

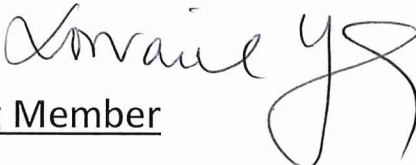


Town of Cottesloe

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

Tuesday, 3 August 2021

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

Signed: 
Presiding Member

Date: 24/8/21

TOWN OF COTTESLOE



SPECIAL COUNCIL MEETING

MINUTES

SPECIAL COUNCIL MEETING
HELD IN THE
Council Chambers, Cottesloe Civic Centre, 109 Broome Street, Cottesloe
5.00pm Tuesday, 3 August 2021

MATTHEW SCOTT
Chief Executive Officer

9 August 2021

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

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

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 5:04pm.

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

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

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

Deputy Mayor, Cr Young announced the resignation of Mayor Philip Angers, received by the CEO on Monday 2 August 2021, effective immediately. Cr Young advised the resignation was provided under the health advice of Mayor Anger's doctors.

CEO Matthew Scott read Mayor Anger's letter of resignation to those present.

Cr Young concluded by thanking Mayor Angers for all the work he had done for the Cottesloe community.

4 PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

4.2 PUBLIC QUESTIONS

Stephen Mellor – 8 Graham Court, Cottesloe – Item 9.1.1

Q1: Why has it been impossible for the community to review details of the Anderson Pavilion replacement? With the Foreshore Precinct we were able to review designs through to 100% design. We even had design details of the toilet block. As far as I know not even the immediate residents have been consulted.

A1: Taken on notice.

Q2: What is the future community consultation strategy and timing?

A2: Taken on notice.

Q3: Will going to tender for design and construct be after community consultation?

A3: Taken on notice.

Q4: Please give project description details of the following: (Page numbers of budget)

P31 What is the foreshore revitalisation \$120,000?

P36 What is the scanning project \$12,500?

What is the Strategic Planning cost \$25,000 for?

P59 Foreshore Development marketing \$50,000?

Ocean ramp \$15,000 where is this located?

Contractors and consultants \$233,907 for which projects and sub allocation

P61 Anderson Pavilion maintenance \$28,948 are you spending this before the rebuild starts?

Other buildings \$35,248 is this the Rugby Club upgrade?

Recreation Centre Masterplan \$20,000 what is this for?

P64 Art and Culture Project is zero. \$10,000 was allocated last year. If this expenditure was regarded as necessary last year, why was it not used? I ask because that was the rationale for disbanding the Public Art Advisory Panel whose community representatives were doing so much 'free' work.

P68 Parking permits income \$5,000 is this a new permit system?

P71 Consultants Area Promotion \$113,555 ?

P76 Cottesloe Village Precinct \$215,000?

Please direct me to where Car Park 2 development costs are in the budget.

What is the annual cost of WALGA membership?

A4: Taken on notice.

5 PUBLIC STATEMENT TIME

Andrea Dewar – 36 Hawkstone Street, Cottesloe – Item 9.1.1

Ms Dewar spoke about progressing with design and construction of a Cottesloe skate park and the need to include funding for this to happen in this financial year's budget.

Jean Perkins – 8/3 Rockett Lane, Cottesloe – Item 9.1.1

Ms Perkins spoke about the need to provide funding for a skate park in this financial year's budget and in addition pursuing other funding sources like Lotterywest.

Sonja Heath – 50 Brighton Street, Cottesloe – Item 9.1.1

Ms Heath spoke about the need for a dedicated skate facility and asked for funding to be allocated in this year's budget for this purpose.

Jaime Atkinson – 84 Hawkstone Street, Cottesloe – Item 9.1.1

Ms Atkinson asked for funds be allocated within this year's budget for a skate park.

Clare Cowdell – 50 Hawkstone Street, Cottesloe – Item 9.1.1

Ms Cowdell spoke about moving forward with a skate park for Cottesloe by ensuring the budget adequately provides for this to happen.

Miranda Edmonds – 277 Marmion Street, Cottesloe – Item 9.1.1

Ms Edmonds spoke about the community's request for a skate park and how long the process has been, also asking that money to be allocated in this year's budget so the project can be progressed.

Mark Powell – 43 Lyons Street, Cottesloe – Item 9.1.1

Mr Powell asked Council to consider providing sufficient funds in this financial year to complete a skate park.

Stephen Mellor – 8 Graham Court, Cottesloe – Item 9.1.2

Mr Mellor presented a statement on behalf of the Cottesloe Residents' and Ratepayers' Association advising the Association supported the Council in their objection submission regarding the SDAU 120 Marine Parade Application, wishing the Town's representatives well for the meeting on Thursday.

Caroline Owen – 14 Mann Street, Cottesloe – Item 9.1.1

Ms Owen spoke about supporting the inclusion of funding for the skate park project in this year's budget, stating that the community had waited long enough for this to happen.

Camilla Rea – 18 Jarrad Street, Cottesloe – Item 9.1.1

Ms Rea echoed previous speakers outlining why Council should consider the inclusion of funding for the skate park project in this year's budget.

6 ATTENDANCE

Elected Members

Cr Lorraine Young – Acting Mayor

Cr Caroline Harben

Cr Helen Sadler

Cr Craig Masarei

Cr Melissa Harkins
Cr Michael Tucak
Cr Kirsty Barrett
Cr Paul MacFarlane

Officers

Mr Matthew Scott	Chief Executive Officer
Mr Shane Collie	Director Corporate and Community Services
Ms Freya Ayliffe	Director Development and Regulatory Services
Mr Shaun Kan	Director Engineering Services
Mr Wayne Zimmermann	Manager of Planning
Ms Lauren Davies	Finance Manager
Ms Ann-Marie Donkin	Corporate Services and Engagement Officer

6.1 APOLOGIES

Nil

6.2 APPROVED LEAVE OF ABSENCE

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

7 DECLARATION OF INTERESTS

Cr Harben declared an IMPARTIALITY INTEREST in item 9.1.2 by virtue “The architect for this development is known to me.”

Cr Tucak declared an IMPARTIALITY INTEREST in item 9.1.1 by virtue “I am a former Chair and member of Procott.”

8 PRESENTATIONS

8.1 PETITIONS

Nil

8.2 PRESENTATIONS

Nil

8.3 DEPUTATIONS

Nil

9 REPORTS**9.1 REPORTS OF OFFICERS****CORPORATE AND COMMUNITY SERVICES****9.1.1 ADOPTION OF 2021/22 BUDGET**

Directorate: Corporate and Community Services
Author(s): Shane Collie, Director Corporate and Community Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D21/30666
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

The 2021/22 Budget is attached for the consideration of Elected Members and adoption.

OFFICER RECOMMENDATION IN BRIEF

For Council to adopt the 2021/22 Budget and associated resolutions.

BACKGROUND

Council is required under the *Local Government Act 1995* to adopt a budget for each financial year.

The budget cannot be adopted before 1 June in the financial year immediately prior to the year it applies and must be adopted before 31 August in the year it applies to. The budget must be in the prescribed format and set expenditure levels and type for the year.

The budget must also contain a forecast of all income and set the rate in the dollar for the rates levied in the financial year it applies to.

There have been three Council workshops to directly discuss formulating the budget. These workshops provided Elected Members with an opportunity to ask questions and provide direction to staff on the draft budget and its various components.

OFFICER COMMENT

The draft 2021/22 Budget contains a large capital works program which is part funded by a combination of grant funding, reserve funds and general funds. The Town will be utilising a significant portion of its total reserves in 2021/22 to progress a number of strategic projects including major drainage works as part of the foreshore redevelopment, sports precinct redevelopment (Anderson Pavilion) and playground and beach access pathway infrastructure.

The draft Budget contains a 3.5% increase in rates for the 2021/22 financial year after a 0% increase last year.

From Budget Workshop 3 there was a surplus of \$135,000. This has been adjusted allowing for some minor amendments including an IT contractor allocation to the proposed ERP system which is now not scheduled to occur. The adjusted surplus is \$119,892 and has been allocated in the following manner:

- \$50,000 to Skate park preliminaries.
- The remaining balance of \$69,892 is proposed to be added to the Infrastructure Reserve.

Should Council be happy with these two allocations there is no need for any further action and the Budget can be adopted with a balanced position. The other option, should Council want to reduce the percentage increase in rates, is to not allocate the \$69,892 to Reserve and reduce the rate increase by the corresponding amount. This would see a 2.9% rate increase with some minor rounding undertaken to balance the Budget.

It is important to realise that over the Covid-19 period the Town has had increasing costs in terms of construction activity, utilities, insurance, reduction in commercial rent and a zero increase in rate revenue. To not increase rates by an amount able to absorb these costs the financial position of Council will deteriorate further as evidenced by the present Operating Surplus Ratio highlighted by the Office of the Auditor General.

ATTACHMENTS

9.1.1(a) 2021-22 Budget FINAL

9.1.1(b) Statement of Rating Objects and Reasons 2021-22 - Updated 12 July 2021

CONSULTATION

At the Ordinary Council Meeting held 22 June 2021 Council resolved of its intention to raise the following differential general rates and minimum rates for the 2021/2022 financial year:

<i>Differential Rate Category</i>	<i>Rate in the \$</i>	<i>Min Rate</i>
<i>Differential General Rate (GRV)</i>	<i>0.071001</i>	<i>\$1,202.00</i>
<i>Differential Rate – Town Centre Commercial (GRV)</i>	<i>0.082283</i>	<i>\$1,202.00</i>

Local Public Notice was provided with a close date of 2 August 2021. As of 30 July 2021 one submission had been received. Should any further submissions be received prior to the submission close date, but after the meeting agenda has been sent out, they will be tabled for consideration.

The submission received within the advert period (21 July 2021) is in italics below with proposed responses in red which are intended to be forwarded as a response to the submission.

“I object to the Differential Rate – Town Centre Commercial (GRV) because:

1. *The advertisement gives no relevant information about the reasons for the differential town centre rate and is tokenistic advertising that does not serve the true purpose and intention of the LG Act in requiring advertising.*

The advertisement and the Statement of Objects and Reasons is in accordance with the *Local Government Act 1995*. The information is relevant and is attached.

2. *The rate setting statement gives no relevant information about the reasons for the rate other than the vague "area promotion and improvement" that does not serve the true purpose and intention of the LG Act in requiring a rate setting statement.*

The information is relevant and clear. The Town has raised this differential rate for a number of years at the request of the business community for the benefit of the business community.

3. *There is no information about:*

- *how the income generated from the Town Centre differential rate will be applied.*
- *whether or not all or part of the raised monies will be applied to payments to ProCott and if so how those funds will be expended, including if they will be applied to ProCott employee remuneration.*
- *If the income generated will be ring fenced and separately reported in the financial reporting about the application of the Town's municipal funds.*

Yours faithfully

Sandra Boulter

Cottesloe 6011"

There is no requirement to go into this level of detail and the Statement of Objects and Reasons is not prescriptive to this degree. For the purposes of transparency and responding to the submission it is intended to advise the submitter as follows:

- The income generated from the Differential Rate will be applied, as it has been for many years previously, in accordance with the direction and adopted Budget of ProCott Incorporated, a copy of which has been provided to the Town for 2021/22.
- The submitter will be advised that Procott Incorporated have provided their last audited financial statements to the Town as well as a summary of their activities undertaken in 2020/21 and those planned for 2021/22.

In addition, the Town in April/May 2021 advertised the Community Donations program which led to the recommendations as developed by Council at Budget Workshop # 2.

Notes from the 3 Budget Workshops held were also placed on the Town's website.

STATUTORY IMPLICATIONS

Local Government Act 1995

6.2. Local government to prepare annual budget

1. *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local*

government is to prepare and adopt, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

** Absolute majority required.*

2. *In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —*
 - a. *the expenditure by the local government;*
 - b. *the revenue and income, independent of general rates, of the local government; and*
 - c. *the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*
3. *For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.*
4. *The annual budget is to incorporate —*
 - a. *particulars of the estimated expenditure proposed to be incurred by the local government;*
 - b. *detailed information relating to the rates and service charges which will apply to and within the district including —*
 - i. *the amount it is estimated will be yielded by the general rate; and*
 - ii. *the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;*
 - c. *the fees and charges proposed to be imposed by the local government;*
 - d. *the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;*
 - e. *details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;*
 - f. *particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and*
 - g. *such other matters as are prescribed.*
5. *Regulations may provide for —*
 - h. *the form of the annual budget;*
 - i. *the contents of the annual budget; and*
 - j. *the information to be contained in or to accompany the annual budget*

Local Government (Financial Management) Regulations 1996

Regulations 22 to 33 of the *Local Government (Financial Management) Regulations 1996* contain the requirements for the form of the budget document and the information to be contained within it.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The report is consistent with the Town's *Strategic Community Plan 2013-2023*.

Priority Area 6: Providing open and accountable local governance

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

The budget sets out how funds will be allocated to all projects during the financial year, including all strategic projects.

The annual budget contains funding for a number of strategic objectives of the Town.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

THAT Council by absolute majority

- 1. Adopt the Budget for the year ended 30 June 2022, as attached, including:**
 - a. Adopting the Statement of Cashflows for the year ended 30 June 2022;**
 - b. Adopting the Rate Setting Statement for the year ended 30 June 2022;**
 - c. Endorsing the Statement of Comprehensive Income (by Nature and Type) for the year ended 30 June 2022;**
 - d. Endorsing Note 8 – Statement of Reserves for the year ended 30 June 2022;**
 - e. Endorsing Note 2 – Net Current Assets as at 30 June 2022; and**
 - f. Adopting the Fees and Charges for the year ended 30 June 2022.**
- 2. Adopt the Differential General Rates (as per Section 6.32 of the *Local Government Act 1995*) and impose rates in the dollar on the gross rental value of all the rateable**

property within the Town of Cottesloe for the financial year ending 30 June 2021 as follows;

- a. GRV – Residential Improved (RI) – 7.1001 cents in the dollar;
 - b. GRV – Residential Vacant (RV) – 7.1001 cents in the dollar;
 - c. GRV – Commercial Improved (CI) – 7.1001 cents in the dollar;
 - d. GRV – Commercial Town (CT) – 8.2283 cents in the dollar; and
 - e. GRV – Industrial (II) – 7.1001 cents in the dollar.
3. Impose a minimum rate of \$1,202.00 for the financial year ended 30 June 2022;
4. Include in the rate charge for residential properties:
- a. a once per week service of 120 litre mobile garbage bin (MGB) for general household rubbish;
 - b. a once per fortnight service of a 240 litre MGB for recyclable household rubbish; and
 - c. a once per fortnight service of a 240 litre MGB for household green waste;
5. Apply the following charges to residential properties for additional waste services (per annum GST inclusive):
- a. General Waste – each service per week (120 litre MGB) - \$400.00;
 - b. Recycling – each service per fortnight (240 litre MGB) - \$100.00; and
 - c. Green Waste – each service per fortnight (240 litre MGB) - \$80.00.
6. Apply the following charges to commercial properties (per annum GST inclusive):
- a. General Waste – each service per week (240 litre MGB) - \$420.00;
 - b. Recycling – one service per fortnight (240 litre MGB) - \$141.00; and
 - c. Recycling – one service per week (240 litre MGB) - \$282.00.
7. Impose an administration charge of \$24.00 where a payment of a rate or service charge is paid in instalments, except that eligible pensioners and concession card holders will be exempted from paying the charge, as per section 6.45(3) of the *Local Government Act 1995*.
8. Imposes, by absolute majority, in accordance with section 6.51 (1) of the *Local Government Act 1995* and clause 14 of the *Local Government (COVID-19 Response) Ministerial Amendment Order 2021*, gazetted on 2 June 2021, an interest rate of 7% applicable to overdue and unpaid rate and service charges, subject to:
- a. This interest rate cannot be applied to an excluded person, as defined in the *Local Government (Covid-19 Response) Ministerial Amendment Order 2021*, that has been determined by the Town of Cottesloe as suffering financial hardship as a consequence of the COVID-19 pandemic. .
9. Adopt the following rate instalment plans:
- a. Option 1
-

To pay the total amount of rates and charges included in the notice in full by 28 September 2021.

b. Option 2

To pay by four instalments, as detailed on the rate notices with the following anticipated due dates;

First instalment	28 September 2021
Second Instalment	26 November 2021
Third Instalment	21 January 2022
Fourth Instalment	22 March 2022

10. Imposes, in accordance with section 6.45(3) of the *Local Government Act 1995* and clause 13 of the *Local Government (COVID-19 Response) Ministerial Amendment Order 2021*, gazetted on 2 June 2021, an additional charge of \$24 and interest rate of 5.5% applicable to rate and service charge instalment arrangements, subject to:
- a. This additional charge and interest rate cannot be applied to an excluded person, as defined in the *Local Government (COVID-19 Response) Ministerial Amendment Order 2021*, that has been determined as suffering financial hardship as a consequence of the COVID-19 pandemic in accordance with Council Policy *Pol/107 – Hardship Policy*.
11. Adopt, by absolute majority, in accordance with section 6.13 of the *Local Government Act 1995* and clause 8 of the *Local Government (COVID-19 Response) Ministerial Amendment Order 2021*, gazetted on 2 June 2021, a rate of interest of 7% applicable to any amount of money owing to the local government (other than rates or service charges), with interest calculated from the due date, which is 35 days from the date of issue shown on the account for payment, subject to:
- a. This interest rate cannot be applied to a person who is considered by the Town of Cottesloe to be suffering financial hardship as a consequence of the COVID-19 pandemic.
12. Adopt a Telecommunications Allowance of \$1,600 for Elected Members as per section 5.99A of the *Local Government Act 1995*.
13. Adopt Members Attendance Fees –set an annual meeting attendance fee of \$15,500 for Council members and \$24,000 for the Mayor as per section 5.99 of the *Local Government Act 1995*.
14. Adopt the Mayor’s Allowance of \$27,500 as per sections 5.98 and 5.98A of the *Local Government Act 1995*.
15. Adopt the Deputy Mayor’s Allowance of \$6,875 as per sections 5.98 and 5.98A of the *Local Government Act 1995*.
16. Maintain the materiality levels of 15% and \$25,000 for the monthly reporting of significant variances of income and expenditure in the Statement of Financial Activity.
17. Thank Ms Boulter for her submission in respect of the proposed differential rates and respond accordingly with the information relevant to her submission contained
-

That \$69,892 of the surplus NOT be added to the Infrastructure Reserve, thereby resulting in a rate increase of 2.9% instead of the suggested 3.5%.

Lost 3/5

For: Crs Harkins, Tucak and Barrett

Against: Crs Young, Harben, Sadler, Masarei and MacFarlane

COUNCILLOR AMENDMENT

Moved Cr Barrett

Seconded Cr Harkins

That Council ADOPT Cr Sadler's proposed motion in relation to this item, subject to the following amendments:

- An additional \$750,000 for a Skate Park be included in the Capital Works Program for the Financial Year ending 30th June 2022.
- Administration are requested to seek funding for this project through external grant sources.
- Any shortfall of external funding to be funded through Reserves with the amount to be brought back to Council.

Equality 4/4

For: Crs Harben, Harkins, Tucak and Barrett

Against: Crs Young, Sadler, Masarei and MacFarlane

Acting Mayor, Cr Young exercised the casting vote to vote against the amendment

Lost 4/5

COUNCILLOR AMENDMENT

Moved Cr Tucak

Lapsed, No Seconder

That \$50,000 for the skate park preliminaries be taken from the infrastructure reserve resulting in a rate increase of around 3% instead of the suggested 3.5%.

COUNCILLOR AMENDMENT

Moved Cr Tucak

Lapsed, No Seconder

Add a new point 18:

- The allocation of additional income from the 'Commercial town' differential rate' under 2(d) be subject to Council considering the ProCott financial statements for 2020-2021 and ProCott "21/22 proposed activities for Cottesloe Village" and approving a payment to ProCott as required under Clause 3 of the agreement between the Town and ProCott dated 31 December 2011 (and if possible, Council's consideration to include presentation by ProCott at a workshop).

COUNCILLOR AMENDMENT

Moved Cr Harkins

Seconded Cr Barrett

1. An additional \$750,000 from reserves be included in the Capital Works Program for the financial year ending June 2022; and,
2. the administration are requested to seek funding for a skate park project through

external grant sources and any shortfall in external funding to be funded through the Capital Works Program in the amount to be brought back to Council.

This amendment was **disallowed** by Cr Young as it was similar to the previous Councillor Amendment brought by Cr Barrett that was lost.

SCM112/2021

COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr Young

THAT Council by absolute majority

1. **Adopt the Budget for the year ended 30 June 2022, as attached, including:**
 - a. **Adopting the Statement of Cashflows for the year ended 30 June 2022;**
 - b. **Adopting the Rate Setting Statement for the year ended 30 June 2022;**
 - c. **Endorsing the Statement of Comprehensive Income (by Nature and Type) for the year ended 30 June 2022;**
 - d. **Endorsing Note 8 – Statement of Reserves for the year ended 30 June 2022;**
 - e. **Endorsing Note 2 – Net Current Assets as at 30 June 2022; and**
 - f. **Adopting the Fees and Charges for the year ended 30 June 2022.**
2. **Adopt the Differential General Rates (as per Section 6.32 of the *Local Government Act 1995*) and impose rates in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June 2021 as follows;**
 - a. **GRV – Residential Improved (RI) – 7.1001 cents in the dollar;**
 - b. **GRV – Residential Vacant (RV) – 7.1001 cents in the dollar;**
 - c. **GRV – Commercial Improved (CI) – 7.1001 cents in the dollar;**
 - d. **GRV – Commercial Town (CT) – 8.2283 cents in the dollar; and**
 - e. **GRV – Industrial (II) – 7.1001 cents in the dollar.**
3. **Impose a minimum rate of \$1,202.00 for the financial year ended 30 June 2022;**
4. **Include in the rate charge for residential properties:**
 - a. **a once per week service of 120 litre mobile garbage bin (MGB) for general household rubbish;**
 - b. **a once per fortnight service of a 240 litre MGB for recyclable household rubbish; and**
 - c. **a once per fortnight service of a 240 litre MGB for household green waste;**
5. **Apply the following charges to residential properties for additional waste services (per annum GST inclusive):**
 - a. **General Waste – each service per week (120 litre MGB) - \$400.00;**

- b. Recycling – each service per fortnight (240 litre MGB) - \$100.00; and
 - c. Green Waste – each service per fortnight (240 litre MGB) - \$80.00.
 6. Apply the following charges to commercial properties (per annum GST inclusive):
 - a. General Waste – each service per week (240 litre MGB) - \$420.00;
 - b. Recycling – one service per fortnight (240 litre MGB) - \$141.00; and
 - c. Recycling – one service per week (240 litre MGB) - \$282.00.
 7. Impose an administration charge of \$24.00 where a payment of a rate or service charge is paid in instalments, except that eligible pensioners and concession card holders will be exempted from paying the charge, as per section 6.45(3) of the *Local Government Act 1995*.
 8. Imposes, by absolute majority, in accordance with section 6.51 (1) of the *Local Government Act 1995* and clause 14 of the *Local Government (COVID-19 Response) Ministerial Amendment Order 2021*, gazetted on 2 June 2021, an interest rate of 7% applicable to overdue and unpaid rate and service charges, subject to:
 - a. This interest rate cannot be applied to an excluded person, as defined in the *Local Government (Covid-19 Response) Ministerial Amendment Order 2021*, that has been determined by the Town of Cottesloe as suffering financial hardship as a consequence of the COVID-19 pandemic. .
 9. Adopt the following rate instalment plans:
 - a. Option 1
To pay the total amount of rates and charges included in the notice in full by 28 September 2021.
 - b. Option 2
To pay by four instalments, as detailed on the rate notices with the following anticipated due dates;

First instalment	28 September 2021
Second Instalment	26 November 2021
Third Instalment	21 January 2022
Fourth Instalment	22 March 2022
 10. Imposes, in accordance with section 6.45(3) of the *Local Government Act 1995* and clause 13 of the *Local Government (COVID-19 Response) Ministerial Amendment Order 2021*, gazetted on 2 June 2021, an additional charge of \$24 and interest rate of 5.5% applicable to rate and service charge instalment arrangements, subject to:
 - a. This additional charge and interest rate cannot be applied to an excluded person, as defined in the *Local Government (COVID-19 Response) Ministerial Amendment Order 2021*, that has been determined as suffering financial hardship as a consequence of the COVID-19 pandemic in accordance with Council Policy *Pol/107 – Hardship Policy*.
 11. Adopt, by absolute majority, in accordance with section 6.13 of the *Local*
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Government Act 1995 and clause 8 of the Local Government (COVID-19 Response) Ministerial Amendment Order 2021, gazetted on 2 June 2021, a rate of interest of 7% applicable to any amount of money owing to the local government (other than rates or service charges), with interest calculated from the due date, which is 35 days from the date of issue shown on the account for payment, subject to:

- a. This interest rate cannot be applied to a person who is considered by the Town of Cottesloe to be suffering financial hardship as a consequence of the COVID-19 pandemic.
12. **Adopt a Telecommunications Allowance of \$1,600 for Elected Members as per section 5.99A of the *Local Government Act 1995*.**
13. **Adopt Members Attendance Fees –set an annual meeting attendance fee of \$15,500 for Council members and \$24,000 for the Mayor as per section 5.99 of the *Local Government Act 1995*.**
14. **Adopt the Mayor’s Allowance of \$27,500 as per sections 5.98 and 5.98A of the *Local Government Act 1995*.**
15. **Adopt the Deputy Mayor’s Allowance of \$6,875 as per sections 5.98 and 5.98A of the *Local Government Act 1995*.**
16. **Maintain the materiality levels of 15% and \$25,000 for the monthly reporting of significant variances of income and expenditure in the Statement of Financial Activity.**
17. **Thank Ms Boulter for her submission in respect of the proposed differential rates and respond accordingly with the information relevant to her submission contained within this report.**
18. **That the sum of \$50,000 for project 45.6080.200 (Pg31 of budget) for replacement of log fencing be moved from the budget to the Infrastructure Reserve pending a briefing to council on design guidelines for foreshore infrastructure (such as fencing, seating and bins) that considers whole of life costings, protection of vegetation and integration with foreshore masterplan and beach access paths.**

Carried by Absolute Majority 6/2

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

Against: Crs Tucak and Barrett

DEVELOPMENT AND REGULATORY SERVICES**9.1.2 DEVELOPMENT APPLICATION SUBMITTED TO STATE DEVELOPMENT ASSESSMENT UNIT FOR LOT 500 (STRATA LOTS 1 - 7), 120 MARINE PARADE, COTTESLOE - SEVEN STOREY MIXED USE DEVELOPMENT**

Directorate: Development and Regulatory Services
Author(s): Wayne Zimmermann, Manager of Planning
Authoriser(s): Freya Ayliffe, Director Development and Regulatory Services
File Reference: D21/35218
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

On 29 July 2021 the Town was advised by email from the Western Australian Planning Commission (WAPC) that it will be considering at its meeting on 5 August 2021, a significant development application for Lot 500 (Strata Lots 1-7) Marine Parade, Cottesloe. This is a revised application that proposes a 7 storey Mixed Use development replacing the 8 storey development that Council made a submission of objection on to the WAPC following the Council meeting on 27 April 2021. The Town was not consulted by the WAPC about the revised application prior to being advised of the WAPC meeting to determine the application. This a brief report to consider the changes proposed in the revised application and a recommended course of action in response to the application.

OFFICER RECOMMENDATION IN BRIEF

It is recommended that Council resolve to:

1. Oppose the current recommendation for conditional approval for proposed redevelopment of 120 Marine Parade to be considered by the Western Australia Planning Commission (WAPC) on the 5 August 2021;
2. Advises the WAPC of the Town's objection to not being consulted on the revised development application prior being placed before the WAPC for determination, as compared to other agencies, such as the Heritage Council of WA (HCWA); and
3. Requests the revised development application be returned to the State Development Advisory Unit (SDAU) to provide the Town of Cottesloe a reasonable opportunity to review and provide a submission on the revised development application (currently before WAPC).

BACKGROUND

There have been two previous development proposals for the site these being:

- A nine (9) storey mixed use building comprising of two levels of basement car parking, a ground floor commercial tenancy (café/restaurant), eight (8) levels of apartments (total 16 apartments – one being a dual key apartment) and a roof terrace with roof structures above, including a photovoltaic array. This was reported to Council at its
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meeting on 23 February 2021 and a submission of objection was lodged with the WAPC.

- A revised development application was received in April 2021 that proposed the demolition of a three (3) storey mixed use building and its replacement with an eight (8) storey mixed used building comprising of two levels of basement parking, a ground floor commercial tenancy (café/restaurant) and eight (8) levels of apartments (total 14 apartments - proposed unit 1 being a dual key apartment). Council considered this proposal at its meeting 27 April 2021 and a submission of objection was lodged with the WAPC.

The Town has not been invited to make submissions on the 7 storey proposal. The agenda report indicates that the State Design Review Panel (SDRP) has not considered the 7 storey proposal either. Both the Town and the SDRP opposed the 8 and 9 storey versions of the development.

OFFICER COMMENT

The revised development application is for a seven (7) storey building containing twelve (12) apartments and a café/restaurant. The following is a quick summary of the key changes to the proposed SDAU application:

- The final design of the proposed development has been reduced from 8 storeys (27.1m) to 7 storeys (24.9m).
- The front façade has been reduced from approximately 24.4m to 21.20m.
- The communal roof terrace and pool has been deleted and there is no communal open space provided on the site. It is argued that while no communal open space is provided within the development that this is acceptable as each apartment has access to a generous private outdoor area and there direct access to the beach and the adjacent park, which is proposed to be upgraded.
- A reduction in the number of apartments from 16 in the initial proposal to 12. The proposed apartments comprise of a two (2) bedroom dual key apartment on level 2, nine (9) 3 bedroom apartments and a four (4) bedroom penthouse. The apartment configuration on Level 2 to Level 6 is mostly unchanged. The layout of the penthouse apartment has been altered and the setbacks from the boundaries and the floor below have been increased.
- The Level 3 balconies on the eastern side of the proposed building have been removed due to potential visual privacy issues.
- The landscaped area (including deep soil area) at ground level has been increased from 30m² to 61m². Landscaping on levels 2 -5 have been reduced & removed.
- Solar array on roof area has increased from 37 panels to 67 panels.
- Car parking has been reduced by four residential bays and two bays have been re-assigned from residential to commercial. Bicycle racks have reduced from 32 to 29.

Other comments/observations regarding the application and the report to the WAPC are:

- The application was referred to the Heritage Council on 15 June 2021 for comment but not to the Town. It is recognised that the development site is not of heritage significance however, from previous comments provided to the SDAU by Council and the Town it clearly stressed the concerns about the adverse impact of the views from the Civic Centre (heritage listed) and from Cottesloe beach (heritage listed). The Town was not invited to make a submission to the HCWA prior to its advice to SDAU on the revised plans.
- The report to the WAPC includes comments from the State Design Review Panel (SDRP) about concerns it has with the previous 8 storey proposal. The revised proposal has not been considered by the SDRP and the concerns raised previously have been dismissed based on the reduced height, combined with the increased setbacks to the proposed penthouse apartment. No details have been provided by the proponent to demonstrate how the revised design will reduce impacts on views and overshadowing, and improve amenity making it difficult to justify this conclusion.
- The finance for the project is reliant upon achieving a percentage of pre-sales, which is contrary to the direction and information provided as to the purpose of the SDAU and the whole process.
- The argument for the proposed development meeting housing diversity policy directives is highly questionable and the proposal will primarily deliver large apartments for a market. This conflicts with State Planning Policy strategic objectives and is contrary to the provisions in LPS No.3 for this part of Marine Parade. The subject land is zoned "Foreshore Centre Zone" in LPS3. The aims of the Scheme include providing opportunities for housing choice and variety in localities which have a strong sense of community identity and high levels of amenity. This is also reflected in the objectives of this zone which include providing the opportunity for a wide range of residential and community use and a limited range of commercial shopping, tourism, recreational and entertainment uses which are compatible with the character and amenity of the beachfront locality. The site is also located in a designated 'Special Control Area 2' in LPS3 and under Clause 6.4.3.1 (d) the development should provide a minimum of 25% of the total multiple dwellings proposed comprising a maximum plot ratio area of 70m² and 25% shall comprise a maximum plot ratio of greater than 70m² but not greater than 90m². The size and composition of multiple units in the proposed development does not satisfy this requirement.
- The vehicle access arrangements are flawed and will result in adverse impacts on the delivery of the objectives of the foreshore redevelopment. The condition regarding provision of rear access by adjoining landowners appears to be invalid as a condition cannot be worded such that it is dependent on a third party for it to be satisfied. Furthermore the use of the car lift is going to exacerbate traffic conflict issues along this part of Marine Parade.
- Servicing is unacceptable, particularly the waste management.
- The issue of a precedent being set has not been properly addressed. The heights identified in LPS3, gazetted in August 2014, were determined following an extensive Enquiry-by-Design process which included modelling of building height scenarios along the Cottesloe foreshore and involved the local government, community

representatives and key State Government agencies including the (then) Department of Planning and Infrastructure. To not provide for a proper, fair and equitable process for consultation is unjust and unacceptable.

The attached table lists the important grounds of objection raised by Council against the previous 8 storey proposal and includes comments on resolution of these in the revised development proposal.

Due to the short timeframe provided by the WAPC for responding to the matter this report provides preliminary advice on the revised development application. Additional information may be tabled at the meeting for consideration.

ATTACHMENTS

9.1.2(a) Table - Evaluation of Grounds of objection to 8 storey development vs 7 storey development

CONSULTATION

The Town has not been given the opportunity for comment and consultation with the community on the revised application.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 4: Managing Development

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council:

1. Opposes the current recommendation for conditional approval for proposed redevelopment of 120 Marine Parade to be considered by the Western Australia Planning Commission (WAPC) on the 5 August 2021;
2. Advises the WAPC of the Town's objection to not being consulted on the revised development application prior being placed before the WAPC for determination, as compared to other agencies, such as the Heritage Council of WA (HCWA); and
3. Request the revised development application be returned to the State Development Advisory Unit (SDAU) to provide the Town of Cottesloe a reasonable opportunity to review and provide a submission on the revised development application (currently before WAPC)

SCM113/2021

COUNCILLOR MOTION

Moved Cr Young

Seconded Cr Masarei

That Council:

1. **REQUESTS the Administration to oppose the Application for development approval for 120 Marine Pde, Cottesloe, to be considered by the West Australian Planning Commission on Thursday 5th August, 2021; and**
2. **NOTES that the Administration has engaged planning lawyers and a Senior Counsel to represent the Town's interests at the WAPC meeting.**

Carried 7/1

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

Against: Crs Tucak

10 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

11.1 ELECTED MEMBERS

Nil

11.2 OFFICERS

12 MEETING CLOSED TO PUBLIC

12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

12.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

N/A

13 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 6:30pm.