

# TOWN OF COTTESLOE



## ORDINARY COUNCIL MEETING UNCONFIRMED MINUTES

ORDINARY COUNCIL MEETING  
HELD IN THE  
Council Chambers, Cottesloe Civic Centre  
109 Broome Street, Cottesloe  
6:00 PM Tuesday, 17 December 2024

A blue ink signature of William Matthew Scott, consisting of a large, stylized 'S' followed by a horizontal line.

**WILLIAM MATTHEW SCOTT**  
Chief Executive Officer

23 December 2024

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## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS .....	1
2	DISCLAIMER .....	1
3	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION .....	1
4	PUBLIC QUESTION TIME .....	1
4.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	1
4.2	PUBLIC QUESTIONS .....	8
5	PUBLIC STATEMENT TIME.....	10
6	ATTENDANCE .....	10
6.1	APOLOGIES .....	10
6.2	APPROVED LEAVE OF ABSENCE.....	10
6.3	APPLICATIONS FOR LEAVE OF ABSENCE .....	11
7	DECLARATION OF INTERESTS.....	11
8	CONFIRMATION OF MINUTES.....	11
9	PRESENTATIONS .....	11
9.1	PETITIONS.....	11
9.2	PRESENTATIONS.....	12
9.3	DEPUTATIONS .....	12
10	REPORTS.....	13
10.1	REPORTS OF OFFICERS.....	13

### ITEMS CARRIED EN BLOC

<b>CORPORATE AND COMMUNITY SERVICES .....</b>	<b>14</b>
10.1.1 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2024 TO 31 OCTOBER 2024.....	14
10.1.2 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2024 TO 30 NOVEMBER 2024 .....	17
<b>DEVELOPMENT AND REGULATORY SERVICES.....</b>	<b>21</b>
10.1.4 CONSIDERATION OF THE DRAFT COTTESLOE VILLAGE PRECINCT STRUCTURE PLAN AND ASSOCIATED LOCAL PLANNING SCHEME AMENDMENT 14 FOR ADVERTISING.....	21

ENGINEERING SERVICES .....	31
10.1.6 COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLAN - PUBLIC CONSULTATION .....	31
EXECUTIVE SERVICES .....	37
10.1.7 COUNCIL MEETING DATES 2025 .....	37
 <b>ITEMS DEBATED</b>	
DEVELOPMENT AND REGULATORY SERVICES.....	41
10.1.5 FINAL ADOPTION OF THE TOWN OF COTTESLOE LOCAL PLANNING STRATEGY .....	41
CORPORATE AND COMMUNITY SERVICES .....	58
10.1.3 SCULPTURES BY THE SEA - FUNDING REQUEST .....	58
10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES .....	61
11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	61
12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:.....	61
12.1 ELECTED MEMBERS .....	61
12.2 OFFICERS.....	61
13 MEETING CLOSED TO PUBLIC.....	61
13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	61
13.1.1 CEO RECRUITMENT ADVISORY COMMITTEE - APPOINTMENT OF INDEPENDENT PERSON .....	61
13.1.2 CEO JOB DESCRIPTION FORM (JDF) AND ADVERTISING METHODOLOGY .....	62
13.1.3 SEAVIEW GOLF CLUB LEASE RENEWAL UPDATE .....	62
13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC .....	63
14 MEETING CLOSURE .....	64

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

The Presiding Member announced the meeting opened at 6:01 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.

The Presiding Member explained in further detail of the postponement of Sculptures by the Sea for 2025 summer and that it was hugely disappointing however, we are grateful to the Federal Government for ensuring continued funding for the event to be held Cottesloe in 2026 and 2027.

The Presiding Member gave her thanks to the CEO, Administration and particularly the Planning staff for the Cottesloe Precinct Plan and the Local Planning Strategy that has been brought to Council this evening and explained in further detail of the planning policies.

The Presiding Member also advised that tonight was the final meeting of Council for 2024 and thanked the staff and all Elected Members for their hard work they do for the Cottesloe community and also thanked the members of the community who engage on Council business. The Presiding Member would also like to thank the local media for their work in keeping the community informed on matters of importance.

As we move into the festive season I would like to wish all a very happy and safe festive season, and see you all in 2025.

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

Stephen Mellor – 8 Graham Court, Cottesloe

Q1a. What is the reason for the delay in presenting the CVPSP to Council?

R1a There has been no delay in presenting the CVPSP to Council. It has always been scheduled to go to the December OCM. The CVPSP project commenced in 2019. It is a joint project between the Town and the Shire of Peppermint

Grove. Collaborating with our neighbouring LG added complexity to the project but has resulted in a cohesive approach that will best serve the needs of both communities. Original work on the project needed to be revised when regulatory changes introduced in August 2021 changed and added to the underlying process requirements. In addition, community consultation on the project was designed as interactive and face-to-face, including interception work, pop-up sessions and public workshops. This high-quality consultation could not be carried out during the COVID period and took place when control of the epidemic allowed greater certainty and reliability. Likewise water table and additional traffic management issues have required further investigation. The adoption of the Cottesloe Village PSP is currently within the timeframe agreed by the Joint Steering Committee. It should also be noted that the recently advertised Local Planning Strategy, which in parts, mirrors much of the proposed Cottesloe Village PSP, is now considered a document for due regard for current and future SDAU applications.

- Q1b. If the Village Plan is presented to Council in December, when will the subsequent community consultation likely start and for what period?
- R1b Subject the Councils consideration, the PSP will be advertised concurrently with the proposed Scheme Amendment and so advertising will commence following WAPC approval. It is anticipated that this will be early next year for a period of at least 42 days.
- Q1c. Is 10 storeys the 'anticipated' height for the 7 and 11 Station Street location in the draft stage of the Village Plan?
- R1c. Council has not yet considered the contents of the Cottesloe Village PSP. It will be brought to a workshop prior to it being considered by Council at the December Council meeting.
- Q1d. What is the rationale for the Council to have agreed with the DPLH to leave the 2022 No 12 Local Planning Amendment on hold?
- R1d. Council has made no agreement with the DPLH to put Amendment No.12 on hold. The scheme amendment request is before the Minister for consideration. The Town has not agreed with the DPLH that it be placed "on hold" – that is a decision for the Minister and the Town plays no role in it. The Town does however support the postponement of a decision on the amendment request until the Cottesloe Village PSP has been considered by Council (expected to be at the December Council meeting).
- Q2a. How many discussions, meetings or negotiations have there been since the June 2024 OCM between the Council and Fiveight on the *Indiana* proposal?

- R2b. None. The Mayor, the CEO and executive staff have met with representatives of Fiveight to discuss the terms of the Council-endorsed parameters so that Fiveight can prepare a revised proposal for Council's consideration.
- Q2b. Has Fiveight made any decisions on their development plans for the remaining lease term?
- R2b. Fiveight has indicated a commitment to an appropriate redevelopment of the site and it is understood that it will be bringing a revised proposal to Council. Specific questions relating to their decision-making should be directed to Fiveight as the Town cannot answer for Fiveight.
- Q2c. Have the 'parameters' been accepted by Fiveight?
- R2c. Refer to response to Q2b.
- Q2d. Is the Town satisfied that the 'enforced maintenance requirements' have been met?
- R2d. Council resolved not to enforce the maintenance requirements under the lease until six (6) month's after the June Resolution. However the Town does appreciate and support the maintenance work undertaken by Fiveight in the interim.
- Q2e. Has Council any plans to improve the *Indiana* public toilets areas?
- R2e. No decision has been made with respect to improving the public toilets given Fiveight's commitment to redevelop, which might make such works sacrificial, and expenditure imprudent.
- Q3a. How many Elected Members workshops and specialist presentations have been held since the October 2023 elections?
- R3a. The Department's guidelines expressly acknowledge that closed Council forums and workshops are justified and appropriate, and that the sort of discussions in such forums/workshops will often mean that discussions in a public forum would be counter-productive.
- Q3b. What were the subject matters of the workshops?
- R3b. Refer to the response to R3a.
- Q4. Is it not equally necessary for Council Strategies [such as the Green Infrastructure Strategy] to also have such 'branding'?
- R4. The Town endeavours to utilise the same "branding" for all its documents. The Green Infrastructure Strategy will be similar "branded" as the resolution of the November Ordinary Council Meeting is implemented.

Kevin Morgan – 4/1 Pearse Street, Cottesloe

Q1. Is Council keeping confidential any documents that were tabled or presented at the 8 October meeting of its SVGC Redevelopment Advisory Committee?

R1 Yes.

Q2. Is Council in breach of the law [reg 14 (1) Local Government (Administration) Regulations] for not having published with the meeting's agenda all of the documents to be tabled or presented at the 8 October meeting?

R2. No. Section 5.23(1)(b) of the Local Government Act 1995 stipulates that only meetings of committees with delegated authority are required to be open to the public. Committees without delegated authority may, by default, be closed to the public. Additionally, the Terms of Reference for the SVGC Redevelopment Advisory Committee specify that its meetings are to be closed to the public.

Regulation 14(2) of the Local Government (Administration) Regulations 1996 states that Regulation 14(1) does not apply if, in the CEO's opinion, the meeting is likely to be closed to the public under Section 5.23(2) of the Act. There is some doubt about whether regulation 14(2) should be construed to apply also to a committee meeting that is closed to the public, under section 5.23(1), because the committee does not have delegated power. This is because the purpose or object of regulation 14 is to ensure that only information relevant to matters to be discussed in open Council or Committee meetings should be accessible to the public.

Because of the doubt about the meaning and application of regulation 14, and consistently with its object or purpose, it was recommended within the Committee agenda papers that the sole item on the agenda be discussed behind closed doors. This approach preserves the confidentiality of the information associated with the item, until such time as Council resolves to disclose it.

Q3. Given that the law [reg 14(2)] only allows documents to be kept confidential for a meeting likely to be closed under s 5.23(2) of the Local Government Act, how could that ever have been likely, given that this provision [5.23(2)] is only for a committee to which council has delegated its authority, and this committee's Terms of Reference states that it has no delegated authority?

R3. Refer to response to Q2.

Q4. Did elected members of the committee try to stop golf club members disclosing anything by a purported resolution under this provision [5.23(2)(c)], even though it gives them no power do so because this committee has no delegated authority?

R4. As explained in R2, it is not the case that section 5.23(2)(c) 'gives them no power to do so because this committee has no delegated authority'. Nor is there any reason to believe that 'elected members of the committee [tried] to stop golf club members disclosing anything...'. The Town has not received any



complaint from any golf club member(s) of the Committee that Elected Members tried to stop them from disclosing information within the agenda papers, noting the resolution to go behind doors was a unanimous resolution of the Committee (which included a golf club member) and that Committee Members are bound under the Town's Council Members, Committee Members and Candidate Code of Conduct.

- Q5. The 8 October meeting was already a closed meeting [7.7 of the committee's Terms of Reference] so does this mean the only possible effect of the mayor's motion was to stop disclosure of the documents provided to the meeting and as to what was said at the meeting?
- R5. One effect of the Committee's resolution (not the Mayor's motion) was that, through the application, and consistently with the object or purpose, of regulation 14, it preserved the confidentiality of the information associated with the item (as explained in R2 above). In this context, it is also significant that Committee Members are bound under the Town's Council Members, Committee Members and Candidate Code of Conduct. This Code requires Committee Members to observe various general principles (Division 2), including to act lawfully, and Behaviours (Division 3), including complying with any local law relating to the procedures and conduct at committee meetings. Clause 6.15(2) of the Town of Cottesloe Local Government (Meeting Procedures) Local Law 2021 prevents Committee Members from disclosing confidential information.
- Q6. What particular words in what documents were sought to be kept confidential by the mayor's motion?
- R6. This question cannot be responded to, as it would disclose confidential information, which Council has not resolved to release.
- Q7. Rather than keep a whole document confidential, could the motion instead just redact particular confidential information?
- R7. This would require a decision of Council.
- Q8. Will council notify committee members they are free to disclose whatever was tabled, presented or discussed at its meetings?
- R8. This would require Council to amend the current Council Members, Committee Members and Candidate Code of Conduct and the current Terms of Reference of the Committee.
- Q9. Will council now ensure all documents ever tabled or presented at any meeting of this committee are published on its website?
- R9. This would require a decision of Council.
- Q10. Is council in breach of the law [reg 13(3)] by not publishing unconfirmed minutes of the 8 October meeting within 7 days, by 15 October?

- R10. On investigation of this question, it seems there has been an administrative error in not publishing the unconfirmed Minutes of 8 October 2024 SVGC Redevelopment Advisory Committee Meeting with in 7 days, which is a non-compliance with Regulation 13(3). This has now been rectified, and the Department of Local Government has subsequently been advised on this non-compliance.
- Q11. Why were unconfirmed minutes of the 8 October committee meeting not received at the council's 22 October meeting when it dealt with material already considered at the 8 October committee, but are instead only being received at tonight's meeting?
- R11. The unconfirmed minutes of the 8 October committee meeting were not provided at the 22 October Ordinary Council meeting due to an administrative error associated with R10, which was unfortunately not identified at the time of preparing the Agenda papers, nor at either Agenda Forum or the October Council Meeting.
- Q12. Why is council proposing to this month again adopt recommendation 6 of those unconfirmed minutes, even though last month it already adopted that recommendation?
- R13. This item will correct any errors associated with the October Ordinary Council Agenda and Meetings.
- Q13. Is the committee invalidly constituted because its Terms of Reference [7.9] bind members to non-existent legislation, and because it requires [7.4] members to vote, but this cannot be required of a committee without delegated authority [s. 5.21(2)].
- R13. No, the Administration is not aware of any legislation or regulation that prevents Council, in the case of a committee that does not have delegated power, from including, in the Committee's terms of reference, a requirement that each member of the Committee is to vote.

Yvonne Hart – 26 Mann Street Cottesloe

- Q1 Could you please investigate the font being used for the Monthly Financial Statements?
- R1 The Department of Local Government, Sport and Cultural Industries supply a recommended template for the monthly financial reports. The font and colours are as per the template used, which is also used by many other local governments. The Town will investigate as to whether the Town can make changes to the template.
- Q2 What would be the cost of employing a Bushcare officer including recruitment, superannuation, paid leave, payroll and salary?

- R2 The salary for a suitably qualified officer would be in the order of \$80,000 pa, with the additional superannuation guarantee of 11.5% added.
- Q3 Given ToC already provides 26 vehicles for staff would an additional Council vehicle be required for Bushcare?
- R3 This will be determined as part of the Town's overall workforce plan requirements, however for clarity, the majority of vehicles available to staff are depot vehicles (mowers, trucks, etc) which are necessary for Town operations (as detailed in the March'24 Minutes - Responses to Questions Taken on Notice).
- Q4 What as was the full cost of the *Natural Areas Management Plan*?
- R4 \$10,000
- Q5 What was paid to the Healthy Street consultant for this preliminary report?
- R5 \$3,000
- Q6a What will be the additional costs to ratepayers not covered by MRWA for Drainage
- R6a The expected cost for drainage is \$170,000 to \$230,000, however the Town is awaiting confirmation from MRWA that they will fund this component.
- Q6b What will be the additional costs to ratepayers not covered by MRWA for Street lighting?
- R6b Council has not authorised expenditure on the project beyond that covered by MRWA. This requirement and its costs can only be determined after detail design, however given the proximity of the existing street lighting to the proposed treatments, additional street lighting may not be required.
- Q6c What will be the additional costs to ratepayers not covered by MRWA for Deflection roads treatment?
- R6c \$10,000, however the Council resolution removes this component, replacing it with a raised plateau, which MRWA will fund so that there is no cost to ratepayers for this part of the works.
- Q6d What will be the additional costs to ratepayers not covered by MRWA for Raised pavements?
- R6d This is covered by Main Roads, so that there is no cost to ratepayers for this part of the works.
- Q6e What will be the additional costs to ratepayers not covered by MRWA for Further detailed design?

- R6e This is covered by Main Roads, so that there is no cost to ratepayers for proceeding to detailed design.
- Q6f What will be the additional costs to ratepayers not covered by MRWA for Asset management
- R6f \$4.4m over 80 years, as identified in the Council report.
- Q7 Could this Health Street Project be reconsidered, given that Cottesloe has only 47 kms of road and the cost to ratepayers is likely to be eye watering?
- R7 This will be a decision for Council, noting that the Officer's Recommendation is to proceed to detail design following which and an item will be brought back to Council for it to determine whether to proceed with the construction.

## 4.2 PUBLIC QUESTIONS

### Barry Johnson – 100 Forrest Street, Cottesloe

- Q1: Can Council provide an honest answer on the SVGC lease as it is our understanding that the club has been approved a 10 year lease?
- R1: The Mayor advised that in September 2023, Council resolved to provide "in principle" support to SVGC for a 10 year lease, subject to either the inclusion of a redevelopment clause or sufficient progress of a redevelopment proposal.
- Q2: Where can I find the results of the public submissions regarding the SVGC?
- R2: The CEO advised the results of the public submissions regard the redevelopment of the SVGC are on the Town's website, on the Sea View Golf Club Redevelopment Committee Page (<https://www.cottesloe.wa.gov.au/sea-view-golf-club-redevelopment-advisory-committee.aspx>).
- Q3: Is Council aware of the media article that was in the Post recently where City Beach verses Cottesloe and the reference to public facilities along the foreshore?
- R3: The Mayor advised she was aware of the article.
- Q4: Is Council intending to provide public facilities near Dutch In, South Cottesloe?
- R4: The CEO advised that Council had allocated \$200,000 in the current budget to investigate the possible installation of a public toilet in South Cottesloe.

Gary Brockman – 12/22 John Street, Cottesloe

Q1: Will 22 John Street be removed from item 10.1.5 Local Planning Strategy

R1: This will be a decision of Council.

Stephen Mellor – 8 Graham Court, Cottesloe

Q1 Is a reduction in likely parking fees [due to cancelation of Sculptures by the Sea] also be an income reduction for the annual budget?

Q2 Should [the status of the Indiana development] not this be updated before approving the Strategy?

Q3 Would [the inclusion of 22 John Street] not this be more than a 'Minor' modification [in the Local Planning Strategy] allowed in Point 4 of the Resolution for the CEO to approve?

Q4a Is this not a breach of the accepted consultation process with the community [to include 22 John Street in area F of the Local Planning Strategy]?

Q4b Will this not add to "Public consultation fatigue" but rather increase lack of faith in the Council's process and common sense governance?

Q5 With the inclusion and potential sub-division of the site, would not this put at risk the tree canopy and open space so important to and in conflict with the GIS?

Q6 With the Fiveight *Indiana* Proposal currently still in the Local Planning Strategy and that the inclusion of a Surf Club storage shed near the Mudurup Rocks was planned, can the community be assured that locating this in such a risk area will be properly considered should the proposal resurface?

Q7 If the proposal is still in 'discussion' will Fiveight be made responsible in their building works for the CHRMAP management building and 'fortification' works?

Q8 Has the Licence Agreement with the *Magpies* been agreed and signed?

Q9 Have the whole year 'available hire days and hours' been made publicly available?

Q10 Are hire users of the Pavilion covered for insurance purposes by the Town's policy?

R1-10 The above questions were taken on notice.

**5 PUBLIC STATEMENT TIME**Item 10.1.5 Final Adoption of the Town of Cottesloe Local Planning Strategy

Mrs Yvonne Hart spoke in reference to 22 John St, Cottesloe's inclusion in the final planning strategy and requested Council to not endorse this in the strategy.

Mrs Hart, thanked Council and staff for treating her with respect and dignity and would like to wish you all a Merry Christmas and Happy New Year and look forward to seeing you all again in 2025.

**6 ATTENDANCE**Elected Members

Mayor Lorraine Young  
Cr Melissa Harkins  
Cr Helen Sadler  
Cr Chilla Bulbeck  
Cr Brad Wylynko  
Cr Michael Thomas  
Cr Katy Mason  
Cr Jeffrey Irvine

Officers

Mr William Matthew Scott	Chief Executive Officer
Mr Steve Cleaver	Director Development and Regulatory Services
Mr Paul Neilson	Manager Planning Services
Mr Shaun Kan	Director Engineering Services
Mrs Vicki Cobby	Director Corporate and Community Services
Ms Jacquelyne Pilkington	Governance & Executive Office Coordinator
Ms Larissa Stavrianos	Executive Office Trainee
Ms Magda Domanska	Executive Services Officer – Corporate and Community Services

**6.1 APOLOGIES**

Nil

Officers Apologies

Nil

**6.2 APPROVED LEAVE OF ABSENCE**

Cr Sonja Heath

**6.3 APPLICATIONS FOR LEAVE OF ABSENCE****OCM217/2024****Moved Mayor Young****Seconded Cr Mason****That Cr Wylynko be granted a leave of absence from 15 February to 31 March 2025.****Carried 8/0****OCM218/2024****Moved Mayor Young****Seconded Cr Sadler****That Cr Bulbeck be granted a leave of absence from 17 February to 10 March 2025.****Carried 8/0****7 DECLARATION OF INTERESTS**

Cr Harkins declared an IMPARTIALITY INTEREST in 10.1.5 by virtue "some of the residents are known to me"

Cr Irvine declared an IMPARTIALITY INTEREST in 10.1.5 by virtue "some of the residents are known to me"

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

**8 CONFIRMATION OF MINUTES****OCM219/2024****Moved Cr Sadler****Seconded Cr Harkins****That the Minutes of the Ordinary Meeting of Council held on Tuesday 26 November 2024 be confirmed as a true and accurate record.****Carried 8/0****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**

Rowe Group

Nathan Stewart provided a deputation on 10.1.4 Draft Cottesloe Village Precinct Structure Plan and requested modifications to the development standards affecting certain properties contained within Station and Forrest Streets.



**10        REPORTS****10.1     REPORTS OF OFFICERS****OCM220/2024****Moved Cr Sadler****Seconded Cr Thomas****COUNCIL RESOLUTION**

**That Council adopts en-bloc the following Officer Recommendations contained in the Agenda for the Ordinary Council Meeting 17 December 2024:**

<b>Item #</b>	<b>Report Title</b>
<b>10.1.1</b>	<b>Monthly Financial Statements for the period 1 July 2024 to 31 October 2024</b>
<b>10.1.2</b>	<b>Monthly Financial Statements for the period 1 July 2024 to 30 November 2024</b>
<b>10.1.4</b>	<b>Consideration of the Draft Cottesloe Village Precinct Structure Plan and Associated Local Planning Scheme Amendment 14 for Advertising</b>
<b>10.1.6</b>	<b>Coastal Hazard Risk Management and Adaptation Plan Public Consultation</b>
<b>10.1.7</b>	<b>Council Meeting Dates 2025</b>

**Carried 8/0****For: Mayor Young, Crs Sadler, Harkins, Bulbeck, Wylynko, Thomas, Mason and Irvine****Against: Nil**

**CORPORATE AND COMMUNITY SERVICES****10.1.1 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2024 TO 31 OCTOBER 2024**

**Directorate:** Corporate and Community Services  
**Author(s):** Sheryl Teoh, Finance Manager  
**Authoriser(s):** Vicki Cobby, Director Corporate and Community Services  
**File Reference:** D24/49663  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

It is a requirement of the *Local Government (Financial Management) Regulations 1996*, Regulation 34 that monthly 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 2024 to 31 October 2024.

**BACKGROUND**

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

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

**OFFICER COMMENT**

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

- The net current funding position as at 31 October 2024 was \$12,874,432 compared to \$11,080,753 at the same time last year.

- Operating revenue exceeds the year-to-date budget by \$19,092 and operating expenditure exceeds the year-to-date budget by \$1,498,464. A detailed explanation of material variances is provided in Note 3: Explanation of Material Variances, in the attached financial statements.
- Cash and investments are shown in Supplementary Information 3: Cash and Financial Assets at Amortised Cost, of the attached financial statements. The Town has 49.35% of funds invested with the National Australia Bank, 28.95% with the Commonwealth Bank of Australia, and 21.70% with Westpac Banking Corporation.
- The balance of cash-backed reserves was \$7,865,063 as at 31 October 2024, as shown in Supplementary Information 4: Reserve Accounts.
- The Capital Works Program is detailed in Supplementary Information 5: Capital Acquisitions. It shows that capital expenditure is \$148,185 lower than the year-to-date budget. An explanation of material variances is provided in Note 3: Explanation of Material Variances in the attached financial statements.
- Rates, sundry debtors, and other receivables are shown in Supplementary Information 7: Receivables. Outstanding rates amount to \$5,868,839, compared to \$5,544,297 at the same time last year. Sundry debtors and other receivables indicate that 88.2%, or \$345,330, are older than 90 days, which includes outstanding infringements.
- Information on borrowings is shown in Supplementary Information 10: Borrowings, of the attached financial statements. The Town had total principal outstanding of \$1,933,710 as at 31 October 2024.

#### **List of Accounts Paid for October 2024**

The list of accounts paid during October 2024 is included in the attachment. This includes purchases made via electronic fund transfers and cheque payments, credit card payments, and fuel cards payments.

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

- \$188,279.16 and \$186,768.37 to the Town of Cottesloe staff for fortnightly payroll.
- \$161,662.60 to LGIS for insurance.
- \$57,298.00 and \$55,996.00 to the Australian Taxation Office for payroll deductions.
- \$110,683.10 to the Shire of Peppermint Grove for the Grove Library contribution balancing adjustment.
- \$56,257.91 and \$48,798.40 to SuperChoice Services Pty Ltd for superannuation contributions.
- \$85,010.71 to The Trustee for Rico Family Trust, trading as Solo Resource Recovery, for waste collection services.
- \$48,903.74 to Managed IT Pty Ltd for licensing agreement.
- \$45,621.04 to the Western Metropolitan Regional Council for waste disposal services.

**ATTACHMENTS**

- 10.1.1(a)      **Monthly Financial Statement for the period 1 July 2024 to 31 October 2024**  
[under separate cover]

**CONSULTATION**

Nil

**STATUTORY IMPLICATIONS**

*Local Government Act 1995, Section 6.4*

Local Government (Financial Management) Regulations 1996, Reg. 34

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

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

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

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

**OCM221/2024**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Sadler**

**Seconded Cr Thomas**

**THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2024 to 31 October 2024**

**Carried by En Bloc Resolution 8/0**

**10.1.2 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2024 TO 30 NOVEMBER 2024**

**Directorate:** Corporate and Community Services  
**Author(s):** Sheryl Teoh, Finance Manager  
**Authoriser(s):** Vicki Cobby, Director Corporate and Community Services  
**File Reference:** D24/50731  
**Applicant(s):**  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

It is a requirement of the *Local Government (Financial Management) Regulations 1996*, Regulation 34 that monthly 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 2024 to 30 November 2024.

**BACKGROUND**

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

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

**OFFICER COMMENT**

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

- The net current funding position as at 30 November 2024 was \$12,065,770 compared to \$9,676,694 at the same time last year.
- Operating revenue exceeds the year-to-date budget by \$157,083 while operating expenditure is less than the year-to-date budget by \$1,396,380. A detailed explanation

of material variances is provided in Note 3: Explanation of Material Variances, in the attached financial statements.

- Cash and investments are shown in Supplementary Information 3: Cash and Financial Assets at Amortised Cost, of the attached financial statements. The Town has 36.84% of funds invested with the Commonwealth Bank of Australia, 35.61% with the National Australia Bank, and 27.55% with the Westpac Banking Corporation.
- The balance of cash-backed reserves was \$7,591,088 as at 30 November 2024, as shown in Supplementary Information 4: Reserve Accounts.
- The Capital Works Program is detailed in Supplementary Information 5: Capital Acquisitions. It shows that capital expenditure exceed the year-to-date budget by \$298,880. An explanation of material variances is provided in Note 3: Explanation of Material Variances in the attached financial statements.
- Rates, sundry debtors, and other receivables are shown in Supplementary Information 7: Receivables. Outstanding rates amount to \$4,474,411, compared to \$4,733,764 at the same time last year. Sundry debtors and other receivables indicate that 52.0%, or \$326,685, are older than 90 days, which includes outstanding infringements.
- Information on borrowings is shown in Supplementary Information 10: Borrowings, of the attached financial statements. The Town had total principal outstanding of \$1,933,710 as at 30 November 2024.

#### **List of Accounts Paid for November 2024**

The list of accounts paid during November 2024 is included in the attachment. This includes purchases made via electronic fund transfers and cheque payments, credit card payments, and fuel cards payments.

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

- \$180,222.87 and \$167,964.30 to the Town of Cottesloe Staff for Fortnightly payroll
- \$137,860.84 and 41,547.28 to the Western Metropolitan Regional Council for Waste disposal services
- \$123,807.00 to Western Power for the Eric St street lighting upgrade
- \$112,200.00 to Clark Equipment for purchasing a Bobcat compact track loader
- \$85,154.65 to Solo Resource Recovery for waste collection services
- \$79,023.45 to Hames Sharley (WA) P/L for Planning consultancy
- \$71,589.65 to Datacom Solutions (AU) P/L for the ERP project
- \$55,749.00 and \$48,345.00 to the Australian Taxation Office for Payroll deductions
- \$49,825.33 and \$49,270.96 to SuperChoice Services Pty Ltd for Superannuation contributions
- \$44,310.65 to T-Quip for purchasing a Toro Z Master mower
- \$37,076.75 to Surf Life Saving Western Australia for lifeguard services
- \$34,541.24 to Managed IT Pty Ltd for IT services, maintenance and licensing

- \$32,850.34 to the Department of Fire and Emergency Services for the Town's additional contribution for Emergency Services Levy

### **ATTACHMENTS**

**10.1.2(a) Monthly Financial Statements for the period 1 July 2024 to 30 November 2024 [under separate cover]**

### **CONSULTATION**

Internal

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

Section 6.4

Local Government (Financial Management) Regulations 1996, Reg. 34

### **POLICY IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

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

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

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

### **RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **VOTING REQUIREMENT**

Simple Majority

**OCM222/2024**

### **OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Sadler**

**Seconded Cr Thomas**

**THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2024 to 30 November 2024**

**Carried by En Bloc Resolution 8/0**



**DEVELOPMENT AND REGULATORY SERVICES****10.1.4 CONSIDERATION OF THE DRAFT COTTESLOE VILLAGE PRECINCT STRUCTURE PLAN AND ASSOCIATED LOCAL PLANNING SCHEME AMENDMENT 14 FOR ADVERTISING**

**Directorate:** Development and Regulatory Services  
**Author(s):** Paul Neilson, Manager Planning Services  
**Authoriser(s):** Steve Cleaver, Director Development and Regulatory Services  
William Matthew Scott, Chief Executive Officer  
**File Reference:** D24/48624  
**Applicant(s):** Town of Cottesloe  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is being asked to endorse, for the purposes of community consultation, the draft Cottesloe Village Precinct Structure Plan (draft CVPSP) for the Cottesloe District Centre or Cottesloe Village. The purpose of the CVPSP is to guide the comprehensive and coordinated redevelopment of the Village Precinct as a whole.

The Precinct is located across both the Town of Cottesloe (Town) and the Shire of Peppermint Grove (Shire) so applies to both Local Governments.

Council is also being asked to adopt for advertising an accompanying Scheme Amendment No. 14 (Amendment 14) to the Town's Local Planning Scheme No. 3 (LPS 3). Amendment 14 has been prepared to facilitate the implementation of the CVPSP, by introducing appropriate zoning and development control provisions.

The draft CVPSP Parts 1 and 2 are shown as Attachments 1 and 2 respectively and the Scheme Amendment is Attachment 9.

**OFFICER RECOMMENDATION IN BRIEF**

That Council endorse the draft CVPSP for the purposes of advertising and initiate Scheme Amendment 14 to the Town of Cottesloe Local Planning Scheme No. 3.

**BACKGROUND****Strategic Planning Framework**

The Cottesloe Village Precinct (the Precinct, or CVP) is identified as a District Centre in the State Government's activity centre hierarchy, has access to Cottesloe Station, and is also situated along the Stirling Highway Urban Corridor. The Precinct is therefore an area which requires a higher level of planning and design focus due to its complexity, relating to its mixed-use nature, existing character and heritage, and social values.

This requirement has been recognised as part of the Town's Local Planning Strategy (LPS) framework both in the Town's Local Planning Strategy of 2012 but more recently, in the Town's new draft Local Planning Strategy, September 2024 (draft LPS) which was released

for public advertising in October 2024 and is expected to be considered by Council for final adoption at the December 2024 Ordinary Council Meeting.

The draft LPS requires that the future planning of the Cottesloe Village be guided by a Precinct Structure Plan and notes that this plan will provide a contemporary planning framework which addresses key issues including public realm, movement, land use built form. The draft LPS states that through the adoption of the CVPSP, the intent is to *‘create a vibrant mixed-use town centre and station precinct where community, commerce, culture & heritage are embraced’*.

An important role in the growth and development of the Precinct is to accommodate a significant amount of the minimum dwelling targets of 792 dwellings by 2050 (497 dwellings by 2036) as set out in the State Governments Central Sub-Regional Planning Framework. High level calculations of dwelling yields have been completed as part of the Strategy and these calculations illustrate the importance of the precinct in meeting these targets.

### **Historic Background**

Planning in the CVP commenced as early as 2008 through an Enquiry by Design exercise with significant work undertaken in 2018/19 by the Town of Cottesloe and Shire of Peppermint Grove culminated in the advertising of the now superseded Draft Cottesloe Village Structure Plan (2019).

In 2020, the Western Australian Planning Commission (WAPC) released its State Planning Policy 7.2 (SPP 7.2) which changed the manner and form requirements expected for Precinct Structure Plans. This change meant that the 2019 Precinct Plan was outdated and further technical reports and stakeholder engagement would be required. From 2021 – 2023 the ‘Cottesloe Activity Centre Site and Context Analysis’ was prepared in accordance with the new requirements of SPP 7.2 and associated Guidance.

In 2023, the Town and Shire with consultants Hatch/RobertsDay undertook public engagement to build upon the draft vision of the 2019 Precinct Plan. This included establishment of a Community Reference Group (CRG) formed by landowners, business owners/operators, community organisations, resident groups and people that frequent the Precinct. Using the previous work completed, several structure plan scenarios (arising from community engagement) were identified. A draft vision and several emerging concepts were developed to inform the formal structure plan process. This work is detailed in Appendix 2 of the draft CVPSP (Attachment 4 refers).

In January 2024, the Town and Shire commissioned Hames Sharley (HS) to prepare and progress a Cottesloe Village Precinct Structure Plan (CVPSP) to final adoption by Council and by the WAPC. It would also consider and build on the above work completed to date.

A Project Steering Group was established of representatives of the Town and Shire to manage project progression and performance by overseeing;

- project costs and budget,
- operation of the technical team in terms of quality and content of work and project gateway achievements,
- providing feedback and direction on major design decisions.

In 2024, the Project Steering Group has met on four occasions to consider and provide guidance on the background review, conceptual design stage, and more recently, working drafts of the structure plan and scheme amendment.

### Components of the Draft CVPSP

The Draft CVPSP comprises the following components:-

1. A precinct structure plan report:
  - Part 1- Implementation (Attachment 1)
  - Part 2 - Explanatory Report (Attachment 2)
2. Technical Appendices (Attachments 3-8).

Part 1 refers to the structure plan area and operation, provides guidance on purpose and objectives, staging and subdivision and development standards. In respect to staging, it identifies short term (0-5 years), medium term (5-10 years) and long term (10+ years) aspirations. In respect to land use and reserves, Part 1 divides the Precinct into eight distinct sub precincts with each including a statement of intent and key objectives to be met. Each sub precinct also includes a set of built form controls to apply.

Part 2 provides a detailed explanation of the planning and addresses key components such as the purpose of the plan, site and context analysis, opportunities and constraints, stakeholder and community feedback and design response. This part of the draft CVPSP is intended to provide the background and justification for the statutory requirements stipulated in Part 1.

In respect to the design response, Part 2 addresses each of the design elements outlined in relevant State Planning Policy. The draft CVPSP has considered and articulated responses to:-

1. Urban Ecology - tree retention and streetscape enhancements to support additional tree planting to enhance urban canopy coverage, heritage, and water/drainage management focused on maintaining the existing hydrology and protecting water quality.
2. Urban structure – promotion of Napoleon Street as the active heart of the CVP, with De Nardi Lane and Station Street performing a supporting role, and the treatment of laneways and key north-south connectivity.
3. Public Realm – open space locations and improvements and streetscape treatments for Napoleon, Station and Jarrad Streets, proposed green nodes provide opportunities to retain publicly accessible green spaces to improve amenity, and Station interface upgrades to enable better connectivity.
4. Movement - road calming and treatment to Stirling Highway, cycling routes, and new intersection design and treatments to cater for additional population.
5. Land Use – introducing contemporary land use zones for the Precinct as a key activity centre, whilst maintaining a wide range of land uses appropriate to the Village Centre.
6. Built Form – an appropriate built form scale (including height) which enables adequate solar access into Napoleon Street and carefully considers density / built

form/ height transitions where new development interfaces with adjoining low density areas and the location of setbacks to support green streetscapes and solar access.

There are a number of detailed supporting technical appendices which have contributed to the preparation of the draft CVPSP, comprising:

Appendix 1 - Site and Context Analysis: prepared in accordance with the statutory requirements of State Planning Policy 7.2 to provide the relevant background information and analysis (Attachment 3).

Appendix 2 - Engagement Outcomes Report: the outcome of a series of focused community and stakeholder group workshops held in first half of 2023 in respect to each of the above design elements applicable to the Precinct (Attachment 4).

Appendix 3 - Water Management Strategy: the overall objective for integrated water cycle management for the Precinct is to minimise pollution and maintain an appropriate water balance. The strategy provides a framework to achieve this outcome and sets out criteria to be achieved as part of development (Attachment 5).

Appendix 4 - Energy and Greenhouse Gas Emissions Statement: focused on sustainable outcomes, this work considered how the Precinct can seek to reduce greenhouse gas emissions and incorporate renewable energy sources as it develops (Attachment 6).

Appendix 5 - Traffic Impact Assessment: the assessment of the impact of the additional residential dwellings on the road network relative to intended functions of the streets. It modelled traffic volumes and made a series of recommendations for future road and intersection treatments (Attachment 7).

Appendix 6 - Economic Sustainability Assessment: This assessment considered plans and initiatives to improve the function of the centre and provides insights into the current and future economic sustainability of the centre (Attachment 8).

#### Scheme Amendment 14

The purpose of Amendment No. 14 is to implement the CVPSP by consolidating the majority of the CVP into a Centre Zone replacing the existing Town Centre Zone under LPS3. It also introduces key development control provisions into the Local Planning Scheme to enable the CVPSPS to be implemented. for the study area.

The Scheme Amendment will introduce provisions into the scheme which will 'lock in' height/storey levels for key locations within the Precinct. This will include the number of storeys permissible on the southern side of Station Street and northern side of Napoleon Street. Amendment 14 along with the CVPSP also addresses the land use permissibility across the Centre Zone.

The final CVPSP will take effect upon the final gazettal of proposed Amendment No.14 to LPS3.

### **OFFICER COMMENT**

The preparation of the draft CVPSP and associated Amendment 14 are important milestones in establishing a contemporary local planning framework for the Precinct which aligns with current State Government planning practice and policy. This framework is needed to reach a proactive position for the Town enabling it to better address multiple planning challenges and demands on the Town for this locality.

This includes the establishment of a framework for best directing Council and other independent decision makers such as the Joint Development Assessment Panel (JDAP) and State Development Assessment Unit (SDAU) on assessment for new development. It also enables the Town to best meet its strategic responsibilities for urban infill as required by the State Government. Dwelling yield estimates based on the draft CVPSP demonstrate that the Precinct may be able to deliver between 53% and 60% of the additional 970 infill dwellings required by 2050.

Finally, it is, importantly, a plan for the Precinct which enables and advocates for the long term renewal and improvements to the Village which meets the future needs of the Cottesloe community as a place for social interaction, transit, retail and commercial activity as well as important civic services.

Hames Sharley, the Town's consultants for this project, have worked closely with Town staff and liaised with the Project Steering Group at key junctures in developing the draft CVPSP. This has included review of previous planning for the Precinct and community engagement.

There are some aspects of the draft CVPSP and its preparation that warrant further comment in this report.

### **Community Benefit Considerations**

The Scope of Works for the preparation of the CVPSP Project had included a requirement to consider the potential to apply a community benefit contributions scheme whereby community benefit contributions are provided by new development in exchange for additional development potential. This is a scheme in addition to Public Open Space contributions or cash in lieu of parking requirements. While a new and emerging planning space, the view of staff at the time was that it may be an opportunity to accrue funds for public realm/streetscape improvements and other community infrastructure items.

The project team held multiple meetings with the Department of Planning, Lands and Heritage (DPLH), whose support would be required, and, undertook feasibility assessments.

Two possible options were considered:-

1. 'Option One', a Precinct Level Community Benefit Scheme - where a bonus incentive scheme can deliver benefits on public land away from the site that seeks the bonus (i.e. monetary contributions). Advice from DPLH warned against progressing this option given the small size of the Precinct and that it would require a formal 'community benefit framework' requiring substantial investment into a more rigorous methodology which includes site specific needs analysis, economic, and design testing.

2. A second 'Option Two' was also pursued with the DPLH, a site specific bonus scheme where bonus incentive scheme is only able to deliver benefits on the specific site where the bonus was achieved. DPLH again advised that such an approach would also require investment into a rigorous methodology which includes site specific needs analysis, economic, and design testing for the 'contribution methodology'. DPLH also advised that street upgrades cannot always be deemed 'community benefit' and that generally, local governments would be required to either fund / or seek funding opportunities to deliver streetscape upgrades as part of their capital works programs.

The assessment by the Town's consultants ultimately concluded that a formal community benefit framework is not worth pursuing based on the following:-

- There is the requirement for substantial investment into a more rigorous methodology.
- This is an emerging space, and the DPLH do not have any set standards for its expectations.
- There is a risk that even if a framework is pursued, the time and effort may not meet its expectations.
- The limited number of sites capable of capitalising on any benefits will not lead to tangible outcomes. In this respect, precinct size is a limiting factor, with approximately only 7-8 sites capable of using such a framework.
- Infill development takes many years to occur and with limited sites available accruing funds for infrastructure, upgrades could be difficult.
- There are many risks, and no obvious benefits to pursuing these works, including significant project delays.

It is important to note however that the Town already has in place a Payment in Lieu of Parking Plan which applies to the Precinct. Monetary contributions in lieu of construction of bays for commercial uses may be applied to mixed use and commercial development in the Precinct.

### **Built Form and Building Height**

The draft CVPSP building height strategy seeks to balance growth and sensitivity to the surrounding urban context. Significant design testing was conducted to ensure proposed setbacks, public realm interface and heights can maintain a harmonious relationship with existing buildings and facilitate key design outcomes. A key aspect of the strategy is providing sensitive transitions to adjoining low-density residential areas on the periphery, and to Napoleon Street, where solar access into the public realm is essential.

Napoleon Street, as the Precinct's heart, possesses a coherent 'main street' heritage character with predominantly small and narrow sites. The draft CVPSP seeks to maintain this character and solar access with heights being limited to 2 storeys on the northern side and 4 storeys to the southern side.

As a transition into the Precinct, heights in Forrest Street Sub-Precinct are limited to 3 and 4 storeys north and south of Forrest Street respectively. Heights of up to 10 storeys are

proposed in the Station Street Sub-Precinct and 8 storeys in the Jarrad Street Junction Sub-Precinct.

Within the Shire of Peppermint Grove, the Cottesloe Central Shopping Centre represents one of the primary long-term redevelopment opportunities in the Precinct. The vision is for Cottesloe Central to be reimagined as a mixed use centre with residential and other uses introduced onto the site. The various lots which make up the site are of a size and location appropriate to accommodate a 'landmark' precinct development at the corner of Stirling Highway and Leake Street.

#### **Future consideration of railway land and the 'at grade' crossing at Jarrad Street**

The draft CVPSP considers the potential for the future use of land within which the railway line is located and further to the west, the Curtin Avenue road reserve. The Town is aware that the Public Transport Authority (PTA) has plans to remove the level crossing at Jarrad Street (replacing with a grade separated crossing) and improve access to the Cottesloe Rail Station. The redevelopment of these sites is reliant on funding at state level and is considered outside the implementation timeframe for the draft CVPSP. Nonetheless, the draft plan is advocating for future planning and design of Cottesloe Station to take part as part of the Jarrad Street Level crossing. The Draft CVPSP also proposes some conceptual future design for potential development and open space on existing PTA land.

#### **Collaboration with the Shire of Peppermint Grove.**

As the draft CVPSP area straddles both the Town and Shire, its progression towards advertising and final adoption requires coordination between the two local governments as the single CVPSP passes through the WAPC processes towards final adoption. Similarly, while both the Town and Shire are progressing separate local planning scheme amendments, they are integrated into the CVPSP and are not entirely independent. The DPLH has clearly advised the Town that advertising of both the draft CVPSP and Amendment 14 should occur concurrently with the Shires' associated scheme amendment. This does mean that amendments to the documentation by one or the other Local Government may delay the process unless managed concurrently.

#### **ATTACHMENTS**

- 10.1.4(a) Attachment 1 - Draft Cottesloe Village Precinct Structure Plan Part 1 [under separate cover]**
- 10.1.4(b) Attachment 2 - Draft Cottesloe Village Precinct Structure Plan Part 2 [under separate cover]**
- 10.1.4(c) Attachment 3 - Draft CVPSP Appendix 1 - Cottesloe Village Site and Context Analysis [under separate cover]**
- 10.1.4(d) Attachment 4 - Draft CVPSP Appendix 2 - Engagement Outcomes Report [under separate cover]**
- 10.1.4(e) Attachment 5 - Draft CVPSP Appendix 3 - Local Water Management Strategy [under separate cover]**
- 10.1.4(f) Attachment 6 - Draft CVPSP Appendix 4 - Energy and Greenhouse Gas Emissions Statement [under separate cover]**

- 10.1.4(g) Attachment 7 - Draft CVPSP Appendix 5 - Transport Impact Assessment [under separate cover]
- 10.1.4(h) Attachment 8 - Draft CVPSP Appendix 6 - Economic Sustainability Report [under separate cover]
- 10.1.4(i) Attachment 9 - Draft Town of Cottesloe Local Planning Scheme No. 3 Amendment 14 [under separate cover]

### **CONSULTATION**

Requirements for advertising the CVPSP and a standard scheme amendment are contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

As noted above, DPLH has advised the Town that advertising of both the CVPSP and Amendment 14 should occur concurrently, and both the Town and the Shire coordinate advertising of the CVPSP and their associated scheme amendments at the same time.

Advertising of both the CVPSP and Amendment 14 will be for a minimum period of 42 days and comprise:

- information on the Town's Engagement Hub,
- a notice in the local newspaper,
- letters/emails to relevant public authorities and key stakeholders,
- letters to owners and occupiers within the CVPSP area, and
- a community information session.

### **STATUTORY IMPLICATIONS**

#### **CVPSP**

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

- *Schedule 2 Deemed provisions for local planning schemes: Part 4: Structure plans (regulations 14-18)*

#### **Amendment 14**

*Planning and Development Act 2005*

- *Part 5: Local planning schemes*
  - *Division 3: Relevant considerations in preparation or amendment of local planning scheme (sections 81-83)*
  - *Division 4: Advertisement and approval (sections 83A & 84)*

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

- *Part 5: Amending local planning scheme*
  - *Division 1: Preliminary (regulations 34 & 35)*
  - *Division 3: Process for standard amendments to local planning scheme (regulations 46A-47)*



**POLICY IMPLICATIONS**

The preparation of the CVPSP and associated Amendment 14 to LPS 3 has been undertaken in accordance with the requirements of State Planning Policy 4.2: Activity Centres and State Planning Policy 7.2: Precinct Design and associated guidelines.

**STRATEGIC IMPLICATIONS**

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

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

Major Strategy 4.1: Engage, inform and actively involve our community in Council decision making.

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

Detailed consideration of environmental sustainability principles has occurred in the preparation of the CVPSP and associated Amendment 14 to LPS 3.

**VOTING REQUIREMENT**

Simple Majority

**OCM223/2024**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Sadler

Seconded Cr Thomas

**THAT Council:**

- 1. Adopts the draft Cottesloe Village Precinct Structure Plan for advertising in accordance with Schedule 2 Deemed provisions for local planning schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*;**
- 2. In accordance with the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*, initiates Amendment 14 to the Town of Cottesloe Local Planning Scheme No. 3 (Amendment 14) as set out in Attachment 9;**
- 3. Pursuant to clause 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determines that Amendment 14 to the Town of Cottesloe Local Planning Scheme No. 3 is a 'standard' amendment, for the following reasons:**
  - a. The amendment is generally consistent with the objectives of the relevant zone or reserve;**
  - b. The amendment is generally consistent with a local planning strategy that has**

- been endorsed by the Western Australian Planning Commission (WAPC);
- c. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area; and
  - d. The amendment is not a complex or basic amendment;
- 4. Refers Amendment 14 to the Environmental Protection Authority and the WAPC for consideration and comment;
  - 5. Subject to formal assessment not being required by the Environmental Protection Authority and approval to advertise being received from the WAPC, proceeds to advertise Amendment 14 for public comment with a submission period of not less than 42 days in accordance with the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*;
  - 6. Delegates authority to the Chief Executive Officer to make minor modifications to the draft Cottesloe Village Precinct Structure Plan and Amendment 14 that will not alter the overall intent of the Precinct Structure Plan or Amendment 14, as directed by the WAPC, prior to advertising;
  - 7. Further considers the draft Cottesloe Village Precinct Structure Plan and Amendment 14, together with any submissions, following the conclusion of the statutory public advertising period.

Carried by En Bloc Resolution 8/0

**ENGINEERING SERVICES****10.1.6 COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLAN - PUBLIC CONSULTATION**

**Directorate:** Engineering Services  
**Author(s):** Shaun Kan, Director Engineering Services  
**Authoriser(s):** William Matthew Scott, Chief Executive Officer  
**File Reference:** D24/48682  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to NOTE the attached Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for the purpose of public consultation and that a Community and Stakeholder Engagement Plan (CSEP) will be circulated out of session prior to the public consultation.

**OFFICER RECOMMENDATION IN BRIEF**

That Council NOTES the attached CHRMAP for public consultation.

**BACKGROUND**

Consistent with the State Planning Policy 2.6, the strategic purpose of the CHRMAP is to determine the risk and required mitigation against inundation and erosion of the Cottesloe coastline from climate change. The findings will inform the Town's various planning and asset strategies.

The following provides a summary of events and works completed to date:

- June 2021 – The CHRMAP Grant was awarded;
- August 2021 – The CHRMAP Steering Committee (the Committee) was formed;
- December 2021 – The Request for Quotation to commission a consultant for the works was approved by Council (OCM250/2021) and the Department of Planning, Lands and Heritage (DPLH) as part of the grant requirement;
- March 2022 – Water Technology (the consultant) was appointed;
- August 2022 – Council noted the community engagement plan (OCM120/2022);
- September to October 2022 – The community consultation occurred to establish aspirations needed to develop the CHRMAP;
- July 2023 – Community workshops were held to provide information on the risk identified and to receive feedback for the development of mitigating strategies;
- August 2023 to August 2024 – The attached CHRMAP was compiled where the Committee's feedback was obtained progressively upon the completion of each chapter. The enclosed document was updated accordingly with the comments received;

- July 2024 - Elected members were briefed on the CHRMAP; and
- A Committee meeting was held in November 2024 for them to provide any final feedback.

### **OFFICER COMMENT**

#### **CHRMAP Summary**

The various chapters of the CHRMAP are as follows:

- **Chapter 1 – Establishing the Context**

This chapter was developed after community aspiration were established from the first round of public consultation. This also provides an overview of the:

- (a) geotechnical properties of the entire Cottesloe coastline
- (b) criteria that determine when the study objectives are achieved
- (c) the gaps in current planning controls in relation to coastal hazards

- **Chapter 2 - Risk Identification**

This identifies the remaining life of existing key interventions (groynes and seawalls) and current dune erosion preventive measures. The coastal modelling over the next 100 years show that inundation past the dunes is unlikely and it appears erosion is the primary hazard for the coastline.

A series of community workshops occurred as part of the risk identification works.

- **Chapter 3 - Vulnerability Analysis**

A vulnerability analysis associated with the effects of erosion was then carried out for a number of asset classes such as community and public infrastructure including all properties, roads and heritage features.

The analysis concludes that the main groyne, roads and Indiana Teahouse are vulnerable in the immediate term. Both Surf Clubs are at risk in the medium term (by 2033). The Seaview Golf Course is likely to be affected by the coastline erosion in 2123.

- **Chapter 4 - Risk Evaluation and Risk Treatment Options**

This covers future land use planning and physical management solutions against vulnerabilities where such treatments are broadly classified as avoid, retreat, accommodate and protect. Other approaches include coastal monitoring and the status quo (do nothing). A multi-criteria analysis covering factors such as effectiveness, environmental, social, aesthetics, cost and future adaptability were considered when recommending potential solutions.

- **Chapter 5 - Risk Treatment Options and their Cost to Benefit Analysis**

This has recommended beach nourishment as the preferred approach.

- **Chapter 6 – Implementation**

This recommends a number of short (25 years), medium (25 to 50 years) and long (50 to 100 years) term actions.

- **Chapter 7 - Summary Report**

This provides an overview of all 6 chapters.

**July 2024 Elected Member Feedback**

Elected members feedback were as follows:

- Suggested some form of executive summary that highlights the key points from the 7 chapters; and
- Raised a query relating to how the CHRMAP identified risk and mitigation implicated the future Foreshore Redevelopment.

**November 2024 Committee Feedback**

The following points were raised:

- Agrees with Elected Member's suggestion of an executive summary document;
- Suggests that the vulnerability analysis also includes the "do nothing" scenario such that no form of mitigation is applied over the next 100 years (analysis period);
- Suggests the inclusion of Magic Apple and Curtin Living as part of the analysis given that these establishments now exists;
- Further clarification around the 40 metre trigger points mentioned within the CHRMAP;
- There is value working with surrounding Local Governments that have jurisdiction over neighbouring coastline such as Leighton, Fremantle and Swanbourne to develop a whole of region strategy to address the inundation and erosion; and
- Consider some form of community meeting as part of the consultation process and develop responses to possible concerns that could be raised by the community.

**Response to Elected Member and Committee Feedback**Community Consultation

The Administration recognises the extensive information contained within the CHRMAP and will include the following within the CSEP package:

- An executive summary document highlighting the key points; and
- A frequently asked question (FAQ) list to provide responses to possible concerns.

The Administration is in the view that the suggested community meetings are unlikely needed because of the:

- Extensive public consultation carried out as part of the CHRMAP development process; and
- The risk of "Public consultation fatigue" due to the significant number of public consultations and in person engagements for other projects recently carried out (Healthy Streets, Green Infrastructure, Town Centre Precinct).

As an alternative, the Officer suggests that in person meetings occur with members of the public on an as required basis to discuss concerns they may have.

### Foreshore Redevelopment Implications

The Foreshore Redevelopment area is bounded by the coastline and the eastern footpaths along Marine Parade between Forrest Street and Eric Street.

The Risk Identification Chapter Report (Diagram C1, C2 and C2.2) shows that the erosion for this section is the predominant risk and this will likely happen between 2033 and 2048. The Vulnerability Assessment Chapter has also determined such a risk as being medium.

The Town's annual coastal monitoring program that takes measurements before and after major storm events will provide the needed information to validate the modelling predictions.

Whilst sand nourishment is the recommended approach, it is open for Council to extend the project to explore protective structure such as seawalls and groynes to protect its Foreshore Redevelopment investments.

### 149 Marine Parade (Magic Apple), Curtin Living and Do Nothing Vulnerability Analysis

The vulnerability of analysis for the North Cottesloe Surf Lifesaving Club applies to Magic Apple given that they are within the same vicinity.

It is open for Council to determine whether to include the following as additional vulnerability analysis:

- Curtin Living - This was not identified as a strategic asset during the earlier public consultant phase; and
- "Do nothing scenario" to determine the implications of unchanged planning policies and not implementing sand nourishment throughout the analysis period.

The 40 metre response trigger query raised by the Committee around level of interventions will be further clarified in the final CHRMAP advertised for public consultation.

### **Recommended Pathway**

The pathway moving forward is:

- Council notes the attached CHRMAP for the purpose of public consultation;
- The CHRMAP will be updated to include:
  - (a) Vulnerability analysis for the "do nothing" scenario; and
  - (b) Further clarifications around level of interventions for the 40 metre triggers.
- A Community and Stakeholder Engagement Plan is circulated out of session amongst Council and the Committee prior to the public consultation. This distribution is expected to occur the week of 13 January 2025 and will include
  - (a) An executive summary; and
  - (b) Frequently asked questions.
- The consultation occurs over February 2025;
- The Committee considers and recommends to Council a final version of the CHRMAP in March 2025;
- Council adopts this either in March or April 2025;

- CHRMAP is published on the Town's website and is used to inform the asset management and long term financial plan; and
- The Town works with surrounding Local Governments to develop a whole of region approach to addressing the risk identified.

Whilst the CHRMAP recommendation is for a sand nourishment treatment against a residing shoreline, it is likely that when the document returns to Council for adoption, Council will be asked to consider studies beyond the current CHRMAP.

This extended analysis will help determine whether defend (seawalls) or retreat (changes to planning policies) should be the longer term solution.

This is because sand nourishment over time can be cost ineffective and there may be more value considering seawalls should Council wish to maintain the position of assets within the vulnerability zone.

There is insufficient information available at this stage to undertake a benefit to cost analysis in making a recommendation on either a defend, retreat or a combination of both approaches.

#### **ATTACHMENTS**

- 10.1.6(a) R01 Establish the Content [under separate cover]**
- 10.1.6(b) R02 Risk ID [under separate cover]**
- 10.1.6(c) R03 Vulnerability Analysis [under separate cover]**
- 10.1.6(d) R04 Risk Evaluation and Risk Treatment Options [under separate cover]**
- 10.1.6(e) R05 Cost Benefit Analysis [under separate cover]**
- 10.1.6(f) R06 Stage 7 - Implementation [under separate cover]**
- 10.1.6(g) R07 Summary [under separate cover]**

#### **CONSULTATION**

Elected Members;

Town of Cottesloe Residents;

Stakeholders identified within the previous Community and Stakeholder Engagement Plan (Refer to August 2022 Committee Minutes Attachment); and

A new Community and Stakeholder Engagement Plan will be circulated before the next round of public consultation in February 2025.

#### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

Section 2.7 – Role of Council

*State Planning Policy 2.6*

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

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

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

**RESOURCE IMPLICATIONS**

The sand nourishment and other cost associated with any other treatment (defend or retreat – subject to post CHRMAP studies) will be incorporated within the Town's Asset Management Plan and Long Term Financial Plan.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

The CHRMAP provides solutions that protect the coastline from the erosional effects of climate change.

**VOTING REQUIREMENT**

Simple Majority

**OCM224/2024**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Sadler**

**Seconded Cr Thomas**

**THAT Council ENDORSES:**

- 1. The attached the Coastal Hazard Risk Management and Adaptation Plan (CHRMAP), subject to the following changes, for public consultation;**
  - a. Vulnerability analysis for the “do nothing” scenario; and**
  - b. Further clarifications around level of interventions for the 40 metre triggers.**
- 2. The out of session circulation of a Community and Stakeholder Engagement Plan to the CHRMAP Steering Committee and Elected members in January 2025 before the public consultation over February 2025 that will include:**
  - a. An executive summary;**
  - b. Frequently asked questions; and**
- 3. The final CHRMAP and the feedback received from the public consultation to be returned to Council for adoption no later than April 2025.**

**Carried by En Bloc Resolution 8/0**



**EXECUTIVE SERVICES****10.1.7 COUNCIL MEETING DATES 2025**

<b>Directorate:</b>	<b>Executive Services</b>
<b>Author(s):</b>	<b>Jacquelyne Pilkington, Governance &amp; Executive Office Coordinator</b>
<b>Authoriser(s):</b>	<b>William Matthew Scott, Chief Executive Officer</b>
<b>File Reference:</b>	<b>D24/49227</b>
<b>Applicant(s):</b>	<b>Nil</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**SUMMARY**

A proposed Council meeting schedule for the 2025 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**

For Council to adopt the proposed meeting dates for Agenda Forum and Ordinary Council meetings for 2025.

**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 2024 Council/Forum meeting dates occurred in both local papers in January 2024.

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 2025 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.

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

The 2024 Council/Forum Meeting dates were advertised in both local papers in January 2024 and it is proposed that the approved dates will be advertised similarly, in January 2025.

For Council's benefit in considering the proposed Schedule of Meetings, below are the relevant Western Australian public holidays and school holiday period for 2025.

Western Australian public holiday dates for 2025 are:

- 1 January - New Year's Day
- 27 January - Australia Day
- 3 March – Labour Day
- 18 April - Good Friday
- 20 April - Easter Sunday
- 21 April - Easter Monday
- 25 April - Anzac Day
- 2 June – Western Australia Day
- 29 September - King's Birthday
- 25 December - Christmas Day
- 26 December - Boxing Day

Western Australia School Holidays for 2025 are:

- Autumn 12 April -27 April
- Winter 5 July – 20 July
- Spring 27 September – 12 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*

Section 5.25 – Regulations about council and committee meetings and committees.

*Local Government (Administration) Regulations 1996 Reg. 12* - Publication of meeting details (Act s. 525(1)(g))

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

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

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

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

**OCM225/2024**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Sadler

Seconded Cr Thomas

**THAT Council**

- 1. OBSERVES a recess for January 2025, with no Ordinary Meeting of Council;**
- 2. ADOPTS the following Ordinary Council Meeting dates for 2025, which are to commence at 6.00pm in the Council Chambers, 109 Broome Street, Cottesloe;**

**Tuesday 25 February**

**Tuesday 25 March**

**Tuesday 22 April**

**Tuesday 27 May**

**Tuesday 24 June**

**Tuesday 22 July**

**Tuesday 26 August**

**Tuesday 23 September**

**Tuesday 28 October**

Tuesday 25 November, and

Tuesday 16 December

3. **ADOPTS** the following Agenda Forum dates for 2025 which are to commence at 6.00pm in the Council Chambers, 109 Broome Street, Cottesloe;

Tuesday 18 February

Tuesday 18 March

Tuesday 15 April

Tuesday 20 May

Tuesday 17 June

Tuesday 15 July

Tuesday 19 August

Tuesday 16 September

Tuesday 21 October

Tuesday 18 November, and

Tuesday 9 December

4. **ADVERTISE**, in January 2025, the Ordinary Council meeting and Agenda Forum meeting dates for 2025, and also publish this information on the Town's website.

Carried by En Bloc Resolution 8/0

OCM226/2024

Moved Mayor Young

Seconded Cr Bulbeck

THAT Item 10.1.5 be brought forward in the order of business to provide a resolution to the public in attendance for this item.

Carried 8/0

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

Against: Nil

**DEVELOPMENT AND REGULATORY SERVICES****10.1.5 FINAL ADOPTION OF THE TOWN OF COTTESLOE LOCAL PLANNING STRATEGY**

**Directorate:** Development and Regulatory Services  
**Author(s):** Paul Neilson, Manager Planning Services  
**Authoriser(s):** Steve Cleaver, Director Development and Regulatory Services  
William Matthew Scott, Chief Executive Officer  
**File Reference:** D24/48683  
**Applicant(s):** Town of Cottesloe  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The Town recently advertised its draft Local Planning Strategy (LPS). Some 34 community submissions were received and 10 State Government agencies submissions. Town Officers, in conjunction with its consultants Hames Sharley, have now had the opportunity to assess the submissions, prepare responses and are now recommending a number of minor modifications to the draft LPS. It is intended that Council consider the proposed modifications, and, if satisfied, endorses the referral of the Schedule of Submissions with proposed modifications to Western Australian Planning Commission (WAPC) for its final endorsement of the Local Planning Strategy.

**OFFICER RECOMMENDATION IN BRIEF**

That Council endorses the Schedule of Submissions and Modifications to the advertised Town of Cottesloe Local Planning Strategy (Attachment 1) and supports the referral of the Schedule of Submissions with its proposed modifications to the WAPC for its final endorsement,

**BACKGROUND**

The Town has prepared a draft LPS in the manner and form prescribed by the 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 had regard to the Town's 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, 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 2023 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. 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 bicycle riding.
- Consider mechanisms to maintain Cottesloe's character.
- Advocate for sinking the railway line.

A draft LPS was then prepared and considered by Council at its Ordinary Council Meeting in December 2023. Council resolved to defer the item to enable further consideration of the draft LPS (OCM255/2023). Council subsequently held further workshops with its consultants, Hames Sharley prior to the preparation of a revised draft LPS in early 2024.

### **Council support for advertising the Draft LPS**

At its Ordinary Council Meeting held on 27 February 2024, Council resolved to endorse the draft LPS for advertising for 35 days and determined to seek the consent of the WAPC for advertising for community consultation (OCM014/2024).

Council resolved as follows:

1. ENDORSE the draft Local Planning Strategy dated 12 February 2024 for advertising;
2. REQUESTS the Chief Executive Officer 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. INSTRUCTS the Chief Executive Officer to refer any significant modifications proposed by the Department of Planning, Lands & Heritage (DPLH) to Council for consideration prior to the presentation of the draft Local Planning Strategy document to the WAPC for certification for advertising;
4. 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;
5. DELEGATE authority to the Chief Executive Officer to make minor modifications to the draft Local Planning Strategy as directed by the WAPC, prior to advertising; and
6. NOTE the process for WAPC lodgement, necessary amendments, public advertising and review of submissions provided in the Officer Comment.

Subject to a number of minor amendments to the draft LPS, the WAPC provided it support to advertise the draft LPS for 35 days in August 2024.●

### **Advertising of the Draft LPS**

The draft LPS (September 2024) (Attachment 4) was subsequently advertised from 9 September 2024 to 13 October 2024 in accordance with Regulation 13 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2024*. In this respect, the Town:

- Placed a copy of the draft LPS on its website along with explanatory information about the strategy as well as the manner and form in which submissions may be made including the period for making submissions;
- Placed a copy of the LPS at the Town's Administration Centre for public inspection;
- Placed a notice on social media and in the Post newspaper about the draft LPS and where information can be obtained about it.
- Provided notice to relevant community groups and members of the Towns local resident data list.
- Provided notice to surrounding Local Governments and numerous State Government agencies;
- Held a Saturday morning open day and an online evening information session.

**OFFICER COMMENT**

There were 34 community submissions received and 10 submissions from State Government agencies. These are all detailed in the Schedule of Submissions (Attachment 1) where each of the submissions is outlined and the response of the Town is provided. This includes whether proposed modifications are recommended. These proposed modifications are summarised in Attachment 2 for ease of review.

**Assessment of Community Submissions and Recommended Modifications**

To assist Council, a table has been prepared which illustrates the location of community submitters (or joint submitters) and highlights, in general terms, whether the submission is largely supportive or not supportive of the draft LPS proposals. A number of submissions included mixed views on the strategy. This table is shown in Attachment 3

In terms of background of the submitters, there were a range of submissions from the community with the majority being single residential landowners and in one case, a joint submission of single residential households. A smaller number were from commercial landowners and one adjoining local government submission was received from the Town of Mosman Park. Many of the residential based submissions were located and referring to matters affecting Planning Area B - Grant Street/Swanbourne Station Precinct (Planning Area B). Many of the submissions received from commercial property landowners were from Planning Area A - Cottesloe Village and Station Precinct (Planning Area A).

It was broadly evident that most submitters had an appreciation for the intent of the draft LSP vision and objectives, along with the recognition that there will be likely be an increase in development and density in Cottesloe to meet the future dwelling targets set by the WAPC as part of its wider metropolitan planning policy direction. It was also evident that many submitters appreciated the importance of the Cottesloe Town Centre as a key location for accommodating the additional infill dwellings.

- **Submissions providing general support**

Eight submissions provided general support for the intent of the strategy and the matters raised can be summarised below:-

1. Encouraging the acceleration of the up coding around Planning Area B which is a Medium Term Action 5-10 years and sinking the railway line
2. Support for growing the visitor economy sustainably with the beachside living in high demand.
3. A desire to see the growth and revitalisation within the Cottesloe Town Centre and its acceleration.
4. Support for the identification of Planning Action Area 2—Cottesloe Deaf School.
5. Support for increase in density as housing diversity will support younger families to enter housing market.
6. Support the vision and objectives, plus importance given to natural areas in the LPS.



Town Officers Response.

Support is noted. In respect to the rate of growth of Planning Areas B and C, the draft LPS has detailed the total dwelling yields required to meet the State Government targets of an additional minimum of 497 dwellings by 2036 and 792 by 2050. The yield calculations demonstrate the dwelling yield gap of 282 dwellings can be reached via the Cottesloe Village Precinct Structure Plan (CVPSP) potential yields (243-357), and latent subdivision potential (105-154). Therefore, the Town does not support bringing forward the timeframes for Planning Areas B and C.

The draft Cottesloe Village Precinct Structure Plan is presently being considered by Council for adoption for advertising, and, it is intended to be advertised early in 2025. It will set the local planning framework for growth and development of the Planning Area A and provide clarity to renewal and investment in the locality.

Proposed Modifications to the draft LPS

No proposed modifications

- **Submissions providing a mix of comments**

Twelve submissions detailed a mix of comments. These included

1. Three submissions advocating for Airbnb/Short term accommodation,
2. Detailed comment provided for streetscape and built form planning for the Cottesloe Town Centre and draft CVPSP.
3. Support for the dwelling target being achieved but not to exceeding these targets.
4. Differing views on how best to accommodate the future infill targets which included:
  - Retaining single dwellings and only 'up coding' lots that already have multiple dwellings and logical proximate sites. Further, focus on larger sites such as the Cottesloe Village, the Swanbourne market led proposal, foreshore development (i.e.OBH) and Cottesloe Deaf School site development.
  - Supportive of infill but linear along rail line and arterial routes rather than station precincts
5. Protecting tree canopy and streetscape as part of planning investigations and concern around loss of existing character and suburban feel. Desire to retain residential charm in low density areas,
6. Parking impacts for individual development and wider traffic movement should be considered further given increased densities.
7. Clarity around future railway and level crossings
8. Provision for the aged,
9. A lack of a contemporary planning framework for the Town ,

10. The need for reference to the Old Cable Stations when referencing Planning Area D - Vlamingh/McCall Centre.
11. Advice correcting inaccuracies on historic coastal sand nourishment in the Town and another suggesting a reference to the CVPSP extends east into the Shire of Peppermint Grove.
12. The Town of Mosman Park submission supports the intent of the LPS and identifies the strategy actions that the Town of Mosman Park is open and willing to collaborate with the Town of Cottesloe

#### Town Officers Response

The above comments are varied and also have relevance to other strategic planning projects within the Town.

In respect to short term accommodation, the LPS supports this use specifying investigation of opportunities for increased short stay accommodation within the Town. The intent of LPS is to enable tourist accommodation in the Town, with appropriate policy guidance or scheme requirements to manage residential area interfaces/conflicts.

The detailed submissions addressing development and built form aspects of Planning Area A (Cottesloe Village and Station Precinct) are most relevant to the soon to be advertised draft CVPSP which is specifically addressing these details. The submitters will be contacted during the advertising of the draft CVPSPS to enable a submission at this time.

In respect to dwelling targets, the State Government dwelling targets are 'minimum' so demonstration of higher potential is required in LPS documents. Identifying opportunities beyond those already expected to add to dwelling infill is the role of the LPS. The draft LPS Part 2 details the methodology used to identify Planning Areas. This involved a high level character analysis of the Town, aligning with previous engagement reporting a strong community desire to retain the local character of Cottesloe. Another consideration in the delineation of Planning Areas is the walkable catchment of train stations, reflecting State Planning Policy and intent.

The Town acknowledges the contribution of mature tree canopy to the character of Cottesloe. The Town's position is that higher density development does not reduce capacity for trees within the public realm. Regarding greening within private lots, the R-Codes have recently been updated to include minimum soft landscaping requirements for medium density development, and deep soil requirements for high density developments. In this context, the delivery of infill in Cottesloe is required to respond to these State government controls.

In respect to longer term parking concerns, the Town has set aside funds in the 2024/25 Financial Year to undertake a whole of Town 'Parking Strategy'. Traffic impacts for individual developments are considered at the time of development determinations. The Town has undertaken a Traffic Impact Analysis of Planning Area A to assist it to understand the implications of increased density at the Cottesloe Village.

In respect to making provision for seniors, the draft LPS includes actions for the provision of housing diversity, safe and accessible transport network for all ages, and promotes the capacity of people to be able to 'age in place' Reference to the Old Cable Station is acknowledged and it is proposed to make a modification to the draft LPS to reference it in Part 2 Background.

Proposed Modifications

- Part 1 and Part 2: Include an explanation that the draft CVPSP boundary extends east into the Shire of Peppermint Grove;
- Include reference to the history of the Old Cable Station in Part 2 in relation to Planning Area D – Vlamingh / McCall Centre; and,
- Part 2 – correction to include reference to sand nourishment associated with the 1978 Cyclone Alby erosion (in reference to historic nourishment activities).

- **Submissions not in support**

Fourteen submissions expressing objections and concerns with many of these focused on the extent of Planning Area B, specifically relating to adverse impacts on privacy, traffic, and character associated with urban infill.

These submissions can be summarised as follows:-

1. A joint submission from 20 residents (from 10 properties) of Andrews Place arguing for a reduction of Planning Area B to exclude any impacts on this street location. It should be noted that Andrews Place falls on but immediately outside the boundary of Planning Areas B, immediately to the west (see Map as Attachment 3). In particular, reducing the extent of the Planning Area to exclude all streets west of Griver Street. It is argued that the infill proposed for the Planning Area will impede the functionality, sustainability and enjoyment of residents and significantly impede privacy with unavoidable scenarios of direct vision into homes and backyards. Further, the submitters raised concerns about traffic impacts and access to parks, schools and local amenities.
2. Other submissions requesting Planning Area B be reduced:-
  - a. to the boundary to the middle of Kathleen Street (two submissions), or to the entire portion west of the train line
  - b. due primarily to concern around the loss of character homes and their cultural value, family friendly environment, historical cultural value, and traffic congestion.
3. Five submissions were received from residents of Hawkstone Street seeking removal or exclusion from Planning Area B and removal of station precincts planning areas, preferring the meeting of dwelling targets via development along linear arterial routes such as the rail line or Stirling Highway as well as larger sites such as the Cottesloe Village, the

Swanbourne market led proposal, foreshore development and Cottesloe Deaf School site development.

4. Several submissions acknowledged the need to align the State Governments minimum dwelling infill targets but that it was not justified to exceed this amount. There is not support for the higher targets as identified in the draft LPS.
5. One submission was received objecting to the extent of Planning Area C Mosman Park / Victoria Street Station Precinct raising concerns about traffic impacts on Princess Street and loss of tree canopy and land values. Rather the Town should investigate sinking of the railway and housing on the railway corridor to meet infill targets or infill on lots alongside railway along Station Street north of Napoleon Street and Curtin Avenue.

#### Town Officers Response

In respect to requests to reduce the extent of Planning Area B expressed by residents on both Andrews Place and Hawkstone Street, Town Officers advise that the intent of the LPS is to identify areas for future investigation and detailed planning within which initial character and built form assessments are to take place as part for the planning for the precincts. This work will identify existing neighbourhood qualities and provide recommendations for planning for dwelling infill so they are responsive to the local context. .

These future investigations are to occur in the medium term, 5 – 10 years and may not be implemented for some time following. Investigations for Planning Area B will seek to identify strategic locations that could support increased density, with appropriate density transitions to the surrounding neighbourhood to protect character and amenity.

The draft LPS approach to infill investigation within stations 400m walkable catchments reflects State Planning Policy (SPP) articulated in Perth & Peel @3.5million (2018) and SPP 3 Urban Growth and Settlement. The precinct boundaries have been carefully considered taking account of logical boundaries and anticipated high level dwelling capacity to be accommodated in the Planning Areas. It is noted that any reduction in the extent of a Planning Area, would result in greater pressure to accommodate infill dwelling yields in the remaining area, which is not a preferable outcome.

Based on the above, it is not recommended that Planning Area B be reduced but Town Officers do recommend that the draft LPS be amended to address residents concerns about privacy and traffic. It is recommended that the following changes be included in the draft strategy

- Include 'Privacy' in future investigation area considerations.
- Include 'Traffic Analyses' in future investigation area considerations.

As such, future investigation and detailed planning for Planning Area B shall include an assessment resident's privacy and traffic impact. It is also intended that these studies will also apply to Planning Area C as similar concerns were

raised by a submitter for this locality albeit that privacy was not a specific concern.

In respect to dwelling yield concerns, the draft LPS does not propose that the capacity analysis is the level of infill that should be achieved or is the dwelling target. Rather the analysis is a high-level calculation to estimate the possible dwelling capacity of preferred locations for future growth (Planning Areas and Action Areas). Noting that State Government targets are 'minimum' dwelling targets, so demonstration of higher potential yield and preferred locations for these dwellings is required in LPS documents.

#### Proposed Modifications

For Planning Areas B and C:-

1. Include 'Privacy' in future investigation area considerations.
2. Include 'Traffic Analyses' in future investigation area considerations

### **Assessment of State Government Agency Submissions and Recommended Modifications**

The ten government agencies submissions tended to relate more to the terminology used and details in Part 2 of the draft LPS.

- Six agencies provided positive submissions with no modifications proposed. These included the Department of Jobs, Tourism, Science & Innovation, Main Roads, Department of Education, Department of Fire & Emergency Service, Department of Biodiversity, Conservation & Attractions and Water Corporation.
- Three agencies made reference to the terminology used in the draft LPS and suggested amendments. These included:-
  - the Department of Health request to use the terminology public health and healthcare when referencing 'health' as an all encompassing term.
  - the Department of Transport requested terminology changes for references to cyclists and raised concerns around references to sinking the railway line and development on railway land detailing that there is no funding or current plans to undertake these projects. In this respect, the Town will clarify the relevant parts of the draft LPS.
  - the Department of Planning, Lands and Heritage requesting correction to heritage terminology and legislative referencing. It also requested a new action for Table 4 Culture, Arts and Heritage–Planning Direction and Actions, being, the 'Development of a Local Planning Policy for Heritage'. Town Staff were not supportive of this amendment as the Town is preparing a draft Heritage Strategy, and, the draft LPS already includes an action to incorporate the findings of the HS into the local planning framework.
- A submission from the Department of Water and Environmental Regulation highlighted the need for ongoing consideration of total water cycle management at all stages of the planning process including implementation of Water Sensitive Urban

Design (WSUD) and Best Management Practice (BMP). In this respect, it is considered appropriate to

- Add an additional action under Part 1, Table 14 Utilities to include the need for the Town to explore opportunities for more WSUD and BMP as part of Council and private industry works and development

#### Proposed Modifications

A number of mainly technical modifications to the draft LPS are then recommended to address the comments made by the state agencies. These are detailed in the Summary of Modifications in Attachment 2 and the Schedule of Submissions (Attachment 1). The most significant is that noted above about introducing total water cycle management as an action in Part 1.

#### **Consideration of inclusion of Lot 40, 22 John Street in Planning Area F**

Lot 40, 22 John Street is a large 3,915m<sup>2</sup> lot containing an ageing six storey tower and a large private open space area presently zoned R30 under the Towns Local Planning Scheme No 3 (LPS3).

Following referral of a subdivision application to modify the strata scheme to the Town by the WAPC mid year, Council, at its Ordinary Meeting held on 22 October 2024, resolved to advise the WAPC that it was not supportive of the subdivision proposal (OCM185/2024). Since then, the Town has been made aware that the subdivision application has subsequently been withdrawn by the applicant.

The reasons for refusal included the view that the proposal to increase the density of the subject site is 'not consistent with orderly and proper planning' for the Town of Cottesloe as identified in the draft Local Planning Strategy as the existing lot falls outside of Planning Area Precinct F - Cottesloe Foreshore Area' (Planning Area F). Further, that the subdivision 'does not constitute orderly and proper planning for the locality and may set an undesirable precedence for similar development to higher densities in medium density areas of the Town'.

The location of this landholding is shown on Figure 1 below. It is evident that it immediately abuts Planning Area F which is an area identified under the draft LPS Table 15 as being a 'desirable tourism destination where future development has specific regard to enhancing its character, protecting its heritage', and which would 'recognise the management of future built form outcomes and enhancement of the foreshore for both residents and visitor enjoyment'



Figure 1 - 22 John Street.

The Actions under Table 15 refer to planning investigations to be undertaken to determine what changes are required to the existing planning framework to achieve this outcome. This would include built form testing assessment and design testing to determine future density codes and determine planning responses.

Given the location of this significant landholding, which directly abuts Planning Area F, the age of the existing built form on the property, its size, and its strategic proximity to the Cottesloe Foreshore, Town Officers believe there may be some merit in considering the inclusion of this landholding into Planning Area F as part of the final Local Planning Strategy (LPS). Such inclusion would enable future planning investigations to assess the site's long-term potential, including determining the most appropriate land use and density for the lot.

While Council could choose to propose this modification at this stage, it is important to consider the likely implications, including the potential requirement for readvertising the draft LPS, which may delay the overall process. Furthermore, as no submission has been received from the landowner, there is limited justification for Council to initiate this change independently.

It's worth noting as well that the potential of this lot to be considered for possible inclusion in Planning Area F has only emerged since the October Council Meeting (well after the advertising period has closed).

To balance these considerations, it is recommended that Council request the WAPC to assess the merits of including this landholding into Planning Area F as part of its final determination of the LPS. This approach enables the matter to be appropriately considered without creating undue delays to the broader planning process for adoption of the LPS.

It is suggested that Council request the WAPC to consider the merits of including the property into Planning Area F as part of its final determination of the LPS but that this be quite separate to its formal proposed modifications detailed in the 'Schedule of Submissions, Officer Responses and Recommended Modifications'. This is detailed in the Officer Recommendation as Point 5. Requests that the WAPC consider the merits of including Lot 40, 22 John Street into Planning Area F as part of its final determination of the LPS on the basis of the points and discussion detailed in this Council Report

At its Agenda Forum Meeting held on the 10 December 2024, a representative of Lot 22 John Street attended the meeting. The representative made a strong objection to the Officer Recommendation Point 5.

The key objections related to

- The short notice provided to owners about the recommendation for 22 John Street is unfair.
- It was quickly conceived and requires more consideration.
- Casts uncertainty over the future of the premises particularly when the property is on the market for sale and affects the property /landowners commercially.
- Only a small portion of the lot abuts Planning Area F, and it wasn't included in Area F initially.

Subsequently, on Friday 13 December 2024, Town staff met with a number of the property owners at 22 John Street to detail the rationale for the staff's position and listen to the views of the residents. Similar objections were reiterated by the owners with the uncertainty about the future of the lot if included in Planning Area F, being a major contributing factor. In addition, there seemed to be a general consensus from those attending that the property may lend itself to a higher land use density coding but that this may be achieved via a future scheme amendment or subdivision process (outside the Local Planning Strategy process).

For the purposes of providing some feedback further to the Agenda Forum and the above meeting, Town staff have prepared the following broad 'pro's and cons' of proposing that Lot 22 John Street be considered for inclusion in Planning Area F (from the perspective of the property owners and the Town's strategic planning aims):-

Cons'

- Inclusion in Planning Area F will result in uncertainty for the landowners as Planning Investigations are undertaken and the new Local Planning Scheme No 4 prepared for advertising. It is estimated that the position of the Town may not be known and released for public comment for 12-18 months).
- The outcome for the future land use and density of Lot 22 John Street is unknown.
- May impact on the landowners for the short term sale of property and commercial negotiation.
- Objections received and limited notice provided to the landowners to assess the implications of the proposal.



## Pro's

- Allows for future land use and density for Lot 22 John Street to be investigated for inclusion into new Local Planning Scheme No 4 (see above timeframes).
- Would result in the lot and aged infrastructure being assessed as part of a contemporary local planning framework.
- Avoids future development applications, scheme amendments or subdivision applications for rezoning / coding changes or subdivision applications to be received outside of the planning process.
- Includes this large landholding, abutting Planning Area F into the Town's strategic planning review process.

**Statutory Process for final adoption of the Town of Cottesloe LPS.**

The next step in the assessment and determination process for the draft LPS is for the Schedule of Submissions and Modifications (which includes the Town's responses to submissions received and proposed modifications) to be forwarded to the WAPC for its consideration and endorsement. The Town will also provide the Council report and the supporting attachments.

Under Regulation 15 of part 3 of the Planning and Development (Local Planning Schemes) Regulations 2015, the WAPC may:

- '[(a) endorse the strategy without modification; or*
- (b) endorse the strategy with some or all of the modifications proposed by the local government; or*
- (c) require the local government to modify the strategy in the manner specified by the Commission before the strategy is resubmitted to the Commission for endorsement;*
- or*
- (d) refuse to endorse the strategy'*

It is likely that the WAPC would either chose (b) or (c). In order to avoid any unnecessary delays to the finalisation process, Town staff have included a recommendation to address Option C that Council delegates authority to the Chief Executive Officer (CEO) to make minor modifications to the LPS, as directed by the WAPC subject to the modifications being, in the opinion of the CEO, minor in nature and will not alter the overall intent of the draft LPS Planning Strategy. If the modifications are not considered minor and will alter the intent of the LPS, a further report will be presented to Council.

**ATTACHMENTS**

- 10.1.5(a)      Attachment 1: Schedule of submissions and modifications [under separate cover]**
- 10.1.5(b)      Attachment 2: Summary of modifications [under separate cover]**
- 10.1.5(c)      Attachment 3: Map showing location of submitters [under separate cover]**

**10.1.5(d)      Attachment 4: Advertised Local Planning Strategy (4 September 2024)  
[under separate cover]**

**CONSULTATION**

The draft LPS was subsequently advertised for 5 weeks in September and October 2024 in accordance with Regulation 13 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**STATUTORY IMPLICATIONS**

The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) Part 3 require a local planning strategy to be prepared in a manner and form prescribed by the WAPC. Under Part 3 Regulations 11 to 14 are relevant.

Once finally approved by the WAPC, the adopted LPS will supersede the Town of Cottesloe Local Planning Strategy (2008). The adopted LPS will also form the basis of the new Local Planning Scheme No 4 which is being progressed in the 2024/25 financial year.

**POLICY IMPLICATIONS**

The draft LPS includes a number of planning directions and actions relevant to guide the local planning framework for the Town over the next 10 to 15 years. It details six planning areas for future planning investigation.

**STRATEGIC IMPLICATIONS**

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

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

Major Strategy 2.3: Future population growth is planned to enhance community connectivity , economic prosperity as well as the built and natural environment.

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

The draft LPS includes a number of Planning Directions and Actions relevant to sustainability outcomes particularly relative to natural areas and landscape values, coastal protection and natural hazards.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION****Moved Cr Sadler****Seconded Mayor Young**

THAT Council:

1. Endorses the Schedule of Submissions and Modifications to the advertised Town of Cottesloe Local Planning Strategy (Attachment 1) which includes the Town's responses to submissions received and proposed modifications to the advertised Local Planning Strategy;
2. Notes that the following documents are to be submitted to the Western Australian Planning Commission (WAPC) for final endorsement, pursuant to Regulation 14(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
  - a. Schedule of Submissions and Modifications (Attachment 1)
  - b. Local Planning Strategy as advertised (Attachment 4), and
3. Provides a copy of this Council Report and its Attachments 2 and 3 to the WAPC.
4. Delegates authority to the Chief Executive Officer to make minor modifications to the Town of Cottesloe Local Planning Strategy, as directed by the WAPC, subject to the modifications being, in the opinion of the CEO, minor in nature and will not alter the overall intent of the Draft Local Planning Strategy. If the modifications are not considered minor and will alter the intent of the Local Planning Strategy, a further report will be presented to Council.
5. Requests that the WAPC consider the merits of including Lot 40, 22 John Street into Planning Area F as part of its final determination of the LPS on the basis of the points and discussion detailed in this Council Report.

**OCM227/2024****COUNCILLOR AMENDMENT****Moved Cr Harkins****Seconded Cr Sadler****THAT Paragraph 5 be removed from the Officer's Recommendation.****Carried 8/0****For: Mayor Young, Crs Sadler, Harkins, Bulbeck, Wylynko, Thomas, Mason and Irvine****Against: Nil****OCM228/2024****SUBSTANTIVE MOTION****Moved Cr Sadler****Seconded Mayor Young****THAT Council:**

1. Endorses the Schedule of Submissions and Modifications to the advertised Town of Cottesloe Local Planning Strategy (Attachment 1) which includes the Town's

responses to submissions received and proposed modifications to the advertised Local Planning Strategy;

2. Notes that the following documents are to be submitted to the Western Australian Planning Commission (WAPC) for final endorsement, pursuant to Regulation 14(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
  - a. Schedule of Submissions and Modifications (Attachment 1)
  - b. Local Planning Strategy as advertised (Attachment 4), and
3. Provides a copy of this Council Report and its Attachments 2 and 3 to the WAPC.
4. Delegates authority to the Chief Executive Officer to make minor modifications to the Town of Cottesloe Local Planning Strategy, as directed by the WAPC, subject to the modifications being, in the opinion of the CEO, minor in nature and will not alter the overall intent of the Draft Local Planning Strategy. If the modifications are not considered minor and will alter the intent of the Local Planning Strategy, a further report will be presented to Council.

Carried 8/0

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

Against: Nil

#### Rationale

- The Officer's Report outlines sound reasons (size of the lot, age and condition of existing built form and proximity to foreshore) for including this lot in Planning Area F. The inclusion of this lot in Planning Area F would enable the Town to manage future built form and use for the site and might reduce the likelihood of ad hoc rezoning being forced on the Town.
- However, the lot was not included in the foreshore planning area (Planning Area F) in early community engagement, or in the draft Strategy submitted to WAPC and subsequently advertised for public comment. No submissions received in that consultation process suggested inclusion of the lot in Planning Area F. This means that the public has not had the opportunity to consider it as part of the process of developing the Strategy and for formal feedback to be included in the attachment 1: SCHEDULE OF SUBMISSIONS & MODIFICATIONS
- At the Agenda Forum objections to the proposal (to request WAPC to consider inclusion of the lot in Planning Area F) were raised by notified community members directly impacted by it. The views (if any) of the broader community are not known.
- In the circumstances, Council could restart the process by advertising an amended Strategy and consider submissions, however restarting the process would result in further delay in finalisation of the Strategy, which in turn will delay the development of a contemporary Planning Scheme for the entire district. Although this is a significant landholding, in context it does not warrant holding up the

development of our new contemporary Planning Scheme.

- Accordingly, Council should proceed with the request for endorsement of the draft Strategy and Schedule of Submissions and Modifications, without the proposed request relating to this site.

**CORPORATE AND COMMUNITY SERVICES****10.1.3 SCULPTURES BY THE SEA - FUNDING REQUEST**

**Directorate:** Corporate and Community Services  
**Author(s):** Vicki Cobby, Director Corporate and Community Services  
**Authoriser(s):** William Matthew Scott, Chief Executive Officer  
**File Reference:** D24/50566  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider making a \$5,000 donation to Sculpture by the Sea Incorporated (SXSINC). To facilitate this payment, Council will need to approve, by absolute majority, a budget amendment to account for this funding request and the cancellation of Sculpture by the Sea, Cottesloe in 2025.

**OFFICER RECOMMENDATION IN BRIEF**

THAT Council AUTHORISES a budget amendment to increase operating grant expenditure by \$5,000 and a decrease to operating expenditure by \$70,000 for the savings that will be realised on financial support for the cancelled Sculpture by the Sea event.

**BACKGROUND**

In January 2021, the Town of Cottesloe and Sculpture by the Sea Incorporated entered into an agreement for the term of five (5) years from 1 January 2021 to 31 December 2025 and a further term of three (3) years from 1 January 2026 to 31 December 2028.

The agreement specifies that the Town is to provide annual financial support to the event for an amount up to \$70,000 along with In-Kind support. The support is subject to the Event proceeding in that year.

On 29 November 2024, David Handley AM, Founding CEO & Artistic Director, Sculpture by the Sea, contacted the Town of Cottesloe and requested the following;

*“To enable us to raise the funds to keep operating we are writing to ask Council to please consider making a \$5,000 grant to our not for profit organisation. This grant will contribute towards our operating costs, including retaining our part time but vitally important Perth based WA Stakeholder Manager, who works closely with me on our government relations, top level sponsors and who manages our relationship with Lotterywest”.*

On 3 December 2024, Sculpture by the Sea announced that Sculpture by the Sea, Cottesloe was unable to proceed in March 2025 due to a lack of funds.

**OFFICER COMMENT**

The Town of Cottesloe supports Sculpture by the Sea financially and with In-Kind support by the provision of several services, including but not limited to traffic control, provision of

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additional ablution facilities, assistance with staging, provision and emptying of refuse bins, provision of storage and office space, support to assist with signage approval from the Public Transport Authority of Western Australia, assistance with addressing the need for additional public car parking, and the use of Carpark 2 for storage and installation/de installation.

The Town of Cottesloe greatly values the positive impact that *Sculpture by the Sea* brings to the area. This iconic event, transforms the coastal landscape into an open-air gallery, offering a unique experience that attracts both local and international visitors. The exhibition not only enhances the town's cultural profile by showcasing world-class sculptures but also provides a platform for emerging and established artists. As a major tourism drawcard, it boosts the local economy through increased visitor numbers, promoting local businesses and accommodations. Furthermore, the event plays a significant role in promoting Cottesloe Beach on the global stage, showcasing its natural beauty alongside incredible artwork. *Sculpture by the Sea* fosters a strong sense of community, bringing people of all ages together to enjoy art in a public space, sparking conversations, and inspiring creativity, while also contributing to the town's reputation as a vibrant cultural hub.

The Town will realise savings because the 2025 Sculpture by the Sea event has been cancelled and the financial contribution of \$70,000 will not be made. If the Town was to make the \$5,000 donation, the net savings would then be \$65,000.

The officer recommendation is to approve a grant of \$5,000 to Sculpture by the Sea and approve a budget amendment for a net decrease in the Sculpture by the Sea operating expense of \$65,000. This budget amendment places the budgeted surplus at \$65,000.

The Town will make additional savings because the provision of In-Kind support will be required in this financial year. These savings are difficult to quantify and will be recognised at the end of the financial year.

### **ATTACHMENTS**

Nil

### **CONSULTATION**

Internal – Executive staff

External – Sculpture by the Sea Incorporated

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

Section 6.8 Expenditure from municipal fund not included in annual budget.

### **POLICY IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

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

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

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

### **RESOURCE IMPLICATIONS**

The cancellation of the 2025 Sculpture by the Sea event reduces the Town's expenses by \$70,000 as the financial contribution is not payable if the event does not proceed. The proposed grant would offset this saving resulting in a net surplus of \$65,000. The increase to the Town's surplus will be addressed with the Mid Year Budget Review.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **VOTING REQUIREMENT**

Absolute Majority

**OCM229/2024**

### **OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Harkins**

**Seconded Cr Wylynko**

**THAT Council;**

- 1. AUTHORISES the following budget amendments;**

<b>Increase Grant to Sculpture by the Sea</b>	<b>\$5,000</b>
<b>Decrease Events operating expense</b>	<b>(\$70,000)</b>
<b>Increase Cash Surplus</b>	<b>\$65,000</b>
- 2. APPROVES a \$5,000 grant to Sculpture by the Sea Incorporated**

**Carried 8/0**

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

**Against: Nil**



**10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES**

Nil

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

Nil

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

**OCM230/2024**

**MOTION FOR BEHIND CLOSED DOORS**

Moved Cr Thomas

Seconded Cr Sadler

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

**Carried 8/0**

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

**Against: Nil**

*The public and members of the media were requested to leave the meeting at 6:54 pm*

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

Director Development and Regulatory Services left the meeting at 6:54 pm

Director Engineering Services left the meeting at 6:54 pm

Director Corporate and Community Services left the meeting at 6:54 pm

Manager Planning Services left the meeting at 6:54 pm

Executive Office Trainee left the meeting at 6:54 pm

Executive Services Officer – Corporate and Community Services left the meeting at 6:54

**13.1.1 CEO RECRUITMENT ADVISORY COMMITTEE - APPOINTMENT OF INDEPENDENT PERSON**

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (b) as it contains information relating to the personal affairs of any person.

OCM231/2024

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Sadler

Seconded Cr Harkins

**THAT Council APPOINT Mr Steven Cole as the Independent Person to the CEO Recruitment Committee.**

Carried 8/0

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

Against: Nil

**13.1.2 CEO JOB DESCRIPTION FORM (JDF) AND ADVERTISING METHODOLOGY**

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (a) as it contains information relating to a matter affecting an employee or employees.

OCM232/2024

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Irvine

Seconded Cr Sadler

**THAT Council:**

- 1. By absolute majority; ADOPT the attached CEO Job Description Form (JDF) for advertising;**
- 2. DISCLOSE the adopted JDF once advertising commences; and**
- 3. ENDORSE the advertisement for the Chief Executive Officer recruitment via:**
  - a. On social media, the Town's website and other platforms as set out in the attached "advertising methodology" document;**
  - b. The West Australian Newspaper Professional Appointments section (10cm x 3 columns); and**
  - c. The Post Newspaper; and**
  - d. LG Professionals.**

Carried 8/0

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

Against: Nil

**13.1.3 SEAVIEW GOLF CLUB LEASE RENEWAL UPDATE**

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (c) and (e(ii)) 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 and a matter that if disclosed, would reveal information that has a commercial value to a person.

**OCM233/2024**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Harkins**

**Seconded Cr Mason**

**THAT Council:**

- 1. NOTES the progress to date and defers finalising a draft lease until outstanding matters relating to the Sea View Golf Course are either resolved or significantly advanced; and**
- 2. INSTRUCTS the Chief Executive Officer (CEO) to continue to collaborate with the Sea View Golf Club on these outstanding matters and provide quarterly progress updates to Council, via the CEO Quarterly Report.**

**Carried 8/0**

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

**Against: Nil**

**MOTION FOR RETURN FROM BEHIND CLOSED DOORS**

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

*The meeting was re-opened to the public at 7:07 pm, however no members of the public or media were in attendance.*

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

**13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**

**13.1.1 CEO RECRUITMENT ADVISORY COMMITTEE - APPOINTMENT OF INDEPENDENT PERSON**

The resolution for item 13.1.1 was read aloud.

**13.1.2 CEO JOB DESCRIPTION FORM (JDF) AND ADVERTISING METHODOLOGY**

The resolution for item 13.1.2 was read aloud.

**13.1.3 SEAVIEW GOLF CLUB LEASE RENEWAL UPDATE**

The resolution for item 13.1.3 was read aloud.

**14 MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 7:07 pm.