

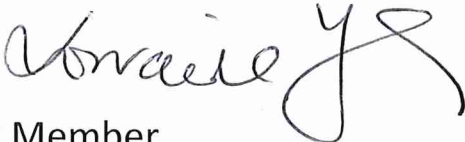


Town of Cottesloe

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

Tuesday, 27 April 2021

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

Signed: 

Presiding Member

Date: 25/5/21

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING

MINUTES

ORDINARY COUNCIL MEETING
HELD IN THE
War Memorial Hall, Cottesloe Civic Centre, 109 Broome Street, Cottesloe
6:00pm Tuesday, 27 April 2021

MATTHEW SCOTT
Chief Executive Officer

30 April 2021

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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 6:03pm.

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**

Peter Rattigan – 9 Grant Street, Cottesloe on behalf of Friends of Grant Marine Park – item 10.1.6

The officer's report refers to 6 possible sites for a skatepark including Location Six: Cottesloe Train Station Railway Reserve. Convic, the independent consultants engaged by the Town of Cottesloe, has recommended this site be pursued even though the area is owned by the State Government and has a six month lease termination clause.

Q1: Bearing in mind Convic's recommendation, would it not be prudent to follow their advice?

A1: The final decision is ultimately Council's and it has determined that the land lease related risk is not worth taking given the investment magnitude.

Q2: Have any representatives of Council had discussions with any representatives of the PTA as to locating a skatepark on the Railway reserve and if so when, who was involved in the discussions and what was the substance of the discussions?

A2: The Director of Engineering at a 2019 meeting was informed of the lease termination clause should Council wish to pursue this location.

Q3: Has Council enquired as to the land tenure arrangements between Dawsons Garden Centre and/or any other businesses located on the railway reserve and if so what is the result of such enquiries?

A3: It would not be appropriate to request for this confidential information.

Q4: Has there been an analysis of the risk of the PTA invoking a break clause in any lease and if so who was the analysis done by and what was its conclusion?

A4: It would not be possible to predict the agenda of any future Government.

Q5: Convic's opinion that having a district level facility within the Town of Cottesloe is the correct classification for the skatepark but Grant Marine Park does not provide enough space for the development of a larger scale district level skate facility and the additional amenities required to make a successful space. Why is Grant Marine Park still being considered as a possible skate park site and why does the recommendation of motion to Council mention only 3 sites and not all the sites considered by Convic in its original report to Council?

A5: Council has determined that Grant Marine Park is no longer a location that is to be pursued. The other sites not endorsed by Council would not be suitable for such a facility due to a variety of reasons.

Q6: Has Council had discussions with the surrounding councils of Nedlands, Claremont, Mosman Park and Peppermint Grove with a view to collaborating in the construction of a joint skatepark facility that can be utilised by the residents of those areas.

A6: A Council resolution would be required for this to occur.

Questions Taken on Notice at the Special Council Meeting – 14 April 2021

Yvonne Hart – 26 Mann Street, Cottesloe – Item 10.1

Q1: Does the Council intend to uphold the Beach Policy? Is the answer yes or no?

Q2: If Council does not intend to uphold the Beach Policy, what PROCESS has it followed to inform ratepayers that the Beach Policy has been revoked? What date did this action take place?

Q3: I ask that Council evaluate the architectural drawings with a view to upgrade and refurbishment of the Indiana Toilets.

A1-3: Responses to these questions were provided in the Minutes of the Ordinary Council Meeting held on 23 March 2021.

Questions Taken on Notice at the Agenda Forum Meeting – 20 April 2021

Camilla Rea – 18 Jarrad St, Cottesloe – Item 10.1.4

Q1: To date what adverse incidents have been brought to the Town of Cottesloe's attention regarding street tree swings, play equipment and verge use that would impact on Town of Cottesloe risk and liability?

A1: The Town's insurers carried out an audit of a large number of the structures and raised the risk of entrapment points (fingers/limbs etc.), excessive fall heights, structural failure, inadequate clearance distances from trees, damage to trees, structures being located under power lines and the potential for vehicles colliding with a child.

Patricia Carmichael – 14-186 Marine Parade, Cottesloe – Item 10.1.1

Q1: I noted that our net current accounting position as at 31 March 2021 was \$3.183M. In the same month sub Covid, March 2020 it was \$4.221M which is a decrease of \$1.1M. Where was this amount spent, allocated to what?

A1: The net current funding position as at 31 March 2021 was \$3,183,610 as compared to \$4,221,080 this time last year. The detailed breakdown of this is shown on page 22 of the attached financial statements. One of the main contributing factors is the increased level of accrued expenses, some of which relate to capital expenditure projects on the foreshore.

4.2 PUBLIC QUESTIONS

Lindsay Mollison – 174 Little Marine Parade, Cottesloe – Item 10.1.2

Q1: Would the Council like to see a short presentation that shows the actual effects on my amenity, due to the changes in lot sizes and development plans at 176 and 178 Little Marine Parade?

A1: Presentations/deputations are for 10 minutes and need to be applied for prior to the meeting so could you please stick to the three minutes allowed for questions.

Q2: I would like personally to extend an invitation to all Councillors to visit my home and block to take a look at the adverse effects the previously proposed development would have on my amenity – any change to 46% shadowing would not alter this. Would the Councillors like to come as a group to look at the effects on my amenity?

A2: At the moment the development application has been withdrawn from Council's consideration. When the application comes back for Council's consideration it will be up to Councillors to decide and it might be something that we can ask the Administration to arrange.

Robert de la Motte – 41 Mann Street, Cottesloe – Item 10.1.5

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

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

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

A1-3: Taken on Notice.

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

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

Q1: Why has the Administration put to Council (in Item 10.1.5) a series of design solutions, none of which addressed the significant pedestrian and vehicle safety issue arising from the speed and road position of

vehicles entering Mann Street off Railway Road and why has the Administration not before doing so, engaged in consultation with the residents proximate to that intersection?

A1: Taken On Notice.

Yvonne Hart – 26 Mann Street, Cottesloe – Item 10.1.1

The February Monthly Statement of Accounts showed a payment of \$87.95 to Landgate for *Titles for Car Park 2 – foreshore development*.

The March Monthly Statement of Accounts for April (p38) shows an amount of \$7,700.00 was paid to NS Projects Pty Ltd for *property advisory services to Car Park 2*.

Q1: Could someone explain why in February Council needed to acquire the title for Car Park 2?

A1: So that the Town has a copy of the title for Car Park 2.

Q2: Could someone explain why \$7,700 was paid in March to NS Projects for *property advisory services in relation to Car Park 2*?

A2: They were engaged to provide Council with development options for Car Park 2 in line with the overall masterplan that looks at that potential redevelopment of Car Park 2.

Q3: What was the advice received from NSS Projects and how and where can I can get a copy.

A3: There are a number of different options as well as avenues that a potential redevelopment of Car Park 2 can occur. The advice is subject to an ongoing investigation by the Administration that will lead to a Council report in the near future.

Mr Bostock – 115 Grant Street, Cottesloe – Item 10.1.5

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

A1: Council will consider this item tonight so you can hear the answer tonight after Council considers the item.

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

A2: This is an option that Council could include in a potential resolution when the item is considered tonight.

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

A3: As part of the investigation we have collected some data from Mann Street and it is up to Council to decide whether or not to release the data to the public. I will have to check whether there is data from Grant Street.

5 PUBLIC STATEMENT TIMERobert de la Motte – 41 Mann Street, Cottesloe – Item 10.1.5

Mr de la Motte outlined his concerns about the traffic issues in Mann Street and the proposed treatments for rectifying the issues.

John Murdoch – 4 William Street, Cottesloe – Item 10.1.5

Mr Murdoch outlined the safety concerns he has due to having to exit his garage through the laneway entering into Mann Street.

Mr Bostock – 115 Grant Street, Cottesloe – Item 10.1.5

Mr Bostock outlined his concerns about the road traffic issues in Mann Street and how it effects residents in Grant Street and stated that consultation targeted Mann Street residents but not residents of surrounding streets that would be impacted by the changes.

Linda & Donald Prendergast - 14 Jarrad Street, Cottesloe – Item 10.1.4

The CEO read a statement from Linda and Donald Prendergast regarding the benefits of play equipment on verges.

Mark Powell - 43 Lyons Street, Cottesloe – Item 10.1.4

The CEO read a statement from Mark Powell about the risk, liability and insurance issues related to unauthorised structures on Council verges.

Dr Dorothy Erickson - 2 William Street, Cottesloe – Item 10.1.5

The CEO read a statement from Dr Erickson regarding the proposed road treatments for Mann Street.

Nick and Camilla Rea - 18 Jarrad Street, Cottesloe – Item 10.1.4

Mr and Mrs Rea emailed a statement requesting Council defer making a decision on this item in order to resolve risk, liability and insurance issues and develop a workable verge policy that supports active streets and provide guidelines and recommendations for verge play equipment that are acceptable.

Shannon Lloyd - Griver Street, Cottesloe – Item 10.1.4

Ms Lloyd emailed a statement supporting the use of play equipment on verges that is of benefit to young children.

Jennifer Paterson – 9 Andrews Place –Item 10.1.4

Ms Paterson emailed a statement asking Council to reconsider options that would provide clear, reasonable guidelines for what is acceptable play equipment; introduce a simple, affordable registration process for residents with structures on their verges; explain to the community the potential liability costs proportional to ratepayer tax base, and make community connection a priority in strategic budget decisions.

6 ATTENDANCE**Elected Members**

Cr Lorraine Young
Cr Caroline Harben
Cr Helen Sadler
Cr Craig Masarei
Cr Melissa Harkins
Cr Michael Tucak
Cr Kirsty Barrett

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 Wayne Zimmermann	Manager of Planning
Ms Mary-Ann Winnett	Governance Coordinator

6.1 APOLOGIES

Nil

Officers Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Mayor Philip Angers
Cr Paul MacFarlane

6.3 APPLICATIONS FOR LEAVE OF ABSENCE**7 DECLARATION OF INTERESTS**

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "I am a previously documented supporter of play equipment on street verges."

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "I know some of the residents in Little Marine Parade, Cottesloe."

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "I know some people with verge structures."

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "I know some people who live on Mann Street."

Cr Harkins declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "I know a number of people with play equipment on the verge."

Cr Harkins declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "A number of Mann Street residents are known to me."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "Some of the residents on Mann Street are known to me and I also know several residents in the wider Claremont Hill area."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "I live in the priority area effected by this strategy."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "I know residents with verge play equipment."

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "A number of the people are known to me."

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "I know the applicant."

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "A number of the residents known to me."

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "I live close to Mann Street on Grant Street."

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "I live in Area 2. I share this interest with a significant number of other residents."

Mr Scott declared a FINANCIAL INTEREST in item 10.1.9 by virtue "These standards will potentially impact on the conditions of my employment."

Cr Harben declared an IMPARTIALITY INTEREST in item 10.1.11 by virtue "I used to work for the Heritage Council of WA and I know the consultant firm in a professional sense."

8 CONFIRMATION OF MINUTES

OCM050/2021

Moved Cr Sadler

Seconded Cr Barrett

That the Minutes of the Ordinary Meeting of Council held on Tuesday 23 March 2021 be confirmed as a true and accurate record.

Carried 6/1

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

Against: Cr Tucak

OCM051/2021

Moved Cr Young

Seconded Cr Masarei

That the Minutes of the Special Meeting of Council held on Wednesday 14 April 2021 be confirmed as a true and accurate record.

Carried 6/1

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

Against: Cr Tucak

9 PRESENTATIONS**9.1 PETITIONS**

Procedure of Petitions – Local Government (Meetings Procedure) Local Law 2021, Clause 6.11

Nil

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

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

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

10 REPORTS

For the benefit of the members of the public present, the Presiding Member advised that item 10.1.5 would be considered first.

10.1 REPORTS OF OFFICERS**ENGINEERING SERVICES****10.1.5 MANN STREET LOCAL ROAD TREATMENT**

Directorate: Engineering Services
Author(s): David Lappan, Manager Projects and Assets
Parshia Queen, Engineering Technical Officer
Authoriser(s): Shaun Kan, Director Engineering Services
File Reference: D21/15454
Applicant(s): Internal
Author Disclosure of Interest: Nil

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "I know some people who live on Mann Street."

Cr Harkins declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "A number of Mann Street residents are known to me."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "Some of the residents on Mann Street are known to me and I also know several residents in the wider Claremont Hill area."

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "A number of the residents known to me."

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "I live close to Mann Street on Grant Street."

SUMMARY

Council is asked to consider the attached road treatment options.

These have been developed as a result of Mann Street residents' concerns over vehicle speeds and movements near the Mann Street and Railway Street intersections.

OFFICER RECOMMENDATION IN BRIEF

Council is asked to accept the option where either a stop or give way sign is installed on Mann Street before the Railway Street intersection in conjunction with linemarking, subject to Main Roads approval.

BACKGROUND

On 15 October 2020, Administration received a request for road improvements from 10 residents within the vicinity of Railway Street and Mann Street intersection.

These residents wanted the following matters to be addressed:

- Vehicles turning left from Railway Street into Mann Street, taking the corner at speed and encroaching onto the path of oncoming traffic.
-

- Vehicles accelerate along Mann Street before and after a laneway.
- The view that the high vehicle volumes during the morning and afternoon peak times are predominantly 'Rat-running' traffic avoiding the congestion around the North Cottesloe Primary School.

Traffic data has since been collated to validate the concerns raised and the analysis summarised in the officer's comment section of the report.

OFFICER COMMENT

An onsite meeting was held with residents (minutes attached) on 5 March 2021 where the concerns mentioned in the Background section of this report were discussed. At the conclusion of the meeting, it had been agreed that the speeding and traffic volume issues would be brought to two separate Ordinary Council Meetings as per the schedule below:

- April 2021 - proposed speed hump and intersection modifications to address the concerns of traffic speeding through Mann Street; and
- May 2021 - The closure of the median at Grant Street to mitigate against traffic using Mann Street as an alternative route.

Further investigations were then undertaken to validate the matters raised and at the same time provide Council with the required information to determine the most optimum way forward. The analysis of the traffic data can be summarised as follows:

Comparison of Traffic Flow Volumes with Standards:

- Peak hour coincided with the morning and afternoon school pickup/drop off times;
- The volume between 8am and 9am peaked at 104 whilst the count between 3pm and 4pm reached no more than 77 vehicles;
- These peak hour volumes combined with the numbers recorded during off peak times amounted to 535 vehicles per day (weekday average);
- Given that Local Access Roads such as Mann Street have been designed to safely and efficiently carry 3,000 vehicles per day, it would not be unreasonable to conclude that the current traffic volumes on Mann Street are well within acceptable limits; and
- Traffic volumes and capacities quoted are bi-directional.

Comparison of Traffic Speed with Legal Speed Limits (50km/h):

The 85% percentile speed of 14,017 vehicles passing the site over the 4 week data collection period was calculated to be 36.23km/hr. 12 of these vehicles recorded speeds above the permitted limit of 50km/hr.

Based on these results, it would be accurate to conclude that a majority of vehicles (over 99%) are compliant with the legal speed limit.

Available Treatment Options:

Whilst the traffic data does not support traffic safety and efficiency issues raised, the following options (see attached) have been developed for Council's consideration should it wish to undertake the improvement works requested by the residents:

- Option 1A: Speed cushions on the northern and southern end of Mann Street including the improvements at Railway Street intersection. Street lighting upgrade would be required for this to occur (\$30,000).
- Option 1B: Raise plateaus on the northern and southern end of Mann Street including the improvements at Railway Street intersection. Street lighting upgrade would be required for this to occur (\$40,000).
- Option 1C: Speed cushions at the intersection of Right of Way and Mann Street including the improvements at Railway Street intersection. No street lighting improvements are required for this option (\$17,000).
- Option 1D: Install either a stop or give way sign on Mann Street before Railway Street intersection in conjunction with line marking. These works come at no cost as this is normally undertaken by the State Government if approved by Main Roads.

Given the traffic flow analysis findings, the preferred option would be 1D. This provides a visual cue for vehicles on Mann Street to slow down when approaching the intersection and at the same time keep traffic turning left from Railway Street on the correct side of Mann Street out of the path of the oncoming lane. This is consistent with one of the early interventions requested by the residents.

The alternative preferred solution would be 1C or part thereof should Council wish to mitigate the root cause of the small number of vehicles speeding.

Council may also wish to formally consult residents living between Grant Street and Railway Street along Mann Street before making a determination on whether to proceed with any improvements outside the scope of Option 1D.

It would also be important to note that the median closure on Grant Street as requested by residents within the attached correspondence to remove the connection with the eastern section of Mann Street to limit the 'rat running' should also not be further considered based on the findings from the traffic analysis. Alternatively, Council can amend the officer's recommendation and request for either one of or a combination of the following to occur before deciding whether or not to proceed with this median closure request:

- Undertake a local traffic network analysis to determine the area of impact and carry out consultation with residents within this catchment; and / or
- Carry out a median closure trial with considerations given towards ensuring all surrounding residents are properly informed of this before it's occurrence and then undertake consultation at the end of the proposed temporary arrangement.

Whilst it is acknowledged that the recommendation above does vary from the changes requested by the residents, the Administration wishes to re-iterate that the low risk from the traffic data does not support the need for infrastructure modifications. Officers have given considerations to the Mann Street road dimensions when making such a determination. Notwithstanding the officer's findings, Council is at liberty to introduce street changes to mitigate any residual risk.

The proposed signage and linemarking modifications (subject to Main Roads approval) would be sufficient at this stage.

ATTACHMENTS

- 10.1.5(a) Mann Street Concept Design Options 1A 1B 1C [under separate cover]
10.1.5(b) Redacted - Mann St submission - 15 October 2020 - Robert De la Motte [under separate cover]
10.1.5(c) Redacted - Mann Street Submission - Meeting Minutes - Onsite Meeting With Councillors and Residents 5 March 2021 [under separate cover]

CONSULTATION

Submission received from 10 property owners in October 2020.

An onsite meeting organised by local residents was held on Friday 5 March 2021 at 8am.

Related correspondence has been attached.

STATUTORY IMPLICATIONS

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

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.

RESOURCE IMPLICATIONS

A budget amendment would be required to accommodate the works this financial year should either of the options below be the preferred approach. Alternatively, Council can ask for this to be incorporated into the 2021/2022 budget.

1A – 4 Speed Cushions - \$30,000

1B – 2 Speed hump - \$40,000

1C – 2 Speed Cushions - \$17,000

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

THAT Council:

1. ACCEPTS the Option 1D as detailed in the officer's comment section of the report; and
2. NOTES that the findings within the traffic analysis does not warrant for any further alterations to Mann Street, particularly around the closure of the median on Grant Street, as requested by the residents in the attached correspondence, to limit the 'rat running' of traffic.

COUNCILLOR MOTION

Moved Cr Tucak

Seconded Cr Young

1. APPROVES Option 1D for either a stop or giveaway sign as set out in the Officers Comment section of the report together with a solid traffic lane separation line from Mann Street and Railway Street intersection towards William Street as shown in the Attachment Diagrams for Options 1A to 1C, noting this is subject to the approval of Main Roads Western Australia;
2. APPROVES by ABSOLUTE MAJORITY in conjunction with Point One, the inclusion of corner kerbing shown in Attachment Diagrams for Options 1A – 1C at the intersection of Railway St and Mann St and a budget amendment of \$7,000 from operating account number 50.9000.3 - Carpark Maintenance to a new capital works account for the work mentioned in this Point;
3. NOTES the new budget amount in Operating Account 50.9000.3 - Carpark Maintenance will reduce from \$89,082 upon the APPROVAL of Point Two;
4. Subject to the APPROVAL of Point One and/or Point Two, continues traffic monitoring of Mann St speeds, including if possible, separate monitoring of uphill (south-bound) speeds, to assess the impacts of measures under Points One or Two on speed and cornering issues on Mann St, and excludes readings of slower local traffic entering lanes or driveways to the extent possible (or separately identifies the range of south-bound speeds monitored); and
5. NOTES any further changes, other than those approved by Council at the April 2021 Ordinary Council Meeting to Mann St will only occur with prior community consultation (including speed pillows or speed humps in Mann St or any diversion of traffic) due to the potential for wider impacts on neighbouring streets and residents in the wider Claremont Hill area.

COUNCILLOR AMENDMENT

Moved Cr Sadler

Seconded Cr Young

Remove points 2 and 3 and replace with:

APPROVES in conjunction with Point One, the inclusion of kerbing shown in Attachment Diagrams 1A – 1C at the intersection at the intersection of Railway St and Mann St for the purposes of consideration in the Town of Cottesloe's Annual 2021/2022 Budget Process.

Lost 2/5

For: Crs Young and Sadler

Against: Crs Harben, Masarei, Harkins, Tucak and Barrett

OCM052/2021

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

Moved Cr Tucak

Seconded Cr Young

That Council:

1. **APPROVES** Option 1D for either a stop or giveaway sign as set out in the Officers Comment section of the report together with a solid traffic lane separation line from Mann Street and Railway Street intersection towards William Street as shown in the Attachment Diagrams for Options 1A to 1C, noting this is subject to the approval of Main Roads Western Australia;
2. **APPROVES** by **ABSOLUTE MAJORITY** in conjunction with Point One, the inclusion of corner kerbing shown in Attachment Diagrams for Options 1A – 1C at the intersection of Railway St and Mann St and a budget amendment of \$7,000 from operating account number 50.9000.3 - Carpark Maintenance to a new capital works account for the work mentioned in this Point;
3. **NOTES** the new budget amount in Operating Account 50.9000.3 - Carpark Maintenance will reduce from \$89,082 upon the **APPROVAL** of Point Two;
4. Subject to the **APPROVAL** of Point One and/or Point Two, continues traffic monitoring of Mann St speeds, including if possible, separate monitoring of uphill (south-bound) speeds, to assess the impacts of measures under Points One or Two on speed and cornering issues on Mann St, and excludes readings of slower local traffic entering lanes or driveways to the extent possible (or separately identifies the range of south-bound speeds monitored); and
5. **NOTES** any further changes, other than those approved by Council at the April 2021 Ordinary Council Meeting to Mann St will only occur with prior community consultation (including speed pillows or speed humps in Mann St or any diversion of traffic) due to the potential for wider impacts on neighbouring streets and residents in the wider Claremont Hill area.

Carried by Absolute Majority 6/1

For: Crs Young, Harben, Masarei, Harkins, Tucak and Barrett

Against: Cr Sadler

COUNCILLOR RATIONALE:

1. Mann St residents' primary concerns are traffic speeds and unsafe cornering in what is a narrow street section between Railway St and Grant St, despite being a Local Access Road.
2. The Mann St-Railway St corner also presents other safety issues such as the pedestrian crossing and north-bound vehicles protruding into Railway St when waiting to turn into it.
3. Point 1 & 2 address these speed and cornering issues and is consistent with outcomes of the 5 March 2021 community meeting as supported by Mann St residents, but recognises the strong community desire for wider community consultation prior to any further steps.

4. As these works are classed as capital, a budget amendment is required to proceed and Operating Account 50.9000.3 has not had any expenditure from it in the 10 months to date.
5. This approach represents an affordable solution to addressing an immediate safety issue at the Mann St-Railway St corner and appropriately balances the concerns of residents in surrounding streets by the requirement for consultation on any further steps considered.
6. Existing traffic monitoring may average out the slower speeds of vehicles downhill to stop at the Mann St-Railway St intersection, or of residents slowing to turn into the lane.

Cr Harben left the meeting at 7:10pm.

CORPORATE AND COMMUNITY SERVICES**10.1.1 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2020 TO 31 MARCH 2021**

Directorate: Corporate and Community Services
Author(s): Wayne Richards, Finance Manager
Authoriser(s): Shane Collie, Director Corporate and Community Services
File Reference: D21/15289
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 2020 to 31 March 2021.

BACKGROUND

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

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

OFFICER COMMENT

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

- The net current funding position as at 31 March 2021 was \$3,183,610 as compared to \$4,221,080 this time last year. The net current funding position is detailed on page 22 of the attached financial statements. One of the main factors affecting the year to date comparison is the increased accrued expenses.

- Rates receivables at 31 March 2021 stood at \$540,759 as compared to \$431,554 this time last year as shown on page 25 of the attached financial statements.
- Operating revenue is more than year to date budget by \$711,819 with a more detailed explanation of material variances provided on page 21 of the attached financial statements. Operating expenditure is \$17,918 more than year to date budget.
- The capital works program is shown in detail on pages 34 to 35 of the attached financial statements.
- The balance of cash backed reserves was \$9,122,289 as at 31 March 2021 as shown in note 7 on page 28 of the attached financial statements.

At the Agenda Forum of 20 April 2021 questions were asked regarding a reduction in grant funding. In the main this relates to the Anderson Pavilion Project as part of the overall Recreation Precinct as well as the Foreshore upgrade project. With grant funding not received in this financial year the proposed corresponding expenditure will also not occur.

An additional question was asked regarding greater than anticipated debentures and lease costs. This relates in the main to the timing of payments as opposed to any material overspend or additional commitments.

List of Accounts Paid for March 2021

The list of accounts paid during March 2021 is shown on pages 36 to 45 of the attached financial statements. The following significant payments are brought to Council's attention:

- \$25,559.69 & \$25,432.86 to SuperChoice Services Pty Ltd for staff superannuation contributions.
- \$96,767.83 & \$75,060.80 to Rico Enterprises Pty Ltd for waste collection and disposal services.
- \$30,447.07 to Aspect Studios Pty Ltd for drainage design services.
- \$519,104.78 to the Department of Fire and Emergency Services for an instalment of levies collected on their behalf.
- \$28,389.68 to PRW Contracting Pty Ltd for right of way resurfacing works.
- \$85,441.50 to Environmental Industries Pty Ltd for beach access construction works.
- \$34,863.70 to Surf Life Saving WA for lifeguard services.
- \$70,304.44 to Roads2000 Pty Ltd for road resurfacing works.

Investments and Loans

Cash and investments are shown in note 4 on page 23 of the attached financial statements. The Town has approximately 39% of funds invested with the National Australia Bank, 35% with the Commonwealth Bank of Australia and 26% with Westpac Banking Corporation. A balance of \$9,122,289 was held in reserve funds as at 31 March 2021.

Information on borrowings is shown in note 10 on page 31 of the attached financial statements. The Town had total principal outstanding of \$3,156,637 as at 31 March 2021.

Rates, Sundry Debtors and Other Receivables

Rates outstanding are shown on note 6 on page 25 and show a balance of \$540,759 outstanding as compared to \$431,554 this time last year.

Sundry debtors are shown on note 6 on page 25 of the attached financial statements. The sundry debtors report shows that 17% or \$19,080 is older than 90 days. Infringement debtors are shown on note 6 on page 27 and stood at \$524,169 as at 31 March 2021.

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

ATTACHMENTS

**10.1.1(a) Monthly Financial Statements for the period 1 July 2020 to 31 March 2021
[under separate cover]**

CONSULTATION

Senior staff.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OCM053/2021

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Young

Seconded Cr Sadler

THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2020 to 31 March 2021 as submitted to the 27 April 2021 meeting of Council

Carried 6/0

Cr Harben returned to the meeting at 7:12pm.

DEVELOPMENT AND REGULATORY SERVICES

10.1.2 LOT 64 (176) LITTLE MARINE PARADE - TWO-STOREY DWELLING

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "I know some of the residents in Little Marine Parade, Cottesloe."

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "I know the applicant."

This item has been withdrawn by the Applicant so that the Administration can consider amended plans prior to being resubmitted to Council.

10.1.3 COUNCIL SUBMISSION TO STATE DEVELOPMENT ASSESSMENT UNIT RE: REVISED DEVELOPMENT APPLICATION AT LOT 500 (STRATA LOTS 1-7), 120 MARINE PARADE COTTESLOE, FOR EIGHT (8) STOREY MIXED USE DEVELOPMENT

Directorate: Compliance and Regulatory Services
Author(s): Wayne Zimmermann, Manager of Planning
Authoriser(s): Freya Ayliffe, Director Development and Regulatory Services
File Reference: D21/15941
Applicant(s): Planning Solutions on Behalf of Gary Dempsey Development
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to consider a revised development application for Lot 500 (Strata Lots 1-7) Marine Parade, Cottesloe referred by the State Development Assessment Unit (SDAU) to the Town for comment. The revised development application proposes the demolition of a three (3) storey mixed use building and its replacement with an eight (8) storey mixed used building comprising of two levels of basement parking, a ground floor commercial tenancy (café/restaurant) and eight (8) levels of apartments (total 14 apartments - proposed unit 1 being a dual key apartment).

The Documents for the revised development application are contained in the following links:

[Revised Plans - DA Report.PDF](#)

[Revised Plans - Appendix 1 - Development Application Plans.PDF](#)

[Revised Plans - Appendix 2 - R-Codes Vol 2 Assessment.PDF](#)

[Revised Plans - Appendix 3 - Design Report.PDF](#)

[Revised Plans - Appendix 4 - Landscaping Plans.PDF](#)

[Revised Plans - Appendix 5 - Transport Impact Statement.PDF](#)

[Revised Plans - Appendix 6 - Access Management Strategy.PDF](#)

[Revised Plans - Appendix 7 - Waste Management Plan.PDF](#)

[Revised Plans - Appendix 8 - Sustainability Report.PDF](#)

[Revised Plans - Appendix 9 - Acoustic Report.PDF](#)

[Revised Plans - Appendix 10 - Heritage Impact Statement.PDF](#)

[Revised Plans - Appendix 11 - Economic Benefits Statement.PDF](#)

[Revised Plans - Construction Costs Cover Letter.PDF](#)

<https://consultation.dplh.wa.gov.au/reform-design-state-assessment/revised-apartments-commercial-cottesloe/>

The initial development application for a nine (9) storey mixed use development for Lot 500 (Strata Lots 1-7) Marine Parade, Cottesloe was considered by Council at its meeting on 23 February 2021 and Council resolved to object to the proposal for a number of reasons. The reasons of objection still apply to the revised development application.

OFFICER RECOMMENDATION IN BRIEF

That Council advise the Western Australian Planning Commission that it objects to the proposed eight (8) storey mixed use development for Lot 500 (Strata Lots 1-7) Marine Parade, Cottesloe for the reasons outlined in this report.

BACKGROUND

The initial development application for a nine (9) storey mixed use development for Lot 500 (Strata Lots 1-7) Marine Parade, Cottesloe was considered by Council at its meeting on 23 February 2021 and Council resolved to object to the proposal for a number of reasons. The report is attached and provides the background to the initial proposal. The revised development application is the outcome of consultations between the applicant, the State Design Review Panel and the Department of Planning, Lands and Heritage.

OFFICER COMMENT

The revisions to the development application are summarised as follows:

- A reduction of the height of the proposal from nine (9) storeys (with a roof terrace) to eight (8) storeys (with no roof terrace).
- A reduction in the number of apartments from 15 to 14 (proposed apartment 1 comprises 2 x one bedroom apartments (109m² & 60m² respectively) with ability to function as one apartment with a dual key access arrangement).
- The size and layout of the penthouse unit on the eighth storey has changed with relatively minor reductions in the living areas and balcony (reduced from 376m² to 359m²) and the two landscape planting areas increasing from 2m² to 33m² in area. Also the front setback to the master bedroom has increased so that it complies with the required four (4) metre setback although the front balcony adjoining the master bedroom remains the same and encroaches into the setback area.
- Deletion of the roof terrace, including 36m² of deep soil area for planting which is mostly replaced by proposed planting on the eighth storey of the revised development.
- The elevations are generally the same apart from the reduction in height, the removal of the roof terrace with planting and communal area and the increased setback to the master bedroom on the eighth storey.
- The site plan showing 477m² (88%) overshadowing of the adjoining lot to the south vs 489m² (90%) on the original site plan.
- A photovoltaic array of 25 solar panels provided on the roof area.

The following reasons of objection are raised to the revised development application that reverberate the reasons of objection by Council to the initial proposal:

- The amended proposal is an eight (8) storey (27.1 metres to top of roof structures including a photovoltaic array) development, whereas only five (5) storeys (maximum 21 metres) above natural ground level are allowed under the Town of Cottesloe Local Planning Scheme No.3 (LPS3).

- The subject land is zoned “Foreshore Centre Zone” in LPS3. The aims of the Scheme include providing opportunities for housing choice and variety in localities which have a strong sense of community identity and high levels of amenity. This is also reflected in the objectives of this zone which include providing the opportunity for a wide range of residential and community use and a limited range of commercial shopping, tourism, recreational and entertainment uses which are compatible with the character and amenity of the beachfront locality. The site is also located in a designated ‘Special Control Area 2’ in LPS3 and under Clause 6.4.3.1 (d) the development should provide a minimum of 25% of the total multiple dwellings proposed comprising a maximum plot ratio area of 70m² and 25% shall comprise a maximum plot ratio of greater than 70m² but not greater than 90m². The size and composition of multiple units in the proposed development does not satisfy this requirement.
- Under Clause 6.4.3.5(c) of LPS3 no vehicular ingress or egress to Marine Parade is permitted except in the case of the subject lot, where temporary access directly from Marine Parade may be approved, but only in the event that rear vehicular access is not at the time possible. Such temporary access must be immediately closed and the rear access implemented if rear access becomes available through the redevelopment of adjoining Lots 1 or 3, and in this regard, any redevelopment of Lots 1, 3 or 500 shall grant a four (4) metre wide rear cross-easement for vehicular access to each of the other lots, prior to the occupation of any such redevelopment. No alternative vehicle access plan has been provided to demonstrate how rear access can be achieved in future redevelopment of the adjoining lots.
- All development is to be setback a minimum four (4) metres from Marine Parade above a height of 12 metres. The balconies of the fourth to eighth storeys of the proposed development are located 2.06 metres from the front boundary and encroach into this setback area by 1.94 metres.
- The aims and objectives of LPS3 also recognise the importance of giving careful consideration to the maintenance and enhancement of important views to and from public places including ensuring that new development is compatible with the conservation significance and aesthetic value of heritage places and areas and the coastal landscape. The subject land is located in relatively close proximity to the Civic Centre which is on the State Heritage Register. The Town considers that the State Heritage Register statement of significance for the Civic Centre intrinsically contains a suite of interrelated values, which should not be reduced to assessment of a single value in any particular case. The whole context of the Civic Centre as elaborated in the statement of significance reflects its built form, function and presence in the urban landscape as pivotal to Cottesloe’s sense of place.

Therefore, an appreciation of the heritage impact of the proposal on views to and from the Civic Centre should be considered. This would recognise these collective values and would also be more sympathetic to the importance of preserving views to and from the Civic Centre as inherent to its values. The Conservation Plan for the Civic Centre supports this heritage approach and appreciation. Although the revised proposal reduces the impact on views it still has an adverse impact on views from the Civic Centre and the coastal foreshore to the west of the site.

- The proposed development does not satisfy sentiments previously expressed by the Cottesloe community that building height along the coastal foreshore east of Marine Parade should be restricted to a maximum five (5) storeys in this location. The Town of Cottesloe's Local Planning Strategy (LPS) that was endorsed by the Western Australian Planning Commission in January 2008 provides the basis for this height restriction. The LPS was prepared during the course of the Scheme review over several years and accompanied the Local Planning Scheme 3 Text.

During the preparation of the LPS an 'Enquiry by Design' process was undertaken through direction and support from the State Government at the time, including extensive consultation with the community to formulate agreed height limits along the coastal foreshore. In the Foreshore Centre Zone the local community expressed a strong preference for a three (3) storey maximum height limit, however delays in progressing the Local Planning Scheme 3 led to a compromise being reached with a maximum height of 21 metres (five (5) storeys) being adopted in the Local Planning Scheme 3.

This position has not changed and is strongly reverberated in the community response to the current proposal. Furthermore, though the Town is supportive of increased residential density, it is the Town's preference and the WAPC's policy that this increase in density occurs within the Transit Orientated Development Area (TOD) adjacent to and including the Cottesloe Town Centre, not Marine Parade.

- Although the proposed development includes a commercial tenancy on the ground floor to be used as a café/restaurant with an active interface with Marine Parade, the predominant use in the proposed development is private residential apartments. This is contrary to the objectives and future planning under the Local Planning Strategy for development of the beachfront precinct along Marine Parade for recreational activity and tourist purposes.
- The economic benefits statement submitted in support of the proposal indicates that the development cost is \$22.08 million and that it will provide 65 full-time equivalent direct and indirect jobs during the construction of the development (construction timeframe 18 months) and seven (7) ongoing jobs per annum based on likely employment in the proposed café/restaurant. The scale of the job creation for the project is considered marginal and rather insignificant in terms of meeting the criteria as a significant development that represents broad ranging benefits for the State. Apart from unsubstantiated claims that there is significant demand for the proposed apartments no other information has been provided to confirm that finance has been secured for the development and that the project is not relying on pre-sales.
- The Town of Cottesloe Council at its meeting on 23 March adopted the 100% Foreshore Redevelopment Design for the Foreshore Master Plan. The Master Plan will guide the enhancement and management of the foreshore in the future. Although the proposal will provide some activation along the Marine Parade frontage through a proposed alfresco dining forecourt and possible parklet (in the Marine Parade verge), the height of the building and vehicle access arrangements will have adverse impacts on the amenity of the area (through overshadowing, loss of views and privacy) and cause serious traffic, pedestrian and cyclist movement and safety issues.

- The revised proposal conflicts with, or is contrary to, various strategic planning documents (State & Local Government) and policies as outlined in the report to Council on 23 February 2021.

ATTACHMENTS

10.1.3(a) Attachment to Council - 10.1.2 Council Submission to State Development Assessment Unit - 120 Marine Parade [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 for Lot 500 (Strata Lots 1-7) Marine Parade, Cottesloe 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*. SDAU has advertised the revised development application on its website and the public submission period closes on 30 April 2021.

STATUTORY IMPLICATIONS

- *Planning and Development (Local Planning Schemes) Regulations 2015,*
- *Planning and Development Act 2005 - Part 17 Special provisions for COVID-19 pandemic relating to development applications;*
- *Local Planning Scheme No. 3;*
- *Residential Design Codes.*

POLICY IMPLICATIONS

The revised proposal conflicts with, or is contrary to, various strategic planning documents (State & Local Government) and policies as outlined in the report to Council on 23 February 2021.

STRATEGIC IMPLICATIONS

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

Priority Area 4: Managing Development

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OCM054/2021

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Young

Seconded Cr Tucak

1. **THAT Council advise the Western Australian Planning Commission that it objects to the proposed eight (8) storey mixed use development for Lot 500 (Strata Lots 1-7) Marine Parade, Cottesloe for the following reasons:**
 - a) **The proposed development is contrary to the State Planning Framework, including State Planning Policy No.2.6 - Coastal Planning Policy, of the Western Australian Planning Commission in respect to building height and overshadowing and the adverse impact on visual permeability of the foreshore from nearby residential areas and public spaces and the amenity of the locality;**
 - b) **The proposed development of eight (8) storeys (27.1 metres to top of roof structures, including a photovoltaic array) is contrary to the requirements of the Town of Cottesloe Local Planning Scheme No.3 (LPS3) as it exceeds the building height limit of a maximum of five (5) storeys (21 metres above natural ground level);**
 - c) **The proposed development application cannot be approved under LPS3 as there is no discretion under the Scheme to vary the maximum building height;**
 - d) **Lot 500 is zoned "Foreshore Centre zone" and is located in 'Special Control Area 2' (SCA2) in LPS3. The aims and objectives of the Scheme for the zone and SCA2 include providing opportunities for housing choice and variety and a limited range of commercial shopping. Clause 6.4.3.1(d) of the Scheme requires in SCA2 that development should provide a minimum of 25% of the total multiple dwellings proposed comprising a maximum plot ratio area of 70m² and 25% shall comprise a maximum plot ratio of greater than 70m² but not greater than 90m². The size and composition of the multiple dwellings in the proposed 14 apartment development does not satisfy this requirement as only a dual key apartment (comprising of 2 x one bedroom apartments of 109m² and 60m²) is provided;**
 - e) **Under clause 6.4.3.5(c) of LPS3 no vehicular ingress or egress to Marine Parade is permitted except in the case of Lot 500, where temporary access directly from Marine Parade may be approved, but only in the event that rear vehicular access is not at the time possible. Such temporary access must be immediately closed and the rear access implemented if rear access becomes available through the redevelopment of adjoining Lots 1 or 3, and in this regard, any redevelopment of Lots 1, 3 or 500 shall grant a four (4) metre wide rear cross-easement for vehicular access to each of the other lots, prior to the occupation of any such redevelopment. The proposed development application fails to provide for this easement.**
 - f) **Vehicle access to and from Marine Parade is proposed via a single vehicle width crossover and no alternative vehicle access plan or arrangement has been**

provided to demonstrate how rear access can be achieved in future redevelopment of the adjoining lots. Although the proponent acknowledges that access is to be provided from the rear of the site in the future and the rear of the ground floor is proposed to be constructed at grade with a four (4) metre height clearance to the first floor and no permanent structures in the rear setback area, portions of the first to third storeys of proposed development encroach into the area required for a cross-easement by 1.5 metres and the fourth to eighth storeys encroach by 0.5 metres.

This aspect of the design will restrict the height of vehicles that could use the required four (4) metre wide rear cross-easement for vehicular access to adjoining Lots 1 and 3. Furthermore, in providing for the cross-easement for vehicular access, the proposed six (6) car bays and eight (8) bike bays to the rear of the proposed development would have to be removed and replaced on the site and it is unclear as to how or if this can be achieved without adversely impacting on the development. In addition, the proposed deep soil zone across the rear of the property, including trees and other planting to soften the rear elevation, would need to be removed which would also impact on the design outcome.

- g) The proposed variation to the vehicle access requirements for Lot 500 is unacceptable and will result in a permanent access arrangement that is contrary to the provisions of LPS3 and the aims and objectives of the Cottesloe Foreshore Master Plan to remove and restrict vehicle access to Marine Parade for development along this portion of the foreshore and improve amenity of the locality including for pedestrians and cyclists. It also conflicts with the Town of Cottesloe Beach Policy that aims to reduce the width of Marine Parade by widening footpaths, building pedestrian refuges and reducing vehicle speed along Marine Parade.
- h) The proposed vehicular access arrangements for the development include a vehicle lift to provide access to the two (2) basement levels of car parking (27 car parking bays) plus six (6) ground floor parking bays. The car lift operation requirements, coupled with access to and from the site via a single driveway from Marine Parade, will cause traffic conflict and delay to vehicles using this section of Marine Parade and create an unsafe environment for pedestrians and cyclists.
- i) The proposed waste management arrangements for the development application are unacceptable as they are reliant on the waste collection vehicle reversing into the single driveway and loading the waste adjacent to the car lift. This will block any other vehicle access to and from the site while this is occurring. In addition both the Transport Impact Statement and the Access Strategy submitted in support of the application clearly indicate that the pathway for the movement of the waste vehicle to and from the site will cross the existing median strips adjacent to the site on Marine Parade and may cause serious delays to safe traffic movement on Marine Parade.
- j) Also the waste trucks that service the site are up to 10.5m long and 2.5m wide. To safely service the site a minimum space of 14 metres long by four (4) metres

wide is required so that there is room to manoeuvre the truck. The proposed access driveway width of 2.89 metres and waste collection area do not meet these requirements and therefore is unacceptable. Furthermore, no allowance has been made for the 6 x 660 litre waste bins to be transported through the car lift on collection days (40 minutes of usage in and out) and the pick-up area for these bins is inadequate as the 660 litre waste bins are 0.78 metres wide and the bin presentation area is only 0.5 metres wide.

- k) Under Schedule 15 of LPS3 all development above a height of 12 metres is to be setback a minimum four (4) metres from Marine Parade. The balconies of the fourth to ninth floors of the proposed development project into this setback area are located 2.06 metres from the front boundary. This will result in some increase in overshadowing of the public domain which is unacceptable.
- l) Under Schedule 15 of LPS3 all development above a height of 12 metres is to be setback a minimum of four (4) metres from the rear eastern boundary. The proposed development does not comply with this requirement as it proposes a rear setback of 3.5 metres from the first to eighth floors which will increase the overshadowing impacts on adjacent properties to the east.
- m) Lot 500 is located in relatively close proximity (approximately 180 metres to the west) of the Cottesloe Civic Centre which was made a Permanent Entry on the State Heritage Register in 1997. The height and bulk of the proposed development will adversely impact on important views to and from the Cottesloe Civic Centre. This conflicts with the objective of the Foreshore Centre zone under Clause 4.2.3(d) of LPS3 and the endorsed Conservation Plan for the Cottesloe Civic Centre.
- n) The proposed development has a nil setback to all floors along the southern boundary of the site. This conflicts with the building control diagram 3 for SCA2 in Schedule 15 of LPS3 which indicates that building volumes on Lots 1, 500 and 3 Marine Parade, above 12 metres, be terraced so that upper levels do not add to the shadow of the third storey according to the angle of the sun in winter at noon on 21 June (winter solstice). The height of the proposed development coupled with a nil setback on the southern boundary will therefore result in the building encroaching into the area of the winter solstice and cause increased overshadowing of adjoining and adjacent properties including parts of the beach foreshore which will adversely affect the amenity of the locality.
- o) Although the proposed use of the ground floor is of a commercial nature (cafe/restaurant) the seven (7) metre depth from the Marine Parade frontage does not comply with the required minimum depth of nine (9) metres under Clause 6.4.3.5 of LPS3.
- p) Under LPS3 a café use is not defined but vehicle parking requirements for a restaurant is one car space for every eight (8) persons accommodated. The proposed cafe/restaurant use of the commercial tenancy will have a capacity of approximately 40 persons based on an estimated seating area of 70m². The required car parking for this use is five (5) car bays, however the application proposes two (2) car bays and seeks approval to a parking credit for a parking shortfall of two (2) car bays based on an existing parking shortfall of five (5)

bays for the current shop use on Lot 500.

The Traffic Impact Statement provided in support of the application indicates that no visitor parking is provided on-site and that visitors to the café/restaurant are expected to use existing parking around the locality. As car parking in Car Park 1 opposite the site is to be substantially reduced under Council's endorsed Foreshore Master Plan, the merits of a parking credit need further justification including the consideration of any cash-in-lieu arrangement.

- q) The economic benefits statement submitted in support of the proposal indicates that the development cost is \$22.08 million and that it will provide 65 full-time equivalent direct and indirect jobs during construction of the development (construction timeframe 18 months) and seven (7) on-going jobs per annum based on likely employment in the proposed café/restaurant. The scale of the job creation for the project is considered marginal and rather insignificant in terms of meeting the criteria as a significant development that represents broad ranging benefits for the State. Apart from unsubstantiated claims that there is significant demand for the proposed apartments no other information has been provided to confirm that finance has been secured for the development and that the project is not relying on pre-sales.
- r) The proposed development does not satisfy sentiments previously expressed by the Cottesloe community that building height along the coastal foreshore east of Marine Parade should be restricted to a maximum five (5) storeys in this location. The Town of Cottesloe's Local Planning Strategy (LPS) that was endorsed by the Western Australian Planning Commission in January 2008 provides the basis for this height restriction. The LPS was prepared during the course of the Scheme review over several years and accompanied the Local Planning Scheme 3 Text.

During the preparation of the LPS an 'Enquiry by Design' process was undertaken through direction and support from the State Government at the time, including extensive consultation with the community to formulate agreed height limits along the coastal foreshore. In the Foreshore Centre Zone the local community expressed a strong preference for a three storey maximum height limit, however delays in progressing the Local Planning Scheme 3 led to a compromise being reached with a maximum height of 21 metres (five (5) storeys) being adopted in the Local Planning Scheme 3.

This position has not changed and is strongly reverberated in the community response to the current proposal. Furthermore, though the Town is supportive of increased residential density, it is the Town's preference and the WAPC's policy that this increase in density occurs within the Transit Orientated Development Area (TOD) adjacent to and including the Cottesloe Town Centre, not Marine Parade.

- s) The proposed development is inconsistent with the State Government's Strategic Planning Framework for the Perth and Peel regions as it:
- is located adjacent to the Cottesloe Beach foreshore which is not

identified as an 'activity centre' but as a 'Metropolitan attractor' and such development should be located in the Cottesloe Town Centre which is the designated activity centre under the Central Sub-Regional Framework;

- does not adequately provide housing choice and diversity requirements for this locality;
 - adversely impacts on the existing public infrastructure along the Cottesloe foreshore through overshadowing and vehicle access arrangements that will cause traffic conflict and an unsafe environment for pedestrians and cyclists;
 - adversely impacts on views to and from a State heritage listed site; and
 - detrimentally affects the amenity of the coastal foreshore by significant overshadowing of the Cottesloe foreshore and adversely impacts the overall visual permeability of the foreshore and ocean from nearby residential areas and public spaces.
- t) The proposed development is inconsistent with State Planning Policy 7.0 Design of the Built Environment as it fails to satisfy the 10 Design Principles that underpin the policy, including Context and character, Landscape quality, Built form and scale, Sustainability, Amenity and Community.
2. That this entire report, including attachments, be forwarded to the Western Australian Planning Commission

Carried 7/0

10.1.4 UNAUTHORISED STRUCTURES ON COUNCIL VERGES

Directorate: Compliance and Regulatory Services
Author(s): Freya Ayliffe, Director Development and Regulatory Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D21/15991
Applicant(s): Internal
Author Disclosure of Interest: Nil

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "I am a previously documented supporter of play equipment on street verges."

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "I know some people with verge structures."

Cr Harkins declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "I know a number of people with play equipment on the verge."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "I know residents with verge play equipment."

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "A number of the people are known to me."

SUMMARY

Council is being asked to adopt a new fee and amend its Residential Verges Policy related to the installation of play structures on Council verges.

OFFICER RECOMMENDATION IN BRIEF

It is recommended the Town continue to enforce its Residential Verges Policy, and adopt a fee to assist with administering the section of the Policy that relates to fixed structures.

BACKGROUND

Council is being asked to adopt a new fee related to the installation of play structures on Council verges. The fee will consist of a \$280 application fee and, in addition, a fee of \$1.00/m²/month. The latter fee is consistent with the fees stipulated in the *Local Government (Uniform Provisions) Regulations 1996*.

The Town's Residential Verges Policy states that such structures are not considered appropriate however, will be considered when an application for a permit is made.

There is currently no application fee in the Town's 'fees and charges'.

OFFICER COMMENT

Administration has sought advice from neighbouring Council's regarding how they approach such structures and if they are referenced in Council policies. The majority of other western suburbs council's do not permit fixed structures such as cubby houses and tree swings. However, the Town of Mosman Park has recently amended their Verge Treatment Policy

which predominantly focuses on permitted verge treatments being; planting and maintenance of lawns and gardens. The amendments include the addition of bunting, raised garden beds and cubby houses being considered.

The City of Subiaco also recently amended their street tree management guidelines to allow swings, ropes and ladders in sturdy, healthy tress so long as they don't damage the trees.

All fixed structures are considered on a merit basis and still bound by legal and insurance obligations.

The Town's Residential Verges Policy does *not permit fixed structures, including those attached to trees, for example cubby/tree houses/swings etc. unless an application is made to the Council and a permit is given, with applicable conditions.*

While it is recommended the Town request land owners to remove such structures or relocate them within their own property as and when the Town becomes aware of them, Council would like to see the play equipment remain subject to an application for a permit being submitted and approved by administration. As a minimum, the permit application and approval process should ensure that:

- a) The structure must comply with the relevant Australian Standards for public play equipment. Before any play equipment is approved the person requesting approval shall, at their own expense, have the structure inspected by an approved company/person to ensure it meets applicable Australian Standards for public play equipment. The structure will be required to be inspected annually; and
- b) The adjacent land owner, who places the equipment on council's verge, takes out and maintains an appropriate level of insurance cover for that structure.
- c) The Residential Verges Policy shall also be amended to reflect the above requirements. Alternatively, these requirements can be included on the application form.

As per Council request, the Administration is seeking advice from other local governments regarding their relevant local laws and polices and how these are implemented. Regrettably there has not been sufficient time to receive and collate this information.

ATTACHMENTS

10.1.4(a) Residential Verges Policy [under separate cover]

CONSULTATION

LGIS

Neighbouring Council's

Elected Members

Executive Leadership Group

STATUTORY IMPLICATIONS

Local Government (Uniform Provisions) Regulations 1996

Residential Verges Policy

POLICY IMPLICATIONS

Amendments to the Residential Verges Policy will be required to assist with the application of a permit for structures on Council verges.

STRATEGIC IMPLICATIONS

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

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

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

RESOURCE IMPLICATIONS

Additional resources may be required to assess the applications for permits for structures on Council verges.

Ongoing enforcement of the Policy will be carried out by Engineering, the Town's Compliance Officer and Rangers.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

To achieve compliance with Australian Standards, either sand or soft landing surfaces may be required to be installed under the structures. This will result in the removal of verges (grass) and may impact the tree planting program as structures may be in the space allocated for new trees.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

THAT Council;

1. Amend the Residential Verges Policy to include the following;
 - a) The structure must comply with the relevant Australian Standards for public play equipment. Before any play equipment is approved the person requesting approval shall, at their own expense, have the structure inspected by an approved company/person to ensure it meets applicable Australian Standards for public play equipment.
 - b) The structure will be required to be inspected annually (at the owners cost); and
 - c) The adjacent land owner, who places the equipment on council's verge, takes out and maintains an appropriate level of insurance cover for that structure.
2. ADOPT an annual application/permit fee of \$280 for the installation of structures on Council Verges, in conjunction with the fee stipulated in the *Local Government (Uniform Provisions) Regulations 1996*, being \$1.00/m²/month.

COUNCILLOR MOTION**Moved Cr Masarei****Seconded Cr Barrett**

THAT Council:

- 1) Defer this item until Council is able to consider recommendations from a Committee of Council with the purpose of developing recommendations on the use of council controlled verges for residential and recreational purposes;
- 2) ESTABLISHES a Committee and REQUESTS the CEO to develop Terms of Reference of said committee, to be presented to Council at the May'21 Ordinary Council Meeting;
 - a. In consultation with Crs Masarei, Barrett and Young, who are hereby appointed to the Committee.
 - b. Considering, but not limited to, the following:
 - i. the Committee being called "Task Force on Residential and Recreational Verge Uses".
 - ii. Risk Assessments of current uses of Town of Cottesloe verges;
 - iii. Current insurance options to mitigate risks associated with residential and recreational verge treatments;
 - iv. Membership or representation from WALGA and Local Government Insurance Services (LGIS);
 - v. Other risk mitigation strategies available to Local Governments;
 - vi. Current practices and policies of other Local Government in managing residential and recreational verge treatments;
 - vii. Previous documented concerns raised by Elected Members and residents;
 - viii. Potential policy and local law changes with regard to Residential and Recreational verge treatments;
 - ix. Future community consultation in relation to changes to permitted residential and recreational verge treatments;
 - x. Recommendations to be submitted to Council for consideration, no later than December'21.
- 3) Request the CEO and the Town's WALGA zone representatives to request WALGA develop an Sector Position on residential and recreational verge treatments to assist Local Governments and the lobby State Government on measures to reduce regulations, while mitigating risk and liability exposure in relation to verge treatments;
- 4) Request the CEO to develop an interim management process, to be presented at the May'21 Ordinary Meeting of Council to manage existing residential and recreational verge treatments, to enable possible continuation of safe and legal use of verges while the committee develops recommendations to Council.

COUNCILLOR AMENDMENT**Moved Cr Tucak****No Seconder, Lapsed**

ADD the following words at the end of Point 4:

'to identify improvements or changes that can be made to equipment or structures for safety purposes, using a collaborative approach (including 'cautions' or 'warnings' prior to a fine or penalty).'

OCM055/2021**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION****THAT Council:**

- 1) Defer this item until Council is able to consider recommendations from a Committee of Council with the purpose of developing recommendations on the use of council controlled verges for residential and recreational purposes;**
- 2) ESTABLISHES by ABSOLUTE MAJORITY a Committee and REQUESTS the CEO to develop terms of reference of said committee, to be presented to Council at the May'21 Ordinary Council Meeting;**
 - a. In consultation with Crs Masarei, Barrett and Young, who are hereby appointed to the Committee.**
 - b. Considering, but not limited to, the following:**
 - i. the Committee being called "Task Force on Residential and Recreational Verge Uses";**
 - ii. Risk Assessments of current uses of Town of Cottesloe verges;**
 - iii. Current insurance options to mitigate risks associated with residential and recreational verge treatments;**
 - iv. Membership or representation from WALGA and Local Government Insurance Services (LGIS) ;**
 - v. Other risk mitigation strategies available to Local Governments;**
 - vi. Current practices and policies of other Local Government in managing residential and recreational verge treatments;**
 - vii. Previous documented concerns raised by Elected Members and residents;**
 - viii. Potential policy and local law changes with regard to Residential and Recreational verge treatments;**
 - ix. Future community consultation in relation to changes to permitted residential and recreational verge treatments;**
 - x. Recommendations to be submitted to Council for consideration, no later than December'21.**
- 3) Request the CEO and the Town's WALGA zone representatives to request WALGA develop a Sector Position on residential and recreational verge treatments to assist**

Local Governments and the lobby State Government on measures to reduce regulations, while mitigating risk and liability exposure in relation to verge treatments;

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

Carried by Absolute Majority 7/0

COUNCILLOR RATIONALE:

1. Current TOC verge policy does not accommodate our community's recreational use and enjoyment of verges in the TOC and it does not support our Strategic Community Plan, particularly Priority Area 1 - Protect and Enhance the Wellbeing of Residents and Visitors.
2. The benefits of verge activity, play and socialisation have been widely recognised by State, Local Governments and residential and recreational verge users.

"Local governments are central to generating local spaces that create a sense of community." Local Government Minister John Carey, who was previously the City of Vincent mayor, said he wanted to "encourage all councils to look beyond just being a regulator, but actually being a facilitator to enabling local residents to do great stuff".
3. The community of Cottesloe has spoken of the benefits of verge activity and has called upon the TOC to permit the ongoing recreational use of verges.
4. There are legislative, legal and insurance risks raised with the residential and recreational verge usage.
5. TOC is establishing a formal Committee in accordance with the Local Government Act and it will be known as the "Task Force on Residential & Recreational Verge Use" in an effort to harmonise the desire to utilise verges for recreational use and at the same time manage the risks associated with the use of verges. A formal committee has been established to ensure strong governance (Terms of Reference) openness and transparency (meetings open to the public, agendas and minutes for all meetings).
6. Up until this juncture Council has received a significant amount of very good information and material in an ad hoc manner. The Task Force will bring together all of information and material in a coordinated manner to enable proper and informed decision making.
7. Membership of the Task Force will comprise three TOC Councillors and The CEO (or delegate) and the Director Development and Regulatory Services. Invitations will be sent to representatives from WALGA and Marsh Insurance Broker's Risk Management Division (who are contracted to Local Government Insurance Scheme via WALGA) to join the Task Force, together with other interested Local Governments.
8. The Terms of Reference of the Task Force will be focused on:

- Understanding the risks we are currently dealing with,
 - Understanding our current strategies/options to mitigate those risks (not eliminate the risks),
 - Examine and understand alternative risk management strategies to mitigate the risks available to the State Government, Local Government, WALGA, LGIS and private residential land occupiers. This may include exploring the London Underwriting Market (Lloyds of London) to examine alternative insurance market approach to the issue.
 - Work with the WA State Government, WALGA, LIGIA and residential verge users to implement a legislative, legal or policy position which encourages the harmonisation of the recreational use of verges and the risks associated with such use.
9. Report back to Council on a Monthly basis the progress of the Task Force including any high risk sights/areas that emerge through the Risk Assessment process that need to be addressed on an urgent basis.
10. Implement the recommendations/ findings of the Task Force to achieve harmonisation of the recreational use of verges and at the same time manage the risks associated with the recreational use of verges.

ENGINEERING SERVICES**10.1.6 BEACH ACCESS PATH RATIONALISATION**

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D21/15902
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

Further investigations have been undertaken in accordance with the February 2021 Ordinary Council Meeting Resolution. Council is asked to consider the officer's analysis to determine the treatment to beach access paths S11, N10, N11 and N12.

OFFICER RECOMMENDATION IN BRIEF

Council is asked to approve the closure of beach access paths S11 and N11, noting that the final decision for N11 will be brought back to the June 2021 Ordinary Council Meeting following targeted consultation with directly impacted stakeholders.

BACKGROUND

At the February 2021 Ordinary Meeting, Council resolved as follows:

DEFERS consideration of the proposed amalgamation of paths N10, N11, N12 and S11 pending a Councillor briefing workshop in April 2021, to give consideration of the following:

- a. Patterns of use and the requirements of different user groups as evidenced by the community feedback;*
 - b. The need for a variety of types of access paths including well-spaced, gentler (i.e. step-free) access to cater for differing levels of ability;*
 - c. For each path mentioned in this paragraph, the cost of removal and rehabilitation as compared with the cost of upgrade, noting that some paths are in good condition; and*
 - d. The current condition and maintenance requirements for each path mentioned in this paragraph (noting that some of the paths are in good condition);*
4. *REQUESTS the Administration to report, at the workshop, on the possibility of reinstating the ramp on the access stairs at the main beach.*

The investigations have been undertaken and findings summarised in the officer's comment section of the report.

OFFICER COMMENT

The matters detailed in points (a) to (d) of within the background section of the report as per the February 2021 Council Resolution has been summarised in the table below:

Path	Type	Current Condition Rating	Remaining Life (Years)	Maintenance Requirements	Patterns of Use	Requirements of User Groups	Cost of Closure	Cost of Upgrade	Upgrade Design
S10	Replas steps	1	20	nil	beach goers and water sports	meets requirements	NA	NA	NA
Distance Between Paths= 85 metres									
S11	Concrete Steps	5	1	nil	beach goers and water sports	wide stairs	\$10,000	\$130,000	Concrete steps with limestone block surrounds
Distance Between Paths= 70 metres									
S12	Replas steps	1	20	nil	beach goers and water sports	meets requirements	NA	NA	NA
Distance Between Paths= 70 metres									
N9	Concrete steps	2	15	Concrete Repairs	beach goers from the Vera View area	meets requirements	NA	NA	NA
Distance Between Paths= 70 metres									
N10	Sand Ladder Path	3	10	Requires frequent sand nourishment due to winds	Feedback from survey indicates that this path is heavily used predominantly by water sports participants and residents from Vera View	dog and all ability access	\$7,000	\$95,000	Concrete steps with limestone block surrounds
Distance Between Paths= 85 metres									
N11	Sand Ladder Path	2	15	Requires sand nourishment at beach level	Feedback indicates that the volumes are not as high in comparison to N10 and N12	dog and beach goers Concerns that this path leads to a rocky section of the beach	\$18,000	\$290,000	Boardwalk path
Distance Between Paths= 70 metres									
N12	Sand Ladder Path	2	15	Requires frequent sand nourishment due to winds	Predominantly residents from the North Street area comprising of beach goers and dog walkers. Most popular path amongst the northern paths under consideration.	dog and beach goers Feedback from survey indicates that this path is a suitable as all ability path	\$23,000	\$400,000	Option 1: Combination of concrete steps and boardwalk Option 2: Boardwalk only that may require either major earthworks and/or platform on supports
Distance Between Paths= 50 metres									
NE 35									CITY OF NEDLANDS

Rationalisation of N10 to N12

Feedback from the community generally indicates that the preference would be for N10 and N12 to remain open. N10 provides access for the Vera View area and N12 is a direct entry point in line with North Street for residents living in the most northern end of Cottesloe.

Survey participants have indicated that the step and undulating sand path terrain of NE35 comprising of steps located 50 metres to the north of North Street is not suited to users that have certain mobility limitations (elderly with weak knees). N12 being a gentler full length

sand path has been considered to be more user friendly in this regard. There is also reluctance towards reliance of access points located outside Cottesloe due to the risk of its closure by the City of Nedlands.

Comments also reflect to some extent support of N11 being closed as this leads to a not too popular rocky beach area compared to the two adjacent paths. Council is asked to note that there had been no indication in previous consultations for consideration to be given to the closure of N11.

Given the information above, the following are viable options that can be pursued:

- Option One: Closure of N11 with the widening of N10 (retention as a sand path) and upgrade N12 to a boardwalk.
- Option Two: Closure of N11, do nothing with N10 and upgrade N12 to a boardwalk.
- Option Three: Closure of N11 and do nothing with N10 and N12.
- Option Four: Do nothing.

Option one would be the preferred approach for the following reasons:

- This solution provides a platform type access at a highly used path to cater for the mobility needs identified by the community;
- Providing wider and possibly separated access for water sports participants at N10; and
- Achieves some form of rationalisation, increasing path separation to 155 metres.

Notwithstanding the advantages, Council is asked to note that this would come at a cost of over \$100,000 in comparison to the upgrade of N11 in conjunction with the closure of N10 and N12 as per the February 2021 Ordinary Council Meeting recommendation.

Should Council agree with the preferred solution, it would be best that directly impacted stakeholders within the surrounding residential area be consulted on this principal before finalising the proposed arrangement. This will be done through letters to residents and also advertising at N11 to allow others an opportunity to provide comment. Information on the preferred treatments to N10 and N12 will be provided within correspondence to residents.

Rationalisation of S11

Following the investigations requested by Council, it is recommended that S11 be closed for the following reasons:

- The path is due for replacement;
- The alternative paths of S10 and S12, recently upgraded are in close proximity;
- It would not be unreasonable for the current users to travel 70 to 85 metres to access these alternative access points;
- Given the terrain of S11, it would be difficult to avoid an upgrade to a set of stairs as the construction of a boardwalk type path would need to “zig zag” down the adjacent dunes, (approximate construction cost of \$650,000) that would also require vegetation to be removed; and

- Consideration being given to build a universal access compliant path at S7, 300 metres south of S11.

Council can amend the officer's recommendation but would need to consider the associated upgrade cost of \$130,000 that could potentially be invested in S7 instead if the intention is to provide a boardwalk type path within this vicinity.

Whilst sourcing an appropriate grant, should this be available to finance this path may be an option, there would still need to be consideration given to the long term maintenance cost of the infrastructure.

Reinstatement of Beach Access Ramp at Main Beach (North of Indiana Teahouse)

The cost of reinstating this infrastructure to compliant standards (30 metres in length) would cost in the order of \$20,000 to \$30,000. This is a requirement of the building code for any new infrastructure and the Town has the duty of care to comply with this standard to avoid any public liability risk.

Furthermore, the future Foreshore Redevelopment Project would make this access redundant. There would be more value for this to form part of the longer term works and encourage the use of either the newly built steps or the access ramp just south of the Indiana Teahouse until such time.

ATTACHMENTS

Nil

CONSULTATION

Residents and the wider community were previously consulted on the overall Beach Access Path Rationalisation Strategy.

Town of Cottesloe Staff

The Council

STATUTORY IMPLICATIONS

There are no perceived statutory implications.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 5: Providing sustainable infrastructure and community amenities

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

RESOURCE IMPLICATIONS

A budget item would need to be included in future financial years for the paths to be either closed or upgraded. It is anticipated that any upgrade will be done by contractors and closures undertaken by staff, volunteers and external resources.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council:

1. APPROVE the closure of path S11;
2. APPROVE in principle the closure of N11 subject to consultation with impacted stakeholders comprising of surrounding residents and other users of the path through the methods specified in the officer's comment section of the report ; and
3. NOTES an item will be brought to the June 2021 Ordinary Council Meeting upon the completion of Point Two.

OCM056/2021**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

Moved Cr Barrett

Seconded Cr Tucak

That Council:

DEFERS any decision on path S11 and N11 to allow Administration to prepare a report to Council on the detailed cost and other implications of retaining path S11 in its current form without significant structural changes and on the detailed cost and other implications of retaining path N11 until closer to the end of its useful life.

Carried 7/0

COUNCILLOR RATIONALE:

- S11 is a relatively gentle and level entry point to the beach and as such provides easy access for users for whom stairs may present a challenge. The stairs to the north and south of S11 involve stairs, with the nearest easy entry point in this vicinity being some distance away;
- N11 is in good condition with an estimated useful life of some 15 years. There may therefore be merit in retaining the path so that residents benefit from it over its useful life and that it be decommissioned at the end of that period. Before making a decision Council should be fully informed of the detailed on-going maintenance costs to retain the path.

10.1.7 PARKING STRATEGY

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D21/15903
Applicant(s): Internal
Author Disclosure of Interest: Nil

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "I live in the priority area effected by this strategy."

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "I live in Area 2. I share this interest with a significant number of other residents."

SUMMARY

Council is asked to consider adopting the attached Parking Strategy.

OFFICER RECOMMENDATION IN BRIEF

Council is asked to approve the Parking Strategy for consultation and at the same time implement the proposed parking precinct arrangement for Area Two (East Cottesloe)

Comments received will be considered and an item brought back to an Ordinary Council Meeting should there be the need to introduce any major strategies to the document.

Subject to the acceptance of the strategy, priority will be given to the implementation of the Parking Precinct proposed for Area Two (East Cottesloe).

BACKGROUND

Efficient transportation system is crucial for developed urban areas. Car parking is an integral part of transportation that ensures equitable access. This strategy has been developed in accordance with the priorities within the *Town of Cottesloe's Strategic Community Plan (2013 to 2023)* and *Corporate Business (2020 to 2024)*.

This Parking Strategy identifies sustainable solutions towards resolving the current and future parking challenges within the Cottesloe district. One of the immediate problems that requires urgent attention is related to parking demand generated from the growth in development, both during the construction and post-completion phases of projects. An example of such a case is 1 Airlie Street, Claremont building site that is expected to create over 270 vehicles that may park in the Cottesloe District due to the parking restrictions in the neighbouring Local Government. This Parking Strategy has solutions to deal with such scenarios in order to continue preserving amenity.

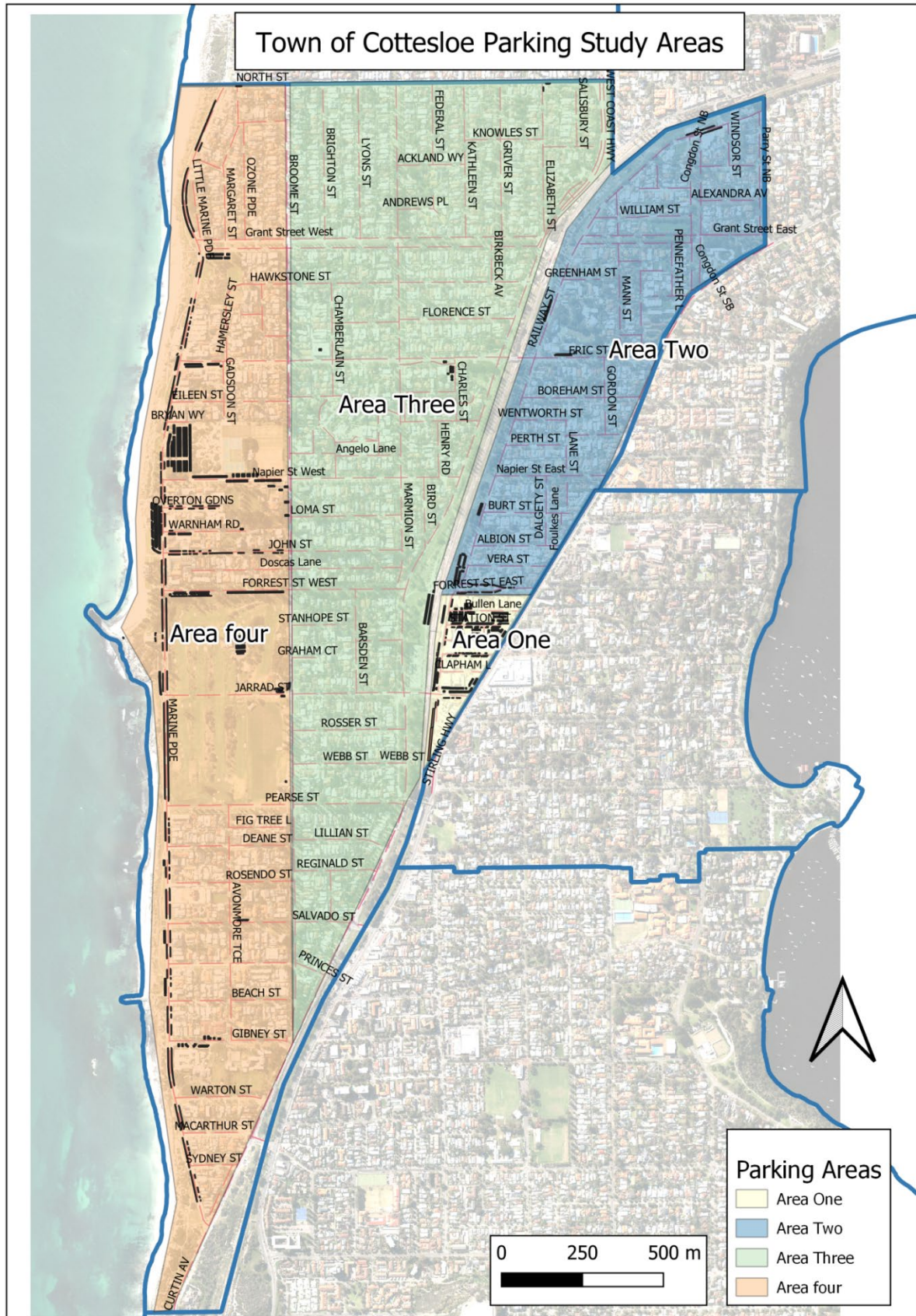
An action plan summarising the challenges, associated strategy and delivery time frames has been included as part of this document to ensure all issues are addressed in a timely fashion. This would also inform long term financial plans.

OFFICER COMMENT

The attached Parking Strategy has identified a range of short, medium and long term solutions to address various current and future parking matters caused by an increase in vehicle ownership within Cottesloe and an over reliance by visitors on low occupancy transport modes when travelling to the District.

Cottesloe was broken down into the four study areas and parking issues were determined based on customer complaints received together with Town staff knowledge and observation over the years. The attached Appendix A provides a summary of these problems and associated solutions that will be delivered over the next few years, as per the action plan within the attached Parking Strategy.

It is intended that this strategy is reviewed once every four years to ensure that any resulting outcome gets prioritised in the new Corporate Business Plan that is also being redeveloped during the same period. To ensure such a synchronisation, the first Parking Strategy release will be valid for a period of three years until 2024 with subsequent publications being done on the four year cycle. Council can determine a different timeframe should they wish to do so.



The normal practice is for Council to accept strategies of this nature for public consultation before its finalisation.

However, the recommendation on this particular occasion would be for the document to be accepted for consultation and at the same time implement Strategy One involving the roll out of a precinct type parking arrangement for Area Two for a 24 month trial. This comprises of the following actions:

- Information to residents to communicate the roll out process;
- Issue of residents and visitors parking permit;
- Construction of indented bays at selected sections on Railway Street; and
- Installation of two hour parking restriction signs that would be enforceable Monday to Saturday between 7am and 5pm.

Council is asked to note that any concerns received from the trial above will be addressed on an individual circumstances basis.

An item will then be brought to an Ordinary Meeting for Council to consider any amendments required upon the completion of the consultation for the entire strategy.

This approach has been proposed for the following reasons:

- This robust strategy has already taken into consideration the majority of the parking issues within Cottesloe and any unidentified issues can be readily incorporated into the framework for prioritisation.
- The implementation of the Precinct Parking proposed for Area Two (East Cottesloe) is to some extent unavoidable and urgent as this section of the district has been determined to be the most affected because:
 - Neighbouring Local Governments have recently imposed parking restrictions and this has attributed to streets particularly in the northern section of East Cottesloe being congested with parked vehicles.
 - Given the above point, trades staff and workers from a building site located at 1 Airlie Street, Claremont, in time to come, could possibly utilise this area for parking. The vehicle numbers generated from this site would be in excess of 270.
 - The situation in the above two points is further exacerbated by train station commuter parking to avoid the charges levied at the Cottesloe Train Station.
 - The deteriorating situation is creating safety and efficiency issues such as driveway access difficulties and manoeuvrability of waste collection trucks on collection days.
 - Lost opportunity type situations will be an ongoing problem for residents and businesses that genuinely require the parking should the implementation be delayed.
 - Residents and businesses will be kept well informed of the implementation process to ensure that any concerns are promptly addressed.
- The Strategy has made allowance for consultation with the Town Centre before making the proposed changes to the Brixton Street Public Transport Authority leased land. Advanced notification will be provided to the wider community currently using the land for parking as part of transitioning to any new arrangement.

Notwithstanding the above, Council can resolve to accept the strategy only after public consultation but would need to be conscious of the delays associated with the implementation of the Strategy, particularly for Area Two (East Cottesloe).

It would also be important to note that a new fee is proposed to be introduced in 2021/2022 to cover the cost of issuing the visitors and resident parking permits. This is consistent with practices of both neighbouring and other Local Governments within Western Australia. This will be applicable to both current and future parking arrangements that require either one of these permits.

ATTACHMENTS

10.1.7(a) Parking Strategy 2021 to 2024 [under separate cover]

10.1.7(b) Parking Strategy Matrix [under separate cover]

CONSULTATION

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

- Ranger and Compliance Services
- Projects and Assets Branch

The Council has provided feedback at the April Elected Members Workshop.

Council is asked to consider adopting the Parking Strategy for consultation and at the same time implement the precinct parking for Area Two. The document can then be updated accordingly and an item brought back to an Ordinary Council Meeting to finalise the Parking Strategy.

This approach would allow for the immediate implementation of solutions to address the parking problems that are expected to surface in the very near future.

STATUTORY IMPLICATIONS

The Parking Local Law would need to be reviewed with the adoption of this strategy.

POLICY IMPLICATIONS

The residential verge policy would need to be updated to reflect the Parking Strategy actions.

STRATEGIC IMPLICATIONS

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

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

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

It has also been identified as a priority with the *Corporate Business Plan (2020 to 2022)*:

Priority Area 2: Infrastructure that provides connectivity between east and west Cottesloe continues to identify an Integrated Transport Strategy and has incorporated the design for Carpark Two for completion within the next four years.

Priority Area 3: Enhancing Beach Access and the Foreshore has asked for the provision of universal access to Cottesloe beach, making the construction and upgrade of ACROD Bays over the next few years a critical action required to satisfy this area of importance.

Priority Area 5: Economic Sustainability that aims to provide affordable (long term environmental, financial) infrastructure and community amenities, identifies the continuous roll out of an electronic parking system being an activity of significance over the next few years.

RESOURCE IMPLICATIONS

The implementation of the Precinct Parking Strategy within the East Cottesloe Parking Area would require an additional full time staff resource to administer the compliance aspect of its implementation. This will be funded through fees and charges received from it's operations.

An item will be incorporated in the budget for subsequent financial years to deliver the action plan proposed within the Parking Strategy.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The construction of indented bays will reduce turfed areas along residential streets.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council:

1. APPROVES the attached Parking Strategy for public consultation;
2. NOTES that upon the completion of Point One, an item will be brought back to an Ordinary Council Meeting; and
3. NOTES that the Precinct Parking for Area Two will be introduced immediately as a trial for 12 months to resolve the deteriorating parking problems within that section of Cottesloe with an item to be brought back to an Ordinary Council Meeting for consideration upon the expiration of this mentioned period to determine the final arrangement for this area.
4. NOTES that the *Parking and Parking Facilities Local Law 2009* will be reviewed upon the final adoption of this strategy.

COUNCILLOR MOTION

Moved Cr Young

Seconded Cr Barrett

That Council:

1. APPROVES the attached Parking Strategy for community consultation, subject to the following amendments and the correction of minor errors and omissions:

(Note: references to page numbers are to the numbers as per the Agenda attachments.)

- i. (page 121)

Para 7: North Cottesloe Primary School kiss and Drop relocation.

Delete the words “The final design of the project...” and replace with “The progress of this project...”

- ii. Para 8: Event Parking management.

Delete the words “...are anticipated when...” and replace with “...are anticipated if...”.

- iii. (page 123)

Strategy Two: add the words “...in off-street parking facilities.” after “Strategy Two: Introduction of Paid Parking”.

- iv. Strategy Three Challenge: amend to read “Provide 150 temporary bays or equivalent to make up for any temporary reduction in foreshore parking due to the reduction of parking in carpark one.”

- v. Strategy Eleven: amend as follows: “introduction of residents and visitors permit application fee. No fees will be payable in respect of permits without prior approval of Council.

- vi. (Page 124)

Strategy Two: amend to read “introduction of paid parking in off-street parking facilities only”.

- vii. Strategy three success indicator: amend to read “no increased traffic congestion at...”.

- viii. Strategy Ten: delete “and provide for this demand”.

- ix. (Page 126)

Strategy Two: insert “...in off-street parking facilities.”

- x. STRATEGY THREE: amend to read “Provide 150 temporary bays or equivalent to make up for any temporary reduction in foreshore parking due to the reduction of parking in carpark one.”

- xi. Strategy Eleven: amend to read “...introduction of resident and visitor permit application fee. No fees will be payable in respect of permits without prior approval of Council.

2. REQUESTS that information to be referred to in consultation should include: the reason for the proposal; a summary of the relevant provisions of the Parking and Parking Facilities Local Law (P&PF local law) relating to parking permits and the impact on residents; and Council’s intention to review the P&PF local law and the time frame involved;

3. NOTES that a report on the outcome of the public consultation will be brought to an Ordinary Council Meeting;
4. REQUESTS the Administration to prepare a Report for Council (taking legal advice as appropriate) to be brought back to the May 2021 Ordinary Council meeting, making recommendations on:
 - i. Changes to the Town's Parking and Parking Facilities Local Law (P&PF local law) to introduce a flexible parking permit system for Area 2 (and such other Areas as appropriate) that meets residents' and the community's expectations, including consideration of fast tracking these changes;
 - ii. Pending review of the Town's P&PF Local Law, implementing an informal permit system to meet the expectations of residents in Area 2 and the needs of the North Cottesloe Primary School staff;
 - iii. Any other approaches that can be taken to minimise the disruption to residents in Area 2 resulting from parking restrictions in that Area.

COUNCILLOR AMENDMENT

Moved Cr Sadler

Strategy Template (page 126)

Strategy ten: adding the words "using permeable surfaces to enhance green space" after "parking in this area" and at the end of the sentence adding the words "and encourage staff to use public and active transport".

Following discussion Crs Young and Barrett (the mover and seconder of the motion) agreed to incorporate the above amendment into the substantive motion.

OCM057/2021

COUNCILLOR AMENDMENT

Moved Cr Sadler

Seconded Cr Harkins

REMOVE STRATEGY 6 "Roll-out of indented bays to allow parking at various locations where safety and access issues have been substantiated".

ALTER all subsequent numbering accordingly.

Lost 3/4

For: Crs Young, Sadler and Harkins

Against: Crs Harben, Masarei, Tucak and Barrett

COUNCILLOR AMENDMENT

Moved Cr Tucak

THAT Point 1 be amended as follows:

"subject to the following amendments:

- p106 Verge Parking: Road verge parking is available on verges within residential streets where local laws or the road traffic codes permit. However, adjacent property owner's

permission would be required before a driver is able to do so. There is also verge parking available in areas like Railway Street, Cottesloe Tennis Club (as shown).

- Strategy One: add in Action: “being up to 3 hours in the Foreshore Precinct” (x2)
- Strategy two: add the words “...in off-street parking facilities other than indented bays under Strategy One.” after “Strategy Two: Introduction of Paid Parking”. (x2)
- Strategy Six “Action” to also include: or opposite driveways on narrow streets (x2)
- Difficulty Exiting Driveways as a Result of Parking on Narrow Streets [page 122]

There have been a number of requests from residents within Area Two: East Cottesloe Precinct and some parts of Area Three (eg Salisbury St) for the Town to restrict parking along certain sections of narrow streets so as to improve driveway access. “

Following discussion Crs Young and Barrett (the mover and seconder of the substantive motion) agreed to incorporate the following points of the amendment into the substantive motion.

- **p106 Verge Parking:** Road verge parking is available on verges within residential streets where local laws or the road traffic codes permit. However, adjacent property owner’s permission would be required before a driver is able to do so. There is also verge parking available in areas like Railway Street, Cottesloe Tennis Club (as shown).
- **p122 Difficulty Exiting Driveways as a Result of Parking on Narrow Streets:** There have been a number of requests from residents within Area Two: East Cottesloe Precinct and some parts of Area Three (eg Salisbury St) for the Town to restrict parking along certain sections of narrow streets so as to improve driveway access. “
- Strategy Six “Action” to also include: or opposite driveways on narrow streets (x2)

OCM058/2021

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

That Council:

1. **APPROVES** the attached Parking Strategy for community consultation, subject to the following amendments and the correction of minor errors and omissions:

(Note: references to page numbers are to the numbers as per the Agenda attachments.)

- i. (page 121)

Para 7: North Cottesloe Primary School kiss and Drop relocation.

Delete the words “The final design of the project...” and replace with “The progress of this project...”

- ii. Para 8: Event Parking management.

Delete the words “...are anticipated when...” and replace with “...are anticipated if...”.

- iii. (page 123)

Strategy Two: add the words "...in off-street parking facilities." after "Strategy Two: Introduction of Paid Parking".

- iv. Strategy Three Challenge: amend to read "Provide 150 temporary bays or equivalent to make up for any temporary reduction in foreshore parking due to the reduction of parking in carpark one."
- v. Strategy Eleven: amend as follows: "introduction of residents and visitors permit application fee. No fees will be payable in respect of permits without prior approval of Council."
- vi. (Page 124)

Strategy Two: amend to read "introduction of paid parking in off-street parking facilities only".

- vii. Strategy Three Success Indicator: amend to read "no increased traffic congestion at...".
- viii. Strategy Ten: delete "and provide for this demand". Adding the words "using permeable surfaces to enhance green space" after "parking in this area" and at the end of the sentence adding the words "and encourage staff to use public and active transport".

- ix. (Page 126)

Strategy Two: insert "...in off-street parking facilities."

- x. Strategy Three: amend to read "Provide 150 temporary bays or equivalent to make up for any temporary reduction in foreshore parking due to the reduction of parking in carpark one."
- xi. Strategy Eleven: amend to read "...introduction of resident and visitor permit application fee. No fees will be payable in respect of permits without prior approval of Council."

- xii. (Page 106)

Verge Parking: Road verge parking is available on verges within residential streets where local laws or the road traffic codes permit. However, adjacent property owner's permission would be required before a driver is able to do so. There is also verge parking available in areas like Railway Street, Cottesloe Tennis Club (as shown).

- xiii. (Page 122)

Difficulty Exiting Driveways as a Result of Parking on Narrow Streets: There have been a number of requests from residents within Area Two: East Cottesloe Precinct and some parts of Area Three (eg Salisbury St) for the Town to restrict parking along certain sections of narrow streets so as to improve driveway access. "

- xiv. Strategy Six "Action" to also include: or opposite driveways on narrow streets (x2)

- 2. REQUESTS that information to be referred to in consultation should include: the reason for the proposal; a summary of the relevant provisions of the Parking and

Parking Facilities Local Law (P&PF local law) relating to parking permits and the impact on residents; and Council's intention to review the P&PF local law and the time frame involved;

3. **NOTES that a report on the outcome of the public consultation will be brought to an Ordinary Council Meeting;**
4. **REQUESTS the Administration to prepare a Report for Council (taking legal advice as appropriate) to be brought back to the May 2021 Ordinary Council meeting, making recommendations on:**
 - i. **Changes to the Town's Parking and Parking Facilities Local Law (P&PF local law) to introduce a flexible parking permit system for Area 2 (and such other Areas as appropriate) that meets residents' and the community's expectations, including consideration of fast tracking these changes;**
 - ii. **Pending review of the Town's P&PF Local Law, implementing an informal permit system to meet the expectations of residents in Area 2 and the needs of the North Cottesloe Primary School staff;**
 - iii. **Any other approaches that can be taken to minimise the disruption to residents in Area 2 resulting from parking restrictions in that Area.**

Carried 6/1

For: Crs Young, Harben, Masarei, Harkins, Tucak and Barrett

Against: Cr Sadler

COUNCILLOR RATIONALE:

The parking strategy addresses present and anticipated parking issues within the Town and is suitable for consultation. The proposed amendments are aimed at providing greater clarity and more accurately reflecting Council's intentions. One substantive change is to the fees for parking permits, with the suggested amendment providing that no fees will be charged for permits issued during trial period for the implementation of the Strategy.

Area 2 residents will be the most impacted by the strategy in the short term and it would not be acceptable to introduce the changes proposed in the strategy without informing residents and taking informed input from them;

The parking permit system set out in the P&PF local laws is appropriate for situations where current demand for parking from residents (and in areas with popular attractors, the parking from those attractors) exceeds available parking capacity. They are not appropriate where the intention is simply to discourage unwanted non-resident parking in areas where residents parking requirements can be easily met, which is the case in much of Area 2. Resident of Area 2 should not be greatly inconvenienced by restricting them from on-street parking unless that is unavoidable.

Much of the on-street parking in Area 2 is by residents and their visitors. The introduction of timed parking will result in the removal of many of these cars, which will likely result in other traffic issues such as traffic speeds increasing.

We should aim to fast track the change to the parking permit system in the local law to better deal with Area 2 parking issues. The anticipated time to change a local law means that an interim solution should be sought to achieve the desired objectives of the parking

strategy without causing unintended and unnecessary inconvenience to residents.

The proposed amendments are aimed at providing greater clarity and more accurately reflecting Council’s intentions.

EXECUTIVE SERVICES

10.1.8 CARPARK NO.1 PETITION

Directorate:	Executive Services
Author(s):	Matthew Scott, Chief Executive Officer
Authoriser(s):	Matthew Scott, Chief Executive Officer
File Reference:	D21/14725
Applicant(s):	Internal
Author Disclosure of Interest:	Nil

SUMMARY

For Council to consider a report on the petition received at the March Ordinary Council Meeting opposing the “decision to close of Car Park 1 and request it to urgently consider alternatives to retain 102 bays and ACROD Bays [at Carpark No.1]”.

OFFICER RECOMMENDATION IN BRIEF

That Council thank the principal petitioner for organising the petition; however advise that the Foreshore plans will not be amended as requested due to additional cost and time delays to the project, and loss of intended amenity for the precinct.

BACKGROUND

At the March Ordinary Council Meeting (OCM) Cr Tucak presented a petition of 160 Cottesloe Residents and 2,327 signatories in total (on review the Administration found 131 Cottesloe Residents, 2,355 signatories in total) with the following request:

“We, the undersigned, oppose the Town of Cottesloe Council’s decision to close Car Park 1 and request it to urgently consider alternatives and to retain 102 bays plus ACROD Bays.”

The Petition was organised by Mr John Hanrahan, 14 Irvine Street, Peppermint Grove, who has been deemed the Principal Petitioner.

The March Petition is similar to a petition presented by Cr Tucak at the February OCM, with signatories of 74 Cottesloe residents out of 586 total signatories. At the request of Council (resolution OCM016/2021), this Petition was considered by the Foreshore Precinct Advisory Committee, who recommended (amongst other matters):

Resolution 004/2021

THAT the Foreshore Precinct Advisory Committee recommends that Council:

- 3. NOTES the petition presented at the February 2021 Ordinary Meeting and APPROVES for the future use of Carpark One is to be in accordance with all endorsed plans developed to date;***

This recommendation was subsequently resolved by Council at the March OCM (Resolution OCM051/2021).

At the March OCM, Council resolved the following:

Resolution OCM040/2021 (Unconfirmed Minutes, 23 March 2021)

That the petition be accepted and referred to the CEO for consideration and report.

This report is for Council to consider the potential consequences of implementing the request contained within the petition.

OFFICER COMMENT

The Petition statement opposing the closure of Car Park No.1 and request for Council to consider retaining 102 bays plus ACROD bays is based on the following rationale:

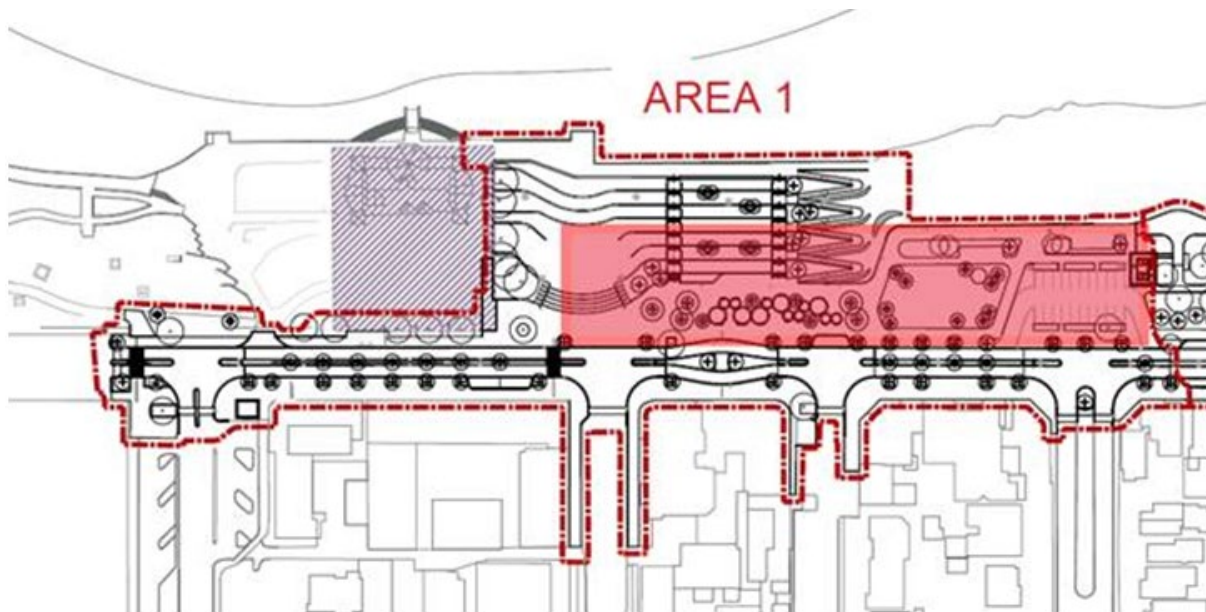
1. Car Park 1 provides easy safe, beach access for everyone from young families and the elderly or disabled throughout the year.
2. The alternative of Car Park 2 requires all beach users to cross busy Marine Parade, a long way, with no overpass or underpass.
3. Cottesloe Beach is iconic in Perth: SO IS THE CARPARK ACCESS.
4. An Alternative proposal is to resume only ONE row of parking adjacent to the beach, providing 8 metre wide walkway space and still retain 102 cars bays (and ACROD bays).
5. Planned lawn and paving is not a priority requirement, current lawn north of the playground is hardly used.
6. The decision to remove Car Park No.1 is based on feedback by 8% of residents, and not the many beach users outside of Cottesloe.

Though it would be relatively easy to challenge the above rationale, which seems to be based on personal opinion and/or a very narrow interpretation of the overall Foreshore Masterplan (the basis for the 100% detail design), Council should consider the consequences of implementing the request presented.

The current 100% detail design, accepted by Council at the March 2021 OCM, is based on the Cottesloe Foreshore Masterplan, adopted unanimously by Council at the December 2019 OCM. It has taken some 15 months (Dec 2019-Mar 2021) to progress from the Masterplan to 100% detail design, costing the Council some \$900,000 in Consultant Fees (Masterplan and Detail Design), plus a significant amount of Council, Council Committees and Officer time.

Below is a summary of advice received from Aspect Studios to amend the 100% detail design to achieve the request made within the petition (full detailed response attached):

- 1) Area required to incorporate 102 parking bays in the Foreshore Area



(Area in red required to achieve 102 car bays)

- 2) Current design elements compromised in achieving 102 car bays:
 - Fundamental change of Area 1 from a public recreational space to a car parking space.
 - Reduced public amenity.
 - Reduced capacity of spaces (cars vs. people).
 - Iconic views of and from Cottesloe Beach will be car dominated.
 - Loss of all plaza spaces and places for events.
 - Ability to provide an integrated universal access connection is hindered.
 - Loss of Limestone terrace redesign (retention is not recommended given currently in poor condition and issues with safety compliance).
 - Increased traffic on Marine Parade (conflict with idea of pedestrian focused street).
 - Less public realm space.
 - Increased pedestrian and car conflict areas.
 - Loss of heritage use (public recreation) as per Heritage Impact Statement.
 - Relocation of Toilet Block.
- 3) Design Stage to implement car park 1 change – Full Masterplan Review and complete redesign of Area 1.
- 4) Estimated cost - \$329,000, 20% reduction if some works can be carried over.

Given the comments from Aspect Studio, Council would not only forego a significant proportion of costs and time to date (\$900k + 15 months), but would need to provide an additional \$329,000 and potentially another 15 months to get back to the current 100%

detail design stage, while losing a significant amount of the proposed additional amenity for the precinct.

Likewise it is noted in the attached response from the Heritage Council of WA (HCWA) has found that the current design “will increase the overall amenity of the area, reduce the visual dominance of carparking and place an emphasis on enhancing the landscape, aesthetics and social interaction with the place” and has advised that “No substantial changes occur to the 85% Detail Design stage.” Given this position, it would be now difficult to receive support from HCWA in adding another 82 bays to achieve the petition request.

Given the significance of the proposed amendment, there is also a strong argument that this may be considered a significant variation to the original tender, and subsequent contract of the current design team, and may now require a new tender, given the estimated cost being over the tender threshold of \$250,000 and the original tender scope has now been effectively completed, potentially further increasing the redesign cost and/or timeframe.

It should be noted that to date all costs have been borne by the Town of Cottesloe (and its Ratepayers), and it is unlikely the Town would receive any external funding to further amend the plans. Likewise the community (including the Greater Perth Metropolitan Community) has had ample opportunity to raise concerns with the Council at the various phases of the design process (Masterplan, 50% design, 85% design & 100% detail design). All concerns and arguments raised to date seem to have been insufficient to convince the Council and/or the Foreshore Precinct Advisory Committee to modify the design of Car Park No.1 during the now completed and public design process.

Given the above cost and time implementations, loss of amenity and that the majority of petitioners are not Cottesloe residents (therefore bearing no cost to achieve their request), it is difficult for the Administration to recommend Council support the request within the petition. This being said the option remains open for Council to support the petition by resolving the design be revised, as requested.

ATTACHMENTS

- 10.1.8(a) Correspondence - Aspect Studios - Response to Query - Design Consultancy Cost Estimate and Design Impact - Redesign of Carpark One [under separate cover]**
- 10.1.8(b) Heritage Impact Statement 85% Detail Design [under separate cover]**
- 10.1.8(c) Response from Heritage Council on 85% Detail Design [under separate cover]**

CONSULTATION

Petition Received 23 March 2021

Petition Received 23 February 2021

Aspect Studios

STATUTORY IMPLICATIONS***Local Government (Functions and General) Regulations 1996****11. When tenders have to be publicly invited*

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.*

21A Varying a contract for the supply of goods or services

If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless —

- (a) *the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or*
- (b) *the variation is a renewal or extension of the term of the contract as described in regulation 11(2)(j).*

Local Government (Meetings Procedure) Local Law 2021*6.11 Petitions**(1) A petition is to -*

- (a) *be addressed to the mayor;*
- (b) *be made by electors of the district;*
- (c) *state the request on each page of the petition;*
- (d) *contain the name, address and signature of each elector making the request, and the date each elector signed;*
- (e) *contain a summary of the reasons for the request;*
- (f) *be respectful and temperate in its language; and*
- (g) *state the name of the person to whom, and an address at which, notice to the petitioners can be given.*

(2) A member presenting a petition to a council meeting shall be limited to a statement of the parties from whom it comes, of the number of the signatures attached to it, the material issues contained in it, and to the reading of the petition statement.

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

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

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 5: Providing sustainable infrastructure and community amenities

Major Strategy 5.3: Implement the Town Centre Public Domain Infrastructure Improvement Plan.

RESOURCE IMPLICATIONS

As reported in the Officers comment, revising the Foreshore 100% detail design would require Council to forego a significant amount of costs and time in achieving the current design, and require additional funds of up to \$329,000 plus time to have the revised plans reach 100% detail design stage.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OCM059/2021

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Harkins

Seconded Cr Masarei

THAT Council:

- 1. THANKS Mr John Hanrahan (Principal Petitioner) for organising the petition received on 23 March 2021;**
- 2. ADVISES the Principal Petitioner that the Town of Cottesloe will not be amending the current 100% detail design of the Cottesloe Foreshore Precinct, with regard to the requested changes to Car Park No.1, for the following reasons:**
 - a. Additional Cost and Time to achieve the requested outcome; and**
 - b. Loss of intended additional amenity identified in the Council adopted Cottesloe Foreshore Precinct Masterplan.**

Carried 6/1

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

Against: Cr Tucak

10.1.9 MODEL STANDARDS FOR CEO RECRUITMENT, PERFORMANCE REVIEW AND TERMINATION

Directorate: Executive Services
Author(s): Matthew Scott, Chief Executive Officer
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D21/15103
Applicant(s): Internal
Author Disclosure of Interest: Financial - Standard could impact on CEO Employment

Mr Scott declared a FINANCIAL INTEREST in item 10.1.9 by virtue "These standards will potentially impact on the conditions of my employment."

Mr Scott left the meeting at 8:37pm.

SUMMARY

For Council to consider adopting the Model Standards for Chief Executive Officer (CEO) Recruitment, Performance Review and Termination (with a minor amendment) as required under the *Local Government (Administration) Amendment Regulations 2021* (CEO Standards Regulations).

OFFICER RECOMMENDATION IN BRIEF

Council adopt the attached Standards for Chief Executive Officer (CEO) Recruitment, Performance Review and Termination.

BACKGROUND

The following regulations took effect on 3 February 2021, implementing the remaining parts of the Local Government Legislation Amendment Act 2019:

- *Local Government (Administration) Amendment Regulations 2021;*
- *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021;* and
- *Local Government (Model Code of Conduct) Regulations 2021.*

Key features of the regulations relating to recruitment, selection, and performance review and early termination of the local government CEO includes the requirements to:

- establish a selection panel comprised of council members and at least one independent person to conduct the recruitment and selection process for the position of CEO;
- establish a performance review process by agreement between the local government and the CEO; and
- conduct a recruitment and selection process where an incumbent CEO has held the position for a period of ten or more consecutive years on expiry of the CEO's contract.

In addition, requirements for advertising vacant CEO positions have been updated to align with amendments to state-wide public notice provisions.

Local governments will be required to prepare and adopt the Model Standards within three months of these regulations coming into effect (by 3 May 2021). Until such time as a local government adopts the Model Standards (with or without minor permitted variations), the regulations apply.

OFFICER COMMENT

The Department of Local Government, Sport and Cultural Industries (DLGSC) has produced Guidelines on the Standards (attached).

If the local government doesn't adopt the model standards, they are taken to be the Town's Standards. There is a requirement to adopt a set of Standards by 3 May 2021.

The Chief Executive Officer is of the opinion that they are satisfactory to be adopted with the minor change to require the CEO selection Panel to be a Committee of Council (Clause 8(4)), so all members, including the independent person is covered under the new Elected Members, Committee Members and Candidates Code of Conduct. The Council is at liberty to make further adjustments to the Standards, as long as they are not inconsistent with the default standards in the regulations.

The current Chief Executive Officer's contract doesn't expire until 27 July 2025 and subject to both parties being agreeable, a further 5 year contract could be entered into, before the Council is legally bound to advertise the position in accordance with the adopted Standards.

In the opinion of the author, the current process for review of the current Chief Executive Officer's performance is consistent with the model requirements. Likewise, in the opinion of the author, the proposed process for early termination of a Chief Executive Officer's contract of employment appears fair and reasonable.

ATTACHMENTS

- 10.1.9(a) CEO Standards and Guidelines [under separate cover]**
- 10.1.9(b) Standards for CEO Recruitment, Performance and Termination [under separate cover]**

CONSULTATION

WALGA

STATUTORY IMPLICATIONS

Local Government Act 1995

5.39B Adoption of model standards

- (1) *In this section —***
 - model standards means the model standards prescribed under section 5.39A(1).***
- (2) *Within 3 months after the day on which regulations prescribing the model standards come into operation, a local government must prepare and adopt* standards to be observed by the local government that incorporate the model standards.***

**** Absolute majority required.***

(3) *Within 3 months after the day on which regulations amending the model standards come into operation, the local government must amend* the adopted standards to incorporate the amendments made to the model standards.*

** Absolute majority required.*

(4) *A local government may include in the adopted standards provisions that are in addition to the model standards, but any additional provisions are of no effect to the extent that they are inconsistent with the model standards.*

(5) *The model standards are taken to be a local government's adopted standards until the local government adopts standards under this section.*

(6) *The CEO must publish an up-to-date version of the adopted standards on the local government's official website.*

(7) *Regulations may provide for —*

(a) the monitoring of compliance with adopted standards; and

(b) the way in which contraventions of adopted standards are to be dealt with.

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

Absolute Majority

Mr Scott returned to the meeting at 8:38pm.

OCM060/2021

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Young

Seconded Cr Sadler

THAT Council by absolute majority ADOPTS the attached Standards for Chief Executive Officer Recruitment, Performance Review and Termination

Carried by Absolute Majority 7/0

10.1.10 ELECTED MEMBERS, COMMITTEE MEMBERS AND CANDIDATES CODE OF CONDUCT

Directorate: Executive Services
Author(s): Matthew Scott, Chief Executive Officer
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D21/15130
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider adopting a Council Member, Committee Member and Candidate Code of Conduct and a procedure for handling complaints for alleged breaches.

OFFICER RECOMMENDATION IN BRIEF

That Council adopt the attached Council Member, Committee Member and Candidate Code of Conduct.

BACKGROUND

The following regulations took effect on 3 February 2021, implementing the remaining parts of the Local Government Legislation Amendment Act 2019:

- *Local Government (Administration) Amendment Regulations 2021;*
- *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021;*
- *Local Government (Model Code of Conduct) Regulations 2021.*

In regard to the *Local Government (Model Code of Conduct) Regulations 2021*, Local Governments are required to adopt a Code of Conduct for Council Members, Committee Members and Candidates within three (3) months of the Regulations taking effect.

Council received a briefing on Model Code of Conduct in March and the attached modified Code of Conduct is based on the discussion from that briefing, expanding the clause 8, Personal Integrity to include publishing information that accurately reflects Council policies, procedures and resolutions and not allowing adverse reflection on resolutions unless subject to revocation or change (clauses 8(2)(c) & (d)). All proposed changes to the Model Code of Conduct have been highlighted in red.

Under the Local Government (Model Code of Conduct) Regulations 2021, Council must deal with breaches associated with Division 3, being:

- Personal Integrity (Clause 8);
- Relationship with Others (Clause 9); and
- Council and Committee Meetings (Clause 10)

Breaches of Division 4 – Rules of Conduct are still dealt with by the Local Government Standards Panel.

Unfortunately the regulations do not provide a process to deal with Division 3 complaints, and each individual Council is required to develop a process in this regard. Currently no framework to develop a procedure for dealing with complaints has been published by either the Department of Local Government, Sport and Cultural Industries (DLGSC) or the Western Australian Local Government Association (WALGA), at the time of writing this report.

This being said, it is understood any procedure to deal with code of conduct disputes will need to be transparent and accountable, and have due regard to natural justice and procedural fairness.

On the 21 April 2021, WALGA released their Policy Development Framework relating to Code of Conduct Behaviour Complaints Management Policy (Attached). Regrettably there has been insufficient time to review this framework to develop and recommend a process for managing code of conduct complaints for Council to consider and possibly adopt; a similar position for most Local Governments. This being said, developing and adopting a policy should be a priority. It should be stressed that the Complaints Officer has not received any code of conduct complaints at the time of writing this report.

OFFICER COMMENT

The attached Code of Conduct has not been significantly modified, except as mentioned in the background to this report. Likewise, as discussed previously, a procedure or policy will need to be developed to manage disputes under the new Code of Conduct. This will occur once a development framework has been issued by the relevant agency(s).

It is recommended that the Administration review the recently released Policy Development Framework (discussed in the background) with the aim to presenting a draft Policy for Council consideration on managing code of conduct behaviour complaints.

ATTACHMENTS

- 10.1.10(a) Model Code of Conduct Guidelines [under separate cover]**
- 10.1.10(b) Draft Members Code of Conduct [under separate cover]**
- 10.1.10(c) WALGA Policy Development Framework Code of Conduct Behaviour Complaints Management Policy [under separate cover]**

CONSULTATION

Department of Local Government, Sport and Cultural Industries (DLGSC)

Western Australian Local Government Association (WALGA)

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 5.104 Adoption of model code of conduct

- (1) Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt* a code of conduct to be observed by council members, committee members and candidates that incorporates the model code.*

** Absolute majority required.*

- (2) *Within 3 months after the day on which regulations amending the model code come into operation, the local government must amend* the adopted code of conduct to incorporate the amendments made to the model code.*

** Absolute majority required.*

- (3) *A local government may include in the adopted code of conduct requirements in addition to the requirements referred to in section 5.103(2)(b), but any additional requirements —*
- (a) can only be expressed to apply to council members or committee members; and*
 - (b) are of no effect to the extent that they are inconsistent with the model code.*
- (4) *A local government cannot include in the adopted code of conduct provisions in addition to the principles referred to in section 5.103(2)(a) or the rules of conduct.*
- (5) *The model code is taken to be a local government's adopted code of conduct until the local government adopts a code of conduct.*
- (6) *An alleged breach of a local government's adopted code of conduct by a candidate cannot be dealt with under this Division or the adopted code of conduct unless the candidate has been elected as a council member.*
- (7) *The CEO must publish an up-to-date version of a local government's adopted code of conduct on the local government's official website.*

Local Government (Model Code of Conduct) Regulations 2021.

POLICY IMPLICATIONS

Given the Council Members, Committee Members and Candidate Code of Conduct is now separated from the Town's Code of Conduct, reference of Elected Members, Committee Members and Candidates will be removed from the Town's Code of Conduct, which now only applies to Staff, Volunteers and Contractors.

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

Until a procedure/policy is developed on managing disputes relating to the Code of Conduct, it is difficult to speculate on the resource implications at this stage.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

THAT Council:

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

COUNCILLOR MOTION

Moved Cr Tucak

No Seconder, lapsed

THAT Council:

1. By absolute majority, ADOPTS the Elected Member, Committee Members and Candidates Code of Conduct, as attached, subject to the addition to clause 8.2(d):
“is fair comment, or it is in the public interest” (at the end of that clause).
2. REQUESTS the CEO to prepare a draft policy based on the WALGA “Policy Development Framework relating to Code of Conduct Behaviour Complaints Management Policy” for formal consideration of Council within two (2) months.

OCM061/2021**SUBSTANTIVE MOTION AND COUNCILLOR RESOLUTION**

THAT Council:

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

Carried by Absolute Majority 6/1

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

Against: Cr Tucak

10.1.11 CONSERVATION MANAGEMENT PLAN - INDIANA TEAHOUSE

Directorate: Executive Services
Author(s): Matthew Scott, Chief Executive Officer
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D21/16037
Applicant(s): Fiveight
Author Disclosure of Interest: Nil

Cr Harben declared an IMPARTIALITY INTEREST in item 10.1.11 by virtue "I used to work for the Heritage Council of WA and I know the consultant firm in a professional sense."

SUMMARY

For Council to consider the Attached Conservation Management Plan (CMP) for Indiana's Teahouse.

OFFICER RECOMMENDATION IN BRIEF

That Council endorse the attached Conservation Management Plan for Indiana's Teahouse.

BACKGROUND

The current interim heritage registration of the Cottesloe Beach Precinct is being reviewed by the Heritage Council of WA (HCWA), with the aim of converting it to a permanent listing (Item 10.1.1, November'20 Ordinary Council Meeting). The permanent listing consideration includes increasing the statement of significance of Indiana's from:

"While the Indiana Tea House represents the continuation of a historic use, the present building has little significance." (25 June 2019).

To:

"The Indiana Teahouse is an iconic landmark in the precinct that is well recognised by the local and wider community as well as international tourists, and is most recent manifestation of the distinctive tradition of built form in this location on the beachfront". (September 2020).

The change of significance is understood to be based on the social value Indiana provides the community (local, intrastate, Interstate and international), which is a cultural heritage significance factor under the new Heritage Act 2018 S38(1)(e).

Though this increases the significance of Indiana's within the precinct, it does not necessarily bar or prohibit any potential future development of Indiana's. If this new statement of significance is approved by the HCWA, any future development proposal for Indiana's will need to be considered by HCWA within this new perspective prior to the Western Australian Planning Commission (WAPC) approving any future development application.

In order to provide guidance on how any future development will take into consideration this new heritage aspect, Fiveight, a subsidiary of Tattarang, representing the lessee has been working with staff from the Town of Cottesloe (lessor) to develop a Conservation Management Plan for Indiana's.

A Conservation Management Plan (CMP) is the principal guiding document for the conservation and management of a heritage place. The main objective of the CMP is to ensure that decisions about a place are carried out with regard to its cultural heritage significance. Additional information on CMP's can be found at: <https://www.dplh.wa.gov.au/getmedia/4826138d-a744-4ef9-9b85-1d3c71fa2efc/HER-Guide-to-Conservation-Management-Plans>, from the Department of Planning Lands and Heritage (DPLH).

Over the last few months both the lessee and lessor have been developing a CMP for Indiana's (attached). The plan will not only provide guidance on the future conservation and management of the heritage aspects of Indiana's, but will also provide some broad design guidance that the lessee can utilise in future development proposals. Regardless of the potential change associated with permanent registration, developing the CMP is considered an important exercise to assist the lessee and lessor in this regard. The CMP has developed to a stage where a presentation was made to the HCWA outlining specific zones and elements of significance of Indiana's and the options available for development, on 9 April 2021. Subsequent to the presentation, attended by both lessee and lessor representatives, the lessee's heritage consultant (Element) received a positive response from the HCWA (attached) with regards to the major elements of the CMP.

Given this response from the HCWA, Council is requested to consider endorsing the attached CMP.

OFFICER COMMENT

Since the Council decision in November'20 to support the permanent registration of the Cottesloe Beach Precinct, there has been considerable stakeholder discussion on the impacts of the potential change of status of Indiana's, and how they best could be managed. Though the permanent listing does not require a CMP to be developed, it has been agreed between the Town Administration, Fiveight and HCWA that a CMP is the best instrument to reduce any uncertainty on the development potential of Indiana's given the likely permanent listing occurring.

The attached CMP has been developed along DPLH guidelines and by a heritage expert engaged by the Lessee (Element) and contains a number of policies to address the following:

- Retain and reveal significance
- Consider compatible use
- Guide future development
- Recognise and meet statutory requirements
- Understand the current constraints and opportunities

The CMP has been developed based on identifying zones or elements of significance within the site inclusive of:

Elements of Considerable Significance:

- Promenade and retaining wall
- Existing Norfolk Pines

Elements of Some Significance:

- All external fabric of Indiana Teahouse's western elevation and western portion of south and north elevations
- Vehicle access driveway on Eastern side
- Roof shape and form
- Memorial obelisk (former fountain)
- Plaques and memorials

Elements of little Significance

- All external fabric of Indiana Teahouse's eastern elevation and eastern portion of south and north elevations
- All interiors
- Remnants of the 1983 building
- Plantings, trellised pergolas, timber structure and animal sculptures in the eastern forecourt
- Canary Island date palm and She-oaks
- Cottlesloe SLSC boatshed
- Beach access curved stairs from promenade

These have been identified based on expert advice, historic investigation and analysis, identified significant views and vistas, and assessment against HCWA identified and statutory cultural heritage values. The CMP contains specific policies on the conservation and management of the various elements of significance.

With regards to development options, these are discussed in the "Guide future development" section, which provides the following options:

1. Retaining existing building, including additions/new development;
2. Partially retaining the existing building; and
3. Full demolition of the existing building, and replacement with a contemporary building of equal landmark value.

Policies 18-34 provide guidance on how the current heritage values will be managed under each of these options. It should be stressed that there has been no decision or discussion on implementing any of the above options by either the lessee or lessor.

The methodology on how the CMP deals with these significant issues has received positive support from the HCWA, and the aim of the remaining policies are designed to enhance these objectives, provide further detail and meet DPLH requirements. The CMP is proposed to remain a public document and will require regular review, either every 10 years or when any major development is proposed. The CMP will also provide the general public the ability to provide informed comment to any future proposal that will need to be considered by the HCWA.

Given the CMP has been developed using expert advice, direct input from the Town Administration and has already received tentative support from HCWA, the officers recommendation is for Council to endorse the CMP, which will then allow the lessee to progress decisions on possible upgrading or redevelopment of the site.

ATTACHMENTS

10.1.11(a) Conservation Management Plan - Indiana Teahouse [under separate cover]

CONSULTATION

Heritage Council of WA (HCWA)

Fiveight

Element

STATUTORY IMPLICATIONS

Heritage Act 2018

Section 38 Factors relevant to cultural heritage significance

(1) *In determining whether a place has cultural heritage significance the Council must have regard to the following —*

- (e) *any strong or special meaning it may have for any group or community because of social, cultural or spiritual associations;*

POLICY IMPLICATIONS

Town of Cottesloe Beach Policy

STRATEGIC IMPLICATIONS

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

Priority Area 4: Managing Development

Major Strategy 4.1: Implement/apply planning incentives for heritage properties.

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 ENDORSES the attached Conversation Management Plan (CMP) for Indiana's Teahouse.

OCM062/2021

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr Young

THAT COUNCIL

1. **ENDORSES** the attached Conservation Management Plan (CMP) for the Indiana Teahouse;
2. **REQUESTS** the CEO to continue to work with Fiveight (a subsidiary of Tatterang) in the development of Design Principles, that incorporate the heritage values outlined in the CMP, for future consideration of Council to ensure future redevelopment opportunities align with current community expectations;
3. **CONSIDERS** the development of a Conservation Management Plan (by suitably qualified conservation expert) for the area South of Indian to Mudurup Rocks, in the 2021-2022 Annual Budget deliberations.
4. **REQUESTS** the administration to notify FIVEIGHT of Council's intention to arrange preparation of a conservation management plan for the area south of Indiana Teahouse to Mudurup Rocks.

Carried 6/1**For: Crs Young, Harben, Sadler, Masarei, Harkins and Barrett****Against: Cr Tucak****COUNCILLOR RATIONALE:**

1. A conservation management plan for Indiana Teahouse is welcomed as it provides a recognised framework and constraints for the Indiana Teahouse site while enabling upgrade.
2. To ensure that the CEO continues to work closely with Fiveight to develop Design Principles that incorporate heritage values will ensure alignment with stakeholders and prevent delays. This is particularly important in terms of footprint, heights, uses and external features.
3. The features south of Indiana Teahouse and Mudurup Rocks are of historical significance with the Mudurup Rocks being listed as an indigenous site of importance. Completing a conservation management plan for this area complements the CMP to ensure appropriate consideration is given to these areas in the long term planning for the Foreshore.
4. Drawing the two Conservation Management Plans together will ensure that any upgrade aligns with the Town's and community's expectations and avoids delays.
5. As the Foreshore consultation has shown, it is possible to have meaningful community consultation that builds support and consensus and provides a way forward.

10.1.12 QUARTERLY INFORMATION BULLETIN

Directorate: Executive Services
Author(s): Matthew Scott, Chief Executive Officer
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D21/16154
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

- 10.1.12(a) CRM Statistics Qtr to 31 03 21 [under separate cover]**
- 10.1.12(b) Capital Works Report to 31 March 2021 [under separate cover]**
- 10.1.12(c) Development and Regulatory Statistics Quarterly Report March 2021 [under separate cover]**
- 10.1.12(d) Corporate Business Plan Update [under separate cover]**
- 10.1.12(e) Outstanding Resolutions [under separate cover]**
- 10.1.12(f) Major Projects Funding Actions [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

OCM063/2021

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Young

Seconded Cr Sadler

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

Carried 7/0

10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES

10.2.1 RECEIPT OF AUDIT COMMITTEE MINUTES

**Attachments: 10.2.1(a) Unconfirmed Minutes - Audit Committee - 23 March 2021
[under separate cover]**

OCM064/2021

Moved Cr Sadler

Seconded Cr Masarei

THAT Council NOTES the attached Unconfirmed Minutes of the Audit Committee Meeting held on 23 March 2021.

Carried 7/0

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

The following motion has been proposed by Cr Sadler.

COUNCILLOR MOTION**Moved Cr Sadler****Seconded Cr Barrett**

THAT Council:

1. REQUEST that the Administration investigate the feasibility of additional ACROD bays on Marine Parade in close proximity to the entrance of the universal access path south of Indiana Teahouse;
2. REQUEST that the Administration investigate the feasibility of additional ACROD bays at the most Western end of Forrest Street in close proximity to Indiana Teahouse; and
3. NOTES that the Administration is currently progressing additional ACROD bays with ocean views South of the Cottesloe Surf Lifesaving Club in addition to the 20 ACROD bays within the Foreshore Precinct.

COUNCILLOR AMENDMENT**Moved Cr Tucak****No Seconder, Lapsed**

Include after the words 'That Council' 'due to approved plans with no ACROD BAYS in the 20 bays retained at current Car Park 1 and only one in its vicinity on the ocean side of Marine Parade:'

OCM065/2021**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

THAT Council:

1. REQUESTS that the Administration investigate the feasibility of additional ACROD bays on Marine Parade in close proximity to the entrance of the universal access path south of Indiana Teahouse;
2. REQUESTS that the Administration investigate the feasibility of additional ACROD bays at the most Western end of Forrest Street in close proximity to Indiana Teahouse; and
3. NOTES that the Administration is currently progressing additional ACROD bays with ocean views South of the Cottesloe Surf Lifesaving Club in addition to the 20 ACROD bays within the Foreshore Precinct.

Carried 6/1**For: Crs Young, Harben, Sadler, Masarei, Harkins and Barrett****Against: Cr Tucak**

COUNCILLOR RATIONALE

The Aspect Foreshore Masterplan is confined to a geographic area that does not include the area immediately South of Marine Parade and Forrest Streets. These areas are ideally situated to maximise access to the Cottesloe Main Beach and Indiana Teahouse for those with disability.

Creating additional bays in this area is consistent with the brief for the Foreshore Masterplan and the Town's Disability Access and Inclusion Plan.

The Town of Cottesloe is currently working to progress additional ACROD bays with ocean views and it is important that the community is aware that this is being made a priority.

The adoption of the Foreshore Masterplan has laid out the form of the foreshore to create a safe and accessible people-friendly environment for people of all ages and abilities. The Town and Council now has enormous flexibility to re-imagine the function of bays in close proximity to the foreshore to ensure access to the prime location according to ability.

The Town of Cottesloe is currently reviewing its parking strategy. This makes it an ideal time for this to be considered alongside other parking considerations.

OFFICER COMMENT

Nil

11.2 COUNCILLOR MOTION - REQUEST FOR REPORT REGARDING RIDE-SHARE ARRANGEMENTS ON THE FORESHORE

The following motion has been proposed by Cr Sadler.

OCM066/2021

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr Barrett

THAT Council:

- 1. REQUESTS that the administration brings a report to an elected member workshop regarding recommendations for ride-share arrangements in the Foreshore Precinct by October 2021;**
- 2. REQUESTS that the administration uses priorities of the Foreshore Masterplan design brief as background to the report, including the desire to create a safe, low speed pedestrian friendly environment;**
- 3. REQUESTS that the report address ride-share challenges faced by other coastal suburbs in Perth and possible solutions used in other locations;**
- 4. REQUESTS that the option of designated ride-share pick-up locations be investigated with information regarding how this works in practice;**
- 5. REQUESTS that information is sought from ride-share operators and the management of the Ocean Beach and Cottesloe Beach Hotels as part of the report;**
- 6. NOTES that this report may be used as the basis for the Town developing a ride-share policy for the Foreshore Precinct or be integrated into the Town's Parking Strategy.**

Carried 7/0

COUNCILLOR RATIONALE

1. Ride-share use is part of the transport landscape.
2. The Town is aiming to encourage visitors to come to the beach by means other than private vehicle.
3. As ride-share use increases it could potentially contribute to congestion on the foreshore.
4. Unregulated drop-off and pick-up of passengers may create safety issues and increase congestion issues on the foreshore.
5. Addressing these issues prior to the redevelopment of the foreshore is possible and will facilitate the transition to a low-speed pedestrian-prioritised environment.
6. Being proactive regarding ride-share arrangements on the foreshore has the potential to remove a significant amount of traffic from Marine Parade, if designated ride-share locations are created on side-streets such as Forrest, John and Eric.

7. Being proactive regarding ride-share will enhance the Town's reputation as a destination and may support local businesses.
8. The Town is currently developing its parking strategy. Developing a well thought out ride-share plan will complement other aspects of the parking strategy and can be incorporated into it, if appropriate.

OFFICER COMMENT

Nil.

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

12.1 ELECTED MEMBERS

12.2 OFFICERS

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

14 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 9:01pm.