



# Town of Cottesloe

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

**Tuesday, 25 May 2021**

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

A handwritten signature in black ink, appearing to read 'J. May', is written over a horizontal line.

Signed:

Presiding Member

Date: 6/7/2021

# TOWN OF COTTESLOE



## ORDINARY COUNCIL MEETING

# MINUTES

ORDINARY COUNCIL MEETING  
HELD IN THE  
Council Chambers, Cottesloe Civic Centre, 109 Broome Street, Cottesloe  
6:00pm Tuesday, 25 May 2021

**MATTHEW SCOTT**  
Chief Executive Officer

26 May 2021

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**1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS**

The Presiding Member announced the meeting opened at 6:06pm.

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

**2 DISCLAIMER**

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

**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

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

**4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**Robert de la Motte – 41 Mann Street, Cottesloe – Item 10.1.5

Q1: Why has Agenda Item 10.1.5 not included the kerb modification (intersection of Railway / Mann Streets) as a standalone item with costings?

A1: No changes were warranted and the cost for this item can easily be obtained within the options presented to Council.

Q2: Why was the installation of speed humps suddenly elevated to an agenda item (Options 1A, 1B and 1C) and clouded with the cost of unsubstantiated street lighting enhancements when residents sought nothing other than the commencement of community consultation regarding speed humps?

A2: This has been put up for Council to support the concept before public consultation.

Q3: Who made the unilateral decision to eliminate community consultation about the possibility of Grant Street kerbing options when this option, (unanimously supported by local residents), is one of many variables requiring further consideration?

A3: As per response to A2.

Mr Gray Porter – 110 Grant Street, Cottesloe – Item 10.1.5

My question is directed to Councillors concerning the conduct of the Town's Administrative staff in respect to their preparation of Agenda Item 10.1.5.

Q1: Why has the Administration put to Council (in Item 10.1.5) a series of design solutions, none of which addressed the significant pedestrian and

vehicle safety issue arising from the speed and road position of vehicles entering Mann Street off Railway Road and why has the Administration not before doing so, engaged in consultation with the residents proximate to that intersection?

A1: The Administration is unable to substantiate these issues from traffic data collected and site investigations. Council has been asked to accept a concept before proceeding with public consultation.

Mr Bostock – 115 Grant Street, Cottesloe – Item 10.1.5

Q1: Will Council commit to consult with the broader community and then all residents of Claremont Hill about the plans being made for traffic changes in Mann Street?

A1: A recommendation is normally made to Council to undertake broader consultation when any street changes that affect the wider traffic network is proposed.

Q2: Will Council commission an independent report to monitor traffic flow and impacts on all residents of Claremont Hill resulting from any proposed changes to Mann Street and surrounding streets.

A2: This will be done on an as required basis.

Q3: When will data from traffic monitoring of Grant and Mann Streets be available to the public?

A3: A request can be made to the Director Engineering Services.

**Questions Taken on Notice at the Agenda Forum Meeting – 18 May 2021**

Mr Gray Porter – 110 Grant Street, Cottesloe – Item 10.1.4

Q1. Many streets North of Eric Street are + 1km away from the Airlie Street construction site and no streets west of the railway line have been included in Area 2 despite much closer proximity to the construction site. What methodology was applied in determining the Area 2 parking boundaries?

A1. Information provided by the Town of Claremont relating to the development. The railway line, being a natural barrier, combined with limited crossing points makes West Cottesloe an unlikely option.

Q2. Were timed parking zones considered like Carpark 1A or Claremont's 2hr limits for non-residents?

A2. Yes

Q3. How many property owners in Area 2 have requested parking permits and how many have been consulted about the introduction of parking permits?

A3. Consultation will occur shortly and we are not aware of any residents requesting parking permits as there are currently no parking restrictions

in the area.

- Q4. How much will it cost to implement permit parking, including additional admin, signage and annual re-issuance?
- A4. This will dependent on the extent of the restrictions approved by Council.
- Q5. Will residents be charged for their permits?
- A5. This is a decision of Council.
- Q6. The Western verge of Railway Street falls under the jurisdiction of the PTA. Is this excluded from Area 2? Why wouldn't tradies park on this verge, under the magnificent Norfolk pines and walk merely one block (eg Boreham or Napier) to the construction site?
- A6. The Western verge of Railway Street falls under the jurisdiction of the TPA. Is this excluded from Area 2? Why wouldn't tradies park on this verge, under the magnificent Norfolk pines and walk merely one block (eg Boreham or Napier) to the construction site?
- Q7. How will the Town distinguish legitimate tradies, builders and service providers expected to park within Area 2 e.g. home renovations, constructions, property and garden maintenance?
- A7. Tradies, Builders, Service providers etc. will be able to park for two hours, could use a visitors parking permit if the resident has been issued with one or apply for a Workzone permit for a particular timeframe and location.

Mr Robert De La Motte – 41 Mann Street, Cottesloe - Item 10.1.7

- Q1. If the conclusion that 84% of streetlights within gazetted roads do not meet current standards outlined in AS1158 is accurate, surely the Cottesloe community is living under enormous nighttime risk?
- A1. The objective of the strategy is to address these risks.
- Q2. Any evidence of increased nighttime crimes and crashes over the past 5 years?
- A2. This varies between streets.
- Q3. Does the proposal to upgrade existing lighting infrastructure to LEDs include careful measurement of any light spillage/ light pollution in contravention of AS4282 which specifically deals with obtrusive lighting?
- A3. Where required.
- Q4. The health consequences of interrupted sleep due to light pollution are well documented internationally. Has over illumination been recognized as an equally dangerous environmental and health risk to property owners?
- A4. No.
- Q5. My discussions with Western Power confirm that, following LED



upgrades, obtrusive lighting is a very common complaint. Has there been any consultation with residents who live in close proximity to recent LED upgrades?

- A5. This is a decision of Council as part of the lighting strategy item.
- Q6. Has consideration been given to relocating street lights or reviewing street lamp design options as opposed to removing or reshaping verge trees where these lights were initially installed in totally inappropriate spots eg inside or on top of a tree canopy or between two large trees?
- A6. This will form part of the lighting strategy if approved by Council.
- Q7. Has any consideration been given to street-scaping aesthetics and lighting efficacy in the context of one street lamp size fits all streets regardless of the width of the road reserve? Eg Grant Street 40m, Marmion and Broome Streets 30m, Melville and Mann Streets 8m?
- A7. Western Power poles are standard.

## 4.2 PUBLIC QUESTIONS

Robert de la Motte – 41 Mann Street, Cottesloe – Items 4.1 and 10.1.7

### **Questions Taken on Notice - Item 10.1.5 Mann Street Local Road Treatment (OCM 27 April 2021)**

With regard to the responses given for the above questions (shown on page 5 of this Agenda):

- Q1. Can someone please explain the answer that was given to me for Q1?
- A1. The Town prepared an estimate when developing the options and the kerbing costs can be found within these estimates (\$7,000).
- Q2. The response provided to question 2 does not answer my question on why the installation of speed humps suddenly elevated to an agenda item with options.
- A2. The questions being asked relate to an officer's report that was considered at the last meeting. The issues were canvassed, Elected Members read the report and listened to members of the community and made a decision.

### **Questions Taken on Notice - 10.1.7 Lighting Strategy (Agenda Forum 18 May 2021)**

With regard to the responses given for the above questions (shown on page 7 of this Agenda):

- Q1. The response to question 2 related to increased nighttime crimes and crashes over the past 5 years. The response doesn't answer the question.
- Q2. The response to my Q3 was 'where required' instead of yes or no.

- Q3. Question 4 related to health consequences of interrupted sleep and whether illumination has been recognized as an equally dangerous environmental and health risk to property and the answer was 'no'.
- Q4. Question 7 on page 8 referred to consideration being given to street-scaping aesthetics and lighting efficacy in the context of one street lamp size fits all streets regardless of the width of the road reserve and the the response was that 'Western Power poles are standard'.
- Q5. If there's a public forum to ask a question and the questions are not answered do we just accept the non answer? The responses I have received to my questions were unsatisfactory.

These are statements not questions. You would need to contact the Administration if you are not happy with the previous responses given.

Lindsay Mollison – 176 Little Marine Parade, Cottesloe – Item 10.1.6

- Q1. What do the R-Codes say is the accepted overshadowing in an R20 zone?
- A1. 25%.
- Q2. Does the 46% overshadowing proposed by this proposed structure exceed 25%
- A2. Yes.
- Q3. Do I have any rights under the R-Codes to build a structure that might be adjacent to one of your houses and overshadow you by 46%?
- A3. Yes under the R-Codes you may lodge a development application such as is being considered tonight for any development with design principles that do not have to satisfy the deemed-to-comply provisions of the R-Codes.
- Q4. Do I have a right under these R-Codes to complain about a proposal that will overshadow my property by 46% and should I have an expectation that approval will be refused?
- A4. The Administration has invited comment from effected neighbours so there is a right to make a submission in respect to solar access in this case or overshadowing but there should not be an expectation that an application would necessarily be refused. It will be set under the design principles and the objectives of the R-Codes and our LPS aim and objectives.

Stephen Mellor - 8 Graham Court - Cottesloe WA 6011 – Item 10.1.10

**Harvey Fields Recreational Precinct**

- Q1. Should the change of name for the *Recreational Precinct Masterplan* be formalised in some way?
- A1. This is a decision of Council.
- Q2. When the Pavilion development was first raised last year I asked very particular questions about the 'footprint'. The received written answers

stated the pavilion would be on the same footprint – therefore not as shown in the original Masterplan. In the 5 options it is now shown as ‘within the same vicinity’, has increased in size and thereby the footprint diagrams shown impacts on trees and squeezing the playing oval. It appears the options are being lead by a now set pavilion design concept rather than the reverse.

A2. The field has been rotated as per the feedback received from the consultation with the users of the sports precinct requested by Council.

The Pavilion in the preferred option has been relocated marginally further into the reserve so as to minimise the impact on trees. This is consistent with the previous response provided.

Q3. The outline design plans for the new pavilion have been designed and accepted in principle as the new angled chevron footprint is on all the option plans and been presented to the stakeholder sports clubs for comment.

Has there been an Elected Members’ Workshop on the five options? If so does the Officers recommendation represent the Elected Members comments?

A3. Yes. Elected Members comments have been considered.

Q4. Were the pavilion design concept plans presented at the Elected Members’ Workshop?

A4. Yes.

Q5. When will the community be able to review and comment on the pavilion ‘similar aesthetical outlook’ and the design before the project proceeds any further? That the sports clubs comments are already being considered is totally inappropriate.

A5. Any future community feedback and those already received from sports clubs will either be a decision or existing resolution of Council.

Q6. How is the current pavilion concept ‘compatible with the original 2018 Masterplan should the future Council wish to progress the other elements in the foreseeable future’?

A6. The footprint of the recommended option does not impact the other elements of the proposed scope within the 2018 Masterplan.

Q7. Where is the spectator seating to be located – particularly in Option 3?

A7. Similar to the current arrangement, spectator seating would be on available open space. Alternatively, Council can ask for seating to be included in the design.

Q8. There is no outline of the financial aspects of Option 3. What is the design and build estimate for the current concept of the Anderson Pavilion?

A8. \$1,400,000 comprising of municipal funds and grants has been allocated to the design and construction of the building.

- Q9. How will the shortfall from the \$400,000 Grant be covered?
- A9. As per the response to question 7 noting that the February scope differs from what Council is now asked to consider.
- Q10. What is the point of the cost and effort to rotate the oval if not increasing to minimum playing size other than to fit in a pre-designed new pavilion?
- A10. It allows the Pavilion to be closer to the midway point of the oval, as requested by the clubs.
- Q11. Regarding point 7 what funding could be secured from the sport if not minimum standard size?
- A11. This is a decision of Council, assuming the question is around sport club contributions to widen the field.
- Q12. Why is there no design consideration of parking demand on Jarrad Street nearest to the Pavilion? Will you please ensure protection of the large tree exposed roots?
- A12. Feedback received indicates that hard stand parking is not preferred. Tree protection will be given due consideration when developing the design.
- Q13. In order to fully assess the options, is it not an imperative to have the Seaview Golf Club advice on the actual height and length and location of the ball safety fence for all the options? This will be key to any promised public consultation.
- A13. This is a decision of Council.

Richard Geiger – 7 Overton Garden, Cottesloe – Parking at Overton Gardens

- Q1: On Overton Gardens cars often take two parking spots in the very limited parking available to residents. Can the Council please paint parking bay limits at Overton Gardens as requested 27 March 2018? (No action or response – see attached).
- A1: This will be incorporated as part of our maintenance program.
- Q2: Would the Council please budget for clean-up, reticulation and turf to be placed on the first two centre verges of Overton Gardens to compare with the standard required of 15 Overton Gardens developers after their use of the their centre verge.
- A1: This will be considered in the 2021/2022 budget.

**5 PUBLIC STATEMENT TIME**

Ryan Munyard – Altus Planning – 68 Canning Hwy, South Perth – 10.1.6

Mr Munyard spoke on behalf of Mr Mollison and reiterated concerns that the revised plans still do not address the design principles of overshadowing under the R-Codes.

Alistair Dickinson - Lyons Architects – 11A Outram Street, West Perth – 10.1.6

Mr Dickinson spoke on behalf of Cora Carter in support of the application and outlined the amendments to the design that have been carried out to reduce the overshadowing of the neighbour's property.

Robert de la Motte – 41 Mann Street, Cottesloe – Item 10.1.7

Mr de la Motte spoke about the issues related with lights that are replaced with LEDs as LEDs are many times brighter than the previous lights.

Kevin Morgan – 1 Pearse Street, Cottesloe – Item 10.1.10

Mr Morgan spoke about the about the needs analysis undertaken four years ago of the Seaview area and the consultation undertaken with key stakeholders and neighbours and reiterated that consultation needs to be undertaken with the community.

Joanna Cooney – 41 Elizabeth Street, Cottesloe – Item 13.1.1

Ms Cooney spoke about the reduction in amenity to the ratepaying residents caused by the North Street Store.

John Mengler – 31 Elizabeth Street, Cottesloe – Item 13.1.1

Mr Mengler spoke about the opening hours and the pre and post business hours of the North Street Store that is causing amenity problems for local residents.

Drew Williams – 14b North Street, Cottesloe – Item 13.1.1

Mr Williams spoke about the issues impacting his family, including their mental health and well-being and requested that Council uphold as a minimum the 12 conditions endorsed at a Special Council Meeting on 27 January 2021.

Julie Bradley – 18 North Street, Cottesloe – Item 13.1.1

Ms Bradley spoke about how the North Street Store started ruining the ambience of the street; the amenities of the community; effecting the mental health and wellbeing of the residents and stated three years to resolve the issues is too long.

Stephen Mellor – 8 Graham Court, Cottesloe – Item 10.1.10

Mr Mellor outlined his views on joined-up thinking in relation to interconnected projects instead of being considered separately; requested item 10.1.10 be deferred and full consultation be instigated and spoke about the visual blight for the Harvey Field Precinct.

## 6 ATTENDANCE

Elected Members

Cr Lorraine Young

Cr Caroline Harben

Cr Helen Sadler (*until 8:14pm*)

Cr Craig Masarei

Cr Melissa Harkins

Cr Michael Tucak  
Cr Kirsty Barrett  
Cr Paul MacFarlane

**Officers**

Mr 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 Mary-Ann Winnett	Governance Coordinator

**6.1 APOLOGIES**

Nil

**Officers Apologies**

Nil

**6.2 APPROVED LEAVE OF ABSENCE**

Mayor Philip Angers

**6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

**7 DECLARATION OF INTERESTS**

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.1.8 by virtue "I previously had play equipment on my verge."

Cr Sadler declared a IMPARTIALITY INTEREST in item 10.1.12 by virtue "I previously had play equipment on my verge."

Cr Sadler declared a FINANCIAL INTEREST in item 13.1.1 by virtue "my son has been employed by the North Street Store for three years."

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.6 by virtue "I know the residents in the street."

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "I know residents who live in Area 2."

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.8 by virtue "I know residents who use the verges for recreation purposes."

Cr Harkins declared an IMPARTIALITY INTEREST in item 10.1.14 by virtue "I know people socially in the streets effected by this item."

Cr Harkins declared an IMPARTIALITY INTEREST in item 10.1.8 by virtue "I know people socially in the streets effected by this item."

Cr Harkins declared an IMPARTIALITY INTEREST in item 10.1.10 by virtue "I know people socially in the streets effected by this item."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "I live in the area."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.13 by virtue "Based on a real prospect of a Code of Conduct complaint being lodged, or of lodging one. "

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.6 by virtue "Some of the parties involved are known to me."

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.8 by virtue "Some of the people involved are known to me."

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "I live in East Ward."

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.13 by virtue "As an Elected Member there may be an occasion when I may be subject to or use the process."

## 8 CONFIRMATION OF MINUTES

**OCM071/2021**

**Moved Cr Young**

**Seconded Cr Masarei**

**That the Minutes of the Ordinary Meeting of Council held on Tuesday 27 April 2021 be confirmed as a true and accurate record.**

**Carried 8/0**

## 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

#### **9.2.1 PRESENTATION ON ITEM 10.1.6 LOTS 64 & 65 (176) LITTLE MARINE PARADE - TWO-STOREY DWELLING**

Dr Mollison gave a presentation on this item.

**9.3 DEPUTATIONS**

**9.3.1 VISUAL PRESENTATION ON ITEM 10.1.6 LOTS 64 & 65 LITTLE MARINE PARADE - TWO-STOREY DWELLING**

Lyons Architects withdrew their presentation as they presented their slide at Public Statement Time.



**10 REPORTS****10.1 REPORTS OF OFFICERS****OCM072/2021****COUNCIL RESOLUTION****Moved Cr Young****Seconded Cr Sadler**

**That Council adopts en-bloc the following Officer Recommendations contained in the Agenda for the Ordinary Council Meeting 25 May 2021:**

<b>Item #</b>	<b>Report Title</b>
<b>10.1.5</b>	<b>Monthly Financial Statements for the period 1 July 2020 to 30 April 2021</b>
<b>10.1.8</b>	<b>Temporary Management Protocol for Play Equipment on Verges and Street Trees</b>
<b>10.1.10</b>	<b>Harvey Fields Recreation Precinct</b>
<b>10.1.11</b>	<b>Eric Street Cycle Path Concept Plan</b>
<b>10.1.12</b>	<b>Taskforce for Residential and Recreational Uses of Verges</b>

**Carried 8/0**

The Presiding Member advised that item 10.1.6 would be brought forward in the agenda.

**10.1.5 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2020 TO 30 APRIL 2021**

**Directorate:** Corporate and Community Services  
**Author(s):** Wayne Richards, Finance Manager  
**Authoriser(s):** Shane Collie, Director Corporate and Community Services  
Matthew Scott, Chief Executive Officer  
**File Reference:** D21/22708  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**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 2020 to 30 April 2021.

**BACKGROUND**

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

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

**OFFICER COMMENT**

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

- The net current funding position as at 30 April 2021 was \$2,085,249 as compared to \$3,260,658 this time last year.
- Rates receivables at 30 April 2021 stood at \$446,853 as compared to \$398,743 this time last year as shown on page 25 of the attached financial statements.

- Operating revenue is more than year to date budget by \$853,643 with a more detailed explanation of material variances provided on page 21 of the attached financial statements. Operating expenditure is \$55,393 less than year to date budget.
- The capital works program is shown in detail on pages 34 to 35 of the attached financial statements.
- The balance of cash backed reserves was \$9,124,931 as at 30 April 2021 as shown in note 7 on page 28 of the attached financial statements.

**List of Accounts Paid for April 2021**

The list of accounts paid during April 2021 is shown on pages 36 to 41 of the attached financial statements. The following significant payments are brought to Council's attention:

- \$25,416.62 & \$24,633.46 to SuperChoice Services Pty Ltd for staff superannuation contributions.
- \$54,982.49 to the Australian Taxation Office for the monthly business activity statement.
- \$67,100.00 to the Office of the Auditor General for audit services.
- \$130,777.26 to Environmental Industries for beach path access works.
- \$34,863.70 to Surf Life Saving Western Australia for lifeguard services.

**Investments and Loans**

Cash and investments are shown in note 4 on page 23 of the attached financial statements. The Town has approximately 47% of funds invested with the National Australia Bank, 27% with the Commonwealth Bank of Australia and 26% with Westpac Banking Corporation. A balance of \$9,124,931 was held in reserve funds as at 30 April 2021.

Information on borrowings is shown in note 10 on page 31 of the attached financial statements. The Town had total principal outstanding of \$3,140,786 as at 30 April 2021.

**Rates, Sundry Debtors and Other Receivables**

Rates outstanding are shown on note 6 on page 25 and show a balance of \$446,853 outstanding as compared to \$398,743 this time last year.

Sundry debtors are shown on note 6 on page 25 of the attached financial statements. The sundry debtors report shows that 40% or \$44,721 is older than 90 days. Infringement debtors are shown on note 6 on page 27 and stood at \$483,923 as at 30 April 2021.

Budget amendments are shown on note 5 on page 24 of the attached financial statements.

**ATTACHMENTS**

**10.1.5(a) Monthly Financial Report 1 July to 30 April 2021 [under separate cover]**

**CONSULTATION**

Senior staff.

**STATUTORY IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

**OCM073/2021**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Young**

**Seconded Cr Sadler**

**THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2020 to 30 April 2021 as submitted to the 25 May 2021 meeting of Council.**

**Carried by En Bloc Resolution 8/0**

**10.1.8 TEMPORARY MANAGEMENT PROTOCOL FOR PLAY EQUIPMENT ON VERGES AND STREET TREES**

**Directorate:** Engineering Services  
**Author(s):** Matthew Scott, Chief Executive Officer  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D21/21151  
**Applicant(s):** Town of Cottesloe  
**Author Disclosure of Interest:** Nil

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.1.8 by virtue "I previously had play equipment on my verge."

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.8 by virtue "I know residents who use the verges for recreation purposes."

Cr Harkins declared an IMPARTIALITY INTEREST in item 10.1.8 by virtue "I know people socially in the streets effected by this item."

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.8 by virtue "Some of the people involved are known to me."

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**SUMMARY**

For Council to note the attached Management Protocol introduced by the Town Administration in relation to play equipment on verges and street trees, until Council receives recommendations from the proposed Taskforce on Residential and Recreational uses of Verges.

**OFFICER RECOMMENDATION IN BRIEF**

That Council notes the attached Temporary Management Protocol in relation to Recreational Equipment on Verges and Street trees.

**BACKGROUND**

At the 27 April 21 Ordinary Council Meeting Council resolved the following:

**OCM055/2021**

**THAT Council:**

- 4) Request the CEO to develop an interim management process, to be presented at the May'21 Ordinary Meeting of Council to manage existing residential and recreational verge treatments, to enable possible continuation of safe and legal use of verges while the committee develops recommendations to Council.**

Since the Council meeting the Chief Executive Officer (CEO) has developed the attached management practice to deal with play equipment on town verges and street trees.

**OFFICER COMMENT**

The attached Management Protocol has been developed for the Administration to continue to manage the safe and legal use of the Town's verges while the Council's Taskforce on

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Residential and Recreational Verge Uses develops a long term strategy for the future management of this issue. The proposed management protocol has been developed under existing State regulations and current Town of Cottesloe Local Laws and Policies associated with Street Verges and Street Trees. It should be noted that the application of these protocols is part of the day to day management of the Town, which includes the application and implementation of Council Resolutions, Local Laws and Policies.

On review of Council's resolution, Community feedback and media articles, it is believed that there are two distinctive categories of recreational equipment being used on the Town's Verges, being very basic equipment attached to Street Trees (rope swings, rope ladders and cubby houses) and standalone equipment directly placed or installed on the verge by residents (climbing frames, soccer goals and trampolines). Therefore it is arguable to have separate consideration for equipment attached to Street Trees and equipment placed on verges, similar to Council having separate policies in relation to Residential Verges and Street Trees.

#### Street Tree Attachments

Council's Street Tree Policy is silent with regards to street tree attachments, which effectively provides scope for the Administration to consider Street Tree attachments on the basis they do not harm the tree, which is a specific objective of the Street Tree Policy. The protocols developed for this type of attachment is similar to the policies and protocols from the Town of Vincent and City of Subiaco.

#### Other Play Equipment

This section has been developed to cover all other play equipment that does not meet protocols for Street Tree Attachments. These protocols have been developed based on previous legal advice and Council's resolution from June 2012 being:

#### ***THAT Council,***

- 1. Consider allowing play equipment to remain on street verges, subject to each structure receiving Council approval, with the following conditions;***
  - a. The adjacent landowner, at their expense, have the equipment certified as complying to the relevant Australian Standards by a suitably qualified consultant or engineer;***
  - b. The adjacent landowner, at their expense, take out and maintain Public Liability insurance that indemnifies the Town and the landowner from any action that results from the placement or maintenance of the play equipment; and***
  - c. Notify adjacent neighbours of any application for play equipment to be placed on the verge.***
- 2. Undertake a review of its Residential Verges Policy accordingly.***

Given the above, it is believed that indemnification is the highest priority, giving Council (and therefore the ratepayers) some protection should a significant loss or injury occur with these more complex installations. The issuing of a permit would also make these installations consistent with the current policy. Council is not being asked to revoke this resolution, as the Administration cannot presume the future recommendations of the Taskforce.

As mentioned previously these protocols are meant to provide some guidance to the Administration while a long term solution is being developed. It is accepted that this is not a

perfect solution, but will allow installations to be lawful, and provide some protection to the Town and community. Should it be necessary to have an installation removed (unsafe or not meeting requirements) under the protocols this can only be done via a Council resolution, after reasonable notification to the play equipment owner. This provides Council to be the ultimate decision maker during this transition period.

### **ATTACHMENTS**

**10.1.8(a) Management Protocol for Play Equipment on Verges [under separate cover]**

### **CONSULTATION**

Various local governments.

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

Schedule 9.1, cl 8 Private works on, over, or under public places

*Local Government (Uniform Local Provisions) Regulation 1996*

Reg 17 Private works on, over, or under public places – Sch.9.1 cl. 8

*Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001*

Division 3 – Verge Treatments

### **POLICY IMPLICATIONS**

Residential Verges Policy (2012)

Street Tree Policy (2019)

### **STRATEGIC IMPLICATIONS**

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

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

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

### **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

**OCM074/2021**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Young**

**Seconded Cr Sadler**

**THAT Council NOTES the attached Management Protocol for Play Equipment on Street Verges and attached to Street Trees.**

**Carried by En Bloc Resolution 8/0**



**10.1.10 HARVEY FIELDS RECREATION PRECINCT**

**Directorate:** Engineering Services  
**Author(s):** Shaun Kan, Director Engineering Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D21/21325  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

Cr Harkins declared an IMPARTIALITY INTEREST in item 10.1.10 by virtue "I know people socially in the streets effected by this item."

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**SUMMARY**

Council is asked to consider adopting a preferred option for the Anderson Pavilion to be finalised for this new building to be designed and constructed.

**OFFICER RECOMMENDATION IN BRIEF**

Accept a preferred option for the Harvey Field Recreation Precinct and progress the construction of the new Anderson Pavilion Building.

**BACKGROUND**

In 2018, users of the Harvey Field Recreation Precinct and surrounding residents were consulted on the original masterplan attached. Given the unaffordable \$27 million required for this proposal, Council has asked for the scope of works to be rationalised.

A visual summary was presented to the February 2021 Ordinary Meeting where Council resolved as follows:

*OCM028/2021*

*COUNCILLOR MOTION*

*THAT Council:*

- 1. DEFERS acceptance of the rationalised principles indicated on the attached plan (Attachment Two).*
- 2. REQUESTS Administration consult with Key Stakeholders of the Anderson Pavilion and Harvey Field to align the rationalised Masterplan (where feasible) with their key priorities, requirements and deemed 'essentials' for the short to medium term.*
- 3. REQUESTS Administration to CONSIDER providing additional safety barriers for protection from golf balls.*
- 4. REQUESTS that Administration ENSURE appropriate Ambulance access and Universal Access.*
- 5. REQUESTS Administration to RETAIN a playground facility within the precinct.*
- 6. REQUESTS Administration to CONSIDER reincorporating the Basketball, tennis hit up area and cricket nets to maintain the multigenerational community space.*

7. *REQUESTS the inclusion of Formal and Informal Parking provisions to align with the AECOM Plan and feedback from Neighbours and Key Stakeholders.*
8. *REQUESTS the Administration to table this at the May 2021 Elected Member's Workshop upon the completion of Points One to Seven.*

*Carried 9/0*

### **OFFICER COMMENT**

The matters requested in the resolution have been undertaken and summarised as follows:

#### **Consultation with Key Stakeholders**

The consultation occurred predominantly through email correspondence and response to feedback provided has been documented in the attached register. Comments can be summarised as follows:

- Would like for the field to be widened but due consideration would need to be given to impacts on the Anderson Pavilion and cost associated with any earthworks required to the east and west
- Consideration be given to changing the oval orientation to avoid any part of the Anderson Pavilion from being directly behind the football goal post
- Request for fencing to be installed between the fields and the golf course to provided protection from stray golf balls
- Incorporate the improvements to playing field lighting as part of the project
- Leave the Broome Street carpark unsealed

#### **Options Development and Analysis**

The following five options have been developed based on information received from the stakeholders and the request from Council:

- Option 1: widen current field to minimum standards and rotated to a North Eastern-South Western orientation (Attachment 1)
- Option 2: widen current field in it's existing alignment (no rotation) to minimum standards (Attachment 2)
- Option 3: rotate current field to a North Eastern-South Western orientation (Attachment 3)
- Option 4: retain current field size with a lateral shift to the North East and rotate to North Eastern-South Western orientation (attachment 4)
- Option 5: do nothing with the current field (attachment 5)

Options one, two and four have been deemed unviable for the following reasons:

- removal of trees;
- expensive cut into the embankment to the eastern section of the fields;
- costly embankment widening between the current field and golf course; and

- impact on the golf course is not known with the embankment extension.

Given that option five encroaches onto the road reserve, Department of Lands have been consulted and advice received indicates that this would require some form of amalgamation. The parliamentary consideration for this to occur could take as long as two years. This option also involves the removal of trees.

Other alternatives such as the realignment of the Jarrad Street road section leading to the golf course entrance to allow for the oval to be widened have not been pursued for similar institutional reasons, in addition to being more costly.

### **Preferred Option**

Option three the rotation of the field in conjunction with the following elements would be the preferred option given the impacts to allow for the Anderson Pavilion to be built within the Harvey Field Recreational Reserve:

- Construction of a fence on the western edge of the field – height will be determined in consultation with the Seaview Golf Course as local golf professionals will be able to advise the ball trajectory;
- Provide ambulance / universal access onto the field along the western edge of the new Anderson Pavilion;
- Retain the parking arrangement along Pearse Street as per consultation feedback;
- Retention of the unsealed carpark along Broome Street; and
- Retention of the existing community space facility.

Consideration would need to be given when developing the field design on the clear zone requirements on the western side as to whether some minor excavation into the embankment would be required. Conceptually, it appears that these earthworks are avoidable given that the minimum requirement within the standards does allow such dimensions to be brought down to three metres.

Based on the above, the recommendation would be for Council to endorse option three as the preferred concept to allow the new Anderson Pavilion to be constructed in the position shown and the implementation of other aspects detailed above. The rotation of the field allows for Anderson Pavilion to be oriented further south, avoiding the removal of any trees and at the same time keeps the building in its entirety away from the back of the goal.

Other infrastructure such as footpaths as shown within the original AECOM concept will be added the recommendation be adopted. It would be important to note that option three would still be compatible with the original 2018 masterplan should the future Council wish to progress the other elements in the foreseeable future.

Given the new Anderson Pavilion has been designed to a similar aesthetical outlook as the current facility and remains within the same vicinity of, Council can consider approving this component and subject the remaining scope to wider public consultation should it wishes to do so. It would be important to note that the only significant change to the Harvey Field Precinct would be the proposed fence between the golf course and fields.

**ATTACHMENTS**

- 10.1.10(a) Recreational Precinct Masterplan - Sporting Club Feedback [under separate cover]
- 10.1.10(b) Harvey Field - 5 Options - Rev B(2) [under separate cover]

**CONSULTATION**

- Cottesloe Rugby Union Football Club
- Cottesloe Football Club (Roosters)
- Cottesloe Magpies – Junior Football Club
- Council

**STATUTORY IMPLICATIONS**

There are no expected statutory implications

**POLICY IMPLICATIONS**

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

The affected trees are within a public open space

**STRATEGIC IMPLICATIONS**

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

Priority Area 5: Providing sustainable infrastructure and community amenities

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

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

The design and construction will be undertaken by a contractor. Town staff will be involved with Project and Contract Management.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no perceived environmental sustainability implications.

**VOTING REQUIREMENT**

Simple Majority

**OCM075/2021**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Young**

**Seconded Cr Sadler**

**THAT Council:**

- 1. APPROVES Option 3 as the preferred option for the Harvey Fields Precinct Concept for further development; and**
- 2. NOTES that subject to the approval of point one, the design and construction of the new Anderson Pavilion will commence with a tender recommendation brought to an Ordinary Council Meeting for a contractor to be appointed for the works.**

**Carried by En Bloc Resolution 8/0**

**10.1.11 ERIC STREET CYCLE PATH CONCEPT PLAN**

**Directorate:** Engineering Services  
**Author(s):** David Lappan, Manager Projects and Assets  
**Authoriser(s):** Shaun Kan, Director Engineering Services  
**File Reference:** D21/21378  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is asked to endorse the attached Eric Street Cycle Path concept plan for wider community consultation.

**OFFICER RECOMMENDATION IN BRIEF**

For Council to endorse the Eric Street Cycle Path concept plan for wider consultation and commencement of the detailed design.

**BACKGROUND**

In 2018, the community was consulted on the Towns Long Term Cycle Network (LTCN). In April 2020, Council unanimously supported the LTCN plan ([www.cottesloe.wa.gov.au/business-development/major-projects/long-term-cycle-network.aspx](http://www.cottesloe.wa.gov.au/business-development/major-projects/long-term-cycle-network.aspx)) endorsed by the State Government in the same year.

A path on Eric Street was deemed the first priority based on feedback received from both the community and the Active Transport Working Group. A concept has since been developed in collaboration with the Council appointed advisory team that successfully received a 50 percent co-contribution from the State Government toward the \$70,000 required for the detail design commencing in 2021/2022.

It is intended that the attached concept be provided for public consultation, targeting Eric Street residents and property owners living between Marine Parade and Curtin Avenue for feedback prior to advancing the designing. State Government will also be consulted to ensure compatibility with any projects that they have proposed.

**OFFICER COMMENT**

The proposed concept has identified the southern side of Eric Street as the preferred location for this off road facility given the significantly fewer number of verges that will be impacted and the more generous road corridor width. The narrow points near the IGA shopping centre and Hamersley Street on the northern side poses design challenges for the path to safely go through these locations.

Initial consultation with the Active Transport Working Group indicates that with the path being proposed on the southern side, due consideration would need to be given to:

- Crossing facilities to allow the safe crossing of Eric Street and Curtin Avenue to access the Principal Shared Path and North Cottesloe Primary School;

- Integration of the Eric Street Shared Path with the cycle infrastructure proposed for the Foreshore Redevelopment within the North Cottesloe Precinct and the possible Ocean Beach Hotel Redevelopment; and
- Risk of conflict with oncoming vehicles at intersection crossings or as the path transitions into a short length of local access road at the Marmion Street roundabout.

A particular focus as part of this recommended consultation would be with the Department of Transport, Main Roads Western Australia and the Public Transport Authority to ensure design compatibility amongst all projects.

Given that the LTCN has previously been put out for wider public consultation, the intent in this particular instance would be to only invite directly impacted residents either living or owning property along Eric Street between Marine Parade and Curtin Ave to provide feedback. This can be done through a structured survey that will have options to provide commentary.

The intent is then for the feedback received to be considered and concept amended if required before the return to an Ordinary meeting for Council's endorsement. The detail design will then commence thereafter.

### **ATTACHMENTS**

- 10.1.11(a) Signed Meeting Notes - Active Transport Working Group 22 April 2021 [under separate cover]**
- 10.1.11(b) Eric Street Shared Path - Without Hatching [under separate cover]**

### **CONSULTATION**

Consultation will be conducted with immediately affected residents along Eric Street, from Curtin Avenue to Marine Parade (both sides).

Community wide consultation was previously completed to determine the LTCN routes prior to endorsement.

Various State Government Departments.

The Active Transport Working Group has been involved with the concept development and has provided feedback on the attached design.

### **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

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

Priority Area 3: Enhancing beach access and the foreshore

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

### **RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

\$70,000 in grant funding has been approved to commence detailed design works in 2021/2022.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the officer's recommendation. The construction of the shared path promotes cycling as a sustainable transport mode.

### **VOTING REQUIREMENT**

Simple Majority

**OCM076/2021**

### **OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Young**

**Seconded Cr Sadler**

**THAT Council:**

- 1. APPROVES the attached Eric Street Cycle Path Concept Plan for the purpose of public consultation;**
- 2. NOTES that district wide consultation will be undertaken, including targeting directly impacted residents and businesses along Eric Street from Curtin Avenue to Marine Parade including State Government; and**
- 3. NOTES that an item will return to a separate Ordinary meeting at the end of the consultation for the final concept to be endorsed prior to the commencement of detail design.**

**Carried by En Bloc Resolution 8/0**



**10.1.12 TASKFORCE FOR RESIDENTIAL AND RECREATIONAL USES OF VERGES**

**Directorate:** Executive Services  
**Author(s):** Matthew Scott, Chief Executive Officer  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D21/21783  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

Cr Sadler declared a IMPARTIALITY INTEREST in item 10.1.12 by virtue "I previously had play equipment on my verge."

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**SUMMARY**

For Council to consider and adopt the attached charter (Terms of Reference) for the Taskforce for Residential and Recreational Use of Verges and invite community membership.

**OFFICER RECOMMENDATION IN BRIEF**

For Council to accept the attached charter and request the CEO to seek nominations for Community and stakeholder organisation positions.

**BACKGROUND**

At the 27 April 2021 Ordinary Council Meeting, Council resolved to form a committee (taskforce) to develop strategies to deal with Play Equipment on Verges.

***Resolution OCM055/2021******THAT Council:***

- 2) *ESTABLISHES by ABSOLUTE MAJORITY a Committee and REQUESTS the CEO to develop terms of reference of said committee, to be presented to Council at the May'21 Ordinary Council Meeting;***
- a. In consultation with Crs Masarei, Barrett and Young, who are hereby appointed to the Committee.***
  - b. Considering, but not limited to, the following:***
    - i. the Committee being called "Task Force on Residential and Recreational Verge Uses";***
    - ii. Risk Assessments of current uses of Town of Cottesloe verges;***
    - iii. Current insurance options to mitigate risks associated with residential and recreational verge treatments;***
    - iv. Membership or representation from WALGA and Local Government Insurance Services (LGIS) ;***
    - v. Other risk mitigation strategies available to Local Governments;***
    - vi. Current practices and policies of other Local Government in managing residential and recreational verge treatments;***
    - vii. Previous documented concerns raised by Elected Members and residents;***
-

- viii. *Potential policy and local law changes with regard to Residential and Recreational verge treatments;*
- ix. *Future community consultation in relation to changes to permitted residential and recreational verge treatments;*
- x. *Recommendations to be submitted to Council for consideration, no later than December'21.*

The draft Committee Charter (Terms of Reference) has been developed along the lines of the above resolution.

#### **OFFICER COMMENT**

It is believed The Draft Committee Charter does capture the intent of the proposed Taskforce, however Council is at liberty to modify it if necessary.

#### **ATTACHMENTS**

- 10.1.12(a) Charter - Taskforce for Residential Recreational verge uses [under separate cover]

#### **CONSULTATION**

Nil

#### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

Section 5.8 Establishment of Committees

#### **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 6.1: Ongoing implementation of Council's community consultation policy.

#### **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

**OCM077/2021**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Young

Seconded Cr Sadler

**THAT Council:**

1. **ADOPTS** the attached Charter – Taskforce for Residential and Recreation Uses of Verges; and;
2. **REQUESTS** the Chief Executive to:
  - a. **SEEK** nominations for the Community Member Positions;
  - b. **SEEK** confirmation to participate and representatives from the nominated Stakeholder Organisations.

**Carried by En Bloc Resolution 8/0**

**DEVELOPMENT AND REGULATORY SERVICES****10.1.6 LOTS 64 & 65 (176) LITTLE MARINE PARADE - TWO-STOREY DWELLING**

**Directorate:** Development and Regulatory Services  
**Author(s):** Ed Drewett, Coordinator Statutory Planning  
**Authoriser(s):** Wayne Zimmermann, Manager of Planning  
**File Reference:** D21/20297  
**Applicant(s):** Lyons Architects  
**Author Disclosure of Interest:** Nil

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.6 by virtue "I know the residents in the street."

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.6 by virtue "Some of the parties involved are known to me."

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**SUMMARY**

This report discusses the statutory provisions and assessment criteria relevant to revised plans received 5 May 2021 for a two-storey dwelling on Lots 64 & 65 (176) Little Marine Parade, Cottesloe. This follows the applicant's request to withdraw the item from the April Council meeting.

**OFFICER RECOMMENDATION IN BRIEF**

That Council approve the development application with conditions, and revised plans received 5 May 2021.

**BACKGROUND**

This development application was withdrawn from last month's Council meeting to enable the applicant to submit revised plans to address various planning matters that were raised in the officer's report to the April Agenda Forum meeting (see attachment).

The revised plans include the following changes from the original plans received 14 January 2021:

**Setbacks to southern boundary**

- Ground floor study setback increased from 1.5m to 1.7m to satisfy *deemed-to-comply* provisions of the Residential Design Codes (R-Codes);
- Upper floor dining-room setback increased from 1.69m to 1.879m;
- Upper floor living-room window box-frame setback increased from 1m to 1.2m to satisfy *deemed-to-comply* provisions of the R-Codes.

**Building bulk**

- Building height at the rear reduced by 0.95m;
  - Building length at the rear reduced by 0.45m;
  - Roof skylight reduced in size and made level with the roof.
-

Outdoor living areas

- Front balcony identified as having two-thirds operable pergola above to satisfy *deemed-to-comply* provisions of the R-Codes.

Visual Privacy

- Portion of proposed front courtyard lowered to no more than 0.5m above natural ground level;
- 1.6m high visual privacy screen proposed on southern side of raised front outdoor living area to satisfy *deemed-to-comply* provisions of the R-Codes.

Solar Access (Overshadowing)

- Overshadowing of southern adjoining lot on 21 June @ 12.00 reduced by 16m<sup>2</sup> to 46%.
- 3D overshadowing diagrams provided (see Sheet DA05 attached).

**Comments on revised plans received during the advertising period**

Five submissions were received at the time of writing this report. These are summarised below:

Margaret Pitt (no address provided)

- The advertised plans should not be supported;
- No discretion should be applied under the Residential Design Codes as this may have health impacts on the neighbour;
- The overshadowing of neighbour's north-facing windows and rear garden will decrease amenity;
- The north, south, and upper-floor west setbacks are less than allowed and may impact on amenity;
- Cars using the garage and turntable and people using the upper-floor entertainment areas would generate excessive noise;
- The design presents a large, relatively featureless expanse facing the southern neighbour, which will be worse due to its setback, and creates unacceptable visual bulk;
- The swimming pool excavation poses a safety hazard, and the associated enclosed elevated terrace area will result in a loss of privacy to the southern neighbour;
- The front door not facing the street would pose a security risk for future residents; and
- The proposed outdoor living area will be completely covered which is not in accordance with the regulations.

Lindsay Mollison, 174 Little Marine Parade

- Cannot see how design principles can be invoked to allow it to proceed;
- The revisions appear to only represent a gain of about 5m<sup>2</sup> in the backyard which is negligible;
- 172 Little Marine Parade was allowed to overshadow 31% of the adjoining lot only after no objections were made;

- The width of the southern setback being less than the Code affects the level of shade, adds noise due to extremely close neighbours, and has a general effect of being enclosed by a 10m high wall like structure along entire northern boundary;
- If the building did not have such a big footprint there would be no need to excavate so close to the front boundary for the pool;
- Pleased there have been some other concessions, but these do not satisfy the enormous significant loss to amenity;
- Does not believe there is justification to apply discretion regarding setback, privacy and shade;
- Makes reference to earlier submission from Altus Planning dated 16 February 2021 produced on his behalf, and to officer comments made in the April Agenda Forum report;
- Advises that 174 Little Marine Parade is 439m<sup>2</sup>.

David Forrest, 7 Margaret Street

- Objects to shading of southern neighbour, inadequate setbacks to north and south, and excavation in front garden;
- Building bulk and shade from rear wall will affect amenity.

Dr Alice Tippetts, 107 Rosalie Street, Shenton Park

- The proposed dwelling is too large for the lot, it will hog sunlight from the southern and eastern neighbours, it will box in the neighbours' gardens, and will severely affect their privacy and views;
- It is not considerate enough of its neighbours nor the wildlife;
- If the size of the house were reduced to meet the requirements and wishes of the neighbours it would still have ample space.

David Newman, 107 Rosalie Street, Shenton Park

- Objects to overshadowing and setbacks;
- Development shows disregard for impact on neighbour's property and the need to retain green spaces for wildlife.

Don & Norma Howe, 180 Little Marine Parade

- Objects to shading of southern neighbour, inadequate setbacks to north and south, and excavation in front garden.

Emily Lunt, 21/15 Eric Street

- Large amount of overshadowing to south and south-east;
- Encroachment on north and south boundaries and lines of sight;
- Lack of open space due to large total coverage;
- Exceeds regulations, beyond discretionary limits.

Steven & Jillian Kantola, 5 Margaret Street

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- Plans don't adhere to regulations;
- Exceeds block coverage regulation;
- Compromises ocean view and visual privacy.

Edward Allen, 170 Little Marine Parade

- Concerned with excessively large house being built on street;
- Building could be moved further north, reduced in height, and/or reduced in width to reduce overshadowing of neighbour;
- Proposed pool in front would be close to where children play. Accidents happen.

Altus Planning, on behalf of 174 Little Marine Parade (late submission)

- Reduction in overshadowing translates to only 6m<sup>2</sup> to the unroofed, usable portions of neighbour's outdoor living area, which is negligible improvement;
- Any improvement to the overshadowing to the neighbour's north-facing windows will be offset by 169% increase (ie: from 21.3% to 57.3%) in overshadowing to rear open space.

Submissions are attached.

**OFFICER COMMENT**

Based on the revised plans, the development application complies with the Town's Local Planning Scheme No. 3 and the *deemed-to-comply* provisions of the R-Codes, except for the following matters which require Council to exercise its judgement under *design principles* of the R-Codes:

**Setbacks**

The setback variations to the northern boundary were discussed in the previous report to the April Agenda Forum and may be supported under *design principles* as the articulated design will assist in reducing the impact of building bulk on the adjoining northern property, there will be adequate direct sun and ventilation to the building and open spaces on the site and adjoining property, and there will be no resultant loss of privacy as major openings and the balcony will be screened. Furthermore, the adjoining northern property is under the same ownership.

The revised upper-floor dining room is proposed to be setback 1.879m in lieu of 1.9m from the southern boundary which is only a 0.021m (2.1cm) setback variation and may be supported under *design principles* as having no significant adverse impact on the southern adjoining property. Furthermore, the upper floor is enclosed by the curved roof structure rather than having any vertical walls so its setback from the southern boundary gradually increases from the ground level to the top of the roof thereby reducing its visual impact.

**Site works**

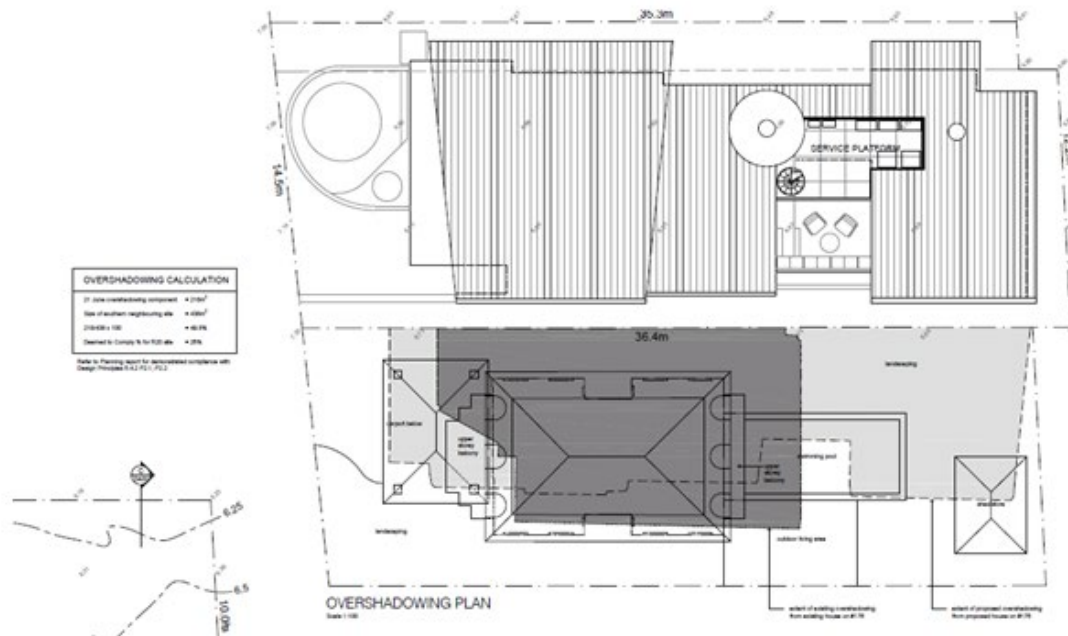
The proposed swimming pool in the front setback requires excavation within 3m of the front boundary to a depth of approximately 1.7m, in lieu of 0.5m permitted under the *deemed-to-comply* provisions of the R-Codes. This variation may be supported under *design principles* as the pool is only approximately 3.6m in diameter and will occupy only about 25% of the lot

frontage thereby having no significant adverse impact on the streetscape or adjoining properties.

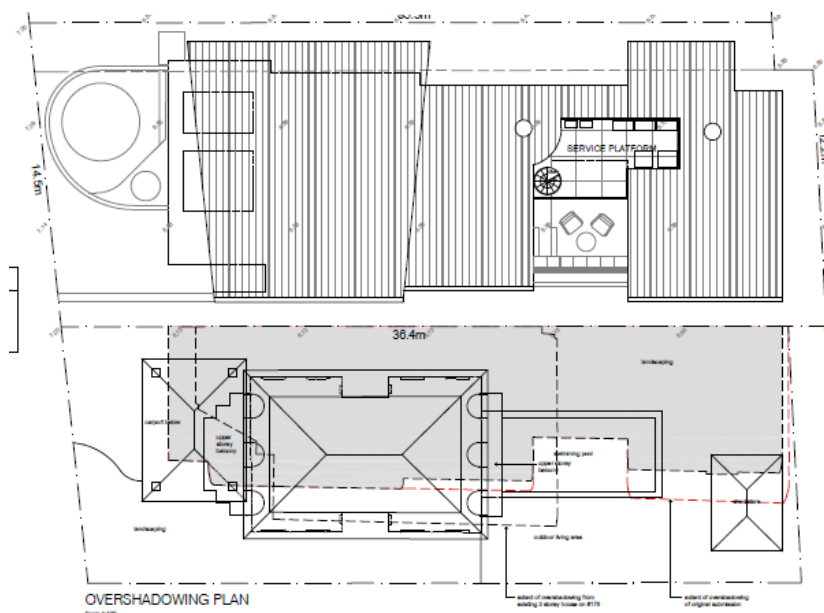
**Solar access**

This was discussed in detail in the previous report to the April Agenda Forum meeting whereby the proposed 49.8% overshadowing was not supported (refer attachment).

The revised plans received 5 May 2021 show the rear portion of the proposed dwelling being reduced in height by 0.95m and reduced in length by 0.45m (by removing the roof eave at the rear). The resultant overshadowing of the southern adjoining lot on 21 June @ 12.00 will be 46%, which is 16m<sup>2</sup> less than the previous proposal.



**Above: Original overshadowing plan submitted 14 January 2021**





**Above: Revised overshadowing plan submitted 5 May 2021**

The applicant has requested that the overshadowing be assessed under *design principles* of the R-Codes, which are:

*P2.1 Effective solar access for the proposed development and protection of the solar access.*

*P2.2 Development designed to protect solar access for neighbouring properties taking account the potential to overshadow existing:*

- *outdoor living areas;*
- *north facing major openings to habitable rooms, within 15 degrees of north in each direction; or*
- *roof-mounted solar collectors.*

**Applicant's justification**

The applicant's justification was provided in the report to the April Agenda Forum meeting (refer attachment).

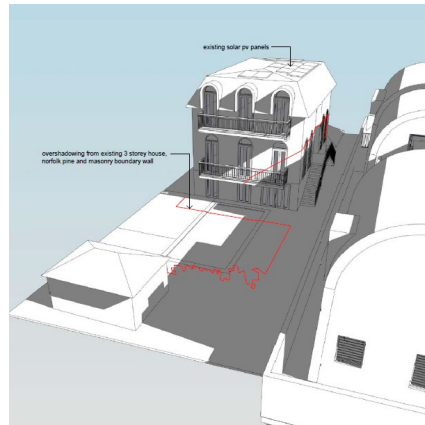
**Officer comment**

The report to the April Agenda Forum meeting outlined the reasons why the plans received 14 January 2021 did not satisfy the relevant *design principles* of the R-Codes. In particular, the height, bulk and scale of the proposed two-storey dwelling was considered to have a detrimental impact on the amenity of the adjoining southern lot as it would not adequately protect solar access to the neighbour's property, especially at the rear. Furthermore, the development was unlikely to satisfy clause 67 of the Planning and Development (Local Planning Schemes) Regulations.

The revised plans have addressed this by reducing the height of the rear portion of the proposed dwelling by 0.95m, reducing the overall length of the proposed dwelling by 0.45m, and increasing the setback from the southern boundary to the proposed ground floor study and upper floor dining room to 1.7m and 1.879m respectively.

The north-facing windows and east and west-facing window/balconies on the southern neighbour's dwelling will already be partly overshadowed on the winter solstice by the existing dwelling and the proposed development will make no significant difference to these areas. However, the area of shadow received on the immediate eastern side of the southern neighbour's dwelling will be slightly less than in the existing situation thereby improving sunlight to this area (refer overshadowing diagrams above & Sheet DA04 attached). Furthermore, a large Norfolk Island Pine tree at the rear of 176 Little Marine Parade which presently overshadows the adjoining rear garden will be removed.

Based on the revised plans, the resultant overshadowing of the adjoining southern lot during the winter solstice will be reduced from 218m<sup>2</sup> (49.8%) to 202m<sup>2</sup> (46%), a reduction of 16m<sup>2</sup>.



**Above: Diagram supplied by applicant showing maximum extent of overshadowing at midday on the winter solstice.**

The proposed reduction in the height and length of the proposed dwelling and the increase setback from the southern boundary assists in satisfying the relevant *design principles* of the R-Codes.

There will be no overshadowing of the southern neighbour's rooftop solar panels and no additional overshadowing to the neighbour's north-facing windows compared to that cast from the existing dwelling. Also, the extent of overshadowing of the southern neighbour's rear garden and pool will be less than previously proposed and not dissimilar to the dwellings at 170 Little Marine Parade (31.8% overshadowing) and 178 Little Marine Parade (48% overshadowing). Furthermore, Council has generally recognised that on smaller lots with an east-west orientation when a westerly exposure and outlook to the ocean are the main aims, overshadowing may be tolerated to a greater degree.

**Strategic Planning Framework - Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 (amended 2020)**

The proposal has been assessed having due regard to relevant matters under clause 67 of the Regulations. In particular, having regard to the aims of Local Planning Scheme No. 3 and the compatibility of the development with its setting, including –

- (i) *The compatibility of the development with the desired future character of its setting; and*
- (ii) *The relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale orientation and appearance of the development; and*
- (iii) *Submissions from neighbours.*

**Conclusion**

Having regard to relevant planning legislation and the submissions received to both the original and revised plans, it is considered that the proposed dwelling now adequately satisfies the relevant *design principles* of the R-Codes for it to be recommended for approval.

**ATTACHMENTS**

- 10.1.6(a) 176 Little Marine Parade Cottesloe - Revised Plans 5 May 2021 [under separate cover]**

- 10.1.6(b) Response to Councillor requests made at Agenda Forum meeting on 18 May 2021 [under separate cover]
- 10.1.6(c) Officer's Report to April Agenda Forum [under separate cover]
- 10.1.6(d) Neighbours submissions to revised plans updated [under separate cover]
- 10.1.6(e) Neighbours submissions & Schedule relating to superseded plans received 14 January 2021 [under separate cover]

### **CONSULTATION**

The revised plans were emailed to the adjoining southern neighbour on 3 May 2021 and also on 6 May 2021 (the latter showing the relocation of a privacy screen to the raised front outdoor living area). The plans were also included on the Town's website. Advertising closed on 17 May 2021.

### **STATUTORY IMPLICATIONS**

- *Planning and Development Act 2005;*
- Planning and Development (Local Planning Schemes) Regulations 2015 (as amended);
- Local Planning Scheme No. 3;
- State Planning Policy 7.3 - Residential Design Codes.

### **POLICY IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

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

Priority Area 4: Managing Development

### **RESOURCE IMPLICATIONS**

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

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER RECOMMENDATION**

THAT Council APPROVES the development application for a two-storey dwelling on Lots 64 & 65 (176) Little Marine Parade, Cottesloe, as shown on the revised plans received 5 May 2021, subject to the following conditions:

1. All water draining from roofs and other impermeable surfaces should be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.
2. The finish and colour of the gatehouse facing the adjoining northern boundary shall be to the satisfaction of the Town, details to be shown at the Building Permit stage.
3. The northern and southern sides to the upper-floor front balcony; the southern side of the upper-floor mid terrace; the north-facing upper-floor kitchen window; and the southern side of the ground-floor raised front outdoor living area shall all be permanently screened to a minimum height of 1.6m above the finished floor level as shown on the approved plans to restrict overlooking of the adjoining properties. Details to be shown at the Building Permit stage to the satisfaction of the Town.
4. The proposed fencing within the front setback area shall be visually permeable above 1.2m of natural ground level, with the horizontal dimensions of supporting solid pillars not exceeding 0.6m x 0.6m and 1.8m in height, measured from the primary street side.
5. Plant and equipment, including air-conditioning units, should be designed, positioned and screened so as to not be visible from the street; designed to integrate with the building; or located so as not to be visually obtrusive.
6. Finalisation of the subdivision/amalgamation issued by the Western Australian Planning Commission on 24 March 2021 (Application No: 160276) and new Certificates of Title being issued for the proposed lots prior to occupation.

Advice notes:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
  2. The owner/applicant is responsible for applying to the Town for a Building Permit and obtaining approval prior to undertaking the works.
  3. The roof surface may be required to be treated to reduce glare if the Town considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
  4. The owner/applicant is responsible for applying to the Town for a new crossover and obtaining approval prior to commencement of works.
  5. The owner/applicant is responsible for removing the redundant crossover adjoining the lot(s) to the satisfaction of the Town.
  6. The owner/applicant is requested to liaise with adjoining landowners prior to undertaking works that may affect the health of trees located on adjoining lots or altering dividing fences.
  7. The owner/applicant is advised that the lots may be required to be subdivided/amalgamated and new Certificates of Title be issued prior to the granting of a Building Permit.
-

8. All construction work shall be carried out in accordance with the requirements of the Environmental Protection (Noise) Regulations 1997.
9. The owner/applicant is advised that this approval shall be deemed to be an approval under the Metropolitan Region Scheme.

**OCM078/2021****COUNCILLOR MOTION AND COUNCIL RESOLUTION****Moved Cr Sadler****Seconded Cr MacFarlane**

**THAT Council REFUSES the development application for a two-storey dwelling on Lot 64 (176) Little Marine Parade, Cottesloe, as shown on the plans received 5 May 2021 for the following reasons:**

1. **The height, bulk and scale of the proposed two-storey dwelling will have a detrimental impact on the amenity of the adjoining southern lot as it will not adequately protect solar access to the neighbour's property, especially to their rear outdoor living area.**
2. **The proposed development does not satisfy clause 67 of the *Planning and Development (Local Planning Schemes) Regulation 2015 (as amended)*, and Clause 5.4.2 (P2.1 & P2.2) of *State Planning Policy 7.3 – Residential Design Codes* in respect to adequately protecting solar access to the adjoining southern lot.**

**Advice note:**

**The Applicant is at liberty to submit a new development application to the Town that addresses the height, bulk and scale of the proposed dwelling so that design provides greater protection of solar access to the adjoining southern neighbour's property.**

**Carried 8/0****COUNCILLOR RATIONALE:**

1. The Town's Mission Statement "To preserve and improve Cottesloe's natural and built environment and beach lifestyle by using sustainable strategies in consultation with the community" – needs to be at the forefront of councillors' minds when making planning decisions. Buildings which create unnecessary overshadowing of a neighbour's property, limiting solar access do not contribute to the built environment in a sustainable way. This development does not align with the Town's mission statement.
2. The deemed to comply provision for solar access 25% overshadowing at midday at the winter solstice. The development creates overshadowing of 46%. This is unacceptable level of overshadowing and does not satisfy the Residential Design Codes. The recent reduction by of 3.6% overshadowing in the new development application is not a significant improvement on amenity for the southern neighbour.
3. Previous approved developments with excessive overshadowing should not be used to justify approval in this instance. Instead councillors should be looking at sustainable planning principles rather than progressively eroding community amenity through overdevelopment of properties.

4. Council needs to take into consideration the rights of the current and any future southern neighbour to have reasonable solar access for a sustainable home
5. The previous planning officer's report of a similar DA acknowledging "that although the amount of overshadowing is generally not acceptable, a variation could be applied here because of the small lot sizes and east-west orientation" is not applicable. The applicant has been granted a boundary change and the lot size has been increased from 445m<sup>2</sup> to over 526m<sup>2</sup> giving greater capacity to design a house without overshadowing of their southern neighbour.
6. Further comments in the previous officer's report noting "when a westerly exposure and outlook to the ocean are the main aims, virtually unavoidable overshadowing is tolerated to a greater degree". This was in respect to an application with 31.8% overshadowing. The extent of the development at the rear of the property is what is creating the overshadowing issue. This does not contribute to stated aims of outlook to the ocean, only to excessive bulk and scale and overshadowing.
7. The issue of an existing tree currently causing overshadowing is not relevant. Firstly the tree is a permeable structure that allows sky to be viewed through and sunlight still to pass. Secondly it is counted as "open space" in the same way as other open structures of a building are. Thirdly trees contribute positively urban cooling and visual amenity in a way that a building does not.

The Presiding Member advised that item 10.1.7 would be dealt with as the next item of business.

**10.1.7 LIGHTING STRATEGY**

**Directorate:** Engineering Services  
**Author(s):** Parshia Queen, Engineering Technical Officer  
**Authoriser(s):** Shaun Kan, Director Engineering Services  
Matthew Scott, Chief Executive Officer  
**File Reference:** D21/21131  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is asked to endorse the attached Lighting Strategy for the purpose of investigating consultation.

**OFFICER RECOMMENDATION IN BRIEF**

Council is asked to endorse the Lighting Strategy for community wide consultation.

Consultation feedback will then be collated and an item brought back to a separate Council Meeting should there be the need to introduce any major strategies or changes to the document.

**BACKGROUND**

Street lighting plays a vital role for pedestrian, traffic and general public safety by illuminating roads and footpaths at night. A lighting audit has concluded that 84% of the gazetted roads within Cottesloe do not meet current standards. Given the limitation in both human and financial resources, a framework that takes into consideration a range of risk exposure factors is required to determine an order of priority for the District's lighting to be upgraded over time. This needs to be delivered in a way that minimises the risk of roads awaiting such improvements whilst others are being done.

**OFFICER COMMENT**

The attached lighting strategy identifies and prioritises non-compliant lighting regardless of infrastructure ownership within Cottesloe to improve both traffic and community safety. The improvements required range from increasing the number of luminaries to simply upgrading existing lights by modifying bulbs to light emitting diode (LED) type globes to meet standards.

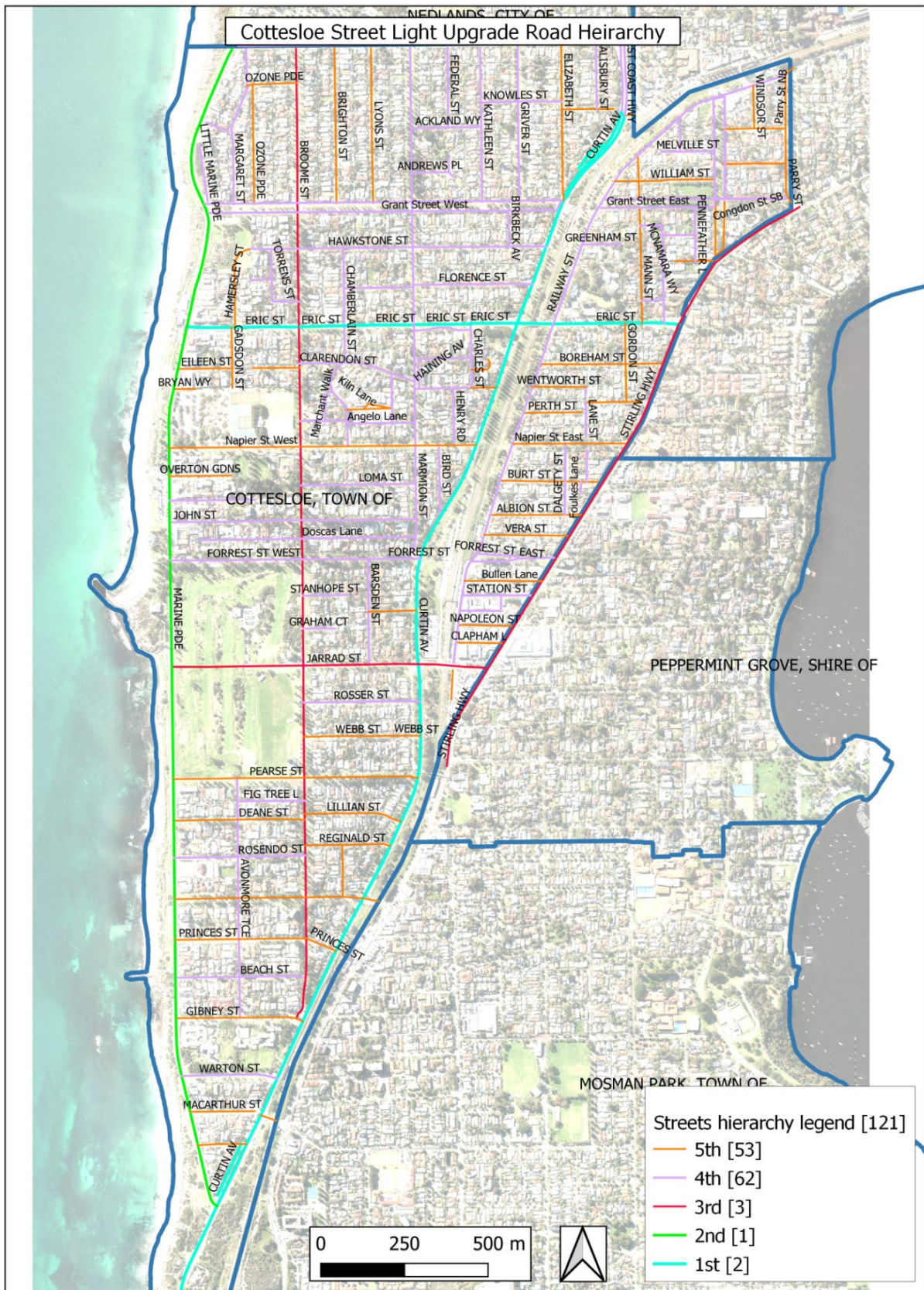
It is expected that the delivery of the upgrade over time will reduce the risk of night time crimes and crashes to provide a vibrant, safe and reliable environment to the community as well as tourists and visitors. The delivery plan summarising the Priority, Description, Scope of work, Time Frames and Success Indicators have been included as part of this document to ensure all works are addressed in a timely fashion. This document also informs the Long Term Financial Plan.

The table below provides a summary of the priority delivery plan over the next few years within the attached Lighting Strategy.

Priority	Description	Scope of Works	Timeframe	Success Indicator
1	Lighting Improvements on Streets with Non-Compliant Street Lights	(1) Pruning of vegetation that impact lighting (2) Upgrade globes to LED of equivalent (3) Upgrade globes to LED of higher wattage (4) Installation of additional solar powered light poles with LED globes (5) Installation of additional Western Power electricity grid owned light poles with LED globes (as an alternative to point 4) (6) Replace wooden poles with steel ones (7) Replace overhead powered lights with underground feed type supply	5 years (2021/2022 to 2025/2026)	(1) Lux meets AS1158 standards (2) No traffic and /or community safety related incidents as a result of poor lighting (3) Reduction in operations cost (4) Community satisfaction
2	Upgrade of Street Lighting on Streets with Compliant Street Lights	(1) Upgrade of existing bulbs to LED Globes (2) Replace wooden poles with steel ones (3) Replace overhead powered lights with underground feed type supply	3 years (2023/2024 to 2025/2026)	(1) Lux continues to meet standards (2) Reduction in operations cost (3) Community satisfaction (4) maintains traffic and community safety standards
Rolling Initiative as Part of Other Infrastructure Upgrade Programs	Lighting Installation / Upgrade within Public Open Spaces Lighting Installation and /or upgrades along Right of Ways/Pedestrian Access Ways	(1) Installation of new lighting (preferably LED solar) (2) Upgrade of existing lighting to LED (3) where (1) is not done, install infrastructure to make provision for lighting to be installed in the future.	As per Public Open Space and Playground Upgrade Strategy Foreshore Redevelopment Project Delivery As per Right of Way Strategy	(1) Lux meets AS1158 standards (2) No traffic and /or community safety related incidents as a result of poor lighting (3) Low operations cost (4) Community satisfaction

The figure below depicts the order to which lighting along various streets will be upgraded.





A recommendation has been made to advise the attached lighting strategy for community wide consultation to ensure all issues have been captured. Whilst this is occurring, the

Administration will commence the implementation of this strategy as the incorporation of any feedback received would only add value to the improvements already proposed.

Council is asked to note that this plan provides a high level approach to the District's lighting improvements. Information such as the exact upgrades required along each street can only be determined at detail design after the adoption of this strategy. The solutions will be in the order of that stipulated in the summary table of delivery plan priority.

A budget will then be incorporated within the annual budget for consideration in order for these works to occur. Council at that time, can further stage the delivery proposed should it wish to do so. Grants will also be applied for to undertake the works proposed in conjunction with the establishment of a reserve.

Should Council prefer further flexibility, the five year program being referred to within the strategy can be removed, making this a guiding document for the Administration to prioritise the required works based on an approved annual set lighting budget. This set budget can then be incorporated into the Town's long term financial plan to ensure that this is considered holistically with other future projects.

### **ATTACHMENTS**

**10.1.7(a)      Lighting Strategy Final [under separate cover]**

### **CONSULTATION**

The Lighting Strategy has been developed in consultation with the following branches:

- Council
- Western Australia Local Government Association
- Western Australia Police

It is proposed that this document be put out to wider public consultation.

### **STATUTORY IMPLICATIONS**

Not Applicable.

### **POLICY IMPLICATIONS**

Lighting Strategy is to satisfy AS/NZS 1158.3.1 series: Lighting for P (Local) roads and public spaces.

### **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 1.8: Review lighting in all public areas with a view to assessing the environmental sustainability of lighting and the adequacy of lighting from a personal safety perspective.

The strategy has also considered the following documents:

Right of Way Strategy (2020).

Station Street Place Making Strategy (2017).

Public Open Space and Playground Strategy (2019).

Town Centre Public Domain Infrastructure Improvement Plan (2010).

Foreshore Redevelopment Masterplan (2019)

Foreshore Redevelopment Detail Design (2021)

### **RESOURCE IMPLICATIONS**

The total cost of delivering the strategy has been estimated to be \$1.2 Million that is made up of the following components, noting that the final costing is subject to detail design.

Design	\$160,000
Upgrade to LED	\$340,000
Installation of Additional Luminaires	\$700,000

The above is further broken down into the budgetary requirements for the next five years to deliver the strategy within this time frame:

Year 1	\$220,000
Year 2	\$180,000
Year 3	\$220,000
Year 4	\$360,000
Year 5	\$220,000

The option is available for Council to extend this investment over a longer period to reduce the annual cost reflected above.

Western Power is responsible for the maintenance for all their street lighting.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

Enhancements include sustainable outcomes seen from reduced electricity consumption, cost effective maintenance and lowered carbon footprint.

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER RECOMMENDATION**

THAT Council:

1. ENDORSES the attached Lighting Strategy for Community consultation;

2. NOTES that upon the completion of Point One, an item will be brought back to an Ordinary Council Meeting should there be any changes required to the strategy.

**OCM079/2021****COUNCILLOR MOTION AND COUNCIL RESOLUTION**

Moved Cr MacFarlane

Seconded Cr Young

**That Council:**

1. **Defers addressing the Item 10.1.7 until such time that a Council briefing can fully address questions and issues arising, including the following;**
  1. **The rationale for the current priority assigned to this matter by the Town officers and;**
  2. **The extent of any planned upgrades to ensure compliance with what is effectively a non-mandatory Australian Standard and;**
  3. **Sufficient justification for any expenditure either in the planning phase or the implementation phase.**

**Carried 8/0****COUNCILLOR RATIONALE:**

Though the Lighting Strategy links with many informing documents and strategies – a clear sense of how it relates to other priority matters is not fully understood.

Council officers need more complete briefing of why the lighting systems are treated with priority.

In addition how is the complexity of the various asset owners and their maintenance obligations all fit together. Where does the Town's obligations start and finish?

How will the major projects such as the Town Centre Precinct and Foreshore Redevelopment Project integrate with the Strategy? Lighting upgrades within these project scopes will address the key priorities of the Lighting Strategies. How does it all link together?

What quantum of budget limits will constrain the final scope of the Lighting Strategy – let Councilors consider the big picture of economic restraint to inform the strategy.

The Presiding Member advised that the rest of the items would be dealt with in the order listed in the agenda.

**10.1.1 DELEGATION REGISTER UPDATE**

**Directorate:** Corporate and Community Services  
**Author(s):** Shane Collie, Director Corporate and Community Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D21/21079  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is being asked to endorse the reviewed Delegated Authority Register.

**OFFICER RECOMMENDATION IN BRIEF**

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

**BACKGROUND**

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

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

The Delegated Authority Register must be reviewed at least once every financial year. The Register was last adopted by Council at the June 2020 Ordinary Council Meeting therefore to ensure compliance with Section 5.46 (2) of the *Local Government Act 1995* the June 2021 meeting is the last meeting that the 2020/21 Review can take place. The Review will set Council's delegations in place for the 2021/22 financial year.

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

**OFFICER COMMENT**

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

Unfortunately the WALGA advice was received only in May 2020 and the Register needed to be reviewed by June 2020. Therefore some of the more complex suggestions which required

further research and analysis was not able to be undertaken for last year's Review. This has now been completed and that advice included where it was considered it added value.

The following process has been followed in updating the Delegations Register:

1. Any identified typographic error, grammar, punctuation, page numbering, language and format issues have been corrected.
2. Officer titles have been amended to their current status.
3. Any known legislative updates have been included and referenced.
4. The list of Authorised Officers has been updated with clear references to the Delegation which is applicable.
5. The information provided by WALGA has been reviewed and analysed resulting in some new delegations and some other amendments throughout the document.
6. The Executive Leadership Team (and any relevant subordinate officers) have provided feedback resulting in additional changes to the document to reflect current requirements and the efficiencies desired in each Directorate area.

All changes to the document are noted in red for easy reference. A number of the Delegations have not changed. It is considered that the overall changes to the document are not significant to justify conducting a Councillor Workshop or undertaking additional analysis other than discussion as a normal Council Report. A Councillor Workshop may be more appropriate for the Review next year assuming that there are some changes in the composition of Councillors and the Delegations Register may be new to them.

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

### **ATTACHMENTS**

- 10.1.1(a) Delegation Register [under separate cover]**
- 10.1.1(b) Authorised Officers Schedule 2020-21 [under separate cover]**

### **CONSULTATION**

WA Local Government Association (WALGA).

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

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

**POLICY IMPLICATIONS**

Council's Policy Manual is presently being reviewed. A number of Delegations are linked to the various Policies of Council. As Policies are reviewed Delegations relevant will need to be reviewed also to ensure consistency.

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION**

That Council by Absolute Majority APPROVES the Delegations made to the Chief Executive Officer in the Delegated Authority Register attached for 2021/22.

**OCM080/2021****COUNCILLOR MOTION**

**Moved Cr Tucak**

**Seconded Cr Young**

That Council by Absolute Majority APPROVES the Delegations made to the Chief Executive Officer in the Delegated Authority Register attached for 2021/22, subject to the following being wording added in each instance where this broad sub delegation to unnamed staff occurs in the Register, under the heading "Chief Executive Officer's sub delegation to":

"The Chief Executive Officer may on delegate these functions to other subordinate members of staff and any matter sub delegated must be in writing and a record retained in the Town's Central Records System and reported to Council in the next Quarterly Report – and be added to a new 'Schedule of Other Sub-delegations' that is kept with the Register.

**Lost 2/6**

**For: Crs Young and Tucak**

**Against: Crs Harben, Sadler, Masarei, Harkins, Barrett and MacFarlane**

**OCM081/2021**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (FORESHADOWED)**

Moved Cr Harkins

Seconded Cr Barrett

That Council by Absolute Majority APPROVES the Delegations made to the Chief Executive Officer in the Delegated Authority Register attached for 2021/22.

Carried 7/1

For: Crs Young, Harben, Sadler, Masarei, Harkins, Barrett and MacFarlane

Against: Cr Tucak



**10.1.2 RECEIVAL OF ANNUAL ELECTORS MEETING MINUTES**

**Directorate:** Corporate and Community Services  
**Author(s):** Shane Collie, Director Corporate and Community Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D21/18423  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Following the Annual General Meeting of Electors, held on Thursday 22 April 2021, it is recommended that Council accept the unconfirmed minutes of the meeting, as attached.

**OFFICER RECOMMENDATION IN BRIEF**

It is recommended that Council accepts the Unconfirmed Minutes of the Annual General Meeting of Electors held on 22 April 2021 relating to the 2019/20 financial year.

**BACKGROUND**

At its 23 March 2021 Ordinary Council Meeting, Council resolved to set the date of the Annual General Meeting of Electors to 6:00pm on Thursday, 22 April 2021 in the War Memorial Hall.

The meeting was attended by nine electors as well as Elected Members and staff.

**OFFICER COMMENT**

There was only one motion passed by the Electors Meeting which was to receive the Annual Report for the year ended 30 June 2020. It is not considered that this motion is a decision requiring Council's specific determination.

**ATTACHMENTS**

**10.1.2(a) Unconfirmed Minutes - Annual General Meeting of Electors [under separate cover]**

**CONSULTATION**

Nil

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

**5.27. Electors' general meetings**

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
  - (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
-

(3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

**5.32. Minutes of electors' meetings**

*The CEO is to —*

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and*
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.*

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

Presenting the minutes of the Annual General Meeting of Electors to Council aligns with priority area six of the *Strategic Community Plan 2013 – 2023 'Providing open and accountable local governance.'*

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

**OCM082/2021**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Young**

**Seconded Cr Barrett**

**THAT Council ACCEPTS the Unconfirmed Minutes of the Annual General Meeting of Electors for the 2019/20 financial year held on 22 April 2021, as attached.**

**Carried 8/0**

**10.1.3 REVOCATION OF VARIOUS POLICIES**

**Directorate:** Corporate and Community Services  
**Author(s):** Shane Collie, Director Corporate and Community Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D21/19614  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to revoke various Policies which are no longer relevant or are the responsibility of the Chief Executive Officer.

**OFFICER RECOMMENDATION IN BRIEF**

The following Policies are recommended for revocation:

- Code of Conduct
- Defence Reservist Leave
- Equal Employment Opportunity
- Leave Deferment
- Recruitment and Selection

**BACKGROUND**

As part of an ongoing review of all of the Town's Policies the above 5 Policies have been identified as requiring revocation.

**OFFICER COMMENT**

The 5 Policies recommended for revocation are discussed below:

- Code of Conduct

This Policy has been superseded by recent legislation and adoption of the new Model Code of Conduct by Council at its 27 April 2021 meeting. The new Policy is applicable to Council members. A staff Code of Conduct Operating Protocol will be developed in the near future and will be based on the WALGA model. The Chief Executive Officer has the implementation and enforcement responsibility for the Staff Code of Conduct.

- Defence Reservist Leave

This Policy is a matter for which the CEO is responsible for pursuant to Section 5.41 of the *Local Government Act 1995*. This Policy will be converted to an Operating Protocol.

- Equal Employment Opportunity

This Policy is a matter for which the CEO is responsible for pursuant to Section 5.41 of the *Local Government Act 1995*. This Policy will be converted to an Operating Protocol.

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- Leave Deferment

This Policy is a matter for which the CEO is responsible for pursuant to Section 5.41 of the *Local Government Act 1995*. This Policy will be converted to an Operating Protocol.

- Recruitment and Selection

This Policy is a matter for which the CEO is responsible for pursuant to Section 5.41 of the *Local Government Act 1995* aside from Section 5.37 (2) of the *Local Government Act 1995* which states:

*“The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO’s recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.”*

### **ATTACHMENTS**

- 10.1.3(a) Code of Conduct [under separate cover]**
- 10.1.3(b) Defence Reservist Leave [under separate cover]**
- 10.1.3(c) Equal Employment Opportunity Policy [under separate cover]**
- 10.1.3(d) Leave Deferment [under separate cover]**
- 10.1.3(e) Recruitment and Selection Policy [under separate cover]**

### **CONSULTATION**

Nil.

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

#### **5.41. Functions of CEO**

*The CEO’s functions are to —*

- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);*

*Fair Work Act 2009 (Federal)*

### **POLICY IMPLICATIONS**

There are 5 Policies recommended for revocation.

### **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**

**Moved Cr Young**

**Seconded Cr Sadler**

THAT Council REVOKES the following 5 Policies of the Town:

- Code of Conduct
- Defence Reservist Leave
- Equal Employment Opportunity
- Leave Deferment
- Recruitment and Selection.

**COUNCILLOR AMENDMENT**

**Moved Cr Tucak**

**No Seconder, Lapsed**

THAT Council REVOKES the following 5 Policies of the Town:

- Code of Conduct NOT be removed pending advice to Council on replacing it with an internal Management Protocol for Staff Members.
- Defence Reservist Leave
- Equal Employment Opportunity
- Leave Deferment
- Recruitment and Selection.

**OCM083/2021****SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

THAT Council REVOKES the following 5 Policies of the Town:

- **Code of Conduct**
- **Defence Reservist Leave**
- **Equal Employment Opportunity**
- **Leave Deferment**
- **Recruitment and Selection.**

**Carried 7/1**

**For: Crs Young, Harben, Sadler, Masarei, Harkins, Barrett and MacFarlane**

**Against: Cr Tucak**

**10.1.4 PARKING STRATEGY - AREA 2 CONTROLS**

**Directorate:** Corporate and Community Services  
**Author(s):** Shane Collie, Director Corporate and Community Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D21/21054  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "I know residents who live in Area 2."

Cr Harkins declared an IMPARTIALITY INTEREST in item 10.14 by virtue "I know people socially in the streets effected by this item."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "I live in the area."

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "I live in East Ward."

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**SUMMARY**

In addressing an impending Development at Airlie Street in the Town of Claremont that is likely to negatively impact the resident and visitor on street parking in East Cottesloe a short term strategy is required.

**OFFICER RECOMMENDATION IN BRIEF**

For Council to endorse a short term Resident and Visitor Parking strategy for area 2 (East Cottesloe) and note the impending update of the Town's Parking and Parking Facilities Local Law 2009.

**BACKGROUND**

As Council members are aware a large Development at Airlie Street on the eastern side of Stirling Highway is likely to impact the residential and visitor parking situation in East Cottesloe in a few months. The disruption from this Development is possible to be in the vicinity of 2 years with construction estimated to be that period. Vehicle estimates over the construction period are in excess of 200 per day.

The Development is being undertaken in the Town of Claremont however there has been no parking allowance made for the construction phase and the Town of Claremont have introduced parking restrictions in the vicinity of the Development effectively pushing the parking issue into surrounding areas including East Cottesloe.

Discussions have been held with the Town of Claremont however to date the situation has not been able to be adequately resolved from the Town of Cottesloe perspective. The parking requirements for the Development should remain the responsibility of the local authority where the Development is occurring though the normal Planning processes.

The Town of Cottesloe has limited options in dealing with this matter as it is not the Development Approval Authority and the Development is not contained within the Town's boundary. Hence the below Council resolution (in part) was passed at the 27 April 2021 meeting of Council:

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*“REQUESTS the Administration to prepare a Report for Council (taking legal advice as appropriate) to be brought back to the May 2021 Ordinary Council meeting, making recommendations on:*

- i. Changes to the Town’s Parking and Parking Facilities Local Law (P&PF local law) to introduce a flexible parking permit system for Area 2 (and such other Areas as appropriate) that meets residents’ and the community’s expectations, including consideration of fast tracking these changes;*
- ii. Pending review of the Town’s P&PF Local Law, implementing an informal permit system to meet the expectations of residents in Area 2 and the needs of the North Cottesloe Primary School staff;*
- iii. Any other approaches that can be taken to minimise the disruption to residents in Area 2 resulting from parking restrictions in that Area.”*

### **OFFICER COMMENT**

The Town’s Parking and Parking Facilities Local Law presently has the following restriction in relation to resident and visitor parking permits:

#### **8.2 Restrictions on the issue of permits**

- (1) The maximum number of Residential Parking Permit and Visitor Parking Permit that shall be issued by the local government in relation to a dwelling must comply with the following table:*

<b><i>Number of off street parking bays for the dwelling</i></b>	<b><i>Maximum number of Residential Parking Permits</i></b>	<b><i>Maximum number of Visitor Parking Permits</i></b>
<i>0</i>	<i>2</i>	<i>2</i>
<i>1</i>	<i>1</i>	<i>2</i>
<i>2</i>	<i>0</i>	<i>2</i>
<i>3</i>	<i>0</i>	<i>1</i>
<i>4 or more</i>	<i>0</i>	<i>0</i>

- (2) The local government shall not issue more than two residential parking permits or two visitor parking permits in respect of any dwelling.*

To amend this (or any) Local Law it is estimated that a 6 month timeframe would be required. To amend or *make* a Local Law there are statutory requirements in place that can not be fast tracked. These include a 6 week advertising period, a 2 week period from when the Local Law is published in the *Government Gazette* as well as the drafting of the Local Law including any possible legal advice, consideration of submissions and seeking approval through the Joint Standing Committee on Delegated Legislation. None of these matters can be bypassed or the Local Law would be disallowed and the process would need to commence again.

Therefore to comply with Council’s 27 April 2021 resolution the following is proposed:

- Review of the Town’s Parking and Parking Facilities Local Law.

This has already commenced however to review the Local Law either in sections or piecemeal given the lengthy and unavoidable process noted above will not materially gain a great deal

of time and may well lead to mistakes and disallowance of any proposed new Local Law. Ideally the entire Local Law will be reviewed and submitted to Council covering all matters that need updating not just a specific area.

- Introduce Resident and Visitor Parking to area 2 in East Cottesloe as depicted on the attached map.

This will see parking bays set aside for residents and visitors as a priority in accordance with the Table contained within the Local Law reproduced above Section 8.2. It is acknowledged that there remain some restrictions that may not suit everyone however this should only be for a short time. Vehicles parked without a permit would be subject to infringement. In reviewing the Local Law it will be proposed that the sentence *“The local government shall not issue more than two residential parking permits or two visitor parking permits in respect of any dwelling”* be removed to cover situations such as when 2 permits have been issued and on occasions additional permits may be needed.

- Undertake a household letter drop and other media measures to introduce and promote the system.

This is to ensure that residents are well informed of why this system is being introduced, when, how and for how long. Residents would be individually contacted and requested to apply for resident/visitor permits that suit their circumstances.

- Appropriate signage to be installed to designate the permit area and Rangers would patrol to ensure compliance.

The Town of Claremont and the Developer to be advised that this system will be introduced once a building license for the Development is issued or alternatively may be withdrawn should the Town of Claremont or the Developer secure alternative car parking that does not impact the Town of Cottesloe such as the Claremont Showgrounds.

Should any resident or visitor to a resident in the area require greater than 2 permits, the Town can authorise the Chief Executive Officer to investigate alternatives for circumstances such as this. This would be expected to be rare and hopefully would be only an issue in the very short term until the Local Law is amended.

## **ATTACHMENTS**

**10.1.4(a) Area 2 Map [under separate cover]**

## **CONSULTATION**

Consultation would occur after the Council decision as noted above directly with residents, media, Town of Claremont and the Developer.

## **STATUTORY IMPLICATIONS**

*Local Government Act 1995* Section 3.5 provides for local governments to make local laws. The *Town of Cottesloe Parking and Parking Facilities Local Law 2009* Part 8 is applicable:

### ***PART 8—RESIDENTIAL AND VISITOR PARKING PERMITS***

**8.1 Residential and Visitor Parking Permits**



- (1) *For the purpose of clauses 8.1 – 8.7 of this local law, the definition of “vehicle” does not include vehicles which are not capable of being propelled by their own means.*
- (2) *An owner or occupier of a residential dwelling may apply for a Residential Parking Permit or Visitor Parking Permit to park a vehicle on a thoroughfare.*
- (3) *An application for a Residential Parking Permit or Visitor Parking Permit shall be in writing and accompanied by the fee set by the local government in accordance with clause 8.7.*
- (4) *The local government may in respect of an application under subclause (1) –*
  - (a) *issue a Residential Parking Permit or Visitor Parking Permit in accordance with subclauses (4) and (5) of this clause and the restrictions specified in clause 8.2 subject to such additional conditions as the local government sees fit; or*
  - (b) *refuse the application.*
- (5) *A Residential Parking Permit shall only be issued to an owner or occupier of a residential dwelling if:*
  - (a) *the owner or occupier is the holder of the vehicle licence under the Road Traffic Act for a vehicle to which the permit shall apply and is described on that vehicle licence as residing at the address of the residential dwelling to which the permit relates; or*
  - (b) *where the vehicle is a work vehicle, the owner or occupier satisfies the local government that they own or occupy the residential dwelling and that the vehicle is assigned to them for their use.*
- (6) *A Visitor Parking Permit shall only be issued to an owner or occupier of a residential dwelling if the owner or occupier satisfies the local government that they own or occupy the residential dwelling.*

### **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

### **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.

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**VOTING REQUIREMENT**

Simple Majority

Cr MacFarlane left the meeting at 7:45pm.

**OFFICER RECOMMENDATION**

THAT Council introduce Resident and Visitor Parking permits for what is known as Area 2, East Cottesloe as depicted on the attached plan, in accordance with Section 8 of the *Parking and Parking Facilities Local Law 2009* subject to the following:

1. The permit system only to be introduced should the Town of Claremont or the Developer of the land adjoining Area 2 East Cottesloe (Airlie Street) not find alternative parking during the construction phase of the Development;
2. The permit system to be introduced upon the issue of a Building License for the Development of the land adjoining Area 2 East Cottesloe;
3. That the Chief Executive Officer be authorised to investigate alternative parking arrangements for residents and their visitors in the event that the restrictions unreasonably impact those residents and their visitors in Area 2.

Cr MacFarlane returned to the meeting at 7:47pm.

**COUNCILLOR MOTION**

**Moved Cr Harkins**

**Seconded Cr Harben**

1. THAT Council introduce Resident and Visitor Parking permits for what is known as Area 2, East Cottesloe as depicted on the attached plan, in accordance with Section 8 of the *Parking and Parking Facilities Local Law 2019* subject to:
  1. the administration receiving feedback from the residents in Area 2, that significant street parking issues have arisen due to the development of land in or adjoining Area 2, East Cottesloe.
2. THAT the wording regarding permits in the Area 2 Parking Strategy be altered accordingly when it is released for public consultation..
3. REQUESTS that administration undertake an urgent review of the Parking and Parking Facilities Local Law (outsourcing if required) to permit flexibility in the allocation of parking permits to ensure that the objectives of permit parking are met while minimising inconvenience to residents; and
4. BRINGS a report to the July Ordinary Council meeting with detailed proposals for such review.
5. That the Chief Executive Officer be authorised to investigate alternative parking arrangements for residents and their visitors in the event that the restrictions unreasonably impact those residents and their visitors in Area 2.

**COUNCILLOR AMENDMENT****Moved Cr Sadler**

REQUESTS the Administration to liaise with either the Town of Claremont or the developers to find suitable arrangements for parking of their contractors.

Following advice from the CEO that discussions were already occurring, Cr Sadler withdrew her amendment.

**OCM084/2021****SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

1. **THAT Council introduce Resident and Visitor Parking permits for what is known as Area 2, East Cottesloe as depicted on the attached plan, in accordance with Section 8 of the *Parking and Parking Facilities Local Law 2019* subject to:**
  1. **the Administration receiving feedback from the residents in Area 2, that significant street parking issues have arisen due to the development of land in or adjoining Area 2, East Cottesloe.**
2. **THAT the wording regarding permits in the Area 2 Parking Strategy be altered accordingly when it is released for public consultation.**
3. **REQUESTS that administration undertake an urgent review of the Parking and Parking Facilities Local Law (outsourcing if required) to permit flexibility in the allocation of parking permits to ensure that the objectives of permit parking are met while minimising inconvenience to residents; and**
4. **BRINGS a report to the July Ordinary Council meeting with detailed proposals for such review.**
5. **That the Chief Executive Officer be authorised to investigate alternative parking arrangements for residents and their visitors in the event that the restrictions unreasonably impact those residents and their visitors in Area 2.**

**Carried 7/1**

**For: Crs Young, Harben, Sadler, Masarei, Harkins, Barrett and MacFarlane**

**Against: Cr Tucak**

**COUNCILLOR RATIONALE:**

- The Administration have been very proactive in suggesting parking permits for Area 2, however I feel it is prudent to wait to see what eventuates as a result of the Airlie street development.
- Introducing parking permits in Area 2 will require extensive administration to administer the permits; ranger services to enforce the restrictions; costs for signage and depot staff to install appropriate signage.
- Issues may not arise as a result of the Airlie St development and it may only affect limited streets.
- More efficient to wait and see if there is a need for permits and if so where.
- There is an urgent need to review the Town's Parking Local Law as currently the Administration is restricted regarding the number of parking permits they are allowed to allocate per household. If parking permits need to be introduced in Area 2 (or other areas in the Town) then the number of permits given out needs to be reviewed.

**10.1.9 BUDGET AMENDMENT - FORESHORE FOOTPATH REINSTATEMENT AND DUNE EROSION CONTROL**

**Directorate:** Engineering Services  
**Author(s):** David Lappan, Manager Projects and Assets  
**Authoriser(s):** Shaun Kan, Director Engineering Services  
**File Reference:** D21/21268  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider the attached preferred Option 2 foreshore dune reinstatement design and a budget amendment for these works to be completed before Summer 2021.

**OFFICER RECOMMENDATION IN BRIEF**

Approve the preferred concept design and a budget amendment for the construction.

**BACKGROUND**

In August 2020, a winter storm of unusual intensity damaged the Rotunda section of the main beach foreshore.

In December 2020, Council approved a budget amendment of \$33,000 to develop a scour protection design to reinstate the dunes within the Rotunda vicinity to avoid any similar future occurrence. The other damaged footpath sections will be constructed to the approved Foreshore Redevelopment Design to prevent works from being sacrificed in the future upgrade.

The ideal engineering design costing approximately \$1 million (refer to attached drawing) comprising of \$350,000 for the footpath reinstatement to the approved Foreshore plans and \$650,000 for dune scour protection triggered the development of a further two alternatives. These lower cost solutions involved:

- Option One: A do minimum, build back to what it was approach; and
- Option Two: Make minor modifications to the endorsed Foreshore Redevelopment construction drawings to minimise the dune stabilisation scope.

This has been further discussed in subsequent sections of this report.

**OFFICER COMMENT**

Option one, the do minimal approach involves reinstating the affected dune section to what it was and constructing the remaining damaged foreshore section to the approved plans. Whilst this may be the cheapest option estimated to be \$500,000, it does not provide sufficient protection to prevent such landslides from occurring again that would have a major impact on the newly built surrounding foreshore areas.

Conversely, option two, the preferred approach costing \$750,000 that involves installing a span of 300 millimetre high course of limestone block through the footpath edge before the

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dunes reduces the area of scour protection by channelling runoffs to one localised low point. Sub-surface drainage installation will occur in conjunction with option two to capture small rain events and overland flow prior to any overtopping into the dune system.

Council would need to note that the implementation of option one would require significant ongoing maintenance and it could be as short as two years before the combined new asset and its preservation cost would exceed the build cost of option two.

Cottesloe Coastcare have been consulted during the design development and are supportive of the proposed dune planting as an approach to stabilise this section of the foreshore.

Costings for the preferred option two is made up of the following items:

- Reinstatement Rotunda Area to Foreshore Design - \$350,000
- Dune Outfall Drainage Upgrade - \$400,000 (Option 2)
- Total Works - \$750,000

Of note is the \$350,000 Rotunda reinstatement works. These costs would have been incurred as a result of the delivery of the Foreshore Upgrade works in future. The dune outfall and drainage upgrade is additional to protect future foreshore assets during large storm events.

The project is recommended to be funded through a combination of sources comprising of insurance, grants, and current financial year cost savings. Shortfalls are recommended to be obtained through the Foreshore Reserve. This has been further detailed in the resource requirements section of this report.

A budget amendment is required for tenders to be advertised for the appointment of a contractor to undertake the works with the aim to achieve completion before summer 2021.

### **ATTACHMENTS**

**10.1.9(a) Rotunda Detailed Design - Cost Saving Option [under separate cover]**

**10.1.9(b) Rotunda Detailed Design [under separate cover]**

### **CONSULTATION**

Town of Cottesloe Administration

Council

Insurance Agents (LGIS)

Cottesloe Coastcare

Cottesloe Community – Information signage onsite

### **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 3: Enhancing beach access and the foreshore

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

**RESOURCE IMPLICATIONS**

Administration proposes the following funding sources to provide the above works:

Current Financial Year Project Cost Savings	\$153,000
Unallocated Grant Funding	\$68,071
Insurance	\$50,000
Foreshore Reserves	\$478,929

All construction works will be delivered by contractors and managed by the Town's Engineering Directorate.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

To deliver the construction of the detailed design and provide the drainage upgrade works required, two Norfolk Island Pines will need to be removed along with some coastal vegetation.

Coastal vegetation will be replaced at the completion of earthworks with an overall increase in vegetated area being achieved with the proposed works.

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION**

THAT Council by absolute majority:

1. APPROVES the preferred option two concept design as attached.
2. Subject to point one, APPROVES a budget amendment of \$750,000 for a new capital accounts that will be funded based on the following budget transfers:
  - a. 35.6030.2 – Civic Centre Grounds Construction (\$50,000), reducing the 2020/2021 approved budget from \$88,000 to \$38,000;
  - b. 80.1097.3 – Indiana Toilet Maintenance (\$5000), reducing the 2020/2021 approved budget from \$46,492 to \$41,492;

- c. 80.4025.3 – Beach Buildings Maintenance (\$10,000), reducing the 2020/2021 approved budget from \$95,000 to \$85,000;
  - d. 75.6030.3 – Civic Centre Grounds Maintenance (\$35,000), reducing the 2020/2021 approved budget from \$279,018 to \$244,018;
  - e. 50.9000.5 – Carpark Signage Maintenance (\$30,000), reducing the 2020/2021 approved budget from \$41,000 to \$11,000;
  - f. 50.9000.3 – Carpark Maintenance (\$23,000), reducing the 2020/2021 approved budget from \$89,082 to \$66,082;
  - g. Local Government Insurance Policy of \$50,000;
  - h. Unallocated Grant Funding of \$68,071; and
  - i. With the balance of \$478,929 to make up for the \$750,000 required to be obtained from the Foreshore Reserve that has a current balance of \$3,197,000.
3. NOTES that the CEO will continue to source external funding to reduce the liability to Council.

### COUNCILLOR MOTION

**Moved Cr Tucak**

**No Seconder, Lapsed**

THAT Council:

1. DEFERS approval of a preferred concept design so the Administration can further pursue other alternative options that will deliver greater value (such as by reducing the need for dune scour protection via overflowing).
2. NOTES that the matter will be brought back to the June 2021 Ordinary Council Meeting.

### OCM085/2021

#### SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

**Moved Cr Young**

**Seconded Cr Barrett**

THAT Council by absolute majority:

1. **APPROVES** the preferred option two concept design as attached.
2. **Subject to point one, APPROVES** a budget amendment of \$750,000 for a new capital accounts that will be funded based on the following budget transfers:
  - a. **35.6030.2 – Civic Centre Grounds Construction (\$50,000), reducing the 2020/2021 approved budget from \$88,000 to \$38,000;**
  - b. **80.1097.3 – Indiana Toilet Maintenance (\$5000), reducing the 2020/2021 approved budget from \$46,492 to \$41,492;**
  - c. **80.4025.3 – Beach Buildings Maintenance (\$10,000), reducing the 2020/2021 approved budget from \$95,000 to \$85,000;**
  - d. **75.6030.3 – Civic Centre Grounds Maintenance (\$35,000), reducing the 2020/2021 approved budget from \$279,018 to \$244,018;**

- e. 50.9000.5 – Carpark Signage Maintenance (\$30,000), reducing the 2020/2021 approved budget from \$41,000 to \$11,000;
  - f. 50.9000.3 – Carpark Maintenance (\$23,000), reducing the 2020/2021 approved budget from \$89,082 to \$66,082;
  - g. Local Government Insurance Policy of \$50,000;
  - h. Unallocated Grant Funding of \$68,071; and
  - i. With the balance of \$478,929 to make up for the \$750,000 required to be obtained from the Foreshore Reserve that has a current balance of \$3,197,000.
3. NOTES that the CEO will continue to source external funding to reduce the liability to Council.

Carried by Absolute Majority 7/1

For: Crs Young, Harben, Sadler, Masarei, Harkins, Barrett and MacFarlane

Against: Cr Tucak



**10.1.13 COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATE CODE OF CONDUCT BEHAVIOUR COMPLAINT MANAGEMENT POLICY**

**Directorate:** Executive Services  
**Author(s):** Matthew Scott, Chief Executive Officer  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D21/21164  
**Applicant(s):** Town of Cottesloe  
**Author Disclosure of Interest:** Nil

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.13 by virtue "Based on a real prospect of a Code of Conduct complaint being lodged, or of lodging one."

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.13 by virtue "As an Elected Member there may be an occasion when I may be subject to or use the process."

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**SUMMARY**

For Council to consider adopting the attached Elected Members Committee Members and Candidate Code of Conduct Behaviour Complaint Management Policy (draft policy).

**OFFICER RECOMMENDATION IN BRIEF**

THAT Council adopt the attached Council Members, Committee Members and Candidate Code of Conduct Behaviour Complaint Management Policy.

**BACKGROUND**

At the 27 April 21 Ordinary Council Meeting, Council adopted the Elected Member, Committee Members and Candidates Code of Conduct, with the following resolution:

***Resolution OCM061/2021******THAT Council:***

- 1. By absolute majority, ADOPTS the Elected Member, Committee Members and Candidates Code of Conduct, as attached.***
- 2. REQUESTS the CEO to prepare a draft policy based on the WALGA "Policy Development Framework relating to Code of Conduct Behaviour Complaints Management Policy" for formal consideration of Council within two (2) months.***

In accordance with resolution OCM061/2021, the Chief Executive Officer has developed the attached draft policy, based on the WALGA framework and on review of the Complaint Management policies of the City of Nedlands and Town of Mosman Park.

**OFFICER COMMENT**

The draft policy has been developed on the WALGA framework, incorporating the following principles:

1. Procedural fairness;
  2. Consistency;
-

3. Confidentiality; and
4. Accessibility

In essence the aim of draft policy is to provide a relatively simple process in dealing with complaints being:

Complaint Received → Optional Mediation → Formal Investigation & Report → Council Finding

The draft policy will only be used for alleged breaches of Division 3 – Behaviour Requirement, of the Code of Conduct, being:

1. Personal Integrity;
2. Relationship with others; and
3. Council or Committee Meetings.

The draft policy process cannot be used for the following types of complaints:

1. Personal grievances or disagreements;
2. Dissatisfaction with a Council or Committee decision(s);
3. Breaches of the Division 4 – Rules of Conduct of the Code of Conduct;
4. Minor breaches under S1.105(1) of the Local Government Act 1995;
5. Serious breaches under s5.114 of the Local Government Act 1995;
6. Allegations of Corruption; or
7. Vexatious or unreasonable persistence complaints.

### **ATTACHMENTS**

**10.1.13(a) Code of Conduct Behaviour Complaints Management Policy [under separate cover]**

### **CONSULTATION**

Western Australian Local Government Association (WALGA)

City of Nedlands

Town of Mosman Park

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

Section 2.7 Role of Council

Section 5.104 Adoption of Model Code of Conduct

### **POLICY IMPLICATIONS**

The draft policy is to provide affected parties a process to be used to resolve complaints regarding alleged breaches of Division 3, of the Town's recently adopted Elected Members, Committee Member and Candidate Code of Conduct.

**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**

Should the Town need to investigate a complaint regarding the Code of Conduct, the procurement of either a Compliant Mediator and/or a Complaint Assessor will need to be funded by the Town. At time of writing this report, this cost is unknown, and most likely be different per investigation. It is currently envisioned that the Town's existing budgetary resources would be sufficient, given there are no active complaints to be investigated under this policy.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

THAT Council adopt the attached Elected Members, Committee Members and Candidate Code of Conduct Behaviour Complaint Management Policy.

**OCM086/2021**

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

**Moved Cr Young**

**Seconded Cr Harkins**

**That Council ADOPTS the attached Elected Members, Committee Members and Candidate Code of Conduct Behaviour Complaint Management Policy subject to the following amendments:**

- 1. Inclusion of a definition of Respondent: "Respondent means a person who is the subject of a Complaint made in accordance with this Policy";**
- 2. Paragraph 6.1 penultimate sentence be amended by inclusion of the following words " , provided that the Complaint must be complete within the time frame in sub para (a) above".**
- 3. Inclusion of a new subpara 6.7 (c ) as follows: "explains the application of confidentiality to the Complaint."**
- 4. Para 6.11 third paragraph first sentence amend (as shown in red), to read "The Complaints Assessor must provide the **Complainant and** Respondent with a copy of any records that are identified".**

5. Para 6.12 second para amend (as shown in red) to read “The Complaints Officer must ensure that the **Complainant and Respondent are** provided with a reasonable opportunity to be heard before forming any opinions, or drafting the Complaint Report, drafting of a proposed Action Plan and proposed recommendations for Council’s consideration”.
6. Para 6.13 first bullet point amend (as shown in red) to read “outline the process followed, including how the **Complainant and Respondent were** provided with an opportunity to be heard.

**Carried 8/0**

COUNCILLOR RATIONALE:

1. The Policy complies with the requirements of the Act and establishes a complaints management process that is as fair and workable as is possible given the shortcomings in the approach requiring Councils to be involved in resolving their own behaviour complaints, which would previously have been dealt with by the Standards Panel; some minor amendments are required to ensure that the process operates as intended and is fair and equitable to all parties;
2. Para 1: to correct an omission;
3. Para 2: this is inserted to provide certainty in timeframes and to ensure substantial compliance with the requirements of the Act that complaints be submitted within one month. Without the inclusion of this additional wording it would be open to a complainant to submit a very cursory outline of the complaint within one month of the alleged breach, with no clear timeframe for substantial compliance. This would defeat the purpose of the Act in requiring timely submission of complaints.
4. Para 3: this additional paragraph is intended to ensure that both parties to a complaint are clearly aware of the requirement to keep the complaint confidential. A similar provision is set out in the equivalent paragraph applicable to the Notice to be given to the Complainant.
5. Paras 4 – 6 are included to ensure some even handedness in the treatment of both the complainant and the Respondent, in terms of access to information and being provided the opportunity to be heard before a decision is made.
6. The present wording focusses only on the Respondent’s right to fair process and natural justice. This is essential but is not sufficient.
7. Making a complaint is not a matter taken lightly by most people and a complainant should be entitled to have confidence in the process, in terms of having the right to access to material and the right to be heard, particularly where that right is extended to the Respondent. When a complaint is made by an elected member against an elected member or committee member it would be invidious if the Complaints Assessor extended the right to be heard to only one of the parties.
8. The Process also applies to members of the community and is the principal means by which a member of the community can lodge a complaint against a Council member, committee member or candidate. It is essential that members of the public have full confidence that they will be treated fairly, openly and transparently in respect of any complaints they make. This amendment ensures that is the case.

**10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES**

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Nil

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

Nil

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

**12.1 ELECTED MEMBERS**

**12.2 OFFICERS**

**13 MEETING CLOSED TO PUBLIC**

**13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**OCM087/2021**

**MOTION FOR BEHIND CLOSED DOORS**

**Moved Cr Young**

**Seconded Cr Harben**

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

**Carried 8/0**

*The public and members of the media were requested to leave the meeting at 8:14pm.*

**OCM088/2021**

**COUNCILLOR MOTION**

**Moved Cr Young**

**Seconded Cr MacFarlane**

**That the meeting be adjourned for 5 minutes.**

**Carried 8/0**

The meeting was adjourned at 8:14pm.

**13.1.1 LOT 8 (16) NORTH STREET - RECONSIDERATION OF PLANNING CONDITIONS AND PROPOSED OPERATIONAL MANAGEMENT PLAN FOR THE NORTH STREET STORE**

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

Cr Sadler declared a FINANCIAL INTEREST in item 13.1.1 by virtue "my son has been employed by the North Street Store for three years."



**Condition 5**

No seating or tables for patrons' use shall be provided on the site, unless otherwise approved by the Town.

**Condition 6**

Areas on the site shall not be used for purposes other than as shown on the approved plans referred to a paragraph 3 above, unless approved by the Town.

**Condition 8**

No food and drink is to be made or prepared on the site other than food and drink that is sold from the site, unless otherwise approved by the Town.

**Condition 9**

The opening hours of the business on the site (i.e. hours during which the business is open to the public) are not to be outside the hours of:

- (a) 8:00AM to 9:00PM Monday to Friday; and
- (b) 8:00AM to 3:00PM on Saturday and Sunday.

Staff shall only be allowed to occupy the premises for a period of up to 2 hours before and after the approved opening hours of business on any day, subject to the approval by the Town and no significant adverse impact on the amenity of the adjacent residents.

2. That the draft *Operational Management Plan* received 28 April 2021 be NOTED, with the following modifications:
  - (11) The rear parking area can be used by both staff and customers.
  - (15) The use of reversing alarms shall not be used prior to 7.00am or after 7.00pm Monday to Sunday to minimise noise disruption to neighbours.
  - (17) Only one on-site delivery between 6.00am and 7.00am and the delivery vehicle should be left running when opening the sliding gate to the site to avoid excessive ignition sounds. All other deliveries after 7.00am.
  - (20) The North Street Store 'catering' menu is not to include catering from the premises.
  - (24) Deliveries shall only be allowed as an 'incidental use' to the approved use of the site and will be subject to review if not adequately managed to avoid excessive disturbance to nearby residents.
  - (31) Both staff and customers be allowed to park on-site.
3. That the Council resolution be forwarded to the Town's Solicitors and the State Administrative Tribunal prior to 28 May 2021.

Carried 7/0

OCM092/2021

**MOTION FOR RETURN FROM BEHIND CLOSED DOORS**

Moved Cr Young

Seconded Cr Barrett

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

Carried 7/0

*The meeting was re-opened to the public at 9.23pm, however no members of the public or media were in attendance.*

**13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**

**13.1.1 LOT 8 (16) NORTH STREET - RECONSIDERATION OF PLANNING CONDITIONS AND PROPOSED OPERATIONAL MANAGEMENT PLAN FOR THE NORTH STREET STORE**

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

**14 MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 9:23pm.