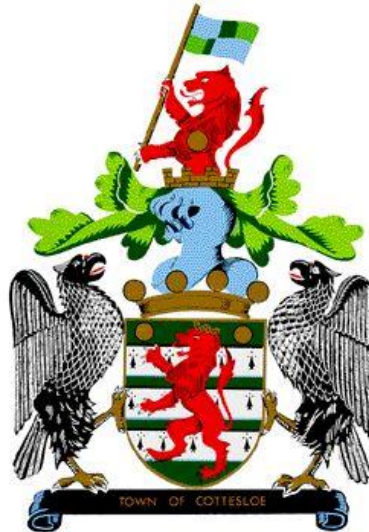


# TOWN OF COTTESLOE



## ORDINARY COUNCIL MEETING

# MINUTES

HELD IN THE  
Council Chambers, Cottesloe Civic Centre  
109 Broome Street, Cottesloe  
6.00 PM, Tuesday 27 March 2018

**MAT HUMFREY**  
Chief Executive Officer

9 April 2018

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

The Presiding Member declared the Meeting open at 6.04pm.

**2 DISCLAIMER**

The Presiding Member drew attention to the Town's Disclaimer and announced the Meeting is being recorded.

The Presiding Member advised he would move a motion that the meeting be adjourned at 9.30pm if the business of the meeting was not complete at that time.

**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

**4 PUBLIC QUESTION TIME**

**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**QUESTIONS TAKEN ON NOTICE 12 DECEMBER 2017 ORDINARY COUNCIL MEETING**

Nil.

**QUESTIONS PROVIDED BY CR BOULTER - EMAILED 22 FEBRUARY 2018**

Q1: What are the Town of Cottesloe rules about accrual of annual and long service leave?

A1: As per the LG Industry Award 2010, The TOC Enterprise Agreement 2015 and the Local Government (Long Service Leave) Regulations.

Q2: What annual and long service leave entitlements have the CEO and senior managers accrued in terms of hours and days?

A2: A report will be provided to Elected Members under a separate cover.

Q3: When will the CEO be taking long service leave?

A3: This is yet to be determined.

Q4: What notice is the CEO required to give Council before taking long service leave?

A4: Long service leave is arranged by negotiation. The CEO is required to seek approval to take the leave.

- Q5: Who will be acting CEO while the CEO is on long service leave?
- A5: This is yet to be determined.
- Q6: What role will Council have in deciding who will be acting CEO during the CEO's long service leave?
- A6: Council would appoint an Acting CEO.
- Q7: When will the CEO's performance review be finalised in terms of his KRAs?
- A7: A workshop has been held with Elected Members – as soon as the KRA's are finalised they will be presented to the next available Council Meeting.
- Q8: Will the KRA review take place before the CEO goes on long service leave? If so, when?
- A8: The timing of the CEO's long service leave is yet to be determined.
- Q9: Will any other senior staff member be taking long service leave this year? If yes, which senior staff members, when and for how long?
- A9: We do not report on individual staff member's entitlements.

**QUESTIONS PROVIDED BY CR BOULTER - EMAILED 22 FEBRUARY 2018**

- Q1: In relation to the upcoming TOC budget discussions what are the precise figures and what is the precise amount and breakdown of all TOC payments to and monies received from WALGA in the last seven years including:
- a. membership fees
  - b. training fees
  - c. any other payments out of or into the Town of Cottesloe

- A1: WALGA Expenditure

Description	Value
Training	\$ 45,522
Subscription	\$162,029
Other	\$ 94

- Q2: In relation to the upcoming TOC budget discussions, what are the precise figures and what is the precise amount and breakdown and itemised breakdown of all payments to and monies received from WALGA in the last seven years in relation to preferred providers used by the Town of Cottesloe?
- A2: This information is not available at this stage.

Q3: Can the TOC administration please source from WALGA the precise amount of all payments made by the Town of Cottesloe direct to TOC contractors that were used as a result of being WALGA preferred providers and provide an itemised list of all the expenses relating to those contractors and payments?

A3: The Town does not use the WALGA preferred supplier panel as our only source of quotes. We have, in the past, engaged consultants and contractors who also happen to be preferred suppliers but this was not the only criteria for their appointment. A list of payments made to contractors who are also preferred suppliers has been provided under separate cover.

Q4: Is it possible for the next TOC budget to have a separate and precise line item for all payments to and from WALGA?

A4: No.

Q5: What will it take for the next TOC budget have a separate and precise line item for all payments to WALGA in the TOC budget so all payments to WALGA are easily identified by Councillors?

A5: Not permitted under existing legislation and accounting standards. Staff can raise this matter for consideration at a budget workshop if so required.

#### **QUESTIONS PROVIDED BY CR BOULTER - EMAILED 13 MARCH 2018**

Q1: How many Town Planning and Development section 214 written notices have been made by the Town of Cottesloe in the last three years?

If any, what was the nature of the written notices (without disclosing any identifying information): for example roof reflectivity, short stay use, non-compliance with privacy or overshadowing DA conditions, sea containers on verges?

A1: The Town's records do not provide an actual number of written compliance notices that have been dealt with by the Planning Department in the past 3 years, but an estimate would be around 12.

Compliance matters have included:

- Overlooking issues;
- Parking matters;
- Unauthorised short-stay accommodation;
- Unauthorised developments/structures;
- Roof-reflectivity concerns; and
- Unauthorised Land Uses.

We don't reference the Town Planning Development Act (section 214) in the Town's correspondence but generally refer to non-compliance with the Local Planning Scheme where an alleged offence has been committed.

#### **QUESTIONS TAKEN ON NOTICE 27 FEBRUARY 2018 OCM**

Nil.

#### **4.2 PUBLIC QUESTIONS**

##### Fulvio Prainito, 7/94 Marine Parade, Cottesloe – Re – Item 9.3.1 Seapines – Scheme Amendment

Q1 Will Ms Whiting's Scheme Amendment be done with the assistance of ToC staff or solely by her consultants?

A1 Council have not received a request for assistance by the applicant. Council will not be participating in the development of the Scheme Amendment, other than providing general information. Council would expect the applicant to submit the Scheme Amendment in full.

Q2 Cr Thomas requested that my two emails be put on the Seapines file. If I want to see this file in the future then how do I go about it?

A2 A formal FOI (Freedom of Information) request would be required attracting the usual fee rate (please refer to Council Website). Personal information will be redacted.

##### Laurent Rivalin, U4/116 Marine Parade, Cottesloe – Re Item 10.1.3 Car Park One – Community Consultation Feedback

Q1 Can any noisy recreation/sport facility be away from residential premises (such as above Isolators or across Car Park Two)?

A1 Council is currently reviewing possible areas for location of recreation/sport facilities as part of the Concept Plan

Q2 Can we have an overall approved Foreshore Redevelopment Plan before construction commences?

A2 The Foreshore Redevelopment Plan will be reviewed as part of the Council's overall Management Plan.

Q3 Can we avoid Alfresco Dining in Overton Gardens as shown in the Opportunities Plan?

A3 Drawings showing the addition of an Alfresco area to Overton Gardens were conceptual plans only.



Q4 Is it known who prepared or organised the “pro-forma” submissions for the recent public comment period.

A4 No.

Richard Geiger, 7 Overton Gardens, Cottesloe – 10.1.3 Car Park One – Community Consultation Feedback

Q1 Residential parking on Overton Gardens is extremely limited. Presently there are signed areas with paint lines designating the limits of the parking areas. There are no lines indicating individual parking bays. Often excessive distances between cars results in only 4 vehicles parked in an area suitable for at least 6 vehicles.

Would the Council consider painting parking bay guides for cars to park between?

Even small boundary marks would assist in utilising the maximum number of bays at limited expense.

A1 Officers will investigate and report back to Council.

Q2 The shrubbery on the centre verge of Overton Gardens has been allowed to grow to a degree that it is infringing on the road and residents parking. It is unsightly, overgrown and some bushes are in poor health with dead branches and some leaf loss.

Would the Council please trim this shrubbery in height and width to an aesthetically pleasing shape and appearance which does not infringe on the road?

A2 Maintenance staff will be asked to attend to the area.

## **5 PUBLIC STATEMENT TIME**

Richard Geiger, 7 Overton Gardens, Cottesloe – 10.1.3 – Car Park One – Community Consultation Feedback

It is my understanding that the Cottesloe Council maintains that they have created sufficient additional car bays to allow for the removal of the parking bays in Car Park One.

It has been reported that Mr Fini has made comment about the potential positive aspects of rebuilding the Number One Car Park underground.

I believe that parking near the beach in Cottesloe is going to be a problem until a good deal of thought and money is spent to remedy the problem.

I suggest the Cottesloe Council consider substantially enlarging the Napier Street Car Park while maintaining very nearly its present footprint. I believe digging down to create

a 3 level car park at or slightly below Marine Parade street level is a logical solution to parking problems near the beach. The structure could be constructed in stages in order to leave much of the parking in the Napier Street Car Park available during construction. Due to the slope of the site, the parking facility would fit into the terrain and the fronts of each elevated level could be planted to blend aesthetically into the hill, while effectively tripling the parking bays available.

Obviously, I am not an architect or an artist, but the idea presented here is apparent. It won't be cheap, but it should be seriously considered as a long-term solution that should be commenced as soon as possible. It is probable that it could be done in stages using one or two of the three entry points while one half or one third of the construction is completed and opened for parking.

Kirsty Barrett, 45 John Street, Cottesloe – 10.1.3

Spoke in support of the Foreshore Precinct Implementation (FPIC) Committee recommendation for the Foreshore Redevelopment and for the removal of Car Park One. Spoke in support of an improved Master Plan before proceeding with the removal of Car Park One.

Jamie Atkinson, 84 Hawkstone Street, Cottesloe – Item 10.1.3 Car Park One – Community Consultation Feedback

Spoke in support of the Master Plan and to proceed with Foreshore redevelopment before Car Park One removal.

Natalie Kendal, 19 Princes Street, Cottesloe – 10.1.3 Car Park One – Community Consultation Feedback; 10.1.6 – Beach Access Paths – Community Consultation Feedback

Congratulated the Council on the new beachfront initiatives and endorsed the resolution to proceed with the revised Master Plan.

## 6 ATTENDANCE

### Present

Mayor Philip Angers  
Cr Sandra Boulter  
Cr Melissa Harkins  
Cr Sally Pyvis  
Cr Mark Rodda  
Cr Helen Sadler  
Cr Rob Thomas  
Cr Michael Tucak  
Cr Lorraine Young

### Officers Present

Mr Garry Bird	Acting Chief Executive Officer
Mr Nick Woodhouse	Manager Engineering Services
Mr Ed Drewett	Coordinator of Statutory Planning
Ms Jan Hancock	Casual Governance Officer

## 6.1 APOLOGIES

### Officer Apologies

Mr Mat Humfrey  
Ms Freya Ayliffe

Chief Executive Officer  
Manager Compliance & Regulatory Services

## 6.2 APPROVED LEAVE OF ABSENCE

Nil

## 6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Sadler  
17-24 (inclusive) April 2018 - Agenda Forum and Ordinary Council Meeting

## 7 DECLARATION OF INTERESTS

Cr Thomas declared an Impartiality Interest in Item 10.1.8 Tree Removal Requests as a Member of West Tree Canopy.

Cr Pyvis declared an Impartiality Interest in 10.1.8 Tree Removal Requests as a Member of West Tree Canopy.

Cr Tucak declared an Impartiality Interest in 10.1.10 Wearne Master Plan as members of the organisation were known to him.

Cr Harkins declared an Impartiality Interest in 13.1.2 as an ex-employee of Indiana's at Kings Park.

## 8 CONFIRMATION OF MINUTES

**Moved Cr Young, Seconded Cr Sadler**

**The Minutes of the Ordinary Council Meeting which commenced on Tuesday 27 February and finished on Tuesday 6 March 2018 be confirmed subject to the following amendments:**

### 1. Cr Tucak - Item 7 – DECLARATION OF INTERESTS

My declaration on Napier St was not “due to nominating in the by-election”, it was impartiality. My statement on the night was “I am a candidate in the Cottesloe By-Election and so I am talking with residents about a range of issues including those that are being considered by Council”. All my interests were impartiality.

### 2. Cr Tucak – Item 10.1.18 – MID YEAR BUDGET REVIEW FOR THE YEAR ENDED 30 JUNE 2018

My recollection was my Amendment (base of page 110) was to add “projects 1 and 3” into the same wording as Cr Boulter’s defeated

Amendment, whereas the words ending “pending prioritisation with Council” have not been included in the final motion moved by Cr Young (2 is also missing from “that point”).

### **Minor Clarifications**

- Officer Reports etc start with new numbering from “11” on page 18, rather than continuing from “10” on page 17.
- My recollection is that Items 10.1.4 (Warton St) and 10.1.22 (Amalgamation) were ‘withdrawn from en bloc’? (as all en bloc items were Moved Cr Thomas, Seconded Cr Boulter, whereas those two referred to where otherwise).
- 10.1.7 (ROW 62B) – names “Against” to be added to Cr Boulter’s amendment (ie all names themselves missing)
- 10.1.13 (Tree Removals) – the “For” and “Against” headings are the wrong way around at the base of page 84.
- 10.1.16 – should the minutes note Cr Rodda left the room before the 8/0 vote?
- 10.2 (Report of Committees) – the “For” and “Against” headings are the wrong way around in the “Substantive Motion” in the middle of page 133.

I note in closing my recorded vote “Against” the Motion on the Bike Planning Committee (p142) was a vote made in error, I intended to vote “For” that, as the Motion was consistent with the outcome of the “secret ballots” conducted.

### **3. Cr Young –Clarifications**

The note re Cr Rodda returning to the meeting at 6.19, presently on pg 94 after 11.1.15 (ROW 21) should be moved to page 101, at the end of item 11.1.16, the Napier St Parking Prohibition.

### **4. Cr Boulter –Clarifications**

- Remove “Confidential” on the front of the minutes and replace with a confidential watermark across / note on only each of the documents, which are confidential.
- Removal of “Error! Bookmark no defined “ on page (iii)
- Add “the” after the words “At the Determination of Council ” on the fourth last line of page 17, to make grammatical sense.
- Add the missing title Cr to each of Cr Boulter and Cr Pyvis names on page 34
- Correct the spelling of Cr Tucak name on page 59
- Confirm whether or not the first two items in Item 11.1.11 ought to have been marked confidential in the header to the officer report, and mark confidential if so

- Convert Cr Boulter questions and officer responses to blue ink on page 73-74, so as to have consistent formatting.
- Remove Cr Boulter name in both **for** the motion, and leave in the against (Cr Boulter appears in both)
- The answers to Cr Sadler's questions on page 84 be inserted
- Replace the words "Part Three" in Cr Boulter question 2 on page 109 with the words "the TOC Infrastructure Fund"
- Correct spelling of Cr Boulter's name on page 136
- Use of consistent use of titles when referring to community members: many female community members do not have a title > either remove all titles or add titles to everyone
- Record how Elected Members voted on page 145 in respect of North Cottesloe Primary School community member committee vote, as requested

5. Cr Rodda – Clarification

- Item 14.1.1 (Committee Membership): I believe I was also appointed to the NCPS Traffic Safety Committee.

## 9 PRESENTATIONS

### 9.1 PETITIONS

### 9.2 PRESENTATIONS

### 9.3 DEPUTATIONS

## 10 REPORTS

### 10.1 REPORTS OF OFFICERS

For the benefit of the members of the public present, the Mayor determined to consider Items 10.1.1, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.7, 10.1.10, 10.1.11, 10.1.12, 10.2.1, 10.2.2, 10.2.3, 12.1.1, 13.1.1 and 13.1.2

Items: 10.1.2, 10.1.8 and 10.1.9 were to be dealt with 'en bloc', however due to an oversight were not considered by Council at this meeting. They will be rescheduled for consideration at a future meeting of Council.

**PLANNING****10.1.1 LOCAL PLANNING SCHEME NO. 3, AMENDMENT NO. 7 – REPORT FOLLOWING ADVERTISING**

**File Ref:** SUB/2458  
**Attachments:** Schedule of Submissions  
Submissions  
10.1.1 Minutes 22 August 2017  
**Responsible Officers:** Mat Humfrey, Chief Executive Officer  
**Author:** Ed Drewett, Coordinator of Statutory Planning  
**Proposed Meeting Date:** 27 March 2018  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

On 22 August 2017 Council received a report on this proposed Scheme Amendment and resolved to adopt the Amendment for the purpose of advertising and to undertake the statutory procedures accordingly. A copy of the previous report is attached.

Advertising has been completed and four submissions were received. Council is now required to make a recommendation to the Western Australian Planning Commission (WAPC) on the outcome of the Amendment which this report addresses.

**BACKGROUND**

The previous report explained the need to refine clause 5.3.5 of Local Planning Scheme No. 3 to clarify that the maximum building height for developments under this clause within the Residential and Residential Office zones shall be limited to one additional storey over the maximum building height applicable to the land in question, as specified in Table 2 of the Local Planning Scheme.

**STRATEGIC IMPLICATIONS**

Relates to Local Planning Scheme No. 3.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Planning and Development Act 2005.*

*Planning and Development (Local Planning Schemes) Regulations 2015.*

Local Planning Scheme No. 3.

**FINANCIAL IMPLICATIONS**

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

**STAFFING IMPLICATIONS**

There are no significant staffing implications arising from the officer's recommendation.

**SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Following environmental clearance, the Amendment was advertised for public comment for a period of 42 days by placing a copy of the notice in the Post newspaper, on the Town's noticeboard and website and at the Grove library. Advertising closed on 17 February 2018.

Three submissions were received during the advertising period, and one submission (from Cottesloe Residents & Ratepayers Association) was received after the advertising period had closed. A schedule of submissions is attached.

**STAFF COMMENT**

Under the *Planning and Development (Local Planning Schemes) Regulations 2015* a submission on a standard amendment (excluding advice from a public authority, for example, EPA) must –

- (a) *be made in writing to the relevant local government in a form approved by the Commission; and*
- (b) *state the name and address of the person making the submission; and*
- (c) *include a statement about the capacity in which the person makes the submission.*

Only the submissions from Mrs England and the Cottesloe Residents and Ratepayers Association were made on the approved form No. 3A. However, the form was not fully completed by Mrs England as she did not advise whether she was an owner/occupier of a property or advise of the property affected. Mrs England's submission also does not appear to be directly relevant to proposed Amendment No. 7, but rather addresses a broader building height issue.

The submission from Mr Osborne was received by email which is not an in approved form and could therefore be rejected by the Western Australian Planning Commission (WAPC).

Mr Osborne's suggested modification to the wording of clause 5.3.5 involves modifying a different part of the Scheme text (1<sup>st</sup> paragraph) to that included in the proposed amendment (2<sup>nd</sup> paragraph) and would therefore require the amendment to be modified by Council and readvertised. Readvertising of a modified amendment must be approved by the WAPC.

It is questionable whether such a change is beneficial to Council as the current wording in the first paragraph restricts the clause to only grouped, or multiple dwellings that exceeded a density code as of the gazettal date of the Local Planning Scheme No. 3, that is, 1 August 2014. If Mr Osborne's change is made, then this would appear to allow sites that have subsequently been rezoned with existing grouped or multiple dwellings on them also becoming eligible to apply for additional density and building height if they satisfy the requirements of the clause.

Having recently had the State Administrative Tribunal, the Joint Development Assessment Panel, and the Town's solicitors all examine clause 5.3.5 in detail following an application to allow four or five storeys at 220 Marine Parade, Cottesloe the only recommended change to the Scheme is that incorporated in proposed Amendment No. 7, initiated by Council and advertised.

Before the end of the consideration period (within 60 days after the end of the submission period for the amendment, 18 April 2018), or a later date approved by the WAPC, Council must pass a resolution:

- (a) to support the amendment without modification; or
- (b) to support the amendment with proposed modifications to address issues raised in the submissions; or
- (c) not to support the amendment.

### **COUNCILLOR QUESTIONS**

Cr Boulter

Q1: If this scheme amendment is adopted into LPS3, will the owners of each of the Railway St multiple dwelling – colloquially known as the “Baverstock” redevelopment – once built, be able to apply for an additional story?

A1: No, not under clause 5.3.5 as this only applies to existing grouped dwellings and multiple dwellings that exceed a density code shown on the Scheme Map at the Gazettal date of the Scheme (1 August 2014). The ‘Baverstock’ site has been cleared of development and was rezoned after the gazettal date of the Scheme.

Q2: We do not have a very large Town. Accordingly, how scheme amendments affect each and every one of us is an advantage of being such a small Town. So to which of each of multiple dwellings currently in Cottesloe will the amendment apply?

A2: See above.

Q3: Can the neighbours of each of those dwellings be advised of the potential impact of this scheme amendment? If the neighbours of those dwelling do not understand what this amendment will mean, then how can the real import of this amendment be understood?

A3: The purpose of the amendment is to provide clarity and certainty to clause 5.3.5 by removing the words *prevailing permissible building height for the locality* and replacing this with specific reference to *Residential* and *Residential Office* zones and Table 2 of the Scheme. No other changes are proposed and this change will ensure that applicants and the State Administrative Tribunal are not able to make reference to higher existing dwellings in a locality, but rather must only refer to Table 2 which will restrict eligible redevelopments to one additional storey above the permitted two-storeys (ie: maximum 3-storeys). Neighbours will therefore be safeguarded from unintended higher developments being approved by the State Administrative Tribunal.



Cr Sadler

Q1: Could you please explain examples of circumstances where in the opinion of the officer the original number of dwellings (and their replacement plot ratio) can't be appropriately accommodated on the lot without an increase in building height?

A1: 150 Broome Street (corner Eric Street) and 220 Marine Parade would be two examples where the original number of dwellings (and their replacement plot ratio) could not be accommodated on the lot without an additional storey.

## VOTING

Simple Majority

## OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda, Seconded Cr Boulter

That Council

1. In pursuance of the *Planning and Development Act 2005*, hereby resolves to amend clause 5.3.5 of Local Planning Scheme No. 3 in its second paragraph, to read as follows:

*Furthermore, and notwithstanding any other clause in this Scheme for developments under this clause within the Residential and Residential Office zones, the local government may approve the development with a building height one storey higher than the maximum building height that would otherwise be applicable to the development in accordance with Table 2 if, in the opinion of the local government, the original number of dwellings (and their replacement plot ratio) cannot be appropriately accommodated on the lot without an increase in building height.*

2. Supports the Amendment, without modification.
3. Forwards the required documentation in relation to the proposed Amendment to the Western Australian Planning Commission for presentation to the Minister for Planning for determination.
4. Assuming approval, authorises the Mayor and Chief Executive Officer to endorse and return the Amendment documents for endorsement by the Commission and Minister then publication in the Government Gazette and a local newspaper.

CARRIED 9/0

**10.1.2 PLANNING APPLICATIONS DETERMINED UNDER DELEGATION**

**File Ref:** SUB/2458  
**Attachments:** Nil  
**Responsible Officers:** Mat Humfrey, Chief Executive Officer  
**Author:** Ed Drewett, Coordinator of Statutory Planning  
**Proposed Meeting Date:** 27 March 2018  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

This report provides details of the planning applications determined by officers acting under delegation, for the month of February 2018.

**BACKGROUND**

Pursuant to Local Planning Scheme No.3, Council has delegated its power to determine certain planning applications to the Chief Executive Officer and the Manager Development Services (or the Senior Planning Officer acting in his stead). This provides efficiency in processing applications, which occurs on a continual basis.

Following interest expressed from within Council, this report serves as a running record of those applications determined during each month.

**STRATEGIC IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Planning & Development Act 2005*

*Planning and Development (Local Planning Schemes) Amendment Regulations. 2015*

*Local Planning Scheme No. 3*

*Metropolitan Region Scheme*

**FINANCIAL IMPLICATIONS**

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

**STAFFING IMPLICATIONS**

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

**SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Nil.

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**STAFF COMMENT**

During February 2018 the following planning applications were determined under delegation:

<b>Address</b>	<b>Description</b>	<b>Delegation Notice Date</b>	<b>Date Determined</b>
2 Balfour Street	Fence in Front Setback	19 January 2018	2 February 2018
8 Deane Street	Amendments to Planning Approval	19 January 2018	8 February 2018
96 Napier Street	Single storey rear extension	9 February 2018	21 February 2018

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

That Council RECEIVE this report on the planning applications determined under delegation for the month of February 2018.

NOTE: This Item was not considered at the meeting held on 27 March 2018. En bloc Items were resubmitted to a Special Council Meeting held on 3 April 2018 for consideration.

**ENGINEERING****10.1.3 CAR PARK ONE – COMMUNITY CONSULTATION FEEDBACK**

**File Ref:** SUB/2531  
**Attachments:** Opportunities Plan (Car Park One)  
Community consultation feedback  
Community consultation feedback – late  
Parking data  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Denise Tyler-Hare, Project Manager  
**Proposed Meeting Date:** 27 March 2018  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The Town has undertaken community consultation on the Car Park One Opportunities Plan, the Foreshore Precinct Implementation Committee has noted this feedback and is requesting the Council to accept this feedback, and recommend approving the resolutions prepared by the Committee.

**BACKGROUND**

At the December Ordinary Council Meeting resolved to:

1. *Amend the 2017/18 Budget to include \$955,900 for the ‘Car Park One Upgrade’ component of the Cottesloe Foreshore Renewal Project.*
2. *Approve the Car Park One Opportunities Plan for advertising for a period of no less than 14 days(commencing 29 January 2018) and the Town of Cottesloe administration to prepare a report to Council for the February 2018 Ordinary Council Meeting.*
3. *Amend the 2017/18 Budget to reflect the above allocation being taken from the Depot Funds Reserve.*
4. *Endorse the seeking of grants to assist with funding the project listed above.*

CARRIED 8/0

Community consultation has been undertaken, via newspaper adverts in The Post and The Western Suburbs Weekly, on the council website, and via letters to affected residents, ratepayers and businesses.

The Committee has met in February 2018 to review this feedback and have prepared the following resolutions:

1. *Endorse the full removal of car park number 1, subject to detailed design.*
2. *Consider the comments from the community consultation in the detailed design.*
3. *Commence the foreshore masterplan, with consideration to car park numbers 1 and 2, Marine Parade, pool feasibility, and the works undertaken to date.*

4. *Develop a project brief for redevelopment of the masterplan to commence as soon as possible.*
5. *Investigate funding models.*

UNANIMOUS (No objections)

### **STRATEGIC IMPLICATIONS**

The implementation of the Foreshore Masterplan is identified as a community priority in the Strategic Community Plan.

*Strategic Community Plan (2013 to 2023)*

Priority Area Three: Enhancing beach access and the foreshore.

*Corporate Business Plan (2014 – 2018)*

Priority Area Three: Enhancing beach access and the foreshore.

- 3.1 Implement the 'Foreshore Redevelopment Plan' in consultation with the community.

### **POLICY IMPLICATIONS**

Beach Policy – the Foreshore Renewal Masterplan complies with the policy as adopted by Council.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government Regulations 1996*

All works in the Cottesloe Foreshore Precinct will require planning approval from the Western Australian Planning Commission (WAPC) as the land sits under the Metropolitan Region Scheme. As the changes are minimal and do not significantly alter the purpose for which the land is to be used, there are no significant challenges that are expected when approvals are sought.

Much of the land contained within the Cottesloe Foreshore Precinct is also listed on the State Heritage Register. The Town will work with the State Heritage Office during the detailed design phase of every element to ensure heritage considerations are met.

### **FINANCIAL IMPLICATIONS**

A budget amendment of \$955,900 has been adopted as at the December 2017 Ordinary Council Meeting. This does not include a design fee allowance which would be an additional \$52,571 excluding GST.

### **STAFFING IMPLICATIONS**

Administration resources are limited and consideration to the preparation of agenda and minutes ahead of time must be allowed.

**SUSTAINABILITY IMPLICATIONS**

The design approach for the Foreshore Masterplan has covered issues such as sustainability and the long term maintenance and management of the precinct. The design will need to include selected materials that have been chosen to ensure sustainability, longevity and ease of maintenance.

The implementation of the upgrade to Car Park One will increase shade and the permeable surface area and also reduce the heat island effect.

**CONSULTATION**

Foreshore Precinct Implementation Committee

Town of Cottesloe Staff

Elected Members

Community Consultation (including key stakeholders, and businesses including Beaches Café, Fun's Back Surf, Cottesloe General Store, Cott's Takeaway, Canteen Pizza, Cottesloe Beach Hotel, Amberjacks, Red Spoon, Il Lido Italian Canteen and Indiana).

**STAFF COMMENT**

Community consultation results are presented as follows, with the following definitions:

- Objection – object to removing any of the car park;
- Fully closed – support the full closure of the car park;
- Partially closed – support the partial closure of the car park; and,
- Partial support – support changes in some way but either with conditions or additional information.

In total, 217 submissions were received, with 208 before the closing date, and 9 after the closing date. 84% of submissions were received from Cottesloe residents/businesses.

Of the submissions received before the closing date, the following is a breakdown of the numbers and percentages of support and objections:

- Objections: 36 (17%)
- Fully Closed: 133 (64%)
- Partially closed: 12 (6%)
- Partial support: 28 (13%)

In summary, 64% of submissions received support for full closure of the car park.

The following is a summary of key issues raised during the consultation:

**Overall Plan****1. Positives**

- a. This is a wonderful first step by the Town of Cottesloe, but Council should actively pursue updating and implementing an overall foreshore masterplan.
- b. Long overdue.

**2. Neutral**

- a. Provide more ocean front public open space as a healthy active environment for community recreation and events, consider the wider area around the carpark to ensure the best possible integration into the overall foreshore masterplan.
- b. The design should be flexible enough to use the spaces for a wide variety of events, allowing for extension and reduction of enclosed spaces as needed. The design could allow for spaces to be contained by moveable structures which can be changed when larger spaces are required for special events (i.e. storytelling/ dance/choir/yoga/physical skills).
- c. Incorporate night lighting.

**3. Negatives**

- a. Too busy and detracting from the beach scene. Would like to see grass without anything else.
- b. Improvements and maintenance to fencing, lighting, the dual-use path, vegetation and existing seating are all that are needed. Any additions must be in keeping with the unique beachfront character.
- c. Ample existing green spaces on the foreshore.
- d. Car park is an icon and valuable amenity in its own right, used by a variety of people throughout the year and should be kept.
- e. "Possible spatial arrangements" such as alfresco seating, active exercise areas, deck chairs, community gathering space, elevated community seating, reported "shooting gallery", food stalls, could all be, or already are, located on, existing grass areas.
- f. Could be combined into a "Passive Recreational" area only. Features could include barbeques, seating designed with wind protected or showers;

**Car Parking****1. Removal of Car Park One:**

- a. Consider incorporation of additional parking to offset the loss. Include on-street parking on the West side of Marine Parade, 90 degree or angled parking. Removal of this car park would put pressure on the existing parking in surrounding car parks and streets. Should have more 15 minute parking.
- b. Additional formalised parking now exists on Forrest and Napier Streets and the existing Napier Street Car Park is rarely full.
- c. Consideration to parking during large events is required.
- d. Retain a limited number of car spaces/dress circle on the waterfront, but lowered so as to not impede views. These can be used by early morning users, and people who like to watch the ocean, particularly on wintery days. Some are elderly and disabled, others include younger couples.
- e. Sink car park one so that you can still have beachfront car parking and also the proposed amenity on top.
- f. A traffic impact study should be undertaken, as well as a well-developed plan by a professional planner, before any works are started.
- g. Provide a safe set down/pick up area for drivers, as well as service delivery vehicles.
- h. Keep car park one and resurface it.

**2. Napier Street Car Park No. Two:**

- a. Progress the development of Napier Street Car Park Two as the next stage of works, including multi-level, underground car parking, development of community spaces, open spaces and possible commercial uses. Safety and security of Napier Street Car Park Two needs to be improved.

- b. Car park number Two should be reduced, landscaped and designed so as to discourage anti-social behavior. This should include blocking off access from Byran Way.
  - c. Don't support any future redevelopment of existing Car Park Two and John Black Dune Park, other than planting more trees there.
3. ACROD:
- a. Additional disabled access car parking should be included near access ramps, in on-street parking. Ensure bays and associated access paths are compliant, using flush kerbs only, and widening bays to accommodate larger adjacent vehicles.
4. Public Transport:
- a. Potentially bring back the Cott Cat over summer.
  - b. Don't bring back the Cott Cat – it is noisy and not well used.

### **Partial Closure Ideas**

1. Close zones B & C, convert to open space. Not for food trucks or markets.
2. Only remove part of the northern end to redevelop the existing play/chess area.
3. Only remove up to 10-15%.
4. Zones D, E and F should be kept as a car park.
5. Retain 1/3 – 1/2 of the existing bays.
6. Consider a staged development – landscape zones B and E. retain and upgrade the remainder of the car park, with ability to use for community events, markets, etc. Then consider how stage 1 goes, and whether to do the whole lot.
7. Experiment with removing the southern half of the car park only, and repair the northern half.
8. Remove half of the car park and replace it with trees and grass.

### **Marine Parade**

1. Reduce speed limit, particularly between Napier and Forrest Streets.
2. Upgrade to pedestrian friendly area, dedicated on-road cycle lanes.
3. Look at closing one lane on weekends, similar to Rio de Janeiro.
4. Close completely to vehicles.
5. A cycle-appropriate thoroughfare along middle.

### **Environmental and Landscaping**

1. Consider erosion protection of cliffs to stop slippage.
2. Consider climate change.
3. Suggested species:
  - a. Low coastal shrubs, peppermints, paper bark trees combined with dune sand (and appropriate measures to prevent sand blowing across Marine Parade).
  - b. Australian natives and local plants e.g. peppermints, cushion bush (*Leucophyta brownii*), Grey cotton heads (*Conostylis candidans*), Tar bush (*Eremophila glabra*) and *Lepidosperma calcicola* (dune sword sedge - a small local sedge).
  - c. Rottnest Tea Tree (*Melaleuca lanceolata*) and Round leafed moort (*Eucalyptus platypus*) for shade
4. Arrangement:
  - a. Plant trees permanently rather than in boxes.
5. Shade is critical.



**Paths & Cycling**

1. Include two separate paths, one wider promenade for pedestrians (perhaps near beach), and one a cycle path (perhaps closer to the road). Perhaps separated level paths like at Barchetta.
2. Promote walking, cycling and public transport to reduce overall traffic.
3. Consider additional bike parking and scooter areas.
4. Possible cycle access as shown should be removed for safety reasons, as cyclist must be separated from pedestrian access.
5. Nodal Lookouts:
  - a. For:
    - i. Pedestrians can stop and enjoy the view without blocking pathways.
  - b. Against:
    - i. Formal lookouts not required as people walk and stop/sit according to their own needs.
    - ii. Unnecessary and out of character.
    - iii. Nodes ok, but lookouts shouldn't be formalised.

**Businesses**

1. Businesses who rely on the parking would suffer if there is no alternative, close parking. Past experience has shown when Car Park One is closed all day, turnover is reduced. Scarborough businesses suffered from works and went under. It only takes one bad year to go under. Concerned with locals not having a spot to park with quick access to fish and chips, and the car parking will be further away, "Perth mentality" to not walk far, there is enough grass area;
2. Concern with pop-up stalls and markets providing competition to businesses who pay large rents.
3. Staff parking availability is a considerable factor in employment.
4. Beneficial to local businesses in the long term because it is better for tourists to have an attractive sun shaded/wind shielded area to enjoy the sunset & not eat takeaways in the car while sheltering from the sea breeze with engine on for the air conditioner because it's too hot inside.
5. The start and finish time is crucial - works need to start by May 1 and finish by September 1. Our season is very short and this would be the ideal time to do the works for both the local businesses and also the beach goers and the residents of Cottesloe.

**Al Fresco Dining**

6. General:
  - a. Include on east side of Marine Parade and adjoining side streets.
  - b. Close some street parking bays if required, or relocate taxi, bus or loading bays.
  - c. Remove car parking on east side of Marine Parade.
  - d. Not in side streets, only on Marine Parade due to proximity to residents.
  - e. Want an exciting destination for visitors and locals, with boardwalk, and a range of small, boutique restaurants and cafes, varying from high end to casual.
7. Middle of Overton Gardens:
  - a. Brilliant idea.
  - b. Unacceptable due to proximity to residential areas, but may be options to consider it carefully and respectfully to residents. Busy with traffic both sides of the median strip.

8. Warnham Road:
  - a. Don't want any – noise and street drinking issue. Cottesloe Beach Hotel is 1m+ above the street making this difficult as well.
  - b. Good idea, provided strict adherence to restricted hours and noise.
9. John Street:
  - a. Good idea, provided strict adherence to restricted hours and noise.
  - b. Not supported.

## Zones

1. Zone A
  - a. Creating amazing landscaping, shading, seating and outlook areas. Connections to the beachfront area are very important.
  - b. Full or partial redesign of the existing terraces to create better and safer terraces and usable spaces.
  - c. Support as a grassed area with limestone walls to retain/sit on. Include the retaining wall on the ocean side of the access path as seating. Keep the current access path down the middle of this zone.
  - d. An improved view of the pylon and Rottneest when travelling west down John St would be welcome. (A stately pine tree to replace the rubbish bins?).
2. Zone B - Unnecessary, perhaps grass, trees and limestone walls for seating.
3. Zone C
  - a. Consider view from the east i.e. low shrubs/grass areas ensuring views remain unimpeded.
  - b. Presumably grassed area. Limestone seating around the base of Norfolk Island pine trees would enhance the area.
4. Zone D
  - a. Grass, BBQ's, more seating, covered tables and benches and some trees.
  - b. Amalgamate with zones B and C, without pop up restaurants etc and no artificial shading.
5. Zone E
  - a. Incorporate advanced play facilities for kids 8 – 15, including a skate park, as well as numerous activities to promote a healthy lifestyle, including a new active recreation zone with a play/multi-use sports court. Incorporate history, fun facts, maps and a treasure trail into the design.
    - i. Photo frames with ocean as a background.
    - ii. Binoculars.
    - iii. Art market and performing area for local talent.
    - iv. Organic spaces for food trucks or events, including markets.
  - b. Don't include a skate park, water play area or multi-purpose sport activity area – noise, antisocial behavior. Cottesloe already has adequate recreation areas and facilities. No theme park on the beachfront. Skate park is not part of the community plan. Don't want active recreation/events so close to residents. Join onto D with grass and shade trees, some barbecues and water fountains.
  - c. The grassed area to the south of Cove surf break could be used for a small skate park with nice landscaping similar to Fremantle skate park but on a smaller scale.
  - d. Possible short term parking.

**6. Zone F**

- a. Keep the chess playing grotto. The current rotunda is an important seating area, close to the existing play area. Its current size is an intimate area with uninterrupted views.
- b. Conversation pit with seating, or add to grassed zone E and D.
- c. Removal of the Chess Amphitheatre to provide a focal point for lookouts and better use of the space.

**Funding**

1. Do not spend any ratepayers money on development and active area development, we want to keep it natural and relaxed. Council has used ++ \$100,000 of ratepayers money putting down the grey parking monitoring domes & attending communications network and this would now be a waste of money. Use the money for improving the change rooms and toilets.
2. Options for funding:
  - a. Regional grants and State and Federal Government funding as this is an asset that will be utilised by tourists and non-Cottesloe ratepayers; and,
  - b. Pay parking – either at a new underground car park at Napier Street Car Park 2 (Federal Government funding may be available for this now) or by charging at Car Park One (revenue stream for the future if it is kept).
3. The TOC cannot charge fees for parking and it seems unreasonable for rate payers to continue to provide significant areas of free parking, in what is after all a residential area. If Cottesloe is to provide parking for tourists and visitors, more emphasis should be placed on placing those facilities away from the centre and into the ‘wings’ of Cottesloe, such as happens in (for example) Byron Bay and Noosa.
4. Which option:
  - a. Option B seems reasonable.
  - b. Off the shelf furniture would be a waste of money in a marine environment. Prefer Option C minus the recreation facility and water play area. Quality infrastructure must reflect reputation and ensure whole of life costs are considered.

**Other Suggestions**

1. Replace the steel pipe fence with a limestone seating wall.
2. Use good quality solar lighting.
3. Install toilets.
4. Consider a snorkeling area.
5. Consider how the precinct will relate with the proposed pool development near Barchetta.
6. Traffic calming devices to prevent speeding vehicles in Napier St and Broome St.
7. Traffic calming on Marine Parade and surrounding streets e.g. roundabouts on Napier and Forrest Streets.
8. Eliminate all kerbs, or make the crossings seamless.
9. Make all 3 paths leading down to the beach universal access compliant.
10. No pop ups or markets on the beachfront, but could consider having in Civic Centre and have vendors pay to rent space.
11. Outdoor gym.
12. Support for better bicycle infrastructure and a bike maintenance shed at the corner of Forrest Street and Marine Parade in the under-utilised corner of the golf course.

In addition to the community consultation, a review of the parking data has been provided in an attachment to provide additional supporting information as to the use of

car parks one and two, and surrounding street parking. This information is presented in graphical form of percentage occupied at each hour from November 2016 until Mid-January 2018.

A meeting with Lottery West and the Town on the process and availability of grants was held on the 8<sup>th</sup> February 2018. Lottery West could provide grants for seating, barbeques, place making, interpretive signage, universal access, shade sales and/or a skate park components within the car park redevelopment area. They provide grants to provide items that would be useful for the community e.g. the Scarborough whale playground.

The grant application and approval process takes 3 – 4 months, and all funding has to be approved before it is built. It is noted that they will take into consideration any funding already existing for a project, and they operate on a needs-basis, not a value basis.

Car Park One is in very poor condition, and the Town is currently investigating short term solutions for repair/rectification. Replacing the car park will cost in the order of \$319,000, as noted in the December Ordinary Council Meeting minutes.

The Council is asked to review the above feedback and attachments, and determine how they would like to proceed, in light of the community comments.

### **Committee Consideration**

This report has been provided to the Foreshore Precinct Implementation Committee on the 27<sup>th</sup> February 2018, and they made the following resolutions:

#### **That the Committee:**

- 1. Endorse the full removal of car park number 1, subject to detailed design.**
- 2. Consider the comments from the community consultation in the detailed design.**
- 3. Commence the foreshore masterplan, with consideration to car park numbers 1 and 2, Marine Parade, pool feasibility, and the work undertaken to date.**
- 4. Develop a project brief for redevelopment of the masterplan to commence as soon as possible.**
- 5. Investigate funding models.**

The intent from the meeting was to undertake preparation of a master plan as the next stage of works, following the detailed design of the current foreshore works and the first phase of the pool feasibility study. It is anticipated that the master plan process could commence in June 2018.

The first step in the master plan process is to prepare a project brief. This can be undertaken concurrently with the detailed design of the current foreshore works and the first phase of the pool feasibility study.

**COUNCILLOR QUESTIONS**

Cr Boulter

Q1: While I appreciate there might be an urgency to this matter, can you advise whether or not committee meeting draft minutes can – as a matter of procedure and as a matter of good governance - be put to Council without those minutes being adopted by the committee and signed off by the Chair of the Committee under s5.22 LG Act, if I am correct in understanding that neither or the above events have occurred?

A1: Yes the Minutes can be noted.

Q2: Can all the matters relating to the foreshore pool please be put into a separate resolution so as not to impede any resolution of the Foreshore Masterplan as the issues are separate and in my view should be considered separately?

A2: An amendment could be moved to this effect. However, Council's original resolution grouped the Pool Feasibility Study with the remaining works being undertaken prior to the Masterplan being revisited.

Q3: Can you advise if the confidential foreshore technical committee or the foreshore committee have decided whether or not the brief will require removal of the car park before next summer and installation of the grass by next summer?

A3: There is no Confidential Foreshore Technical Committee. FPIC requested a workshop between the consultants and technical members. The outcomes of which will be reported back to the FPIC.

**Further Comment**

At the Agenda Forum, concerns were raised regarding alfresco areas in Overton Gardens. The opportunities plan did show an area that could be used for Alfresco which covered an area of Overton Gardens. The current consultation was only for Car Park One and the opportunity related more to the closure of the entry/exit point for the car park opposite Overton Gardens.

If at a future point Council or FPIC were to consider changes to Overton Gardens, extensive consultation would occur with the residents of Overton Gardens.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Cr Rodda, Seconded Cr Harkins**

That the Council:

1. Endorse the full removal of car park number 1, subject to detailed design.
2. Consider the comments from the community consultation in the detailed design.

3. Develop a project brief for redevelopment of the masterplan, with the master plan works to commence following completion of the detailed design of the current foreshore works and the first stage of the pool feasibility tender.
4. Investigate funding models for the works to be undertaken this year.

**AMENDMENT****Moved Cr Young, Seconded Cr Thomas**

That motion be amended such that it now reads

That Council:

1. Thank the community for their submissions, which were very helpful in assessing the issues;
2. ENDORSE the full removal of Car Park One, subject to detailed design of works on the current foreshore scope-of-works and the preparation of a Foreshore Master Plan;
3. Consider the comments from the Car Park One community consultation in the detailed design of the works on the current foreshore scope-of-works;
4. Develop a project brief for redevelopment of a Foreshore Master Plan, to include consideration of Car Parks One and Two, Marine Parade, the pool feasibility and the current foreshore works; with the Master Plan works to commence following the completion of the detailed design of the current foreshore works and the first stage of the pool feasibility tender, bike plan and pedestrian transport;
5. Investigate funding models for the works to be undertaken this year and the scope for amendment of Regulation 2A of the Local Government (Functions and General) Regulations 1996 (concerning prohibition of paid parking on the foreshore)

**PROCEDURAL MOTION****Moved Cr Rodda, Seconded Cr Boulter**

That the Item be put to the vote.

**CARRIED 9/0**

**CARRIED 7/2**

**For: Mayor Angers and Crs Pyvis, Harkins, Rodda, Young, Sadler and Tucak  
Against: Crs Boulter and Thomas**

**COUNCIL RESOLUTION****Moved Cr Young, Seconded Cr Thomas**

That Council:

1. Thank the community for their submissions, which were very helpful in assessing the issues;
2. Endorse the full removal of Car Park One, subject to detailed design of works on the current foreshore scope-of-works and the preparation of a Foreshore Master Plan;
3. Consider the comments from the Car Park One community consultation in the detailed design of the works on the current foreshore scope-of-works;

4. Develop a project brief for redevelopment of a Foreshore Master Plan, to include consideration of Car Parks One and Two, Marine Parade, the pool feasibility and the current foreshore works; with the Master Plan works to commence following the completion of the detailed design of the current foreshore works and the first stage of the pool feasibility tender, bike plan and pedestrian transport;
5. Investigate funding models for the works to be undertaken this year and the scope for amendment of Regulation 2A of the Local Government (Functions and General) Regulations 1996 (concerning prohibition of paid parking on the foreshore)

**CARRIED: 8/1**

**For: Mayor Angers and Crs Pyvis, Harkins, Rodda, Young, Thomas, Sadler and  
Boulter**

**Against: Cr Tucak**

**10.1.4 INFRASTRUCTURE REVALUATION AND ASSET MANAGEMENT PLAN – TENDER & BUDGET AMENDMENT**

**File Ref:** SUB/2585  
**Attachments:** Tender Submissions Evaluation Table  
(**CONFIDENTIAL**)  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Denise Tyler-Hare, Project Manager  
**Proposed Meeting Date:** 27 March 2018  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The Council is requested to approve a budget amendment for the Infrastructure Revaluation and Asset Management Project, and to award the contract to the recommended tenderer.

**BACKGROUND**

To ensure Council is compliant with statutory regulations and WA Local Government Circular Number 02-2016, a comprehensive revaluation of Council's infrastructure assets will be due as at 30 June 2018. The revaluation of Land and Buildings has previously been undertaken as at 30 June 2017 by the Town of Cottesloe.

The Town has sought tenders from a suitably qualified and experienced valuer and asset management specialist to undertake a revaluation of infrastructure assets at Fair Value for 30 June 2018, and subsequently prepare an Asset Management Plan for the Town for all asset classes.

Two tenderers submitted on the 6<sup>th</sup> March 2018, with only one tenderer submitting before the deadline. Cardno's tender has been deemed non-conforming as it was late, but has still been assessed to provide a comparison tender to GHD Advisory's.

Due to the length of the submissions, one hard copy set will be made available at the agenda meeting for review.

**STRATEGIC IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*  
*Local Government Regulations 1996*

**FINANCIAL IMPLICATIONS**

The recommended tender price and option is \$45,000.00 exc. GST. There is currently no budget allowed for these works within the 2017/2018 budget.



It would be prudent to allow a contingency amount of \$4,500 (10%) for officer time, and any minor unknowns that may occur during the valuation and asset management process.

This would require a budget amendment of \$49,500.00 exc. GST.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer recommendation.

**SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Town of Cottesloe Staff  
Elected Members

**STAFF COMMENT**

Two submissions have been assessed against the Request for Tender Specifications and GHD Advisory has been determined to be the submission representing the best value for money. The price from GHD Advisory is the lowest price, and they have provided good consideration of the criteria. They have a competent team and a large amount of relevant experience.

Cardno, whilst scoring slightly higher in the qualitative component, are significantly higher in price, and do not represent value for money in this instance. As noted in the background section of this report, the Cardno tender is non-conforming as it was late, and so could not be accepted in any case.

**COUNCILLOR QUESTIONS**

Cr Boulter

Q1: What relationship if any, is there between Cardno and GHD?

A1: We cannot advise.

Q2: Are GHD on the WALGA preferred provider list?

A2: Yes.

Q3: Who completed the project for the TOC in 30 June 2017 and the year before?

A3: This was previously completed in-house.

Q4: Why was a tender put out for a \$45,000 project?

A4: It was unknown what the cost would be.

Q5: Would the requirements relating to a tender have inhibited other providers from submitting a quote for the work?

A5: No.

Q6: Where was the tender advertised?

A6: The tender was advertised on Tenderlink and in the West Australian, and two local newspapers.

Q7: Is this a project it would be helpful to obtain advice from the TOC auditor about?

A7: No. The Auditor is required to audit the outcomes of the report.

Q8: Why wasn't a green infrastructure valuation and asset management plan included in this project given it appears to be a relatively minor project - \$45,000?

A8: A green infrastructure valuation and management plan will be completed separately as previously advised.

Q9: Who has recently completed similar work for each of the WESROC Councils in the last years?

A9: This information will be provided separately to Councillors.

## **VOTING**

Absolute Majority

## **OFFICER RECOMMENDATION**

**Moved Cr Rodda, Seconded Cr Harkins**

That Council:

1. Approve the budget amendment of \$49,500.00; and
2. Accept the tender presented by GHD Advisory and award the contract for the Infrastructure Revaluation and Asset Management Plan to GHD Advisory.

## **AMENDMENT**

**Moved Cr Boulter, Seconded Cr Pyvis**

To add an additional item 3 to the Officer Recommendation, as follows:

3. Council ENDORSES the development of a separated Infrastructure Revaluation and Asset Management Plan, and Tree Valuation and Asset Management Plan,

noting that the administration is preparing a brief on an inaugural Tree Valuation and Asset Management Plan for consideration by the Reserves, Parks and Playgrounds committee at its next meeting.

LOST 3/6

For: Crs Pyvis, Boulter and Tucak

Against: Mayor Angers and Crs Harkins, Rodda, Young, Sadler and Thomas

**PROCEDURAL MOTION**

**Moved Cr Young, Seconded Cr Rodda**

**That the Item be put to the vote.**

**CARRIED 9/0**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Rodda, Seconded Cr Harkins**

**That Council:**

- 1. Approve the budget amendment of \$49,500.00;**
- 2. Accept the tender presented by GHD Advisory and award the contract for the Infrastructure Revaluation and Asset Management Plan to GHD Advisory.**

**CARRIED 9/0**

**10.1.5 TOWN OF COTTESLOE – WORKS DEPOT – HEADS OF AGREEMENT**

**File Ref:** SUB/2524  
**Attachments:** Heads of Agreement  
Concept Plan  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Denise Tyler-Hare, Project Manager  
**Proposed Meeting Date:** 27 March 2018  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The Town of Cottesloe has been negotiating with the Town of Mosman Park to lease a portion of their depot site for the purpose of constructing a new depot facility for the Town of Cottesloe.

These negotiations have yielded a Heads of Agreement document between the two towns which Council is requested to approve, so that the project can move forward into detailed design, and subsequent construction.

**BACKGROUND**

The Town of Cottesloe currently leases premises at 8 Stack Street Fremantle for the purpose of locating the Council Works Depot, which will expire on the 31 October 2018, owing to a resolution from Council as follows:

At the 26 September meeting of Council it was resolved:

*THAT Council authorises the Chief Executive Officer to exercise the required documentation to accept the offer for a further one year lease for the 8 Stack Street Fremantle depot site.*

*Carried 8/0*

This was recommended on the understanding that a more permanent depot site was currently being negotiated with the Town of Mosman Park. This has now been undertaken, and an agreement drawn up between the two local governments for which Council approval is required to execute.

The Stack Street Depot lease has cost \$916,220.76, excluding GST, to date since we've been there, and the interest earned on the depot reserve funds is \$609,018.93 to date. The difference is \$307,201.83.

**STRATEGIC IMPLICATIONS**

The provision of a works depot is an important asset for Council from which to deliver valuable community works and services that are required to achieve the objectives of the Strategic Community Plan 2013 – 2023.

**POLICY IMPLICATIONS**

There are no perceived policy implications arising from the Officer Recommendation.

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**STATUTORY ENVIRONMENT***Local Government Act 1995**Local Government (Functions and General) Regulations 1996***FINANCIAL IMPLICATIONS**

\$641,250 exists in the 2017/18 Capital Works Budget for construction of the works.

The annual costs for the Stack Street depot rental, and anticipated Mosman Park depot rental, along with construction costs amortised over 21 years are as follows. Note that 2012/13 is a portion of the year, not the full year, and 2017/18 is budgeted values.

## Stack Street Depot Annual Rental Costs

Financial Year	Total Annual Rent	Interest on Depot Reserve	Net cost
2012/13	\$130,999.92		-\$130,999.92
2013/14	\$137,711.04		-\$137,711.04
2014/15	\$157,711.20	\$46,296.70	-\$111,414.50
2015/16	\$161,649.72	\$251,866.00	\$90,216.28
2016/17	\$161,649.72	\$222,405.29	\$60,755.57
2017/18	\$166,499.16	\$125,000.00	-\$41,499.16
Total	\$916,220.76	\$609,018.93	-\$270,652.77

The budget in the capital works 2017/2018 budget for construction of the depot is \$641,250.00, which amortised over 21 years, is \$30,535.71 per year. The rent at the Mosman Park site has not yet been agreed to, however an estimated rate per m2 cost based on the proposed areas and use in Mosman Park is \$76,940. Therefore, the total comparable costs per year are \$107,475.71 for Mosman Park, compared to \$166,499.16 that has been budgeted for in 2017/2018.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the Officers Recommendation.

**SUSTAINABILITY IMPLICATIONS**

The new depot site is closer than the Stack Street Depot site, and therefore provides an improvement on travel distance to locations within the Town of Cottesloe requiring work. This produces a reduction in CO<sub>2</sub> emissions, and also allows the depot employees to spend their time undertaking improvements within the town, in lieu of travelling.

**CONSULTATION**

Town of Cottesloe Staff

Elected Members

Town of Mosman Park

**STAFF COMMENT**

Elected Members indicated at the March Briefing Forum that Council should adopt the Heads of Agreement with the Town of Mosman Park. The Officer Recommendation reflects this feedback from Elected Members.

It is noted that a Heads of Agreement is a guideline document to form the basis of further discussions being undertaken between the two parties.

**COUNCILLOR QUESTIONS**

Cr Tucak

Q1: Is the 21 year term a minimum?

A1: No, it is the maximum amount of time allowed for Crown Land.

Q2: In any case, is this 'shared arrangement' the preferred long term solution for the Town?

A2: Yes.

Q3: I assume the 381m2 area is sufficient for current purposes

A3: Yes.

Q4: Can you advise if more space may be needed over time?

A4: We don't believe so.

Cr Young

Q1: Can you please advise the ToC rationale for the inclusion of a ToMP margin of 12.5% on the contract value?

A1: Standard profit and attendance on contracts is between 12.5% to 15%. They have used the lower end of this scale.

Q2: What is the margin intended to cover?

A2: The works they will have to undertake in accommodating the construction works for the new depot site, managing any service connections and upgrades etc.

Q3: Is the inclusion of a margin consistent with other resource sharing arrangements between LG's? Any examples?

A3: 10-15% is common between local governments.

Q4: What is the expected (roughly) value of the contract?

A4: There is a budget allowance of \$641, 250 in the 2017/18 budget (see prior to the mid-year review).

Q5: How does this compare to expenditure under the present Stack St arrangement?

A5: It does compare favourably, but we can't advise the exact the savings until the lease is finalised and construction costs are known.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Cr Rodda, Seconded Cr Thomas**

That Council authorise the Chief Executive Officer to execute the Heads of Agreement with the Town of Mosman Park.

**PROCEDURAL MOTION**

**Moved Cr Boulter, Seconded Cr Pyvis**

That consideration of this item be deferred to allow Council to investigate further alternatives.

LOST 2/7

For: Crs Pyvis and Boulter

Against: Mayor Angers and Crs Harkins, Rodda, Young, Thomas, Sadler and Tucak

**PROCEDURAL MOTION**

**Moved Cr Thomas, Seconded Cr Rodda**

That the Item be put to the vote.

**CARRIED 9/0**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Rodda, Seconded Cr Thomas**

That Council authorise the Chief Executive Officer to execute the Heads of Agreement with the Town of Mosman Park.

**CARRIED 6/3**

**For: Mayor Angers and Crs Harkins, Rodda, Young, Thomas and Sadler**

**Against: Crs Pyvis, Boulter and Tucak**

**10.1.6 BEACH ACCESS PATHS – COMMUNITY CONSULTATION FEEDBACK**

**File Ref:** SUB/2587  
**Attachments:** Concept Designs  
Community Consultation Feedback  
Community Consultation Feedback - Late  
Opinion of Probable Cost  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Denise Tyler-Hare, Project Manager  
**Proposed Meeting Date:** 27 March 2018  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The Town has undertaken community consultation on the beach access path upgrades concept plans and, the Beach Access Paths Committee has noted this feedback and has recommended proceeding to detailed design and documentation for S10, S12 and N6 to Council, subject to some amendments. N7 is proposed to be amended and re-advertised. The Council is requested to review and endorse the community consultation feedback and endorse proceeding to detailed design and documentation

**BACKGROUND**

At the January 2018 Committee meeting, the Committee reviewed the concept designs prepared by Ecoscape, and following some amendments, endorsed undertaking community consultation of the concept design plans, for the upgrade of four beach access paths; S10, S12, N6 and N7. The concept plans were put to Council via email, and subsequently accepted for consultation.

The community consultation was subsequently undertaken from the 13 January 2018 until the 6 March 2018, via newspaper adverts in The Post and The Western Suburbs Weekly, on the Council website, and via letters to affected residents and ratepayers, as well as the Cottesloe Facebook page and email database.

At the March Beach Access Path Committee Meeting, the Committee resolved to:

1. *Thank the community for their submissions.*
2. *Note the community consultation feedback submitted.*
3. *Endorse the progression of the project to detailed design and documentation for all four paths, subject to the following considerations:*
  - a. *At S10 (Salvado):*
    - i. *Install stencil signage to notify people of kites crossing and that the grassed area is a set up area;*
    - ii. *Ensure there is a kite friendly corridor, including designing the handrails to prevent equipment getting caught on railings, both in terms of height and sharp, protruding objects, and ensure no obstacles at either end of pathway;*
    - iii. *Consider how to protect ends of steps from erosion; and,*



- iv. *The design should reflect the importance of local amenity in public spaces.*

*Moved CR Boulter, Seconded CR Pyvis  
UNANIMOUS*

b. *At S12 (Deane)*

- i. *Consider how to protect ends of steps from erosion; and,*  
ii. *The design should reflect the importance of local amenity in public spaces.*

*Moved CR Tucak, Seconded CR Boulter  
UNANIMOUS*

c. *N6 (Hawkstone):*

- i. *Consider inclusion of a rubbish bin;*  
ii. *Manage drainage to minimise erosion on the log ladder; and,*  
iii. *The design should reflect the importance of local amenity in public spaces.*

*Moved Mike Ewing, Seconded Kerry Briody  
UNANIMOUS*

d. *N7 (Grant):*

- i. *Upgrade N7 to include steps;*  
ii. *The Town of Cottesloe administration report back to the Committee on the viability of a pedestrian crossing south of the roundabout at the intersection of Grant Street and Marine Parade;*  
iii. *Install two showers;*  
iv. *The design should reflect the importance of local amenity in public spaces.*  
v. *Retain, but relocate, the existing memorial seats near N7, rather than new benches, in close consultation with affected families; and,*  
vi. *Readvertise N7 for 14 days.*

*Moved CR Boulter, Seconded CR Tucak  
UNANIMOUS*

The Council is requested to review the community feedback and endorse this feedback, and proceeding to detailed design and documentation for S10, S12 and N6, subject to some amendments. N7 is proposed to be amended and re-advertised.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan (2013 to 2023)*

Priority Area Three: Enhancing beach access and the foreshore.

*Corporate Business Plan (2014 – 2018)*

Priority Area Three: Enhancing beach access and the foreshore.

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

**POLICY IMPLICATIONS**

Beach Policy – the Beach Access Path Concept Plans complies with the Policy as adopted by Council.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government Regulations 1996*

All works in the Cottesloe Foreshore Precinct will require planning approval from the Western Australian Planning Commission (WAPC) as the land sits under the Metropolitan Region Scheme. As the changes are minimal and do not significantly alter the purpose for which the land is to be used, there are no significant challenges that are expected when approvals are sought.

Much of the land contained within the Cottesloe Foreshore Precinct is also listed on the State Heritage Register. The Town will work with the State Heritage Office during the detailed design phase of every element to ensure heritage considerations are met.

**FINANCIAL IMPLICATIONS**

The 2017/2018 Budget has \$130,000 set aside for beach access path upgrades. Ecoscape have provided an Opinion of Probable Cost for each of the paths based on the concept plan, including a 10% contingency. The amounts, excluding GST, are:

- S10 - \$94,167.00
- S12 - \$86,763.00
- N6 - \$51,993.00
- N7 (current design) - \$77,699.00

Consultant fees are \$29,955, and so a Budget amendment of \$210,577 is likely required to complete the works in the 2018/2019 financial year.

The additional cost for steps at N7 is likely to be in the order of \$50,000 to \$55,000.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the Officer Recommendation.

**SUSTAINABILITY IMPLICATIONS**

The design approach for the Beach Access Paths has covered issues such as sustainability and the long term maintenance and management of the precinct. The design will need to include selected materials that have been chosen to ensure sustainability, longevity and ease of maintenance.

**CONSULTATION**

Beach Access Path Committee  
Town of Cottesloe Staff  
Elected Members  
Community Consultation

**STAFF COMMENT**

Community consultation results are presented as follows, with the following definitions:

- Objection – objection to the specifics of the upgrade.
- Support with comments – support with comments on the specifics.

In total, 57 submissions were received, with 56 before the closing date, and 1 after the closing date. The late submission has been provided as a separate attachment.

It is noted that out of the 56 submissions received, 39 were from Cottesloe residents.

Of the submissions received before the closing date, the following is a breakdown of the numbers and percentages of support and objections:

- N7 received 38 submissions, with 26 objections (68% of submissions), the majority of which concern not installing timber stairs and making superficial changes.
- N6 received 19 submissions, with 7 objections (37% of submissions), the majority of which concern not installing timber stairs.
- S10 received 19 submissions with only 2 objections (10% of submissions).
- S12 received 17 submissions and 5 objections (29% of submissions).

The following is a summary of key issues raised during the consultation:

**S10**

1. Install a sign post to notify people which grassed area is for wind and kite surfers, and include painted warnings on the foreshore footpath to note “kilters crossing”.
2. Widen the path to support people carrying their kites (3 - 4m).
3. Handrails to be low enough to prevent equipment getting caught on the railings when walking up and down the stairs, particularly on the prevailing leeward side (north-east). Handrails to be free of things that can catch on the kite e.g. nails, bolts.
4. Risers to have shallow gradient as possible for safety and ease.
5. Ensure no obstacles at either end of the pathway e.g. signs, trees, posts, spikes.
6. Consider how to protect ends of steps from erosion with piles.
7. WAKSA insurance signage is required.
8. Support trees for shade around grassed area.
9. Seat in the paved area to be relocated so it is not in the direct access line from the grassed area to the top of the steps.
10. Could reduce the area of paving and extent of retaining wall if need to cut costs.
11. Request for name plaque in seating at the top of the stairs.
12. Include bench seating south of the new design.
13. Retain 90 degree parking bays.

**S12**

1. Install a sign post to notify people which grassed area is for wind and kite surfers.
2. Widen the path to support people carrying their kites (3 - 4m).
3. Handrails to be low enough to prevent equipment getting caught on the railings when walking up and down the stairs.
4. Risers to have shallow gradient as possible for safety and ease.
5. Ensure no obstacles at either end of the pathway e.g. signs, trees, posts, spikes.
6. Consider how to protect ends of steps from erosion with piles.
7. Consider how proposed trees will be positioned with respect to existing residential views, once the trees mature.
8. Ensure signage does not interfere with existing residential views.
9. Existing concrete steps are in good order so there is no need to replace them.
10. The car parking diagram is incorrect - it shows 7 parking spots when there should be 9.
11. Keep the parking bays.

12. Already existing shower, stainless steel bin.
13. Walls around dunes are unnecessary.

**N6**

1. Would be better if it was upgraded to stairs, in lieu of a log ladder. Perhaps steps that went half way down, with a shallow grade log ladder after that.
2. Don't use limestone base under the log ladders, and remove any that is there already.
3. Include a rubbish bin.
4. Make sure drainage from the dual use path and paved area at the top does not run down the log ladders. This causes safety and maintenance issues.
5. Excellent proposal for upgrades and especially happy that the sand ladders will be retained.
6. Increasing usage in the past couple of years, continue to be important access points for popular swimming beach in North Cottesloe Beach. This path is in desperate need of upgrading, but will require ongoing maintenance. Prone to winter storms and surge damage over the lower sections, which means permanent infrastructure in the lower sections of the paths is not viable. In the lower sections, a new section of log steps may suffice if it is continually maintained. If this section is damaged during winter storms, it is reasonably easy and cost effective to replace.
7. Changing the alignment, as proposed, so that it is not as steep, and installing a wider and a new log ladder should help mitigate erosion problems of the existing path. Together with new side rails and an enlarged access node and revegetation of the surrounding areas should help to stabilize the dunes and provide a reasonable low-grade access path. Ongoing maintenance will be essential.
8. Existing sand ladder is old, dangerous and unsafe, should be replaced with stairs. Should have a shower included in the plan.
9. Install steps set in limestone, with no wooden balustrades that split and splinter, not too thick so that you can get your hand around it, no wire balustrades that move and push you off balance. Lower level balustrade for children.
10. All steps must reach the bottom.
11. Should also provide wheelchair access, including a large wheelchair and a roll of matting to spread over the sand.

**N7**

1. Needs to be upgraded to stairs, in lieu of a log ladder. Currently very badly maintained and a safety concern. Existing sand ladder is old, dangerous and unsafe, should be replaced with stairs. Steep log steps are difficult for elderly people and children to negotiate, particularly if they are broken and the sand has hollowed out between steps. Would prefer to see the shower remain as is and spend the money on a wooden stairway. Could have steps partially down, say 75%, with log ladder the rest of the way.
2. Bike racks should be installed where the proposed shower is.
3. Don't use limestone base under the log ladders, and remove any that is there already.
4. Install a zebra crossing immediately south of the roundabout intersection on Marine Parade, with Grant Street.
5. Grant Street beach is one of the busiest beaches in Cottesloe, and the shower area is really busy with a long wait time. 3 showers should be incorporated, with separate full height and foot showers.

6. Object to spending money on largely unwanted superficial changes such as relocation of amenities, etc.
7. Moving these amenities further north directs pedestrian traffic away from the Grant Street car park and street parking.
8. Bench seating should be on the same side as the shower.
9. Bike racks are a good facility; however position should be swapped with the showers for visibility and theft prevention.
10. Shower and bike rack position swapped, with perhaps a double shower.
11. Move bin nearer to the access pathway and seating.
12. Reconsider location of the shower so it is out of the line of site from residents – the current location provides quite good protection from the southwest between 2 mounds.
13. The current grassed area is a frequent stopping point for people walking dogs to give them water. The proximity to the road could become an issue for parents with young children.
14. Bench seating by the showers is requested, and perhaps should be facing the view.
15. Worried about trees blocking existing views for residents.
16. Make sure drainage from the dual use path and paved area at the top does not run down the log ladders. This causes safety and maintenance issues.
17. Excellent proposal for upgrades and especially happy that the sand ladders will be retained.
18. Increasing usage in the past couple of years, continue to be important access points for popular swimming beach in North Cottesloe Beach. This path is in desperate need of upgrading, but will require ongoing maintenance. Prone to winter storms and surge damage over the lower sections, which means permanent infrastructure in the lower sections of the paths is not viable. In the lower sections, a new section of log steps may suffice if it is continually maintained. If this section is damaged during winter storms, it is reasonably easy and cost effective to replace.
19. This is a key access point, which currently does not cope, and in the future, will not cope with usage, unless upgraded. It is not maintained now, and it will require, at least in the upper section, stairs or a ramp, the path to be widened, new side rails installed and new log ladders in the lower section.
20. Decommissioning the existing soakwell and relocating the shower should also help with previous erosion problems.
21. Retain, but relocate, the existing memorial seats near N7, rather than new benches. Suggest working with families to do this, as it can be a very sensitive issue.
22. Frank Slee's memorial bench to be facing the shower as he requested.
23. Log staircase is acceptable if kept in good repair, but when it isn't it is not acceptable.
24. Bike rack should be placed where the hillock is and the drinking fountain could stay or come nearer the shower.
25. Safety sign warning about snakes who come to drink at the shower/drink fountain location would be helpful.
26. Existing bench seats should remain.
27. Showers should face north and shouldn't be too tall, similar to that at Vera View. Benches should be placed up wind of the shower.

**Other**

1. S11 needs to be repaired.

2. Include/retain low log rail along western side of the dual use path.
3. When will the children's playground be upgraded near S10?
4. Napier Street beach access path – request for maintenance.
5. Concern that no other beach access paths are being made universally accessible.
6. I believe that the proposed designs are workable solutions to some often-complex issues. The solutions on the whole are visually non intrusive and sensitive to the natural context of the sites. They do not impact negatively on the high visual landscape values and the proposed signage and infrastructure is sensitive to the natural landscape. The conservation values have been considered and incorporated and cultural values have been respected.
7. Keep access pathways wooden, and don't use metal ones.
8. Install proper bike lock up posts at each access points.
9. Consider dune stabilisation, climate change and the stability of access paths at the bottom of dunes. Should separate cyclists from pedestrians between Indianas and Barchetta, and a masterplan is needed. Ensure beach access path designs consider climate change and erosion.
10. Coordinate design with the FPIC committee – currently inconsistencies in the signage, some materials, walls and seating, in particular the totem and plinth signage is poor quality aesthetically.
11. Makeshift structures with pigeon holes and towel racks should be the same in each location with the design improved so they are more structurally sound.
12. Include lighting on the paths, and wider access.
13. Need an overall design style guide to ensure consistency.
14. Consider using recycled plastic decking.
15. Consider using modular products, similar to that as used in Rottnest.
16. Construct toilets for users of south beach.
17. Install more seating and shade in the grassed/landscaped areas nearby beach access paths for people to enjoy the view.
18. Plant Norfolk Island Pines rather than Rottnest scrub trees.
19. Beach access stairs should be more robust than the proposed wooden stairs, for example Ricey Beach and Little Armstrong Bay at Rottnest, or the Gap in Albany.
20. Assuming that the access from Hawkstone Street that has recently been closed will be repaired and reopened.

The Council is asked to review the above feedback and attachments, in conjunction with the Beach Access Path Committee's resolutions, and endorse the progression of the project to detailed design and documentation, subject to a number of considerations.

## **VOTING**

Simple Majority

## **OFFICER RECOMMENDATION**

**Moved Cr Boulter, Seconded Cr Rodda**

That Council:

1. Thank the community for their submissions.
2. Note the community consultation feedback submitted.
3. Endorse the progression of the project to the detailed design and documentation for three paths S10, S12 and N6, and re-advertising of N7, subject to the following considerations:

- a. At S10 (Salvado):
  - i. Install stencil signage to notify people of kites crossing and that the grassed area is a set up area;
  - ii. Ensure there is a kite friendly corridor, including designing the handrails to prevent equipment getting caught on railings, both in terms of height and sharp, protruding objects, and ensure no obstacles at either end of pathway;
  - iii. Consider how to protect ends of steps from erosion; and,
  - iv. The design should reflect the importance of local amenity in public spaces.
- b. At S12 (Deane)
  - i. Consider how to protect ends of steps from erosion; and,
  - ii. The design should reflect the importance of local amenity in public spaces.
- c. N6 (Hawkstone):
  - i. Consider inclusion of a rubbish bin;
  - ii. Manage drainage to minimise erosion on the log ladder; and,
  - iii. The design should reflect the importance of local amenity in public spaces.
- d. N7 (Grant):
  - i. Upgrade N7 to include steps;
  - ii. The Town of Cottesloe administration report back to the Committee on the viability of a pedestrian crossing south of the roundabout at the intersection of Grant Street and Marine Parade;
  - iii. Install two showers;
  - iv. The design should reflect the importance of local amenity in public spaces.
  - v. Retain, but relocate, the existing memorial seats near N7, rather than new benches, in close consultation with affected families; and,
  - vi. Readvertise N7 for 14 days.

**AMENDMENT****Moved Cr Tucak, Seconded Cr Young**

That the Officer Recommendation be amended to include the following addition of item (v) under item (3.a):

- v. Existing S10 log ladder path be retained and maintained and not be removed until further community consultation on, and Council endorsement of, its removal.

LOST 1/8

For: Cr Tucak

Against: Mayor Angers and Crs Rodda, Boulter, Sadler, Young, Thomas, Pyvis and Harkins

**OFFICER RECOMMENDATION AND COUNCILLOR RESOLUTION****Moved Cr Boulter, Seconded Rodda**

That Council:

1. Thank the community for their submissions.

2. Note the community consultation feedback submitted.
3. Endorse the progression of the project to the detailed design and documentation for three paths S10, S12 and N6, and re-advertising of N7, subject to the following considerations:
  - a. At S10 (Salvado):
    - i. Install stencil signage to notify people of kites crossing and that the grassed area is a set up area;
    - ii. Ensure there is a kite friendly corridor, including designing the handrails to prevent equipment getting caught on railings, both in terms of height and sharp, protruding objects, and ensure no obstacles at either end of pathway;
    - iii. Consider how to protect ends of steps from erosion; and,
    - iv. The design should reflect the importance of local amenity in public spaces.
  - b. At S12 (Deane)
    - i. Consider how to protect ends of steps from erosion; and,
    - ii. The design should reflect the importance of local amenity in public spaces.
  - c. N6 (Hawkstone):
    - i. Consider inclusion of a rubbish bin;
    - ii. Manage drainage to minimise erosion on the log ladder; and,
    - iii. The design should reflect the importance of local amenity in public spaces.
  - d. N7 (Grant):
    - i. Upgrade N7 to include steps;
    - ii. The Town of Cottesloe administration report back to the Committee on the viability of a pedestrian crossing south of the roundabout at the intersection of Grant Street and Marine Parade;
    - iii. Install two showers;
    - iv. The design should reflect the importance of local amenity in public spaces.
    - v. Retain, but relocate, the existing memorial seats near N7, rather than new benches, in close consultation with affected families; and,
    - vi. Readvertise N7 for 14 days.

**CARRIED 9/0**



**10.1.7 MEMORANDUM OF UNDERSTANDING – BOUNDARY ROADS AGREEMENT**

**File Ref:** SUB/486  
**Attachments:** Memorandum of Understanding  
Appendix 1 - Schedule  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Nick Woodhouse, Manager Engineering Services  
**Proposed Meeting Date:** 27 March 2018  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is requested to consider a request from the City of Nedlands to sign a Memorandum of Understanding.

**BACKGROUND**

Following a discussion at the WESTECH meeting in August 2017, the City of Nedlands has presented the Town of Cottesloe with a "Boundary Roads Agreement" and a Memorandum of Understanding (MOU). The MOU details the roads shared with the City of Nedlands and the proposed understandings attributed to those roads.

There is only one road in Cottesloe that will be affected by the agreement (North Street).

**STRATEGIC IMPLICATIONS**

There are no perceived strategic implications arising from the Officer Recommendation.

**POLICY IMPLICATIONS**

There are no perceived policy implications arising from the Officer Recommendation.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Functions and General) Regulations 1996*

**FINANCIAL IMPLICATIONS**

The City of Nedlands advised the Town that it has one project scheduled within the next five years that will apply to the agreement. The project involves alterations to the traffic signals at North Street and West Coast Drive to improve driver safety. The project is majority grant funded and the cost to the Town of Cottesloe is expected to be in the order of \$10,000. Many Cottesloe residents and ratepayers would utilise this intersection and will benefit from this expenditure.

The Town of Cottesloe does not have any projects scheduled over the next five years that will affect the agreement.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the Officer Recommendation.

**SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the Officer Recommendation.

**CONSULTATION**

Town of Cottesloe Staff  
City of Nedlands

**STAFF COMMENT**

The purpose of the MOU between the two Local Governments on the division of works responsibilities for boundary roads is to:

- Ensure that all categories of works for all sections of the boundary roads receive the same standard of attention as non-boundary roads.
- Clearly define the division of works responsibilities on these roads between the two Local Governments.

The method for apportioning costs appears to be fair and reasonable and is either a 50/50 contribution or determined by the boundary alignment between the two Local Governments.

It is recommended to support the request to enter into an agreement with the City of Nedlands.

**COUNCILLOR QUESTIONS**

Cr Sadler

Q1: Is it possible to include a style guide in the MoU with Nedlands so that there is a consistent appearance across the boundary with choice of street lights, trees, footpath treatments etc?

A1: This could be considered if Council wishes. This will likely take additional time and Town administration resources. It could be considered as a project after the signing of the MOU.

Q2: Given that Marine Parade is part of the Foreshore Masterplan Review, would there be merit in Cottesloe having responsibility for the Marine Parade/North St roundabout and Nedlands the Marmion St roundabout. Currently it is proposed to be the other way around.

A2: The Foreshore Masterplan review scope is from Forrest Street to Eric Street therefore the North Street roundabout is outside the scope of the review. The roundabout area is mostly within the City of Nedlands boundary and would make sense to be included in their area of responsibility.

Cr Boulter

Q1: Can you please send a comprehensive plan of works that will be undertaken in North St/ West Coast Drive intersection that will fall under the MOU?

A1: There is currently no plan. The works are predominantly line marking and resurfacing with a change to the operation of the traffic lights to support the protected right turn (green arrow).

Q2: Have Cottesloe residents been consulted about the works?

A2: Not yet, the concern was raised by Swanbourne residents. If MRWA support the change we would then invite comment from both Cottesloe and Nedlands landowners in accordance with the agreement.

Q3: How much is Nedlands contributing to the works if TOC is contributing \$10,000?

A3: The City would contribute the same and this assumes a 2/3 contribution from MRWA (\$40,000).

Q4: Is it because it is only an MOU that an absolute majority is not required?

A4: No.

Q5: When will the budget amount be required to be settled by absolute majority?

A5: This is not known as the project is only listed for investigation at this stage.

Q6: While there is only one project scheduled could others eventuate from either Nedlands or Cottesloe that is covered by the MOU?

For example:

- a. Will the current proposal to restrict parking on the verge in the western end of North St be affected by this agreement?

Answer: No

- b. Will, any at grade crossings be considered at roundabouts, as these significantly affect Cottesloe residents much more than Nedlands residents in some locations?

Answer: At grade crossings can be considered subject to meeting engineering standards and community consultation.

- c. Will any on road markings be made? For example parking restrictions or cycle lanes be painted on the road?

Answer: There are none proposed at present. The road is too narrow for cycle lanes.

- d. Will trees be removed?

Answer: There are none proposed at present.

- e. Will there be an opportunity to plant trees while any surfaces are up?

Answer: Tree planting within the Town of Cottesloe is the responsibility of the Town of Cottesloe.

Cr Tucak

For background, could MES briefly explain (as part of any usual MES explanation of such item, if that is simplest):

Q1: How the current “MRWA Inventory” approach has worked in practice, and whether issues have ever arisen?

A1: No issues known. The MRWA Inventory simply refers to a road identification number (being North Street in this case).

Q2: Is it known what the CoN rationale is for an MOU, and are there identified risks to ToC going into an MOU?

A2: There are no perceived risks associated with this document.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Cr Rodda, Seconded Cr Harkins**

That Council authorise the Mayor and the Chief Executive Officer to sign the Memorandum of Understanding between the City of Nedlands and the Town of Cottesloe.

**AMENDMENT**

**Moved Cr Sadler, Seconded Cr Boulter**

That the Officer Recommendation be amended to include the following addition as Item 1 and the Officer Recommendation to be Item 2 as put.

1. That the Memorandum of Understanding is amended to include agreement that the City of Nedlands and Town of Cottesloe will cooperate on choice of green and built infrastructure, and road markings to ensure consistency of design and complementary safety messages along both sides of North Street.

**PROCEDURAL MOTION**

**Moved Cr Sadler, Seconded Mayor Angers**

**That the Item be put to the vote**

**CARRIED 9/0**

**CARRIED 9/0**

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rodda, Seconded Cr Harkins**

**That Council**

- 1. Authorise the Mayor and the Chief Executive Officer to sign the Memorandum of Understanding between the City of Nedlands and the Town of Cottesloe.**
- 2. That the Memorandum of Understanding is amended to include agreement that the City of Nedlands and Town of Cottesloe will cooperate on choice of green and built infrastructure, and road markings to ensure consistency of design and complementary safety messages along both sides of North Street.**

**CARRIED 9/0**

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**10.1.8 TREE REMOVAL REQUESTS**

**File Ref:** SUB/398  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Nick Woodhouse, Manager Engineering Services  
**Proposed Meeting Date:** 27 March 2018  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is requested to consider the removal of a Port Jackson Fig at the Town of Cottesloe Civic Centre as it is causing significant damage to a boundary wall. If the tree is left in place the wall will eventually collapse.

**BACKGROUND**

The Town has an ongoing issue with mature trees that have been planted too close to heritage boundary walls. As the trees grow the walls and stairs are being pushed out by tree roots.

In an effort to preserve tree health and minimise the damage to infrastructure such as boundary walls and stairs, the Town commissioned an expert consultant to assess each tree within the Civic Centre grounds. A Port Jackson Fig (Tree 132) has been assessed as requiring removal. This tree is located at the administration entrance. Please refer to the below figures.



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Figure 1: Port Jackson Fig Location



Figure 2: Tree roots damaging boundary wall

## STRATEGIC IMPLICATIONS

*Strategic Community Plan 2013-2023*

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

A major strategy identified in the *Strategic Community Plan 2013 to 2023* is the development of policies to protect trees and increase the tree canopy.

## POLICY IMPLICATIONS

The Street Tree Policy states that:

*'Tree removals must be seen as a last resort, used for dead and/or dangerous trees. The Manager Engineering Services must give approval for any tree removal.'*

It is noted that the tree is neither dead and/or dangerous, however, it has been assessed by an expert consultant who has advised that the tree should be removed to enable the repair of the limestone wall.

## STATUTORY ENVIRONMENT

*Local Government Act 1995*

*Local Government (Functions and General) Regulations 1996*

## FINANCIAL IMPLICATIONS

It will cost in the order of \$2,000 to remove the Port Jackson Fig. The wall repair is included in the 2018/19 Capital Works Budget.

## STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the Officer Recommendation.

**SUSTAINABILITY IMPLICATIONS**

The urban forest is recognised as a vital component of the urban landscape which provides a range of important benefits for residents and visitors to the Town. Trees are potentially the largest and most significant element in the urban landscape. As such, they provide the greatest opportunity for the development of identity and neighbourhood character. Given the importance of trees and other vegetation in people's daily experience, the role of trees in improving this can be broadly categorised into cultural, environmental, psychological and economic benefits.

**CONSULTATION**

Town of Cottesloe Staff

**STAFF COMMENT**

The report from the expert consultant states:

*'Tree 132 is causing significant damage to the adjacent wall structure. Further growth of the tree is likely to result in additional movement of the wall followed by complete collapse in the future. Due to the size and proximity of the tree to the wall we believe remedial root pruning activity will compromise the health and stability of the tree. Therefore, we recommend removing this tree and majority of its root system.'*

The Town has investigated whether there are any construction practices that can be carried out to retain the tree. Unfortunately, none have been found. On that basis the Officer Recommendation is to remove the Port Jackson Fig (Tree 132).

There is one additional tree that has been identified for potential removal. The tree is a Norfolk Island Pine adjacent to De Bernales Walk. The Town is currently investigating an alternative design and construction methodology of the boundary wall to enable the retention of the tree. It is expected that the construction costs will be significant. Once the details are known a report will be presented to Council.

**COUNCILLOR QUESTIONS**

Cr Sadler

Q1: Could the officer please advise what the age of the tree and predicted lifespan of the tree is?

A1: The age of the tree is approximately 20 to 30 years. The predicted lifespan of the tree is greater than 100 years.

Q2: Could the officer please advise what the overall condition of the wall is and if it will need replacement in future?

A2: Overall condition of the wall is 'poor'. The wall will require total replacement in the future.

Q3: Will the wall be assessed as part of the infrastructure valuation and asset management plan?



A3: The wall will be assessed as part of the infrastructure revaluation and Asset Management Plan.

Cr Harkins

Q1: I read that an alternative design and construction methodology is being investigated for the boundary wall to the Civic Centre for the Norfolk Pine tree adjacent to De Bernales Walk. Why would this alternative methodology not be suitable for the wall near the Port Jackson Fig?

A1: Due to the size and proximity of the tree to the wall we believe remedial root pruning activity will compromise the health and stability of this tree.

Cr Thomas

Q1: Is there any reason why the wall can not be rebuilt as per the photo in the link below so as to accommodate the Tree.

<https://www.facebook.com/westtreecanopy/photos/a.1763965320593284.1073741828.1742212466101903/1795172064139276/?type=3>

A1: There are issues relating to this being a heritage listed wall and engineering issues that affect the rest of the wall.

Cr Boulter

Q1: Can the expert consultant's advice referred to in the officer report please be circulated in full to Elected Members?

A1: Yes, sent via email.

Q2: Has there been a review of all green infrastructure at the Civic Centre? If so, when? If not, what is the proper process for this to occur?

A2: All trees have been assessed (please refer to the attached document).

Q3: What is the value of this tree?

A3: No value has been determined. The Town is currently working on a Project Brief for a tree valuation model.

Q4: Will the loss of this tree canopy be replaced and if so where?

A4: The canopy will be replaced. There are in the order of 300 trees being planted this year.

Q5: Is there an ongoing maintenance program for the Civic Centre? If so, can it be circulated to Elected Members?

Q6: There is no formal maintenance program. The Asset Management Plan will address this.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council approve the removal of the Port Jackson Fig at the Town of Cottesloe Civic Centre.**

NOTE: This Item was not considered at the meeting held on 27 March 2018. En bloc Items were resubmitted to a Special Council Meeting held on 3 April 2018 for consideration.

**FINANCE****10.1.9 FINANCIAL STATEMENTS FOR THE MONTH ENDING FEBRUARY 2018**

**File Ref:** SUB/2459  
**Attachments:** Monthly Financial Statements  
**Responsible Officer:** Garry Bird, Deputy Chief Executive Officer  
**Author:** Wayne Richards, Finance Manager  
**Proposed Meeting Date:** 27 March 2018  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

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

The attached financial statements and supporting information are presented for the consideration of Elected Members. Council staff welcomes enquiries in regard to the information contained within these reports.

**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.
- Allocations of costs from administration, public works overheads and plant operations.
- Reconciliation of loans and investments.

**STRATEGIC IMPLICATIONS**

There are no strategic implications arising from the Officer's Recommendation.

**POLICY IMPLICATIONS**

Investments Policy.

Investment of Surplus Funds Policy.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**STAFFING IMPLICATIONS**

There are no staffing implications arising from the Officers Recommendation.

**SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications arising from the Officers Recommendation.

**CONSULTATION**

There has been consultation with senior staff in the preparation of this report.

**STAFF COMMENT**

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

- The net current funding position as at 28 February 2018 was \$5,056,740 and is in line with previous financial years as shown on pages 2 and 22 of the attached Financial Statements.
- Rates and emergency services levies receivables at 28 February 2018 stood at \$1,321,917 as shown on pages 2 and 25 of the attached Financial Statements.
- Operating revenue is more than year to date budget by \$265,920 with a more detailed explanation of material variances provided on page 21 of the attached Financial Statements. Operating expenditure is \$225,668 more than year to date budget with a more detailed analysis of material variances provided on page 21.
- The Capital Works Program is approximately 30% complete as at 28 February 2018 and a full capital works program listing is shown on pages 33 to 37.
- Whilst Salaries and Wages are not reported specifically, they do represent the majority proportion of Employee Costs which are listed on the Statement of Financial Activity (By Nature and Type) on page 7 of the attached Statements. As at 28 February 2018 Employee Costs were \$1,958 more than at the same time in the previous financial year. Wage costs in the areas of administration, town planning and building control are greater than year to date budgets due to a number of factors, including termination payments and increased use of casual staff. This will be addressed in the mid year Budget Review.
- The balance of cash backed reserves was \$10,983,779 as at 28 February 2018 as shown in Note 7 on page 27 of the monthly financial statements.

**List of Accounts for February 2018**

The List of Accounts paid during February 2018 is shown on pages 38 to 44 of the attached Financial Statements. The following significant payments are brought to Council's attention;-

- \$42,313.12 to Click Super for staff superannuation contributions
- \$69,418.71 to the Australian Taxation Office for the business activity statement.
- \$34,371.63 to Surf Life Saving WA for lifeguard services.
- \$168,688.30 to the Shire of Peppermint Grove for the library contribution.

- \$97,284.80 to the Western Metropolitan Regional Council for waste disposal costs.
- \$31,700.01 to Melville Mazda for a new vehicle.
- \$100,000.00 to the National Australia Bank for a transfer to the investment account.
- \$97,904.57 and \$104,601.37 for Town of Cottesloe staff payroll.

### Investments and Loans

Cash and investments are shown in Note 4 on page 23 of the attached Financial Statements. Council has approximately 49% of funds invested with National Australia Bank, 25% with Bankwest, 16% with Commonwealth Bank of Australia and 10% with Westpac Banking Corporation. Council had a balance of \$10,983,778 in reserve funds as at 28 February 2018.

Information on borrowings is shown in Note 10 on page 30 of the attached Financial Statements and shows Council had total principal outstanding of \$4,447,230 as at 28 February 2018.

### Rates, Sundry Debtors and Other Receivables

Rates revenue information is shown in Note 9 on page 29 of the attached Financial Statements. Rates outstanding are shown on Note 6 on page 25 and show a balance of \$1,321,917 as compared to \$1,212,063 this time last year.

Sundry debtors are shown on Note 6, pages 25 and 26 of the attached Financial Statements. The sundry debtors show that 27% or \$25,478 is older than 90 days. Infringement debtors are shown on note 6(a) and stood at \$495,350 as at 28 February 2018.

### Budget Amendments

The budget amendments are listed on pages 12, 13 and 24 of the Financial Statements.

## **COUNCILLOR QUESTIONS**

Cr Sadler

Q1: Could the officer please explain the 275% variation on page 5 of the attachments that occur under the heading of "Education and Welfare"?

A1: This variation relates to the repayment of a \$500,000 grant repaid to the department of Education for the proposed North Cottesloe Primary School car park works that did not proceed.

Cr Boulter

Q1: Are you able to explain all the cancelled cheque entries?

A1: There was an issue with the printer used to produce cheques resulting in the alignment of the printing being incorrect.

Q2: Hays Recruitment

A2: Casual Administrative staff to cover for staff leave.

Q3: All IRIS Consulting Fees accounts

A3: Archiving project of Council records stored at the Depot

Q4: Peter Baxendale for variation to Memorial Hall

A4: Engineering advice for roof structure remedial works at the Memorial Hall

Q5: Lesser Hall upgrade for \$19,644 – hadn't this been finished?

A5: This payment was for part payment of the retention monies held for the contract.

Q6: Can I have an itemised account for the SLSWA account?

A6: This will be emailed to all Elected Members.

Q7: Can you give more information about the purchase of a Mazda car?

A7: This was a replacement vehicle for the Coordinator Statutory Planning, whose previous vehicle was overdue for replacement.

Q8: Can I have an itemised account from Borello Lawyers?

A8: This will be emailed to all Elected Members.

Q9: Can I have an itemised account for the \$6060 for tree surgeons?

Prune 3 trees 110 Eric Street \$2,409.00  
Tree inspection and works 14 Wentworth St \$2,035.00  
Tree Report 27 Pearse St \$242.00  
Remove branch 1 Loma St \$1,320

## **VOTING**

Simple Majority

## **OFFICER RECOMMENDATION**

**That Council receive the Financial Statements for the period ending 28 February 2018 as submitted to the 27 March 2018 meeting of Council.**

NOTE: This Item was not considered at the meeting held on 27 March 2018. En bloc Items were resubmitted to a Special Council Meeting held on 3 April 2018 for consideration.

**EXECUTIVE SERVICES****10.1.10 WEARNE MASTER PLAN**

**File Ref:** SUB/2521  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Mat Humfrey, Chief Executive Officer  
**Proposed Meeting Date:** 27 March 2018  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is being asked to consider adopting the Draft Master Plan for the purposes of advertising and community consultation.

**BACKGROUND**

At the Council meeting of 26 April 2016, Council agreed to enter into an Agreement to Lease and Redevelop ('the Agreement') between the four local Councils that own the land on which Lot 555 Cottesloe (Wearne Cottesloe) is situated and Curtin Aged Persons Home Inc., now trading as Curtin Care.

The Agreement defines the obligations of all parties for the duration of the redevelopment and establishes the parameters for a new 25 year lease that commences upon the conclusion of the Stage 1 redevelopment works.

Under the terms of the Agreement, Curtin Care is obliged to produce a Master Plan which addresses development parameters ahead of the completion of more detailed design.

The Master Plan will be advertised for public consultation before it is considered for approval by the landowners. All four Councils are required to agree on the approval of the Master Plan.

Curtin Aged Persons Homes Inc., trading as Curtin Care, was founded in 1979 by Councillors of the Town of Cottesloe to ensure there would always be quality aged care for residents in Cottesloe, Mosman Park, Claremont and Peppermint Grove.

Curtin Care is a not-for-profit, registered charity with the Australian Charities and Not-for-profits Commission (ACNC) and has Public Benevolent Institution (PBI) status. Curtin Care currently provides quality residential aged care at two facilities, at Wearne Cottesloe (88 bed licences) and at RiverSea Mosman Park (44 bed licences), as well as offering 14 retirement living accommodation units at RiverSea Village.

The land on which Wearne Cottesloe is situated is owned by the four Councils of Cottesloe, Claremont, Peppermint Grove and Mosman Park, and is leased to Curtin Care.

The ownership of the site is a conditional tenure, under section 75 of the *Land Administration Act 1997*. The tenure provides ownership so long as the conditions on

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the title are met. In this instance, the title limits the use of the land to '*the provision of care, accommodation and residential facilities for aged persons and all activities and matters relating to the provision of such care, accommodation and residential facilities*'. Letters from the relevant department state that this includes the provision of a facility under the *Retirement Villages Act 1992*.

In 2016, Curtin Care embarked on a proposal to redevelop Wearne Cottesloe with the intent to meet the needs of the ageing population in the local community and continue to deliver high quality care.

The Master Plan identifies a development of a 129 bed residential aged care facility and 76 retirement apartments, along with a small allocation of space for complementary uses as permitted under the Lease and the conditional tenure of the land.

### **STRATEGIC IMPLICATIONS**

There are no current strategic implications from this recommendation, as it only relates to advertising.

### **POLICY IMPLICATIONS**

The recommendation to advertise and seek comments is in line with the requirements of the Communication Policy and Community Consultation Policy. However, the policy is being deviated from slightly as the feedback and advertising will be coordinated between the four member local governments, rather than a stand alone process for Cottesloe.

### **STATUTORY ENVIRONMENT**

There are no specific statutory requirements for the advertising of the Master Plan. The Town has previously complied with the requirements in the Local Government Act 1995 for the disposition of property (April 2016). Further consideration by the Town of Cottesloe will be needed if the Draft Master Plan is approved by the four member local governments and this will require consideration against the requirements for the development and adoption of a Local Planning Policy.

### **FINANCIAL IMPLICATIONS**

This consultation is being carried out by the four Local Governments as part of their responsibilities as landowner. The bulk of the advertising is to be through in-house media, however the collective costs will be up to \$2,000, or \$500 per local government.

### **STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from this report or recommendation.

### **SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from this report or recommendation.



**CONSULTATION**

Various meetings have been held with representatives of Curtin Care during the past 12 months. Meetings between the four affected local governments have also been undertaken.

Representatives of Curtin Care have consulted with the Town of Cottesloe as the planning authority during the development of the Master Plan.

Curtin Care has undertaken extensive voluntary (non-statutory) consultation with the community and neighbouring residents that facilitated the establishment of a series of design principles from which the Master Plan has since been developed.

The Draft Master Plan has been sent to the Minister for Lands for confirmation that the Draft Master Plan complies with the restrictions on the certificate of title prohibiting alternative uses for the site.

It is proposed in this report that the Draft Master Plan be approved for public consultation. This will be undertaken by the four Local Governments as landowners seeking public feedback on the proposal and will be carried out through each local government's media channels. Once the public feedback is gained it will be collated and brought back to the Councils with any recommendations for adjustment to the Draft Master Plan and the recommendation to then adopt the Master Plan in order for it to be submitted for development approval.

**STAFF COMMENT**

The Agreement to Lease and Redevelop requires Curtin Care to submit a Master Plan to the four co-owners for approval as a condition precedent to the New Lease.

It is anticipated that the four co-owners will require the Master Plan to be subject to public consultation prior to approving the document. It is proposed that the CEO of Claremont lead the consultation process on behalf of the co-owners.

Following the consultation process the Master Plan will be submitted to the four Councils for adoption after considering community feedback on the concept plans.

Under the terms of the Agreement to Lease and Redevelop, the Master Plan approvals provided by Council are limited to the capacity of a registered proprietor and lessor of the land, and not as a responsible local authority.

Once the Master Plan has been formally adopted by the four co-owners, The Town of Cottesloe will incorporate the Master Plan into a Local Planning Policy (LPP) which will be advertised for public comment. The Town of Cottesloe is the approval authority for the LPP. After the LPP has been adopted, Curtin Care will prepare a Development Application, which the four co-owners are required to sign before it can be lodged.

A number of subsequent obligations exist within the Agreement where Curtin Care is required to provide information to the landowning Councils at key milestones to ensure the development continues to satisfy the needs of the landowners.

In addition to compliance with all relevant laws, codes and approvals, these obligations include but are not limited to:

- The Lessee must prepare and submit to the Lessor a risk management plan for the redevelopment project;
- Following the issue of the Development Approval, the Lessee must submit to the Lessor a works programme;
- The Lessee must provide a genuine pre-estimate of the total actual cost the Lessee will incur in respect of the redevelopment project;
- The Lessee must provide confirmation of funding for the redevelopment project; and (Once development works have commenced) the Lessee must provide a report every 6 months which contains particulars of the works completed during the previous 6 months and a financial report showing costs against projected budget to date.
- The Lessee assumes all risks associated with the redevelopment project. At the conclusion of the lease (should the lease not be extended beyond the next 25 year term) the ownership of the buildings and land remains with the four co-owners.

### **The Proposed Development**

The Draft Master Plan identifies a development of a 129 bed residential aged care facility and 76 retirement apartments, along with a modest allocation of space (less than 5 percent) for complementary uses as permitted under the Lease and the conditional tenure of the land.

Curtin Care has identified the proposed complementary uses to include a café, allied health services and arts space, to be provided on a not for profit basis if possible. The lease provisions allow commercial uses if the Lessor is reasonably satisfied that they are ancillary to the Permitted Purpose. Previous advice from McLeod's Barristers and Solicitors confirmed that all of these are complementary to the permitted use. In addition the Draft Master Plan has been forwarded to the Minister for Lands for confirmation that the Draft Master Plan complies with the restrictions on the certificate of title regarding alternative uses for the site.

Stage 1 of the redevelopment is proposed to be sequenced into phase 1a and 1b to ensure continuity of care for existing residents while the new residential aged care facility is constructed.

Phase 1a is proposed to include:

- Early works / Enabling works
- 129 bed residential aged care facility
- 33 Independent living apartments
- Phase 1b is proposed to include:
- Heritage building restoration works
- 43 Independent living apartments
- Recreational and community facilities
- Non-residential spaces (café, allied health)
- Heritage gardens

Under the *Retirement Villages Act 1992* independent living apartments must be provided on a lease for life basis.

**Pre-Estimate of Cost and Feasibility Study**

Curtin Care has undertaken detailed feasibility analysis based on the concept plans presented in the Master Plan. The analysis conducted to date includes independent market research, consumer research, cost analysis conducted by quantity surveyors and detailed financial feasibility research conducted by Grant Thornton.

The preliminary cost estimate indicates the total cost of the development to be in the order of \$117 million, inclusive of construction costs, professional fees, statutory fees and charges, headworks, fixed furniture and equipment, escalation and contingency.

Approximately \$72 million of the expenditure will be incurred during phase 1a, with the remainder of the redevelopment costs associated with phase 1b.

The cost analysis, market and consumer research and financial feasibility model will continue to be refined on an iterative basis as the redevelopment project progresses through the formal planning process and detailed design.

Funding approval will be sought at the appropriate stage of the project, following the approval of the Master Plan and LPP, and the subsequent completion of detailed design for the development. The development will be funded with cash reserves, resident contributions (as permitted under the Aged Care Act) and senior debt. Peak debt is anticipated to be less than \$50 million.

Confirmation of finance approval will be provided in accordance with the Schedule of the Agreement to Lease and Redevelop.

**VOTING**

Simple Majority

**COUNCILLOR QUESTIONS****Cr Boulter**

Q1 Is a similar report going to each of the member Councils?

A1 Yes

Q2 Are you able to circulate a copy of each of those reports to Elected Members?

A2 No – the Agenda's are prepared at approximately the same time. The recommendation will be the same and I believe each Council makes their Agendas available online.

Q3 What are the contractual obligations with the Wearne site developers in relation to the officer recommendation?

A3 Nil. The obligation is on the lessee to attain the consent of all four member Councils to their Draft Master Plan.

- Q4 Does this resolution require an absolute majority given there are advertising costs?
- A4 No – these costs can be met within existing operating budgets.
- Q5 Will the advertising costs be shared equally between each of the Councils?
- A5 Yes
- Q6 I am very concerned that the feedback and advertising process will not be entirely separate from and independent of the Developer.
- A6 Noted – although we do need them to provide the Master Plan and any clarifications of it.
- Q7 Which Councils' Communication and Community Consultation policies will apply to this process?
- A7 No one policy will prevail over the others – we are attempting to meet the requirements of each.
- Q8 In reference to the officer report statement on page 43, what is meant by “in house media”? Is it meant to mean the developer's in house media?
- A8 Social media pages, websites and internal newsletters of each of the Councils.
- Q9 Which Council will be conducting the feedback and advertising? Given it is in Cottesloe and our residents – within and without the development - are the ones who will be affected I hope and trust it is Cottesloe Council?
- A9 The Town of Claremont. As we are the planning authority (and have the burden of dealing with this) it was thought most prudent to have one of the others take the lead for this section.
- Q10 I recall Mayor Pollock being concerned – as was I - about the lack of clearer costings in this document before it goes out to advertising and in particular the cost of the electricity services - ? substation? Has there been any further discussion about better costings being included in the document?
- A10 No – unless the Master Plan is agreed to, there is some difficulty in getting detailed costs like the ones mentioned above.
- Q11 Are all the 4 mayors and CEOs satisfied that the costings in the document are sufficiently clear for this part of the advertising process?
- A11 Yes – the detailed costings you refer to will be required to be provided at a later part of the process.

**Cr Boulter**

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- A1 Yes
- Q2 Are you able to circulate a copy of each of those reports to Elected Members?
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- Q5 Will the advertising costs be shared equally between each of the Councils?
- A5 Yes
- Q6 I am very concerned that the feedback and advertising process will not be entirely separate from and independent of the Developer.
- A6 Noted – although we do need them to provide the Master Plan and any clarifications of it.
- Q7 Which Councils' Communication and Community Consultation policies will apply to this process?
- A7 No one policy will prevail over the others – we are attempting to meet the requirements of each.
- Q8 In reference to the officer report statement on page 43, what is meant by “in house media”? Is it meant to mean the developer's in house media?
- A8 Social media pages, websites and internal newsletters of each of the Councils.
- Q9 Which Council will be conducting the feedback and advertising? Given it is in Cottesloe and our residents – within and without the development - are the ones who will be affected I hope and trust it is Cottesloe Council?
- A9 The Town of Claremont. As we are the planning authority (and have the burden of dealing with this) it was thought most prudent to have one of the others take the lead for this section.

Q10 I recall Mayor Pollock being concerned – as was I - about the lack of clearer costings in this document before it goes out to advertising and in particular the cost of the electricity services - ? substation? Has there been any further discussion about better costings being included in the document?

A10 No – unless the Master Plan is agreed to, there is some difficulty in getting detailed costs like the ones mentioned above.

Q11 Are all the 4 mayors and CEOs satisfied that the costings in the document are sufficiently clear for this part of the advertising process?

A11 Yes – the detailed costings you refer to will be required to be provided at a later part of the process.

**OFFICER RECOMMENDATION**

**Moved Cr Rodda, Seconded Cr Sadler**

That Council approve the Draft Master Plan for the purposes of public consultation.

**CARRIED 9/0**

**AMENDMENT**

**Moved Cr Boulter, Seconded Cr Pyvis**

That Council approves the Draft Master Plan for the purposes of public consultation subject to the public consultation process being undertaken by the Town of Cottesloe with resources and costs required for that process to be shared by all participating Councils.

LOST 2/7

For: Crs Boulter and Pyvis

Against: Mayor Angers and Crs Harkins, Rodda, Young, Thomas, Sadler and Tucak

**PROCEDURAL MOTION**

**Moved Cr Rodda, Seconded Mayor Angers**

**That the Item be put to the vote**

**CARRIED 9/0**

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rodda, Seconded Cr Sadler**

**That Council approves the Draft Master Plan for the purposes of public consultation.**

**CARRIED 9/0**

**10.1.11 FORESHORE RENEWAL – CONSULTANT DESIGN FEES VARIATION**

**File Ref:** SUB/2525  
**Attachments:** Original Emerge Submission  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Denise Tyler-Hare, Project Manager  
**Proposed Meeting Date:** 27 March 2018  
**Author Disclosure of Interest:** Nil

**SUMMARY**

As a result to changes to the scope of the Foreshore Renewal Project works, Emerge has requested a variation to the original agreement, and the Council is requested to consider this variation.

**BACKGROUND**

Emerge has been contracted to undertake a scope of works for the Foreshore Renewal, as per their submission in June 2017, which can be found on pages 17 - 18 of the attached document. The scope of works included in the fee was as follows:

<b>Item</b>	<b>Cost (Exc. GST)</b>
Project review and commencement	\$0
Existing Infrastructure Reduction Strategy	\$4,000.00
New Infrastructure Style Guide	\$6,800.00
Set Client Meetings for Whole of Contract ( 11 in total)	\$8,047.50
Beach Access Path Works	\$34,060.00
Summer Temporary Works Trial (2017 – 18)	\$26,268.00
<b>Total</b>	<b>\$79,605.50</b>

Their exclusions were as follows:

1. Alterations or additions to the requested scope of works;
2. Community consultation/community meetings beyond that stated as included;
3. Geotechnical reports;
4. Water and Power source; and,
5. Replacement of existing services from aging.

The variations requested are outlined in the following table. Note that the sunset deck variation has been removed at this stage, as since the memo regarding these variations was sent to Elected Members, the Foreshore Precinct Implementation Committee has endorsed holding on this item.

<b>Design and Documentation Elements</b>	<b>Variation (exc. GST)</b>
Delete remaining summer trial works	-\$15,830
Shady seating	\$24,015.75
Additional meetings	\$4,560
Beach Structure Prototype	\$7,210
Bespoke furniture	\$3,990
<b>Construction elements</b>	
Beach Structure Prototype	\$25,000
<b>Total</b>	<b>\$48,945.75</b>

**STRATEGIC IMPLICATIONS**

The implementation of the Foreshore Master Plan is identified as a community priority in the Strategic Community Plan.

*Strategic Community Plan 2013 to 2023*

*Priority Area Three: Enhancing beach access and the foreshore.*

*Corporate Business Plan (2014 – 2018)*

*Priority Area Three: Enhancing beach access and the foreshore.*

*3.1 Implement the 'Foreshore Redevelopment Plan' in consultation with the community*

**POLICY IMPLICATIONS****Purchasing Policy**

The variations are being made under an existing supply contract. As such no other quotes are able to be obtained.

**STATUTORY ENVIRONMENT**

There are no perceived statutory implications as a result of the Officer Recommendations.

**FINANCIAL IMPLICATIONS**

This project is expected to require significant resources over the next two years. The original budget was \$250,000, and the approved budget amendment from November is \$1,877,571 including \$103,243 of contingency. The total for these works is \$2,127,571.

The total amended consultant fee would be \$128,551.25 exc. GST. This is within the \$250,000 currently allocated within the 2017/2018 budget.

**STAFFING IMPLICATIONS**

Administration resources are limited and consideration to the preparation of reports ahead of time must be allowed.

**SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications as a result of the Officer Recommendations.

**CONSULTATION**

Foreshore Precinct Implementation Committee  
Elected Members  
Town of Cottesloe Staff

**STAFF COMMENT**

These variations are in addition to the original scope as a result of changes arising during the design process.

These variations have arisen from a number of scope changes that have evolved through both the Foreshore Precinct Implementation Committee and the Council. The



following is a description of each variation, what it comprises of, and how the costs were derived.

It should be noted that variations are a normal part of the project process, and would be prepared prospectively, rather than retrospectively. In this specific case, the process has been more fluid because of the involvement of a committee, and changes have happened on the fly. In a project without a Committee involved, variations would typically, where allowed under the Purchasing Policy, be signed off under delegation.

### **Summer Trial Works**

At the November 2017 Ordinary Council Meeting, the Council resolved:

*That Council request that the Foreshore Precinct Implementation Committee in consultation with Emerge develop preliminary design (having regard to Dr Lutton's plan) and costings for the part/complete closure of Car Park 1 that will include the removal of bitumen and replacement with grass, trees, shade structures and public amenities, for the December 2017 Ordinary Council Meeting.*

This resolution and the subsequent actions arising from it caused the Summer Trial Works to be cancelled. At the time, items 16-18 of Emerge's original scope had been completed, which has resulted in a negative variation of \$15,830.00 exc. GST.

### **Shady Seating**

This component of works was not a part of the original scope. However, an opportunity for shady seating was identified as part of the access design component of the works, and in consultation with the Committee and the community, and the concept was progressed. The Council, at the November 2017 Ordinary Council Meeting, resolved:

*Amend the 2017/18 Budget to include \$436,650 for the 'Shady Seating' component of the Cottesloe Foreshore Renewal Project, subject to the detailed design plans being returned to Council prior to committing any expenditure for Council approval.*

This budget amendment was for the construction component of the works only. From this resolution, it was interpreted that the design works should continue for both concept and detailed design, and that a design variation would be required.

Emerge have prepared their fee variation on a 5.5% of construction value basis, which is a competitive landscape fee structure, and well below their standard rate. The percentage is as per their original tender.

The shady seating will add great value to the foreshore area.

### **Additional Meetings**

The original fee allowed for 11 meetings, comprising of 9 \* 1.5 hr Committee meetings, and 2 \* 2 hour construction meetings, over a 9 month design and construction period. So far, 8 have been undertaken, and it is anticipated that over the balance of the project, an additional 6 meetings will be required.

The variation is priced to include Zac and Chris for an average of 2 hours per meeting (meeting rate \$760), and will only be billed if the meetings go ahead.

**Bespoke Furniture**

This variation has arisen from ongoing review of the style guide by the Committee, and the change from off-the-shelf furniture to bespoke furniture elements requested by the Committee.

Off-the-shelf furniture was not specifically stated in Emerge's original quote, however, they have spent considerable time redesigning and reviewing alternative options at the Committee's request. The amount requested is for their time to date on the style guide.

**Beach Structure Prototype**

At the Ordinary Council Meeting in November 2017, Council resolved to:

*Amend the 2017/18 Budget to include \$635,212 for the 'Beach Structures' component of the Cottesloe Foreshore Renewal Project, subject to;*

- a. the detailed design plans being returned to Council prior to committing any expenditure for Council approval;*
- b. the old beach shade structures are not removed until the new replacement structures are ready to replace them contemporaneously with the removal; and*
- c. the new Beach Structures provide solid shade.*

The design of the beach shade structure has been discussed by the Committee, and options as to the nature of a permanent or temporary roof have been considered.

It is suggested that prior to spending such a significant sum as resolved above, spending \$32,210 to develop a prototype and construct it in-situ for all Councillors to walk through and note their comments, would be a sensible decision.

This money is an investment, as the structure, once in place, will belong to the Council, and can inform the design and construction of the full structure, prior to it being designed and constructed, potentially not as how it is envisioned.

With regard to the queries from CR Thomas as follows:

*Is it possible to get:-*

- A) a copy of the scaled drawing showing ALL the dimensions of the structure.*
- B) a list of the materials showing the length & number of the vertical tubes, the length & number of the horizontal tubes and the number and types of the different clamps used.*
- C) the cost to install the structure*
- D) a diagram showing where the prototype structure will be placed.*

This information can be provided prior to the prototype being installed, however, is unavailable at this time, as works have not commenced on the design of the prototype.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Cr Young, Seconded Cr Rodda**

**That Council APPROVE the requested variation to Emerge Associates contract of \$48,945.75 excluding GST.**

**PROCEDURAL MOTION**

**Moved Cr Rodda, Seconded Cr Young**

**That the Item be put to the vote**

**CARRIED 9/0**

**OFFICER RECOMMENDATION AND COUNCILLOR RESOLUTION**

**Moved, Cr Young, Seconded Cr Rodda**

**That Council APPROVE the requested variation to Emerge Associates contract of \$48,945.75 excluding GST.**

**CARRIED 9/0**

*Councillor Thomas left the room at 8.13pm and returned at 8.15pm*

## **10.2 REPORT OF COMMITTEES**

That Council note the Minutes of the following Committee Meetings with consideration given to the Committees' recommendations below.

### **Art Acquisition Panel**

**Moved Cr Young, Seconded Cr Rodda**

That Council appoint Stephen Mellor and Rosalin Sadler to the Art Acquisition Panel.

### **AMENDMENT**

**Moved Cr Young, Seconded Cr Sadler**

**That the Art Acquisition Panel Item be amended to include the following additions as numbers 2 and 3 and Item as put become number 1;**

- 2. That the appointments be until the next Ordinary Local Government Election; and**
- 3. All future vacancies be advertised.**

LOST 2/7

For: Crs Young and Rodda

Against: Mayor Angers and Crs Pyvis, Harkins, Thomas, Sadler, Boulter and Tucak

### **COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Young, Seconded Cr Sadler**

**That Council appoint Stephen Mellor and Rosalin Sadler to the Art Acquisition Panel.**

**CARRIED 9/0**

### **Audit Committee Meeting held 13 March 2018.**

Draft Minutes attached.

NOTE: The Recommendation relating to the investment policies will be the subject of a report to the April Ordinary Council Meeting.

## **10.2.1 COMPLIANCE AUDIT RETURN**

### **COMMITTEE RECOMMENDATION**

**Moved Cr Rodda, Seconded Cr Young**

**That the Town of Cottesloe Audit Committee recommend to Council the ADOPTION of the 2017 Compliance Audit Return, noting that there are no areas of non compliance, and authorise the Mayor and Chief Executive Officer to certify the Return so that it may be returned to the Department of Local Government and Communities by the due date of 31 March 2018.**

**AMENDMENT**

**Moved Cr Boulter, Seconded Cr Pyvis**

That the Committee Recommendation be amended as follows and to include addition of number 2.

That Council:

1. **ENDORSE** the Town of Cottesloe Audit Committee recommendation the **ADOPTION** of the 2017 Compliance Audit Return, noting that there are no areas of non compliance, and authorise the Mayor and Chief Executive Officer to certify the Return so that it may be returned to the Department of Local Government and Communities by the due date of 31 March 2018
2. **Include** the Compliance Audit Return in the Minutes of the March 2018 Ordinary Council Meeting

**PROCEDURAL MOTION**

**Moved Cr Boulter, Seconded Cr Thomas**

That the Item be put to the vote.

**CARRIED 9/0**

**CARRIED 9/0**

**COMMITTEE RECOMMENDTION AND COUNCIL RESOLUTION**

**Moved Cr Rodda, Seconded Cr Young**

That Council:

1. **ENDORSE** the Town of Cottesloe Audit Committee recommendation the **ADOPTION** of the 2017 Compliance Audit Return, noting that there are no areas of non compliance, and authorise the Mayor and Chief Executive Officer to certify the Return so that it may be returned to the Department of Local Government and Communities by the due date of 31 March 2018
2. **Include** the Compliance Audit Return in the Minutes of the March 2018 Ordinary Council Meeting

**CARRIED 9/0**

**Bike Planning Committee held 13 February 2018.**

Draft Minutes attached.

Withdrawn by Officers.

**Community Safety and Crime Prevention held 20 February 2018**

Draft Minutes attached. No recommendations.

**Disability Services Advisory held 27 February 2018**

Draft Minutes attached.

**10.2.2 DISABILITY ACCESS AND INCLUSION PLAN****COMMITTEE RECOMENDATION**

**That the Town's Disability Services Advisory Committee make a recommendation to Council that the 2018-2023 Disability Access and Inclusion Plan be adopted.**

**PROCEDURAL MOTION**

**Moved Cr Pyvis, Seconded Cr Boulter**

**That consideration of the Disability Access and Inclusion Plan be deferred, pending circulation of the Plan in a Council Agenda and the Plan being amended to include analysis of the Sea View Golf Club premises access.**

**CARRIED 9/0**

**COUNCILLOR QUESTIONS**

Cr Sadler

Q1: Would it be possible in future for committee minutes that have not been approved by the relevant committee to have "Draft" written in big letters on the front for the sake of clarity?

A1: Yes.

Cr Boulter

Q1: I understand that what are marked up in the March Agenda Forum as the minutes of the Audit Committee 13 March 2018, Bike Planning Committee Minutes 13 February 2018, the CSCP minutes for 20 February 2018, Disability Committee Minutes 27 February 2018, Foreshore Precinct Implementation Committee 27 February 2018 are all DRAFT minutes as they are not yet approved by those committees and not yet signed off (see LG Act s5.22(3) Chairs of those committees.

A1: Council can note these Minutes before they are accepted by the Committee.

Q2: I am also curious why there is a CEO sign off provision on the face of committee minutes? Has the Council delegated that s5.22 sign off provision?

A2: The CEO is required to provide the Minutes. It is not in place of the sign off required by Section 5.22

Q3: Are you able to advise me if the above – relating to draft or final minutes - is correct?

A3: Please see above.

Q4: Is it proposed by the administration to act on any of the items in any of the above named draft minutes at the March Council meeting?

A4: Yes. The committee Minutes contain a number of action items the committees expect progressed prior to their next meeting. Council is also able to resolve certain actions undertaken.

Q5: Further to my request at the Audit Committee meeting, are you able to confirm whether or not the attachments to committee meetings should – under the Local Government Act and/or under the TOC Standing Orders and/or as a matter of general good principles of open and accountable governance - form part of all committee meeting minutes and as such be advertised under each of the committee minutes sections on the TOC website and available to the public on request?

A5: Attachments should be available for inspection where practical. There is currently no legislated requirement for attachments to be available on websites.

Q6: I understand that the TOC Standing Orders apply to Agenda Forums, and specifically the public notice provisions of the Standing Orders. Are you able to advise me if both of these understandings are correct?

A6: No (Public Notice provisions are contained within the Act and do not mention Forums).

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

Nil

**12 NEW BUSINESS OF AN URGENT NATURE****12.1 ELECTED MEMBERS****12.1.1 COUNCILLOR BOULTER - TENDER FOR INSURANCES TO OBTAIN COMPETITIVE MARKET PRICING**

In order to have a tender completed in time for the TOC insurance renewal (I understand to be in August) Council would need to commence the tender process now, should it be minded to do so.

That Council:

**PROPOSED MOTION**

1. That Council request the CEO to join the Town of Cambridge in a tender for the Town of Cottesloe 2018-2019 insurance services (wording subject to comment and improvement from the CEO)
2. That Council request the CEO to write to LGIS in a timely way advising them of the Town of Cottesloe's intention to withdraw from the LGIS insurance scheme in 2018.

**RATIONALE**

1. It is consistent with good procurement practices to ensure that expenditure by Cottesloe Council is regularly checked to ensure competitive pricing.
2. Town of Cambridge Mayor Shannon informs me that the Town of Cambridge were advised that most Councils who went to tender last year remained with LGIS but received a significant reduction in the order of 30-40% on their premiums for like for like insurance cover.
3. The Town of Cambridge has advised the Town of Cottesloe that it is willing to assist the Town of Cottesloe with resources to develop an insurance tender.
4. Going to tender has the potential for significant savings for the Cottesloe ratepayers and residents
5. Email from Mayor Shannon:

**PROCEDURAL MOTION**

**Moved Cr Rodda, Seconded Cr Young**

**That the matter not be classified as urgent business and not be considered at this meeting.**

**CARRIED: 7/2**

**For: Mayor Angers and Crs Harkins, Rodda, Young, Thomas, Sadler  
and Tucak**

**Against: Crs Boulter and Pyvis**



**12.2 OFFICERS**

**13 MEETING CLOSED TO PUBLIC**

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

**PROCEDURAL MOTION**

Moved Cr Rodda, Seconded Cr Harkins

That the meeting be closed to the public

**PROCEDURAL MOTION**

Moved Cr Rodda, Seconded Cr Young

That the Item be put to the vote

**CARRIED 9/0**

**CARRIED 8/1**

**For: Mayor Angers and Crs Rodda, Tucak, Sadler, Young, Thomas, Pyvis  
and Harkins**

**Against: Cr Boulter**

**The Meeting was closed to the public and all members of the public and media representatives left the room.**

13.1.1 DEANE ST CROSSOVER – DETAILED DESIGN AND CONSTRUCTION  
BUDGET - **CONFIDENTIAL**

File Ref: SUB/442  
Attachments: Detailed engineering designs - **CONFIDENTIAL**  
Legal Agreement  
Responsible Officer: Mat Humfrey, Chief Executive Officer  
Author: Denise Tyler-Hare, Project Manager  
Proposed Meeting Date: 27 March 2018  
Author Disclosure of Interest: Nil

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**OFFICER RECOMMENDATION**

That Council:

- a. **APPROVE** the detailed design in accordance with Option 1 of the GHD report;
- b. **APPROVE** the budget amendment of \$32,750.57, exc. GST, including a contingency of \$12,000 to enable the construction of the above works.

**PROCEDURAL MOTION**

Moved Cr Boulter, Seconded Cr Pyvis

That consideration of this item be deferred subject to Council receiving legal advice

**CARRIED 9/0**

*Cr Harkins declared an Impartiality Interest in Item 13.1.2 due to her previous employment with Indiana's Kings Park location.*

### 13.1.2 INDIANA – LEASE NEGOTIATIONS – **CONFIDENTIAL**

**File Ref:** VR/342  
**Attachments:** 1. Deed of Extension  
2. Surf Club Lease Extension  
3. Information to lessee – Term of the Sub Lease for the Public Toilets and Showers  
4. Budget Amendment - **CONFIDENTIAL**  
5. Temporary Facilities - **CONFIDENTIAL**  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Mat Humfrey, Chief Executive Officer  
**Proposed Meeting Date:** 27 March 2018  
**Author Disclosure of Interest:** Nil

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### AMENDMENT

**Moved Cr Rodda, Seconded Mayor Angers**

That conditions 1 and 2 of approval for Item 13.1.2 be amalgamated to read as follows and the remaining conditions be renumbered accordingly:

1. Subject to receipt of an independent legal opinion confirming the suitability and enforceability of the legal documentation drawn up, authorise the Mayor and Chief Executive Officer to execute and apply the Town's Common Seal to each of the following:
  - a. The Deed of Extension as shown in attachment 1; and
  - b. The Surf Club Sub Lease Extension as shown in attachment 2.

### FORESHADOW AN ALTERNATIVE MOTION

Cr Boulter foreshadowed an alternative motion in the event that the Officer Recommendation and Amendment was unsuccessful.

### PROCEDURAL MOTION

**Move Cr Thomas, Seconded Cr Harkins**

That the Amendment be put to the vote

**CARRIED 9/0**

**CARRIED 8/1**

**For: Mayor Angers and Crs Pyvis, Harkins, Rodda, Young, Thomas, Sadler and Tucak**  
**Against: Cr Boulter**

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**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION****Moved Cr Rodda, Seconded Mayor Angers****That Council,**

1. Subject to receipt of an independent legal opinion confirming the suitability and enforceability of the legal documentation drawn up, authorise the Mayor and Chief Executive Officer to execute and apply the Town's Common Seal to each of the following:
  - a. The Deed of Extension as shown in attachment 1; and
  - b. The Surf Club Sub Lease Extension as shown in attachment 2.
2. Notify the lessee that the Town does not agree with the Term of the Sub Lease for the Public Toilets and Showers, as shown in Attachment 3, for the following reasons;
  - a. The Town will not accept any responsibility for the repair of any damage arising from a pre-existing fault within the facility;
  - b. The Town would only ever be responsible for the costs of restoring any service to the current condition of that service; and
  - c. The Town cannot accept responsibility for any part of the facility that it does not have control over.
3. Acknowledging the correspondence received from the Lessee on 06 March 2018, authorise;
  - a. By Absolute Majority, a budget amendment as shown in confidential attachment 4 – to allow the placement of temporary toilet facilities in the event the public toilets are no longer available to members of the public;
  - b. Authorise to the Chief Executive Officer to seek and attain any necessary approvals for the placement of temporary facilities they may be required in the event the Indiana Toilets are not available to the public;
  - c. Authorise the Chief Executive Officer to put in place temporary facilities, as shown in confidential attachment 5, in the event that the public toilets are not available to members of the public.
4. Authorise the Mayor and Chief Executive Officer to meet with the Directors of Indiana Tea House Pty Ltd directly to see if a permanent solution to the ongoing issues can be negotiated.

**CARRIED 9/0****PROCEDURAL MOTION****Moved Cr Rodda, Seconded Mayor Angers****That the meeting be reopened to the public and media and that standing orders be resumed.****CARRIED 9/0**

**14 MEETING CLOSURE**

The Presiding Member declared the meeting **closed 8.40pm**

**CARRIED 9/0**