

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING

AGENDA

ORDINARY COUNCIL MEETING
TO BE HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6:00 pm Tuesday, 25 July 2023

Town of Cottesloe

ORDINARY COUNCIL MEETING

Notice is hereby given that the next Ordinary Council Meeting will be held in the Council Chambers, Cottesloe Civic Centre

109 Broome Street, Cottesloe on **25 July 2023** commencing at **6:00 pm**.

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

Yours faithfully,



William Matthew Scott
Chief Executive Officer

21 July 2023

DISCLAIMER

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

The Town of Cottesloe disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during council meetings.

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

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

The Town of Cottesloe wishes to advise that any plans or documents contained within the agenda or minutes may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction.

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

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



DISCLOSURE OF INTERESTS

Agenda Forum

Ordinary Council Meeting

Special Council Meeting

Name of Person Declaring an interest

Position

Date of Meeting

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

INTEREST DISCLOSED

Item No

Item Title

Nature of Interest

Type of Interest

Financial

Proximity

Impartiality

INTEREST DISCLOSED

Item No

Item Title

Nature of Interest

Type of Interest

Financial

Proximity

Impartiality

INTEREST DISCLOSED

Item No

Item Title

Nature of Interest

Type of Interest

Financial

Proximity

Impartiality

DECLARATION

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

Notes for Your Guidance

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

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

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

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

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

INTERESTS AFFECTING FINANCIAL INTEREST

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

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

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

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

INTERESTS AFFECTING IMPARTIALITY

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

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

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

IMPACT OF AN IMPARTIALITY DISCLOSURE

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

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

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS	5
2	DISCLAIMER	5
3	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	5
4	PUBLIC QUESTION TIME	5
	4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
	4.2 PUBLIC QUESTIONS	6
5	PUBLIC STATEMENT TIME.....	6
6	ATTENDANCE	6
	6.1 APOLOGIES	6
	6.2 APPROVED LEAVE OF ABSENCE.....	6
	6.3 APPLICATIONS FOR LEAVE OF ABSENCE	6
7	DECLARATION OF INTERESTS.....	6
8	CONFIRMATION OF MINUTES.....	6
9	PRESENTATIONS	7
	9.1 PETITIONS	7
	9.2 PRESENTATIONS.....	7
	9.3 DEPUTATIONS	7
10	REPORTS.....	8
	10.1 REPORTS OF OFFICERS.....	8
	CORPORATE AND COMMUNITY SERVICES	9
	10.1.1 DOGS PROHIBITED AREAS	9
	10.1.2 EVENT CONDITIONS POLICY	14
	10.1.3 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2022 TO 31 MAY 2023.....	17
	10.1.4 ADOPTION OF 2023/24 BUDGET.....	20
	DEVELOPMENT AND REGULATORY SERVICES.....	29
	10.1.5 PARKING PERMIT POLICY	29
	10.1.6 INSTALLATION OF 2P TIME RESTRICTIONS - FORREST STREET CARPARK.....	32

ENGINEERING SERVICES 35

- 10.1.7 GREEN INFRASTRUCTURE STRATEGY 35
- 10.1.8 PERTH NATURAL RESOURCE MANAGEMENT (NRM) - COASTAL PROGRAM PARTNERSHIP - MEMORANDUM OF UNDERSTANDING 2023/2024 41
- 10.1.9 SKATE PARK PROJECT 44

EXECUTIVE SERVICES 49

- 10.1.10 QUARTERLY INFORMATION BULLETIN 49
- 10.1.11 RFT 01/23 LEASE OF PREMISES LOCATED AT LOT 149 MARINE PARADE, COTTESLOE 51

10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES 55

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 56

- 11.1 COUNCILLOR MOTION - 56**

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:..... 58

- 12.1 ELECTED MEMBERS 58**
- 12.2 OFFICERS..... 58**

13 MEETING CLOSED TO PUBLIC..... 58

- 13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED..... 58**
 - 13.1.1 PARKING AND PARKING FACILITES LOCAL LAW 2023..... 58
 - 13.1.2 CONSENT TO SUB-LEASE - 40 MARINE PARADE, COTTESLOE..... 58
- 13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC 58**

14 MEETING CLOSURE 58

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

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

2 DISCLAIMER**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION****4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Joanne Gibson – 73 Hawkstone St, Cottesloe

Q3: Will it be submitted to Landgate?

R3: The reason for taking it to Landgate would be possibly from adverse possession perspective. At this stage the Right of Way is freehold to the Town and effectively will be dealt with between the Town and the individual property owners that have been identified as encroaching.

The Town will consider responses from impacted property owners prior to deciding whether the survey of ROW 20 will be forwarded to Landgate.

Derek Humphry – 69 Hawkstone Street, Cottesloe

Q1: Will the Council confirm whether it approved construction of the brick wall built without set back and partially obstructing the ROW at the rear of Lot 509 on deposited plan 63639 between Florence Street and Hawkstone Street noting that the wall is constructed on an easement benefiting Hawkstone residents?

R1: The Town understands the existing brick wall was built circa 2006, when the current residence was built and appears to be a replacement of a wall or fence that was in a similar location. No planning approval was required for the structure, and the Town cannot identify any specific building permit for the structure. Adverse Possession for a section of ROW 20 pertaining to the lot was granted in 2009. The Brick Wall appears is built on the boundary of the property and requires no set back. Subject to the recent survey of ROW 20, and as per the Town's Right of Way Policy, any identified encroachment on ROW20 will be requested to be removed.

4.2 PUBLIC QUESTIONS**5 PUBLIC STATEMENT TIME****6 ATTENDANCE****Elected Members**

Mayor Lorraine Young

Cr Helen Sadler

Cr Craig Masarei

Cr Melissa Harkins

Cr Paul MacFarlane

Cr Chilla Bulbeck

Cr Brad Wylynko

Cr Richard Atkins

Officers

Mr William Matthew Scott

Chief Executive Officer

Mr Shane Collie

Director Corporate and Community Services

Ms Freya Ayliffe

Director Development and Regulatory Services

Mr Shaun Kan

Director Engineering Services

Mr Ed Drewett

Coordinator Statutory Planning

Ms Jacquelyne Pilkington

Governance & Executive Office Coordinator

6.1 APOLOGIES**6.2 APPROVED LEAVE OF ABSENCE**

Cr Kirsty Barrett

6.3 APPLICATIONS FOR LEAVE OF ABSENCE**7 DECLARATION OF INTERESTS****8 CONFIRMATION OF MINUTES**

That the Minutes of the Ordinary Meeting of Council held on Tuesday 27 June 2023 be confirmed as a true and accurate record.

That the Minutes of the Special Meeting of Council held on Tuesday 18 July 2023 be confirmed as a true and accurate record.

9 PRESENTATIONS**9.1 PETITIONS*****Procedure of Petitions – Local Government (Meetings Procedure) Local Law 2021, Clause 6.11***

(3) *The only question which shall be considered by the council on the presentation of any petition shall be:*

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

9.2 PRESENTATIONS**9.3 DEPUTATIONS**

10 REPORTS

10.1 REPORTS OF OFFICERS

COUNCIL RESOLUTION

That Council adopts the following en-bloc Officer Recommendations contained in the Agenda for the Ordinary Meeting of Council 25 July 2023:
____' ____' ____' ____' ____' ____' ____'

CORPORATE AND COMMUNITY SERVICES**10.1.1 DOGS PROHIBITED AREAS**

Directorate: Corporate and Community Services
Author(s): Shane Collie, Director Corporate and Community Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D23/25941
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

This report seeks to confirm the areas within the Town of Cottesloe district where dogs are prohibited entirely.

OFFICER RECOMMENDATION IN BRIEF

That Council, subject to Section 8 of the *Dog Act 1976* and section 66J of the *Equal Opportunity Act 1984*, confirm the following areas as Dogs Prohibited entirely in the Town of Cottesloe;

1. A public beach or reserve where indicated by signage;
2. Land which has been set apart as a children's playground designated by sand/soft fall area, fence or as indicated by signage;
3. An area being used for sporting or other activities, as permitted by the local government, during the times of such use,

and that Local Public Notice be provided of all dog exercise areas and dog prohibited areas.

BACKGROUND

On 28 February 2023 Council adopted for the purposes of advertising a new Dogs Local Law. The Local Law subsequently went through the required advertising process and was adopted by Council on 27 June 2023 and is in the process of being gazetted.

A key component of the Local Law was the removal of dog exercise areas and dogs prohibited areas from the Local Law as these are now able to be set by Council resolution in accordance with Section 31 of the *Dog Act 1976*.

As part of the Report on 28 February 2023 the following formed part of the Resolution:

“Designate the following areas as dog exercise areas within the Town of Cottesloe -

- (a) the following public beaches,***
- (i) Southern Dog Beach - the public beach south of the north side of the groyne at Beach Street and the easterly projection of that line to the access path to the beach, northerly along the western edge and***

easterly along the northern edge of that path to where it joins the car park, then southerly to the southern boundary of the district.

(ii) Northern Dog Beach - the public beach situated to the north of the prolongation westerly of the southern boundary of Lot 67 of Cottesloe Suburban Lot 13 to the western boundary of the municipality and thence northerly to the northern boundary of the municipality.

(b) the following reserves,

(i) Reserve A1203 known as Grant Marine Park

(ii) Reserve 29939 known as Andrews Place

(iii) Reserve 24793 known as Jasper Green Reserve

(iv) Cottesloe Oval, Reserve A6271 (Cottesloe Suburban Lot 63)

(v) Harvey Field, Part of Reserve A1664 (Cottesloe Suburban Lot 68)

(vi) In Curtin Avenue:

(i) An area bounded between the railway reserve to the east, the eastern edge of the constructed part of Curtin Avenue to the west, Eric Street to the north and the north edge of the footpath from Forrest Street to the south

(ii) An area bounded between the railway reserve to the east, the eastern edge of the constructed part of Curtin Avenue to the west, the southern edge of Grant Street railway station and Eric Street to the south.

(vii) In Railway Street:

(i) An area bounded between the railway reserve to the west, the Western edge of the constructed part of Railway Street, the southern boundary of the car park at Congdon Street and the northern boundary of Eric Street to the south.

(ii) An area bounded between the railway reserve to the west, the western edge of the constructed part of Railway Street, the southern boundary of Eric Street and the southern projection of Burt Street to the south.

(c) John Black Dune Reserve A3235 (part of Napier St Reserve) bounded by the north side of the northern footpath on Napier Street, the eastern edge of the constructed car park at Napier Street (known as car park No. 2), the southern boundary of Bryan Way and the western boundaries of the tennis courts.

(d) Lot 401 (2) Jarrad Street, being Seaview Golf Course between the hours of 6pm and 6am.

(e) The above designations do not apply to -

- I. *land which has been set apart as a children's playground;*
- II. *an area being used for sporting or other activities, as permitted by the local government, during the times of such use; or*
- III. *a car park."*

OFFICER COMMENT

The intent of the above resolution from February was to ensure that the current existing dog exercise areas and dogs prohibited areas were retained. Upon closer examination of the resolution, and after an approach by a member of the public, it is considered that the last section of the resolution relating to dogs prohibited areas (e) is not strong enough in its language to be clear that the areas mentioned are where dogs are prohibited entirely.

It could be interpreted that dogs can be permitted in these areas provided they are on a lead, which is the case in other default public places. That is not the intent in these areas. The intent is that dogs are prohibited in these areas entirely, with exception of assistance dogs to which Section 8 of the *Dog Act 1976* and section 66J of the *Equal Opportunity Act 1984* apply.

Therefore a Council resolution to confirm that in these areas dogs are prohibited entirely is required. There are also minor changes to the places where dogs are prohibited to better encapsulate the areas where dogs are prohibited entirely:

- A public beach or reserve where indicated by signage;
- The removal of "a car park" as an area of prohibition.

Public Buildings and Alfresco areas were previously included in the prohibited areas. This prohibition still applies [if the area does not meet specific standards under relevant Public Building legislation and Food Premises legislation](#).

ATTACHMENTS

Nil

CONSULTATION

In accordance with the *Dog Act 1976* Section 31 (3C) Local Public Notice is required to be provided for a minimum of 28 days where Council determines dog exercise areas and dogs prohibited areas.

The Development and Regulatory Services Directorate, specifically Ranger Services, have been consulted on the proposed designated places.

STATUTORY IMPLICATIONS

Dog Act 1976

8. Assistance dogs

A person mentioned in subsection (3) —

- 1) (a) is entitled to be accompanied by an assistance dog, in any building or place open to or used by the public, for any purpose, or in any public transport; and
- 2) (b) is not guilty of an offence by reason only that he or she takes that dog into or permits that dog to enter any building or place open to or used by the public or on any public transport.

31. Control of dogs in certain public places

- (3A) A local government may, by absolute majority as defined in the *Local Government Act 1995* section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.
- (3C) At least 28 days before specifying a place to be —
- (a) a place where dogs are prohibited at all times or at a time specified under subsection (2B); or
 - (b) a dog exercise area under subsection (3A); or
 - (c) a rural leashing area under subsection (3B),
- a local government must give local public notice as defined in the *Local Government Act 1995* section 1.7 of its intention to so specify.

Equal Opportunity Act 1984

66J. Access to places and vehicles

- (1) It is unlawful for a person (in this section referred to as the ***discriminator***) to discriminate against another person (in this section referred to as the ***aggrieved person***) on the ground of the aggrieved person's impairment —
 - (a) by refusing to allow the aggrieved person access to or the use of any place or vehicle that the public or a section of the public is entitled or allowed to enter or use, for payment or not; or

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 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

OFFICER RECOMMENDATION

1. **THAT Council by Absolute Majority subject to Section 8 of the Dog Act 1976 and section 66J of the Equal Opportunity Act 1984, designate the following spaces as areas where dogs are prohibited entirely:**
 - **A public beach or reserve where indicated by signage;**
 - **Land which has been set apart as a children's playground designated by sand/soft fall area, fence or as indicated by signage; and**
 - **An area being used for sporting or other activities, as permitted by the local government, during the times of such use.**
2. **That Local Public Notice be provided of all dog exercise areas and dog prohibited areas.**

10.1.2 EVENT CONDITIONS POLICY

Directorate: Corporate and Community Services
Author(s): Shane Collie, Director Corporate and Community Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D23/25975
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

For Council to endorse amendments to the Event Conditions Policy.

OFFICER RECOMMENDATION IN BRIEF

That Council make three amendments to the current Events Conditions Policy in the areas of:

1. Major Events to be submitted to Council and not undertaken by Delegation.
2. The removal of the reference to the Civic Centre Catering Contractor.
3. The introduction of a discretionary fee waiver to the Chief Executive Officer (CEO) for events that are of community benefit or a charitable purpose.

BACKGROUND

The Event Conditions Policy was last reviewed on 15 December 2020. Subsequent to that time the above matters have prompted the recommended update of the current Policy in three areas. Each point is discussed below.

OFFICER COMMENT

1. *Major Events to be submitted to Council and not undertaken by Delegation.*

Currently Clause 3.2.1 permits the approval by the CEO of no more than two events within a 12 month period requiring approval under Regulation 18 of the Environmental Protection (Noise) Regulations 1997. In practice these events are large events and due to the public nature, visibility and public interest in such events the approval authorisation to the CEO (Clause 1.1) is not used and the Event Applications are submitted to Council. Examples are the Pineapple Club and Electric Island events held earlier this year.

The reasons for removing the authorisation of such events by the CEO are:

- The public interest in these events is significant and justifies a Council, rather than an administrative decision.
- There can be no undue influence exerted on the CEO to approve or not approve such events with Council being a collective representation of the community rather than one person.
- The approval process will be seen as accountable and transparent.

2. *The Removal of the reference to the Civic Centre Catering Contractor.*

This Contract is no longer in place and needs to be removed from the Policy.

3. *The introduction of a discretionary fee waiver to the Chief Executive Officer (CEO) for events that are of community benefit or a charitable purpose.*

Unlike the removal of Event Approval authorisation to the CEO, this action seeks to achieve the opposite without reference to Council. The CEO already has in place a Delegation to waive or write off debts under \$1,000 hence it could be argued that this discretion is already in place. It is preferred however to make it clear (normally before a debt is incurred) that an application may be submitted to waive an event fee, where there is demonstrated community benefit or a charitable purpose is involved.

It is recommended that this matter be restricted to once off fees and not go above the current \$1,000 limit. This action will also deal with some legacy fee concessions that exist as they will be removed and all event/facility hirers must make application for fee waiver and that any pre-existing automatic fee waiver arrangements are considered to have concluded.

ATTACHMENTS

10.1.2(a) Event Conditions Policy [under separate cover]

CONSULTATION

It would be appropriate that points 1 and 3 above are highlighted in the Town's newsletter and other relevant publications.

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 6.12 – Power to defer, grant discounts, waive or write off debts.

POLICY IMPLICATIONS

Updated Policy is recommended.

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council update its Event Condition Policy in the following manner:

- 1. Major Events pursuant to Clause 3.2.1 to be submitted to Council and not undertaken by Delegation.**
- 2. The removal of the reference to the Civic Centre Catering Contractor.**
- 3. Introducing a discretionary fee waiver to the Chief Executive Officer (CEO) for once off events that are of community benefit or a charitable purpose.**

10.1.3 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2022 TO 31 MAY 2023

Directorate: Corporate and Community Services
Author(s): Wayne Richards, Acting Finance Manager
Authoriser(s): Shane Collie, Director Corporate and Community Services
File Reference: D23/26277
Applicant(s): Nil
Author Disclosure of Interest: Nil

SUMMARY

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

OFFICER RECOMMENDATION IN BRIEF

That Council receives the Monthly Financial Statements for the period 1 July 2022 to 31 May 2023.

BACKGROUND

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

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

OFFICER COMMENT

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

- The net current funding position as at 31 May 2023 was \$3,885,661 as compared to \$4,527,934 this time last year.
- Operating revenue is more than the year to date budget by \$11,877 with a more detailed explanation of material variances provided at note 2, explanation of material variances, of the attached financial statements. Operating expenditure is \$2,425,608 less than year to date budget, with a more detailed analysis of material variances

provided at note 2, explanation of material variances, of the attached financial statements.

- The Capital Works Program is shown in note 13, details of capital acquisitions, of the attached financial statements.
- The balance of cash backed reserves was \$8,413,035 as at 31 May 2023 as shown in note 7, cash backed reserves, of the attached financial statements.

List of Accounts Paid for May 2023

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

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

- \$31,026.27 to Water Technology Pty Ltd for consultancy fees relating to coastal degradation and risk management
- \$173,195.78 to Classic Contractors Pty Ltd for construction works at Anderson Pavilion
- \$105,602.12 for the purchase of a new truck
- \$37,400.66, \$38,389.35 & \$36,241.04 for staff superannuation contributions
- \$112,026.51 to Rico Enterprises Pty Ltd for waste collection services
- \$35,711.87 to North Cottesloe SLSC for surf life saving services
- \$43,647.45 to [Hatch Pty Ltd](#) for consultancy services relating to the Village precinct structure plan
- \$38,260.40 to Western Metropolitan Regional Council for waste disposal fees
- \$28,833.20 to McLeod's Barristers and Solicitors for legal services
- \$33,000.00 to Eco Shark Barrier Pty Ltd for the extended period for the marine barrier
- \$138,007.24 & \$138,508.12 to Town of Cottesloe Staff for fortnightly payroll
- \$1,658,270.34 & \$1,670,502.84 to re-invest term deposits with Commonwealth Bank

Investments and Loans

Cash and investments are shown in note 4, cash and investments, of the attached financial statements. The Town has approximately 28% of funds invested with the National Australia Bank, 47% with the Commonwealth Bank of Australia and 25% with Westpac Banking Corporation.

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

Rates, Sundry Debtors and Other Receivables

Rates outstanding are shown on note 6, receivables, and shows a balance of \$344,176 outstanding as compared to \$291,938 this time last year.

Sundry debtors are shown on note 6, receivables, of the attached financial statements. The sundry debtors report shows that 12% or \$19,361 is older than 90 days. Infringement debtors are shown on note 6, receivables, and shows a balance of \$448,516 as at 31 May 2023.

ATTACHMENTS

10.1.3(a) Attachment to Council - Monthly Financial Report 1 July 2022 to 31 May 2023 [under separate cover]

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2022 to 31 May 2023 as submitted to the 25 July 2023 meeting of Council.

10.1.4 ADOPTION OF 2023/24 BUDGET

Directorate: Corporate and Community Services
Author(s): Shane Collie, Director Corporate and Community Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D23/27848
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

The 2023/24 Budget is attached for the consideration and adoption by Council.

OFFICER RECOMMENDATION IN BRIEF

For Council to adopt the 2023/24 Budget and associated resolutions.

BACKGROUND

Council is required under the *Local Government Act 1995* to adopt a budget for each financial year.

The budget cannot be adopted before 1 June in the financial year immediately prior to the year it applies and must be adopted before 31 August in the year it applies to. The budget must be in the prescribed format and sets expenditure levels and type for the year.

The budget must also contain a forecast of all income and set the rate in the dollar for the rates levied in the financial year it applies to.

There have been two Council workshops to directly discuss formulating the budget. These workshops provided Elected Members with an opportunity to ask questions and provide direction to staff on the Draft Budget and its various components.

OFFICER COMMENT

The 2023/24 draft budget has been developed from a number of informing documents including the Town's Corporate Business Plan, the Long Term Financial Plan, Asset Management Plan and the 2022/23 Budget Review. The Budget proposed is very much a "consolidation and project completion" Budget.

Feedback at Workshop 2 indicated that Council desired to see a form of preamble or descriptive text provided highlighting the key points of the Budget and what the Town is seeking to achieve. This was requested to be included in the Budget document itself as well as this associated Report. Comment in this Report has hence been extrapolated to an introductory page in the Budget which seeks to achieve the aim of better informing the community of the key components of the Budget and of Council's Budget goals.

In summary the Budget is made up of the following key components:

1. Operating Budget

2. Capital Budget
3. Reserves
4. Fees and Charges
5. Community Donations
6. Loans
7. Rates

Section 6.34 of the Local Government Act 1995 restricts local governments on the surplus or deficit they are permitted to carry forward in any financial year to not more than 110%, or not less than 90%, of the total budget deficiency to be made up from rates.

The Budget in its presented form is “balanced” neither having a surplus or deficit. The current opening cash surplus for 2023/24 is \$2,262,580, which is estimated from the 2022/23 forecast. The represents the unspent Budget balance of projects from 2022/23, and will fund the completion of these projects in 2023/24. This 2022/23 cash surplus figure will be finalised as part of the year end and audit processing for 2022/23.

1. Operating Budget

A summary of the main areas of the Operating Budget are as follows:

- Inflation in Western Australia is currently running at around 5% and Councillors would be well versed in cost of living expenses such as fuel, building costs, insurance, utilities and the like. The extent of the continuation of the rise in inflation is not known and increases in a number of operating accounts reflect these estimated higher costs.
- EBA commitments have been factored into the draft Budget and are reflected in salaries and wages.
- Significant operating projects include the finalisation of the Local Planning Strategy, Cottesloe Precinct Plan, Strategic Community Plan, Enterprise Resource Planning System (IT system replacement), Local Planning Scheme and Strategy Review, and CHRMAP project.
- The Federal Financial Assistance Grant of \$327K (untied) was received in 2022/23 and is therefore treated as income received in advance at the start of 2023/24.
- Income from commercial Leasing is temporarily reduced due to the Tenancy changeover and vacant period at Lot 149 Marine Parade.
- There is a decrease in income for parking fees & charges due to an unexpected reduction in infringement income, as temporary restrictions are no longer required in the second half of 2023/24.
- There is an increase in income for event hire due to an expected increase in number of events resulting in a greater collection of fees.

- There is an increase in interest earnings due to the balance of funds held in Reserve and higher interest rates.
- Insurance costs have continued to rise well above inflation due in the main to world economic circumstances and reinsurance costs.
- Waste collection and disposal remains a significant operating cost and forms part of the Town's regular level of service.
- There is an increase in cost for the Shark Barrier due to increased time it is in place.
- Council will continue to support the Sculptures by the Sea event and the Procott organisation.

2. Capital Budget

A summary of the main expenditure areas of the Capital Budget are as follows:

- Eric Street Shared Path completion.
- East Cottesloe Playground Upgrade.
- Construction of Skatepark.
- Harvey Field Playground Upgrade.
- Anderson Pavilion completion.
- Live Streaming of Meetings.
- Jarrad Street Footpath renewal.
- Reconstruction of Right of Way # 7.
- North Cottesloe Public Toilets improvements.
- Additional ACROD Parking Bays.

3. Reserves

The Town enters 2023/24 with a healthy Reserves balance of just under \$9 million as well as \$671,603 of Trust monies (Cash in Lieu of Public Open Space).

Major movements proposed for Reserves in 2023/24 are as follows:

- Transfer from Information Technology Reserve in 2023/24 for the new Enterprise Resource Planning System (IT system replacement). The balance in this Reserve is

\$849,582. Funds transferred will be those that are required to complete the works which may see some funds remaining depending on final costs.

- Transfer from Cash in Lieu of Public Open Space (Trust monies) is for the East Cottesloe Playground and Harvey Field Playground Upgrade.
- Transfer from Property Reserve in 2023/24 is mainly for Anderson Pavilion which has been extended from 2022/23.
- The reduction in proposed transfers from the Foreshore Development Reserve is due to the delay with the foreshore development.
- There is an estimated \$300,000 in interest anticipated to be transferred to Reserves in 2023/24.
- A transfer to the Infrastructure Reserve of \$322,282 is included as part of the draft 2023/24 Budget in order to assist to fund future infrastructure projects identified in the Long Term Financial Plan and Asset Management Plan.

4. Fees & Charges

The draft 2023/24 Schedule of Fees & Charges was discussed at Budget Workshop 1 and then further refined at Budget Workshop 2. Amendments have been made as follows:

- Large Event Bond increased from \$10,000 to \$20,000.
- Clarity of cancellation within 7 days of booking when 120 days out or more.
- Fees associated for pre-event setup and post event dismantle/clean up (bump in bump out).

5. Loans

There are no new loans in the draft Budget. Aside from self supporting loans the Town has only one loan being for the Grove Library. As at 30 June 2023 this loan has Principal outstanding of \$2,336,253 and is due to conclude in September 2029.

6. Rates

Consistent with Council's adopted Long Term Financial Plan a 5% rate yield increase has been applied to all rates, resulting in an additional \$593K in total rates (inclusive of additional interim rates received in 2022/23) This equates to an average increase of \$141 per property (\$593K/4,211 rateable properties) for 2023/24. Gross Rental Valuations within the district have risen on average by 22% and the rate in the dollar has consequently been reduced by a corresponding amount after the 5% increase was applied.

Large developments proposed in the district should see the rate quantum increase over the next five to ten years. Should Council wish to consider reducing the rate increase, it is recommended the resulting decrease in income (1% rates increase = \$118,681) be offset by an equal reduction in the transfer to the Infrastructure Reserve, noting this may reduce funds available for future capital works should other external funding not be available to deliver future community requests of asset replacement requirements.

ATTACHMENTS

10.1.4(a) 2023-07-25 - Attachment - Budget 2023-2024 [under separate cover]

CONSULTATION

At the Ordinary Council Meeting held 27 June 2023 Council resolved of its intention to raise the following differential general rates and minimum rates for the 2023/2024 financial year:

<i>Differential Rate Category</i>	<i>Rate in the \$</i>	<i>Min Rate</i>
<i>Differential Rate – Town Centre Commercial (GRV)</i>	<i>0.07721</i>	<i>\$1,341.00</i>

Local Public Notice was provided in accordance with Section 6.36 of the Local Government Act 1995 with a close date of Thursday 20 July 2022. Two submissions were received which has been responded to. Both submissions erroneously thought the Differential rates applied to properties outside of the Town Centre area however this is not the case. Replies have been forwarded and both submitters have acknowledged. No further action is needed.

STATUTORY IMPLICATIONS

Local Government Act 1995

6.2. Local government to prepare annual budget

1. *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*
** Absolute majority required.*
2. *In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of –*
 - a. *the expenditure by the local government;*
 - b. *the revenue and income, independent of general rates, of the local government; and*

- c. *the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*
- 3. *For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.*
- 4. *The annual budget is to incorporate —*
 - a. *particulars of the estimated expenditure proposed to be incurred by the local government;*
 - b. *detailed information relating to the rates and service charges which will apply to and within the district including —*
 - i. *the amount it is estimated will be yielded by the general rate; and*
 - ii. *the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;*
 - c. *the fees and charges proposed to be imposed by the local government;*
 - d. *the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;*
 - e. *details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;*
 - f. *particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and*
 - g. *such other matters as are prescribed.*
- 5. *Regulations may provide for —*
 - h. *the form of the annual budget;*
 - i. *the contents of the annual budget; and*
 - j. *the information to be contained in or to accompany the annual budget*

Local Government (Financial Management) Regulations 1996

Regulations 22 to 33 of the *Local Government (Financial Management) Regulations 1996* contain the requirements for the form of the budget document and the information to be contained within it.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The 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.

The budget sets out how funds will be allocated to all projects during the financial year, including all strategic projects.

The annual budget contains funding for a number of strategic objectives of the Town.

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

OFFICER RECOMMENDATION

THAT Council by Absolute Majority

- 1. Adopt the Budget for the year ended 30 June 2024, as attached, including:**
 - a. Statement of Comprehensive Income (by Nature and Type)**
 - b. Statement of Cashflows;**
 - c. Rate Setting Statement;**
 - d. Endorsing Note 8 – Statement of Reserves for the year ended 30 June 2024;**
 - e. Endorsing Note 3 – Net Current Assets as at 30 June 2024; and**
 - f. Fees and Charges for the year ended 30 June 2024.**
- 2. Adopt the Differential General Rates (as per Section 6.32 of the *Local Government Act 1995*) and impose rates in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June 2024 as follows;**
 - a. GRV – Residential Improved (RI) – 6.384 cents in the dollar;**
 - b. GRV – Residential Vacant (RV) – 6.384 cents in the dollar;**
 - c. GRV – Commercial Improved (CI) – 6.384 cents in the dollar;**
 - d. GRV – Commercial Vacant (CV) – 6.384 cents in the dollar;**
 - e. GRV – Commercial Town (CT) – 7.7721 cents in the dollar; and**
 - f. GRV – Industrial (II) – 6.384 cents in the dollar.**
- 3. Impose a minimum rate of \$1,325 for the financial year ended 30 June 2024, except for Commercial Town (CT) being \$1,341.**

4. Include in the rate charge for residential properties:
 - a. a once per week service of 240 litre green mobile garbage bin (MGB) for FOGO;
 - b. a once per fortnight service of a 240 litre MGB for recyclable household rubbish; and
 - c. a once per fortnight service of a 120 litre MGB for general household rubbish.
 5. Apply the following charges to residential properties for additional waste services (per annum GST inclusive):
 - a. General Waste – each service per fortnight (120 litre MGB) - \$200;
 - b. General Waste – each service per week (660 litre MGB) - \$2,010;
 - c. Recycling – each service per week (240 litre MGB) - \$110; and
 - d. FOGO Waste – each service per week (240 litre MGB) - \$250.
 6. Apply the following charges to commercial properties (per annum GST inclusive):
 - a. General Waste – each service per week (240 litre MGB) - \$500;
 - b. General Waste – each service per week (660 litre MGB) - \$2,240;
 - c. Recycling – one service per fortnight (240 litre MGB) - \$143; and
 - d. Recycling – one service per week (240 litre MGB) - \$286.
 - e. Imposes, by absolute majority, in accordance with section 6.51 (1) of the *Local Government Act 1995* an interest rate of 7% applicable to overdue and unpaid rate and service charges.
 7. Adopt the following rate instalment plans:
 - a. Option 1
To pay the total amount of rates and charges included in the notice in full by 22 September 2023.
 - b. Option 2
To pay by four instalments, as detailed on the rate notices with the following anticipated due dates;

First instalment	22 September 2023
Second Instalment	23 November 2023
Third Instalment	25 January 2024
Fourth Instalment	26 March 2024
 8. Adopt, by absolute majority, in accordance with section 6.13 of the *Local Government Act 1995* a rate of interest of 7% applicable to any amount of money owing to the local government (other than rates or service charges), with interest calculated from the due date, which is 35 days from the date of issue shown on the account for payment.
 9. Adopt a Telecommunications Allowance of \$1,600 for Elected Members as per section 5.99A of the *Local Government Act 1995*.
-

10. **Adopt Members Attendance Fees –set an annual meeting attendance fee of \$15,750 for Council members and \$24,400 for the Mayor as per section 5.99 of the *Local Government Act 1995*.**
11. **Adopt the Mayor’s Allowance of \$28,000 as per sections 5.98 and 5.98A of the *Local Government Act 1995*.**
12. **Adopt the Deputy Mayor’s Allowance of \$7,000 as per sections 5.98 and 5.98A of the *Local Government Act 1995*.**
13. **Maintain the materiality levels of 15% or \$25,000 for the monthly reporting of significant variances of income and expenditure in the Statement of Financial Activity.**

DEVELOPMENT AND REGULATORY SERVICES**10.1.5 PARKING PERMIT POLICY**

Directorate: Development and Regulatory Services
Author(s): Freya Ayliffe, Director Development and Regulatory Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D23/26546
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider adopting the attached Parking Permit Policy.

OFFICER RECOMMENDATION IN BRIEF

That Council adopts the attached Parking Permit Policy which relates to residential and visitor parking permits.

BACKGROUND

At the February Ordinary Council Meeting, Council resolved for administration to undertake an urgent review of the *Parking and Parking Facilities Local Law 2009* to permit flexibility in the allocation of parking permits to ensure that the objectives of permit parking are met while minimising inconvenience to residents. Elected Members requested that enforcement elements remain in the Local Law and the parameters detailing how permits shall be issued be included in a Policy.

Subsequently a full review of the *Parking and Parking Facilities Local Law 2009* was carried out, advertised and adopted by Council at the May 2023 Ordinary Council Meeting.

OFFICER COMMENT

Since adoption of the Local Law, the Town has received correspondence from the Joint Standing Committee requesting a number of amendments, including the removal of *8.1 - Parking Permit Policy* and any reference to said Policy.

This report does not address the amendments to the Local Law (which are presented in a separate report) it presents the proposed Parking Permit Policy only and the removal of *Part 8 - Parking Permits*.

Administration sought legal advice regarding the drafting of the Policy and removal of Part 8 from the Local Law. The advice being to remove all references to residential and visitor parking permits from the Local Law with the exception of:

- the definition of a parking permit;
- the definition of a parking permit area; and

- the offence *failure to display a valid permit correctly*.

All other information regarding parking permits and how they shall be issued shall be included in a Policy.

The draft Policy is being presented for Council's consideration and possible adoption.

ATTACHMENTS

10.1.5(a) Residential and Visitor Parking Permit Policy [under separate cover]

CONSULTATION

The Town's Solicitors

The Joint Standing Committee

Elected Members

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Town of Cottesloe Parking and Parking Facilities Local Law 2023

POLICY IMPLICATIONS

This Policy will provide guidance for the issue of Parking Permits in accordance with the *Town of Cottesloe Parking and Parking Facilities Local Law 2023*.

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council adopts the attached Parking Permit Policy.

10.1.6 INSTALLATION OF 2P TIME RESTRICTIONS - FORREST STREET CARPARK

Directorate: Development and Regulatory Services
Author(s): Freya Ayliffe, Director Development and Regulatory Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D23/26798
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider installing two hour (2P) time restricted parking in the off-street parking area/car park located in Forrest Street.

OFFICER RECOMMENDATION IN BRIEF

For Council to consider installing two hour (2P) time restricted parking in the off-street parking area/car park located in Forrest Street, pursuant to clause 1.10 of the Town of Cottesloe Parking and Parking Facilities Local Law 2023.

BACKGROUND

In accordance with clause 1.10 of the Town of Cottesloe Parking and Parking Facilities Local Law 2023, *the local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of the local law.*

As a result, administration is seeking Council's approval to install two hour (2P) time restrictions in the carpark (off-street parking) located on the corner of Forrest Street and Marine Parade. The car park is managed by the Town and consists of 40 parking bays, one ACROD parking bay and four motorcycle bays (refer picture 1). This car park currently does not have any time restrictions. Subsequently, vehicles can legally park for up to 24hours, resulting in very little vehicle turn-over.

There are 16 on-street parking bays located within Forrest Street which have two hour (2P) time restrictions (refer picture 2). The extension of the two hour (2P) time restrictions to the car park will ensure consistency in parking restrictions in the area and ensure a suitable turn-over of vehicles to facilitate access to businesses and events.



Picture 1: Carpark Off-street & On-street Parking on Forreast Street

OFFICER COMMENT

To facilitate access to businesses in the area, including the beach and events, it is recommended that the two hour (2P) time restrictions that apply to the on-street parking bays in Forreast Street also be applied to the carpark (41 bays).

Should people wish to park for longer than two hours, there is unrestricted parking at the top end of Forreast Street (adjacent to the golf course, towards Broome Street), along Marine Parade and Napier Street. In addition, Napier Street carpark has a four hour time limit.

ATTACHMENTS

Nil

CONSULTATION

Elected Members

STATUTORY IMPLICATIONS

Local Government Act 1995

Town of Cottesloe Parking and Parking Facilities Local Law 2023

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

OFFICER RECOMMENDATION

THAT Council APPROVE the installation of (2P) time restricted parking in the off-street parking area/car park located on Forrest Street.

ENGINEERING SERVICES**10.1.7 GREEN INFRASTRUCTURE STRATEGY**

Directorate: Engineering Services
Author(s): Adeline Morrissey, Coordinator Environmental Projects
Authoriser(s): Shaun Kan, Director Engineering Services
William Matthew Scott, Chief Executive Officer
File Reference: D23/26182
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider adopting the attached Green Infrastructure Strategy for various informing and operating plans to be developed.

OFFICER RECOMMENDATION IN BRIEF

That Council adopts the attached Green Infrastructure Strategy.

BACKGROUND

Cottesloe's total tree canopy cover (public and private land) was calculated at 13.1% in 2017 and showed an increase to 14.1% in 2020 but dropped to 13% (51 ha) in 2023 which translates to a loss of 4.3 ha canopy cover in the recent 3 years. This sudden decline reflects loss of mature trees through natural senescence (close to end of life) and clearing on private property for subdivisions and developments.

The Corporate Business Plan (2020 to 2024) identifies the development of a Green Plan under the following priorities:

Priority 3: Environment – Enhancing Beach Access and Foreshore - 3.1 – Implement policies that protect existing trees and that actively seek to increase the tree canopy in Cottesloe.

The Town recognises places that have vegetation (trees, lawns, shrubs) as 'green' areas (residential verges, public open space and median strips) that contribute to the Town's aesthetics by providing shade and cool the urban setting, improve mental wellbeing, increase habitat and ecological areas including the contributions to urban forests and creating a 'sense of place'. Management of these areas is therefore essential to ensure the Town's green infrastructure continues to provide such community benefits.

The District has 4km of coastline that consist of approximately 11.4 ha of vegetated coastal dune systems. Enhancing natural habitats yields both ecological and social advantages for the Town. By safeguarding, improving, and expanding the existing biodiversity hotspots within the Town, Cottesloe can increase the population of indigenous plants and animals across the region therefore restore ecological corridors and habitats.

There are also areas of significance and activity centres in locations on the Cottesloe Foreshore, Napoleon Street, Parry Street, Harvey Field, Sea View Golf Club, the Railway corridor and John Black Dune Park (proposed skate park). There is the opportunity to introduce more greenery, aiming to transform these areas into flourishing "green" recreational hubs through landscaping projects.

The attached Green Infrastructure Strategy concentrates on five strategic objectives and is an overarching document within the Green Infrastructure Management Framework to all management plans and policies related to "greening" within the Town. Figure 1 provides a visual overview of the relationship between the various documents within the Green Infrastructure Management Framework.

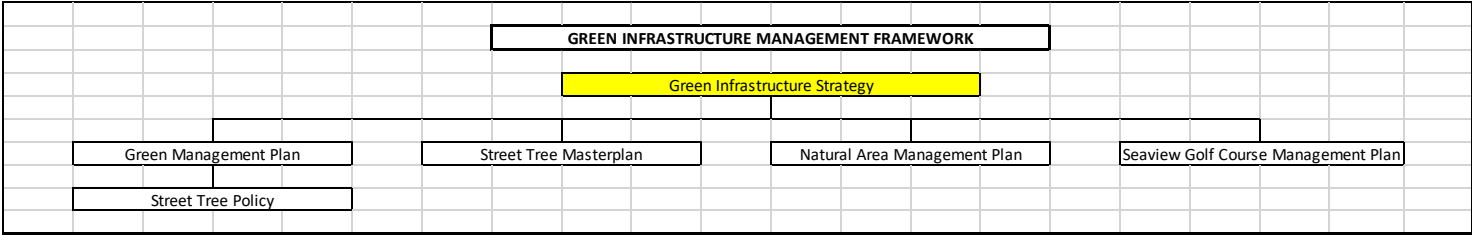


Figure 1: Green Infrastructure Management Framework

OFFICER COMMENT

Preamble

The attached Green Infrastructure Strategy aims to achieve the following five objectives:

- Maintain and Increase Tree Canopy Cover on Public Land
- Maintain and Expand Canopy Cover on Private land Through Development
- Improve Natural habitat and Promote Biodiversity Conservation
- Greening Cottesloe's Areas of Significance and Activity Centres
- Community involvement in greening the district

Key Result Areas (Achievement Criteria), Success Indicators (quantified targets) and Action Plans (How are we going to achieve this) have been identified for each objective within the strategy.

A number of management and operating plans will be established towards providing costed solutions that deliver the five objectives. The Green Infrastructure Strategy and associated plans integrally forms the Green Infrastructure Management Framework. This will be used to inform the upcoming Asset Management Plan redevelopment following the adoption of the Strategic Community Plan (Council Plan).

Council can then determine how this prioritises against other asset classes and programs.

Green Infrastructure Objectives Description

The following provides a summary of objectives within the Green Infrastructure Strategy that will deliver sustainable canopy growth and maintenance:

Objective 1: Maintain and Increase Tree Canopy Cover on Public Land

Tree canopy is defined as foliage that grows above 3 meters and can provide overhead shade for people, surfaces and materials within the environment. The heat island effect is the risk from insufficient cover that can cause significantly hotter suburban temperatures.

In addition to addressing the effects of climate change and maintaining native bird species habitat, increased street tree numbers will improve aesthetics, mental health and lower urban traffic speeds. Research shows that when canopy cover reaches 30% mental health and heat reduction benefits are experienced.

Homes in leafy streets have been valued much higher than those in the same suburb, which do not have trees.

Objective 2: Maintain and Expand Canopy Cover on Private Land and Through New Development

Subdivisions and new larger developments are other attributes to a decline in the Town's tree canopy. A Significant Tree Register is needed to record trees that contribute significantly to canopy.

Policies that focus on preserving and enhancing the existing tree canopy and soft landscaping in new developments is needed to protect these valued trees. This also sets out criteria for canopy width, height and trunk dimension to determine whether trees not on the register can be removed. It also provides a guide to defining significant trees that need to be registered.

The deployment of such a governing framework would trigger a scheme amendment and require a tree removal application to be submitted. This will then be assessed against the policy. Such an approach is only effective if done in conjunction with proactive engagement with landowners and advocacy with the state government.

It is envisaged if mature trees can be legislatively retained on private land the set target of 30% total, canopy cover (private and public land) by 2050 will be achievable.

Objective 3: Improve Natural Habitats and Promote Biodiversity Conservation

The well-being of urban areas is influenced by the richness and variety of native plants and animals present in the local ecosystem. A thriving natural environment not only offers numerous environmental benefits but also contributes to the overall health and happiness of the community.

The primary beneficiaries of the Town's planting initiatives include a number of bird species (i.e. White-winged Fairy-wrens), reptiles (i.e. bobtails, skinks including the King Skinks, dugites) and pollinators. Habitats within other areas of the Town such as roundabouts and verges are also contributing to biodiversity and ecological expansion through utilising native plants.

Objective 4: Greening Cottesloe's Areas of Significance and Activity Centres

Recognizing that areas of significance consist of interconnected public and private spaces, which often restrict the availability of space for tree canopy, greening initiatives in these areas will extend beyond the boundaries of any place making projects. This expansion will encompass mixed-use areas, main thoroughfares, and entry statements.

Council is asked to note that current research shows that health benefits are more obvious when canopies are 30% and beyond. For these reason, this benchmark has been set. It has also been confirmed that canopy cover percentage takes into consideration the entire district area that includes hard infrastructure such as roads and footpaths.

Management and Operating Plans Including Policies

The following documents forms part of the action plans that will deliver the key result areas and success indicators associated with each of the five objectives:

Green Management Plan - This defines the sustainable preservation and expansion of all environmental 'green' areas. It provides a vision for planting program on council land including maintenance schedules for tree and turf predominantly around irrigation, fertilisers, manual watering schedules and bore management. Mitigation of contemporary risks relating to tree diseases that affect species within Cottesloe is also covered.

Street Tree Policy – This was adopted in May 2022 (OCM 067/2022)

Street Tree Masterplan (2017) – This is currently under review to incorporate the Council approved changes prior to February 2023 when a new policy was adopted. The appropriateness of the existing species is also being assessed, particularly the Norfolk Island Pines given their disease-induced decline.

Natural Areas Management Plan (NAMPs) – This covers the foreshore dune vegetation, Cottesloe Native Garden, Grant Marine Park, John Black Dune Park and the railway reserve south of Victoria Street. The current version is close to expiry and the revised version is being finalised. There is currently no policy to translate Council's management position on the Town's natural areas. There is the opportunity for this to be developed following the adoption of the NAMPs.

Seaview Golf Course Management Plan (adopted February 2022 OCM 008/2022) – This covers the period July 2021 – June 2024. In addition to the sustainable management of green areas within the course, this Plan is also used to mitigate safety and other environmental risk policies and procedures with respect to the golf course and the reserves on which it resides.

It is proposed that the documents above, yet to be endorsed by Council, will be developed and presented to Ordinary Council Meetings as follows:

- July 2023 – Green Infrastructure Strategy (For Public Consultation)
- September 2023 – Green Infrastructure Strategy (For Adoption)
- October 2023 - Natural Areas Management Plan (For Public Consultation) & Street Tree Masterplan (For Public Consultation)
- December 2023 – Natural Areas Management Plan (For Adoption) & Street Tree Masterplan (For Adoption)
- March 2024 – Green Management Plan (Public Consultation)
- April 2024 – Green Management Plan (For Adoption)

The Green Infrastructure Framework is complete.

ATTACHMENTS

10.1.7(a) Green Infrastructure Strategy [under separate cover]

CONSULTATION

Elected Members

Parks and Operations Branch

Given that this decision is related to a major strategy and a Council priority as per the Community Engagement Policy, it is recommended that the document be advertised for a period of two weeks for public consultation.

<https://www.cottesloe.wa.gov.au/documents/1404/community-engagement-policy>

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 2.7 – Role of Council

POLICY IMPLICATIONS

The Strategy recommends that the Town:

- Introduce and enforce policies that specifically target the preservation and enhancement of the tree canopy and soft landscaping in new developments. These policies should include guidelines for developers to incorporate green spaces, tree planting and sustainable landscaping techniques in their projects.

- Long-Term Planning and Policy to integrate tree planting and canopy expansion requirements into development regulations and planning schemes. Continuously review and update policies to ensure alignment with evolving best practices and scientific research in urban forestry.
- Incorporate biodiversity conservation considerations into urban planning and development policies. Encourage developers to incorporate green spaces, wildlife corridors, and native plantings into their projects. Implement regulations that protect existing habitats and require the inclusion of biodiversity-friendly features in new developments.

STRATEGIC IMPLICATIONS

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

Priority Area 5: Providing sustainable infrastructure and community amenities

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

Sustainability implications will be to support increased tree canopy within the Town on public and private land, improve natural habitat and promote biodiversity conservation, green areas of significance and activity centres and involve community more in greening the district.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council NOTES the attached Green Infrastructure Strategy for the purpose of public consultation and that this will be advertised for a period of two weeks..

10.1.8 PERTH NATURAL RESOURCE MANAGEMENT (NRM) - COASTAL PROGRAM PARTNERSHIP - MEMORANDUM OF UNDERSTANDING 2023/2024

Directorate: Engineering Services
Author(s): Adeline Morrissey, Coordinator Environmental Projects
Authoriser(s): Shaun Kan, Director Engineering Services
File Reference: D23/26296
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider adopting the Memorandum of Understanding (MOU) between the Town of Cottesloe and Perth Natural Resource Management (NRM).

OFFICER RECOMMENDATION IN BRIEF

That Council endorses the attached MOU, subject to the approval of the 2023/2024 Budget and authorises the Chief Executive Officer to execute this document and apply the common seal if required.

BACKGROUND

In October 2021, Council first endorsed a MOU between Perth NRM and the Town of Cottesloe, which enabled a strategic working relationship between the two parties, with the goal to deliver environmental education and engagement opportunities within the Town.

A full list of services provided for the \$20,000 milestone contribution are included in the MOU and the Annual Report enclosed outlines the outcomes achieved in 2022/2023.

Council is asked to endorse the attached MOU and note the Perth NRM Annual Report.

OFFICER COMMENT

Since established in November 2021, collaborating with Perth NRM through the MOU has enabled a beneficial expansion of the Town's environmental program.

In addition, the 'Natural Areas Alliance' (NAA) formed between Perth NRM, the Town and Cottesloe Coastcare Association (CCA) has inspired the delivery of common goals reflected in the Council's Natural Area Management Plan. The updated plan is anticipated to be provided later in 2023 for Council's adoption.

One of the many NAA successes to date was the development of a revegetation plan for the John Black Dune Masterplan to form part of the Skate Park landscaping. Perth NRM will be providing the stewardship for the NAA to pursue a State NRM grant for the Masterplan plantings.

A milestone based payment schedule is enclosed within the MoU where the \$20,000 is remunerated progressively subject to meeting key performance indicators and a progress report submitted substantiating this. Perth NRM is also required to present a program

outlining deliverables for each payment period. This will allow the NAA to plan and work towards clear targets and optimise the partnership deliverables.

Council is to note that the MoU is subject to the 2023/2024 budget adoption.

ATTACHMENTS

- 10.1.8(a) DRAFT - Perth NRM & Town of Cottesloe MOU 2023-24 - Coastal and Marine Program [under separate cover]**
- 10.1.8(b) Presentation - FY22-23 - Town of Cottesloe and Perth NRM Annual Report [under separate cover]**

CONSULTATION

Cottesloe Coastcare Association

Town of Cottesloe Staff

Perth NRM

STATUTORY IMPLICATIONS

There are no perceived statutory implications.

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.

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.

RESOURCE IMPLICATIONS

A \$20,000 budget is sought in 2023/2024 to enable the partnership with Perth NRM.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

The agreement renewal will benefit the coastal dunes.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council

- 1. Subject to the 2023/2024 budget adoption, AUTHORISES the Chief Executive Officer to sign the attached Memorandum of Understanding and apply the common seal if required; and**
- 2. NOTES the attached Perth Natural Resource Management Annual Report.**

10.1.9 SKATE PARK PROJECT

Directorate: Engineering Services
Author(s): Tin Oo May, Project Engineer
Authoriser(s): Shaun Kan, Director Engineering Services
File Reference: D23/26363
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider four design scenarios proposed by Phase 3 Landscape Construction Pty Ltd (Phase 3) and a preferred option to address site constraints identified.

OFFICER RECOMMENDATION IN BRIEF

The Council adopts Scenario 3 for the detailed design to progress.

BACKGROUND

Phase 3 was awarded the Skate Park Facility Design and Construct Tender following a Special Council Meeting on 30 May 2023 and have since completed the feature survey and geotechnical investigation of John Black Dune Park.

The completed levels and geotechnical site survey has identified the following challenges for the Council approved Concept:

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

Phase 3 has explored four design scenarios to address the challenges listed above.

OFFICER COMMENT

The figure below summarised the approved skate park concept design:

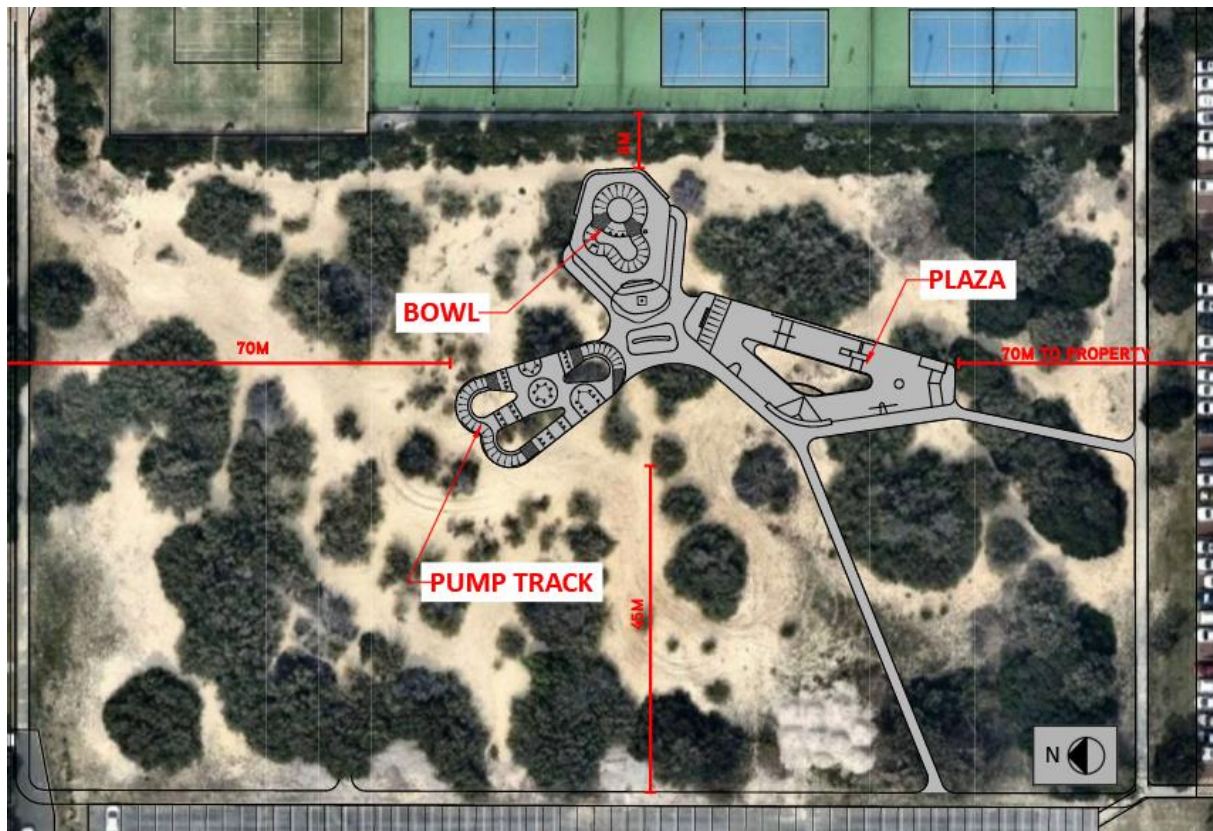


Figure: Skate Park Approved Concept Design

The details of the preliminary design scenarios are as follows:

Scenario 1 (Diagram A):

- Scenario 1 maintains the same location as the approved concept design with the bowl section tie-in with the existing levels at the high side of the John Black Dune Park.
- A significant amount of imported fill will be required to create a level platform for the plaza to be constructed and minimise the level differences between the bowl and the plaza.
- It is noted that the absolute maximum 1000mm level difference will be required between the bowl and the plaza to ensure connecting paths are within tolerable grades.
- Lighting shields installed for the court luminaires to reduce possible light spill.
- Soak wells are installed around the periphery of the skate park for drainage runoffs.

Scenario 2 (Diagram B):

- Scenario 2 maintains the same location as the approved concept design.

- In place of fill mentioned in Scenario 1, the bowl section will be lowered by 800mm to tie-in with the plaza such that the absolute maximum 1000mm level difference is achieved in this scenario.
- This scenario would require additional retaining on the eastern side of the bowl adjacent to the tennis courts.
- Lighting shields installed for the court luminaires to reduce possible light spill.
- Soak wells are installed around the periphery of the skate park for drainage runoffs.

Scenario 3 (Diagram C):

- The skate park is shifted approximately 7m westwards from the approved concept location with the entire facility layout reconfigured.
- This addresses the light spill and drainage overflow from the tennis courts.
- The central hangout area is amended to double as a retaining function for the site levels and still achieve the absolute maximum 1000mm height difference between the bowl and the plaza.

Scenario 4 (Diagram D):

- The skate park is shifted approximately 7m westwards from the Council approved skate park concept location.
- This scenario would require to incorporate either imported fill to raise plaza section proposed in Scenario 1 or additional retaining on eastern side of the bowl proposed in Scenario 2.
- This is to achieve the absolute maximum 1000mm level difference between the bowl and the plaza as well as to ensure connecting paths are still within tolerable grades.

To conclude, in Scenario 3, shifting the skate park away from the Tennis courts addresses the concerns of possible light spill and places it at the site where levels allow for better connectivity of skate park features and pedestrian access paths.

Stormwater drainage runoff from all the impervious areas of the Tennis court is currently directed to John Black Dune Park via pipe connections. This poses concerns for the structural integrity of the proposed skate facility and potential damages to the proposed landscaping and access paths. It is important to resolve the stormwater management of the Tennis court as soon as possible. An approved stormwater management plan for the tennis court is necessary and will need to be formalised if this has not already been done.

All other scenarios would require a definite budget increase whilst for Scenario 3, it is merely an allowance for risks that may surface during detailed design.

A budget amendment will be requested if this is required at the time when the detailed design is presented to the Council.

The four design scenarios including estimated variation/contingency are summarised in the table as follows:

	Scenario 1	Scenario 2	Scenario 3	Scenario 4
Design Layout	<ul style="list-style-type: none"> - Same layout as concept design. - Raise level for the plaza section with significant imported fill. - Access compliant pedestrian path from Napier Street. - Absolute minimum of 1000mm Level difference between the bowl and the plaza. 	<ul style="list-style-type: none"> - Same layout as concept design. - Lower the bowl section to 800mm. - Require additional retaining adjacent to the Tennis Court. - Access compliant pedestrian path from Napier Street. - Absolute minimum of 1000mm Level difference between the bowl and the plaza. 	<ul style="list-style-type: none"> - Overall design has been pulled slightly westwards. - Plaza section is relocated/mirrored to match the contour of site. - Access compliant pedestrian path from Napier Street. - Original terrace plinth style level change between plaza and bowl removed, and retaining added to introduce absolute minimum of 1000mm level difference between the bowl and the plaza. 	As per Scenario 1 & 2 in the location of Scenario 3
Advantages	<ul style="list-style-type: none"> - Community endorsed 2D concept design maintained. 	<ul style="list-style-type: none"> - Community endorsed 2D concept design maintained. 	<ul style="list-style-type: none"> - Addresses concerns of light spillage from Tennis Court. 	
Disadvantages	<ul style="list-style-type: none"> - Light spillage from Tennis Court. 	<ul style="list-style-type: none"> - Light spillage from Tennis Court. - 	<ul style="list-style-type: none"> - Not in line with approved concept design developed through community consultation. 	
Estimate Variation/Contingency	<p style="text-align: center;">\$20,000</p> <p>For additional Imported fill</p>	<p>\$40,000 (concrete retaining wall – matches skatepark aesthetics) or</p> <p>\$15,000 (limestone retaining wall – not aesthetically appealing)</p>	<p style="text-align: center;">\$20,000</p> <p>Contingency for any items that may come up during the detailed design</p>	

Table 1: Preliminary Design Scenarios Summary

ATTACHMENTS

10.1.9(a) Skate Park Facility - Phase 3 Design Scenarios - Combined Diagrams A,B,C,D [under separate cover]

CONSULTATION

Phase 3

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 2.7 – Role of Council

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 5: Providing sustainable infrastructure and community amenities

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council adopts Scenario 3 (Diagram C) as the preferred option to progress the detailed design.

EXECUTIVE SERVICES**10.1.10 QUARTERLY INFORMATION BULLETIN**

Directorate: Executive Services
Author(s): William Matthew Scott, Chief Executive Officer
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D23/26712
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

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

OFFICER RECOMMENDATION IN BRIEF

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

BACKGROUND

This report is consistent with the Town's Strategic Community Plan 2013 – 2023. Priority Area 6: Providing open and accountable local governance.

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

OFFICER COMMENT

Nil

ATTACHMENTS

10.1.10(a) CEO Quarterly Report - June 2023 [under separate cover]

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council notes the information provided in the Quarterly Information Bulletin

10.1.11 RFT 01/23 LEASE OF PREMISES LOCATED AT LOT 149 MARINE PARADE, COTTESLOE

Directorate: Corporate and Community Services
Author(s): Shane Collie, Director Corporate and Community Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D23/27849
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

That in respect of the commercial lease of Lot 149 Marine Parade Cottesloe, Council note those submissions received during the Business Plan consultation period and proceed to the formal contract stage with the preferred contractor Kailis Hospitality Group.

OFFICER RECOMMENDATION IN BRIEF

For Council to note those submissions received during the consultation period for the Business Plan for the leasing of Lot 149 Marine Parade, Cottesloe, and award Tender RFT 01/23 to Kailis Hospitality Group.

BACKGROUND

Council at its Special Meeting held on 16 May 2023 resolved as follows:

“THAT COUNCIL:

- 1. AUTHORISE the Chief Executive Officer (CEO) to undertake a section 3.59 Commercial Enterprises by Local Governments (Local Government Act 1995) process for the lease of premises at Lot 149 Marine Parade, Cottesloe, as identified in Tender RFT 01/23 based on the response from the preferred Tenderer, Kailis Hospitality Group;***
- 2. Following the last day of submissions and in accordance with s3.59(5) of the Local Government Act 1995 considers any submissions received and determine (by absolute majority) whether to proceed with the leasing premises at Lot 149 Marine Parade, Cottesloe, to preferred Tenderer, Kailis Hospitality Group as proposed;***
- 3. Subject to points 1 and 2, and no submissions being received during the submission period, AWARD Tender RFT 01/23 to Kailis Hospitality Group, as per the terms contained in the Request for Tender Document and Kailis Hospitality Group’s Tender Response, and AUTHORISE the Mayor and/or CEO to execute a contract (lease) reflective of these terms.***
- 4. AUTHORISE the CEO to permit the current lessee, Yellowdot Enterprises Pty Ltd, to continue to utilise the premises on similar terms as per their current lease, reviewed monthly, should the time to complete the s3.59 process exceed the current expiry date of the existing lease.***
- 5. NOTE the Probity Audit Report on Tender RFT 01/23.”***

OFFICER COMMENT

The expression of interest and tender process for the lease of Lot 149 Marine Parade, Cottesloe has been a long and thorough process. In accordance with the above resolution and legislative requirements a Business Plan was prepared for a commercial enterprise and advertised, as required. Submissions closed on 19 July 2023.

As Council members would be aware the lease with Barchetta was to conclude on 23 July 2023, however, an early termination was sought and granted with the lease ceasing on 23 June 2023. Inspections have been carried out by Council officers as well as an independent Building Condition Report (8 June 2023).

At the close of submissions on the Business Plan five submissions have been received and are attached. The submissions received are from the following:

- Ashley Lewis
- George and Sue Metcalfe
- Greg Boland on behalf of the Cottesloe Residents and Ratepayers Association
- Lindsay Mollison
- Maria Madigan

The submissions in general focus on what is effectively the process of Tender selection which has passed and the proposed terms of the Lease are not impacted. Council would recall the Tender selection process was undertaken by a panel of independent experts and supported by a probity audit. There are also a number of questions/clarifications sought (Mr Boland's submission for example) regarding matters contained within the Request for Tender Document and the confidential Tender response (including matters such as trading times and other operational undertakings), which Council has already considered, but are not currently in the public domain. Responses to these questions may be available once the lease documentation is executed.

Other comments relate to the condition of the toilets beneath the premises which Council is looking at allocating funds in this year's Budget to improve as well as the potential use of the ski shed roof area. Discussions have commenced with the Leasee (NCSLSC) regarding the possible activation of this area.

A number of the submissions highlight the proposed financial arrangements of the proposed Lease. Council has already considered these matters as part of the Tender selection process and unless Council wishes to revisit (via a Re-tender process) the current preferred proposal will stand as submitted by Kailis Hospitality Group.

It is recommended that the Business Plan submissions be acknowledged and that Council proceed to award Tender RFT 01/23 for the lease of the premises at Lot 149 Marine Parade, Cottesloe, to the preferred Tenderer, Kailis Hospitality Group.

A draft lease document has been prepared by Council's solicitors based on:

- The Commercial Terms Sheet adopted by Council
- The Request for Tender document produced and endorsed by Council
- The Tender submission from Kailis Hospitality Group

ATTACHMENTS

- 10.1.11(a) Lot 149 Marine Parade Business Plan Comments - Lindsay Mollison [under separate cover]
- 10.1.11(b) Lot 149 Marine Parade Business Plan Comments - George and Sue Metcalfe [under separate cover]
- 10.1.11(c) Lot 149 Marine Parade Business Plan Comments - Maria Madigan [under separate cover]
- 10.1.11(d) Lot 149 Marine Parade Business Plan Comments - Ashley Lewis [under separate cover]
- 10.1.11(e) Lot 149 Marine Parade Business Plan Comments - Cottesloe Residents and Ratepayers Association [under separate cover]

CONSULTATION

Statutory advertising Section 3.59 Local Government Act 1995.

STATUTORY IMPLICATIONS

Local Government Act 1995

S3.57 Tenders for providing goods and services

S3.58 Disposing of Property

S3.59 Commercial enterprises by Local Governments

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

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

Priority Area 5: Providing sustainable infrastructure and community amenities

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION**THAT Council:**

- 1. NOTE and acknowledge the five submissions received during the consultation period for the Business Plan for the proposed undertaking to lease Lot 149 Marine Parade, Cottesloe.**
- 2. DECIDE to proceed with the undertaking (as per Section 3.59(5) Local Government Act 1995) and AWARD Tender RFT 01/23 to the preferred Tenderer, Kailis Hospitality Group as proposed, and to execute a contract (lease) reflective of the Lease terms and conditions contained in the Request for Tender Document, Commercial Terms document and Kailis Hospitality Group's Tender Response.**
- 3. AUTHORISE the Chief Executive Officer to make any minor and non consequential amendments (if necessary) to the final Lease document.**
- 4. AUTHORISE the Mayor and Chief Executive Officer to sign and seal the finalised Lease document.**

10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES

Nil

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 COUNCILLOR MOTION -**

The following motion has been proposed by Cr Sadler.

COUNCILLOR MOTION

THAT WALGA include development of an Active Mobility Policy as a policy priority for the 2023-2024 financial year.

COUNCILLOR RATIONALE

The State Government is currently finalizing its State Active Mobility Strategy. The Western Australian Local Government Association (WALGA) has no Active Mobility Policy to form the basis of advocacy on behalf of the Local Government Sector. This limits WALGAs capacity to advocate effectively in this space.

Active Mobility aligns with almost all of WALGA's overarching policy themes. These include resilient capable and inclusive communities, Climate Action, Sustainable management of the environment and Infrastructure that meets the needs our economy and communities.

Congestion is a major problem in the capital city and becoming an increasing problem in regional centres. Developing an Active Mobility Strategy to reduce car dependence and congestion will assist Perth with its congestion problems. Importantly it can help prevent the congestion issues of Perth being repeated as regional centres grow. A problem the impacts the majority of the population and has solutions that are found in local government deserve a WALGA policy position.

Active Mobility (walking, riding and accessing public transport) largely occurs using Local Government infrastructure such as footpaths, local roads and bike paths. WALGA needs a clear advocacy position on a state strategy that impacts the sector

In addition Local Governments have a statutory requirement to develop Public Health Plans. Active mobility is a key pillar of public health. Having a clear policy position on active mobility assists the sector to advocate for other policies, infrastructure and funding that supports public health

Infrastructure WA's recommendation 63 is to "Provide enhanced cycling and walking infrastructure". WALGA needs an Active Mobility Policy to ensure that recommendations and actions that flow from Infrastructure WA align with the aspirations of the Local Government Sector

OFFICER COMMENT**Statutory Implications**

Nil

Policy Implications

Town of Cottesloe Disability Access and Inclusion Plan
(<https://www.cottesloe.wa.gov.au/documents/policies>).

Disability Access and Inclusion Plan 2018-2023 (<https://www.cottesloe.wa.gov.au/strategic-documents.aspx>).

Resource Implications

As the Councillor Motion proposes WALGA develop an Active Mobility Policy, therefore there will be no direct resource implications to the Town.

Other

A WALGA policy position will assist all local governments, including the Town of Cottesloe, to develop, implement and deliver all ability infrastructure to the West Australian community and compliment existing local government policies, plans and strategies. Should WALGA implement this Councillor Motion, there should be ample opportunity for the Town to review the policy development through the normal WALGA processes, including WALGA Zone Meetings, which the Town has two Elected Member representatives (and one deputy member).

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****MOTION FOR BEHIND CLOSED DOORS**

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

13.1.1 PARKING AND PARKING FACILITES LOCAL LAW 2023

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (f(i)) as it contains information relating to a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.

The report pertains to correspondence from the Joint Standing Committee on Delegated Legislation (JSCDL), who conferred privileged and confidential status on the correspondence in accordance with their powers under the *Parliamentary Privileges Act 1891*

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

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

MOTION FOR RETURN FROM BEHIND CLOSED DOORS

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

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**14 MEETING CLOSURE**