

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING

AGENDA

**ORDINARY COUNCIL MEETING
TO BE HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6:00 PM Tuesday, 27 August 2024**

Town of Cottesloe

ORDINARY COUNCIL MEETING

Notice is hereby given that the next Ordinary Council Meeting will be held in the Council Chambers, Cottesloe Civic Centre 109 Broome Street, Cottesloe on **27 August 2024** commencing at **6:00 PM**.

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

Yours faithfully,

A handwritten signature in dark ink, appearing to be 'William Matthew Scott', with a long, sweeping horizontal stroke extending to the right.

William Matthew Scott
Chief Executive Officer

23 August 2024

DISCLAIMER

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

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

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

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

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

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

All formal Council Meetings will be audio/visual recording and livestreaming and will be publicly available via the Town of Cottesloe's website or social media platform.

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



Town of Cottesloe

DISCLOSURE OF INTERESTS

Agenda Forum ☐

Ordinary Council Meeting ☐

Special Council Meeting ☐

Name of Person Declaring an interest

Position

Date of Meeting

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

INTEREST DISCLOSED

Item No

Item Title

Nature of Interest

Type of Interest

Financial ☐

Proximity ☐

Impartiality ☐

INTEREST DISCLOSED

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Financial ☐

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Impartiality ☐

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Nature of Interest

Type of Interest

Financial ☐

Proximity ☐

Impartiality ☐

DECLARATION

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

DISCLOSURE OF INTERESTS

Notes for Your Guidance

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

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

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

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

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

INTERESTS AFFECTING FINANCIAL INTEREST

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

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

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

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

INTERESTS AFFECTING IMPARTIALITY

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

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

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

IMPACT OF AN IMPARTIALITY DISCLOSURE

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

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

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

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

2 DISCLAIMER

The Presiding Member directed the public's attention to the Disclaimer and the paragraph that advises that formal meetings of Council will be audio/visually recorded.

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

Nil

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

Mayor Lorraine Young
Cr Melissa Harkins
Cr Chilla Bulbeck
Cr Brad Wylynko
Cr Michael Thomas
Cr Katy Mason
Cr Sonja Heath

Declaration of any Elected Members attending the meeting by electronic means.

Officers

Mr William Matthew Scott	Chief Executive Officer
Mr Shaun Kan	Director Engineering Services
Mr Steve Cleaver	Director Development and Regulatory Services
Ms Sandra Watson	A/Director Corporate and Community Services
Ms Jacquelyne Pilkington	Governance & Executive Office Coordinator
Ms Larissa Stavrianos	Executive Office Trainee

6.1 APOLOGIES**6.2 APPROVED LEAVE OF ABSENCE**

Cr Helen Sadler
Cr Jeffrey Irvine

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

That the Minutes of the Ordinary Meeting of Council held on Tuesday 23 July 2024 be confirmed as a true and accurate record.

That the Minutes of the Special Meeting of Council held on Friday 2 August 2024 be confirmed as a true and accurate record.

9 PRESENTATIONS**9.1 PETITIONS**

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

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

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

9.2 PRESENTATIONS**9.3 DEPUTATIONS**

10 REPORTS

10.1 REPORTS OF OFFICERS

COUNCIL RESOLUTION

That Council adopts the following en-bloc Officer Recommendations contained in the Agenda for the Ordinary Meeting of Council 27 August 2024:

____, ____, ____, ____, ____, ____, ____

CORPORATE AND COMMUNITY SERVICES**10.1.1 DISABILITY ACCESS AND INCLUSION PLAN 2024-2029**

Directorate: Corporate and Community Services
Author(s): Sandra Watson, Manager Community and Customer Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D24/29149
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

Council is being asked to consider and endorse the draft Disability Access and Inclusion Plan (DAIP) 2024-2029 for the purposes of submitting the finalised Plan to the Department of Communities, as is required by legislation.

OFFICER RECOMMENDATION IN BRIEF

That Council APPROVES the Disability Access and Inclusion Plan 2024-2029 for submission to the Department of Communities.

BACKGROUND

Government agencies are required to have a Disability and Access Inclusion Plan (DAIP) under the Western Australian Disability Services Act 1993 and these plans are typically five (5) year documents. This Act is administered by the Department of Communities, who also monitor progress and report to Parliament annually as part of the State Disability Strategy 2020-2030.

A DAIP is required to address six (6) outcome areas and these are as follows:

- People with disability have the same opportunities as other people to access the services of, and any event organised, by the agency;
- People with disability have the same opportunities as other people to access the buildings and other facilities owned by the agency;
- People with disability receive information from the agency in a format that will enable them to access the information as readily as other people are able to access it;
- People with disability receive the same level and quality of service from the agency as other people receive;
- People with disability have the same opportunities as others to make complaints and participate in public consultation conducted by the agency; and
- People with disability have the same opportunities as other people to obtain and maintain employment with the agency.

The Town's previous DAIP (2018-2023) has now expired and the new DAIP has been developed as a result and will be in place for five (5) years from 2024 – 2029.

OFFICER COMMENT

The Town engaged an external consultant (E-Qual Disability Consultants) to assist with the process of developing the new DAIP. This process commenced late 2023 and consisted of community and stakeholder consultation including Town staff, service providers, the Town's Universal Access and Inclusion Reference Group (UAIRG) and other stakeholders.

Due to staff turnover there was a delay in finalising the DAIP following the consultation process, however with the employment of a new staff, this process has now concluded and the draft DAIP has been finalised. As the current DAIP expired in 2023, the Town needs to submit a new DAIP as soon as possible to the Department of Communities to meet the requirements of the Act.

ATTACHMENTS

10.1.1(a) Draft DAIP 2024-2029 [under separate cover]

CONSULTATION

The engaged consultant managed the consultation process for the new DAIP, which consisted of a survey and focus group meetings that occurred in October and November 2023. The survey was made available in the Town's 'Engage Cottesloe' hub on the website. Community members and interested stakeholders were invited to complete the survey and 45 were submitted. In addition, targeted focus group sessions were held with invited participants, plus general consultation occurred with Town staff, service providers, the UAIRG, and the general public.

Key themes that emerged from the consultation that form the basis of the new DAIP were:

- Continue to provide accessible events and advocate for more accessibility from external event organisers;
- Collaboration and co-design – draw on the expertise of people with lived experience, service providers and professionals;
- Safe and equitable access for all/universal access – consider universal access in planning and design;
- Develop the skills and knowledge of Town staff and Elected Members so they can better support access and inclusion; and
- Provide easier ways for community members to communicate with the Town and access information.

STATUTORY IMPLICATIONS

Disability Services Act 1993

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 1: Our Community - Connected, engaged and accessible.

Major Strategy 1.1: Supporting an active, healthy and inclusive community culture, our residents enjoy access to a range of social, cultural and recreation activities.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council APPROVES the Disability Access and Inclusion Plan 2024-2029 ([as Attached](#)) for submission to the Department of Communities.

10.1.2 ANDERSON PAVILION THIRD PARTY USE - LICENCE AGREEMENT

Directorate: Corporate and Community Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D24/30623
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider amending the Cottesloe Junior Football Club (Magpies) Licence Agreement (Agreement) to allow them:

- Access to their assigned storage area only outside the football season; and
- Use of the Anderson Pavilion Monday to Thursday 6pm to 9pm subject to the Cottesloe Roosters agreeing as this extension is within the Cottesloe Amateur Football Club (Roosters) agreed use period.

OFFICER RECOMMENDATION IN BRIEF

That Council:

- Only APPROVES the amendments to the Agreement mentioned in the summary section;
- DOES NOT ACCEPT all other requests; and
- REQUIRES the Magpies to execute their Agreement no later than 6 September 2024.

BACKGROUND

At the May 2024 Ordinary Council Meeting (OCM), Council resolved as follows after considering the Licence Agreements (Agreements) for the Cottesloe Junior Football Club (Magpies) and the Cottesloe Amateur Football Club (Roosters):

OCM064/2024

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Mason Seconded Cr Heath

THAT Council

- 1. AUTHORISE the Mayor and Chief Executive Officer (CEO) to sign the attached Licence Agreement and affix the Town's Common Seal (if required);**
- 2. APPROVES the attached revised POL/111 (Civic Centre Hall and Anderson Pavilion Hire Policy) that incorporates the Anderson Pavilion;**
- 3. INSTRUCTS the CEO to:**
 - a. Include the hire fees for the Anderson Pavilion for Council's consideration as part of the 2024/2025 budget; and**

b. Not commence public hire for the Anderson Pavilion until points 2(a) and 2(b) are completed.

Carried by En Bloc Resolution 6/0

The Administration has since been liaising with the Magpies and Roosters to execute the agreements.

[The Agreement with the Roosters has been executed](#) (no changes) with the following agreed use period during the football season (February to September):

- Monday to Thursday 6pm to 9pm; and
- Saturday 7am to 9:30pm.

The Magpies are reluctant to enter into the Agreement because they feel the Council endorsed document did not sufficiently capture what was required by them. The Magpies agreed use period during the football seasons (February to September) are as follows:

- Monday to Thursday 3pm to 6pm; and
- Sunday 7am to 7pm.

Attachment A is correspondence with the Magpies. This is further discussed within the Officer Comment Section.

OFFICER COMMENT

On 27 March 2024, the Magpies provided the following feedback on the draft Agreement:

- **Schedule Item 10.2 Ovals and Playing Field;**
 - (a) February to September;
 - (b) Monday to Thursday 3pm - 6pm;
 - (c) Sundays 7am - 6pm;
 - (d) These times are also to also include use of Harvey Field Rugby Oval only when not in use by the Rugby Club;
 - (e) Given the Magpies have grown their teams and now have female teams they need the AFL oval on these days and expect to take priority over the Rugby Club for the AFL oval use;
- **The then Schedule Item 10.4 (b) pertaining to electricity charges;**
 - (a) Their view is that a 3 way split (Council, Magpies and Roosters) for the field lighting would be unjust. The weekly estimated usage by them is around 30 minutes to an hour at the maximum and the field lights are predominantly used by Rugby and Roosters so on this basis they should not have to share this cost;
 - (b) They appear to understand that there will some payment needed for the basic level running (fridges etc.) for the Anderson Pavilion electricity;
 - (c) They have indicated that the clubroom facility lights will be rarely used by them at night and most of their power will be during the day on Sunday when the canteen and clubrooms are open for use on game day;

(d) They have asked for consideration to be given to their \$10,000 furniture contribution for them to be exempted from paying electricity costs for the first license period and then review using actual usage;

(e) They suggested the incorporation of solar panels to minimise power charges.

They did not appear to have any concerns with the other provisions and the Licence Agreement (Attachment B) was then drafted following consultation with Elected Members.

Following the May 2024 OCM:

- The attached Agreement was sent to the Magpies on 5 June 2024;
- On 20 June 2024 the Magpies raised a number of queries (summarised below):
 - (a) Concern that their feedback (received 27 March 2024) was not incorporated into the Agreement;
 - (b) Required additional access to the Pavilion Monday to Thursday evenings;
 - (c) Cleaning cost sharing;
 - (d) Protection of kitchen items and perishables from other hirers;
 - (e) Cleanliness of the building on Sunday morning if the Pavilion was hired out on a Saturday night; and
 - (f) Disagrees with Council hiring out the premises during the football season.
- On 24 June 2024, the Administration provided the following responses to their queries:
 - (a) Re-iterated that the Agreement contained their feedback provided on 27 March 2024 and the matters raised in their 20 June 2024 email (summarised above) did not form part of earlier feedback (27 March 2024);
 - (b) As the Agreement had already been endorsed by Council then, any changes would need to return to an OCM for re-endorsement;
 - (c) Re-iterated the Administration's position that each party shall be responsible for their own cleaning arrangements and reassured the Magpies that when the facility is leased to others, those users will need to ensure that the building is left in a clean and tidy condition before the bond is returned;
- On 23 July 2024, following the school holidays, the Magpies response only addressed the Pavilion use hours:

"In relation to my comment on the Agreed hours - you can see comment on 10.2 in the email to Shane on 24th March, the hours are clearly referred to as "Oval" use hours, not pavilion use hours. This was in relation to our use of the oval for training purposes.

As mentioned previously we do not want to have to apply for approval each time we need to use the clubrooms for committee or team meetings & club functions in the evenings"
- In a telephone conversation later in the day of 23 July 2024, the Administration was informed that the Magpies wanted to consult their past presidents before providing a final response on what they would like amended in the current Licence Agreement;

- On 31 July 2024, the Magpies responded following consultation with their past presidents and they were of the view that the current endorsed Licence Agreement was not in the best interest of their members. They asked for the following amendments:
 - (a) In addition to the oval usage hours set out in the agreement, they propose exclusive use of Anderson Pavilion from 3pm onwards Monday to Thursday along with the Roosters;
 - (b) Any hiring out of the facility in those times agreed for exclusive use would have to be at the approval of the Magpies and the Roosters; and
 - (c) They are able to access the club at any time to carry out the running of the football club, this would include accessing kitchen and storerooms etc.

The Administration's view of the Magpies requests are as follows:

- The Magpies would need to confirm whether the Roosters are open for them (Magpies) to utilise the Anderson Pavilion between 6pm and 9pm. This is because the building is for the exclusive use of the Roosters after 6pm (Monday to Thursday);
- Should the Roosters be open to share their agreed use period, there is the option for the Magpies agreement to be amended to include this extended use and for utilities charges to be shared appropriately with the Magpies as their "30 minutes to an hour" estimate provided on 27 March 2024 is no longer applicable;
- The Agreement covers an agreed period (day, time and season) use of the building by both football clubs and it would not be practical for the Administration to hire out the facility by virtue of this Agreement. Notwithstanding this, it is also unusual for Council to require the approval of a third party for it to hire out a community facility. For these reasons, the Administration is not supportive of this request; and

There is no objection for them to access their assigned store area only, outside the agreed use period and the Agreement can be updated as such. Access to any other areas is not supported as the Anderson Pavilion facilities (e.g, Kitchen, Change Rooms and Function Space) may be hired out.

ATTACHMENTS

- 10.1.2(a) Attachment A - Email Correspondence with Cottesloe Junior Football Club (Magpies) [under separate cover]**
- 10.1.2(b) Licence of Anderson Pavilion - Cottesloe Junior Football Club [under separate cover]**

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 2.7 – Role of Council

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council

1. **APPROVES** the Cottesloe Junior Football Club (Magpies) Licence Agreement amendment to allow:
 - a. Use between 3pm to 9pm (Monday to Thursday) SUBJECT to the Cottesloe Roosters **Amateur Football Club (Roosters)** agreeing to the Magpies sharing their exclusivity (Monday to Thursday 6pm to 9pm) **between 1 February and 30 September**;
 - b. Access to the assigned storage area specified within the Licence Agreement outside the agreed use period;
2. **DECLINES** the **following** request from the Magpies:
 - a. **For the Town of Cottesloe to seek the permission of both Magpies and Roosters prior to hiring out the Anderson Pavilion to third parties during the period of agreed use within the Licence Agreement**;
 - b. **For access to other areas (except their storage area mentioned in Point 1b) of the Anderson Pavilion outside the exclusive use period (day, time and season) specified within their Licence Agreement; and**
3. **REQUIRES** the Magpies to execute the Licence Agreement no later than 6 September 2024.

10.1.3 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2023 TO 30 JUNE 2024

Directorate: Corporate and Community Services
Author(s): Wayne Richards, Finance Consultant
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D24/31448
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 2023 to 30 June 2024.

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; and
- Reconciliation of loans and investments.

OFFICER COMMENT

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

- The net current funding position as at 30 June 2024 was \$3,812,445 as compared to \$2,585,500 this time last year. Please note that there are still year end postings and adjustments to be processed as a part of finalising the year end financial statements;
- Operating revenue is more than the year to date budget by \$751,025 with a more detailed explanation of material variances provided at note 2, explanation of material

variances, of the attached financial statements. Operating expenditure is \$2,679,947 less than year to date budget, with a more detailed analysis of material variances provided at note 2, explanation of material variances, of the attached financial statements;

- The Capital Works Program is shown in note 13, details of capital acquisitions, of the attached financial statements; and
- The balance of cash backed reserves was \$7,839,031 as at 30 June 2024 as shown in note 7, cash backed reserves, of the attached financial statements.

List of Accounts Paid for June 2024

The list of accounts paid during June 2024 is shown on note 14, list of accounts, of the attached financial statements. Purchases made via credit card and fuel cards are listed separately below the list of electronic fund transfers and cheque payments.

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

- \$44,852.00 & \$45,474.00 to the Australian Taxation Office for payroll tax deductions;
- \$39,496.17 & \$38,916.09 to Superchoice Services Pty Ltd for staff superannuation contributions;
- \$144,452.15 to the Shire of Peppermint Grove being a contribution towards the joint library services;
- \$64,265.71 to Civica for software licence charges;
- \$215,470.02 to Roads2000 for road rehabilitation works;
- \$188,888.47 to the Department of Fire and Emergency Services for emergency service levies collected on their behalf;
- \$25,537.43 to Electricity Generation and Retail Corporation for street lighting and power charges;
- \$30,091.84 to ManagedIT for IT services;
- \$29,149.56 to Western Metropolitan Regional Council for waste disposal charges;
- \$35,711.87 to Surf Life Saving Western Australia for life guard services;
- \$72,141.61 to Phase 3 Landscape Construction Pty Ltd for works at the skate park and surrounding park lands;
- \$34,518.00 to Stantec Australia Pty Ltd for coastal monitoring works;
- \$33,748.00 to Retech Rubber for soft fall recreation works; and
- \$155,616.55 & \$152,596.02 to Town of Cottesloe Staff for fortnightly payroll.

Investments and Loans

Cash and investments are shown in note 4, cash and investments, of the attached financial statements. The Town has approximately 37% of funds invested with the National Australia

Bank, 34% with the Commonwealth Bank of Australia and 29% with Westpac Banking Corporation.

Information on borrowings is shown in note 10, information on borrowings, of the attached financial statements. The Town had total principal outstanding of \$2,108,087 as at 30 June 2024.

Rates, Sundry Debtors and Other Receivables

Rates outstanding are shown on note 6, receivables, and shows a balance of \$311,214 outstanding as compared to \$291,683 this time last year.

Sundry debtors are shown on note 6, receivables, of the attached financial statements. The sundry debtors report shows that 15% or \$35,388 is older than 90 days. Infringement debtors are shown on note 6, receivables, and shows a balance of \$456,230 as at 30 June 2024.

ATTACHMENTS

10.1.3(a) Agenda Attachment - Monthly Financial Report 1 July 2023 to 30 June 2024
[under separate cover]

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2023 to 30 June 2024 as submitted to the 27 August 2024 meeting of Council.

DEVELOPMENT AND REGULATORY SERVICES**10.1.4 PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW 2024**

Directorate: Development and Regulatory Services
Author(s): Steve Cleaver, Director Development and Regulatory Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D24/16779
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

This report proposes the making of a new Town of Cottesloe Parking and Parking Facilities Amendment Local Law 2024 pursuant to Section 3.12 (4) of the Local Government Act 1995.

OFFICER RECOMMENDATION IN BRIEF

For Council to ADOPT the Town of Cottesloe Parking and Parking Facilities Amendment Local Law 2024.

BACKGROUND

The Town of Cottesloe's Parking and Parking Facilities Local Law 2023 (**Local Law**) was gazetted on 31 March 2023. The Joint Standing Committee on Delegated Legislation (JSCDL) subsequently wrote to the Town seeking an undertaking to amend certain provisions of the Local Law. The Town agreed to make the amendments requested and subsequently made the Parking and Facilities Amendment Local Law 2023, which was gazetted on 10 November 2023 (**Amendment Local Law**).

On 14 February 2024 the JSCDL wrote to the Town noting that certain undertakings previously given by the Town had not been effected by the Amendment Local Law, and requesting the following further amendments:

1. Within 6 months, either delete the definition of disability parking permit in clause 1.5 or include the WALGA template clauses 2.3(3) and 3.1 (2) and/or other provisions relevant for the Town; and
2. All consequential amendments arising from the above.

At its Ordinary Council Meeting held in February 2024, Council resolved to make such undertakings and provide local public notice to make the proposed Town of Cottesloe Parking and Parking Facilities Amendment Local Law 2024 (Draft Amendment Local Law).

These further undertakings requested by the JSCDL were committed by the Town in a letter dated 5 March 2024.

It is also noted that a typographical correction is required to clause 4.8 offences currently listed as 4.8 (1), 4.8 (2), 4.8 (3) and 4.8 (4). This should be 4.8 (a), 4.8 (b), 4.8 (c) and 4.8 (d).

OFFICER COMMENT

The purpose of this report is to:

1. Note that two submissions were received on the proposed Town of Cottesloe Parking and Parking Facilities Amendment Local Law 2024. One query was relating to access to the Local Law and the other was a general query relating to verge parking, with both being unrelated to the making of the Local Law;
2. Give notice to the purpose and effect of the Town of Cottesloe Parking and Parking Facilities Amendment Local Law 2024;
3. Make the Town of Cottesloe Parking and Parking Facilities Amendment Local Law 2024;
4. Authorise the Local Law's Gazettal in the Government Gazette;
5. Give Local Public Notice, (after gazettal) of the making of the Local Law including the date upon which it is to come into operation; and
6. Authorise the affixing of the Town's Common Seal to the Local Law.

The purpose and effect of the proposed Town of Cottesloe Parking and Parking Facilities Amendment Local Law 2023 is as follows:

Purpose of the Local Law:

To correct minor typographical and non industry standard clauses within the Town of Cottesloe Parking and Parking Facilities Local Law 2023.

Effect of the Local Law:

To provide for the orderly control and regulation of Parking and Parking Facilities within the Town of Cottesloe and to ensure that all matters associated with parking within the district of the Town of Cottesloe are governed by this Local Law unless otherwise provided in the Act, regulations or other written law.

There are no changes recommended to the proposed Local Law as advertised.

ATTACHMENTS

**10.1.4(a) Parking and Parking Facilities Amendment Local Law 2024
(Amended)(25.07.2024) [under separate cover]**

CONSULTATION

The formal consultation process is embedded in the legislation associated with the making of a Local Law. A formal 6 week advertising period has been undertaken in accordance with Section 3.12 (3) of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 3.5. Legislative power of local governments

Section 3.12 Procedure for making a Local Law

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation and consist predominantly of officer time.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

THAT Council:

- 1. ADOPTS by Absolute Majority the Town of Cottesloe Parking and Parking Facilities Amendment Local Law 2024 as attached to this Report;**
- 2. AUTHORISES the Local Law's gazettal in the Government Gazette;**
- 3. AUTHORISES the Local Public Notice advertisement, (after gazettal), of the making of the Local Law including the date upon which it is to come into operation; and**
- 4. AUTHORISES the Mayor and the Chief Executive Officer to affix the Town's Common Seal to the Town of Cottesloe Parking and Parking Facilities Amendment Local Law 2024.**

10.1.5 EVENT APPLICATION ELECTRIC ISLAND 5 & 6 APRIL 2025

Directorate:	Executive Services
Author(s):	Steve Cleaver, Director Development and Regulatory Services
Authoriser(s):	William Matthew Scott, Chief Executive Officer
File Reference:	D24/31563
Applicant(s):	T1000 Events
Author Disclosure of Interest:	Nil

SUMMARY

For Council to consider approving the use of Cottesloe Beach for the Electric Island event taking place on Saturday 5 April 2025 3.00 pm to 10.00 pm and Sunday 6 April 2025 from 2.00pm until 9.00pm

OFFICER RECOMMENDATION IN BRIEF

It is recommended that Council APPROVE the use of Cottesloe Beach for the Electric Island Event taking place on Saturday 5 April 2025 3.00 pm to 10.00 pm and Sunday 6 April 2025 from 2.00pm until 9.00pm, subject to the event complying with relevant statutory requirements including the requirement to submit comprehensive event, risk, noise, medical, security, traffic and parking plans.

BACKGROUND

T1000 Events was approved by Council for an Electric Island event on Cottesloe Beach on 6 and 7 April 2024.

A further application has since been received from T1000 Events to hold the Electric Island Event at Cottesloe Beach on Saturday 5 April 2025 3.00 pm to 10.00 pm and Sunday 6 April 2025 from 2.00pm until 9.00pm. The event will consist of one stage which will feature a number of high calibre, international acts that will be announced closer to the time. Ticket sales from the 2024 event revealed that the average age was 40 yrs. The proposed timeframe will allow patrons to visit local businesses both before and after the event bringing economic stimulus to the area.

The genre of music is considered house music and attracts an older age demographic of 35+ years old. Other infrastructure includes a bar providing both alcoholic and non-alcoholic drinks, and food vans providing a variety of food to patrons.

A pre-event meeting was held with the applicant where issues from events previously held at this location were discussed. As a result, the following additional measures will be implemented to reduce impact to surrounding residents, businesses and potential damage to the beach and grassed areas:

- Minimal infrastructure;
- Staged bump in;
- Reduced timeframe for bump in;

- Beach will be accessible at all times;
- Additional security in place to patrol areas external to the event;
- Clean up to include outside event area; and
- Clean up crew to commence clean up of beach (sand) immediately after the event.

In May 2024 a petition requesting paid ticket events to be banned from the Cottesloe foreshore was received. As the petition was not compliant with the requirements of the Towns Meeting Procedure Local Law 2021 as it contained no addresses or signatures of the petitioners it was not able to be considered by Council, and as such was not presented to Council for consideration.

OFFICER COMMENT

In addition to the above, the applicant will be required to provide comprehensive event, risk, noise, medical, security, traffic, and parking plans.

The applicant shall also in conjunction with the Cottesloe Surf Lifesaving Club, ensure that suitable measures are implemented to enable the Club's member's access to its facilities for the week leading up to the event and event day.

Fireworks by the event organiser are proposed for 10.00 pm on Saturday 5 April and 9.00 pm on Sunday 6 April 2024.

BUMP IN

The bump-in will be a staged approach to ensure the public have access to the grassed area and beach for as long as safely possible. Bump in will commence on Wednesday 2 April 2025, noting that Sculpture By The Sea will have completed bump out by this date. There is minimal infrastructure associated with the event, which allows for a staged bump in and minimal impact to grassed areas. The proposed capacity for the event is 9,000 patrons, with expected numbers to be between 7,000 to 7,500 patrons.

RISK MANAGEMENT

A draft risk management plan (RMP) will be submitted to comply with the requirements of ISO 31,000.

TRAFFIC MANAGEMENT PLAN

A traffic management plan is to be received from an approved traffic management company. Similar to 2024 event, road closures are proposed in two stages:

Stage 1 – 6am – 1pm Saturday 5th April

12am – 11am Sunday 6th April

11pm Sunday 6th – 6am Monday 7th April

- *Road closure of Marine Pde between John St and Pearse St*

Stage 2 – 1pm – Midnight Saturday 5th

11am – 11pm Sunday 6th April

- *Road closure of Marine Parade between John St and Pearse St*
 - *Road closure of Forrest St*
- Marine Parade road closure removed at 6am Monday 7th April*

SECURITY

Event organisers have engaged a reputable security company for the event. Security will be on site prior to, during and post event. They will also conduct regular patrols of the surrounding areas and identify problem areas. Police will also be deployed to the event (at least 10 officers) known as 'user pay' as per the requirements of the *Police Amendment Act 2011*. Consultation has been undertaken with Surf Lifesaving WA as to whether the hirer requires lifeguard services.

FIRST AID

First aid will be on site for the duration of the event and will be located in a marquee clearly visible to patrons. Clear access will be maintained at all times for emergency vehicles.

NOISE

The applicant is to submit an application for a regulation 18 noise approval, as per the requirements of the *Environmental Protection (Noise) Regulations 1997*. The approval will include conditions relating to:-

- Noise level limits;
- Strict start and finish times;
- The requirement for affected residents and businesses to be notified of the event at least seven days prior to the event;
- A dedicated complaints line for the event (to be answered in person at all times); and
- Noise level limits to be monitored by an independent acoustic consultant.

STAKEHOLDER CONSULTATION

The event organisers will be required to liaise with -

- The Cottesloe Surf Lifesaving Club
- The Golf Club (potentially using this space for bus turn around and VIP)
- Indigo Oscar restaurant
- Approval from Fiveight's to use the grassed area (if used)
- Surrounding businesses

COMPLIANCE

The applicant is required to obtain approval from WA Police and Racing, Gaming and Liquor. An event approval will be issued with relevant conditions imposed as per the requirements of:-

- *Public Health Act 2016*

- *The Health (Public Buildings) Regulations 1992;*
- *Food Act 2008; and*
- *Environmental Protection (Noise) Regulations 1997.*

Further, Environmental Health Officers will be on site for the duration of the event to ensure compliance with set conditions.

Public liability insurance with a cover of \$20 million dollars to be provided.

ATTACHMENTS

10.1.5(a) 2024 Approved Plan (Cottesloe Beach - Electric Island) [under separate cover]

CONSULTATION

Surrounding businesses

The Surf Club

The Golf Club

Elected Members

STATUTORY IMPLICATIONS

Local Government Act 1995

Public Health Act 2016

The Health (Public Buildings) Regulations 1992

Food Act 2008

Environmental Protection (Noise) Regulations 1997

Police Amendment Act 2011

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 1: Our Community - Connected, engaged and accessible.

Major Strategy 1.1: Supporting an active, healthy and inclusive community culture, our residents enjoy access to a range of social, cultural and recreation activities.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

Environmental Health Officers will be on site for the duration of the event to monitor compliance with event conditions, including noise level limits and potential noise complaints.

The total revenue through associated event fees is approximately \$75,000 including day hire, bump in and Regulation 18 approval plus a \$20,000 bond. Additional staff costs for overtime are estimated at \$3000.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

The applicant is aware that single use plastics and balloons are prohibited.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

THAT Council by absolute majority APPROVES the use of Cottesloe Beach for the Electric Island event, including fireworks, to be held on Saturday 5 April 2024 3.00 pm to 10.00 pm and Sunday 6 April 2025 from 2.00pm until 9.00pm SUBJECT to:

- 1. Compliance with relevant statutory requirements being met including the provision of comprehensive event, risk, noise, medical, security, traffic and parking plans; and**
- 2. Access to the beach including disabled access, to be maintained at all times. Extension of the event fencing into the water is not permitted.**

ENGINEERING SERVICES**10.1.6 PERTH NATURAL RESOURCE MANAGEMENT (NRM) - COASTAL PROGRAM PARTNERSHIP - MEMORANDUM OF UNDERSTANDING 2024/2025**

Directorate: Engineering Services
Author(s): Adeline Morrissey, Coordinator Environmental Projects
Authoriser(s): Shaun Kan, Director Engineering Services
File Reference: D24/29141
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

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

OFFICER RECOMMENDATION IN BRIEF

That Council ENDORSES the attached MOU, subject to the approval of the 2024/2025 Budget and authorises the Chief Executive Officer to execute this document and apply the common seal if required.

BACKGROUND

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

A full list of services provided for the \$20,000 milestone contribution are included in the MOU and the Annual Report enclosed outlines the outcomes achieved in 2023/2024.

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

OFFICER COMMENT

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

In addition, the 'Natural Areas Alliance' (NAA) formed between Perth NRM, the Town and Cottesloe Coastcare Association (CCA) has inspired the delivery of common goals reflected in the Council's Natural Area Management Plan. The updated plan was noted by Council in September 2023 and is currently out for public consultation as part of the Green Infrastructure Strategy survey.

Throughout the year the NAA team has engaged 657 children and adults through 16 coastal and marine focused activities. This equates to a total volunteer investment of over \$25,000.

A milestone based payment schedule is enclosed within the MOU where the \$20,000 is remunerated progressively subject to meeting key performance indicators and a progress

report submitted substantiating this. Perth NRM is also required to present a program outlining deliverables for each payment period. This will allow the NAA to plan and work towards clear targets and optimise the partnership deliverables.

Council is to note that the MOU is subject to the 2024/2025 budget adoption.

ATTACHMENTS

10.1.6(a) Perth NRM and Town of Cottesloe MOU 2024-25 [under separate cover]

10.1.6(b) Perth NRM - Cottesloe - Annual Report 2023-24 [under separate cover]

CONSULTATION

Cottesloe Coastcare Association

Town of Cottesloe Staff

Perth NRM

STATUTORY IMPLICATIONS

There are no perceived statutory implications.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 2: Our Town - Healthy natural environs and infrastructure meeting the needs of our community.

Major Strategy 2.4: Work collaboratively to protect, enhance and increase our natural assets and green canopy.

RESOURCE IMPLICATIONS

A \$20,000 budget is sought in 2024/2025 to enable the partnership with Perth NRM.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

The agreement renewal will benefit the coastal dunes.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council

- 1. SUBJECT to the 2024/2025 budget adoption, AUTHORISES the Chief Executive Officer to sign the attached Memorandum of Understanding and apply the common seal if required; and**
- 2. NOTES the attached Perth Natural Resource Management Annual Report.**

10.1.7 SEAVIEW GOLF CLUB CLUBROOM REDEVELOPMENT - COMMUNITY AND STAKEHOLDER ENGAGEMENT PLAN AND BUILDING CONDITION ASSESSMENT REPORT

Directorate: Engineering Services
Author(s): Peter Ng, Coordinator Building and Conservation Projects
Authoriser(s): Shaun Kan, Director Engineering Services
File Reference: D24/27558
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For the Council to note the Community and Stakeholder Engagement Plan (CSEP) and the intercept questions to conduct the Needs and Community Aspiration Consultation, currently underway for the Sea View Golf Club (SVGC) Redevelopment Project.

For the Council to note the Building Condition Assessment Reports together with additional accompanying information on the structural integrity and safety issues requested by the Seaview Golf Club Redevelopment Advisory Committee (Committee) and Elected Members.

OFFICER RECOMMENDATION IN BRIEF

That Council:

- NOTES that the attached CSEP and the Intercept questions attached (Attachment A) has been implemented; and
- NOTES the attached Building Assessment Report and additional investigations requested that will be carried out (Attachment B).

BACKGROUND

On 29 July 2024, the SVGC Committee recommended:

That Council:

- 1. NOTES the building condition assessment report with accompanying further clarification on the structural integrity and safety issues.***
- 2. NOTES the Community and Stakeholder Engagement Plan and the intercept questions to conduct the Needs and Community Aspiration Consultation;***
- 3. NOTES a correction to the committee name should be the Sea View Golf Club Redevelopment Advisory Committee.***

This officer's report is an item following consultation with Elected Members at their August 2024 Workshop on the CSEP and response to clarifications requested by the Committee. This also includes land use information to complete the site investigation part of the Strategy.

The Committee's Meeting Minutes are attached (Attachment C)

OFFICER COMMENT**Desktop Zoning and Land use Permissibility Assessment**

The existing clubhouse is located on Lot 401 (2 Jarrad Street) on Deposited Plan 34252 being Crown Land Reserve 6613 (A Class – I825431) as shown in Figure 1.

Under the Metropolitan Region Scheme (MRS), the subject site is currently zoned as *Parks & Recreation – Restricted Public Access (Reserve)*. This zoning indicates that the land is of regional significance for ecological, recreation, or landscape purposes. The proposed redevelopment of the SVGC must align with the MRS zoning regulations and Western Australia Planning Commission (WAPC) policies, ensuring the development supports the reserve's public interest purpose.



Figure 1 – Aerial photo showing existing SVGC Clubhouse located on Lot 401, north of Jarrad Street alignment.

Under MRS, land reserved for Parks and Recreation or Regional Open Space may be used for:

- Passive recreation
- Active sporting pursuits
- Cultural and community activities
- Activities promoting community education of the environment
- Uses compatible with and supporting the amenity of the reservation (e.g., café, restaurant) where specific facilities have been approved by the WAPC

Approval of the WAPC will be required for any development on the SVGC land to ensure consistency and harmony with its Parks and Recreation or Regional Open Space reserve purpose.

Further research is being undertaken on the definition of '*Restricted Public Access*' designation of the golf course as its legislative requirements are not well parameterised.

Reviews carried out to date has found that a Planning and Development (Metropolitan Region Scheme) Bill was introduced to Parliament in August 2024, proposing an amendment to:

- Rename 'Parks and Recreation' to 'Regional Open Space' zone;
- Provides further clarification on 'Regional Open Space - Restricted Public Access,' defining it as areas designated "to protect the natural environment, provide recreational and cultural opportunities, safeguard important landscapes and sites of cultural or historical significance with limited or no public access".

Consultation with Heritage Council WA (HCWA)

Feedback from HCWA are as follows:

- The SVGC is listed on Council's Heritage List and the State Register, requiring a development referral to the Heritage Council WA under the Heritage Act (2018);
- It is important to note that the site's significance is not the clubhouse building, but rather the golf course itself as a 'links' course, which reflects the characteristics of traditional Scottish links courses, which are typically:
 - (a) located by the sea, with natural vegetation and a windswept landscape; and
 - (b) Any future development must preserve these qualities.
- Any future development cannot be built closer to the sea than the clubhouse's current location.

Ongoing Consultation with the Department of Planning, Lands and Heritage (DPLH) will occur through the different phases of the SVGC Redevelopment Strategy to ensure any final concept complies with Planning and Heritage Legislation. The need to amend the MRS will be determined at the time when a preferred concept is identified.

Desktop Environmental Assessment

The Department of Water and Environmental Regulation (DWER) interactive mapping database and the site's history indicates that the subject location is not contaminated. However, further site investigations will be conducted during detail design to confirm that this is the case.

Committee Feedback on CSEP and Building Assessment

The following are responses to the feedback given by the Committee at their 29 July 2024 meeting.

- **Definition of Intercept Questions**

These are face-to-face questions asked to the general community at a target site or public places such as local cafes or markets, to obtain their feedback on the particular matter.
- **Request for pool inclusion as a possible survey question**

Other than uncertainty on availability of space, a pool is also costly to maintain. Given these constraints, there could be a risk that this facility may not be possible. There is more merit allowing participants to identify this need or aspiration in their responses to the open-ended questions.

- **Inclusion of portable sauna to be included in the Health and Wellness survey question**

A spa and sauna is one of the health and wellness options in the survey.

- **Interim measures to address fire and safety improvements**

The provision of hydrants can be very costly because of the likelihood of pumps being needed to provide the additional pressure to source water from the existing feeds. An interim cost effective performance solution is to install more extinguishers to improve fire-fighting capabilities. This is in conjunction with upgrading emergency lighting and exit points to enhance evacuations.

- **Residential Use on the Land**

The lease and the land vesting does not allow for residential use.

- **Roof assessment within the inspection report**

The metal roof cladding was not inspected during the assessment for safety and cost reasons (Elevated Working Platform, Working at Heights and Working in Confined Space Specialist needed). Notwithstanding this, an external aerial visual assessments will be carried out using a drone. Elected members will be updated on the findings when the CSEP results return to Council. The final Building Report will also be revised to include the roof structure.

- **Extension to existing building**

Structural engineering principles makes it unlikely for additional levels over the current building. The expansion of building footprint is possible as these new components can have their own load bearing footings and structures.

- **Corrosion and additional testing**

The Structural Engineer is of the view that none of the observed corrosion defects needs immediate attention. However, in the interest of duty of care obligations, the consultants have been asked to prioritise all the corruptions against the criticality ratings 1 to 4 shown in table 1 and include this in their final report.

This then ensures Council's meets its duty of care obligations by understanding rectification needs and for the repairs to be carried out accordingly if needed whilst the redevelopment project progresses through the SVGC Redevelopment Strategy.

If the Council decides to refurbish the existing building, all outstanding defects then should be included as part of the renovations.

Criticality Rating	Description	Suggested Time Frame for Remediation (months)
1	Major Structural Concern	0 to 12
2	Moderate Structural Concern	12 to 36
3	Minor Structural Concern	36 to 60
4	Non-Structural	Remediation not required or as proposed by the building maintenance plan

Table 1: Rectification Level of Interventions

The SVGC at the committee meeting have indicated that they are open to funding any of the defects that require immediate attention. It is also their responsibility under the current lease for them to do so. (Clause 10.1 (c) states the Lessee to maintain the structure of the Building in a safe and sound condition including Lessor's Fixture, plant and equipment).

The SVGC are also in the process of preparing a development application to improve disability access within the current facility.

Included in Attachment D is an interim view from the Town's Manager of Building and Health on the Building Condition Assessment Reports.

Elected Members Consultation

Elected members were consulted at their August 2024 Workshop and their feedback summarised as follows:

- No concern for the immediate commencement of consultation;

Expand the coverage area to include other parts of Cottesloe in addition to Napoleon Street. Improve differentiation of usage types and incorporate a matrix for detailed frequency and purpose analysis of Sea View Golf Club visits. Incorporate options such as natural amenities in the ranking system for existing facilities and refine the questions for improvement recommendations. A final copy of the CSEP was circulated to Council out of session. Any final feedback was considered and the document updated. The community needs and aspiration consultation and engagement has commenced.

An item recommending a set of design principles based on the public consultation and engagement survey results will return to an Ordinary Council Meeting for consideration so that these fundamentals can be used to develop 3 concepts (next phase of the strategy).

ATTACHMENTS

- 10.1.7(a) Attachment A - SVGC Community and Stakeholder Engagement Plan (CSEP) and Intercept Questions [under separate cover]**
- 10.1.7(b) Attachment B - Sea View Golf Course Clubhouse - Consultants Site Assessment Report [under separate cover]**
- 10.1.7(c) Attachment C - Minutes - Sea View Golf Club Committee Meeting - Monday, 29 July 2024 [under separate cover]**

10.1.7(d) Attachment D - SVGC - Towns Manager of Building & Health Interim View - Building Condition Reports [under separate cover]

CONSULTATION

Sea View Golf Club Redevelopment Advisory Committee

Elected Members

Manager Building and Health

Manager Planning

Department of Planning, lands and Heritage

Heritage Council WA

STATUTORY IMPLICATIONS

Building Act (2011)

Lands Administration Act (1997)

Metropolitan Redevelopment Scheme (MRS)

Planning and Development Act (2005)

Heritage Act (1972)

Other Standards mentioned within the Attachment B Building Condition Assessment Report

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.2: Work innovatively and collaboratively with government, industry, business and community to deliver positive outcomes.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council NOTES:

- 1. The Building Assessment Report attached and this will be revised following the ongoing investigations requested;**
- 2. The Community Stakeholder Engagement Plan; and**
- 3. The public consultation and engagement has commenced with an item returning to an Ordinary Council Meeting recommending a set of design principles based on these survey results.**

10.1.8 NORTH STREET PARKING CHANGES

Directorate: Engineering Services
Author(s): Renuka Ismalage, Manager Projects and Assets
Authoriser(s): Shaun Kan, Director Engineering Services
File Reference: D24/31287
Applicant(s): Internal
Author Disclosure of Interest: NIL

SUMMARY

For Council to consider removal of existing embayed parking area directly in front of North Street Store (NSS) along North Street immediately east of Elizabeth Street.

OFFICER RECOMMENDATION IN BRIEF

That Council APPROVES the parking removal.

BACKGROUND

The Town has received concerns from a resident about the safety of North Street and Elizabeth Street intersection due to blocked sight lines caused by the parked vehicles in front of North Street Store.

OFFICER COMMENT

Figure 1 below indicates the obstructed and unobstructed sightlines from a viewpoint of a vehicle waiting to exit Elizabeth Street at the North Street intersection.



Figure 1: Obstructed line of sight when parking bays are occupied vs unobstructed line of sight

The following are safe sight distance stopping parameters consider for intersection designs:

- Approach Sight Distance (ASD) – This is the distance that a driver should be able to see when approaching an intersection;
- Safe Intersection Stopping Distance (SISD) – This is the minimum distance that drives should be able to see when turning out of a side street at an intersection;

- Stopping Sight Distance (SSD) – This is the minimum distance that drivers should be able to see when turning out of a driveway; and
- Minimum Gap Sight Distance (MGSD) – The minimum critical acceptance gap that drivers are prepared to accept when undertaking a crossing or turning maneuverer at intersections.

For vehicles turning out of Elizabeth Street onto North Street, only SISD and MGSD are applicable. Under the Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersection the SISD is 97 metres and the MGSD is 69 metres (minimum standards). The relevant tables that were used are below:

Table 3.2: Safe intersection sight distance (SISD) and corresponding minimum crest vertical curve size for sealed roads ($S < L$)

Design speed (km/h)	Based on safe intersection sight distance for cars ⁽¹⁾ $h_1 = 1.1$; $h_2 = 1.25$, $d = 0.36$ ⁽²⁾ ; Observation time = 3 sec					
	$R_T = 1.5 \text{ sec}^{(3)}$		$R_T = 2.0 \text{ sec}$		$R_T = 2.5 \text{ sec}$	
	SISD (m)	K	SISD (m)	K	SISD (m)	K
40	67	4.9	73	6	–	–
50	90	8.6	97	10	–	–
60	114	14	123	16	–	–
70	141	22	151	25	–	–
80	170	31	181	35	–	–
90	201	43	214	49	226	55
100	234	59	248	66	262	74
110	–	–	285	87	300	97
120	–	–	324	112	341	124
130	–	–	365	143	383	157

- ¹ If the average grade over the braking length is not zero, calculate the safe intersection sight distance (SISD) values using the correction factors in Table 3.4 (or use Equation 2) by applying the average grade over the braking length.
- ² A coefficient of deceleration of greater than 0.36 is not provided in this table. The provision of SISD requires more conservative values than for other sight distance models (e.g. the stopping sight distance model allows values up to 0.46 in constrained situations). This is because there is a much higher likelihood of colliding with hazards at intersections (that is, other vehicles). Comparatively, there is a relatively low risk of hitting a small object on the road (the stopping sight distance model).
- ³ A 1.5 sec reaction time is only to be used in constrained situations where drivers will be alert. Typical situations are given in Table 4.2 of AGRD Part 3 (Austroads 2016b). The general minimum reaction time is 2 sec.

Notes:

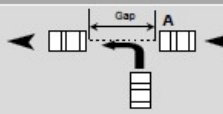
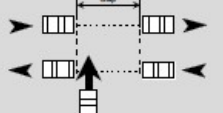
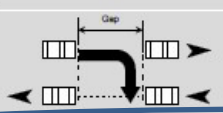
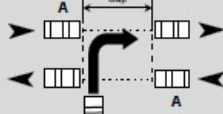

K is the length of vertical curve for a 1% change in grade.

To determine SISD for trucks around horizontal curves, use Equation 2 with an observation time of 2.5 sec.

Main Roads Western Australia have adopted a desirable minimum reaction time of 2.5 sec and an absolute minimum reaction time of 2.0 sec. A reaction time of 1.5 sec is not to be used in Western Australia.

Combinations of design speed and reaction times not shown in this table are generally not used.

Table 3.5: Critical acceptance gaps and follow-up headways

Movement	Diagram	Description	$t_a^{(1)}$ (sec)	$t_r^{(2)}$ (sec)
Left turn		Not interfering with A Requiring A to slow	14–40 5	2–3 2–3
Crossing		Two lane/one way Three lane/one way Four lane/one way Two lane/two way Four lane/two way Six lane/two way	4 6 8 5 8 8	2 3 4 3 5 5
Right turn from major road		Across one lane Across two lanes Across three lanes	4 5 6	2 3 4
Right turn from minor road		Not interfering with A One way Two lane/two way Four lane/two way Six lane/two way	14–40 3 5 8 8	3 3 3 5 5
Merge		Acceleration lane	3	2

1 t_a = critical acceptance gap (sec).

2 t_r = follow-up headway (sec).

Note: For a description of the follow-up headway and its uses, refer to *Guide to Traffic Management Part 3: Traffic Studies and Analysis (Austroads 2013e)*.

Source: Department of Main Roads (2006)¹¹.

Table 3.6: Table of minimum gap sight distances ('D' metres) for various speeds

Critical gap acceptance time (t_a) (secs)	85 th percentile speed of approaching vehicle (km/h)										
	10	20	30	40	50	60	70	80	90	100	110
4	11	22	33	44	55	67	78	89	100	111	122
5	14	28	42	55	69	83	97	111	125	139	153
6	17	33	50	67	83	100	117	133	150	167	183
7	19	39	58	78	97	117	136	155	175	194	214
8	22	44	67	89	111	133	155	178	200	222	244
9	25	50	75	100	125	150	175	200	225	250	275
10	28	56	83	111	139	167	194	222	250	278	305

Regardless, the current sight distance for vehicles turning out at this location does not meet this minimum requirement.

Figure 2 demonstrate the 69 metre visibility envelope (MGSD) that must be kept clear of any obstructions in order to comply with this parameter.

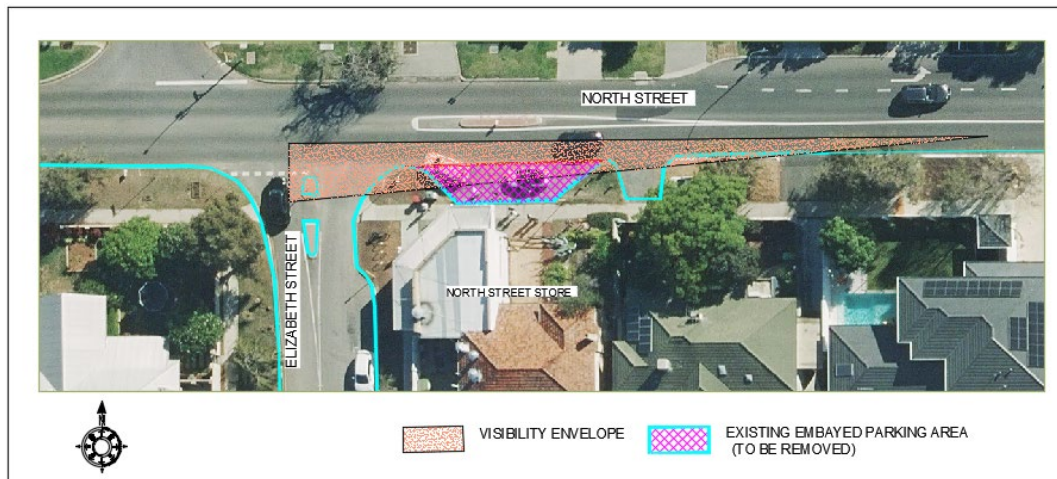


Figure 2: Visibility envelope and the location of existing embayed parking

The NSS development approval (current and any other previous) does not include the two parking spaces.

The attached correspondence (Attachment A) with NSS indicates that:

- They do not object to the proposed bay removal and have asked to explore other options for the use of the area currently occupied by these bays, such as a customer waiting area; and
- Their intention to widen the entrance to the rear parking area to improve vehicle access, and have requested for the Town to upgrade the kerbing and drainage on Elizabeth Street to prevent water run off into this parking area.

Given the history of NSS, the Administration does not support the customer waiting area suggested and will reinstate the removed bays with landscape so as to prevent such a use from occurring.

Ideally, the bays should only be removed after the NSS completes its rear customer parking. However, due to traffic safety reasons mentioned earlier, it may not be possible for this to be delayed until then.

Council is to note that the rear parking upgrade formed part of the NSS development approval and the Administration is working with the proponent to hasten this and the other requirements previously conditioned.

ATTACHMENTS

- 10.1.8(a) Attachment A - Email correspondence with North Street Store [under separate cover]**

CONSULTATION

Elected Members

Planning Services

Ranger Services

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 2.7 – Role of Council

Parking and Parking Facilities Local Law (2023) Section 4.5 (2f) – General Prohibitions on Parking

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 1: Our Community - Connected, engaged and accessible.

Major Strategy 1.2: Providing accessible and inclusive community spaces and facilities.

RESOURCE IMPLICATIONS

A drainage and footpath capital budget is available for the bay removal, landscaping works and drainage installation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council

- 1. APPROVES the removal of the existing parking bays in front of North street store to maintain sight line requirements at North Street and Elizabeth Street intersection;**
- 2. APPROVES the introduction of any parking restrictions along the new kerb line as part of the parking bay removal works mentioned in point 1 so that vehicles do not park on the North Street road section next to the removed bays;**
- 3. DOES NOT Permit the use of the reinstated verge area for any form of customer waiting and alfresco dining; and**
- 4. REQUESTS the Chief Executive Officer to consider appropriate landscaping as part of the reinstatement.**

10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES

Nil

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:**12.1 ELECTED MEMBERS****12.2 OFFICERS****13 MEETING CLOSED TO PUBLIC****13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

The Presiding Member requested the recording equipment to be deactivated after going behind closed doors.

MOTION FOR BEHIND CLOSED DOORS

That, in accordance with Section 5.23(2) (c), Council discuss the confidential reports behind closed doors.

13.1.1 T04/2024 SUPPLY AND LAYING OF ASPHALT AND ROAD PROFILING - RESCINDMENT

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (c) as it contains information relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

13.1.2 126 RAILWAY STREET REGULATION 17 LICENCE AGREEMENT

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (c) as it contains information relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

13.1.3 T05/2024 CIVIL CONCRETE WORKS - TENDER RECOMMENDATION

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (c) as it contains information relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

13.1.4 T06/2024 - LIFEGUARD SERVICES TENDER

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (c) as it contains information relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

MOTION FOR RETURN FROM BEHIND CLOSED DOORS

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

The Presiding Member requested the recording equipment to be reactivated after coming out of closed doors.

13.2 RESOLUTIONS PASSED IN MEETINGS CLOSED TO THE PUBLIC TO BE READ ALOUD FOR THE BENEFIT OF MEMBERS OF THE PUBLIC IN ATTENDANCE AND VIEWERS WATCHING THE LIVESTREAMING OF THE MEETING.**MEETING CLOSURE****14**