



Town of Cottesloe

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

Tuesday, 26 April 2022

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

Signed:

A handwritten signature in blue ink, appearing to read 'Donnaiey', written over the printed text 'Signed:'. The signature is fluid and cursive.

Presiding Member

Date:

24/5/22

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING

MINUTES

ORDINARY COUNCIL MEETING
HELD IN THE
Council Chambers, Cottesloe Civic Centre, 109 Broome Street, Cottesloe
6:00pm Tuesday, 26 April 2022

MATTHEW SCOTT
Chief Executive Officer

5 May 2022

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

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

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

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****Questions Taken on Notice at the Annual General Meeting of Electors – 9 March 2022****Mr Kevin Morgan – 1 Pearse Street, Cottesloe**

Q2: In marking as 'confidential' the documents put to Elected Members for their meeting with the Indiana proponent in July 2021 (as per the answer to my fifth question at the Special Electors' Meeting on 23 February 2022), was the CEO:

a. empowered to do so under regulation 14(2) of the *Local Government (Administration) Regulations* (by reason the documents were to be presented to a meeting of Council which in the CEO's opinion the council would 'close' under section 5.23(b) of the *Local Government Act*)?;

or

b. empowered to do so by some other law? and if so, precisely what words of what law so empowered the CEO to mark documents as confidential other than when presented to a closed meeting as provided for in regulation 14(2) *Local Government (Administration) Regulations*?

c. Did elected members decide to close that July 2021 meeting to the public? and if not, precisely what words of what law would mean that any information they got from any discussion at the meeting (rather than from a document marked 'confidential' by the CEO) is also confidential?

- A2: Regulation 14(2) applies to documents considered at Council or committee meetings. Under the LG Act information only becomes public once it is included in a council or committee meeting agenda / minutes. Records created or acquired by the Local Government in the lead up to a council or committee meeting are not public documents. Informal meetings are not public meetings as per Local Government Operational Guideline No 5 'Council Forums'.
- Q3: Is the Mayor or Council empowered to call an ad hoc meeting of Elected Members (rather than an 'Ordinary' monthly meeting), including for a presentation by a delegation approved by the CEO or Presiding Member, which would not be a 'Special Meeting' of Council?
- A3: Informal Council briefings are a common practice in most local governments, to provide Elected Members information on a variety of matters, including progress on projects, local and LG Sector matters, local and sector stakeholder presentations, proposed changes of legislation and matters that may be considered at future formal meetings, which is a normal function of the Administration (via S5.41). They are not formal Council meetings under the Act. No debate takes place and no decisions are made at such meetings. There is no specific legislation regarding these informal meetings, however guidance is provided via Local Government Operational Guideline No. 5 'Council Forums'.
- Q4: If so:
- a. Precisely what words of what law empowers a Council to hold such a "non-meeting" of Council, to which the *Local Government Act's* principles of openness and transparency do not apply?
 - b. In relation to such a 'non-meeting' of council:
 - i. What if any law requires attendees to disclose any conflict of interest in matters the subject of such a 'non-meeting'?
 - ii. Is there any limit to what can be debated, opinion expressed, question asked or issue decided at such a non-meeting?
- Q5: Do you or the CEO consider a 'non-meeting' is not a 'Special Meeting' of Council, say unless a decision of Council is proposed to be made or is made at it, or because it is not called a 'Special Meeting' but is instead called a 'Workshop', 'Briefing' or 'Forum'?
- A4-5: Meetings of Council adhere to the provisions of the Act. Briefing Forums serve the purpose of informing Elected Members, which is a function of the CEO, as per S5.41. A Briefing Forum, where Elected Members do not debate and where no decisions are made, does not fall within the provisions of the Act. The Department's Guideline confirms informal forums are a suitable means of information sharing.
- Q6: Is it not unfair for Electors' Meetings to be governed by meeting procedures of which electors had no advance notice before the meeting,

given that the meeting procedures give priority to questions and motions lodged the day prior to the electors being notified of the procedures?

- A6: The usual practice at Electors meetings is for the procedure to be announced by the presiding member at the start of the meeting. The announcement is usually that the meeting will be run along the lines of the Town's Local Government (Meetings Procedure) Local Law 2021 (previously known as the Town's Standing Orders Local Law), to the extent that they might be applicable and that otherwise the procedure would be as determined by the Presiding Member, in accordance with the Act and Regulations.

This year the procedure was published prior to the meeting (as part of the Agenda papers), in the interests of informing electors in advance of the meeting. This will be the practice for future meetings.

- Q7: Is it not unfair for you as Mayor in 2022 to prescribe new meeting procedures for Electors Meetings that do not uphold a local law and instead allow non-electors to take part in discussion if they have the consent of the presiding member? - even though as a Councillor in 2021 you:
- a. moved that Council adopt, as it did, a local law that prohibits non-electors from taking part in discussion at an Electors' Meeting without the consent of the electors, and which requires the Presiding Member to have regard to the prohibition in formulating meeting procedures?; and
 - b. made no mention (either at last year's Annual Electors Meeting, at which you presided, or in the Mayoral Election) of your intention to substitute your own consent for consent which under our local law is meant to be provided by a majority resolution of electors at the meeting?

- A7: See above response to Q6. The Local Government Act confers a broadly unfettered discretion on the Presiding Member to determine the procedure applicable at Electors' meetings. It is assumed that the purpose of this provision is so that the meeting is run effectively and efficiently. Electors' meetings are called under the Act and Regulations and in participating, electors are bound by the applicable provisions of the Act and the Regulations.

- Q8: Is not the CEO obliged by section 5.32 of the Local Government Act to "cause minutes of the proceedings at an electors' meeting" to be taken, and do not your prescribed procedures for electors' meetings include the making of public statements, and if so, why then do the minutes which were taken of the special electors' meeting on 23 February 2022 not include any record of that part of the proceedings in which public statements were made, and what if any law exempts the CEO from having to minute that part of the proceedings of electors' meetings?

A8: The Town's Local Government (Meetings Procedure) Local Law 2021 permits time at Council meetings for public statements. Unlike public questions, time for public statements at Council meetings is not a requirement under the Act. Similarly, public questions are allowed at Electors' meetings and it has been the long-standing practice of the Presiding Member at Cottesloe Electors' meetings to permit public statements. It is the Town's practice to include a brief summary of public statements in the Minutes of Council meetings or Electors' meetings (which occurred).

Questions Taken on Notice at the Ordinary Council Meeting – 22 March 2022

Mr John Brooksby – 1b Eileen Street, Cottesloe - Skatepark

Q1: Council maintains that the skatepark will occupy only 781sq metres of the John Black Dune Park. Will Council identify how that figure is calculated?

A1: Using Computer Assisted Design (CAD) drafting software by the concept designer, Convic.

Q2: When the CEO uses the word 'occupy' in relation to the 781sq metres, was he referring to the overall footprint, i.e. the space occupied within the perimeter of the design? If not, what was he referring to?

A2: Area of the skate facilities, as explained in the February Ordinary Council Meeting (OCM) Report.

Q3: What does Council say is the total area within the perimeter of the design?

A3: This is discussed in the February OCM report on the Concept Design. The skating facility area is 781m², all other areas are indicative.

Q4: Given that measurements show irrefutably that the area within the perimeter of the design, including the two access paths of 1,365 sq metres, what has Council excluded in arriving at the figure that the skatepark occupies only 781 sq metres?

A4: Refer to A2.

Q5: Has Council actually taken any steps to check the area covered by the skatepark as represented by the area within the perimeter design. If not, why not?

A5: The area has been confirmed by the concept designer Convic.

Q6: Does Council agree that the only sensible way to calculate the area occupied by the skatepark is to look at the extent of the works or range over which something extends?

A6: No. Including indicative items, such as paths, which form and location have yet to be determined, artificially increases the occupied area and are not part of the skating facility. The area associated with skating facilities is fully disclosed in February OCM report, and will be the basis for any detailed design and construction tender.

Q7: What is the overall area over which the skatepark extends?

A7: Refer to A3.

Q8: What steps is Council taking to ensure that any proposed skatepark can comply with the Environmental Protection Noise Regulations?

A8: It is normal practice to undertake various studies to ensure compliance with relevant regulations and standards as part of the detail design process.

Mr Stephen Mellor – 8 Graham Court, Cottesloe – Items 10.1.5

Harvey Field Precinct item 10.1.5

Q1: Can the drawings of the Harvey Field Precinct have more specific clarifying identification of Options 1 and 2 of the Fencing showing all parts of the fencing elements identified by Option as well as height?

A1: No. This can only be determined at detail design.

Q2: Is it possible for the Heritage Council to be consulted on the high fencing before going out to public consultation?

A2: No the Heritage Council have stated that they would consider any works proposal arising from the Masterplan requires individual referral at detailed design stage. What Council is seeking community feedback on is possible concepts, with no commitment that any concept (including fencing) will progress to detail design at this stage.

Q3: Will the permeable paving have car parking spaces marked out?

A3: This will be determined by Council, subject to the outcome of the community consultation.

Q4: Will you please allocate ACROD spaces from which drivers can view the sports?

A4: ACROD parking bays are located based on ease of access to public facilities. ACROD holders are able to use normal parking bays if they wish only to view sports.

Q5: Can you please add issue dates to the drawings for the record?

A5: Yes.

Q6: What % funding share from outside the Council's budget of the \$3 or \$4 million cost will be required for the project to proceed?

A6: This is yet to be determined.

McCall and Vlamingh

Q7: Can the Mayor kindly explain the process and how three days between the OCM on 26 April and the closing date can be enough to consider and perhaps work with the Town of Mosman Park?

A7: The Town has received an extension for its submission to the 27 May 2022, which should provide ample time for a submission to be considered by Council.

Q8: Will Council please address this resolution tonight in some way and request Administration to prepare an Officer's Report?

A8: The Administration is currently preparing a report for the May OCM.

Foreshore Funding

Q9: When and by whom was a decision made, for the Mayor to openly associate the Town of Cottesloe and its Council with a single identified political party in her encouragement of residents to sign a petition NOT originated by the Council?

A9: The Mayor is the spokesperson for the Town and is lobbying for Foreshore Redevelopment funding with Federal and State Government representatives.

Q10: What if any was the decision made other than the December 2019 OCM resolution for Administration to begin negotiations to seek funding for the approved Foreshore Master Plan?

A10: Council was asked to note at the March 2021 OCM when adopting the 100% detail design that negotiations had commenced with different Government agencies to progress the various components of the Foreshore Redevelopment.

Q11: Does the Mayor think that in encouraging residents to meet face to face with an identified election candidate it is consistent with her oath of office and adherence to expected protocols?

A11: Celia Hammond MP is Cottesloe's current Federal member, and the Foreshore Redevelopment Project is the Town's highest priority project. At the time of the meeting, no Election had been declared, however the Town is happy to meet with any Federal Candidate in order to promote the Foreshore Redevelopment Project in any forum they propose.

Q12: Is the Mayor happy, by way of her 'encouragements', that she assists in building the contact database of a particular candidate, as the only way to sign the petition is to FIRST supply personal contact details?

A12: Celia Hammond's Petition is clearly identified as being developed by her. Individuals have a choice as to whether they complete the petition or not. Likewise it is understood individuals can block any further contact if they choose.

Ms Yvonne Hart - 26 Mann Street, Cottesloe

Q1: List of Accounts

November Accounts 18/11/2021 - IPN Medical Centres Pty Ltd, Pre-employment medicals \$231.00

- i. With the 's' on the end of medicals, how many people had medicals prior to appointment, what staff have been appointed to what positions, and why?
- Ai. The Town will not respond to queries regarding employee medicals. The increase in Staffing cost is discussed in the budget review item.
- ii. What is the increased budget/staffing costs to ToC? (Salary? Vehicle?)
- Aii. There is no vehicle. Increase in Staffing costs are discussed in the budget review item.
- iii. What has been the increase in staff, full time and part-time, over the past five years? How will these costs be absorbed without Council rates going up?

Aiii. **Employee data as at 29.03.2017**

Permanent and fixed term: 45

Casuals: 15

Total headcount: 60

Employee data as at 29.03.2022

Permanent and fixed term: 54

Casuals: 21

Total headcount: 75

The Jan accounts 17/01/22 - Landgate Certificate of Title \$27.20

- iv. To what does the Certificate of Title relate to? What land area?
- Aiv. Right of Way 69, considered by Council at the February Ordinary Council Meeting, Item 10.1.8.

Q2: Budget

Will the ToC employ a sound technician to test the sound system used for Council meetings in both the Memorial Hall and the Council Chambers, determine the sound equipment requirements and build and install a sound system that will meet the needs of the 21 Century? Could this request be included as a budget item for the 2022/2023 financial year?

A2: This question is similar to a motion resolved at the Annual Meeting of Electors, which will be considered by Council at the April Ordinary Council Meeting.

Q3: Will the Town of Cottesloe please move to an electronic format as from April 2022 by implementing Zoom or similar for all Cottesloe Council meetings?

A3: This question is similar to a motion resolved at the Annual Meeting of Electors, which will be considered by Council at the April Ordinary Council Meeting.

Mr Jeffery Irvine – 69 Napier Street, Cottesloe – Funding of the Research to be Conducted for Indiana

- Q1: What will be happening with the funding, what are the conditions around that funding, how do we make sure we get transparency about what's happening through the quotation process and what Mr Haggard is saying Council is doing?
- A1: The quotation process is as per the Town's Procurement Policy. Actual costs will be reported in the relevant monthly financial report. Outcomes from the various consultation will be reported back to Council.
- Q2: What areas will be covered in the funding, heritage, legal, will there be a full traffic study?
- A2: Heritage and Conservation, Environmental, Legal and Commercial, as per the December 2021 OCM resolution. A traffic study is not required at this stage.
- Q3. Will Tattarang be paying for the consultation?
- A3: Yes.
- Q4: What is the process proposed by the Town for consultation, the milestones and how you are going to consult?
- A4: RFQ's have been drafted and will be assessed as per the Town's normal procurement process and policy. Once consultants are engaged, the Administration will manage the process until the various reports are finalised and provided to Council for consideration.

Mr Kevin Morgan - 4/1 Pearse Street, Cottesloe

- Q1. How is it that without any change having first been made to Cottesloe's community plan, its community strategy to *'protect the dune environment'* is now deleted from Cottesloe's corporate plan, replaced in the corporate plan by the addition of a new strategy to *'consider putting a skatepark in public open space'*, even though that new corporate strategy has not come from the community plan?
- A1. Protection of the dune environment is clearly identified under Action 3.3 "Improve dune conservation outside the Central Foreshore Zone (Implement Natural Area management plan), within the Corporate Business Plan (page 21). Priority Area 1 "Protecting and enhancing the wellbeing of residents and visitors", discusses a "community that is predominately orientated both physically and culturally towards outdoor recreation..". Though there is no specific strategy discussing the development of a Skate Park, successive Councils have resolved over many years to enhance Public Open Space and outdoor recreational spaces (which would include the development of a Skate Park) indicating how past and present Councils have interpreted this community priority and aspiration since 2013.

- Q2. Does the deletion of that community strategy of protecting the dune environment, if not the inclusion of the new corporate strategy to put a skatepark in public open space (even though it's not a strategy from the community plan), breach Regulation 19DA?
- A2. Refer to response A1. Regulation 19DA discusses the requirements of the Corporate Business Plan, including a determination from Council, its priorities for dealing with the objectives and aspirations of the community [identified in the SCP]. Council retains discretion in determining these priorities and how they will be achieved.
- Q3. If so, does this mean that Council's subsequent decision to 'put a skatepark in the dune park', is unlawful?
- A3. No.
- By what decision of Council, or by what provision of what law, was the Town through the CEO authorised to:
- Q4. Notify the Indiana proponent following its meeting with Council in July 2021 that Council required "a more detailed proposal"? (as per 3rd last line of third full paragraph on p 19 of December 2021 meeting minutes).
- A4. The officer's report clearly identifies the Council Briefing in July 2021 was to discuss "general design principles" developed by the proponent. As discussed in the report, the CEO provided feedback to the proponent, which would be considered a normal day to day management process (S5.41).
- Q5. Later advise the State that no proposal had by then been presented by the Indiana proponent? (as per A4 on p. 6 of the minutes of the 23/2/22 electors' meeting).
- A5. As discussed in the officer's report, as no proposal had been presented to Council (other than possible design principles) nor had one been formally considered, the DPLH was advised accordingly, which would be considered a normal day to day management process (S5.41).
- Q6. By what particular regulation or other law was the CEO authorised to mark as "confidential" the documents provided to Councillors at those workshops? (as per A5 on p. 6 of the minutes of the 23/2/22 electors' meeting).
- A6. Regulation 14(2) *Local Government (Administration) Regulations 1996*, provides discretion to the CEO to effectively mark any document confidential if in his opinion the information may be considered behind closed doors at a future Council meeting (S5.23). Given the existing commercial arrangement between the Town and Proponent, at the time there was reasonable likelihood that when the matters were presented to Council for formal consideration, they may have been considered behind closed doors.
- Q7. By what provision of what law were those workshops not a 'Council Meeting' under Subdivision 1, Division 2 of Part 5 of the Local Government

Act, and what attributes meant that a 'workshop' is within the scope of an exemption from being a Council meeting?

A7. Council "workshops" are utilised for the provision of information to Elected Members, as per S5.41, similar to the CEO providing elected members an email or memorandum on a particular issue or matter, as per Local Government Operational Guideline No.5. If the only means of the CEO or Administration was to provide information to Elected Members was via a Ordinary or Special Council Meeting, then numerous Special Council Meetings would be required per month, which would be impracticable and an inefficient use of limited Town resources, especially given no decisions are being made. There is always the option for the Mayor or three Councillors to call a Special Council Meeting if they believe one is required.

Q8. Given that the Local Government Act section 5.33 essentially requires every practicable endeavour be made for "all decisions made at an electors' meeting to be considered at the next Ordinary Council Meeting", why is it that the minutes of the electors' meeting on 9 March are still not published nearly 2 weeks afterwards, even though they were ready within days after the meeting on 23 February, and why is that resolutions from nearly two weeks ago are not before the Council tonight, and will council delay considering any matters the subject of those resolutions until Council first considers the 9 March resolutions?

A8. Section 5.33, *Local Government Act 1995*, provides:

"5.33. Decisions made at electors' meetings

(1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —

(a) at the first ordinary council meeting after that meeting;

or

(b) at a special meeting called for that purpose, whichever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting."

Given the number of Motions resolved and their complexity, it was not practicable for the Administration to prepare an item for inclusion in the March Ordinary Council Meeting Agenda, which was published 18 March 2022 (7 working days after the Annual Meeting of Electors). Unless a Special Council Meeting is called by the Mayor or three Councillors, the Item will be included in the April OCM Agenda, as per S5.33(1)(a).

4.2 PUBLIC QUESTIONS

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

120 Marine Parade SDAU 3rd amended application

- Q1: Has the Town of Cottesloe made a submission for the 120 Marine Parade amended application renewed consultation which closes on Thursday 28 April 2022?
- Q2: If so, has the Town of Cottesloe in principle agreed to the 122 Marine Parade application and its associated vehicle and pedestrian access from Napier Street - that is before that public consultation for 122 has commenced??
- Q3: If so, has the Town of Cottesloe made any observations or objections to the separate rather than combined consultations for the two 'applications'?

140 Marine Parade OBH SDAU Development application

- Q4: To what extent will the Elected Members support the key elements of the Cottesloe Residents and Ratepayers Association submission (forwarded to the Mayor and Elected Members), heritage - and with urgency step in and investigate/ protect the historic remaining elements of the original building by declaring a Town heritage interest under 7.1 of the LPS3?
- Q5: Has the Town of Cottesloe in the past made any investigations or research into the remaining 'heritage' elements in the existing OBH building?

Pineapple Bash Music Event

- Q6: Was there any financial benefit or cost to Town of Cottesloe associated with the event?
- Q7: What was the hire fee? Was the fee a one-off rate, a day rate or negotiated? What was the bond and did the bond cover the landscaping repairs?
- Q8: As a result of the operational experience of this event is there any requirement to update the Events Policy?

The above questions were taken on notice.

Jack Walsh – 35 Grant Street, Cottesloe – Indiana Development

- Q1: Why have Elected Members been negotiating with Fiveight before receiving a formal proposal for the Indiana redevelopment?
- A1: Elected Members have not been negotiating with Fiveight.
- Q2: The Council has forwarded to Fiveight, opinions from the Cottesloe Surf Club, the Design Review Panel and "expert members" of the Foreshore Precinct Advisory Committee. Can you please explain how developers and architects on these committees, who derive income from constructing buildings and sourcing public land for development, can be:
- a) Objective, that is not conflicted, in advising on the appropriation of public open space for private development?

b) Objective, that is not conflicted, regarding the developer's intention to privatise areas within the Indiana building?

A2: Those members of that committee are bound by the Town's Elected Members, Committee Members and Candidate Code of Conduct Behaviour Complaints Management Policy and as such they are required to declare interests.

Q3a: The Foreshore Precinct Advisory Committee Chairman is on record as being a business partner with Andrew Forrest. Did he exempt himself from giving opinion on the Fiveight proposal?

A3a: Yes, Mr Fini exempted himself on giving an opinion on the Fiveight proposal.

Q3b: Do any of the others whose opinions were forwarded by Council, have business connections with Forrest companies or hope to have in the future?

A3b: There were no other declarations of interest made at the committee meeting.

Q3c: If so, did they exempt themselves from giving advice on the proposal?

A3c: No other members were required to exempt themselves from giving advice.

Q4: How can the Council defuse the clear perception that by forwarding intentions that are partial to the developer, it has encouraged Fiveight in its intent to appropriate public open space?

A4: Perception is a matter of opinion and it's a matter of opinion whether there is a clear perception as you suggest and whether it is encouraging Fiveight or not it would depend on the content of the opinions.

Q5: Where can I find the recording of experts' opinions that have "made available to Fiveight" but so far have not been made available to the community?

A5: It will be a matter for Council to determine if the opinions should be made available in the full form or covered in an officer's report and also the timing of that.

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

A6: There have been informal discussions and I will take the balance of that on notice in order to provide a complete response.

Q7: When will the Cottesloe community be consulted regarding the Indiana non-conforming proposal?

A7: That will be a matter for Council to determine. Council is currently going through a process.

- Q8: Why weren't community submissions called for and forwarded to Fiveight along with comments from the Council's 'experts' before this proposal progressed?
- A8: Council has taken the view that consultation without a full understanding of the implications of the proposal is not meaningful. The process that Council is going through at the moment in taking legal, commercial, heritage and environmental advice will help the Administration and Council understand the full implications of the proposal and once that is understood we will be in a position to determine what the next steps will be.

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

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

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

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

- Q2: How is that in the context of this statutory regime at least 16 strategies from the Strategic Community Plan have now been removed from the Corporate Business Plan, and the Corporate Business Plan has instead now added an additional 8 strategies, none of which arise from the changes to the Strategic Community Plan?
- Q3: Given that section 5.53(2)(i) of the *Local Government Act* and Regulation 19B(2)(k) of the *Local Government (Administration) Regulations* require the Annual Report to detail any significant modifications to the Corporate

Business Plan during the financial year, how is that the 2020/2021 Annual Report is not unlawful in making no mention of these many and significant modifications to the Corporate Business Plan, particularly in the context of its failure to include an overview of the Strategic Community Plan given the divergence now created between these two plans ?

- Q4: Why do the minutes of the Annual Electors' Meeting last month make no mention of my public statement of these grounds on the basis of which the electors in attendance overwhelmingly refused to receive the Annual Report because of these alleged illegalities?
- Q5: Has each Elected Member satisfied themselves as to these allegations of unlawfulness, given the statutory penalties and any potential for disqualification from office that might arise if this unlawfulness is substantiated?
- Q6: Following on from Mr Walsh's questions as regards what you call an informal meeting of Council for discussion with the Indiana proponent, by what means are Elected Members obliged to disclose any interest they may have in the subject of discussion (similar to the obligation which you just said to Mr Walsh applies to members of the committee to which you and Mr Walsh referred)?
- A6: Elected Members do declare interests. Any interests whether it be financial, proximity or impartiality are declared.

Questions 1-5 were taken on notice.

Rosie Walsh – 35 Grant Street, Cottesloe – AGM Motions

I would like to ask about the 'Administration Comments' provided in tonight's Agenda papers regarding the motions passed at the Annual General Meeting of Electors' Meeting.

- Q1: Did Administration write these comments after discussion with Councillors?
- A1: The responses to Questions Taken on Notice are developed by the Administration. They are not circulated to Councillors before they are included in the agenda.
- Q2: If they were, does Council agree with what has been written and that the comments have responded sufficiently to the obvious intent of the motions?
- A2: The Local Government Act requires a response to be provided to public questions. Responses provided may not necessarily be what the questioner is expecting. The Administration attempts to provide adequate responses to questions, however Council can resolve to receive additional information, as part of its general oversight function.
- Q3: The motions had rationales supplied but ignored with the comments. Why?

A3: The Minutes reflect decisions of the meeting, and do not include additional comments from individuals (similar to not recording the debate of motions at Council meetings). Officers would have considered any comments raised at the meeting, however the Officers comments are in response to the actual decisions made at the meeting.

5 PUBLIC STATEMENT TIME

Kevin Morgan – 1 Pearse Street, Cottesloe

Mr Morgan spoke about the responses provided to questions asked by members of the public and felt that the responses were non-responsive and should be more open.

Patricia Carmichael – 14-116 Marine Parade, Cottesloe – Item 10.1.4

Ms Carmichael thanked Mr Drewett for his excellent report and structured plan for the whole site and Marine Parade and stated that with all of the large projects being considered by the Special Matters DAP that it was imperative that this Council endorse a traffic management plan over the whole area.

Stephen Mellor – 8 Graham Court, Cottesloe – Item 10.1.4

Mr Mellor spoke about the OBH project and stated that Council should do all it could to protect the heritage that is left in the building.

Chris Wiggins – 10.1.4 - 50 John Street, Cottesloe – Item 10.1.4

Mr Wiggins stated he was reasonably comfortable with the overall external design of the OBH proposal and that he would rather see a large cohesive building there than lots of smaller buildings. His major concern is that in this long and complex submission by the developer it's hard to see what's been done with the building and it shows that the vast majority of the building is for residential ownership.

Mr Jeffrey Irvine – 69 Napier Street, Cottesloe (on behalf of Cottesloe Residents and Ratepayers Association) – Items 10.1.4 and 10.1.5

Mr Irvine stated that the Cottesloe Residents and Ratepayers Association welcomed Part 1 of the officer's recommendation but objected to the development as the specific heritage value of the OBH appears to have been overlooked and part 2 of the recommendation to defer if not refused didn't appear to make sense. The CR&RA urged Council to fully support your local community and local planning scheme and not ruin the area and character of it.

6 ATTENDANCE**Elected Members**

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

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**6.2 APPROVED LEAVE OF ABSENCE**

Cr Caroline Harben
Cr Paul MacFarlane

6.3 APPLICATIONS FOR LEAVE OF ABSENCE**COUNCIL RESOLUTION**

Moved Cr Sadler Seconded Cr Harkins

That Cr MacFarlane be granted leave of absence from 26 April 2022 to 26 April 2022.

Carried 7/0

7 DECLARATION OF INTERESTS

Cr Wylynko declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "I have some familiarity with one of the consultants involved in that project (Element)."

Cr Bulbeck declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "I am a member of Cottesloe Coastcare and they are included in this project."

8 CONFIRMATION OF MINUTES**OCM038/2022**

Moved Cr Bulbeck Seconded Cr Masarei

That the Minutes of the Ordinary Meeting of Council held on Tuesday 22 March 2022 be confirmed as a true and accurate record.

Carried 7/0

9 PRESENTATIONS**9.1 PETITIONS*****Section 9.4 - Procedure of Petitions***

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

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

9.2 PRESENTATIONS**9.3 DEPUTATIONS**

CORPORATE AND COMMUNITY SERVICES**10.1.1 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: D22/11959
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

Following the Annual General Meeting of Electors, held on Wednesday, 9 March 2022 it is recommended that Council receive the unconfirmed minutes of the meeting, as attached.

OFFICER RECOMMENDATION IN BRIEF

The Unconfirmed Minutes of the Annual General Meeting of Electors held on Wednesday, 9 March 2022 relating to the 2020/21 financial year are submitted for receipt, minus those motions highlighted.

BACKGROUND

At its 22 February 2022 Ordinary Council Meeting, Council resolved to set the date of the Annual General Meeting of Electors to 6:00pm on Wednesday, 9 March 2022 in the War Memorial Hall.

The meeting was attended by 19 electors (4 of whom are Councillors), 5 members of staff and 2 members of the media.

OFFICER COMMENT

There were 15 motions put to the Electors Meeting. The first one was to receive the Annual Report for the year ended 30 June 2021. Council resolved on 22 February 2022 to accept the Annual Report for the year ended 30 June 2021.

ELECTOR MOTION 1**Moved Cr Sadler****Seconded Cr Barrett**

That the Meeting receives the 2020/21 Annual Report for the Town of Cottesloe.

Lost 3/11

There were 14 motions passed at the Annual General Meeting of Electors Meeting and brief comment is provided following each one below.

ELECTOR MOTION 2**Moved Mr Mellor****Seconded Mr Morgan**

That Council instigates a comprehensive Parking Plan covering the entire foreshore and areas to include the east side of Broome Street including a strategy and time-schedule for the future of Car Parks 1 & 2, taking into account the impact of proposed developments, and make this Plan available to the community as soon as possible and before major planning decisions are negotiated for cash in lieu parking space credits.

Carried 13/0

Administration Comment

Council has developed and adopted the Foreshore Precinct Master Plan which incorporates parking. Generally private developments are required to provide parking on site of the Development. The current master plan provides for 530 public car bays, being 28 above the existing car bays. Until funding is secured for first stage of the foreshore redevelopment, providing any schedule for the redevelopment, including car parks 1 & 2 is unrealistic. Planning Decisions cannot be delayed given current deemed refusal provisions, potentially having planning applications being sent to the State Administration Tribunal (SAT) for consideration.

ELECTOR MOTION 3

Moved Mr Mellor

Seconded Mr Morgan

- a) That Council rescind Car Park 2 Development Option A – with 5 storey blocks on top of 2 parking levels – concept choice.
- b) That Council revisit the Car Park 2 development process and investigate new concepts with renewed community consultation to keep and ensure the ONE East-West break in the built form is determinedly safeguarded with minimum heights and with the retention of public open space.
- c) That Council immediately publish the Car Park 2 Feasibility Study.

Carried 13/0

Administration Comment

Refer comments on Motion 2. The current decision relating to Carpark 2 (Option A) was based on community consultation at the time, and the motion provides no reasoning as to why this position should now be revoked. The Administration is currently investigating options to implement the current position, however until the land tenure issue can be resolved it is difficult to progress the current concept.

ELECTOR MOTION 4

Moved Mr Mellor

Seconded Mrs Hart

- a) That Council with urgency, vigorously oppose the DPLH re-zoning of the McCall Centre.
- b) That Council immediately instigate and develop plans and appropriate budgets to preserve and re-instate the Vlamingh Memorial and Cable Station site.
- c) That Council together with Mosman Park Council claim for the use of the McCall and develop, a location sympathetic valuable visitor centre and tourist destination for

the whole site that would include information and education facilities for subjects such as indigenous local history, environmental, social history, cable station, marine archaeology, ocean care, dune care, fishing, marine, flora and fauna – a worthwhile end-point for the coastal city trails the Town has committed to.

Carried 13/0

Administration Comment

The proposed rezoning of the McCall Centre will be considered by Council as a separate matter. Points B and C contain significant budgetary and Asset Management implications. A detailed feasibility study would be required before progressing this request.

ELECTOR MOTION 5

Moved Mr Mellor

Seconded Ms Carmichael

- a) That Council request Administration to introduce/include, in time for the 2022-23 budget round, in the annual and each quarterly report an overall 'rolling total' project summary for large across financial year on-going projects including associated grants and income forecasts and receipts.
- b) That Council request Administration to introduce/include short text descriptors to the incomprehensible account numbers.

Carried 11/0

Administration Comment

The Town produces monthly financial statements which identify all capital and operating income and expenditure. A quarterly report is also produced which measures progress of major projects and initiatives adopted by Council. Account descriptions and Budget to Actual income and expenditure form part of these reports.

ELECTOR MOTION 6

Moved Mr Mellor

Seconded Mr Morgan

- a) That Council rescind the 2018 Aecom Recreation Precinct Masterplan.
- b) That Council immediately instigate and develop new concept plans for the whole site with renewed community consultation.

Carried 13/0

Administration Comment

The Aecom Recreation Precinct Masterplan was never formally adopted by Council, therefore its adoption cannot be revoked. Council has recently resolved to seek community feedback on the requests from local sporting organisations, which will put to the Community for feedback. It would seem inefficient to develop a new concept prior to receiving the result of the current community consultation on the matter.

ELECTOR MOTION 7

Moved Mr Mellor

Seconded Mrs Hart

That Council instruct Administration to advertise and also include on the web events calendar the dates and times of the various ToC Committees' and Panels' meetings, with 14 days notice of such meetings and include information or links to associated documents, minutes and agendas.

Carried 14/0

Administration Comment

The Town's website is anticipated to be comprehensively reviewed in 2022/23 depending on Budget allocation. Matters such as that requested can be considered as part of that review. The format of the Web Events Calendar and how the information is portrayed on the website is fundamental to the anticipated review which would be conducted in conjunction with the Town's website hosting service provider.

ELECTOR MOTION 8

Moved Mr Mellor

Seconded Mr Irvine

That Council allocate budget funds and instruct Administration to undertake a thorough review and upgrade of the Council website in order to make it user friendly and transparent in its content access.

Carried 13/0

Administration Comment

Refer comments on Motion 7.

ELECTOR MOTION 9

Moved Mr Mellor

Seconded Mrs Hart

That Council instruct Administration to introduce as soon as possible a 'Percent for Art' Policy.

Carried 15/0

Administration Comment

If the intent of the motion is to develop a Public Arts Planning Policy, requiring developers to contribute a % of the development for public art, this should be considered as part of the current Local Planning Scheme and Strategy Review.

ELECTOR MOTION 10

Moved Mr Morgan

Seconded Ms Arkley

1. We the electors of Cottesloe call upon our Council to immediately commence the process by which Council can adopt a local law in terms of (or similar to) the attached draft Town of Cottesloe Local Government (Informal Meetings Procedure) Local Law 2022, so as to regulate (with more order, openness and transparency) meetings of Council that are currently unregulated, and to ensure Council in making decisions is aware of potential for conflict if its staff met with property developers seeking not insubstantial changes inconsistent with Local Planning Strategy.

Carried 13/0

Administration Comment

Under the Local Government Act 1995, all Council decisions must be made via an Ordinary or Special Council Meeting. Ordinary and Special Council Meetings are regulated by the Local Government Act, Local Government (Administration) Regulations 1996 and the Town's Local Government (Meetings Procedure) Local Law 2021. Elected Members Briefings, Workshops and Forums (Informal Meetings) are for information purposes only, with no debate occurring or decisions made. The proposed draft Local Law provides for Council to potentially make numerous decisions (for example clauses 2.1, 2.5, 3.1, 3.5, 4.1) which would be ultra vires, as Council can only make decisions via an Ordinary or Special Council Meeting. Therefore all informal meetings would need to be Special Meetings of Council, making the draft Local Law obsolete (as the Local Government (Meetings Procedure) Local Law would apply) or Council would need to call a Special Council Meeting to resolve any decision to be made under the draft Local Law, which would be completely impracticable. Furthermore, the Draft Local Law is missing any form of enforcement provision, therefore if it was adopted (and approved by the Joint Standing Committee on Delegated Legislation) there would be no penalties applicable if it was ignored. The Motion needs to be rejected as it suggests Council is currently acting unlawfully and the draft Local Law is ultra vires and unenforceable.

ELECTOR MOTION 11**Moved Mr Morgan****Seconded Mr Brooksby**

- 1. We the electors of Cottesloe call upon our council to immediately commence the process by which to legislate local law, adopt council policy and otherwise make decisions of council to deliver the following desired outcomes of our community for a Cottesloe beachfront for everyone.**
 - a. An egalitarian beachfront.**
 - i. Don't require public open space to pay its own way, and instead use council or other public funds for its rejuvenation.**
 - ii. Don't allow public facilities and open space at Indiana to be privatised for the exclusive use of private hotel guests.**
 - iii. Don't allow the morning sunshine on our beach and promenade to be stolen by tall blocks of flats on the beachfront.**
 - b. Preserve Cottesloe beach's sunshine and blue sky.**
 - i. Adopt a policy to show decision-makers (such as the SDAU, a DAP, or council itself) the impact that different heights and setbacks on each lot between Eric and Forrest streets would have on shading the beach and promenade during mornings throughout the year.**
 - ii. Adopt policy for the ground floor of any new development between Eric and Forrest streets:**
 - 1. to be for public use, such as a public restaurant, rather than used for say a private restaurant only for a hotel's guests;**
 - 2. to have a minimum ceiling height, so as to ensure Cottesloe beach remains synonymous with sunshine and blue sky; and**

3. to present a fine-grained streetscape, and not allow contiguous lots to become a whole-of-block monolith of homogeneity.
- iii. Keep our beachfront horizon open for everyone to enjoy by upholding the policy against any new buildings west of Marine Parade.
- c. A more hygienic beachfront.
 - i. Ensure that council has or obtains direct responsibility for the long-term upkeep and daily cleaning of public toilets in the town, and it particularly seeks to bring about such a result for public toilets currently at Indiana.
 - ii. Move the public toilets from Indiana (where they are the lessee's responsibility) but only by being dug into the escarpment near CSLSC, so as to comply with the policy against no new buildings west of Marine Parade.
 - iii. Build additional public toilets for surfers at or near Cove surf-break and for wind surfers at Dutch Inn, but only by being dug into the escarpment to comply with the policy against no new buildings west of Marine Parade.
- d. Don't let parking swallow our beachfront.
 - i. Ensure developer contributions can be used not only to build public parking but also for a high frequency public shuttle bus service between the beach and parking away from the beach.
 - ii. Consider replacing carpark 2 with grass, with any development at the eastern not western end of carpark 2, so as to keep this break in built form between Cottesloe and North Cottesloe.
 - iii. Consider building underground parking below the main and western lawns of the Civic Centre, with vehicle entry off Napier Street and pedestrian entry and promenade via Overton Gardens.

Carried 12/0

Administration Comment

The motion proposes to restrict any decision making discretion of current and future Councils (or individual Elected Members, current or future) in regards to the Cottesloe beachfront. Furthermore, it attempts to prescribe particular actions with no consideration of the financial or asset management implications. The Motion provides Elected Members no merit based or public interest consideration (as required under the current Code of Conduct) on current or unknown future proposals relating to the Beachfront, and ignores any previous community consultation on matters such as the Foreshore Masterplan. There is no evidence of any wide ranging community consultation (other than the electors present at the meeting) supporting this motion. The motion should be rejected given its prescriptive and restrictive intent.

ELECTOR MOTION 12

Moved Mrs Hart

Seconded Mr Mellor

That the Town of Cottesloe move to an electronic format by implementing Zoom or its equivalent for all Cottesloe Council Meetings as from April 2022.

Carried 10/1

Administration Comment

The Town has trialled some meetings by electronic means. The preferred platform is Microsoft Teams which works similarly to Zoom. At this stage the preference is still to hold Council meetings in person in the Council Chambers provided it is compliant with the present Covid legislative requirements.

ELECTOR MOTION 13

Moved Mrs Hart

Seconded Mr Mellor

That the Town of Cottesloe employ a sound technician to test the sound system used for Council Meetings in both the War Memorial Hall and the Council Chambers determines the sound equipment required and build and install a sound system to meet the needs of 21st Century and this motion be included as a budget item for the 2022/2023 financial year.

Carried 13/0

Administration Comment

The Town did seek quotations on improvements to sound and sight restrictions in the War Memorial Hall when Covid restrictions forced the use of that area over the Council Chambers. The cost at that time was prohibitive and the uncertainty (and constant changing) of the Covid requirements meant that this did not proceed. This is likely to be revisited over the coming months depending on the changing Covid requirements and Council's Budget priorities.

ELECTOR MOTION 14

Moved Ms Carmichael

Seconded Ms Arkley

That Council instruct Administration to form a new Finances and Accounting Review Panel (FARP) or Finances Review Accounting Panel (FRAP) with immediate effect appointing at least four independent professionals with accounting background and experience.

Carried 13/0

Administration Comment

Council has in place an Audit Committee which performs the functions that a Committee such as this would undertake. The Council is also currently developing a Long Term Financial Plan to assist Council (and the Community) developing options to address concerns raised by the Town's current and future Auditors.

ELECTOR MOTION 15

Moved Mr Morgan

Seconded Mr Brooksby

We, members of the community of Cottesloe demand that the Corporate Business Plan be immediately redrafted to accurately reflect the priorities and strategies from the Strategic Community Plan.

Carried 13/0

Administration Comment

The Town's last Corporate Business Plan concluded in June 2020. A new Corporate Business Plan was developed and adopted by Council in October 2020. The Plan was informed by numerous inputs, a key one being the Town's Strategic Community Plan. While there may be some differences in the plans this is not unusual with the Strategic Community Plan sitting above the Corporate Business Plan as the broad high level Planning document of the Town, while the Corporate Business Plan contains the specific actions that Council is undertaking as part of its overall planning processes and ultimately Budget. It should be noted the Local Government (Administration) Regulations 1996 clearly identify the Strategic Community Plan to articulate the Community's vision, aspirations and objectives (Reg 19C) while the Corporate Business Plan sets out the Council's priorities for dealing with these as aspirations and objectives (and other internal business planning matters), as per Regulation 19DA.

A report on the actions contained within the Corporate Business Plan is presented to Council (and the community) quarterly. Furthermore a desk top review of the plan has been conducted and is included in this agenda for Council's consideration.

The Strategic Community Plan is due for review in 2022/23, which will require considerable community consultation and input. The current Strategic Community Plan is almost 10 years old, and therefore it is questionable as to whether it continues to represent the vision, aspirations and objectives (not strategies) of the current community. Given the proposed development of a new Strategic Community Plan, dramatic redrafting of the existing Corporate Business Plan seems an inefficient use of Council resources, and should be deferred until the new vision, aspirations and objectives of the current community are identified.

ATTACHMENTS

- 10.1.1(a) Unconfirmed Minutes - Annual General Meeting of Electors - 9 March 2022**
[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

OCM040/2022

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr Harkins

- 1. THAT Council RECEIVES the Unconfirmed Minutes of the Annual General Meeting of Electors for the 2020/21 financial year held on Wednesday, 9 March 2022, noting the Motions passed at the meeting and the Administration comments on the action and status of Motions 2 to 9 and 12 to 15, as attached.**
- 2. THAT Council rejects Motions 10 and 11.**
- 3. REQUESTS the Chief Executive Officer to advise each Mover and Seconder of Motions from the Annual Meeting Electors of the Council's resolution in relation to their specific motion.**

Carried by En Bloc Resolution 7/0

10.1.2 CORPORATE BUSINESS PLAN REVIEW

Directorate: Corporate and Community Services
Author(s): Shane Collie, Director Corporate and Community Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D22/17455
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

Council is required to review its Corporate Business Plan annually and the Review for the 2021/22 year is due. Given that a number of important informing plans are presently being finalised and that Council's Strategic Community Plan is due to be reviewed within the next 12 months it is not recommended to make any changes to the current Corporate Business Plan.

OFFICER RECOMMENDATION IN BRIEF

That Council notes the Review undertaken of its Corporate Business Plan for 2021/22 confirming that no change to the Plan is necessary.

BACKGROUND

The *Local Government Act 1995*, requires Western Australia local governments to plan for the future of the district. Amendments made in August 2011 to the *Local Government (Administration) Regulations 1996*, state that a Strategic Community Plan (SCP) and a Corporate Business Plan (CBP), together form a 'Plan for the Future' of a district. In the drafting of the Annual Budget the local government is to have regard to the contents of the Plan for the Future.

The CBP is required to be reviewed annually and does not have the formal advertising and consultation obligation that is required for the SCP. It also differs from the SCP which requires a complete review every four (4) years, with best practice determining that a desktop review be undertaken at the two (2) year mark of the plan. The CBP however requires an update annually and is effectively the intermediary document between the SCP and the Town's Annual Budget. The document is a very effective tool as it has specific actions contained within, which are logically assigned to individual Directorates. Outcome Measurement is a key part of the CBP and reports are provided to Council quarterly, including this month.

Council's present Corporate Business Plan was developed in 2020 and adopted by Council in October 2020.

OFFICER COMMENT

The review of the CBP achieves compliance with the *Local Government (Administration) Regulations 1996*, and has been influenced by the Department of Local Government's Framework and Guidelines for Integrated Planning and Reporting.

The CBP has, as has previously been the case, been split into 6 priority areas (as identified in the SCP) and contains 94 specific actions as follows:

- Priority Area 1 – Community 19 Actions
- Priority Area 2 – Infrastructure 17 Actions
- Priority Area 3 – Environment 12 Actions
- Priority Area 4 – Managing Development 8 Actions
- Priority Area 5 – Economic Sustainability 16 Actions
- Priority Area 6 – Governance 16 Actions

The 94 actions in are split into Directorate areas of responsibility:

- Engineering 29
- Compliance and Regulatory Services 10
- Corporate 24
- Executive 25
- Development 6

The Action items additionally have been assigned a Service Priority as determined by Council at the recent Workshops held. These are as follows:

- Flagship Items 14
- Very High 26
- High 26
- Moderate 28

The Corporate Business Plan is a key Planning and Management tool utilised by the Administration to implement the priorities of Council and reflects those Strategies contained within the Strategic Community Plan.

The quarterly submission of activities associated with the Plan is essentially a Review of the Plan each quarter and ensures that Council remains fully informed of the implementation of the initiatives contained within the Plan. The Plan is not attached as this would duplicate the current Quarterly Report which contains the same information and demonstrates the latest activity associated with the Plan.

ATTACHMENTS

Nil

CONSULTATION

Executive Leadership Team and Councillors.

STATUTORY IMPLICATIONS

Local Government Administration Regulations 1996

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

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*.

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

OCM041/2022

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr Harkins

- 1. THAT Council NOTES the Review undertaken of its Corporate Business Plan for 2021/22 confirming that no change to the Plan is necessary.**
- 2. THAT Council INCLUDES as part of the Draft Budget development for 2022/23 costs associated with the development of including Community Engagement for a new Strategic Community Plan.**

Carried by En Bloc Resolution 7/0

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

Directorate: Corporate and Community Services
Author(s): Lauren Davies, Finance Manager
Authoriser(s): Shane Collie, Director Corporate and Community Services
File Reference: D22/18424
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

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

OFFICER RECOMMENDATION IN BRIEF

That Council receives the Monthly Financial Statements for the period 1 July 2021 to 28 February 2022.

BACKGROUND

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

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

OFFICER COMMENT

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

- The net current funding position as at 28 February 2022 was \$6,921,927 as compared to \$3,917,053 this time last year. This is due to a combination of higher revenue from infringements, and less payments YTD (which is a timing difference only).
 - Rates receivables as at 28 February 2022 was \$1,446,722 as compared to \$960,069 this time last year as shown on page 23 of the attached financial statements. This is in part
-

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

- Operating revenue is more than year to date budget by \$749,819 with a more detailed explanation of material variances provided on page 19 of the attached financial statements. Operating expenditure is \$751,590 less than year to date with a more detailed analysis of material variances provided on page 19.
- The capital works program is shown in detail on pages 33 to 34 of the attached financial statements.
- The balance of cash backed reserves was \$8,607,174 as at 28 February 2022 as shown in note 7 on page 26 of the attached financial statements.

List of Accounts Paid for February 2022

The list of accounts paid during February 2022 is shown on pages 35 to 41 of the attached financial statements. The following material payments are brought to Council's attention:

- \$347,411.82 to Roads 2000 Pty Ltd for re-surfacing of Railway St.
- \$34,327.02 & \$34,587.01 to SuperChoice Services Pty Ltd for staff superannuation contributions.
- \$68,180.665 to Classic Contractors Pty Ltd for Anderson Pavilion Development.
- \$106,827.96 & \$35,609.32 to Surf Life Saving WA for surf life saving services for four months.

Investments and Loans

Cash and investments are shown in note 4 on page 21 of the attached financial statements. The Town has approximately 45% of funds invested with the National Australia Bank, 33% with the Commonwealth Bank of Australia and 22% with Westpac Banking Corporation. A balance of \$8,600,142 was held in reserve funds as at 28 February 2022.

Information on borrowings is shown in note 10 on page 30 of the attached financial statements. The Town had total principal outstanding of \$2,810,904 as at 28 February 2022.

Rates, Sundry Debtors and Other Receivables

Rates outstanding are shown on note 6 on page 23 and show a balance of \$1,446,722 outstanding as compared to \$960,069 this time last year.

Sundry debtors are shown on note 6 on page 23 of the attached financial statements. The sundry debtors report shows that 14% or \$22,128 is older than 90 days. Infringement debtors are shown on note 6 on page 25 and were \$553,619 as at 28 February 2022.

ATTACHMENTS

10.1.3(a) Monthly Financial Report 1 July to 28 February 2022 [under separate cover]

CONSULTATION

Senior Staff.

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OCM042/2022

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr Harkins

THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2021 to 28 February 2022 as submitted to the 26 April 2022 meeting of Council.

Carried by En Bloc Resolution 7/0

10.1.6 PROPOSED ROAD NAMING

Directorate: Engineering Services
Author(s): David Lappan, Manager Projects and Assets
Authoriser(s): Shaun Kan, Director Engineering Services
File Reference: D22/13878
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

Council is being asked to consider a request from residents to formally name Right of Way (ROW) 49 and rename Curtin Avenue Service Road between Jarrad Street and Pearse Street.

The Administration has pre-validated 'Turville Lane' and 'Lexcen Close' respectively with Landgate. Residents consulted are supportive of the proposal.

OFFICER RECOMMENDATION IN BRIEF

Council considers the support from residents to endorse the following road names subject to a formal application to Landgate:

- ROW 49 - 'Turville Lane';
- Curtin Avenue Service Road - 'Lexcen Close',

BACKGROUND

ROW 49 currently comprises of a 44 metre North to South laneway section and a 40 metre East to West section. Entrances are from Boreham Street and Gordon Street with nine properties that have adjoining property boundaries with the ROW, as shown in diagram A.

Residents were consulted on proposed naming and results summarised in the officer's comment section of the report.



Diagram A

Curtin Avenue service road is parallel to the state controlled Curtin Avenue. Vehicle thoroughfare is from Pearse Street and Jarrad Street. The service road is 307 metres long comprising of two sections separated by Webb Street. The northern half is 207 metres and the southern, 100 metres with 21 adjoining properties as shown in diagram B

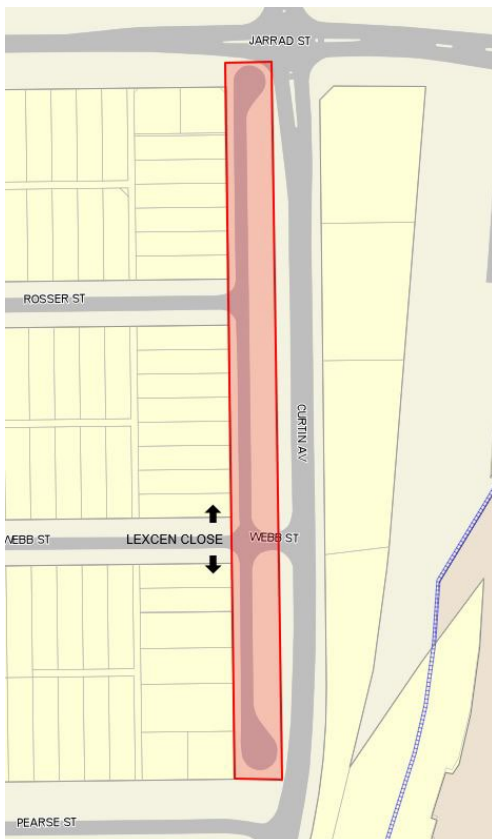


Diagram B

OFFICER COMMENT**ROW 49**

Turville Lane has been recommended for the naming of current ROW 49 as this links to the heritage listed Hardey Memorial Church located at 14 Edward Street, Cottesloe (25m from the ROW). The original name suggested by the requesting resident related to the owners of this church but this did not meet the requirements of Landgate. Further research then occurred before the recommended name was put out to consultation.

The Hardey Memorial Church was constructed in 1904 by Mr C. Turville, a prominent Perth builder who was a Cottesloe resident before moving to Peppermint Grove. Mr Turville was an inaugural Cottesloe Council member in 1907.

The table below summarises the consultation and supportive outcome for the naming.

Proposed Naming of ROW 49 – Turville Lane			<u>Reasons Given for Not Supporting:</u>
5 Letters mailed to owners who are not occupiers and 25 Letters printed and hand delivered to properties within the immediate vicinity	Supported - 6	Not Supported - 1	Proposed “Three Pines Lane”

As Three Pines Lane does not meet the geographical naming criteria, this alternative proposed lane name cannot be further considered.

Curtin Avenue Service Road

Lexcen Close has been recommended due to its links to Ben Lexcen, designer of the ‘Australia II’ sailing boat. The vessel was built within the Town of Cottesloe District at the site now known as the Boatshed Market. Ben Lexcen passed away in 1988, however, his contributions and direct association with Cottesloe are considered appropriate grounds for commemorative naming. This name had been suggested by the requesting resident.

Similarly, the table below summarises resident’s feedback and their support for the proposed re-naming.

Proposed Naming of Curtin Ave Service Rd – Lexcen Close			<u>Reasons Given for Not Supporting:</u>
12 Letters mailed to owners who are not occupiers and 50 Letters printed and hand delivered to properties within the immediate vicinity	Supported - 15	Not Supported - 4	Curtin Ave was named in honour of the Prime Minister John Curtin and the renaming will create ambiguity and confusion with residential house numbers along Curtin Ave

			Does not want their street name changed to Lexcen Close, proposed Curtin Close.
--	--	--	---

The alternative name of Curtin Close proposed does not meet Landgate’s naming criteria as this has a similar sounding name of another road within 10km distance from each other (Curtin Avenue). Any confusion would be unlikely with the installation of street name signs and by virtue that properties are located off the main Curtin Avenue and along this service road being considered for re-naming.

Based on the support for each of the proposed names Council is asked to endorse the names of ‘Turville Lane’ and ‘Lexcen Close’ for the respective roads so that a formal submission can be made to Landgate. In the unlikely event that this is declined, an item will be brought back to Council for reconsideration.

Landgate will assist with any modifications to property addresses. This will reduce the impact to residents and provide advanced notice to Australia Post.

ATTACHMENTS

Nil

CONSULTATION

- Landgate
- Department of Planning, Lands and Heritage
- Residents adjacent to and surrounding ROW 49
- Residents from 147 to 185 Curtin Avenue
- Properties within 150m of Curtin avenue, along Jarrad Street, Rosser Street, Webb Street and Pearse Street

STATUTORY IMPLICATIONS

Landgate Policies and Standards for Geographical Naming in Western Australia

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

- This report is consistent with the Town’s *Strategic Community Plan 2013 – 2023*.
- Priority Area 1: Protecting and enhancing the wellbeing of residents and visitors
- Major Strategy 1.4: Continue to improve community engagement.
- Priority Area 6: Providing open and accountable local governance
- Major Strategy 6.4: Enhance the Town’s ability to embrace and manage change.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OCM043/2022**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Sadler

Seconded Cr Harkins

THAT Council:

1. **APPROVE 'Turville Lane' as the name for Right of Way 49 as shown in Diagram A;**
2. **APPROVE 'Lexcen Close' as the name for Curtin Avenue Service Road as shown in Diagram B;**
3. **NOTES that subject to points one and two, a formal application will be made to Landgate; and**
4. **NOTES that in the event that either name is not formally accepted, an alternative name will be sourced and residents consulted before the matter is brought back to an Ordinary Council Meeting.**

Carried by En Bloc Resolution 7/0

EXECUTIVE SERVICES**10.1.9 QUARTERLY INFORMATION BULLETIN**

Directorate: Executive Services
Author(s): Matthew Scott, Chief Executive Officer
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D22/17365
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

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

OFFICER RECOMMENDATION IN BRIEF

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

BACKGROUND

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

This report is consistent with the Town's Corporate Business Plan 2020 – 2024. Priority Area 6: Providing open and accountable local governance.

Major Strategy 6.3: Continue to deliver high quality governance, administration, resource management and professional development.

OFFICER COMMENT

Nil

ATTACHMENTS

10.1.9(a) Town of Cottesloe CEO Quarterly Report to Council [under separate cover]

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

OCM044/2022

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr Harkins

THAT Council notes the information provided in the Quarterly Information Bulletin.

Carried by En Bloc Resolution 7/0

DEVELOPMENT AND REGULATORY SERVICES**10.1.4 COUNCIL SUBMISSION TO THE WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) - OCEAN BEACH HOTEL REDEVELOPMENT, LOTS 1, 7-9, 11-17, 32-39 (140) MARINE PARADE, COTTESLOE**

Directorate: Development and Regulatory Services
Author(s): Ed Drewett, Coordinator Statutory Planning
Authoriser(s): Freya Ayliffe, Director Development and Regulatory Services
File Reference: D22/13452
Applicant(s): Element
Author Disclosure of Interest: Nil

Cr Wylynko declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "I have some familiarity with one of the consultants involved in that project (Element)."

SUMMARY

A development application has been referred to the Town by the State Development Assessment Unit (SDAU) on behalf of the Western Australian Planning Commission (WAPC) for the redevelopment of the Ocean Beach Hotel site (OBH).

The proposal is for a mixed-use development comprising of three main buildings with a maximum height of 12 storeys, including 204 residential apartments, short-term (hotel) accommodation with 121 rooms, tavern/bar, restaurants, retail and commercial elements.

This report discusses the strategic and statutory provisions and assessment criteria relevant to the development application submitted.

The deadline for Council's submission to the SDAU was 26 April 2022. However, this has been extended to the following day at the Town's request to allow the matter to be considered at the Ordinary Council meeting.

OFFICER RECOMMENDATION IN BRIEF

That Council advise the SDAU and WAPC that it strongly objects to the proposed mixed-use development of the Ocean Beach Hotel site in its current form, as it does not conform to the State and Local planning framework.

However, alternatives are included in the recommendation in the event that the WAPC does not agree to refuse the development application. These include a request to defer the application to enable the Town to undertake an urgent review of its current *Building Design Controls for Special Control Area 2*, and the inclusion of a condition to require the developer to make a significant monetary contribution to the Town towards its existing infrastructure plans, in accordance with *State Planning Policy 3.6 – Infrastructure Contributions*.

The monetary contribution can be used to facilitate the development of the adopted Foreshore Masterplan on the western side of the OBH site, modify the Eric Street and Marine Parade interface, and instigate a Principal Shared Path (PSP) along the northern side of the site, all which have been identified in strategic planning instruments recognising the demographic changes that are occurring in the locality.

Costs for the proposed works can be provided by the Town, based on industry benchmarks for specifications at an appropriate standard in accordance with SPP 3.6.

BACKGROUND

<p>Zoning: 3:</p>	<p>MRS: Urban LPS Development A (Special Control Area 2)</p>
<p>Proposed Use Classes:</p>	<ul style="list-style-type: none"> • Tavern • Hotel • Small Bar • Liquor Store • Shop • Restaurant • Fast-Food Outlet • Office • Recreation – Private • Multiple dwellings
<p>Lot size (total):</p>	<p>11,696m²</p>
<p>Existing Land Uses:</p>	<ul style="list-style-type: none"> • Tavern • Hotel • Shop • Restaurant • Fast-Food Outlet • Backpackers (short-stay) • Laundromat • 2 x single dwellings
<p>Value of development:</p>	<p>\$220M</p>
<p>Owners:</p>	<p>Various (Directors common to all entities: Stan & David Quinlivan)</p>

A previous DAP application for the redevelopment of the Ocean Beach Hotel site was received by the Town on 5 February 2020. However, although it was considered by the Town’s Design Review Panel, it was subsequently withdrawn by the applicant.

The current proposal, whilst designed by the same architects as the previous application, is different in appearance and the proposed maximum number of storeys has been increased from 10 storeys to 12 storeys.



Above: Previous proposal received 5 February 2020 (viewed from north-west corner)



Above: Current proposal (viewed from north-west corner)

Details of the current proposal are as follows:

<p>Basement</p>	<ul style="list-style-type: none"> • 354 car bays (332 residential bays & 22 non-residential bays) – no general public vehicle access • Residential stores, lobby, lifts
<p>Lower ground floor 3</p>	<ul style="list-style-type: none"> • 182 car bays (140 public/hotel patron bays; 36 non-residential bays; 6 hotel staff bays) • Hotel bar/alfresco

	<ul style="list-style-type: none"> • Restaurant • Shop • 6 x food & beverage outlets • 1 x commercial unit • Residential & commercial bin stores • Deep soil landscaping/garden • Loading dock and bin staging area • Stairs/lifts • Vehicle access ramps
<p>Lower ground floor 2</p>	<ul style="list-style-type: none"> • 66 car bays (residential) • Restaurant • Food & beverage outlet • Casual dining & lounge/theatre • 2 shops • Gym/yoga • Cabana • Pool/gardens (not public) • 13 residential units (8 x 2 bed; 3 x 3 bed; 1 x 1 bed; 1 x 4 bed) • Residential & hotel lobbies • 13 hotel rooms
<p>Lower ground floor 1</p>	<ul style="list-style-type: none"> • 31 car bays (residential) • Shop • 25 residential units (2 x 1 bed; 16 x 2 bed; 6 x 3 bed; 1 x 4 bed) • 30 hotel rooms • Stores/lifts/stairs
<p>Ground floor</p>	<ul style="list-style-type: none"> • Hotel entry/lobby • 15 residential units (9 x 2 bed; 5 x 3 bed; 1 x 4 bed) • 35 hotel rooms • Pool/cabana/lounge/public day spa

First floor	<ul style="list-style-type: none"> • 18 residential units (3 x 1 bed; 8 x 2 bed; 6 x 3 bed; 1 x 4 bed) • 43 hotel rooms • Stores • Pool services
Second floor	<ul style="list-style-type: none"> • Hotel pool, deck & amenities • 26 residential units (4 x 1 bed; 9 x 2 bed; 10 x 3 bed; 3 x 4 bed)
Third floor	<ul style="list-style-type: none"> • 30 residential units (8 x 1 bed; 9 x 2 bed; 9 x 3 bed; 4 x 4 bed)
Fourth floor	<ul style="list-style-type: none"> • 28 residential units (6 x 1 bed; 9 x 2 bed; 10 x 3 bed; 3 x 4 bed)
Fifth floor	<ul style="list-style-type: none"> • 23 residential units (2 x 1 bed; 7 x 2 bed; 13 x 3 bed; 1 x 4 bed)
Sixth floor	<ul style="list-style-type: none"> • 18 residential units (6 x 2 bed; 9 x 3 bed; 3 x 4 bed)
Seventh floor	<ul style="list-style-type: none"> • 6 residential units (6 penthouses, includes 2 western penthouses with floors above)
Eighth floor	<ul style="list-style-type: none"> • 2 residential units (2 penthouses, plus upper floors to western penthouses & mezzanine deck)
Mezzanine floor level	<ul style="list-style-type: none"> • Upper floors to 2 eastern penthouses
Roof	<ul style="list-style-type: none"> • Roof plant enclosure
Totals	<ul style="list-style-type: none"> • 204 residential units (5-star Green Star Design) • 121 hotel rooms (5-star design) • 633 carbays (429 residential bays; 58 non-residential bays; 140 public/hotel bays; 6 hotel staff bays) • 1 hotel bar/alfresco • 2 restaurants • 3 shops • 7 food & beverage outlets • 1 casual dining/lounge

Site context and location

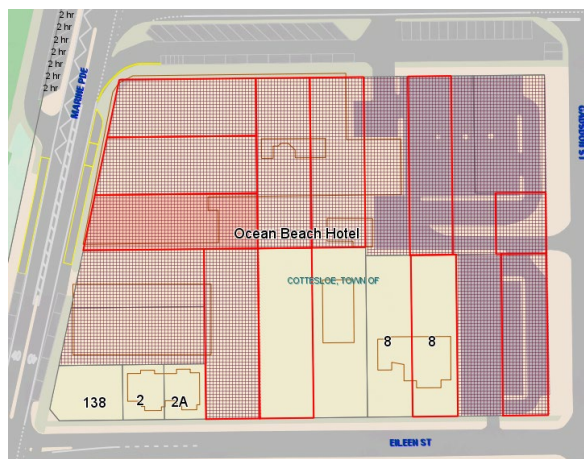
The site is 11,696m² in area, rectangular in shape, and is bounded by Marine Parade to the west, Eric Street to the north, Gadsdon Street to the east, and Eileen Street to the south.

The Cottesloe Beach foreshore is located approximately 26m to the west of the site, and the Cottesloe Civic Centre that is listed on the State Register of Heritage Places, is approximately 260m to the south-east of the site. The development will be clearly visible from both locations as well as from surrounding streets.

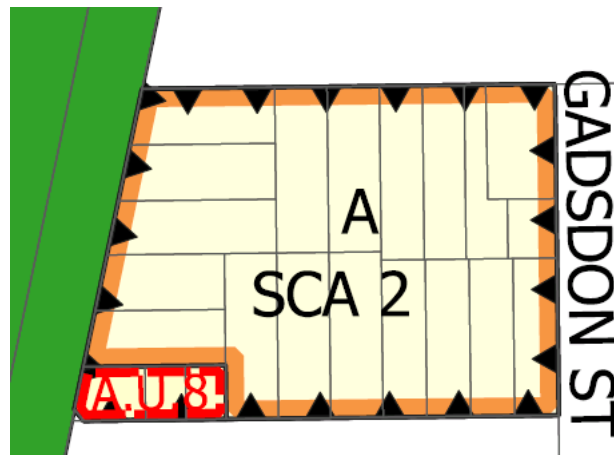


Above: View of existing OBH building taken from Cottesloe Civic Centre.

The site does not include Lot 101 (138) Marine Parade, Lot 102 (2) Eileen Street, and Lot 103 (2A) Eileen Street as these lots are under separate ownership, have been developed for single houses, and are not in the ‘Development A’ zone.



Above: Site map



Above: Zoning map of site

The site has a gradual gradient of approximately 10.5m from its western to eastern boundaries.

There are 8 street trees (Norfolk Island Pines) surrounding the site; 3 on Eileen Street and 5 on Gadsdon Street.



Above: Street trees adjoining the site along Eileen Street and Gadsdon Street

Public vehicle access to the site is proposed from Eric Street, and residential vehicle access proposed from Eileen Street, with internal vehicle ramps albeit restricted to residents and staff only on upper and lower levels.

Hotel vehicle drop off/entry will be along Gadsdon Street.

Commercial vehicle loading and bin access will be from Eileen Street, adjoining an existing residential dwelling.

Residents' pedestrian entry will be from Eileen Street.

OFFICER COMMENT

The development application has been assessed against the relevant legislative requirements of the Scheme as well as State and Local planning policies as outlined in the Statutory

Implications section of this report. However, it does not consider any public submissions that may have been made during the advertising period as these were sent directly to the SDAU, as the Town was not responsible for undertaking the public consultation.

The WAPC extended the public advertising period from 11 April 2022 to 26 April 2022 following a request by Council for additional time to be provided.

Aims and objectives of Local Planning Scheme No. 3 (LPS 3)

The aims of the Scheme relevant to this development include:

- (a) *Facilitate implementation of the State Planning Strategy and relevant regional plans and policies, including the Metropolitan Region Scheme, by coordinating the Scheme with such plans and policies;*
- (b) *Promote the Local Planning Strategy;*
- (c) *Support land use, transport and development within the Scheme area;*
- (d) *Sustain population levels within the Scheme area by maintaining residential zones and encouraging, where appropriate, residential use of buildings in other zones;*
- (e) *Provide opportunities for housing choice and variety in localities which have a strong sense of community identity and high levels of amenity;*
- (f) *Sustain the amenity, character and streetscape quality of the Scheme area;*
- (g) *Encourage the retention of local centres and shops for the convenience and social well-being of the local community;*
- (h) *Ensure that land uses and development adjacent to Marine Parade are compatible with the residential and recreational nature of their setting and the amenity of the locality;*
- (i) *Ensure that development adjacent to Marine Parade adds to the high aesthetic appeal, relaxed atmosphere and lifestyle quality of the beachfront environment;*
- (j) *Ensure that new development is compatible with the conservation significance and aesthetic value of heritage places and areas and the coastal landscape;*
- (k) *Protect the integrity, amenity and scenic quality of the coastal landscape;*
- (l) *Ensure that proper regard is given to the needs of the local community in the determination of land use and development proposals;*
- (m) *Ensure that development and the use of land within the district complies with accepted standards and practices for public amenity and convenience; and*
- (n) *Recognise the principle of the maintenance and enhancement of important views to and from public places.*

The objectives of the Scheme for **Special Control Area 2** relevant to this development are to ensure that:

- (a) *The development, subdivision and strata subdivision of these sites is compatible and consistent with its regionally important beachfront location, surrounding development and the amenity of the locality; and*
- (b) *The Building Design Control Diagrams which form the basis of development, subdivision and strata subdivision control in this special control area appropriately guide and*

manage built form, bulk and scale, amenity impacts, the type, mix, location and arrangement of land uses, and other relevant considerations accordingly.

The objectives of the Scheme for the **Development A** zone relevant to this development are to:

- (a) provide for detailed planning to guide the use and development of land or buildings that are of a size, location, nature, character or significance warranting a comprehensive, coordinated and integrated approach to planning and design;*
- (b) ensure that land use and development within the zone is compatible with the amenity of the surrounding locality;*
- (c) ensure that any development does not unduly adversely affect the amenity of the adjoining and surrounding properties or locality, including by reason of height, built form, overshadowing, traffic, parking or other relevant aspects;*
- (d) allow for land use and development to contribute to the provision or enhancement of community facilities and services and to the public domain; and*
- (e) give consideration to the maintenance and enhancement of important views to and from public places as a contributor to the character and amenity of the locality and the district overall.*

- Plans and details of the proposal are available on the link below:

- <https://consultation.dplh.wa.gov.au/reform-design-state-assessment/cottesloe-ocean-beach-hotel-da/>

LPS 3 - Schedule 14

In addition to the above provisions in LPS 3, the 'Development A' zoned site is subject to Schedule 14 in LPS 3 (see below):

Development A zone (Schedule 14)	Provisions
Lots bound by Marine Parade, Eric, Gadsdon and Eileen Streets – Ocean Beach Hotel site (with the exception of Lots 101, 102 & 103 Eileen Street).	<ul style="list-style-type: none"> • This Development zone is subject to Special Control Area 2 and associated provisions – refer clause 6.4 and Schedule 15. • Comprehensive planning for the area shall be undertaken through the preparation and approval of a Structure Plan, in accordance with clause 6.2, to provide the basis for subdivision, strata subdivision and development. • Land uses shown on the adopted Structure Plan shall apply in accordance with clause 6.2.8 and clause 6.4, and where there is any inconsistency clause 6.4 and Schedule 15 shall prevail.

- The Structure Plan will provide for the ground floor being limited to non-residential uses as provided for in clause 6.4 and Schedule 15, recognising the Council's aim of maintaining the socially 'active' nature of the area, with the exception of those areas where it is permitted on Diagram 8 of Schedule 15.

The 'Development A' zoned site is also subject to the *Building Control Diagrams* in Schedule 15 in LPS 3 (see below):

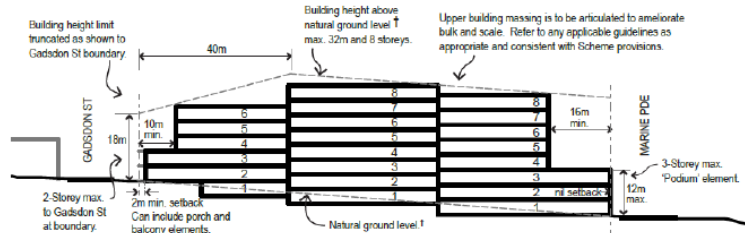


Diagram 1. East-West section through Ocean Beach Hotel site (Development Zone A)

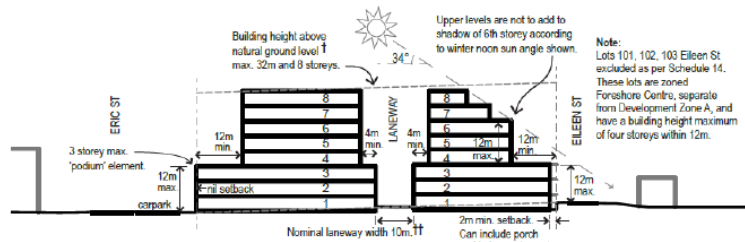


Diagram 2. North-South section through Ocean Beach Hotel site (Development Zone A)

Above: Building Control Diagrams for OBH

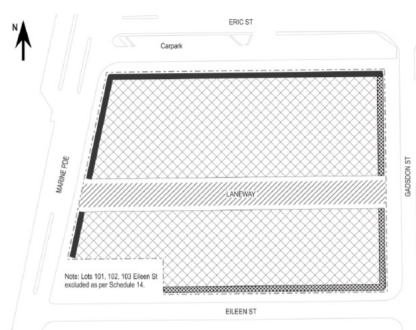


Diagram 3. Building Design Controls Plan of Ocean Beach Hotel site (Development Zone A)

- Development area.
- Active public frontage at street.
- Residential frontage.
- Laneway - location, width, tenure and access to be addressed in the Structure Plan (Clause 6.2).

Above: Building Design Control Plan of OBH site

LPS 3 - Additional provisions applicable to the OBH site (clause 6.4.3.3)

- (a) *Notwithstanding any other provision of the Scheme, the Single House use is not permitted within the Ocean Beach Hotel site;*
- (b) *No vehicular ingress from or egress to Marine Parade is permitted;*
- (c) *No subdivision or strata subdivision shall be permitted unless in accordance with a Structure Plan adopted pursuant to clause 6.2 and in accordance with clause 6.4 and Schedule 15;*
- (d) *Any redevelopment of this site shall incorporate a minimum total of 120 Hotel, Motel and/or Short-stay Accommodation rooms/units, notwithstanding that additional rooms/units may be accommodated anywhere on the site, all of which must be subject to integrated common management where, if the development is strata titled, such management excludes direct owner involvement in letting and excludes the ability of owners to opt out of the letting pool;*
- (e) *Further to the development controls in Schedule 15 Diagrams 1 and 2, building levels above the 3-storey frontage are to be articulated to ameliorate the bulk and scale as part of any development proposal. Notwithstanding other considerations, development applications shall also be assessed by the local government in terms of:*
 - (i) *Massing: articulation of building volumes above three storeys to reduce monolithic appearance;*
 - (ii) *Surface: composition of architectural elements and materials, including projecting or recessed walls, balconies and roofs to vary façade treatment; and*
 - (iii) *Context: respond appropriately to key site aspects, including the Marine Parade foreshore promenade and the approach to the foreshore from the crest of Eric Street.*

LPS 3 - General provisions applicable to Special Control Area 2 and relevant to the OBH site

- (a) *The height of all development for any use, at the Marine Parade frontage, shall be a maximum of three storeys (12 metres); except for Lot 101 Eileen Street on the corner of Marine Parade, which may have a maximum height of four storeys within 12m;*
- (b) *The maximum extent of development on each site shall comply with the building heights, form, storeys, setbacks and other requirements prescribed in the Building Design Control Diagrams for the Cottlesloe Beach Hotel and Ocean Beach Hotel sites, and for the Foreshore Centre zone, contained in Schedule 15, notwithstanding the requirements of any other provision of the Scheme;*
- (c) *In respect of vehicle parking requirements, the provisions of the Residential Design Codes are modified for the Grouped Dwelling and Multiple Dwelling use classes, with no visitor parking being required; and*
- (d) *Of the total number each of Multiple Dwellings or Grouped Dwellings on a site overall, a minimum of:*
 - (i) *25% shall comprise a maximum plot ratio area of 70 square metres; and*
 - (ii) *25% shall comprise a maximum plot ratio area of greater than 70 square metres but no greater than 90 square metres.*

Officer comment

Council shall have due regard to the abovementioned aims, objectives, and special provisions in LPS 3 when making a recommendation on the development application to the SDAU and WAPC, together with other matters addressed in this report. The proposed development does not appear consistent with the statutory provisions in LPS 3 as, amongst other things:

- it does not conform with the *Building Design Control Diagrams* in LPS 3;
- it will not sustain the amenity, character and streetscape quality of the Scheme area;
- it will not appear compatible with the amenity of the surrounding locality;
- it will unduly affect the amenity of adjoining and surrounding properties; and
- it will detract from important views along Eric Street and from the Cottesloe Civic Centre.

State Coastal Planning Policy 2.6 (SPP 2.6)

As the proposed development is located within the coastal foreshore area consideration is required to be given to SPP 2.6. This WAPC policy seeks to ensure development within the coastal area takes into account coastal processes, hazard, sea level rise, climate change, visual impacts and other coastal considerations. In this case, the site appears to be approximately 13m above sea level and setback approximately 100m from the high tide mark, which may provide sufficient protection from coastal process and future sea level rise.

A further objective of SPP 2.6 is to protect, conserve and enhance coastal zone values, particularly in areas of landscape, biodiversity and ecosystem integrity, indigenous and cultural significance. In particular, the WAPC Policy discusses building height limits and advises:

Maximum height limits should be specified as part of controls outlined in a local planning scheme and/or structure plan, in order to achieve outcomes which respond to desired character, built form and amenity of the locality.

The Policy further advises that:

When determining building height controls in a local planning scheme and/or structure plan, building heights should have due regard to the following planning criteria:

- (a) development consistent with the overall visual theme identified as part of land use planning for a locality or in an appropriate planning control instrument such as a local planning strategy;*
- (b) development takes into account the built form, topography and landscape character of the surrounding area;*
- (c) the location is part of an identified coastal node;*
- (d) the amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore; and*
- (e) there is overall visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces.*

Officer comment

Although the zoning of the OBH site acknowledges its suitability for development, the proposal does not satisfy WAPC SPP 2.6, as it is not consistent with overall visual theme

identified in the adopted Local Planning Strategy or Building Height Controls in Local Planning Scheme No. 3. Furthermore:

- it does not adequately take account the scale and built form of surrounding residential development, mostly two to three storeys to the south and east;
- it will not retain adequate visual permeability of the foreshore and ocean from nearby areas, including from the Cottesloe Civic Centre gardens; and
- it may create an additional 150m² of overshadowing to residential properties in Eileen Street, and an additional 330m² overshadowing to residential properties in Gadsdon Street, than would have otherwise been permitted under LPS 3.

Heritage

The OBH is not listed on the Town's Heritage List or Municipal Inventory.

On 7 February 2020, the Town sought advice from the State Heritage Office regarding a potential redevelopment of the OBH site, and on 3 September 2020, it was advised that the Heritage Council resolved that the Ocean Beach Hotel did not have sufficient cultural heritage significance at the State level for inclusion in the State Register of Heritage Places.

Design Review Panel

The application was reviewed by the Town's Design Review Panel on 31 March 2022. Whilst the Panel was generally supportive of the proposal, it considered that there should be more community benefit and public amenity provided if variations to the adopted building heights were to be considered. The comments of the Panel are attached.

Assessment

The table below sets out the planning assessment of the development proposal under LPS 3 and State Planning Policy 7.3 Volume 2 - *Apartments*:

Provision	Complies with relevant legislation	Requires exercise of discretion	Proposed
Structure Plan		✓ (Required under LPS 3)	X Non-compliant: No structure plan provided
Land use(s)		✓ (To be determined in a Structure Plan)	X Non-compliant: No structure plan provided
Building Height & Storeys		✓ (no discretion allowed under LPS 3)	X Non-compliant: Exceeds permitted height & storeys
Street setbacks		✓ (no discretion allowed under LPS 3)	X Non-compliant: Does not provide required setbacks
Plot ratio		✓	X

		(no discretion allowed under LPS 3)	Non-compliant Does not provide adequate smaller units
Building depth		✓ (Refer to comment below)	
Building separation		✓ (Refer comment below)	
Orientation		✓ (Refer comment below)	
Tree canopy and deep soil areas		✓ (Refer comment below)	
Communal open space		✓ (Refer comment below)	
Visual privacy		✓ (Refer comment below)	
Public domain interface		✓ (Refer comment below)	
Pedestrian access and entries		✓ (Refer comment below)	
Vehicle access		✓ (Refer comment below)	
Car & Bicycle Parking	✓ (residential uses)	✓ (Non-residential uses)	X Non-compliant (Parking shortfall for non-residential uses)
Solar & Daylight Access		✓ (Refer comment below)	
Natural ventilation		✓ (Refer comment below)	
Size & Layout of dwellings		✓ (Refer comment below)	
Private open space and balconies		✓ (Refer comment below)	
Circulation and Common areas		✓ (Refer comment below)	

Storage		✓ (Refer comment below)	
Managing the impact of noise		✓ (Refer comment below)	
Dwelling mix		✓ (Refer comment below)	
Universal design		✓ (Refer comment below)	
Façade Design		✓ (Refer comment below)	
Roof Design		✓ (Refer comment below)	
Landscape Design		✓ (Refer comment below)	
Mixed use		✓ (Refer comment below)	
Energy efficiency		✓ (Refer comment below)	
Waste water and conservation		✓ (Refer comment below)	
Waste management		✓ (Refer comment below)	
Utilities		✓ (Refer comment below)	
Matters to be considered by local government		✓ (Refer comment below)	

Comments addressing each of these matters is discussed below:

Provision	Proposal
Structure Plan	No structure plan provided
Comment	
The requirement for a prior approved structure plan under the Scheme may be overridden by a discretion arising under <i>clause 27(2)(a) and (b) of the Planning and Development</i>	

Regulations 2015 (as amended). However, any discretion to approve the development without a prior approved structure plan in place only generally arises if:

- (a) *there is no conflict with the principles of orderly and proper planning; and*
- (b) *the proposed development would not prejudice the overall development potential of the area.*

The applicant should be required to demonstrate how the development discharges the above criteria before any discretion may arise. It is also incumbent on the applicant to ensure that the WAPC and the Town has the necessary information to provide an assessment of the performance criteria, so that it can be in a position to determine whether:

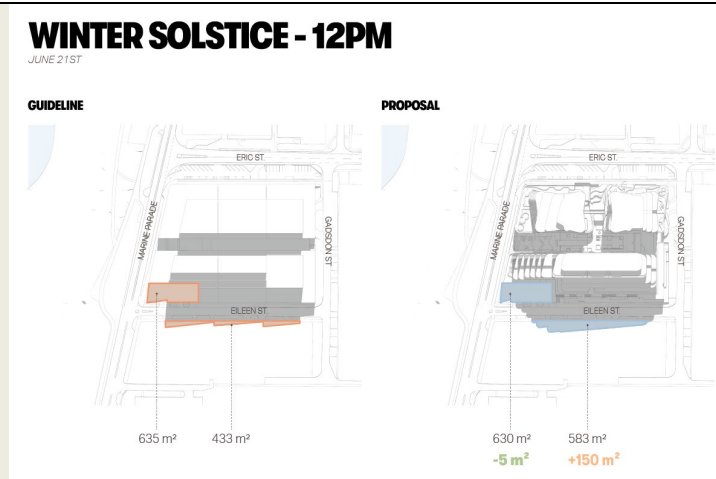
- (a) it is satisfied the performance criteria is discharged; and
- (b) there is discretion to consider the application on its merits.

The development proposal is not consistent with the adopted Local Planning Scheme No. 3 and both the proposed location of the service access and the additional traffic that will be generated in surrounding streets will likely have a significant detrimental impact on the amenity of the existing adjoining residents. It is therefore considered that in its current form it does not satisfy clause 27(2)(a) and (b) of the *Deemed Provisions* for the WAPC to consider overriding the requirement for a structure plan as the principles of orderly and proper planning have not been satisfied.

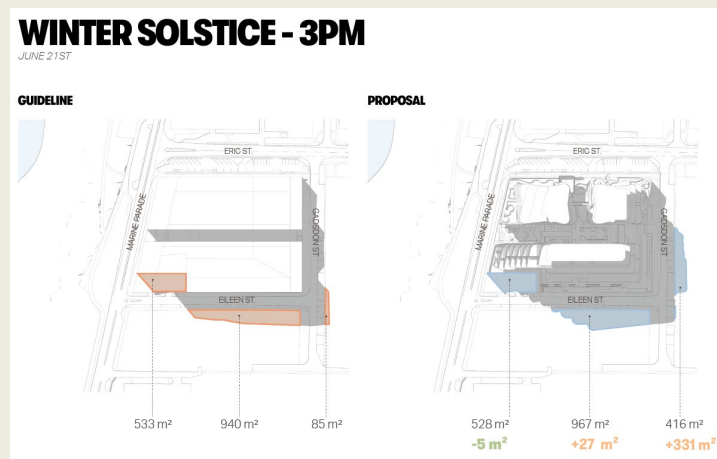
Provision	Proposal
Land uses	Various
<u>Comment</u>	
With the exception of <i>Serviced Apartments</i> and <i>Small Bar</i> which are 'D' – discretionary uses - all use of land is to be in accordance with an approved Structure Plan prepared and adopted under the Local Planning Scheme.	
As no structure plan has been submitted for review, the various proposed (and future) land uses have not been determined as to whether they are considered appropriate for the location and therefore their approval would not be consistent with orderly and proper planning for the site.	

Provision	Proposal
Building Height & Storeys	Non-compliant
<i>To comply with LPS 3 Building Design Control Diagrams: Maximum 32m above natural ground level and up to 8 storeys.</i>	<u>Building 1</u> (North-west) Maximum height: approximately 41.00m (RL: 56.0) above NGL: RL: 15.0 (approx).
	12 storeys (excluding roof enclosure).
	<u>Building 2</u> (north-east) Maximum height: approximately 42.00m (RL: 59.4) above NGL: RL: 17.4.
	12 storeys (excluding roof enclosure).

	<p><u>Building 3 (south-west)</u> Maximum height: approximately 37.9m (RL: 52.9) above NGL: RL: 15.0.</p> <p>11 storeys (excluding roof enclosure).</p>
<p><u>Comment</u> The proposal does not satisfy LPS 3 requirements or the <i>Element Objectives</i> in SPP 7.3 (vol. 2) – <i>Apartments</i>, and cannot be supported as:</p> <ul style="list-style-type: none"> • The height of the development does not respond to the desired future scale and character of the street and local area as defined in the <i>Building Control Diagrams</i> in LPS 3; • The proposed changes to the maximum permitted building height and storeys on the site have not been adequately considered in the context the adjoining <i>Foreshore Centre</i> zone and <i>Special Control Area 2</i> and do not represent a coordinated and integrated approach to planning and design; <div data-bbox="507 1032 1182 1435" data-label="Image"> <p>Figure 2.2b Building height should reflect the existing or desired future character of an area. The diagram shows how height controls can be locally modified to respond to the desired characteristics of respective streetscapes.</p> </div> <p>Above: Diagram taken from SPP 7.3 (vol. 2) - Apartments</p> <ul style="list-style-type: none"> • The heights do not adequately protect overshadowing and visual amenity to adjoining and nearby residential development, especially in Eileen Street and Gadsdon Street; 	



Above: Applicant’s overshadowing diagram on winter solstice (12pm) showing +150m² overshadowing of properties on southern side of Eileen Street compared to LPS 3



Above: Applicant’s overshadowing diagram on winter solstice (3pm) showing +331m² overshadowing of properties on eastern side of Gadsdon Street compared to LPS 3

- The proposed 12 storeys will be double the height of the existing 6-storey hotel and significantly higher than the existing bar/restaurant making it highly visible from its surrounds, including the Cottesloe Civic Centre gardens, which would be detrimental to the character and amenity of the locality;
- The proposed reduced street setbacks will exacerbate building bulk and affect views to and from the Cottesloe Foreshore; and
- The proposed development does not represent orderly and proper planning.



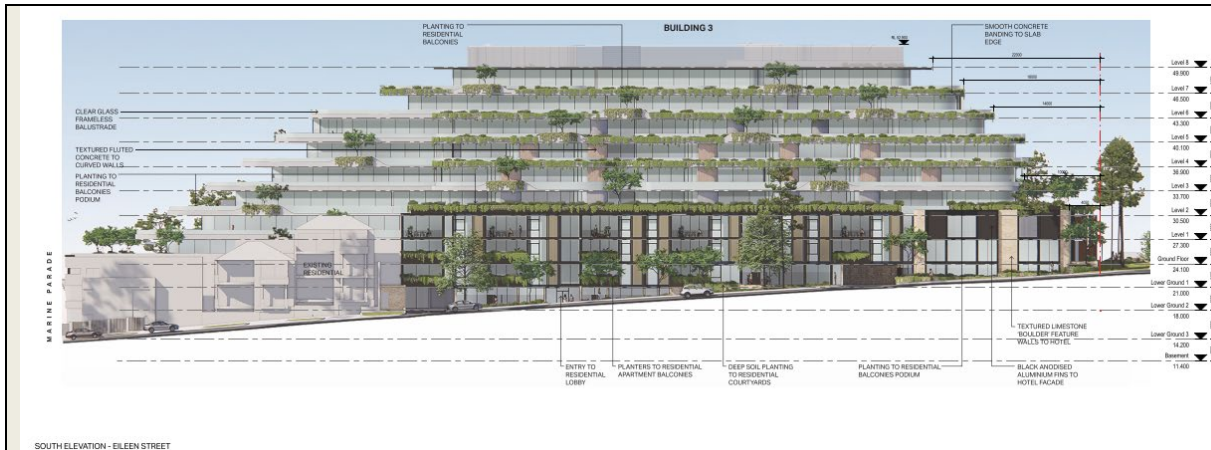
Above: View of proposal from Eric Street (upper floors & penthouses exceed height limits)



Above: View from Marine Parade showing proposed building heights

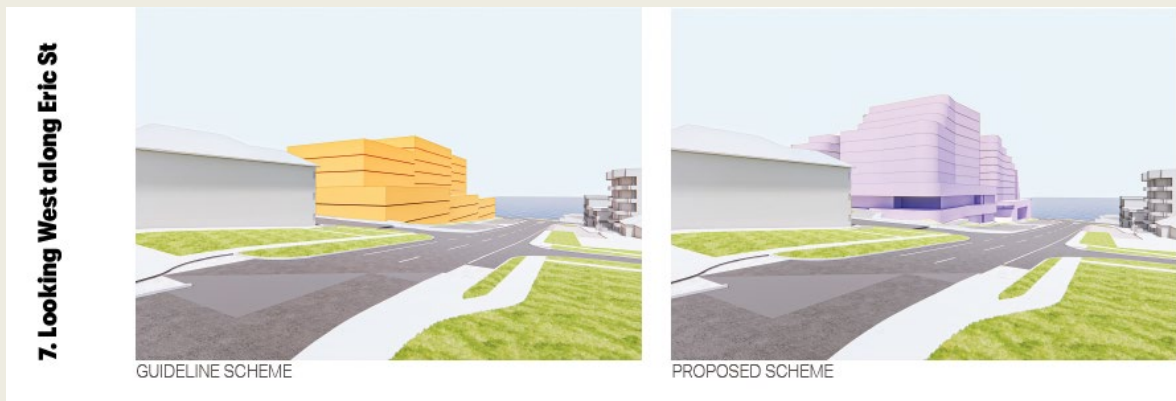


Above: View from Gadson Street showing proposed building heights



SOUTH ELEVATION - EILEEN STREET

Above: View from Eileen Street (does not show Buildings 1 & 2 behind)



Above: View looking west along Eric Street (taken from applicant's report)



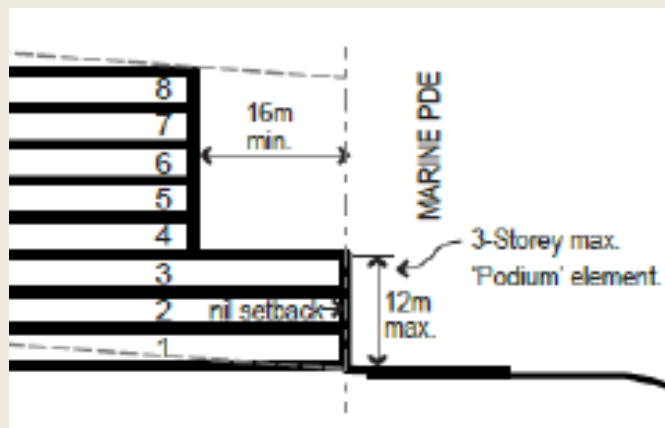
CORNER OF GADSDON & ERIC STREET

Above: Visualisation of proposal from corner Eric Street and Gadson Street

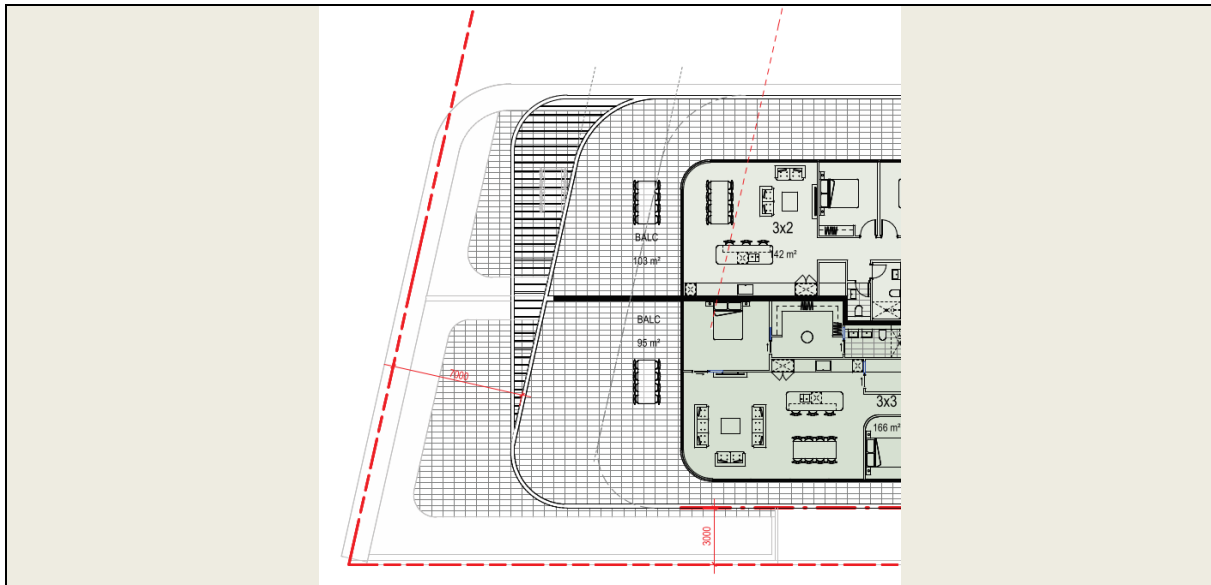
Provision (LPS 3 - Special Control Area 2: clause 6.4)	Proposal
<p>Marine Parade frontage</p> <p><i>The height of all development for any use, at the Marine Parade frontage, shall be a maximum of three storeys (12 metres).</i></p>	<p>3 storeys is proposed along the frontage of Marine Parade, allowing for the basement carpark level which may be treated as an undercroft.</p> <p>Height is 12m (RL: 25.0) along the frontage_of Marine Parade above the lowest point of natural ground level (RL: 13.0) in south-west corner at the Marine Parade boundary.</p> <p>Non-compliant:</p> <p><u>Building 1</u> Floor Levels 1 to 5 (including balconies) are above the 3 storey podium height and within the required 16m minimum setback (proposed minimum setback 6.155m).</p> <p><u>Building 2</u> N/A</p> <p><u>Building 3</u> Floor Levels 1 to 3 (including balconies) are above the 3-storey podium height and within the required 16m minimum setback (proposed minimum setback 7m).</p>

Comment

Under Schedule 15 in LPS 3, the building height is not to exceed 12m and 3-storeys within a 16m setback from Marine Parade.



Above: Section from LPS 3 (Schedule 15) showing maximum permitted height and storeys within 16m setback from Marine Parade



Above: Building 3 - Balcony on Level 01 has 7m setback to Marine Parade, in lieu of the required 16m setback



Above: Building 3 intrudes into the required 16m setback from Marine Parade above the podium level

Comment

The proposed development projects into the required street setback areas and does not satisfy the provisions in the Building Control Diagrams in LPS 3 (Schedule 15).

Provision	Proposed
<p>Required setback to Eric Street above 12m podium level</p> <p>Minimum 12m setback required.</p>	<p>Non-compliant:</p> <p><u>Building 1</u> Minimum 5.08m setback (including balconies) to Eric Street;</p> <p><u>Building 2</u> Minimum 0.54m setback (including balconies) to Eric Street;</p> <p><u>Building 3</u> N/A</p>
Eric Street	



Above: Extract from proposed site plan showing reduced upper floor street setbacks to Eric Street



Above: Example of proposed reduced setbacks to Eric Street above podium level

Required setback to Gadsdon Street above 9 m podium level (2-storeys)

Minimum 10m setback required above 2 storeys and up to 6 storeys;

Minimum 40 m setback required for higher than 6 storeys.

Building 1

N/A

Building 2

Minimum 8.4m setback to Gadsdon Street

Building 3

Minimum 10m to Gadsdon Street

Required setback to Eileen Street above 12m podium level

Minimum 12m setback required.

Non-compliant:

Building 1

N/A

Building 2

N/A

Building 3

Level 1 - Minimum 3.5m setback (including balconies) above podium level which exceeds 12m height and 3 storeys



Above: Extract from proposed site plan showing reduced street setbacks to Gadsdon and Eileen Streets



Above: Up to 4 storeys are proposed to the podium level along Eileen Street which exceeds the maximum 3-storeys (12m) allowed in LPS 3

Comment

The proposed development does not comply with the Building Control Diagrams in LPS 3 and should not be supported in its current form to ensure orderly and proper planning.

Provision	Proposed
<p>Plot ratio Of the total number each of Multiple Dwellings or Grouped Dwellings on a site overall, a minimum of:</p> <p>(i) 25% (ie: 51 units) shall comprise a maximum plot ratio area of 70 square metres; and</p> <p>(ii) (ii) 25% (ie: 51 units) shall comprise a maximum plot ratio area of greater than 70 square metres but no greater than 90 square metres.</p>	<p>Non-compliant Total multiple dwellings = 204</p> <p>Total number of dwellings with maximum plot ratio area of 70m² = 32 units or 16% (approx.).</p> <p>Total number of dwellings with maximum plot ratio area of greater than 70m² but no greater than 90m² = 14 units or 7% (approx.).</p>
<p><u>Comment</u> The proposed development does not satisfy LPS 3 in respect to providing adequate diversity of unit sizes that includes suitable small to medium size units.</p>	

Building Depth

All living areas appear to have direct access to natural light and ventilation. However, some proposed units will not have access to northern light and will be exposed to the prevailing south-westerly winds.

Building separation

Under LPS 3, the location, width and tenure of the east-west separation is required to be addressed in a structure plan. However, this has not been provided and instead the applicant has requested consideration under the *Element Objectives* of the R-Codes.

Orientation

The development has been designed to be orientated towards the street frontages, with the main orientation being to the north, south and west to maximise views.

Tree canopy and Deep Soil Areas

Based on the Landscape Report prepared by Aspect Studios on behalf of the applicant, the proposed development comprises both deep soil zones and planting on structure.

The relevant *Element Objectives* of the R-Codes are discussed below:

- *Site planning maximises retention of existing healthy and appropriate trees and protects the viability of adjoining trees.*

Comment

Up to 26 existing trees on the site will need to be removed for the proposed development.



Above: A mix of small, medium and large trees are proposed mainly on the lower ground and podium levels

- *Development includes deep soil areas, or other infrastructure to support planting on structures, with sufficient area and volume to sustain healthy plant and tree growth.*

Comment

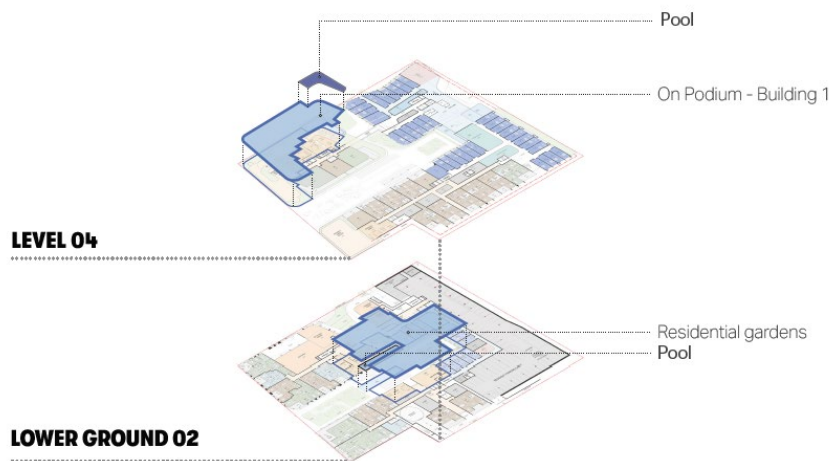
A minimum 10% (1170m²) of the site area should generally be provided for deep soil area if the acceptable outcomes of the R-Codes were applied. The applicant’s landscaping plans indicates that approximately 28% (3260m²) is proposed in total, including planting on structure. The applicant’s report also advises that 139 trees are proposed which is significantly more than the minimum 28 trees required.

Communal open space

Up to 300m² of communal open space together with informal seating associated with deep soil or other landscaped areas is generally required if the *Acceptable Outcomes* of the R-Codes is applied. A mix of private residential gardens, two pool areas, and two public plazas area are proposed which well exceed the minimum requirements and appear to satisfy the relevant *Element Objectives*.



Above: Proposed public plaza off Marine Parade



Above: Proposed residents communal areas

Visual Privacy

Refer applicant's report. Does not affect external properties.

Public Domain Interface

Refer applicant's report and comments made in this report.

Pedestrian Access & Entries

Refer applicant's report and comments made in this report.

Vehicle Access

Refer applicant's report. It should be noted that three vehicle access points into basement levels are proposed – two on Eileen Street and one on Eric Street. The western access point on Eileen Street is for service vehicles only.

The Town's Engineering Department has commented that:

- *It is noted that stormwater from the road on Eileen Street and carpark runoff on Eric Street seem to be diverted down to the basement parking via access ramps;*
- *Overhead clearances for service vehicles are not clearly shown;*
- *It is unclear if any line of sight is achieved to footpath users from any of the exits;*
- *Entrances and verge treatments are different from plan to plan;*
- *Access to residential stores is not clearly shown;*
- *Tandem bays (residential parking) on the northern and southern boundary do not comply with minimum length (DWG No. DA04);*
- *Car bays adjacent to walls/pillars should have an extra 300mm for door opening space as per AS 2890.1 - minimum 2.7m width;*
- *Ramp up from LG3 to Eric Street level does not include any ramp transitions;*
- *Tandem bays on northern side of LG3 level parking are below minimum length;*
- *LG2 Parking blind aisle requires 1m clearance for manoeuvring on northern side;*

- Tandem bays on LG2 level are below standard length; and
- Footpath connectivity should be included along Gadsdon Street

Traffic Impact Assessment

- The author of the traffic impact assessment requested information from the Town in 2019. However, their email was for a different location. The long term cycling network (LTCN) had proposed cycling connections along Eric Street, these works are now in detailed design phase, with construction due to commence in 2022/23 financial year; and
- The predicted increase in traffic to the site using access 1 is concerning. A predicted increase around 1500% during pm peak time turning from Eric Street into access 1 and that doesn't include the 3100% increase in vehicles exiting the site.

These matters clearly still need to be addressed by the applicant, in liaison with the Town.

Provision - Parking	Proposed
<p>Residential (R-Codes Vol. 2): 26 x 1 - bed apartments @ 1 bay/unit= 26 bays required. 81 x 2 - bed apartments 71 x 3 - bed apartments 18 x 4 - bed apartments 8 x penthouses = 178 x 2+ bed units @ 1.25 bays/unit = 223 bays. Total residential bays required = 26 + 223 = 249 car bays.</p> <p><u>Residents bicycle parking</u> 204 units @ 0.5 space/dwelling = 102 spaces required.</p> <p><u>Visitor bicycle parking</u> 1 space/10 dwellings = 21 spaces. Total bicycle spaces required = 102 + 21 = 123 spaces.</p> <p><u>Scooter parking</u> 1 motorcycle/scooter space for every 10 car bays = 429/10 = 43 scooter spaces required.</p> <p><u>Visitor bays</u> Not required under LPS 3.</p> <p><u>Non-residential parking</u></p>	<p>Residential: 429 car bays for residential units (surplus = 180 bays).</p> <p><u>Residents bicycle parking:</u> 204 spaces proposed within residential stores.</p> <p><u>Visitor bicycle parking:</u> 30 spaces proposed in publically accessible areas around the development to be shared with the visitor/guests to the other non-residential uses of the development.</p> <p><u>Scooter parking</u> None proposed. Relies on surplus residential car bays.</p>

<p><u>Hotel (LPS 3)</u> 121 rooms @ 0.5 bays to each hotel room = 60.5 bays (rounded up to 61 bays required).</p> <p><u>Front Bar (LPS 3)</u> 813m² (excluding alfresco) @ 1 bay/6.5m² of floor area open to the public for consumption of liquor = 125 bays required (approx).</p> <p><u>Small Bar (LPS 3)</u> 402 persons (approx) @ 1 bay/8 persons = 50.25 bays (rounded down to 50 bays required).</p> <p><u>2 X Restaurants (LPS 3)</u> 247 persons (approx.) @ 1 bay/8 persons = 30.87 bays (rounded up to 31 bays required).</p> <p><u>4 x Retail shops (LPS 3)</u> 541m² @ 1 bay/20m² GFA = 27.05 bays (rounded down to 27 bays required).</p> <p><u>F & B/Fast-food outlets (LPS 3)</u> 799m² - Parking to be determined by the local government considering the likely demand for parking by the proposed use having regard to the nature of the proposed use, the likely volumes of goods or materials and the numbers of people moving to or from the land, and the likelihood of traffic congestion on roads or in public places in the locality.</p> <p><u>Commercial (LPS 3)</u> 86m² (use unknown) – may require 1.72 bays (rounded up to 2 bays required) based on office use.</p> <p>Total non-residential bays required = 296 (+ bays required for F & B outlets).</p>	<p>Total = 204 car bays (140 for shared public/hotel use & 64 for commercial and staff use) Shortfall: Over 92 bays).</p>
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Comment

The parking for residential uses is based on acceptable outcomes (Location B) in the R-Codes (Vol. 2) – see below:

Parking types		Location A	Location B
Car parking ¹	1 bedroom dwellings	0.75 bay per dwelling	1 bay per dwelling
	2+ bedroom dwellings	1 bay per dwelling	1.25 bays per dwelling
	Visitor	1 bay per four dwellings up to 12 dwellings 1 bay per eight dwellings for the 13th dwelling and above	
Bicycle parking ¹	Resident	0.5 space per dwelling	
	Visitor	1 space per 10 dwellings	
Motorcycle/ Scooter parking ²		Developments exceeding 20 dwellings provide 1 motorcycle/scooter space for every 10 car bays	

¹ Calculations of parking ratios shall be rounded up to the next whole number.

² For each five motorcycle/scooter parking bays provided in accordance with Table 3.9, car parking bays may be reduced by one bay.

Definitions:

Location A: within 800m walkable catchment of a train station and/or 250m of a transit stop (bus or light rail) of a high-frequency route and/or within the defined boundaries of an activity centre.

Location B: not within Location A.

In addition, under LPS 3 (clause 5.8.3), when considering redevelopment or new development or change of use applications for non-residential uses, Council may credit towards the amount of parking required to be provided as specified in Table 3 in the Scheme, the parking deficiency that an existing tourism use may have when calculated against those provisions applicable to the subject site and its uses under this Scheme, having regard to the size and shape of the land, the number and availability of parking spaces in the vicinity, the likelihood of traffic congestion, and the opportunity to improve the appearance, amenity, function and accessibility of the locality provided that the decision to credit such a deficiency is made in the context of a Local Planning Policy adopted pursuant to Part 2 of this Scheme. For the purposes of this clause, tourism use means the “Hotel”, “Motel”, “Short-stay Accommodation”, “Serviced Apartment”, “Small Bar” and “Restaurant” uses.

LPS 3 (Schedule 13) also advises:

Subject to the following, the parking requirements set out in Table 3 may be varied, so as to reduce the number of parking spaces required in respect of a particular development by up to 20% of the number of parking spaces that would otherwise be required by the application of the provisions of Table 3, subject to the provision of a traffic impact assessment, to the satisfaction of the Council, addressing the matters referred to in clause 5.5.4(c).

In this respect clause 5.5.4(c) reads:

...if the local government is satisfied that the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

The Council’s *Policy No. 1 – ‘Parking Matters’*, further advises that up to 75% credit may be considered in the *Development* zone depending on the nature of redevelopment, where parking can be accommodated by structure planning and new development. This percentage

refers to the maximum percentage of the total parking deficiency that Council must grant a credit – it does not refer to the percentage of the total parking requirement that may be credited.

Notwithstanding these provisions in the Scheme, there is no required Structure Plan for the site and the applicant does not appear to have adequately addressed the Policy for it to be applied. Furthermore, it would appear that overall there are sufficient parking bays proposed, providing that a minimum 92 of the surplus residential car bays be allocated to the proposed non-residential uses.

Solar & Daylight Access

A number of proposed units do not appear to have access to direct northern or western light and have balconies located only on the southern side. These will therefore not receive winter sunlight to private open space and habitable spaces and may not be adequate to satisfy the relevant *Element Objective* in the R-Codes. Adjoining residential properties in Eileen Street and Gadsdon Street may also be adversely affected by increased overshadowing (refer *Building Height & Storeys* section in this report).

Natural ventilation

78% of the proposed apartments are proposed to be naturally cross ventilated. The south-facing and west-facing units will have access to prevailing winds.

Size & Layout of dwellings

This has been discussed under the *Plot Ratio* section in this report.

Private open space and balconies

Many of the proposed balconies appear to be generous in size, although adequate protection from the sun and wind needs detailed consideration.

Circulation and Common areas

Circulation corridors and common lifts are proposed. These will be required to satisfy Building (BCA) requirements.

Storage

Stores are proposed on apartment levels and in basement areas.

Managing the impact of noise

Potential noise from the proposed bin collection and servicing area in Eileen Street will likely have an adverse impact on the amenity of residential properties, especially 2A Eileen Street and properties opposite. Also, the increased traffic movements of both residential and non-residential vehicles along Gadsdon Street and Eileen Street will likely have a detrimental impact on the amenity that residents currently enjoy.

Dwelling mix

Although a mix of apartment sizes are proposed, there is insufficient provision of apartments with a smaller plot ratio, which would assist in providing more affordable housing choice.

Universal design

The applicant advises that the development will facilitate 'ageing in place', which is a positive and necessary arrangement. However, it is also essential that both residential and non-residential elements provide adequate universal access and that this includes the hotel rooms being designed to accommodate wheelchair users and persons with disabilities. This should be considered in addition to the statutory BCA requirements if necessary.

Façade Design

The façade design appears to incorporate materials and design elements that reference the character of the local area. However, there is concern regarding the incursion of the balconies into the street setback areas as these increase building bulk.

Roof Design

The proposed rooftop services enclosures are each proposed to be 3m in height and whilst not visually intrusive from the street, they will be visible from the surrounding area and add to the overall bulk and scale of the development.

Landscape Design

A landscaping report has been submitted with the application. However, on-going accessibility and maintenance of the plants on the structure may be difficult to sustain during the harsh summers and will need careful consideration and strata management.

Mixed use

As already discussed in this report, the proposed non-residential uses do not appear to have sufficient allocated car parking, and proposed and future land uses are undetermined in the Scheme as there is no adopted Structure Plan. This results in uncertainty as to what land uses in the future may be considered appropriate on the site.

Energy efficiency

A Sustainability Report has been submitted by the applicant. Comments from the Town's Sustainability Officer may be provided separately.

Wastewater and conservation

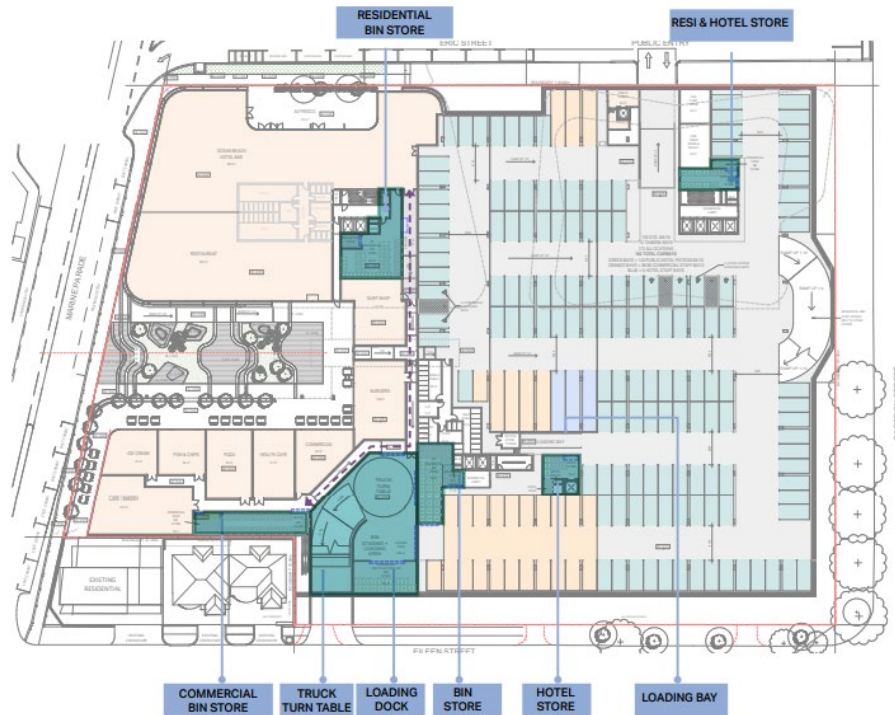
A Waste Management Plan has been submitted by the applicant. Comments from the Town's Environmental Health Officer may be provided separately.

Waste management

As above.

Utilities

Standard utilities should be available as the site is currently developed. However, careful consideration is necessary to ensure that any utilities/services provided at ground level and in public areas are designed to minimise any impact on the streetscape and amenity of adjoining residents.



Above: Location of proposed Utilities

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

Under the *Planning and Development (Local Planning Schemes) Regulations 2015* (as amended), relevant matters to be considered by Council in respect to the proposed development include:

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) *any approved State planning policy;*
- (d) *any policy of the Commission;*
- (e) *any policy of the State;*
- (f) *any local planning strategy for this Scheme endorsed by the Commission;*
- (g) *any local planning policy for the Scheme area;*
- (h) *any structure plan or local development plan that relates to the development;*
- (i) *any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) *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;*
- (k) *the amenity of the locality including the following —*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development;*
- (l) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (m) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (n) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (o) *the adequacy of —*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (p) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (q) *the availability and adequacy for the development of the following —*
 - (i) *public transport services;*
 - (ii) *public utility services;*
 - (iii) *storage, management and collection of waste;*
 - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - (v) *access by older people and people with disability;*
- (r) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (s) *the history of the site where the development is to be located;*
- (t) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals; and*
- (u) *any other planning consideration the local government considers appropriate.*

Comment

This list is extensive and comprehensive. The most relevant of these points have been discussed in this report, to be forwarded to the SDAU and WAPC for consideration.

ATTACHMENTS

10.1.4(a) DR3 – Design review report and recommendations 31 March 2022 [under separate cover]

CONSULTATION

The application was not advertised by the Town as the Council is not the determining authority.

The application is a significant development application that has been referred by the State Development Assessment Unit (SDAU) to the Town for comment as required under Part 17 of the *Planning and Development Act 2005*.

The SDAU has advertised the development application and the public submission period closes on 26 April 2022. This includes a two-week extension to the original closing date of 11 April 2022, which was agreed to by the WAPC following a request for additional time by Council.

STATUTORY IMPLICATIONS

- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Planning and Development Act 2005 - Part 17 Special provisions*
- *State Coastal Planning Policy 2.6*
- *State Planning Policy 7.0 – Design of the Built Environment*
- *State Planning Policy 7.3 – Apartments*
- *State Planning Policy 3.6 – Infrastructure Contributions*
- *Local Planning Scheme No. 3*
- *Local Planning Policy No. 1 – ‘Parking Matters’*

POLICY IMPLICATIONS

The proposal does not conform to various State and Local planning policies, as outlined in this report.

STRATEGIC IMPLICATIONS

The proposed development will likely have significant strategic implications for other future developments proposed along the Cottesloe foreshore by setting an undesirable precedence for developments that do not conform to the State and Local planning framework.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The application has been referred to the Town's Coordinator Environmental Projects for comment and any advice received will be provided separately.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Masarei

Seconded Mayor Young

1. THAT Council ADVISES the SDAU and WAPC that it strongly OBJECTS to the proposed mixed-use development on the Ocean Beach Hotel site on Lots 1, 7-9, 11-17, 32-39 (140) Marine Parade, Cottesloe for the following reasons:
 - a) The proposed development is contrary to the established State and Local planning framework due to the omission of a structure plan, the uncertainty as to what land uses may be permissible on the site in the future, the undesirable precedence for non-compliant building heights, storeys, and setbacks along the Cottesloe foreshore, and the absence of orderly and proper planning;
 - b) The proposed building heights and reduced setbacks will have a significant detrimental visual impact on the locality and affect views of the foreshore and ocean from nearby properties, westward along Eric Street, and from the Cottesloe Civic Centre which is included on the State Register of Heritage Places;
 - c) The proposed development does not adequately respect the scale and built form of surrounding residential development, mostly 2 and 3 storeys to the south and east;
 - d) There is insufficient parking proposed for the non-residential uses and the parking and manoeuvring areas do not all appear to satisfy AS2890.1;
 - e) There is insufficient consideration of a developer contribution being made towards the Town's existing infrastructure plans for the locality, including development of the adopted Foreshore Masterplan on the western side of the OBH site, modifying the Eric Street and Marine Parade interface, and instigating a Principal Shared Path (PSP) along the northern side of the site; and
 - f) The sizes of the proposed multiple dwellings do not provide sufficient diversity to ensure adequate housing choice in the development.
2. That in the event the WAPC does not refuse the development application, then Council requests that the matter be DEFERRED to enable the Town to prioritise a review of its *Building Design Controls for Special Control Area 2* which will assist in providing an orderly and proper planning framework for the locality, taking into account the approval by the WAPC of a 7-storey mixed-use development on Marine Parade and the proposed *Special Matters Development Assessment Panel Precinct Plan* for the Cottesloe Foreshore. In this regard, the Town would welcome the opportunity to work with the WAPC in developing a suitable timetable for this to be completed as part of its Local Planning Strategy.

3. That in the event the WAPC does not agree to either items 1 or 2 above, a condition be included requiring a significant monetary contribution to be made to the Town for infrastructure items to support the orderly development of the area and cater to the additional demand from the proposed increased population. This will be used to facilitate the development of the adopted Foreshore Masterplan on the western side of the OBH site, modify the Eric Street and Marine Parade interface, and instigate a Principal Shared Path (PSP) along the northern side of the site. These have all been identified in strategic planning instruments recognising the demographic changes that are occurring in the locality. Costs for the proposed works can be provided by the Town, based on industry benchmarks for specifications at an appropriate standard in accordance with SPP 3.6.
4. That this report and the Council resolution be forwarded to the SDAU and WAPC for consideration.

OCM045/2022**COUNCILLOR AMENDMENT****Moved Cr Bulbeck****Seconded Cr Sadler****Amend points 2 and 3 of the officer's recommendation as follows:**

2. That in the event the WAPC does not refuse the development application, then Council requests that the matter be DEFERRED to enable the Town to prioritise a review of its Building Design Controls for Special Control Area 2 which will assist in providing an orderly and proper planning framework for the locality, more in keeping with the Town's Local Planning scheme than is the proposed development on this site, and taking into account the approval by the WAPC of a 7-storey mixed-use development on Marine Parade and the proposed Special Matters Development Assessment Panel Precinct Plan for the Cottesloe Foreshore. In this regard, the Town would welcome the opportunity to work with the WAPC in developing a suitable timetable for this to be completed as part of its Local Planning Strategy.
3. A condition be included in the approval of any proposed development on the site requiring a significant monetary contribution to be made to the Town for infrastructure items to support the orderly development of the area and cater to the additional demand from the proposed increased population. This will be used to facilitate the development of the adopted Foreshore Masterplan on the western side of the OBH site, modify the Eric Street and Marine Parade interface, and instigate a Principal Shared Path (PSP) along the northern side of the site. These have all been identified in strategic planning instruments recognising the demographic changes that are occurring in the locality. Costs for the proposed works can be provided by the Town, based on industry benchmarks for specifications at an appropriate standard in accordance with SPP 3.6.

Carried 7/0**OCM046/2022****COUNCILLOR AMENDMENT**

Moved Cr Sadler

Seconded Cr Harkins

Insertion of new POINTS 4 and 5 as below and renumber the current 4 as point 6.

4. THAT Council welcomes redevelopment of the Ocean Beach Hotel site that is consistent with the objectives of the Local Planning Scheme and reflecting the points made in the officer's report.
5. THAT Council RECOMMENDS to the State Development Assessment Unit (SDAU) that any approval of the proposal is subject to hotel accommodation being sited on the Western aspect of the development to maximise the year-round tourist appeal and benefits to the wider community.

Carried 7/0

OCM047/2022

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

1. THAT Council ADVISES the SDAU and WAPC that it strongly OBJECTS to the proposed mixed-use development on the Ocean Beach Hotel site on Lots 1, 7-9, 11-17, 32-39 (140) Marine Parade, Cottesloe for the following reasons:
 - a) The proposed development is contrary to the established State and Local planning framework due to the omission of a structure plan, the uncertainty as to what land uses may be permissible on the site in the future, the undesirable precedence for non-compliant building heights, storeys, and setbacks along the Cottesloe foreshore, and the absence of orderly and proper planning;
 - b) The proposed building heights and reduced setbacks will have a significant detrimental visual impact on the locality and affect views of the foreshore and ocean from nearby properties, westward along Eric Street, and from the Cottesloe Civic Centre which is included on the State Register of Heritage Places;
 - c) The proposed development does not adequately respect the scale and built form of surrounding residential development, mostly 2 and 3 storeys to the south and east;
 - d) There is insufficient parking proposed for the non-residential uses and the parking and manoeuvring areas do not all appear to satisfy AS2890.1;
 - e) There is insufficient consideration of a developer contribution being made towards the Town's existing infrastructure plans for the locality, including development of the adopted Foreshore Masterplan on the western side of the OBH site, modifying the Eric Street and Marine Parade interface, and instigating a Principal Shared Path (PSP) along the northern side of the site; and
 - f) The sizes of the proposed multiple dwellings do not provide sufficient diversity to ensure adequate housing choice in the development.
2. That in the event the WAPC does not refuse the development application, then Council requests that the matter be DEFERRED to enable the Town to prioritise a

review of its Building Design Controls for Special Control Area 2 which will assist in providing an orderly and proper planning framework for the locality, more in keeping with the Town's Local Planning scheme than is the proposed development on this site, and taking into account the approval by the WAPC of a 7-storey mixed-use development on Marine Parade and the proposed Special Matters Development Assessment Panel Precinct Plan for the Cottesloe Foreshore. In this regard, the Town would welcome the opportunity to work with the WAPC in developing a suitable timetable for this to be completed as part of its Local Planning Strategy.

3. A condition be included in the approval of any proposed development on the site requiring a significant monetary contribution to be made to the Town for infrastructure items to support the orderly development of the area and cater to the additional demand from the proposed increased population. This will be used to facilitate the development of the adopted Foreshore Masterplan on the western side of the OBH site, modify the Eric Street and Marine Parade interface, and instigate a Principal Shared Path (PSP) along the northern side of the site. These have all been identified in strategic planning instruments recognising the demographic changes that are occurring in the locality. Costs for the proposed works can be provided by the Town, based on industry benchmarks for specifications at an appropriate standard in accordance with SPP 3.6.
4. THAT Council welcomes redevelopment of the Ocean Beach Hotel site that is consistent with the objectives of the Local Planning Scheme and reflecting the points made in the officer's report.
5. THAT Council RECOMMENDS to the State Development Assessment Unit (SDAU) that any approval of the proposal is subject to hotel accommodation being sited on the Western aspect of the development to maximise the year-round tourist appeal and benefits to the wider community.
6. That this report and the Council resolution be forwarded to the SDAU and WAPC for consideration.

Carried 7/0

COUNCILLOR RATIONALE:

The proposed development is opposed for the reasons outlined in the officer's recommendation and the Town would like to see a revised development in line with the community's wishes as expressed in the local planning scheme.

The developments approved or proposed along Marine Parade, including this one, will significantly increase pressure on the Town's infrastructure, including public open space along the foreshore, roads and cycleways, which will impose an unreasonable burden on local ratepayers.

A significant monetary contribution proportional to the projected increased population and its burden on the public infrastructure is equitable and necessary for the Town to maintain a high level of service delivery.

Council is in favour of appropriate development not ANTI development per se.

Regarding point 4.

The narrative that the Town of Cottesloe and the wider Cottesloe community is opposed to all development requires correction on the public record.

Regarding point 5.

The current development of the OBH has the hotel situated at the north-eastern corner of the development, with private dwellings on the side of the development with ocean views

If the development application had been submitted to the Town, it could have been subject to a Local Area Plan conditioned to ensure that the site functioned in a way that maximised the benefit to the tourism. In the absence of this, it is prudent to make a recommendation to the SDAU to condition their approval requiring hotel accommodation to be situated in a way more favourable for tourism. This will maximise the year round appeal of the hotel accommodation and support the Town's vision for the Foreshore.

10.1.5 DEVELOPMENT ASSESSMENT PANEL (DAP) REFORMS - CONSULTATION

Directorate: Development and Regulatory Services
Author(s): Ed Drewett, Coordinator Statutory Planning
Authoriser(s): Freya Ayliffe, Director Development and Regulatory Services
File Reference: D22/18689
Applicant(s): N/A
Author Disclosure of Interest: Nil

SUMMARY

The Department of Planning, Lands & Heritage (DPLH) is seeking comment on proposed changes to the Development Assessment Panels (DAP).

The public consultation period ends on 22 April 2022. However, the DPLH has agreed to extend this for the Town until 6 May 2022 to enable the matter to be considered at the April Ordinary Council meeting.

OFFICER RECOMMENDATION IN BRIEF

That a submission be made to the DPLH in respect to the proposed DAP reforms.

BACKGROUND

The proposed changes are part of the State Government's Action Plan for Planning Reforms (2019). These Reforms have three fundamental goals:

1. Planning creates great places.
2. Planning is easier to understand and navigate.
3. Planning systems are consistent and efficient.

Two of the initiatives are focussed specifically on reforms to improve the DAP system:

- Development assessment processes are streamlined and outcomes-focussed.
- DAP processes are more consistent and transparent.

In April 2020, the number of DAPs were reduced from 9 to 5.

The *Planning and Development Amendment Act 2020* introduced the ability for:

- A DAP to be established for one or more districts.
- A Special Matters DAP to be created to determine matters of State and regional importance.

Key Reforms

- Reduce the number of panels from 5 to 3 'District' DAPS (ie: changes Metro Inner-North JDAP to Metro Inner 'District' DAP).
 - Introduce full-time, fixed-term Presiding and Deputy Presiding Members, and potentially Specialist Members.
 - No changes to local government representation.
-

- Creation of Special Matters DAP to consider complex proposals of State significance, or certain applications in significant precincts.
- Process and administrative reforms to improve transparency, consistency and efficiency.

District DAP – Thresholds

- Minimum mandatory thresholds to be removed.
- Any application with a value of \$2M or more may ‘opt-in’ to be determined by the District DAP.
- Excluded developments include: Warehouses, single houses and additions, less than 10 grouped or 10 multiple dwellings, public works, and development wholly within reserved land for a public purpose under the MRS.

Special Matters DAP

- A separate Panel will be created to make decisions under the DAP Regulations. This will include one local government representative, as nominated by WALGA.
- Implementation of the Panel will be by Ministerial Order, providing greater flexibility to the process.
- It will be mandatory for all developments that meet the specific criteria to be determined by the Special Matters DAP.
- *Special Matters DAP – Precincts* are proposed, which may be permanent or for an identified period of time. These are:
 - *Perth CBD*
 - *South Perth Peninsula*
 - *Stirling Highway – Winthrop Avenue to Loch Street*
 - *Cockburn Central*
 - *Canning Bridge ACP area*
 - ***Cottesloe foreshore***
 - *METRONET station precinct*
- Excluded developments include: Warehouses, single houses and additions, less than 10 grouped or 10 multiple dwellings, public works, and development wholly within reserved land for a public purpose under the MRS.
- Statutory timeframe of 120 days will apply.
- Local government will be asked for comment on these applications and comments will be given ‘due regard’.
- Local government will be responsible for clearance and compliance of conditions.

OFFICER COMMENT

The proposed *District DAP* appears similar to the existing Metro Inner-North DAP, except that the current mandatory referral of development applications that have a value over \$10M and are not an excluded application will be removed, and any proposal over \$2M may ‘opt-in’ to be determined by the DAP.

The proposed *Special Matters DAP* include the Cottesloe foreshore which means that any development application that is for 10 or more multiple dwellings **or** is a commercial development greater than 3000m² Net Lettable Area (NLA) must be determined by the Special Matters DAP, not the Town:

Figure 6: Cottesloe Foreshore Precinct Area (Indicative Only)



Above: Plan showing proposed Cottesloe foreshore precinct under Special Matters DAP

The Special Matters DAP will operate under the existing planning framework. It will not have the power to operate outside of the planning framework, unlike the WAPC through Part 17 of the *Planning and Development Act*. However, it will have the ability to exercise discretion when making a decision.

No fees are proposed to go to local government through this process. However, in view of the time required for the Town to undertake the necessary technical assessment of a referred

proposal to enable Council to provide an informed response, then a fee should perhaps be introduced.

Developer contributions are another consideration which are not addressed in the reforms. However, as both the *District DAP* and *Special Matters DAP* are required to operate under the existing planning framework, then it appears that it would be preferable to ensure that Developer Contributions are a requirement in the Scheme.

This highlights the necessity for the Town to prioritise a review of its *Building Design Controls* for *Special Area 2* which will assist in providing an orderly and proper planning framework, taking into account the approval by the WAPC of a 7-storey mixed-use development on Marine Parade and any other SDAU decisions that may be forthcoming, and also to expedite the local planning strategy review, especially for the Cottesloe Town Centre, as in both cases a need and nexus for developer contributions may be established.

Links

<https://www.wa.gov.au/system/files/2022-03/20220309-Summary-District-DAPs.pdf>

<https://www.wa.gov.au/system/files/2022-03/20220309-Summary-Special-Matters-DAP.pdf>

ATTACHMENTS

Nil

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Planning and Development Amendment Act 2020

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*.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council AUTHORISES the Town's administration to complete the DPLH feedback form regarding the proposed planning reforms (planningreforms@dplh.wa.gov.au) and advise:

1. That the Town has no objection to the proposed *District DAP* being created;
2. That the Town objects to the inclusion of the Cottesloe foreshore as a *Special Matters DAP Precinct* as the proposed development criteria appears to be significantly less than for other proposed precincts, and this will result in many applications being taken away from local government decision making;
3. That a fee should be required to be paid by the applicant to local government for developments referred to a Special Matters DAP;
4. That the Town would welcome the opportunity to work with the DPLH and WAPC in developing a suitable timetable to prioritise a review of its *Building Design Controls* for *Special Area 2* which will assist in providing an orderly and proper planning framework, taking into account the approval by the WAPC of a 7-storey mixed-use development on Marine Parade and any other SDAU decisions that may be forthcoming, and facilitating a need and nexus for developer contributions to be established; and
5. That this report and the Council resolution be forwarded to the DPLH for consideration during the consultation period.

OCM048/2022**COUNCILLOR MOTION AND SUBSTANTIVE MOTION****Moved Mayor Young****Seconded Cr Masarei**

THAT Council AUTHORISES the Town's administration to complete the DPLH feedback form regarding the proposed planning reforms (planningreforms@dplh.wa.gov.au) and advise:

1. That the Town objects to the inclusion of the Cottesloe foreshore as a *Special Matters DAP Precinct* as the proposed development criteria appears to be significantly less than for other proposed precincts, and this will result in many applications being taken away from local government decision making;
2. That a fee should be required to be paid by the applicant to local government for developments referred to a Special Matters DAP;
3. That the Town would welcome the opportunity to work with the DPLH and WAPC in developing a suitable timetable to prioritise a review of its *Building Design Controls* for *Special Area 2* which will assist in providing an orderly and proper planning framework, taking into account the approval by the WAPC of a 7-storey mixed-use development on Marine Parade and any other SDAU decisions that may be forthcoming, and facilitating a need and nexus for developer contributions to be established; and
4. That this report and the Council resolution be forwarded to the DPLH for consideration during the consultation period. The Town objects to the introduction of District DAP's that might not be bound by Local Planning Schemes or would not

include elected members appointed by the Councils of the relevant local government as members of the Panels, or would dilute the proportion of such elected members on the Panel.

Carried 7/0

COUNCILLOR RATIONALE:

1. In July 2018 Council endorsed a draft submission on the DPLH “Green Paper: Modernising WA’s Planning System”.
2. In relation to Development Assessment Panels (DAP’s) Council’s submission included the following comments:

“Council opposes Development Assessment Panels, as they allow planning outcomes that do not reflect the community’s aspirations and expectations. Reform of WA’s planning system should include the abolishment of DAP’s. The composition of DAP’s should also be changed to ensure at least 50% local government members, with the Chair obliged to cast any casting vote to preserve the status quo.
3. Opposing the proposed establishment of the Special Matters DAP is consistent with Council’s previously resolved position on DAP’s.
4. The publication “DAP Reforms Special Matters Development Assessment Panel” which the DPLH has put out for public comment does not clarify whether the proposed new Panels will be bound by Local Planning Schemes.
5. The publication (page 3) also sets out the “proposed membership of the Special Matters DAP”. This is referred to as “seven Special Matters DAP members (and a deputy for each) comprising...”; no mention is made of local elected members, other than one elected member from a list of people nominated by WALGA.
6. Council should therefore object specifically to any DAP which would not be bound by LPS’s and which would not include elected members at least in the same proportion as the current DAP’s, which allow that two of the five members shall be elected members.

ENGINEERING SERVICES**10.1.7 JOHN BLACK DUNE MASTERPLAN**

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D22/17053
Applicant(s): Internal
Author Disclosure of Interest: Nil

Cr Bulbeck declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "I am a member of Cottesloe Coastcare and they are included in this project."

SUMMARY

A John Black Dune landscape concept has been jointly developed with Cottesloe Coastcare and Perth Natural Resource Management (NRM). The tri-party collaboration has been branded at the Natural Areas Alliance (NAA).

This design combined with the skate park concept adopted at the February 2022 Ordinary Council Meeting forms the attached John Black Dune Masterplan that will be used for the funding application, subject to Council acceptance.

OFFICER RECOMMENDATION IN BRIEF

Council is asked to accept the attached masterplan for the purpose of grant funding application.

BACKGROUND

At the February 2022 Ordinary Council Meeting, Council adopted the preferred skate park concept and resolved as follows:

OCM012/2022

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Cr Bulbeck

Seconded Cr Barrett

THAT Council:

- 1. THANKS all participants for taking the time for attending and contributing towards the concept design workshop;*
 - 2. ACCEPTS the attached preferred skate park concept design for the purpose of seeking maximum grant funding for detail design and construction, subject to the Administration developing an overall concept plan for native revegetation and appropriate infrastructure for the whole of the John Black Dune Park site in partnership with Cottesloe Coastcare and Perth NRM;*
 - 3. NOTES that funding to develop a Masterplan for John Black Dune Park will be put up in the 2022/2023 budget for Council's consideration;*
-

4. *NOTES that a separate report will be brought back to an Ordinary Council Meeting for a budget to be approved once the grants have been successful in order for a design and construct tender to be advertised;*
5. *NOTES feedback on the design elements within the preferred skate park concept and location will be taken into account in the detailed design stage, having due regard to size, cost and project brief of the skate park;*
6. *Notes that the project delivery framework approved by Council at the March 2021 Ordinary Council Meeting will be updated to include point four; and*
7. *NOTES that the overall Masterplan for John Black Dune Park will be considered in the 2022-23 budget deliberations and will include a native revegetation and infrastructure plan for John Black Dune Park.*

Carried 7/0

OFFICER COMMENT

The attached John Black Dune Masterplan satisfies a large part of the February 2022 Council resolution.

Should Council accept the officer's recommendation, the enclosed plan will then be used to source appropriate grants for the landscaping and skate park delivery.

Council is asked to note the following features of the landscape concept:

- Variety of planting species throughout the open space as summarised below with examples. Passive surveillance would be the primary species selection criteria at detail design and Council is asked to note that the type of vegetation mentioned are only for context and the final pick would be done after further investigation by an expert consultant in discussion with the NAA team .
 - (a) Canopy – Predominantly larger tree species such as the red gum and Rottnest Tea Trees that can grow from five metres to 30 metres.



Red Gum



Rottnest Tea Tree

- (b) Mid-Storey – Predominantly larger shrubs or smaller trees such as grass trees and sweet quandong that can grow between three to eight metres.



Grass Trees



Sweet Quandong

- (c) Under-Storey – Predominantly smaller shrubs such as the dune mooses and coast saltbush that grow no more than three metres.



Dune Mooses



Coast Salt Bush

- (d) Garden – Predominantly ground cover species such as coastal pigface and grey cotton heads.



Coastal Pigface**Grey Cotton Head**

- (e) Landscape Vegetation Surrounding Skate park – Generally garden species selection.
- Ocean view lookouts on the high points adjacent to the Cottesloe Tennis Club whereby its appropriateness and final locations can only be determined as follows:
 - Consultation with the Cottesloe Tennis Club;
 - Finalisation of Carpark Two Redevelopment design to ensure optimal ocean views; and
 - Availability of funding.
- History Interpretation signage; and
- Ten metre buffer area as a construction zone and for amenities to be provided as part of the future Carpark Two redevelopment. Consideration will be given for the vegetation in this area to remain provided it meets the passive surveillance criteria for the skate park. What trees that remain in the future will be determined as part of any future space activation design for this transition zone.

Clearing of declared weed species will also be rationalised when progressing the landscape design and its staged implementation to minimise any impacts on wildlife habitats.

Consideration will also be given to minimising impact of views as part of providing passive surveillance when designing the landscape, noting that this could possibly compromise canopy optimisation over the entire site. This opportunity cost would be inconsistent with Corporate Business Plan (2020 to 2024) Priority 3.1 Implement policies that protect existing trees and that actively seek to increase the tree canopy in Cottesloe.

In the meanwhile, as part of the Town's annual planting program, there is opportunity to strengthen planting in areas where no declared species exist, with due consideration being given to passive surveillance to avoid any of these new infills from being sacrificed.

Given that John Black Dune Park falls within the Main Beach zone, it is envisaged that the attached plan will add value to the Foreshore improvements by activating undeveloped land adjacent to the future Carpark Two redevelopment. Given the appropriate land tenure ('A' Class Recreation Reserve), the skate park and landscaping can begin now, making this the pilot project signifying the start of the Foreshore Masterplan construction.

There may not be the need to consult on the attached plan as strong community support was received during the skate park public engagement for John Black Dune Park rejuvenation.

Council should it wish to can ask for feedback but this would delay the submission of any funding proposals and will in turn prolong the commencement of any component within the attached masterplan. Given that current plans are only at a concept level, detail design, that would take a minimum of two months, would still need to be completed before construction can occur.

Another imminent risk would be certainty of future external funding opportunities, whereby Council at that time, would then have to consider relying on its own sources to finance the project or alternatively further delay the works until the appropriate opportunity arises.

For the above reasons and considering the amount of time invested by different proponents to date, particularly the community, Council is asked to accept the attached masterplan for any grant application to be submitted for projects to commence as soon as possible.

ATTACHMENTS

10.1.7(a) John Black Dune Masterplan [under separate cover]

CONSULTATION

Council

Natural Areas Alliance (Town of Cottesloe, Cottesloe Coastcare and Perth NRM)

Previous community consultation and workshops to provide information for Council to determine a preferred location and skate park concept.

Department of Planning, Lands and Heritage

Department of Environment

STATUTORY IMPLICATIONS

There are no known statutory implications at this stage.

Given that these are public works and the 'A' Class Reserve classification being appropriate for such projects, there will be unlikely planning, lands nor heritage implications.

As the skate park is 70 metres from residential properties (beyond the 50 metres minimum guidelines) with no lighting, there would be unlikely glare or noise related spillage to impact surrounding residents. This being said there will be various studies to confirm this expectation during the detail design process.

Continuous liaison with various State Government agencies combined with appropriate analysis throughout the subsequent stages of the project will occur to obtain the required approvals.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

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

The proposed landscaping concept will, in the long term, contribute to the tree canopy increment over Cottesloe.

RESOURCE IMPLICATIONS

The project will be overseen by the Town with support from the Natural Area Alliance together with the engagement of contractors to complete detail design and construction.

The acceptance of the officer's recommendation will allow any grant applications to be submitted to fund subsequent project phases.

The following is a strategic breakdown of costs associated with the attached masterplan:

- Skate park \$750,000
- Soft Landscaping (Plants) \$250,000
- Hard Landscaping (Lookout and Footpaths) \$100,000

The intent would be to maximise external funding for all the components above.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The John Black Dune Masterplan, particularly the landscape concept will contribute towards the amenity of the park. Continuous liaison with State Government agencies will ensure appropriate approvals are received before construction commences.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council:

1. THANKS Cottesloe Coastcare and Perth NRM for their value adding input and taking the time to work in partnership with the Town of Cottesloe to develop the landscape concept within the John Black Dune Park Masterplan attached; and
2. ACCEPTS the attached John Black Dune Park Masterplan that comprises of a landscape and skate park concept; and
3. NOTES that the attached John Black Dune Park Masterplan will be used to apply for any appropriate grants to optimise any external funding for the different components within the plan.

OCM049/2022

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Cr Bulbeck

Seconded Cr Barrett

THAT Council:

1. **THANKS Cottesloe Coastcare and Perth NRM for their value adding input and taking the time to work in partnership with the Town of Cottesloe to develop the landscape concept within the John Black Dune Park Masterplan attached; and**
2. **ACCEPTS the attached John Black Dune Park Masterplan that comprises of a landscape and skate park concept; and**

3. **NOTES** that the attached John Black Dune Park Masterplan will be used to apply for any appropriate grants to optimise any external funding for the different components within the plan, and
4. **REQUIRES** the tender documents for design and construction of the John Black Dune Park project to outline an integrated plan for the work of building the skatepark with a program of staged native revegetation landscaping to maximise the preservation of refuge for native fauna.

Carried 6/1

For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett and Bulbeck

Against: Cr Wylynko

COUNCILLOR RATIONALE:

The skatepark concept consists of a reasonably detailed and costed plan. However, a staged plan for revegetation has not yet been finalised.

The majority of the vegetation in John Black Dune Park worthy of preservation is in zone C on the draft revegetation concept plan. Retaining the buffer vegetation planted by the tennis club and Cottesloe Coastcare between the tennis courts and John Black Dune Park should also be considered. These areas could be the focus of initial plantings for habitat refuge while the other zones are being rehabilitated.

The revegetation program also needs to minimise disruption to skateboarders, e.g. from loose sand.

Timing building the infrastructure for the revegetated park (such as paths, watering points and the look-out) to coincide with constructing the skatepark should minimise disruption and costs.

10.1.8 ELECTED MEMBER APPOINTMENT TO WESTERN SUB-GROUP METROPOLITAN REGIONAL ROADS GROUP

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D22/17590
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

Council is asked to consider the appointment of an elected member to represent the Town of Cottesloe within the Metropolitan Region Roads Group (MRRG) Western Sub-Group.

OFFICER RECOMMENDATION IN BRIEF

Council is asked to call for nominations to elect a member of Council as the Town of Cottesloe's representative to the MRRG Western Sub-Group.

BACKGROUND

The MRRG manages and administers funding for road projects and blackspot programs amongst the various Western Australian Local Governments. The Metropolitan region is sub divided into six sub groups comprising of different Local Governments as shown below.

North West	West	Central
City of Joondalup City of Stirling City of Wanneroo	Town of Cambridge Town of Claremont Town of Cottesloe Town of Mosman Park City of Nedlands Shire of Peppermint Grove	City of Perth City of Subiaco City of Vincent
East Group	South East	South West
Town of Bassendean City of Bayswater Shire of Kalamunda Shire of Mundaring City of Swan	City of Armadale City of Belmont City of Canning City of Gosnells Shire of Serpentine- Jarrahdale City of South Perth Town of Victoria Park	City of Cockburn Town of East Fremantle City of Fremantle City of Kwinana City of Melville City of Rockingham

Each participating Local Government within individual sub-groups is represented by an elected member (appointed by Council) and a Technical Officer, normally the Executive or a Manager from the Directorate that manages the MRRG Program.

OFFICER COMMENT

The Administration makes annual grant funding application to the MRRG for road rehabilitation and blackspot improvements. The Local Government is generally responsible for one third of road resurfacing costs whilst the State Government provides a contribution for the remaining two thirds.

The funding arrangement is similar to the blackspot program but there are exceptions where projects are fully funded by the Federal Government depending on the benefit to cost benchmarks established in the year of the assessment by the National evaluators.

There are two types of meetings that occur as part of the MRRG program.

Sub-Group Meetings

This is normally attended by the elected member and a Technical Officer from each Local Government within the sub-group. Currently, the western sub-group comprises of the Cottesloe, Claremont, Mosman Park, Peppermint Grove and Nedlands Local Governments. The City of Nedlands is currently the chair of the western sub-group.

The agenda at this meeting is generally around the progress of current projects and other related matters to ensure works for all the local governments within the sub-group are being completed to the program requirements.

Metropolitan Region Elected Members Meeting

This meeting is attended by the sub-group chair and an elected member nominated by Councillor Representatives amongst participating Councils. A City of Nedlands interim western sub-group council member representative has been nominated until all members of participating Local Governments have settled on their MRRG elected member.

A permanent Western Sub-Group Councillor Representative will then be nominated for a term that concludes at the next Local Government Elections. The process then repeats itself.

This meeting is held twice a year and coordinated by Main Roads Western Australia. Only elected members representing each of the six sub-groups have voting rights to make recommendations to State Government on funding matters. Sub-group chairs and elected member representatives then relay outcomes back to their member Councils.

The attached MRRG Policies and Practices together with the State Road Funding Agreement provide further information on the framework surrounding this roads grant program.

Council is asked to nominate an elected member and a deputy to be the Council representatives for Cottesloe. The accompanying Technical Officer from the Town is currently the Director of Engineering Services.

ATTACHMENTS

10.1.8(a) State Road Funds to Local Government Agreement [under separate cover]

10.1.8(b) MRRG Policies and Practices [under separate cover]

CONSULTATION

Elected Members

STATUTORY IMPLICATIONS

Nil.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council APPOINTS:

1. Cr _____ as the Town of Cottesloe Council representative to the Metropolitan Regional Road Group's Western Sub-Group; and
2. Cr _____ as the Town of Cottesloe Council Deputy representative to the Metropolitan Regional Road Group's Western Sub-Group.

OCM050/2022**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

Moved Cr Masarei

Seconded Cr Harkins

THAT Council APPOINTS:

1. Cr Sadler as the Town of Cottesloe Council representative to the Metropolitan Regional Road Group's Western Sub-Group; and
2. Cr MacFarlane as the Town of Cottesloe Council Deputy representative to the Metropolitan Regional Road Group's Western Sub-Group.

Carried 7/0

10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES

Nil

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 COUNCILLOR MOTION - STATE GRANT-FUNDING EQUALITY FOR LOCAL GOVERNMENT ACTIVE TRANSPORT INFRASTRUCTURE**

The following motion has been proposed by Cr Sadler.

OCM051/2022

COUNCILLOR MOTION

Moved Cr Sadler

Seconded Cr Bulbeck

That Elected Members request the WA Local Government Association (WALGA) to adopt advocacy positions that support:

- 1. Increased flexibility in the purposes for which State grant funding to Local Government road infrastructure can be used – broadening the uses to include pedestrian and cycle infrastructure.**
- 2. Funding contributions for cycle infrastructure grants to be 2/3 State: 1/3 Local Government, aligning with the ratios for State road infrastructure grant funding.**
- 3. That the equality in funding ratios for cycle infrastructure grants in Point 2 is achieved through an increase in State funding contribution.**

That the advocacy position is used to lobby the State Government to achieve equality in funding for all modes of transport infrastructure under the jurisdiction of Local Government, for the benefit and well-being of the community.

Carried 7/0

COUNCILLOR RATIONALE

The 2021 Auditor General's report into "Viable cycling in the Perth area" highlights that more needs to be done to increase cycling in Perth. It also highlights the economic, health and environmental benefits of cycling along with improvements in congestion. Timely completion of the Long Term Cycle Network, followed by adequate maintenance of the network will not occur, unless it is adequately funded.

- 1. Currently the funding contribution from the State government to local government is funded 2/3 by State and 1/3 by Local Government. This funding is used for road improvement, upgrades, renewal, maintenance and safety upgrades. It cannot be spent on cycle or pedestrian infrastructure.**
- 2. State grant funding for cycle infrastructure is funded 50/50 by State and Local Governments. This is for new cycling infrastructure projects only. There is no grant-funding source to renew or maintain cycle infrastructure once built. This creates an ongoing financial obligation but no source of State funding for asset maintenance.**
- 3. In order to receive ongoing Federal funding for roads, Local Governments must commit to ongoing minimum spending on local roads. Failure to do so jeopardises funding. As a result, anecdotal evidence suggests asset renewal sometimes occurs earlier than needed for financial rather than maintenance reasons.**

4. Increasing the scope of projects that these grants could be spent on to include cycle and pedestrian infrastructure aligns with State aspirations to increase the mode share of riders and walkers and improve the health of the community.
5. Increasing the scope of projects that road maintenance grants can be spent on, is cost neutral for State Government. Broadening the scope of works funded will advantage all local governments, without disadvantaging any. It aligns aspirations for health and transport for all tiers of government.
6. Providing grant funds on condition of the same co-contribution ratio moves closer to parity of funding for cycle infrastructure with road infrastructure. It can be justified in terms of return on investment as evidenced in the links below.

OFFICER COMMENT

Statutory Implications

Local Government Act 1995

Policy Implications

There are no current specific Council policy implications with the above Notice of Motion (NoM). However, State Government may need to revise its position statements relating to these grants in order for the proposed cost share arrangement to occur.

Resource Implications

There are no adverse resource implications. The proposed advocacy will reduce the cost of building, maintaining and renewing such assets. However, this may have an impact to State Government budgets.

Other

Council is asked to note the following:

- The proposed advocacy is supported and if adopted by the State Government, would have a positive effect on any Local Government's Long Term Financial Plan (LTFP) given the extent of cycle infrastructure (and the need for more) that needs to be managed;
- The 1/3 Local Government and 2/3 State Government Co-Contribution Scheme through the Metropolitan Regional Roads Group (MRRG) can only be spent only on renewing assets (road resurfacing). This program also provides a direct grant that can be spent on road operational related activities (minor pothole or crack repairs);
- The minimum road maintenance related expenditure (capital and operational) required to continue receiving the Federal Government's Roads to Recovery Grant includes the 1/3 contribution and has allowed Council to maintain its road network to the highest standard of aesthetics and safety;
- Road and shared path infrastructure grants are administered by two separate agencies (Main Roads and Department of Transport) with separate policies and different funding assessment criteria for each program that are incompatible. This is most likely due to the different network size and service levels including purpose for each asset class; and

- In conclusion:
 - the NoM is a good initiative for WALGA to advocate.
 - Whether or not the State Government is able to move towards the parity funding model is subject to:
 - equitably combining both grants and identifying the responsible organisation; and
 - afford the contribution increase being proposed, noting that there are approximately 132 Local Governments that will be competing for that one single contribution for two different types of infrastructure.

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

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

14 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 7:24pm.