




Town of Cottesloe

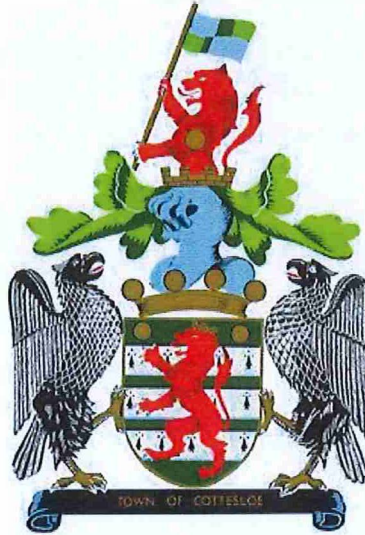
I hereby certify that the minutes of the Council meeting held on
Tuesday, 12 December 2023
were confirmed as a true and accurate record by Council resolution.

Signed: *Dominey* 

Presiding Member

Date: *27/2/24*

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING CONFIRMED MINUTES

ORDINARY COUNCIL MEETING
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6:00 pm Tuesday, 12 December 2023

A handwritten signature in black ink, appearing to read "W. Matthew Scott", is written over a large, stylized, light blue watermark of the letter "S".

WILLIAM MATTHEW SCOTT
Chief Executive Officer

19 December 2023

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

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6:00 pm.

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

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

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

4 PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**Stephen Mellor – 8 Graham Court Cottesloe

Q1 What is the estimated total of missed interest income, from rates not received from 1 July 2023 to date?

By my rough calculations \$4,724,593 at an average investment @5% for three months is about \$59,057.

R1 Given that the 2023/24 Budget was originally adopted by Council on the 25 July 2023, the collection of rates (and therefore interest generated) would not have commenced as of the 1 July 2023. The time difference between the original budget being adopted on 25 July 2023, and it being re-adopted on 24 August 2023, is only 30 days. It is reasonable to assume this same time difference (30 days) would follow for the issuing of the rates notices, and a corresponding lag of 30 days in the collection of rates (and therefore generating interest for the Town). Based on this and using Mr Mellor's own figures, the 30 days of lost interest would equate to approximately \$19,700. It should be noted that ratepayers benefitted from this situation: the interest foregone by Council in this situation effectively provided them an extra 30 days to pay their rates, and potentially an additional 30 days interest gained on their own money.

Q2 When will the business Plan [for Indiana Teahouse] be completed and put to Council?

R2 The Business Plan is close to finalisation and is likely to be put for Council's consideration early in the new year.

Q3 Please provide a current status report for the Indiana and outline reasons for the delay in progressing this item?

- R3 The Indiana Proposal is a relatively complex transaction involving a number of parties and stakeholders. Given the limited information contained within the original Proposal, numerous discussions and further investigations have been required to determine the potential financial impacts of the proposed development.
- Q4 Can you please give an estimate when the community will be consulted?
- R4 That would be a decision of Council once it has had an opportunity to review the Business Plan.
- Q5 Is there any intention of Council to connect the funding of the Car Park 2 Development with funding contributions from FiveEight/Tatterang?
- R5 The current Indiana Proposal is to provide a cash in lieu contribution in relation to the additional parking required as result of the Proposal. If the Proposal was to be approved by Council, and was to proceed, Council would need to determine how this cash in lieu contribution would be utilised.

The Mayor arrived at the meeting 6:04 pm and took the chair.

4.2 PUBLIC QUESTIONS

Stephen Mellor 8 Graham Court, Cotteslie

- Q1 Does Administration keep a record of how much staff-time has been spent on the Indiana Development proposal over the last two years?
- Q2 If it does what is the current total, if not, what is the Administration's estimate of that total?
- Q3 Before any more time is spent, is it not overdue for the Council to consult its Community on whether the Council should further consider a proposal to redevelop our iconic beach pavilion tea-house and put out a Business Plan for State-wide consultation?
- Q4 Given that the local residents and ratepayers are KEY stakeholders, does this not mean that before any such decision to put the proposal out for State-wide consultation, Council should first consult with its local community?
- Q5 Will Council please instruct Administration to provide a one month advance preview for residents, ratepayers and Elected Members of the business plan and all the specialist reports before the proposal is put to Council in the New Year?

- Q6 At the Agenda Forum I asked about ROWs and the answer given needs a bit more clarity. Can you please provide a list of all the Town's ROWs that have not yet been transferred to Government ownership?
- Q7 Is Council confident that it is meeting the regulation requirements in declaring that the Draft Council Plan incorporates the Strategic Community and Corporate Business Plans as required by the current Regulations?
- Q8 Is it right for a Consultant to decide which suggestions from the Public Consultation are included in the final draft or have those decisions been made by the Administration without consultation with the Elected Members?
- Q9 If the Council Plan takes the place of the former Strategic Community and the Corporate Business Plans, what are the cascading documents we can expect, in what sequence and when?
- Q10 Why is the Plan without Strategic and Deliverables numbered identifiers?
- Q11 When will we see the budget lines allocation as a long-term financial plan tied to a deliverables schedule?
- Q12 Why is 'Develop and Implement a Public Toilet Strategy' (June 2021 Resolution) not included in the Plan when it is stated as a Community Priority on page 12?
- Q13 Why is 'Sinking the Railway', a continuing major objective in the new Draft Planning Strategy not included in West-East Connectivity and why are Indiana developments not included as high-level objectives/deliverables, whereas Car Park 2 gets a mention?

These questions were taken on notice

5 PUBLIC STATEMENT TIME

10.1.2 SL 4 (4/12) John Street – Change of use to Serviced Apartment

Tanya Landwehr

Ms Landwehr spoke of the Development Approval for the change of use to a Serviced Apartment.

10.1.2 SL 4 (4/12) John Street – Change of use to Serviced Apartment

Rosand Dowland

Ms Dowland spoke of the Cottesloe suburb profile and Serviced Apartments.

10.1.6 Council Plan 2023 to 2033

Stephen Mellor

Mr Mellor spoke of the Council Plan.

10.1.4 Right of Way 19A (ROW19A) Partial Closure Request

Brian Beresford

Mr Beresford spoke in favour of the Partial Closure Request of ROW 19A.

6 ATTENDANCE

Elected Members

Mayor Lorraine Young

Cr Helen Sadler

Cr Melissa Harkins

Cr Chilla Bulbeck

Cr Michael Thomas

Cr Katy Mason

Cr Jeffrey Irvine

Officers

Mr William Matthew Scott

Chief Executive Officer

Mr Shane Collie

Director Corporate and Community Services

Mr Shaun Kan

Director Engineering Services

Mr Ed Drewett

Acting Manager of Planning

Ms Jacquelyne Pilkington

Governance & Executive Office Coordinator

Mr Steve Cleaver

Director Development and Regulatory Services

6.1 APOLOGIES

Nil

Officers Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Cr Brad Wylenko

Cr Sonja Heath

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

OCM246/2023

Moved Mayor Young

Seconded Cr Harkins

That Cr Sadler be granted a leave of absence from 27 July to 1 September 2024.

Carried 7/0

7 DECLARATION OF INTERESTS

Cr Irvine declared an IMPARTIALITY INTEREST in 10.1.2 by virtue “as some of the residents are known to me”

Cr Irvine declared an IMPARTIALITY INTEREST in 10.1.4 by virtue “as some of the residents are known to me”

Cr Irvine declared an PROXIMITY INTEREST in 13.1.1 by virtue “as residents opposite my address are known to me and donors for my election campaign”

Cr Mason declared an IMPARTIALITY INTEREST in 10.1.4 by virtue “as some of the residents are known to me”

Cr Mason declared an IMPARTIALITY INTEREST in 13.1.1 by virtue “as some of the residents are known to me”

Mayor Young declared an IMPARTIALITY INTEREST in 13.1.1 by virtue “as some of the residents are known to me”

8 CONFIRMATION OF MINUTES**OCM247/2023****Moved Cr Sadler****Seconded Cr Harkins****That the Minutes of the Ordinary Meeting of Council held on Tuesday 28 November 2023 be confirmed as a true and accurate record.****Carried 7/0****For: Mayor Young, Crs Sadler, Harkins, Bulbeck, Thomas, Mason and Irvine****Against: Nil****9 PRESENTATIONS****9.1 PETITIONS*****Section 9.4 - Procedure of Petitions***

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

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

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

10 REPORTS**10.1 REPORTS OF OFFICERS****OCM248/2023****Moved Cr Sadler****Seconded Cr Irvine****COUNCIL RESOLUTION**

That Council adopts en-bloc the following Officer Recommendations contained in the Agenda for the Ordinary Council Meeting 12 December 2023:

Item #	Report Title
10.1.1	Monthly Financial Statements for the period 1 July 2023 to 31 October 2023
10.1.2	SL 4 (4/12) John Street – Change of use to Serviced Apartment
10.1.4	Right of Way 19A (ROW19A) Partial Closure Request
10.1.5	Council Meeting Dates
10.2.1	Receipt of Audit Committee Minutes

Carried 7/0**For: Mayor Young, Crs Sadler, Harkins, Bulbeck, Thomas, Mason and Irvine****Against: Nil**

CORPORATE AND COMMUNITY SERVICES**10.1.1 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2023 TO 31 OCTOBER 2023**

Directorate: Corporate and Community Services
Author(s): Wayne Richards, Acting Finance Manager
Authoriser(s): Shane Collie, Director Corporate and Community Services
File Reference: D23/45653
Applicant(s): Nil
Author Disclosure of Interest: Nil

SUMMARY

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

OFFICER RECOMMENDATION IN BRIEF

That Council receives the Monthly Financial Statements for the period 1 July 2023 to 31 October 2023.

BACKGROUND

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

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

OFFICER COMMENT

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

- The net current funding position as at 31 October 2023 was \$11,080,753 as compared to \$10,592,840 this time last year.
 - Operating revenue is more than the year to date budget by \$304,455 with a more detailed explanation of material variances provided at note 2, explanation of material variances, of the attached financial statements. Operating expenditure is \$971,162 less
-

than year to date budget, with a more detailed analysis of material variances provided at note 2, explanation of material variances, of the attached financial statements.

- The Capital Works Program is shown in note 13, details of capital acquisitions, of the attached financial statements.
- The balance of cash backed reserves was \$8,326,895 as at 31 October 2023 as shown in note 7, cash backed reserves, of the attached financial statements.

List of Accounts Paid for October 2023

The list of accounts paid during October 2023 is shown on note 14, list of accounts, of the attached financial statements. Purchases made via credit card and fuel cards are listed separately below the list of electronic fund transfers and cheque payments.

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

- \$47,469.32 to Classic Contractors Pty Ltd for the construction of Anderson Pavilion
- \$104,792.93 to Solo Resource Recovery for waste collection/disposal costs
- \$134,319.90 to Nature Based Play Pty Ltd for construction works at the East Cottesloe playground
- \$39,865.92 & \$39,004.55 for staff superannuation contributions
- \$49,500.00 to Eco Shark Barrier Pty Ltd for the half yearly maintenance of the shark barrier
- \$47,134.00 & \$46,057.00 to the Australian Taxation Office for payroll tax contributions
- \$146,354.92 & \$146,353.05 to Town of Cottesloe Staff for fortnightly payroll
- \$2,000,000.00 to National Australia Bank Pty Ltd being a new term deposit
- \$2,000,000.00 to Commonwealth Bank of Australia being a new term deposit
- \$2,000,000.00 to Commonwealth Bank of Australia being a new term deposit

Investments and Loans

Cash and investments are shown in note 4, cash and investments, of the attached financial statements. The Town has approximately 43% of funds invested with the National Australia Bank, 36% with the Commonwealth Bank of Australia and 21% with Westpac Banking Corporation.

Information on borrowings is shown in note 10, information on borrowings, of the attached financial statements. The Town had total principal outstanding of \$2,294,256 as at 31 October 2023.

Rates, Sundry Debtors and Other Receivables

Rates outstanding are shown on note 6, receivables, and shows a balance of \$4,613,885 outstanding as compared to \$4,429,713 this time last year.

Sundry debtors are shown on note 6, receivables, of the attached financial statements. The sundry debtors report shows that 9% or \$20,986 is older than 90 days. Infringement debtors are shown on note 6, receivables, and shows a balance of \$430,032 as at 31 October 2023.

ATTACHMENTS

10.1.1(a) Monthly Financial Statements 1 July 2023 to 31 October 2023 [under separate cover]

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OCM249/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr Irvine

THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2023 to 31

October 2023 as submitted to the 12 December 2023 meeting of Council

Carried by En Bloc Resolution 7/0

DEVELOPMENT AND REGULATORY SERVICES**10.1.2 SL 4 (4/12) JOHN STREET - CHANGE OF USE TO SERVICED APARTMENT**

Directorate: Development and Regulatory Services
Author(s): Ed Drewett, Acting Manager of Planning
Authoriser(s): Steve Cleaver, Director Development and Regulatory Services
File Reference: D23/45869
Applicant(s): T Landwehr
Author Disclosure of Interest: Nil

SUMMARY

Development approval is sought for the change of use of Unit 4/12 John Street to *Serviced Apartment* for short-term accommodation. The application has been referred to Council at the request of Mayor Young and Cr Bulbeck.

OFFICER RECOMMENDATION IN BRIEF

That Council conditionally approve the development application for a 'Serviced Apartment' at 4/12 John Street for a temporary 12-month period.

BACKGROUND

The subject site has a two-storey building with four units, two on each level. Unit 2 has an owner/occupier whilst the remaining three units are investment properties to let.

In December 2022, the Town granted temporary (12 month) approvals for a change of use to Serviced Apartments at Units 1 & 3 on this lot.

A separate application for the re-approval of the *Serviced Apartment* at Unit 3 is currently being assessed and advertised by the Town.

The Town was unaware of any complaints being received in respect to the approved uses at Units 1 & 3, until the current proposal for Unit 4 was advertised.

Units 1 & 4 are under the same ownership.

Site context

The site is located towards the beach end of John Street and in close proximity to a number of units, apartments and short stay accommodation options, including the Cottesloe Beach Chalets and Cottesloe Beach Hotel. Unit 4 is the upper floor eastern unit.



Above: Aerial photograph of site



Above: Street view (from google maps)

Legislative context

Zoning:	MRS: Urban LPS 3: Residential R60
Use class:	A - Use 'Serviced Apartment'
Existing land use:	Multiple dwellings/Serviced Apartments
Owner/applicant:	T Landwehr

Local Planning Scheme No. 3 (LPS 3) The aims of the Scheme relevant to the development applications include:

- Provide opportunities for housing choice and variety in localities which have a strong sense of community identity and high levels of amenity;
- Sustain the amenity, character and streetscape quality of the Scheme area;

- *Ensure that land uses and development adjacent to Marine Parade are compatible with the residential and recreational nature of their setting and the amenity of the locality;*
- *Ensure that proper regard is given to the needs of the local community in the determination of land use and development proposals; and*
- *Ensure that development and the use of land within the district complies with accepted standards and practices for public amenity and convenience.*

The Objectives of the Residential R60 zone are to:

- *encourage residential development only which is compatible with the scale and amenity of the locality;*
- *provide the opportunity for a variety and choice in housing in specified residential areas;*
- *allow for some non-residential uses where they are compatible with the amenity of residential localities; and*
- *encourage the retention of local facilities and services within specified residential areas for the convenience of the locality community.*

WAPC Position Statement & Guidelines: Planning for Tourism and Short-Term Rental Accommodation (released November 2023)

The WAPC Position Statement & Guidelines provide guidance to local governments on managing Short Term Rental Accommodation (STRA) activity within the local planning framework. It provides clarification on the use of houses, units and apartments for STRA purposes and considers whether providers of un-hosted and hosted accommodation should be exempt from requiring development approval in certain circumstances.

WAPC Planning Bulletin 115 – Short Term Rental Accommodation

Planning Bulletin 115 indicates that STRA is more appropriate in areas of high tourism amenity and close proximity to key tourism attractions such as the beach, town centre or rural areas, but may not be appropriate in suburban locations.

OFFICER COMMENT

The development application has been assessed against the provisions of the Town's Local Planning Scheme No. 3, the *Planning and Development (Local Planning Schemes) Regulations 2015 (as amended)*, and having regard to the recently released WAPC Position Statement, Guidelines, and Bulletin regarding Short Term Rental Accommodation.

Under LPS 3, the proposed change of use is not permitted unless the local government uses its discretion to grant development approval after advertising.

House Management Plan and supporting documentation

Documentation submitted with the application includes proposed house rules and complaints procedures. These include:

- *Designated parking area at rear of property;*

- *Consideration of neighbours and being respectful to the residential environment;*
- *No unregistered guests, visitors, parties and gatherings;*
- *Quiet time from 9.00pm to 7.00am;*
- *No personal items to be left on communal areas;*
- *Premises not suitable for children under 12;*
- *No pets allowed;*
- *No smoking allowed;*
- *Emergency contact details provided;*
- *Complainants to be informed of actions being taken every step of the way;*
- *Guests unresponsive to noise complaints face eviction or referral to police;*
- *Complaints regarding occupancy issues shall result in excess persons being asked to leave on the spot;*
- *Disorderly behaviour will not be tolerated;*
- *No guests shall use common areas for private purposes such as seating or convening;*
- *All neighbours will be provided the email and mobile phone number of the owner which is available 24/7;*
- *A complaints log shall be kept at all times.*

Applicant's response to neighbour concerns raised during advertising

A summary of the applicant's response to the submissions received is as follows:

- *Active owners will meet the tenants, screen them, perform regular surveillance;*
- *The price bracket of the property is aimed at a tenant profile middle aged and above, typically couples or executives;*
- *Owner lives locally and will attend any noise or nuisance issues within 5 minutes;*
- *Owner is involved in making improvements to communal areas and working with other owners to resolve maintenance issues;*
- *It would be entirely understandable that any approval for service apartment is withdrawn should the property fail to maintain house rules, disrupt other residents and/or take no rectifying action to address problems;*
- *Tenants are screened. The property has not once been subject to any informal or formal nuisance or noise complaint. House Rules are provided which forbid any such behaviour;*
- *The applicant has professional knowledge of guest and tenant management, nuisance resolution, service standards etc, which is of a deeper level than the average residential landlord.*

The applicant also provided minutes of a Council of Owners meeting (1 December 2022) which states:

Item 3. Consideration of approval for units to be used as serviced apartments

Unanimously approved for any unit at the property to be used as serviced apartments. Guests present also voiced their agreement.

Having regard to the documentation provided by the applicant, submissions received during advertising, and consideration of current planning legislation, the application is considered to have merit.

The premises is located only approximately 120m from Marine Parade, is in close proximity to similar approved short-term accommodation, and two other units (Units 1 & 3) are already approved for this use at the premises which have been operating for the past 12 months without complaints to the Town, until this current proposal was advertised.

It is therefore recommended that a temporary 12-month approval be granted to ensure there is appropriate management of potential impacts on the amenity of neighbouring properties. This should also allow sufficient time for the Town to have a better understanding of the State Government's proposed regulations to be introduced in 2024, and allow the Town to consider the suitability of this type of use in the locality in its draft *Local Planning Strategy* and draft *Local Planning Scheme (LPS 4)*.

ATTACHMENTS

- 10.1.2(a) Attachment 1 - Plans [under separate cover]**
- 10.1.2(b) Attachment 2 - Management Plan [under separate cover]**
- 10.1.2(c) Attachment 3 - Neighbour submission [under separate cover]**
- 10.1.2(d) Attachment 4 - Neighbour submission [under separate cover]**

CONSULTATION

The application was advertised from 17 October to 7 November 2023 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and *Local Planning Scheme No. 3*. Advertising was undertaken by writing to owners and occupiers of properties adjoining the site and providing details on the Town's website. Two submissions were received, and a summary of responses is below:

- There has been a change of environment and shift in attitude with having 3 of the 4 units as Airbnb, to the detriment of the quiet enjoyment of their home;
- It is like they live in a hotel above and beside them with shared walls, entry and courtyard;
- The applicant has not demonstrated good management of the Airbnbs;
- They need to 'police' the environment with the daily parade of random strangers dragging suitcases, coming and going at all times of the day and night, banging on the door thinking they are the accommodation through to asking kids to take the balls to the park rather than trash the courtyard garden etc;
- Lack of knowledge or consideration by guests that it is their home;
- They have been made to feel like an inconvenience that they live in the building;
- Serviced/short-stay/Airbnb apartments are notorious for the anti-social problems they generate in neighbourhoods and are banned in many local government areas locally, interstate and overseas;
- Residential zoning implies that the majority use of this Zone be residential and that this be maintained;
- The adjacent Foreshore Development Zone will invariably gain many apartments that will operate as serviced/short-stay/Airbnbs. That is not unreasonable;

- 5, 9 and 15 John Street all operate as serviced/short-stay/Airbnbs. Cottesloe Chalets and The Cottesloe Beach Hotel in the adjacent Foreshore Zone provide supervised short-stay accommodation. There is sufficient, if not excess short-stay accommodation for this neighbourhood. The residential nature is threatened;
- Residential zoning allows for serviced apartments. Units 1 and 2/12 John Street already operate as serviced/short-stay/Airbnbs – they advertise as such. Unit 3 is owner/occupied. To allow further such use at this address increases the likelihood of undesirable consequences and diminishes the amenity of neighbouring residences, including Unit 3;
- There is no provision within 4/12 John Street or at 12 John Street in total for integrated reception facilities. Therefore Units 4, 1 and 2 will all be let without on-site supervision of tenants;
- Rubbish bins at the rear of 12 John Street in Warnham Road are often over full and occasionally overturned. This indicates a lack of ‘service’ of these apartments. The family who are long term lessors of 15 Warnham Road have raised objections to the general unkempt nature of the rear aspect of 12 John Street. This is to be expected as the owners of Units 1,2 and 4 John Street are non-resident investors motivated by income rather than providers of service to their tenants or awareness of the amenity of the neighbourhood.

STATUTORY IMPLICATIONS

Local Planning Scheme No.3

Planning and Development (Local Planning Schemes Regulations 2015)

WAPC Planning for Tourism and Short-term Rental Accommodation (STRA) Guidelines

WAPC Planning Bulletin 115 – Short Term Rental Accommodation

WAPC Position Statement: Planning for Tourism and Short-term Rental Accommodation (November 2023)

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

OCM250/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr Irvine

THAT Council APPROVES the development application for the change of use of Lot 4 (4/12) John Street, Cottesloe to 'Serviced Apartment' as shown on the plans and application received 3 October 2023, subject to the following conditions:

- 1. The Serviced Apartment is to operate in accordance with the submitted Management Plan and House Rules;**
- 2. The Management Plan is to include clear instructions to guests on how and when to access the serviced apartment in order to minimise potential impact on other residents of the building;**
- 3. This approval is valid on a temporary basis for 12 months, after which a new application for planning approval will be required.**

Advice notes:

- 1. The owner/applicant is reminded of their obligation under the Strata Titles Act which may require the consent from the adjoining strata owner(s) and/or strata company before commencing any works on the site. This is separate from the planning approval process.**
- 2. The owner/applicant is advised that this approval shall be deemed to be an approval under the Metropolitan Region Scheme**

Carried by En Bloc Resolution 7/0

10.1.4 RIGHT OF WAY 19A (ROW19A) PARTIAL CLOSURE REQUEST

Directorate: Engineering Services
Author(s): Renuka Ismalage, Manager Projects and Assets
Varinder Singh, Asset Engineer
Authoriser(s): Shaun Kan, Director Engineering Services
File Reference: D23/42874
Applicant(s): The Owner of 12 and 14 Florence Street
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider a partial closure request for the Right of Way 19A (ROW19A) from the Owner of 12 Florence Street and subsume this portion of land equally into 12 and 14 Florence Street (Lot 12 and Lot 300).

OFFICER RECOMMENDATION IN BRIEF

That Council REJECTS the applicant's request.

BACKGROUND

ROW 19A is located off Hawkstone Street and has a total approximated area of 320m². The laneway is not a thoroughfare and terminates at the applicant's property.

The owner of 12 Florence Street (Applicant)(Lot 12) has proposed a partial closure whereby a small area (approximately 50m²) of ROW 19A is equally amalgamated with their property and that of 14 Florence Street (refer to Figure 1). The applicant claims that 14 Florence Street (Lot 300) is agreeable subject to payment of their respective shares of associated cost.

Whilst it is not prescribed in the attached proposal, by virtue that 14 Florence Street is benefiting from the request, this is considered a joint application from the 2 owners.

The adjacent properties, 39 and 41 Hawkstone Street (directly impacted residents) that gain access through this laneway were consulted and they support the closure (written consent attached).

Council is to note that the original request was received in June 2022 and the officer handling the request has left the Town. The matter was subsequently referred to another officer who then left the Town towards the end of 2022. Due to an administrative oversight, this was not re-assigned to the current incumbent of the position.

The applicant in October 2023 made followed up enquiries and had further discussions with the Town, resulting in this report to Council. As this has not been addressed within the requirements of the Customer Service Charter due to staff turnover, an audit has commenced to determine whether this administrative error is an isolated incident and how to prevent such a future occurrence.



Figure 2: Location plan and photographs of proposed 50m² Road Closure

Given ROW 19A is Crown Land, the State Government is the determining authority pertaining to this request and the partial closure request must comply with the Land Administration Act (1997) Section 58 process. The Town is not compensated for this 50m² portion by virtue that the ROW is Crown Land.

OFFICER COMMENT

Summary of Request

The applicant has listed the following as reasons for requesting the closure:

- ROW 19A is not a thoroughfare and is closed at the southern end
- It is not a case of the Applicants seeking additional land in order to increase their landholding above a threshold to facilitate potential future subdivision;
- The other property owners who have properties abutting, all provided their written consent to the partial closure (Attached)
- The Applicants do not (and will not) have any structures encroaching onto the remaining portion of ROW 19A to impede anyone using the remaining portion of the laneway.

Council is to note that the additional space gained will not change the sub-divisibility of both lots as their areas achieve the minimum R-Code requirements:

- Both properties are zoned R20 and require a minimum lot size of 450m² for subdivision;
- 12 Florence Street and 14 Florence Street already has a lot size of 1112m² and 1144m² respectively; and
- The additional 25m² increases 12 and 14 Florence Street lot to 1137m² and 1169m² respectively.

The owners of 12 Florence Street are in the midst of constructing their house.

Options for Council

Option 1: Should Council support the closure, it will need to follow the provisions within the *Land Administration Act 1997*, Part 5, Division 1, Section 58 - Closing Roads:

1. *Council determines on whether or not to proceed with advertising;*
2. *Local advertising occurs (minimum 35 days);*
3. *Council considers any comments and objections and resolves whether to support the request for closure;*
4. *If resolution is to support request this is then referred to the Minister for Lands via the Department of Planning Lands and Heritage (DPLH)*
5. *The Minister for Lands determines the request and advises the town of the decision.*

In this scenario, advertising occurs from mid January 2024 to February 2024 for consideration at the March 2024 Ordinary Council Meeting (OCM). This timeframe complies with the minimum 35 days period of advertising. It is open for Council to determine a different period.

Option 2: The matter does not proceed any further, and the applicant informed of this Council Resolution and reasons for the rejection explained in the written response.

Recommended Approach

Council is asked to REJECT the request for the following reasons:

- Whilst the applicant has provided reasons for the partial closure, it is the Administration's view that these are not valid reasons to support the proposal as this sets precedence (Council previously rejected a similar proposal for ROW 2);
- The principle that public land should remain as such for the enjoyment of the community and should not be amalgamated with residential lots. Whilst the current adjacent land owners (39 and 41 Hawkstone Street) are agreeable, this partial closure will result in the lost of space for any future residents and community. Landscaping opportunities can include the creation of a community garden comprising of at least native plantings. There is the possibility of planting trees with non-evasive root systems, given the close proximity of residential walls. ;
- The principles of Council's Right of Way Policy that generally is not in favour of partial closures (Clause 3.2 – Encroachments and Unauthorised Use). To further elaborate, whilst there are no encroachments or unauthorised use within this request, clause 3.2 clearly establishes Council's position of not simply giving up ROW land unless there are extenuating circumstances for its consideration. The applicant's reasons are not extenuating justifications.

Notwithstanding the above, it is open for Council to amend the officer's recommendation and proceed with the district wide advertising before making a determination, noting that this sets precedence for previous similar requests that did not progress this way.

ATTACHMENTS

- 10.1.4(a) Town of Cottesloe - Right of Way 19A - Letter of Support - 12 Florence Street - Redacted [under separate cover]**
- 10.1.4(b) Signed Letter - Right of Way 19A - 41 Hawkstone St - Redacted [under separate cover]**
- 10.1.4(c) Signed Letter - Right of Way 19A - 39 Hawkstone St - Redacted [under separate cover]**

CONSULTATION

Owners of 39 and 41 Hawkstone Street

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 2.7 – Role of Council

Land Administration Act (1997) Section 58 - Activities on Thoroughfares and Trading in Thoroughfares and Public Places

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —
 - (a) by order grant the request; or
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
 - (c) refuse the request.
- (5) If the Minister grants a request under subsection (4) —
 - (a) the road concerned is closed on and from the day on which the relevant order is registered; and
 - (b) any rights suspended under section 55(3)(a) cease to be so suspended.
- (6) When a road is closed under this section, the land comprising the former road —
 - (a) becomes unallocated Crown land; or
 - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

Land Administration Regulations (1998) Regulation 9 - Local government request to close road permanently (Act s. 58(2)), requirements for

For the purposes of preparing and delivering under section 58(2) of the Act a request to the Minister to close a road permanently, a local government must include with the request —

- (a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and
 - (b) sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed; and
 - (c) copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58 (3) of the Act, the local government has received, and the local government's comments on those submissions; and
 - (d) a copy of the relevant notice of motion referred to in paragraph (c); and
-

- (e) any other information the local government considers relevant to the Minister's consideration of the request; and
- (f) written confirmation that the local government has complied with section 58(2) and (3) of the Act.

POLICY IMPLICATIONS

The principles of Council's Right of Way Policy does not support partial closures.

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation and any associated cost with the closure (not including advertising) is the responsibility of the applicant.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OCM251/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr Irvine

THAT Council REJECTS the partial closure request

Carried by En Bloc Resolution 7/0

10.1.5 COUNCIL MEETING DATES 2024

Directorate: Executive Services
Author(s): Jacquelyne Pilkington, Governance & Executive Office Coordinator
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D23/45839
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

A proposed Council Meeting Schedule for the 2024 calendar year has been prepared and a Resolution of Council is required to formalise the dates, times and locations for the next 12 months of Ordinary Council Meetings Officer Recommendation in brief.

OFFICER RECOMMENDATIO IN BRIEF

For Council to adopt the proposed meeting dates for Agenda Forum and Ordinary Council Meetings for 2024

BACKGROUND

The Local Government Act 1995 requires local governments to give local public notice of the dates, times and location of the Ordinary Council Meetings for the following twelve months.

Council sets these dates, times and locations late in the calendar year, for the following calendar year.

In addition to the Ordinary Council Meetings, the Town has also advertised the Agenda Forum dates which are open to members of the public and are held on the week prior to the Ordinary Council Meeting. Adverts for the 2023 Council/Forum meeting dates occurred in both local papers in January 2023.

Generally the Ordinary Meeting is scheduled for the fourth Tuesday of the month and the Agenda Forum on the third Tuesday. The exception to this in past years has been the January recess and the December meetings.

Taking the above into account, a proposed Council Meeting schedule for the 2024 calendar year has been prepared and included in the recommendation.

OFFICER COMMENT

The December meeting is recommended to be brought forward one week from the normal cycle, to avoid clashing with the festive season.

It is proposed that Forum dates again be included in the local public notice and placed on the Town's website for electors' information.

Any Special Council Meetings will be advertised individually (if/when they are set).

The 2023 Council/Forum Meeting dates were advertised in both local papers in January 2023 and it is proposed that the approved dates will be advertised similarly, in January 2024.

For Council's benefit in considering the proposed Schedule of Meetings, below are the relevant Western Australian public holidays and school holiday period for 2024.

Western Australian public holiday dates for 2024 are:

- Monday 1 January - New Year's Day
- Friday 26 January - Australia Day
- Monday 4 March – Labour Day
- Friday 29 March - Good Friday
- Sunday 31 March - Easter Sunday
- Monday 1 April - Easter Monday
- Thursday 25 April - Anzac Day
- Monday 3 June – Western Australia Day
- Monday 23 September - King's Birthday
- Wednesday 25 December - Christmas Day
- Thursday 26 December - Boxing Day

Western Australia School Holidays for 2024 are:

- Autumn 29 March -14 April
- Winter 29 June -14 July
- Spring 21 September – 6 October

ATTACHMENTS

Nil

CONSULTATION

Whilst no consultation has occurred prior to the report's preparation, in addition to the formal local public notice, the date, times and locations of the meetings will also be placed on the Town's website for electors' information

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government Act 1995 S. 5.25

Local Government (Administration) Regulations 1996 Reg. 12

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

Major Strategy 6.3: Implement technologies to enhance decision making, communication and service delivery.

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

OCM252/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr Irvine

That Council:

1. **OBSERVES** a recess for January 2024, with no Ordinary Meeting of Council;
2. **ADOPTS** the following Ordinary Council Meeting dates for 2024, which are to commence at 6.00pm in the Council Chambers, 109 Broome Street, Cottesloe;

Tuesday 27 February

Tuesday 26 March

Tuesday 23 April

Tuesday 28 May

Tuesday 25 June

Tuesday 23 July

Tuesday 27 August

Tuesday 24 September

Tuesday 22 October

Tuesday 26 November, and

Tuesday 17 December

3. **ADOPTS** the following Agenda Forum dates for 2024 which are to commence at 6.00pm in the Council Chambers, 109 Broome Street, Cottesloe;

Tuesday 20 February

Tuesday 19 March

Tuesday 16 April

Tuesday 21 May

Tuesday 18 June

Tuesday 16 July

Tuesday 20 August

Tuesday 17 September

Tuesday 15 October

Tuesday 19 November, and

Tuesday 10 December

4. **ADVERTISE**, in January 2024, the Ordinary Council meeting and Agenda Forum meeting dates for 2024, and also publish this information on the Town's website

Carried By En Bloc Resolution 7/0

10.2.1 RECEIPT OF AUDIT COMMITTEE MINUTES

**Attachments: 10.2.1(a) Unconfirmed Minutes - Audit Committee - 4 December 2023
[under separate cover]**

OCM253/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr Irvine

THAT Council RECEIVES the attached Unconfirmed Minutes of the Audit Committee Meeting held on 4 December 2023 and ADOPTS the recommendations contained within.

Carried 7/0

10.1.3 DRAFT LOCAL PLANNING STRATEGY - ENDORSEMENT TO ADVERTISE

Directorate: Development and Regulatory Services
Author(s): Ed Drewett, Acting Manager of Planning
Authoriser(s): Steve Cleaver, Director Development and Regulatory Services
File Reference: D23/43933
Applicant(s): N/A
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to seek Council endorsement to advertise the draft Local Planning Strategy (LPS) in accordance with r.12 of the *Planning & Development (Local Planning Schemes) Regulations 2015*.

OFFICER RECOMMENDATION IN BRIEF

THAT the draft Local Planning Strategy be endorsed for advertising for 35 days.

BACKGROUND

The Town has prepared a draft LPS in the manner and form prescribed by the Western Australian Planning Commission (WAPC) to guide the long-term land use planning direction for the Town over the next 10 to 15 years. It comprises two parts:

- Part 1 – Strategy
- Part 2 – Background Information & Analysis.

The draft Strategy incorporates state and regional planning policies into the local planning framework providing a balanced and logical approach to land use and density changes that may be considered in the preparation of the new Local Planning Scheme (LPS 4).

The draft Strategy has regard to the Town's draft Council Plan, prepared in 2023, which outlines the future Cottesloe vision, mission, and key objectives, and it is consistent with the planning issues of relevance identified in the state planning framework, which are grouped according to the following themes:

- Community, urban growth and settlement.
- Economy and employment.
- Environment.
- Infrastructure.

Once adopted, the existing LPS that was endorsed in 2008 will be repealed and replaced with the new Strategy.

Preliminary Community & Stakeholder Consultation

The Town commenced community and stakeholder engagement for the LPS in 2019. However, due to changes in state government legislation further engagement was necessary

to confirm previously identified priorities and to test whether the initial feedback was still relevant.

Engagement for the LPS was sought between 3 July and 27 August 2023, via an:

- Online survey
- Online interactive mapping tool; and
- Community workshop.

The *Community Engagement Outcomes Report* (October 2023) is included in Appendix A of the draft LPS and will be updated following formal advertising of the Strategy. In summary, the engagement process identified the following four growth areas and general comments:

- Growth Area 1: Cottesloe Foreshore.
- Growth Area 2: Cottesloe Town Centre.
- Growth Area 3: Mosman Park/Victoria Street stations.
- Growth Area 4: Grant Street/Swanbourne stations.

General comments

- Preserve areas of open space.
- Retain trees and vegetation and increase canopy cover.
- Enable spaces for community interaction e.g. cafes and deli's.
- Consider spaces for youth.
- Consider spaces for walking and cycling.
- Consider mechanisms to maintain Cottesloe's character.
- Advocate for sinking the railway line.

OFFICER COMMENT

The draft LPS is required to be endorsed for advertising by Council to the community for comments and awareness of the strategic land use planning direction of the Town. The intent of the new Strategy is to ensure that the Town's local planning framework is consistent with state and regional planning policies and to provide the basis for the Town's new Local Planning Scheme (LPS 4). The new Strategy is not intended to replace Council's other existing strategic and legislative documents.

Before advertising, a copy of the draft LPS must be provided to the WAPC in accordance with reg. 12 of the *Planning & Development (Local Planning Schemes) Regulations 2015*.

If the WAPC is not satisfied that the draft LPS complies with reg.11 (2) of the Regulations then it may, by notice in writing, require the Town to:

- a) Modify the draft Strategy; and
- b) Provide a copy for the draft Strategy as modified to the Commission for assessment.

Once the Commission is satisfied, it will certify the Strategy and advise the Town that it may proceed with advertising.

The certified Strategy must be advertised for 21 days unless a longer period is agreed by the WAPC.

The Town recommends that the WAPC be requested to extend this advertising period to 35 days to provide a reasonable opportunity for stakeholders to comment on this important strategic planning document and help improve and refine it. It is anticipated that advertising will commence towards the end of January 2024.

The Town must advertise the Strategy in accordance with reg.13 (1) of the Regulations that requires the following:

- Publish in accordance with regulation 76A the LPS and a notice giving details of:
 - the website on which the LPS is published;
 - the place (if any) where a copy of the LPS is available for public inspection;
 - the manner and form in which submissions may be made; and
 - the period under subsection (2) for making submissions and the last day of that period;
- give a copy of the notice to each public authority that the Town considers is likely to be affected by the LPS;
- advertise the LPS as directed by the WAPC and in any other way the Town considers appropriate.

A user-friendly feedback form is recommended by the WAPC that may include the following questions:

- Is the vision proposed by the LPS supported and why or why not?
- Are there any important issues or opportunities that are not identified in the LPS that should be identified and why?
- Are there any planning areas not identified in the LPS that should be identified and why?
- Are there any specific planning directions or actions for issues/opportunities or planning areas that stakeholders either strongly support or do not support and why?
- Is there any information displayed on the LPS maps or planning area maps that stakeholders either strongly support or do not support and why?

Following the conclusion of the advertising period, a summary of the submissions will be referred to Council to consider the matters raised and make any necessary and appropriate refinements and improvements.

A final recommendation must then be made to either support the LPS with or without modifications and a copy of the advertised Strategy, schedule of submissions received, and details of any modifications that Council is proposing for the LPS must be forwarded to the WAPC in accordance with reg. 14 of the Regulations.

ATTACHMENTS

- 10.1.3(a) Draft Cottesloe Local Planning Strategy - for advertising [under separate cover]

CONSULTATION

To commence after endorsement by Council.

STATUTORY IMPLICATIONS

Town of Cottesloe Local Planning Strategy (2008)

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the *Planning & Development (Local Planning Schemes) Regulations 2015*.

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. Endorse the draft Local Planning Strategy for advertising;
2. Request the Town's Administration to forward the draft Local Planning Strategy to the Western Australian Planning Commission (WAPC) for assessment with compliance with Regulation 11(2) of the *Planning & Development (Local Planning Schemes) Regulations 2015*.
3. Request the WAPC to extend the advertising period to 35 days to provide a reasonable opportunity for stakeholders to comment on this important strategic planning document and help improve and refine it.
4. Delegate authority to the Chief Executive Officer to make modifications to the draft Local Planning Strategy as directed by the WAPC, prior to advertising.

- 5. Note the process for WAPC lodgement, necessary amendments, public advertising and review of submissions provided in the Officer Comment.

OCM254/2023
COUNCILLOR MOTION

Moved Cr Mason

Seconded Mayor Young

THAT Council;

- 1. DEFER further consideration of this item, pending a further workshop(s) to discuss infill implications; and
- 2. REQUEST the CEO to schedule an Elected Member Workshop(s) with the Town’s Planning Consultant in early 2024 in relation to point 1.

Carried 7/0

For: Mayor Young, Crs Sadler, Harkins, Bulbeck, Thomas, Mason and Irvine

Against: Nil

OCM255/2023
COUNCILLOR AMENDMENT

Moved Mayor Young

Seconded Cr Harkins

To add a point 3 as follows:

- 1. INSTRUCTS the CEO to communicate to WAPC that Council has deferred consideration of the matter so that further workshop(s) can be held with Hames Sharley in early 2024 so that elected members can be fully informed of the process and implications of the approach to infill as identified in the draft Local Planning Strategy.”

Carried 7/0

For: Mayor Young, Crs Sadler, Harkins, Bulbeck, Thomas, Mason and Irvine

Against: Nil

SUBSTANTIVE MOTION

THAT Council;

- 1. DEFER further consideration of this item, pending a further workshop(s) to discuss infill implications; and
- 2. REQUEST the CEO to schedule an Elected Member Workshop(s) with the Town’s Planning Consultant in early 2024 in relation to point 1.
- 3. INSTRUCTS the CEO to communicate to WAPC that Council has deferred consideration of the matter so that further workshop(s) can be held with Hames Sharley in early 2024 so that elected members can be fully informed of the

process and implications of the approach to infill as identified in the draft Local Planning Strategy.”

Carried 5/2

For: Mayor Young, Crs Harkins, Bulbeck, Mason and Irvine

Against: Crs Sadler and Thomas

Rationale

Infill, or people, bring vibrancy. We need to carefully consider where we want that vibrancy. In our Town Centre Village & Foreshore precincts to support our local small businesses should be investigated as a priority, not in our quiet neighbourhood streets increasing traffic, noise & impacting our tree canopy and existing mature trees.

It is obvious we need transport led infill around our station precincts, the area currently identified as a station precinct needs to be investigated. An easy 5 min walk would include West of Grant St Station but instead Mann St is included. Jarrad St, a main arterial Rd adjacent to the station is not included but Rosendo St in between Stations is currently zoned for potential infill.

No consideration has been given to our tree lined, heritage streets in East & South Cottesloe zoned for potential increases to R codes, now B&C, previously E&F. This has prioritised these residential areas ahead of the Foreshore, once B, now F. The *Community Engagement Outcomes Report (October 2023)* identified the four growth areas as:

- Growth Area 1: Cottesloe Foreshore
- Growth Area 2: Cottesloe Town Centre
- Growth Area 3: Mosman Park/ Vic Street stations
- Growth Area 4: Grant St/Swanbourne stations

We should consider the quantum of residents impacted by this preference.

Consultants have informed us that the WAPC prefers specific designated areas for infill, yet this Strategy would endorse the possibility of widespread infill across nearly half of the Town. This would mean maximum impact to existing local residents. Figures received by the Consultants show that even with a “low growth” scenario, would mean 49% of land parcels are developed within shaded areas and a “higher growth” scenario sees a 72% take up rate.

Consideration should be given whether 5 stories to the Foreshore should be prioritised ahead of 5 stories around Jasper Green? Or if 5 stories at the McCall Centre would be less impactful than Rosendo St, as an example.

We cannot endorse this plan to the State in its current form.

Director Corporate and Community Services left the meeting at 7:03 pm

Director Corporate and Community Services returned to the meeting 7:08 pm

10.1.6 COUNCIL PLAN 2023 TO 2033

Directorate: Executive Services
Author(s): William Matthew Scott, Chief Executive Officer
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D23/46602
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider adopting the attached Council Plan 2023-2033.

OFFICER RECOMMENDATION IN BRIEF

That Council note the feedback received on the draft Council plan and adopt the updated Council Plan 2023 – 2033 as the Town of Cottesloe Plan for the Future.

BACKGROUND

At the October 2023 Ordinary Council Meeting, the Council considered a draft Council Plan, which had been developed over several months by Council, with the assistance of Moore Australia, to replace the expiring Strategic Community Plan 2013-2023 and the associated and current Corporate Business Plan 2020-2024. At this meeting Council resolved:

OCM214/2023***THAT Council***

- 1. Adopt the attached Draft Council Plan for community consultation and comment for a period of four(4) weeks;***
- 2. Note the attached Community Perception Report will be placed on the Town's website;***
- 3. Request the Chief Executive Officer to provide a report back to Council on the Council Plan, after the community consultation and comment period has ended.***

Subsequently the draft Council Plan was advertised for submission from 30 October 2023 to 30 November 2023. The submissions received have been analysed by the Town's Administration and Moore Australia, resulting in the attached analysis report. The Council Plan (as attached) has been slightly modified to reflect the results of this analysis (discussed further in the Officer Comment). The final Council Plan is now presented for Council's consideration and adoption.

OFFICER COMMENT

The attached Community Feedback Analysis provided by Moore Australia, provides a detailed analysis of the feedback received. Included in the analysis are suggested responses/actions to each matter raised or suggested. Throughout the development of the

Council Plan, it has been understood the intent from Council was to keep the Council Plan at a fairly high strategic level, and remove the prescriptiveness of the current Strategic Community Plan and Corporate Business Plan. The feedback received has been reviewed through this lens, and therefore requests for specific matters to occur (for example “rubbish bins should be placed along the beach between Grant Street and Cott Main”), have not been specifically included into the plan. Instead some additional Strategies have been included that potentially will cover many of the individual requests or ideas, many of which require further investigation and consideration. Furthermore the Council Plan can not override existing legislation which governs meeting procedures or day to day operational activities.

Page 22 of the Community Feedback Analysis provides a summary of the recommended amendments to the Council Plan, which the Administration has incorporated in the Attached Council Plan, being:

1. Minor changes and update to the introduction sections of the Council Plan (cover page, Mayors introduction, clarification of legislative requirements, etc);
2. Additional new strategies and deliverables:
 - a. Community Youth Inclusion Strategy
 - b. Community Development Strategy
 - c. Foreshore and Beach Strategy (covering the entire Foreshore area)
 - d. Lobby and advocate for increased east – west connectivity
3. Amending the wording to clarify some existing deliverables.

The above amendments are not considered significant and maintains the strategic intention of the Council Plan.

In response to some criticism the Town has received in regards to the draft Council Plan, Moore Australia, who have had discussions with the Department of Local Government, Sport and Cultural Industries (DLGSC) and had considerable experience in Local Government integrated Planning and Reporting (IRP), have advised that the attached Council Plan meets current legislative requirements. DLGSC have also advised Moore Australia that the new regulations associated with Section 5.56 (currently referring to Plans for the Future) are being developed and yet to be proclaimed, with it likely to be several years before full implementation of the amendments. Should Council not adopt the Council Plan, as of 2024 the Town may not meet existing requirements, as the current Strategic Community Plan will have expired. Council should note that the Council Plan provides for an annual review, should the Council Plan need to be amended in the future.

ATTACHMENTS

- 10.1.6(a) Town of Cottesloe Council Plan 2023-2033 Draft V5.1 [under separate cover]**
10.1.6(b) Town of Cottesloe - Draft Council Plan Community Feedback Analysis - December 2023 V2 - Redacted [under separate cover]

CONSULTATION

The Draft Council Plan was advertised for submissions from 30 October 2023 to 30 November 2023. At the close of submissions, nineteen (19) had been received, and one (1) late submission (Mr J Walsh) was received after the closure of submissions. An analysis and copies of the submissions received are available in attachments to this Report.

STATUTORY IMPLICATIONS

Local Government Act 1995

5.56. Planning for the future

(1) A local government is to plan for the future of the district.

(2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Local Government Amendment Act 2023 (Passed by Parliament 12 May 2023, partially proclaimed 20 June 2023)

68. Section 5.56 replaced

Delete section 5.56 and insert:

5.56. Council plan

(1) A local government must, in accordance with regulations —

(a) prepare a council plan; and

(b) publish, review and modify the council plan.

(2) A council plan is a plan for —

(a) the future services and facilities for the district that are to be provided by the local government;

and

(b) any prescribed matters.

(3) Without limiting subsections (1) and (2)(b), regulations may prescribe any of the following

—

(a) information and other contents to be contained in a council plan;

(b) the period which a council plan is to cover;

(c) when a council plan is to be prepared, published, reviewed, modified or replaced;

(d) procedures to be followed in preparing, reviewing, modifying or replacing a council plan.

Local Government (Administration) Regulations 1996

19BA. Terms used

In this Part —

corporate business plan means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in accordance with

section 5.56;

strategic community plan means a plan made under regulation 19C that, together with a corporate business plan, forms a plan for the future of a district made in accordance with section 5.56.

19C. Strategic community plans, requirements for (Act s. 5.56)

(1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

(2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.

(3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.

(4) A local government is to review the current strategic community plan for its district at least once every 4 years.

(5) In making or reviewing a strategic community plan, a local government is to have regard to —

(a) the capacity of its current resources and the anticipated capacity of its future resources; and

(b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and

(c) demographic trends.

(6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.

(7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

(8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

(9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.

(10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

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

(1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

(2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.

(3) A corporate business plan for a district is to —

(a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and

(b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and

(c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

(4) A local government is to review the current corporate business plan for its district every year.

(5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.

(6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.

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

POLICY IMPLICATIONS

The Council Plan includes the review, development and implementation of a number of subordinate strategic and operations documents, which may require current Council Policies to be reviewed or new Council Policies developed.

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

The Council Plan includes the review, development and implementation of a number of subordinate strategic and operational documents over the next 10 years. In reviewing and developing these documents the Town's resource capacity will need to be considered in order to ensure associated outcomes can be delivered.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The Council Plan includes the review, development and implementation of a number of subordinate strategic and operational documents over the next 10 years. The Town is unable to predict the environment impacts (if any) that may occur until each document is considered by Council prior to being adopted and implemented.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

Moved Cr Sadler

Seconded Mayor Young

THAT Council:

1. NOTE the feedback received from the community in relation to the draft Council Plan 2023-2033, as summarised in the attached Draft Council Plan Community Feedback Analysis; and
2. By absolute majority ADOPT the attached Council Plan 2023 – 2033 as the Town of Cottesloe's Plan for the Future of the District

OCM256/2023

COUNCILLOR AMENDMENT

Moved Cr Bulbeck

Seconded Cr Irvine

To add to point 2

SUBJECT to the Administration reviewing the numbering and cross referencing in the Plan to improve legibility.

Lost 3/4

For: Crs Sadler, Harkins and Bulbeck

Against: Mayor Young, Crs Thomas, Mason and Irvine

OCM257/2023

SUBSTANTIVE MOTION

Moved Cr Sadler

Seconded Mayor Young

THAT Council:

1. NOTE the feedback received from the community in relation to the draft Council Plan 2023-2033, as summarised in the attached Draft Council Plan Community Feedback Analysis; and
2. By absolute majority ADOPT the attached Council Plan 2023 – 2033 as the Town of Cottesloe’s Plan for the Future of the District

Carried by Absolute Majority 7/0

For: Mayor Young, Crs Sadler, Harkins, Bulbeck, Thomas, Mason and Irvine

Against: Nil

Director Engineering Services left the meeting At 7:17 pm

Director Engineering Services returned to the meeting at 7:18 pm

10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES

Carried by En Bloc Resolution

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

OCM258/2023

MOTION FOR BEHIND CLOSED DOORS

Moved Mayor Young Seconded Cr Mason

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

Carried 7/0

For: Mayor Young, Crs Sadler, Harkins, Bulbeck, Thomas, Mason and Irvine

Against: Nil

The public and members of the media were requested to leave the meeting at 7:19 pm

Cr Irvine left the meeting at 7:21 pm.

13.1.1 53 JOHN STREET - DOSCAS LANE ENCROACHMENT - LOCAL GOVERNMENT ACT (1995) - SECTION 3.25 (1) NOTICE

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

OCM259/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Thomas

Seconded Cr Sadler

THAT Council

- 1. NOTES the legal advice attached; and**
- 2. APPROVES the pathway mentioned in the officer's comment section of the report.**

Carried 6/0

For: Mayor Young, Crs Sadler, Harkins, Bulbeck, Thomas and Mason

Against: Nil

Director Corporate and Community Services left the meeting at 7:22 pm

Director Corporate and Community Services returned to the meeting at 7:22 pm

Cr Irvine returned to the meeting at 7:22 pm.

13.1.2 T06/2023 - DRAINAGE MAINTENANCE - TENDER

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

OCM260/2023

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr Bulbeck

THAT Council

- 1. AUTHORISES the Chief Executive Officer to award the Drainage Maintenance Services Tender to TENDERER D mentioned in the Officer Recommendation in Brief Section;**
- 2. Subject to the APPROVAL of Point One AUTHORISES the:**
 - a. Mayor and Chief Executive Officer to sign the Contract and affix the Town's Common Seal (if required)**
 - b. Chief Executive Officer or delegate to manage the Drainage Maintenance contract, including provision of possible variations (provided the variation is necessary in order for the goods or services to be supplied, does not change the general scope of the contract and is managed within the allotted budget allocation); and**
 - c. Mayor, Elected Members and the Town's Administration to disclose the**

identity of the successful Tenderer

Carried 7/0

For: Mayor Young, Crs Sadler, Harkins, Bulbeck, Thomas, Mason and Irvine

Against: Nil

OCM261/2023

MOTION FOR RETURN FROM BEHIND CLOSED DOORS

Moved Mayor Young

Seconded Cr Thomas

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

Carried 7/0

For: Mayor Young, Crs Sadler, Harkins, Bulbeck, Thomas, Mason and Irvine

Against: Nil

The meeting was re-opened to the public at 7:23 pm, however no members of the public or media were in attendance.

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

13.1.1 53 JOHN STREET - DOSCAS LANE ENCROACHMENT - LOCAL GOVERNMENT ACT (1995) - SECTION 3.25 (1) NOTICE

The resolution for item 13.1.1 was not read aloud.

13.1.2 T06/2023 - DRAINAGE MAINTENANCE - TENDER

The resolution for item 13.1.2 was not read aloud.

14 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 7:23 pm.