastal and estuarine foreshores that define the Leighton Peninsula, an opportunity denied the people of Perth and beyond if lot 556 is privatised and eliminates the only logical route for a green link inland from the foreshore near the Vlamingh memorial.

OCM063/2022**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

1. **Advise the Western Australian Planning Commission that it does not support the proposed rezoning of Lot 556 Curtin Avenue, Cottesloe to Urban as:**
 - **It is premature prior to detailed planning and design development being undertaken for the site and its surrounds as recommended in the Leighton Oceanside Parklands Masterplan (2007) and the Vlamingh Parklands Report (October 1998).**
 - **The site is separated from urban development and is not identified as part of an Activity Centre, an Urban Corridor or a Station Precinct in the Western Australian Planning Commission's two lead Strategic Planning documents (Perth and Peel @ 3.5 Million and the Central Sub-regional Planning Framework). Furthermore it is identified for 'Public Purposes' in the Central Sub-regional Planning Framework which recognises the historical uses of the land as a telegraph cable station and community support services facility. Therefore the claim in the Amendment report that the proposed 'Urban' zoning is broadly consistent with the intent of the Framework, is unfounded.**
 - **The proposed change to an 'Urban' zone will enable land uses and development to be considered that could adversely impact on the intended uses of the site for recreational and community purposes as identified in strategic planning projects and studies prepared over the past 30 years for the future planning and conservation of the Leighton Beach Peninsula. It is contrary to the orderly and proper planning of the locality to ignore this strategic planning prepared in close consultation with numerous stakeholders, including, but not limited to State Government, Landgate, Main Roads Western Australia, neighbouring local governments at the Town of Cottesloe, Town of Mosman Park, City of Fremantle and community groups.**
 - **The conservation and adaptive re-use of heritage buildings on the site, which is part of the stated reason for the MRS Amendment, could also be achieved under the existing or a modified Special Use reservation to provide for compatible new land uses consistent with the strategic planning that has been undertaken for the site and its surrounds.**

2. Authorise the Town's administration to submit this Council Report and attachments to the Western Australian Planning Commission as the Town's submission on the proposed Metropolitan Region Scheme Amendment 1389/57 Lot 556 Curtin Avenue, Cottesloe (The McCall Centre).
3. Advises the Western Australian Planning Commission that should it support the proposed rezoning to Urban, the Town objects to the concurrent rezoning of the land to a 'Development' zone as this will remove the opportunity for proper engagement with the public to examine the need for a structure plan for the site and to explore other opportunities for use of the site that could provide for greater public benefit than simply the sale of the site and its reuse for commercial and private purposes.

Carried 9/0

ENGINEERING SERVICES**10.1.9 EAST COTTESLOE PLAYGROUND CONCEPT DESIGN**

Directorate: Engineering Services
Author(s): Parshia Queen, Engineering Technical Officer
Authoriser(s): Shaun Kan, Director Engineering Services
File Reference: D22/21862
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider the aspiration survey feedback, the attached East Cottesloe Playground Concept Plan and feedback from the Public Open Space (POS) Working Group to determine an appropriate investment option for a detail Design and Construction Tender to be advertised.

OFFICER RECOMMENDATION IN BRIEF

That Council

- NOTES the aspiration survey feedback;
- NOTES the views of the POS Working Group;
- NOTES the East Cottesloe Playground concept design; and
- APPROVES a design rationalisation to finalise a scope reduction that meets the \$340,000 allocated funding (inclusive of concept design) within the 2021/2022 Budget.

BACKGROUND

The Town of Cottesloe's Public Open Space & Playground Strategy was adopted by Council at the November 2019 Ordinary Meeting. Since then, the Vlamingh Nature Play and the Dutch Inn Playground were completed.

The East Cottesloe Playground (integration of the Purple Dinosaur and Albion Park), is the next facility on the November 2019 Council approved upgrade priority.

At the November 2021 Ordinary Council Meeting, Council resolved as follows after considering a visual summary drawing and a community engagement plan:

That Council:

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

A \$460,000 concept was developed based on feedback received. This has created a budgetary shortfall with only \$340,000 in available funding for detail design and its construction.

OFFICER COMMENT

The public consultation occurred between 29 November and 21 December 2021 through an online survey. Results are included in Attachment A.

An East Cottesloe Playground Concept was developed (Attachment B) using the comments received. The POS Working Group at its 21 April 2022 meeting has provided feedback on the design as documented on the meeting notes (Attachment C).

Preferences vary amongst the group between the options of increasing the available budget to progress the attached concept and rationalising the scope to meet funding allocations. At the May Elected Member Workshop, consensus was to refer this to Council for determination.

The \$120,000 cost difference (budget set by Council and the concept estimate) is predominantly due to the size of the site and the increase in building costs within the construction industry.

To air on the side of caution and from lessons learnt, the consultant after developing the concept that appeared to meet budget, then rebuilt the construction cost estimate by going out to quote on different items. This process is similar to a contractor's estimation methodology and is known as cost development by first principles.

To this end, the following options are available for Council to consider:

Option 1: Budget Amendment

Should Council decide to amend the budget, accessing the remainder of the cash-in-lieu contributions would be preferred, noting that this is subject to the Minister for Planning's approval and could take several weeks for a decision. Reserves are for renewals and only considered when external grant funding including rates income sources are exhausted.

Notwithstanding this, Council needs to be conscious of asset management implications in the long term. New assets would normally make up 20 percent of their whole of life costs with operational maintenance and renewals contributing to the remaining 80 percent. Based on this formula, the revised \$460,000 would be equivalent to almost two million dollars in preservation and renewals over its approximated 20 year design life.

Best financial management practices would normally require Council, depending on the level of service it wishes to establish, to transfer a portion of annual rates into a reserve to fund the replacement. This is normally equivalent to its yearly depreciation documented in asset management plans.

It would also be prudent to note that ongoing higher valued infrastructure investments funded outside contributions could require rate increases beyond consumer price indices to deliver the competing priorities within the Town's Corporate Business Plan. This appears to be the case within the Town's long term financial plan currently being compiled.

If Council were to consider this option, a budget in excess of \$460,000 would be required to allow for contingencies (design and construction) and further cost escalations within the

building industry. Given the extreme volatility of the current market, it would be extremely difficult to provide a figure that represents a high degree of certainty. It may be better for this to occur at the time of tender award.

Option 2: Scope Rationalisation

Considering the impacts of a funding revision, a more financially sustainable approach may be to rationalise the design based on the following key principles (opportunities):

- Remove the pump track considering that the future skate park approved by Council, pending funding has the same component built with a different surface;
- Subject the skills track to external funding, currently being considered by potential sponsors;
- Avoid the replication of any equipment already available in other playgrounds (basketball half courts and tennis practice walls in Jasper Green and Harvey Field);
- Prioritise and rationalise each play group area based on the available budget; and
- Combining the four points above, compact the playground closer to the Purple Dinosaur site considering the catchment around Albion Playground is more commercial. Residents there have access to Harvey Field facilities.

Whilst the consultation feedback does support certain elements, the Town's community engagement policy encourages discretionary Council decisions.

Preferred Option

Based on the above analysis, there is the opportunity for a hybrid approach that could meet the requirements of both options one and two. This is to not consider a funding increase initially and allow the concept to be rationalised first before doing so.

Any budget amendment consideration would better align to the award of the Design and Construct Tender for the East Cottesloe Playground. This approach establishes a fit for purpose scope and Council at that time of tender award only has to determine price indexes risk associated with building industry supply beyond its control.

Whilst not supported, Council can choose to increase the budget now to deliver the full scope, noting that any amendment motion to the officer's recommendation would be through an absolute majority being the voting requirement for any budget consideration.

ATTACHMENTS

- 10.1.9(a) East Cottesloe Playground Concept Plan [under separate cover]**
- 10.1.9(b) Community Aspirations Survey Feedback - East Cottesloe Playground [under separate cover]**
- 10.1.9(c) Public Open Space Working Group 21 April 2022 Notes [under separate cover]**

CONSULTATION

The consultation occurred between Monday 29 November 2021 to 21 December 2021 and the attached consultation results were used to develop the concept enclosed.

STATUTORY IMPLICATIONS

There are no perceived statutory implications arising from the officer's recommendation.
Department of Planning, Lands and Heritage have no objections to the propose land use.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 5: Providing sustainable infrastructure and community amenities

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

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

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

Major Strategy 1.4: Continue to improve community engagement.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

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

The concept is developed by consultants. Upon completion, a qualified contractor will be engaged for detail design and construction.

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

The \$460,000 concept attached exceeds the available \$340,000 budget and Council is asked to consider the options in the officer's comment section.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council:

1. THANKS all survey participants for taking the time to provide feedback;
2. THANKS the Public Open Space Working Group for their time, contributions and feedback in progressing the East Cottesloe Playground Project;
3. NOTES the attached Community Aspirations Feedback and concept for the East Cottesloe Playground;
4. DOES NOT consider a budget amendment initially; and
5. Subject to point four, REQUESTS the Administration to rationalise and prioritise the attached concept scope with the design consultant for discussion with the Public Open Space Working Group before the item returns to an Ordinary Council Meeting to approve a final concept to advertise a Design and Construct Tender.

OCM064/2022

COUNCILLOR MOTION

Moved Cr Harkins

Seconded Cr Barrett

THAT Council:

1. THANKS all survey participants for taking the time to provide feedback;
2. THANKS the Public Open Space Working Group for their time, contributions and feedback in progressing the East Cottesloe Playground Project;
3. NOTES the attached Community Aspirations Feedback and concept for the East Cottesloe Playground;
4. REQUESTS the administration to apply to the Department of Planning, Lands and Heritage to access a further \$120,000 from the developer contributions from the sale of the old depot site to make allowance for the cost increase partly contributed by significant rises in building services costs;
5. Subject to point four, by Absolute Majority, APPROVES a budget amendment to increase the budget for the East Cottesloe Playground/Landscaping to \$460,000 from the available funding source mentioned in point four (100% of which is from the Cash in Lieu payments from the old depot site developer contributions);
6. Subject to points four and five, REFERS the concept attached to the May 2022 Ordinary Council Meeting back to the Public Open Space Working Group for refinement and rationalisation of scope and cost before the item returns to an Ordinary Council Meeting to approve a final concept to advertise a Design and Construct Tender; and
7. Subject to point six, NOTES that should any required contingency funding be needed at the time of tender award to mitigate any unforeseen risk, this may need to be sourced from the Public Open Space Reserve so as to not delay progressing the works.

Lost 4/5

For: Crs Harben, Harkins, Barrett and Wylynko

Against: Mayor Young, Crs Sadler, Masarei, MacFarlane and Bulbeck

OCM065/2022

COUNCILLOR MOTION AND COUNCIL RESOLUTION (FORESHADOWED)

Moved Cr Masarei

Seconded Cr Sadler

That Council DEFERS consideration of item 10.1.9 until after the budget session planned to be held on Thursday, 26 May 2022 so that the following information can be obtained:

1. Elected Members will have an opportunity to fully understand the budgetary implications of the motion to increase funding at East Cottesloe Playground on the other public open space projects scheduled to be completed.

Carried 5/4

For: Mayor Young, Crs Sadler, Masarei, MacFarlane and Bulbeck

Against: Crs Harben, Harkins, Barrett and Wylynko

COUNCILLOR RATIONALE:

1. The recent Federal election result and the current uncertain economic times may mean there may need to be a reprioritisation of the capital expenditure applied to open public space projects.
2. A budget workshop is scheduled for Thursday 26 May 2022 for the Elected Members to discuss and fully understand the budgetary implications of our capital works programme.

The Presiding Member advised that Item 10.1.11 would be dealt with before Item 10.1.10.

10.1.11 SHARK BARRIER COMMUNITY SURVEY

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D22/22241
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider carrying out community consultation through a public survey to determine whether or not the shark barrier to remain beyond 31 March each year.

The Department of Planning, Lands and Heritage Section 91 may need amending should Council wish to proceed with the extension after considering public feedback. The Beaches and Beach Reserves Local Law 2012 allows prohibiting of surfing through installation of signs.

However, if the shark barrier extension is to occur over the long term (beyond the 2022/2023 season), Council may wish to consider amending the local law as well.

OFFICER RECOMMENDATION IN BRIEF

That Council asks the Administration to carry out a community survey to ascertain the appetite for the shark barrier to remain beyond 31 March each year. It is to be noted that permissible surfing periods in the same area would be affected should this time extension occur (Local Law changes) and is subject to State Government agreeing.

BACKGROUND

Since the shark barrier installation in October 2019, no public survey has occurred to determine the satisfaction for this service.

However, requests received each year after removal at the end of March suggests that the barrier should remain beyond this period. There have also been requests for the installation of lane markers to prevent users from swimming into one another.

This public consultation will validate whether or not this is the general view of the community. The process could possibly establish other value adding initiatives.

The current installation period was implemented to coincide with the surfing season mentioned in the Beaches and Beach Reserves Local Law 2012.

OFFICER COMMENT

Council is asked to note that DPLH Section 91 approvals (expires 2024) may need amending if the barrier installation was extended beyond March regardless. Currently, the Town's Beaches and Beach Reserves Local Law 2012 allows prohibiting surfing through sign installation but would need amending should this extension occur beyond the 2022/2023 season.

Council is asked to note that there will be maintenance contract implications associated with the extension of time for the barrier to remain installed. This would be an additional cost for structural monitoring and reporting. As an alternative, the period could be adjusted to start 1 November and end 31 April instead (currently 1 October to 31 March) to avoid incurring additional cost.

The barrier is covered by the supplier's insurance given the manufacturer's warranties (7 years until 2026) and the maintenance being carried out by them until April 2024. The item has also been included in the Town's insurance policy that will remain valid provided there is no wilful negligence (including compliance with legislation) and any damage or loss resulting is not caused by a storm event exceeding a particular intensity.

It would be prudent that information on pending approvals be included in the public survey preamble to avoid setting false expectations should Council decide to carry out the public consultation. As mitigation, discussions could occur first with State Government to determine their openness to change section 91 approvals before carrying out the survey.

Notwithstanding this, Council can ask for the community consultation to occur regardless but needs to be mindful of setting an expectation resulting from this process. This being the case, a copy of the Community Engagement Plan including the survey will be circulated amongst Council (out of session) before the survey is carried out.

ATTACHMENTS

Nil

CONSULTATION

Town of Cottesloe residents, businesses and ratepayers

Elected Members

State Government

Town of Cottesloe staff

STATUTORY IMPLICATIONS

DPLH section 91 approvals

The Town's Beaches and Beach Reserves Local Law 2012 mentions a permissible allows prohibiting surfing through the installation of signs.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

Major Strategy 1.4: Continue to improve community engagement.

The proposed community consultation will allow Council to understand the views of the community and make an informed decision that would be in their best interest based on what can be done.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

Town staff will administer the public survey.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

The proposed consultation with State Government will be able to determine any such implications.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

THAT Council:

1. REQUESTS the Chief Executive Officer to carry out a Cottesloe District wide community consultation survey to determine whether:
 - a. The shark barrier introduction has been beneficial;
 - b. There is support for the barrier to be extended to the end of April, drawing attention to implications of the Beaches and Beach Reserves Local Law 2012 and the need to obtain the support from the State Government (section 91 approvals) for any changes to the timing to occur;
 - c. Any other improvements required to the shark barrier or its operations; and
 - d. Survey respondents wishes to make any other general comments in addition to points two (a) to (c).
2. NOTES that the Community Engagement Plan will be circulated out of session amongst Council before the public survey and that a report will be tabled at an Ordinary Council Meeting upon the completion of the public consultation survey.

OCM066/2022

COUNCILLOR MOTION AND COUNCILLOR RESOLUTION

Moved Cr Sadler

Seconded Cr Barrett

That Council DEFERS the request of the Chief Executive Officer to carry out a Cottesloe District wide community survey regarding the shark barrier so that the following information can be obtained:

- 1. Risk assessment information from the installer and Town's insurers regarding**

increased likelihood or otherwise of damage occurring to the shark barrier if the season of the barrier was extended by a month (to the end of April) or moved to November-April inclusive.

2. Financial assessment of estimated costs that might occur due to the increased time of the shark barrier in the water including but not limited to - insurance, maintenance, wear and tear, reduced life-expectancy, accumulation of weed, cleaning.
3. Data gathered from the last 10 years of storms in the months of October and April to assess the potential risks and impact of adjusting the period the shark barrier is installed.
4. Feedback from discussions with the State Government to determine their openness to change the section 91 approvals.

That a report be brought back to the JULY 2022 Ordinary Council Meeting so that the merits of community consultation can be considered with the above information and if consultation proceeds that it can occur with the community being fully informed about likely costs.

Carried 9/0

COUNCILLOR RATIONALE:

Prior to proceeding to consultation it is prudent for councillors to be fully informed about any costs or risks of changing the time that the barrier is in the water.

It would not be wise to proceed to consultation if council ascertains that the costs or risks make any change to the shark barrier season untenable.

For the Cottlesloe community to provide informed responses to the shark barrier season, they need to understand the cost implications for their rates, of that decision.

10.1.10 STREET TREE POLICY

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D22/22071
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider amendments to the 2019 Street Tree Policy that provides additional objectives and delegated authority on various street tree matters towards achieving a more superior outcome.

OFFICER RECOMMENDATION IN BRIEF

That Council:

- Accepts the proposed changes mentioned and adopts the revised Street Tree Policy;
- Notes that the Street Tree Masterplan will be reviewed in accordance with the updated position statement;
- Notes that the Green Infrastructure Management Plan is in development and will incorporate any approved changes within the updated policy; and
- Notes both these documents will be brought to an Ordinary Council Meeting

BACKGROUND

The 2019 Council adopted Street Tree Policy is due for review. Over the past three years, Council has dealt with a number of issues comprising of but not limited to planting exemptions, tree removals and response to vandalism. Some of these matters could have been addressed administratively.

The revised policy attached considers the various decisions made by Council as part of its update. Possible solutions and the preferred change associated with the various past Council tree related items has been indicated with the officer's comments section of the report.

OFFICER COMMENT

The following summarises major changes within the attached revised policy. Amendments to the current policy are denoted in red. Enclosed is a change register that identifies modifications to the different sections, the options considered and the rationales leading to the changes recommended.

Section one to three (Objectives, Principles and Issues)

The objectives have been updated to include optimising street tree planting along various streets, particularly on corridors of strategic significance such as the Long Term Cycle Network, to maximise shade for the comfort of pedestrians and cyclist.

4.2 Street Tree Selection

The section update allows the Director Engineering Services discretion based on Arborist advice (at the cost of the person requesting) to allow variations to the Street Tree Masterplan for a particular street. Impact on views has also been included as one of the principles to not consider species changes.

4.3.1 Street Tree Planting

The section update allows:

- Manager of Parks and Operations to make the final decision on the final location of the tree following resident consultation with due regard given to optimising the number of trees particularly on longer verges;
- Director of Engineering Services to consider and determine applications for planting exemptions with principles included to guide the decision making process; and
- Manager of Parks and Operations to approve a resident request to plant on Council's verge provided the proposed species is consistent with the Street Tree Masterplan.

4.3.3 Street Tree Pruning

The section update is minor, allowing Manager of Parks and Operations the discretion to authorise street tree pruning in accordance with the guidelines in this paragraph. Preparation for storm has been included as a reason to undertake such tree works.

4.5 Tree Removals

The section update incorporates offset planting requirements for all development related street tree removals. The cost and method of offset occurring is at the discretion of the Director Engineering Services.

Generally, this is at an offset ratio of at least three street trees for every one removed either by the developer on the same street as the development or a contribution to the Town for this to occur elsewhere in the district. A bond is required should the planting be done by the developer and is refunded at the end of the two year maintenance period when an Arborist, at the cost of the developer, can confirm that the trees are thriving.

Street Tree Masterplan and Green Infrastructure Management Plan

Council should try to refrain from over prescribing the street tree policy that is aimed at having a strategic focus by including matters such as preserving iconic trees, response to vandalism and tree position on verges.

Normally, these are mentioned in documents such as the:

- Street Tree Masterplan – reviewed to incorporate the adopted policy revisions; and
- Green Infrastructure Management Plan – currently in development and scope extended, if required to integrate the new features of the adopted policy.

Both documents will be presented to Council for noting once they are completed.

Transition between Current and Revised Policy

Only street tree selection would require a transition given that this would require the new Street Tree Masterplan to be adopted before this policy section can be fully implemented. All other elements of the updated policy can be implemented without a transition.

In the interim, any request along streets that contain iconic trees such as Norfolk Island Pines and Alexandra Avenue Coral Trees will be refused. This should not be an issue as Council has suspended all Pine Tree planting until the ongoing trial is completed. This is more than likely in time for the 2023 planting season.

Alexandra Avenue residents are supportive of the Coral Trees and would unlikely ask for any variation. The proposed process specified within the revised street tree policy will be implemented for all other streets with no iconic trees.

ATTACHMENTS

10.1.10(a) Street Tree Policy - Significant Change register [under separate cover]

10.1.10(b) Draft Street Tree Policy v2 - May 2022 [under separate cover]

CONSULTATION

Town of Cottesloe Staff

Elected Members

Council can put this out for public consultation similar to what was done prior to the 2019 version. However, there is no need to do so as the intent of this revision is to provide more delegation to the Administration to manage any street tree planting issues.

Ultimately, residents can escalate any Administration's decision to respective Ward Councillors (directly or through the Chief Executive Officer). An officer's report or a Notice of Motion can be tabled for any particular decision to be made by Council.

STATUTORY IMPLICATIONS

There are no anticipated Statutory Implications resulting from the officer's recommendation.

POLICY IMPLICATIONS

There are no perceived policy implications arising from the officer's recommendation given that Council is asked to adopt a revised policy.

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 1.6: Implement policies that protect existing trees and that actively seek to increase the tree canopy in Cottesloe.

The street tree policy encourages the planting of trees and its update further reinforces this position.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

A future budget amendment may be required to engage an Arborist to review the Street Tree Masterplan.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

If anything, the updated policy will lead to a more superior outcome as it is expected to further encourage tree planting.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council:

1. NOTES the changes mentioned in the officer's comment section of the report with major modifications rationalised within the attached Significant Change Register;
2. ADOPTS the attached updated Street Tree Policy;
3. NOTES that the Street Tree Masterplan will be revised accordingly to incorporate the new provisions within point one;
4. NOTES that the Green Infrastructure Management Plan is currently in development and will consider the new additions in point one;
5. NOTES that the documents mentioned in points three and four will be brought to an Ordinary Council Meeting after they have been completed; and
6. Subject to points one to five, NOTES the transition of the street tree selection mentioned in the officer's comment section of the report.

OCM067/2022

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Mayor Young

Seconded Cr Masarei

1. NOTES the changes mentioned in the officer's comment section of the report with major modifications rationalised within the attached Significant Change Register;
2. ADOPTS the attached updated Street Tree Policy subject to the following changes:
 1. On page 5, first paragraph, include the words shown in green as follows: "The selection of species shall be consistent with the Street Tree Masterplan **or such variation as approved in accordance with section 4.2 of this Policy.**"
 2. Page 5, Tree watering, insert the words in green as follows:
Unless agreed between the Town and the resident/owner, the Town is responsible for watering until all newly planted trees are established.
 3. Page 5, Tree pruning, insert the words in green as follows: "Any **person carrying out** unauthorised pruning of street trees may be liable for prosecution."

-
4. Page 6, insert the words in green as follows: “Major pruning may require the Manager Parks and Operations to seek professional advice and/or services. Where pruning is requested by a resident to allow northern light, or in other cases where considered appropriate, the Manager Parks and Operations may require that the cost of such professional advice and/or services and the cost of pruning shall be borne by the resident.
5. Page 7, insert the following changes, marked in green,
- There are unlikely instances whereby developers, for constructability reasons, require the removal of trees additional to the Council approved plans. The Director of Engineering Services will determine the appropriateness of each request on its merits in making the final decision.
- All property development related street tree removals approved by Council or Director of Engineering Services must:
- Offset such removals by planting a minimum of three (3) verge trees along the same street that the trees are removed. Manager of Parks and Operations shall approve the position of these trees and the timing of planting, with priority given to planting on the verge from which the trees were removed.
 - The developer will be responsible for the supply, planting and two year maintenance of these offset trees.
 - The offset trees shall be of a size as determined by the Director of Engineering Services, with a view to replacing the canopy lost by the tree removal as soon as practicable.
 - The developer is to provide a bond determined by the Director of Engineering Services equivalent to the cost of supply, installation and two year maintenance of the offset tree numbers required.
 - Arborist certification is required from the developer at the end of the two year maintenance period to confirm that the offset trees are thriving before the bond is refunded to the developer or their nominee.
 - Alternatively, and only in the event that the Director of Engineering Services determines that there is insufficient space on the verge from which the trees are removed, the developer can provide an offset planting contribution determined by the Director of Engineering Services for the supply, installation and two year maintenance of the offset tree numbers required and the Town will plant them at a different location within the District. Where an offset planting contribution is paid in respect of any offset trees no bond shall be required in respect of those trees.
6. Page 9, add the words in green as follows: “All reported incidents of vandalism will be investigated and responded to appropriately by the Town including by the erection of signage identifying vandalised trees or unauthorised tree removal in appropriate cases as determined by the Director of Engineering Services”.
-

3. **NOTES that the Street Tree Masterplan will be revised accordingly to incorporate the new provisions within point one;**
4. **NOTES that the Green Infrastructure Management Plan is currently in development and will consider the new additions in point one;**
5. **NOTES that the documents mentioned in points three and four will be brought to an Ordinary Council Meeting after they have been completed; and**
6. **Subject to points one to five, NOTES the transition of the street tree selection mentioned in the officer's comment section of the report.**

Carried 7/2

**For: Mayor Young, Crs Sadler, Harben, Masarei, Harkins, MacFarlane and Bulbeck
Against: Crs Barrett and Wylynko**

COUNCILLOR RATIONALE:

1. The Street Tree Policy para 4.2 allows species substitution in the Town's planting in some cases at the discretion of the Director Engineering Services. This amendment is intended to clarify that species substitution may also be permitted in such cases, where the tree is to be planted by the resident rather than by the Town.
2. The Policy expressly provides that the resident will be responsible for watering offset trees for the first two years. This amendment is added for consistency with those provisions by making the general principle that the Town is responsible for watering verge trees subject to other provisions that require the resident to take responsibility.
3. For grammatical clarity.
4. In cases where pruning beyond usual service levels is requested by residents (eg to allow norther light) it is reasonable to recover the cost of this service from the benefitting residents especially where costs might be incurred on professional advice and services.
5.
 - a. The removal of verge trees from a development verge should not "exempt" the verge from having a street tree by simply planting the offset trees on other verges unless there is insufficient room on the original verge. This might encourage requests for tree removal for other reasons (eg to obtain views,) under the guise of a development necessity.
 - b. Clearer guidelines should be provided as to the size of offset trees. "As large as practical" doesn't provide any indication of the objective of the offset requirement ie to avoid the loss of tree canopy.
 - c. The Policy should expressly state the responsibilities of developers where offset trees cannot be planted on the verge from which tree(s) have been removed, including that the payment of the offset contribution obviates the need for a bond.
 - d. The Policy should expressly allow the erection of "anti-vandalism" signage in appropriate cases as determined by the Director of Engineering Services.

10.1.13 TASK FORCE ON RESIDENTIAL AND RECREATIONAL VERGE USES

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D22/19474
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider the Administration's comments relating to the recommendations made by the Taskforce on Residential and Recreational Verge (below).

The Taskforce on Residential and Recreational Verge met on 28 April 2022 with representatives from the Local Government Insurance Scheme (LGIS) and Western Australia Local Government Association (WALGA) and has asked Council to consider:

- Adopting the protocol attached subject to removal of resident public liability insurance requirements;
- Provide the protocol that incorporates the above change to the Town's insurers for acceptance; and
- Write to the Minister for Local Government asking for the insurance requirements under Regulation 17 of the Local Government Administration and Functions (1996) to be reviewed so as to promote the verge play equipment.

Advice from our insurers and solicitors has since been provided and attached for Council's consideration.

OFFICER RECOMMENDATION IN BRIEF

That the Council notes the legal and insurer's advice received (confidential attachment) on exempting Regulation 17, including suggested changes to the management protocol and considers deferral to allow the taskforce to consider the recent advice.

BACKGROUND

At the April 2021 Ordinary Council Meeting, Council considered amending the Town's Residential Verge Policy to ensure all residential play equipment on verges complied with relevant Australian Standards. This included a \$280 annual inspection charge to the owner in conjunction with the fee stipulated in the Local Government (Uniform Provisions) Regulations 1996, being \$1.00/m² /month.

Council amended the officer's recommendation by asking for a Taskforce to be established. Its terms of reference was approved in May 2021 and formation completed in July 2021. Further details are found within the minutes of respective Ordinary Council Meetings.

At the committee's first meeting of 13 September 2021, it resolved as follows:

003/2021

COUNCILLOR MOTION AND COMMITTEE RECOMMENDATION

Moved Cr Masarei

Seconded Cr Young

THAT the Task Force on Residential and Recreational Verge Uses DEFERS the Officer's Report until the next meeting pending further clarification as follows:

- 1. ADMINISTRATION to request a meeting with WALGA and LGIS to discuss insurance options.**
- 2. ADMINISTRATION to develop a roadmap of Committee issues including meeting schedules.**

Carried 4/0

At the December 2021 Ordinary Council Meeting, Council approved an extension of the Taskforce on Residential and Recreational Verge Uses until 30 June 2022. This was to allow more time for the required research to occur due to the following reasons:

- resources had to be re-diverted to address unforeseen parking matters and the delivery of signagured major projects of Council to ensure they are completed to the grant conditions; and
- October 2021 Local Government Elections.

The Taskforce then met on 28 April 2022 and made the following recommendations to Council:

Moved Cr Barrett

Seconded Mr Mengler

THE Residential and Recreational Verge Uses Taskforce recommends to Council:

- 1. ADOPTS the existing interim protocol for play equipment on street verges subject to the deletion of point 12 requiring the owner to obtain insurance**
- 2. ASK the committee to refer the protocol to LGIS for their support and advice on the criteria**
- 3. REQUEST the Administration write to the Minister seeking his assistance to promote verge play equipment specifically referencing Regulation 17 (8)(b) asking for an amendment**
- 4. Upon APPROVAL the Administration will implement the interim permit system to the appropriate residents using the attached letters**

Carried 4/0

The Town has since obtained legal and our insurer's advice on the matter. The intent of this report would be to provide the Administration's perspective on the recommendation of the Taskforce and their implications.

OFFICER COMMENT

The Intent of the Taskforce meeting on the 28 April 2022 was to have a discussion with the Town's Insurer. From that discussion a number of questions and these were unable to be adequately answered at the meeting, chiefly being:

1. What was Council's obligation in enforcing regulation 17, which requires insurance for private works on public land?
2. Were residents able to obtain appropriate insurance to meet this requirement?
3. What were the Town's insurers opinion on the current temporary protocol?

Since the meeting, additional information had been sourced on the above (Confidential Attachment). Given this additional information, it is recommended that the matter be referred back to the Taskforce for further consideration. Alternatively, the Taskforce may have further queries that need investigating as result of this additional information.

The Taskforce then could either maintain or amend its recommendation to Council. It is envision another taskforce meeting could be held within the next month.

ATTACHMENTS

- 10.1.13(a) Management Protocol for Play Equipment on Street Verges or Attached to Street Trees [under separate cover]**
- 10.1.13(b) Confidential Combined Correspondence - Email and Letter from McLeods and LGIS - Verge Play Equipment [CONFIDENTIAL] [UNDER SEPARATE COVER]**
- 10.1.13(c) Draft Letter A and Letter B Combined - Residential and Recreational Verge Uses [under separate cover]**
- 10.1.13(d) Minutes - Task Force on Residential and Recreational Verge Uses Meeting - 28 April 2022 [under separate cover]**
- 10.1.13(e) Email - Liability Cover Home and Contents - Task Force for Residential and Recreational Verge Uses Attachment [CONFIDENTIAL] [UNDER SEPARATE COVER]**

CONSULTATION

Town Solicitors

LGIS

Taskforce on Residential and Recreational Verge

STATUTORY IMPLICATIONS

Local Government (Uniform Provisions) Regulations 1996 – the \$1.00/m²/month as required by legislation has not been levied at this point in time.

The *Local Government (Uniform Local Provisions) Regulations 1996* regulate Private works on, over, or under public places.

Regulation 17 (8) specifically outlines the obligation to obtain insurance, and reads:

A person who constructs anything in accordance with permission granted under this regulation must —

- (a) maintain it; and*

- (b) *obtain from an insurance company approved by the local government an insurance policy, in the joint names of the local government and the person, indemnifying the local government against any claim for damages which may arise in, or out of, its construction, maintenance or use.*

Refer to the attached confidential attachments for further information.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

Given this additional advice, officer's recommendation is to refer the matter back to Taskforce to consider additional information with no resources implications are expected.

Should the matter be sent back to the Taskforces a cost analysis will be undertaken to determine both the likely cost and income source. This is to manage the play equipment on verges, should the taskforce choose after considering this new information, to continue their current recommendations.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The current protocol has been developed to protect trees if play equipment is attached. The Insurer has provides some additional information which will assist in this endeavour.

VOTING REQUIREMENT

Simple Majority

THE TASKFORCE ON RESIDENTIAL AND RECREATIONAL VERGE USES RECOMMENDATION:

Moved Mayor Young

Seconded Cr Masarei

That Council:

1. ADOPTS the existing interim protocol for play equipment on street verges subject to the deletion of point 12 requiring the owner to obtain insurance.
2. REFERS the protocol to LGIS for their support and advice on the criteria.
3. REQUESTS the Administration write to the Minister seeking his assistance to promote verge play equipment specifically referencing Regulation 17 (8)(b) and requesting an amendment.
4. Upon APPROVAL the Administration will implement the interim permit system to the appropriate residents using the attached letters.

OCM068/2022

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Young

Seconded Cr Masarei

THAT Council:

1. NOTES the minutes from the Taskforce on Residential and Recreational Verge Uses;
2. NOTES the legal and insurer's advice enclosed as a Confidential Attachment;
3. DEFERS consideration of the matter at the May 2022 Ordinary Council Meeting; and
4. Subject to the ACCEPTANCE of point two, refers the matter back to the Task Force on Residential and Recreational Verge Uses for it to consider the advice mentioned in point one.

Carried 9/0

10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES**11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:****12.1 ELECTED MEMBERS****12.2 OFFICERS****13 MEETING CLOSED TO PUBLIC****13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Cr Harben left the meeting at 7:58pm.

Mr Scott left the meeting at 7:58pm and did not return.

OCM069/2022**MOTION FOR BEHIND CLOSED DOORS**

Moved Mayor Young

Seconded Cr Sadler

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

Carried 8/0

The public and members of the media were requested to leave the meeting at 7:59pm.

13.1.1 CONSULTANT SELECTION - CHIEF EXECUTIVE OFFICER APPRAISAL AND KPI

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

Mr Scott declared a FINANCIAL INTEREST in item 13.1.1 by virtue "This relates to my contract of employment."

Mr Scott left the meeting at 7:58pm and did not return.

Cr Harben returned to the meeting at 7:59pm.

OFFICER RECOMMENDATION

Moved Cr Sadler

Seconded Cr Masarei

THAT Council SELECTS Price Consulting Group to facilitate and assist in the conduct of the Chief Executive Officer Performance Appraisal and in the setting of the forthcoming year's Key Performance Indicators.

Mayor Young proposed an amendment to the officer's recommendation to add the following words at the end of the paragraph:

, subject to clarification by the Administration that the quote from Price Consulting Group includes setting the CEOs KPIs (2022/23) and that the work can be completed in time for an item to be brought to Council by the July 2022 Council Meeting.

Crs Sadler and Masarei agreed to incorporate the amendment into the substantive motion.

OCM070/2022

SUBSTANTIVE MOTION

Moved Cr Sadler

Seconded Cr Masarei

THAT Council SELECTS Price Consulting Group to facilitate and assist in the conduct of the Chief Executive Officer Performance Appraisal and in the setting of the forthcoming year's Key Performance Indicators, subject to clarification by the Administration that the quote from Price Consulting Group includes setting the CEOs KPIs (2022/23) and that the work can be completed in time for an item to be brought to Council by the July 2022 Council Meeting.

Carried 9/0

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MOTION FOR RETURN FROM BEHIND CLOSED DOORS

Moved Mayor Young

Seconded Cr Sadler

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

Carried 9/0

The meeting was re-opened to the public at 8:09pm, however no members of the public or media were in attendance.

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

13.1.1 CONSULTANT SELECTION - CHIEF EXECUTIVE OFFICER APPRAISAL AND KPI

As no members of the public returned to the meeting the resolution for item 13.1.1 was not read out.

14 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 8:09pm.