

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING

AGENDA

ORDINARY COUNCIL MEETING
TO BE HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6:00 PM Tuesday, 24 February 2026

Town of Cottesloe

ORDINARY COUNCIL MEETING

Notice is hereby given that the next Ordinary Council Meeting will be held in the Council Chambers, Cottesloe Civic Centre 109 Broome Street, Cottesloe on **24 February 2026** commencing at **6:00 PM**.

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

Yours faithfully,



Mark Newman
Chief Executive Officer

20 February 2026

DISCLAIMER

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

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

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

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

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

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

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



DISCLOSURE OF INTERESTS

Agenda Forum

Ordinary Council Meeting

Special Council Meeting

Name of Person Declaring an interest

Position

Date of Meeting

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

INTEREST DISCLOSED

Item No

Item Title

Nature of Interest

Type of Interest

Financial

Proximity

Impartiality

INTEREST DISCLOSED

Item No

Item Title

Nature of Interest

Type of Interest

Financial

Proximity

Impartiality

INTEREST DISCLOSED

Item No

Item Title

Nature of Interest

Type of Interest

Financial

Proximity

Impartiality

DECLARATION

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

DISCLOSURE OF INTERESTS

Notes for Your Guidance

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

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

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

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

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

INTERESTS AFFECTING FINANCIAL INTEREST

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

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

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

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

INTERESTS AFFECTING IMPARTIALITY

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

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

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

IMPACT OF AN IMPARTIALITY DISCLOSURE

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

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

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

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

2 DISCLAIMER

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

3 ATTENDANCE**Elected Members**

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

Officers

Mr Mark Newman	Chief Executive Officer
Mrs Vicki Cobby	Director Corporate and Community Services
Mr Shaun Kan	Director Engineering Services
Mr Steve Cleaver	Director Development and Regulatory Services
Mr Paul Neilson	Manager Planning Services
Ms Jacquelyne Pilkington	Governance and Executive Office Coordinator

3.1 APOLOGIES**3.2 APPROVED LEAVE OF ABSENCE****3.3 APPLICATIONS FOR LEAVE OF ABSENCE****4 DECLARATION OF INTERESTS****5 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION****6 PUBLIC QUESTION TIME****6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****6.2 PUBLIC QUESTIONS****7 PUBLIC STATEMENT TIME****8 CONFIRMATION OF MINUTES**

That the Minutes of the Ordinary Meeting of Council held on Tuesday 16 December 2025 be confirmed as a true and accurate record.

That the Minutes of the Special Meeting of Council held on Tuesday 10 February 2026 be confirmed as a true and accurate record.

9 PRESENTATIONS**9.1 PETITIONS**

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

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

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

9.2 PRESENTATIONS

9.3 DEPUTATIONS

10 REPORTS

10.1 REPORTS OF OFFICERS

COUNCIL RESOLUTION

That Council adopts the following en-bloc Officer Recommendations contained in the Agenda for the Ordinary Meeting of Council 24 February 2026:

____' ____' ____' ____' ____' ____' ____'

CORPORATE AND COMMUNITY SERVICES**10.1.1 ANDERSON PAVILION THIRD PARTY USE**

Directorate: Corporate and Community Services
Author(s): Sally DeFreitas, Manager Community and Customer Services
Authoriser(s): Vicki Cobby, Director Corporate and Community Services
Mark Newman, Chief Executive Officer
File Reference: D25/92241
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

Licence agreements with the Cottesloe Junior Football Club (Magpies) and the Cottesloe Amateur Football Club (Roosters) for use of the Anderson Pavilion (1 March 2026 – 30 September 2027) are to be executed. The agreements will reflect the existing Pavilion usage for the Roosters and the increased usage for the Magpies, including girls' games on Friday evenings, rescheduled games, and a limited number of social events.

OFFICER RECOMMENDATION IN BRIEF

Approves the execution of Licence Agreements with the Cottesloe Junior Football Club (Magpies) and the Cottesloe Amateur Football Club (Roosters) for use of the Anderson Pavilion for the period 1 March 2026 – 30 September 2027, consistent with the terms of the previous licence, maintaining existing usage for the Roosters, and updated to reflect the increased usage of the Magpies including girls' games on Friday evenings, rescheduled games, and a limited number of social events.

BACKGROUND

In May 2024, Council approved third-party use of the Anderson Pavilion, including the execution of Licence Agreements with the Cottesloe Junior Football Club (Magpies) and the Cottesloe Amateur Football Club (Roosters) for the period 1 March 2024 to 30 September 2025, as a trial to assess the operation and management of the new facility (OCM064/2024).

Club	Days	Times	Notes
Cottesloe Junior Football Club (Magpies)	Monday – Thursday	3:00 pm – 6:00 pm	Regular training sessions
	Sunday	7:00 am – 7:00 pm	Matches and club activities
Cottesloe Amateur Football Club (Roosters)	Monday – Thursday	6:00 pm – 9:00 pm	Regular training sessions
	Saturday	7:00 am – 11:00 pm	Matches and club activities

Table 1 – Licence Terms 01 March 2024 – 30 September 2025

At the March 2025 Ordinary Council Meeting, Council approved the Cottesloe Junior Football Club (Magpies) grant application under the CSRFF Club Night Lights Program – Small Grants 2025/26 (OCM158/2024), successfully securing funding for the Club.

In December 2025, Council approved usage of the lights by both the Cottesloe Junior and Cottesloe Senior Football Clubs (OCM192/2025), formalising lighting use at Cottesloe Oval. The Council Resolution supported an increase in activity by the Cottesloe Junior Football Club, including Friday evening girls’ games, rescheduled fixtures, and a limited number of club-related social events, as detailed in Table 2.

Club	Activity	Lighting Level	Frequency	Time*
Cottesloe Junior Football Club (Magpies)	Training	50 lux	4 nights/week	Until 6:15 pm (includes safe pack-up)
	Regular Games (Girls)	100 lux	1 night/week	Until 9:00 pm (Friday fixtures)
	Rescheduled Games	100 lux	Up to 4 games/year (CEO approval)	Until 8:00 pm
	Social Events	10 lux	Up to 5 events/year (CEO approval)	1 event to 10:30 pm; 4 events to 7:30 pm
Cottesloe Amateur Football Club (Roosters)	Training	50 lux	2 nights/week	Until 8:00 pm (current schedule)

Table 2 – Cottesloe Oval Lights Usage Ref OCM192/2025

Other Usage

As part of the May 2024 resolution, the Anderson Pavilion was also intended to be available for hire outside the football clubs’ licence periods, subject to applicable hire fees. While these fees were included in the 2024/25 budget, a finalised hire framework for Anderson Pavilion has not yet been established, and the facility is not currently available for public booking through the Town’s online booking platform (Space2Co).

The development of formal Facility Hire Conditions of Use for the Anderson Pavilion is being progressed in conjunction with the Town’s review of its Events Policies. Once this review is complete and a consistent policy framework is adopted, the Anderson Pavilion will be incorporated into the Town’s booking platform to support transparent, consistent, and equitable access to the facility.

OFFICER COMMENT

The initial Licence Agreements with the Cottesloe Junior Football Club (Magpies) and the Cottesloe Amateur Football Club (Roosters) concluded at the end of the 2025 football season. The original licences were approved for an 18-month term. Following review, and to maintain consistency with the existing arrangements, it is recommended that the Licence Agreements be extended for a further 18 months to provide continuity and operational certainty for both clubs.

As part of the proposed extension, the Cottesloe Junior Football Club (Magpies) requires increased access to the Anderson Pavilion to reflect additional usage permitted under the Council Resolution on lighting usage (OCM192/2025), including girls’ games on Friday evenings, rescheduled fixtures, and a limited number of club-related social events. The additional Pavilion usage requirements are outlined in the table below.

Club	Days	Times	Notes
Cottesloe Junior Football Club (Magpies)	Monday – Thursday	3:00 pm – 6:00 pm	Regular training sessions
	Friday	3:00pm – 9:00pm	Girls Games
	Sunday	7:00 am – 7:00 pm	Matches and club activities
	On request	Until 8pm	Rescheduled Games
	On request	1 event to 10:30 pm; 4 events to 7:30 pm	Social functions
Cottesloe Amateur Football Club (Roosters)	Monday – Thursday	6:00 pm – 9:00 pm	Regular training sessions
	Saturday	7:00 am – 11:00 pm	Matches and club activities

Table 3 - Licence Terms 01 March 2026 – 30 September 2027

Licences issued to clubs authorises them the use of Town facilities only for the activities, times and purposes specified in the licence agreement. Any use outside the approved licence, including additional events, extended hours or third-party use, must receive prior Town approval and will be assessed and charged in accordance with the Town's Event Classification Policy and Schedule of Fees and Charges. Unapproved use may result in retrospective fees and constitute a breach of the licence.

The proposed 18-month licence term aligns with the scheduled review of Cottesloe Oval Lighting Usage (OCM192/2025). While lighting use is separate from Pavilion operations, both impact the long-term management of the precinct. Aligning these reviews enables a coordinated and informed assessment of future arrangements for the Pavilion and the broader precinct.

ATTACHMENTS

- 10.1.1(a) Licence of Anderson Pavilion - Cottesloe Amateur Football Club (2026 Season) DRAFT [under separate cover]**
- 10.1.1(b) Licence of Anderson Pavilion - Cottesloe Junior Football Club - (2026 Winter Season) DRAFT [under separate cover]**

CONSULTATION

Not required.

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 2.7 – Role of Council

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

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

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.

Anderson Pavilion is energised through the WALGA Renewable Energy Scheme.

RISK MANAGEMENT IMPLICATIONS

If the recommendation is not approved, the Cottesloe Junior Football Club (Magpies) and the Cottesloe Amateur Football Club (Roosters) could lose guaranteed access to the Anderson Pavilion. The Magpies, in particular, would be disadvantaged, as the licence would not reflect their increased usage, including girls' games on Friday evenings, rescheduled games, and limited social events. Lack of access would disrupt training, match preparation, and other club activities that rely on the Pavilion, creating uncertainty and a lack of continuity for both clubs and the administration.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council

- 1. APPROVES the execution of the attached Licence Agreement with the Cottesloe Junior Football Club (Magpies) for use of the Anderson Pavilion from 1 March – 30 September 2027, consistent with the terms of the previous licence and updated to reflect the Club's increased usage to facilitate girls' games on Friday evenings, rescheduled games, and limited social events.;**
- 2. APPROVES the execution of the attached Licence Agreement with the Cottesloe Amateur Football Club (Roosters) for use of the Anderson Pavilion, from 1 March – 30 September 2027, consistent with the terms of the previous licence.**

10.1.2 POLICY REVIEW - APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER POLICY

Directorate: Corporate and Community Services
Author(s): Kate Jones, Governance Coordinator
Authoriser(s): Vicki Cobby, Director Corporate and Community Services
File Reference: D26/440
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

In late 2025, Moore Australia (WA) Pty Ltd (**Moore's**) made recommendations to improve and make compliant the Town's Appointment of Acting Chief Executive Officer Policy (**Acting CEO Policy**). This report addresses those recommendations. It culminates in an officer recommendation to amend the current policy adopted in 2020.

OFFICER RECOMMENDATION IN BRIEF

The officer recommendation to Council is to AMEND the current Acting CEO Policy adopted by absolute majority in 2020. Amendments to the policy are proposed to address Moore's recommendations to:

- improve the form of the policy template generally; and
- extend the scope of the Acting CEO Policy to provide further clarity on the terms of acting CEO arrangements.

OFFICER COMMENT**Review of Council Policies**

In late 2025, Moore's conducted an audit at the Town pursuant to the CEO's obligations in Regulation 17 of the Local Government (Audit) Regulations 1996 to review the Town's internal controls, legislative compliance and risk management. A large number of Moore's recommendations centred around improvements to Council's policy suite. Actions on some of those recommendations are the subject matter of this report.

Moore's has recommended introducing a new policy template and structure for Council's policy suite. In response:

1. The new policy template at **Attachment (a)** has been developed, which includes guidance for policy writers. The aim being to present draft policies to Council in future in a form that focuses on strategic, rather than procedural content, and content aligned to Council Plan objectives.
2. Work is underway to order Council's policy suite in a consolidated and strategically indexed document that maps policies against the Council Plan strategic objectives of Our Community, Our Town, Our Prosperity and Our Leadership and Governance.

Appointment of Acting Chief Executive Officer Policy

Another of Moore's recommendations was to review Council's Appointment of Acting Chief Executive Officer Policy to:

- ensure a reviewed version of the policy is adopted by absolute majority; and
- provide clarity on acting arrangements when the CEO's absence is > 4 weeks.

Action taken to implement these recommendations follows.

Adoption by absolute majority

Before Moore's audit, the Appointment of Acting CEO Policy adopted on [24 June 2025 \(OCM088/2025\)](#) was thought to be the current policy. Moore's discovered that the 2025 policy wasn't adopted by an absolute majority decision, as required by s.5.39C of the *Local Government Act 1995*. The implications of this were that the 2025 version of the policy has no legal effect; and that the version of the policy adopted lawfully by absolute majority decision on [28 April 2020](#) at **Attachment (b)** continued to apply. (Ref p16, Minutes)

The risk of any acting CEO appointments applying the 2025 "policy" being invalid or challengeable, has been avoided. No appointments have been made since the policy was "adopted" in June 2025.

Clarity on acting arrangements >4 weeks

An extensive review of the Acting CEO Policy has been completed taking the opportunity to order content under the new policy template headings. The reviewed draft at **Attachment (c)**:

- addresses Moore's recommendation to include provision for acting CEO arrangements for periods of >4 weeks;
- includes clarity that was intended to be provided in the (now defunct) 2025 policy, about employees suitably qualified to act;
- proposes further improvements to the policy illustrated in Table 1 via a comparison of the key differences between the current (lawful) 2020 policy at **Attachment (b)** and the reviewed draft policy at **Attachment (c)**.

Table 1: Comparison between adopted and draft Acting CEO Policies

Policy Topic	Adopted Policy - 28 Apr 2020	Draft Policy	What's changed / Practical impact
Purpose	Focused on appointing an Acting CEO during leave or unforeseen prolonged absence.	Expands scope introducing Temporary CEO option for up to 1 year introduced by s.5.39C.	Introduces Temporary CEO and expands acting duration.
Scope	Applies during annual leave or unforeseen prolonged absence >1 week and ≤4 weeks.	Applies to planned/unplanned absences and vacancies for <4 weeks to 12 months.	Covers vacancies and broader scenarios.
Decision-maker and thresholds	CEO appoints for >1 to ≤4 weeks; Council appoints >4 weeks.	Tiered approach <1 week CEO discretion; 1–4 weeks CEO; >4 weeks to 12 months Council.	Clearer thresholds and extended Council oversight.
Eligible acting pool	Any of three Executive Managers.	Specific Director roles named; merit and suitability emphasised.	More structured and merit-based eligibility.
Formalisation	CEO must advise Elected Members in writing.	Written instruments for shorter term, Mayor-signed instruments for longer-term, contracts for Temporary CEO.	Strengthened governance and documentation.
Remuneration	75% of CEO salary or Exec Manager salary.	No explicit remuneration clause.	Fixed remuneration rule removed.
Legislation	LGA 1995 s5.36 and s5.44.	Broader legislative framework including s5.39C and Model Standards.	Much broader legislative alignment.
Roles and responsibilities	Not included.	Added roles and responsibilities table.	Clearer accountability.
Definitions	None provided.	Includes Acting CEO, Temporary CEO, Model Standards.	Improved clarity.
Review and document control	Review date blank.	Review every 3 years; document control table.	Formal review cycle added.
Publication note	Policy to be published on website.	No statement necessary as publication is legislative requirement.	Publication requirement removed.

The key material differences the draft policy introduces are:

- provisions for a Temporary CEO option (up to 12 months) and clarifies Council's role for longer-term coverage;
- removes fixed 75% remuneration rule—compensation settings are no longer specified in the policy text; and
- tightens formalisation (written instruments/contracts) and broadens legislative linkage (adds s.5.39C, Model Standards)

ATTACHMENTS

- 10.1.2(a) Council Policy Template 2026 Final [under separate cover]**
- 10.1.2(b) Appointment of Acting CEO Policy - 2020 Version [under separate cover]**
- 10.1.2(c) Draft Appointment of Acting CEO Policy [under separate cover]**

CONSULTATION

Feedback from Councillors and internal staff was considered and incorporated to finalise the Policy Template at **Attachment (a)**.

The requirement for an Acting CEO Policy is a statutory requirement. There is no need for consultation.

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 5.36 establishes that a local government must employ a qualified CEO and ensures that any appointment, including an acting arrangement, meets the standards and expectations placed on the role. This provision underpins the requirement that only suitably skilled senior employees may be considered for acting appointments.

Section 5.39C specifically regulates acting CEO arrangements, including the circumstances under which a person may be appointed and the maximum period for which an acting appointment can be made without a Council decision. This section is critical to the policy as it ensures acting arrangements are compliant, time-limited, and transparently authorised.

Section 5.44 deals with the CEO's ability to delegate powers and duties to employees. This provision ensures that an Acting CEO can legally exercise the necessary functions of the office, subject to any conditions imposed by Council.

Together, these legislative references ensure the policy is grounded in statutory requirements, provides clarity around appointment processes, and maintains lawful continuity of leadership when the substantive CEO is absent.

POLICY IMPLICATIONS

The draft Acting CEO Policy provides a clear, lawful framework for temporarily filling the CEO role, ensuring organisational continuity and compliance with legislative requirements. It also

reduces governance risk by setting transparent decision-making processes and ensuring only suitably qualified staff are appointed to exercise the CEO's statutory powers.

STRATEGIC IMPLICATIONS

The draft Acting CEO Policy supports the Council Plan by ensuring continuity of leadership, enabling the organisation to maintain progress on strategic priorities even during periods of CEO absence. It strengthens governance capacity, helping ensure decisions remain timely, consistent, and aligned with long-term community outcomes. The policy also reinforces organisational stability and resilience, supporting a high-performing culture that can reliably deliver on the Council's strategic commitments regardless of temporary disruptions in CEO leadership.

RESOURCE IMPLICATIONS

Any additional remuneration payable to an acting CEO, above the substantive salary, is not separately budgeted. This cost can typically be absorbed within the salaries budget due to position vacancies.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no direct environmental sustainability implications arising from an Acting CEO Policy; however, by supporting stable leadership, the policy indirectly enables consistent implementation of the organisation's environmental strategies and initiatives.

RISK MANAGEMENT IMPLICATIONS

Failing to expand the scope of the current Acting CEO Policy and adopt a compliant, amended policy, exposes the Town to governance and operational risks. These include potential breaches of the *Local Government Act 1995*, unclear leadership during CEO absences, delays or unlawful decision making that could hinder delivery of Council Plan objectives. It may also undermine organisational stability, weaken accountability, and compromise continuity in progressing strategic priorities for the community. The clarity and amended extended scope proposed in the draft Acting CEO Policy at **Attachment (c)**, when adopted, mitigates these risks.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

THAT Council, pursuant to section 5.39C(2) of the *Local Government Act 1995*, by absolute majority, **AMEND** the Appointment of Acting Chief Executive Officer Policy, adopted by Council on 28 April 2020, to the form and content of the draft Appointment of Acting Chief Executive Officer Policy provided at paragraph **10.1.2 Attachment (c)**.

10.1.3 LIST OF PAYMENTS 1 TO 31 DECEMBER 2025

Directorate:	Corporate and Community Services
Author(s):	Sheryl Teoh, Finance Manager Gabriel Wani, Coordinator Finance Luca Swart, Management Accountant
Authoriser(s):	Mark Newman, Chief Executive Officer Vicki Cobby, Director Corporate and Community Services
File Reference:	D26/19531
Applicant(s):	Internal
Author Disclosure of Interest:	Nil

SUMMARY

It is a requirement of the *Local Government (Financial Management) Regulations 1996*, Regulation 13 that if a Local Government has delegated to the CEO the exercise of its power to make payments from the municipal or trust funds, a list of payments must be prepared each month and are presented to Council.

OFFICER RECOMMENDATION IN BRIEF

That Council RECEIVES the List of Payments 1 to 31 December 2025.

BACKGROUND

Section 6.10 of the *Local Government Act 1995* requires the keeping of financial records and general management of payments, which is further specified in Regulation 13 of the *Local Government (Financial Management) Regulations 1996*. A list of payments is to be prepared each month and presented to Council at the next ordinary meeting of council after this list is prepared. This report is to show the payee's name, the amount of payment, the date of the payment and sufficient information to identify the transaction.

OFFICER COMMENT

The list of payments made during December 2025 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 (excludes internal investment transfers):

- \$250,260.98, \$247,845.52 and \$236,828.08 to the Town of Cottesloe staff for fortnightly payroll (includes ATO payments)
 - \$173,059.70 to the Shire of Peppermint Grove for The Grove library contributions
 - \$111,196.08 and \$85,548.85 to The Trustee For Rico Family Trust T/As Solo Resource Recovery for waste services
 - \$89,333.75 to the Talis Consultants Pty Ltd for asset valuation consultancy services
 - \$61,371.12 to the Miraplex Group Pty Ltd for construction works at the Groyne
-

- \$55,515.77 to the Kercheval Engineering Australia Pty Ltd for project consultancy services for the Marine Parade Shared Path
- \$53,034.68 to the SuperChoice Services Pty Ltd for Superannuation Payments
- \$48,144.16 to the Western Metropolitan Regional Council for waste disposal charges
- \$43,617.93 to the Briteshine Cleaning & Maintenance Services Pty Ltd for cleaning services
- \$42,939.51 to McInerney Sales Pty Ltd to purchase Ford Ranger
- \$42,889.97 to Managed IT Pty Ltd for IT services and licenses
- \$30,140.00 to the Asphalt Recyclers Australia Pty Ltd for asphalt works and soakwells supply and install.

ATTACHMENTS

10.1.3(a) List of Monthly Payments - December 2025 [under separate cover]

CONSULTATION

Internal

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 6.10

Local Government (Financial Management) Regulations 1996

Regulation 13

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.

RISK MANAGEMENT IMPLICATIONS

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* requires that a list of payments be presented at the next Ordinary Council Meeting after the list is prepared. Failure to accept this report may result in the Town not meeting its legislative obligations.

Presenting the list of payments in a public meeting carries an inherent risk that the information could be misused to facilitate fraudulent activity, including attempts to impersonate payees or solicit additional information. To mitigate this, payment descriptions are intentionally kept at a high level to ensure transparency while limiting detail available to potential bad actors. In addition, the Town employs rigorous internal processes to verify the legitimacy of any requests to update personal or financial information, particularly where the source is unconfirmed, further reducing the risk of fraudulent manipulation.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council RECEIVES the List of Payments 1 to 30 December 2025, as detailed in Attachment (a).

10.1.4 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 DECEMBER 2025

Directorate:	Corporate and Community Services
Author(s):	Vicki Cobby, Director Corporate and Community Services Luca Swart, Management Accountant Sheryl Teoh, Finance Manager
Authoriser(s):	Mark Newman, Chief Executive Officer
File Reference:	D26/24822
Applicant(s):	N/A
Author Disclosure of Interest:	Nil

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 2025 to 31 December 2025.

OFFICER COMMENT

The monthly financial report presented to Council typically includes a wide range of information to support Council's understanding of the Town's financial position. However, due to the implementation of DataScape, the Town's new Enterprise Resource Planning (ERP) system, and the additional resources required for this transition, the current report has been streamlined to ensure timely completion.

In accordance with the *Local Government (Financial Management) Regulations*, the report includes the required Statement of Financial Position and Statement of Financial Activity. Supplementary information that is not prescribed by legislation has been temporarily excluded. The Town intends to reinstate the additional information in future reports.

The following comments and/or statements provide a summary of major financial/budget indicators and are included to assist in the interpretation and understanding of the attached financial statements. The requirement to address material variances as per (1)(d) of Regulation 34 is also addressed below.

- The net current funding position as at 31 December 2025 was \$7,005,994.
- Operating revenue is lower than the year-to-date budget by \$612,035, while operating expenditure exceeds the year-to-date budget by \$113,235.
- Grants, subsidies, and contributions are under budget by \$50,439. This is a timing variance only with the following payments, not yet received; Bus Shelter Maintenance Assistance Scheme and MRWA Direct Grants for Local Roads.
- Fees and Charges are under budget by \$505,268. Approximately \$150,000 of this variance relates to infringement revenue being below budget expectations. Building

licence revenue is also under budget by a further \$150,000. Commercial waste revenue is under budget as well; however, this has since been corrected and was due to timing only.

- Employee costs are showing a favourable variance of \$533,058. This is a timing variance only, as the actual includes only 12 completed payrolls, whereas the budget assumes 13.
- Materials and contracts are showing an unfavourable variance of \$531,875 and appear to be trending above budget, with timing affecting library contributions and expenses paid in advance.
- There is a material variance with the surplus at the start of the financial year, this variance will be rectified with the budget amendments included in this report.
- The balance of cash-backed reserves was \$8,341,979 as at 31 December 2025.
- The Town has 39.41% of its term deposit investments with the Westpac Banking Corporation, 34.63% of funds invested with the National Australia Bank, and 25.97% with the Commonwealth Bank of Australia.

BUDGET AMENDMENT

The 2024/2025 audit confirmed a surplus of **\$2,198,115** for the period ending 30 June 2025. Of this amount, \$1,273,963 has already been recognised in the 2025/2026 Annual Budget as the value of carried-forward projects from 2024/2025. This leaves an additional \$924,152 that must be incorporated into the 2025/2026 budget through budget amendments effective 1 July 2025.

The budget surplus was further improved by the transfer of \$200,000 from the trust that was to fund the Harvey Field Playground (OCM131/2025). Council has since approved two further budget amendments in September (OCM151/2025) and December 2025 (OCM190/2025) totalling \$140,000, which results a current budget surplus of **\$984,152**.

The budget amendment in December approved the increase of the opening balance by \$40,000, resulting in the reduction of the required journal to the **Surplus at the beginning of the financial year** from \$924,152 to **\$884,152**.

The Town was awarded a \$4.1 million grant to support construction of the Shared Path along Marine Parade. Under the funding agreement, Milestone 2 represents 40% of the total grant. This payment is expected to be received in the current financial year.

The Milestone 2 payment, valued at \$1,670,000, was incorrectly recorded as capital revenue in the budget. While the cash will be received this financial year, the associated construction works will occur in later years. Therefore, the payment should have been recognised as a liability, with the cash receipt affecting only the cash flow statement. This misclassification overstated the Town's revenue and resulted in the grant inadvertently overstating our financial position.

While the administration accepts full responsibility for this, it is important to acknowledge the extraordinary circumstances under which the 2025/2026 Budget was prepared. During this period, the finance team experienced prolonged and unavoidable absences across three key positions, roles that ordinarily carry the primary responsibility for developing the Town's

annual budget. These staggered but extended absences significantly reduced the financial expertise and organisational knowledge available throughout the budget preparation cycle. To mitigate this impact, the Town engaged external support to assist in covering these critical functions.

In addition, substantial organisational resources were being directed towards Datascape testing and implementation, culminating in the Town's transition to the new system on 1 July 2025. The combination of staffing shortages, leadership transitions, and a major system implementation contributed to an environment of considerable operational strain during the development of the budget.

Preventative Measures to Avoid Recurrence

To minimise the risk of similar errors in future budget cycles, a series of strengthened controls and review mechanisms will be introduced.

All Directors and Managers will also be required to formally endorse their budgets after completing a detailed review of the financial information for their areas. This reinforces accountability and ensures each functional area has validated its data prior to finalisation. Process improvements will also be adopted to ensure that operating revenue templates exclude capital revenue lines, eliminating a key source of misclassification.

What is the solution?

The budget amendments in the resolution will correct the error and address the remaining deficit that would otherwise occur if only the misclassification were corrected. The recovery of the loss in revenue is summarised below.

Description		\$
1.	Use of 2024/2025 surplus	270,000
2.	Operational savings	650,000
3.	Capital savings from completed works	100,000
4.	Deferred Capital Works	650,000
Net Total		1,670,000

Use of 2024/2025 surplus – As mentioned above, the Town has a current budget surplus of \$984,152. The use of \$270,000 of this surplus to recover the lost revenue leaves the Town with an amended budget surplus of **\$714,152**.

Operational savings -

Development and Regulatory Services have savings in their operational projects of **\$300,000** – the following projects are not able to be progressed any further in 2025/26;

- i. Local Planning Strategy Review,
- ii. Cottesloe Village Precinct Structure Plan, and
- iii. Town Planning Scheme 4.

The original budget for these totalled \$380,118.

The Office of the CEO has a budget allocation of \$50,000 for the New Foreshore Marketing Strategy; however, as most of this funding is unlikely to be spent this financial year, and combined with unused budget for a staff survey, the Office of the CEO can return **\$50,000** to be reallocated.

Engineering Services has identified the following operating projects that will not be started this year;

- i. Carpark 2 redevelopment **\$70,000**;
- ii. Recreation Precinct Masterplan **\$20,000**.

And where savings have been realised;

- i. Conversion of agency staff to fixed term contract **\$40,000**; and
- ii. Asset Management Plan **\$40,000**.

Corporate and Community Services under budgeted lease revenue by **\$130,000**

Capital Savings from completed works of \$100,000 -

Engineering Services has identified the following capital projects where savings have been realised;

- i. Main Beach Timber Shelter renewal **\$10,000**;
- ii. Beach Access Path CT21 replacement **\$40,000**;
- iii. John Black Dune drink fountain installation **\$20,000**;
- iv. Beach access path detailed design **\$30,000**.

Deferred Capital Works of \$650,000;

- i. Civic Centre Playground – Whilst the planning is underway, this project will not start until after July 2026. **\$300,000** of municipal funding can be reallocated, but will need to be budgeted in 2026/2027.
- ii. South Cottesloe Toilet – even if approved, this project will not occur in 2025/2026, **\$300,000**.
- iii. Civic Centre east façade painting – This project is being deferred by **\$50,000**.

The actions required to rectify the revenue misclassification in the adopted budget are largely the same as those that would have been undertaken had the issue been identified prior to adoption. It is possible that a greater portion of the available surplus may have been utilised at that time; however, we are now in the advantageous position of having clearer information, including savings from completed projects, to inform the amendments.

Importantly, the measures outlined in this report have not resulted in any adverse impact on the community, which is a pleasing outcome. While some of the capital works identified for deferral were scheduled for delivery in the current financial year, the Town would not have been in a position to commence these projects regardless, meaning the deferral does not alter the level of service delivered to residents.

ATTACHMENTS

10.1.4(a) 2026-Monthly-Financial-Report-Dec 25 [under separate cover]

CONSULTATION

Internal

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 6.4

Local Government (Financial Management) Regulations 1996

Regulation 34

The Town is required under Regulation 33A of the *Local Government (Financial Management) Regulations 1996* to undertake a review of the annual budget between 1 January and the last day of February each year. This review is currently underway and will be presented to Council at the March Ordinary Council Meeting.

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

The budget amendments outlined in this report correct the revenue recognition in the adopted budget and incorporate the confirmed 2024/2025 surplus. Following these adjustments, the Town's current 2025/2026 budget reflects a surplus of **\$714,152**, which represents a positive financial position for the organisation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

Compliance Risk - Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires that monthly financial reports be presented at an ordinary council

meeting within two months of the end of the relevant month. Failure to accept this report may result in the Town not meeting its legislative obligations.

Financial Reporting Accuracy Risk – Misstatement of revenue, surplus, and project timing leading to inaccurate monthly financial statements and poor decision making.

Liquidity and Cash Flow Risk - Timing differences between when grant funds are received and when project expenditure occurs can create cash flow pressure, potentially affecting operations or project delivery. In this case, receiving the funds before the works commence ensures that sufficient cash is available to undertake the project and provides an opportunity to invest the funds in the interim.

Governance and Control Environment Risk – Insufficient segregation of duties or review capacity during peak cycles, leading to errors or control gaps.

Reputation and Community Confidence Risk – Public confidence is impacted by the reported misstatement and any perceived lack of transparency.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

THAT Council

- 1. RECEIVES the Monthly Financial Statements for the period 1 July 2025 to 31 December 2025.**
- 2. APPROVES by ABSOLUTE MAJORITY the amendments of the 2025/2026 annual budget as follows:**
 - a. Increase of \$884,152 to Surplus at the start of the financial year;**
 - b. Decrease of \$1,670,000 to Capital Revenue – Grants;**
 - c. Operating:**
 - i. Decrease of \$520,000 to Other operational projects as detailed in the report;**
 - ii. Increase of \$130,000 to Lease Income;**
 - d. Decrease of \$100,000 to Capital Expenditure due to savings as detailed in the report;**
 - e. Decrease of \$650,000 to Capital Expenditure due to deferment as detailed in the report.**

DEVELOPMENT AND REGULATORY SERVICES**10.1.5 EVENT APPLICATION ELECTRIC ISLAND 2027**

Directorate:	Development and Regulatory Services
Author(s):	Steve Cleaver, Director Development and Regulatory Services
Authoriser(s):	Mark Newman, Chief Executive Officer
File Reference:	D24/44332
Applicant(s):	EG Productions Pty Ltd
Author Disclosure of Interest:	Nil

SUMMARY

For Council to consider approving the use of Cottesloe Beach for three days for the 2027 Electric Island event. The event is to be held on Friday, 2 April 2027, from 4 pm until 10 pm, Saturday 3 April 2027 from 3 pm to 10 pm, and Sunday 4 April 2027 from 2 pm until 9 pm.

OFFICER RECOMMENDATION IN BRIEF

Council approves the Electric Island event at Cottesloe Beach for 2–4 April 2027, including fireworks, subject to the organiser meeting all statutory requirements and submitting comprehensive operational plans. Beach access, including disabled access, must remain open during daylight hours (sunrise to sunset), and event fencing must not extend into the water during daylight. The Chief Executive Officer be authorised to impose additional conditions following the review of the 2026 event.

BACKGROUND

Council has previously approved the Electric Island event on multiple occasions, with events historically delivered over two days. For the 2025 event, Council had granted approval for a three-day program; however, the organiser subsequently delivered a reduced two-day event. Earlier iterations of Electric Island have been managed under similar approval conditions, with the Town imposing requirements relating to risk management, noise, security, medical services, and event logistics.

An application has again been received from EG Productions for a three day for the Electric Island event at Cottesloe Beach on Friday 2 April 2027 from 4pm until 10pm, Saturday 3 April 2027 from 3pm to 10 pm and Sunday 4 April 2027 from 2pm until 9pm.

The event will consist of one stage, which will feature a number of high calibre, international acts that will be announced closer to the time. Ticket sales from previous events revealed that the average age of participants was 40 years. The proposed timeframes will allow patrons to visit local businesses both before and after the event, bringing economic stimulus to the area. Other infrastructure includes a bar providing both alcoholic and non-alcoholic drinks, and food vans providing a variety of food options to patrons.

The process followed for previous Electric Island events has been that the organiser requests Council approval for the event one year out from it being held. Given that the event has been held for a number of years at Cottesloe beach, it is timely to conduct a review of the

benefits to the community of events of this nature. It is suggested that a review may involve a community survey to be conducted later in 2026, to gather feedback with results reported back to Council.

OFFICER COMMENT

In addition to the above, the applicant will be required to provide comprehensive event, risk, noise, medical, security, traffic, and parking plans. The Town will assess these to confirm adequacy for an event of this nature.

The applicant, in conjunction with the Cottesloe Surf Lifesaving Club, is also to ensure that suitable measures are implemented to enable club members' access to its facilities for the week leading up to the event and on event days.

Fireworks by the event organiser are proposed at the conclusion of each night.

The proposed capacity for the event is 8,000 patrons each day.

Bump In/Bump Out

The bump-in will be a staged approach to ensure the public has access to the grassed area and beach for as long as safely possible. Bump in will commence on Tuesday 30 March 2027 and bump out will be on Sunday 4 April 2027.

Risk Management Plan

A full, event-specific Risk Management Plan meeting AS ISO 31000:2018 must be submitted and approved. It must:

- a. Identify foreseeable risks (eg, weather/heat, alcohol-related behaviours, water safety, fireworks misfire/fallout, terrorism/hostile vehicle risks, business/resident impacts, traffic congestion).
- b. Provide detailed mitigation measures.

Traffic Management Plan

A Town-approved Traffic Management Plan, prepared by an accredited provider, addressing road closures, pedestrian flows, pick-up/drop-off, emergency routes, parking overflow, public transport coordination, and post-event dispersal will be provided by the applicant.

Security

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

First Aid

First aid services will be on site for the duration of the event, operating from a marquee clearly visible to patrons. Clear access will be maintained at all times for emergency vehicles.

Noise

The applicant has submitted an application for a Regulation 18 noise approval, as per the requirements of the Environmental Protection (Noise) Regulations 1997. The approval will include conditions relating to:

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

Compliance

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

- *Public Health Act 2016*;
- Health (Public Buildings) Regulations 1992;
- *Food Act 2008*; and
- Environmental Protection (Noise) Regulations 1997.

The event approval requires the applicant to provide a waste management plan in accordance with the Department of Health Event guideline 2022. This includes but is not limited to recycling initiatives and cleaning the site to the Towns satisfaction.

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

Insurance

The Town will require a certificate of currency from the applicant to confirm public liability.

Public liability insurance with a cover of \$20 million dollars is in place and covering the entire event period, including bump-in/out.

ATTACHMENTS**10.1.5(a) Electric Island site map 2026 [under separate cover]****CONSULTATION**

The event organisers will be required to liaise with -

- Cottesloe Surf Lifesaving Club;
- Indigo Oscar restaurant;
- Fiveights for approval relating to the grassed area (if used); and
- Surrounding businesses.

STATUTORY IMPLICATIONS

The proposed event is subject to a range of statutory obligations. Approvals and compliance requirements arise under the following legislation:

- *Local Government Act 1995*
- *Public Health Act 2016*
- Health (Public Buildings) Regulations 1992
- *Food Act 2008*
- Environmental Protection (Noise) Regulations 1997
- *Police Amendment Act 2011*

These statutory frameworks determine the approvals required, establish minimum public-health and safety standards, and inform the conditions to be applied to the event.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The recommendation is consistent with the Town's Council Plan 2023–2033. In particular, it supports:

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

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

The event contributes to community vibrancy and aligns with Council's strategic objectives, subject to appropriate risk management and compliance oversight.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

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

The total revenue through associated event fees is as per the 2025/26 fees and charges and is approximately \$110,000 including day hire and Regulation 18 approval. Bump in and out dates are unchanged from the Town previous approval. Additional staff costs for overtime are estimated at \$2,000.

A hire bond of \$20, 000 applies to this event.

RISK MANAGEMENT IMPLICATIONS

The risks to the town if it fails to have adequate mitigation measures in place for the Electric Island event include:

- Public safety jeopardised by poor event planning;
- Financial risk of unbudgeted expenditure for costs arising from damage or accidents;
- Reputational risk from negative publicity resulting in loss of trust from the community;
- Legal and liability risk due to negligence claims alleging failure to provide a safe environment; and
- Governance risk of inability to manage complex risks.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council

1. **APPROVES** the use of Cottesloe Beach for the Electric Island event, including fireworks displays, to be held on Friday, 2 April 2027 from 4pm until 10pm; Saturday, 3 April 2027 from 3pm to 10 pm; and Sunday, 4 April 2027 from 2pm until 9pm, SUBJECT to:
 - a. all relevant approvals, including statutory approvals, are obtained, including but not limited to, the provision of comprehensive event, risk, noise, medical, security, traffic and parking plans;

- b. access to the beach, including disabled access, to be maintained at all times ~~during daylight hours, ie, the period between sunrise and sunset, as determined by astronomical daylight hours;~~ and
 - c. no event fencing is to extend ~~ing~~ into the water ~~during daylight hours, ie, the period between sunrise and sunset, as determined by astronomical daylight hours.~~
2. **AUTHORISES** the Chief Executive Officer to apply any additional conditions to be met by the organisers of Electric Island, following a review of the operations of the 2026 Electric Island event.

10.1.6 WESTERN AUSTRALIAN PLANNING COMMISSION'S DRAFT IMPROVEMENT PLAN AND IMPROVEMENT SCHEME/S

Directorate: Development and Regulatory Services
Author(s): Paul Neilson, Manager Planning Services
Authoriser(s): Steve Cleaver, Director Development and Regulatory Services
Mark Newman, Chief Executive Officer
File Reference: D26/19896
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

Council to consider and respond to the implications of the Hon. Minister for Planning and the Western Australian Planning Commission's (WAPC) decision to introduce an Improvement Plan and Improvement Scheme(s) for 10 station precincts, including Cottesloe, Swanbourne and Mosman Park stations.

Further, that Council provide comment on the draft Improvement Plan released for feedback in December 2025 by the WAPC to the Town and other affected Local Governments.

OFFICER RECOMMENDATION IN BRIEF

That Council acknowledges the WAPC's Improvement Plan/Improvement Scheme(s) announcement and its aims (housing delivery and better use of State assets), while emphasising the Town's substantial work already undertaken for the draft Cottesloe Village Precinct Structure Plan (CVPSP) and draft Local Planning Strategy (LPS) which demonstrate how State infill targets would be met. Council is to advocate for the CVPSP to be used as the foundation for the Improvement Scheme and seek formal community engagement as part of the Improvement Scheme preparation.

In respect to the WAPC's draft Improvement Plan, the Town is seeking the inclusion of an additional objective focused on liveability and consideration by the WAPC to a fair funding mechanism for delivery of public realm and community amenity.

BACKGROUND

The Town has been actively progressing its planning for the Towns station precincts via its draft LPS and draft CVPSP. The Town has spent considerable staff resources, engaged expert consultancy support and consulted with community as a part of this process. By way of history;

- On 17 December 2024, Council endorsed the draft CVPSP and associated Scheme Amendment 14 for advertising and referred both to the WAPC for its support to go to community consultation.

- At the same meeting, Council also endorsed its final draft LPS after carefully considering community feedback during its advertising in the second half of 2024. The final draft LPS and Schedule of Submissions were forwarded to the WAPC for its final endorsement.
- In April 2025, officers of the Department of Planning Lands and Heritage (DPLH) provided further modifications the draft CVPSP and Scheme Amendment 14, which were considered at the May 2025 Elected Members Workshop. At the time, the State Development Assessment Unit application for 7–11 Station Street was also active.
- On 18 June 2025, the Statutory Planning Committee of the WAPC considered the draft CVPSP and Amendment 14 and made a confidential recommendation to the Minister for Planning.
- On 16 November 2025, as part of State housing and planning reforms, the Minister announced the intention to introduce an Improvement Plan and Improvement Scheme(s) for 10 station precincts, including Cottesloe, Swanbourne and Mosman Park. The stated rationale includes housing supply/affordability, expedited and consistent decision-making, and better coordination/use of State assets.
- Under Section 119 of the *Planning and Development Act 2005*, the WAPC may prepare and adopt Improvement Plans, which in turn provide the authority to prepare Improvement Schemes. Improvement Schemes replace local planning schemes and allow the WAPC to assume responsibility for planning and development control in the designated precincts.

On 5 December 2025, the WAPC issued a generic draft Improvement Plan covering all 10 stations and sought feedback from the Town and other affected Local Governments by 27 February 2026. The release of the plan marks the commencement of the formal process associated with the adoption of an Improvement Scheme for the Town's three stations.

Councillors were briefed at the 3 February 2026 Elected Members Workshop on the new statutory framework, its implications and, recent joint Local Government advocacy initiatives associated with early responses to the WAPC.

OFFICER COMMENT

Draft Improvement Plan

On 5 December 2025, the WAPC wrote to all affected Local Governments providing a copy of the one draft Improvement Plan intended to apply all 10 train stations. The WAPC is seeking feedback by 27 February 2026. A copy of the draft Improvement Plan is shown in Attachment A.

The plan is prepared under Section 119(1) of the *Planning and Development Act 2005* and applies generically to all 10 stations. It is largely statutory in nature designed to provide the purpose and authority for the more detail Improvement Scheme/s. Town Officers have limited comments to make given its scope, but the draft plan does include a set of high level objectives to be addressed as part of the Improvement Scheme. These are:-

- a) *Guide planning and development within Station Precincts to align with the strategic planning objectives of Perth and Peel @ 3.5 million, prioritising sustainable urban growth and land use;*
- b) *Support the delivery of new housing and ensure station precincts provide a diversity of housing options to cater for different community and lifecycle needs;*
- c) *Increase consistency in planning and decision making, providing greater certainty to local communities and the housing development industry;*
- d) *Coordinate the activities of state infrastructure providers and prioritise investment to support housing delivery in Station Precincts;*
- e) *Optimise the use of existing State owned land and building assets within Station Precincts for housing and mixed use development.*

The objectives appear relevant albeit focused strongly on additional housing delivery. It is pleasing that the objectives include a focus on addressing State level transport and infrastructure blockages, and optimising state assets.

Silent amongst these objectives, however, is a focus on the WAPC's stated intent to deliver high-quality precincts and on 'liveability' for the planning for the station precincts. With the aim of creating great precincts, the detailed planning for the precincts should focus on built form but also consider:-

- high-quality public realm, including improved streetscapes, piazzas and public spaces, open space,
- safe and accessible walking and cycling connections to and from stations,
- urban ecology outcomes such as shade and tree canopy retention,
- [heritage and character assessment](#), and,
- appropriate community facilities and amenities to encourage and promote public transport usage.

The Town considers there is merit in exploring a proportionate, transparent and possible time-limited delivery mechanism for essential public realm and community infrastructure within station precincts. Early investment in streets, shade, paths and local amenities will assist uptake, value and mode shift. The Town requests that the WAPC also consider implementing an appropriate delivery and funding mechanism to support that infrastructure, such as a Community Benefits / Contributions Framework or a Development Contributions Plan (DCP)-style model, whereby developers, Local Government and the State contribute fairly to the provision of upgraded public realm infrastructure and community benefit outcomes.

Purpose and nature of Improvement Plans and Improvement Schemes

An Improvement Plan is a high-level, strategic instrument prepared by the WAPC to advance the planning, development and use of land in identified areas. The process of preparing and

making an Improvement Plan is set out in Section 119 of the *Planning and Development Act 2005*. The WAPC makes a recommendation to the Minister, setting out the purpose and how the land should be dealt with; once accepted by the Governor, it comes into force on publication in the Government Gazette. An Improvement Plan may complement a local planning scheme. The WAPC must consult the affected local governments before recommending an Improvement Plan to the Minister.

An Improvement Scheme is a statutory planning scheme made by the WAPC (typically following, and authorised by, an Improvement Plan) that establishes the planning and development control framework for a defined “improvement scheme area.” It is set out in Sections 122A to 122E of the *Planning and Development Act 2005*. It is akin to a local planning scheme, is approved by the Minister, comes into effect on publication in the Government Gazette, and then overrides any local planning scheme applying to that land.

It should be noted that an Improvement Plan is the strategic instrument that can authorise an Improvement Scheme and must set out the scheme’s objectives, but not necessarily its final boundary. The final boundary of an Improvement Scheme may be refined through precinct planning undertaken by the WAPC/DPLH and is often materially smaller than the Improvement Plan boundary. This may be the case for the three station precincts affecting the Town.

Implications of the Improvement Plan and Improvement Scheme/s to the Town of Cottesloe

There are a number of key implications to the decision of the WAPC. These are detailed below as are associated the officer comments

1. Spatially, based on an 800 metre radius from the affected train stations, about 62% of the Town is within an Improvement Plan area. Nearby local governments such as the Shire of Peppermint Grove, Town of Mosman Park, Town of Claremont and City of Nedlands are also affected by the Improvement Plan. The extent of the Town affected by the Improvement Plan is illustrated in Attachments B and C.

Officer Comment

The Improvement Plan affects over half of the Town. As noted above however, the extent of the Improvement Plan need not correspond with the extent of an Improvement Scheme. The Improvement Scheme boundary will likely be determined following more detailed precinct planning for a station and its boundary is likely to follow practical lines such a roads, open space or lot boundaries rather than a simple ‘curved’ line measured at 800 metres.

2. The Town’s existing Local Planning Scheme No. 3 (LPS 3) would be overridden at gazettal of an Improvement Scheme/s, removing local decision-making authority for that area.

Officer Comment

An Improvement Scheme replaces the local planning scheme so the Town is no longer responsible for approvals for land use and development. The Improvement Scheme area would be statutorily removed from the legal authority of LPS 3, so any LPS 3 zoning, land use permissibility, development standards or built form provisions would not apply to that land. Instead, planning controls will be replaced by those determined by the WAPC, as outlined in the Improvement Scheme/s.

In this respect, it is quite likely that the WAPC may delegate back to the Town certain responsibilities for approvals for land use and development.

3. With LPS 3 no longer in effect, existing local planning policies and plans no longer have statutory effect.

Officer Comment

In this case, local planning policies such as the Town's Developer Contributions for Public Art policy, Advertising Signage policy, Unhosted Short-Term Residential Accommodation policy and the Payment in Lieu of Parking Plan will also lose statutory effect within the Improvement Scheme area.

It may be feasible for the WAPC to enable delegation for such policies to apply within the Improvement Scheme/s.

4. The statutory basis for the draft CVPSP and Amendment 14 no longer exists upon gazettal of the Improvement Scheme/s. This work would be superseded by the precinct planning work undertaken by the WAPC.

Officer Comment

Council had adopted the CVPSP and Amendment 14 as far back as December 2024 for the purposes of advertising to the community and the documents had been with the WAPC and Minister for Planning for much of 2025 seeking their support to proceed.

The Town spent considerable funding and resources over multiple years to develop and adopt the CVPSP. In this regard, the Town can only advocate that this work be considered and employed by the WAPC for its precinct planning work for Cottesloe Station. With the WAPC now undertaking the planning for the Cottesloe Village, it raises the potential for more intensive built form outcomes with higher dwelling yields.

5. The Town's nearly completed draft Local Planning Strategy (LPS) is also affected by the WAPC decision. The draft LPS had clearly demonstrated how the Town was to meet the State Government's infill targets at the Town's train stations. The WAPC has recently advised the Town that the final LPS must include reference to the Improvement Plan and Improvement Scheme/s, and to replace the Town's infill targets for the stations with those to be finally determined by the Improvement Scheme.

Officer Comment

This matter is the subject of a separate report to Councils 2026 February OCM. The WAPC's modifications are required to be introduced into the final draft LPS for its final ratification and endorsement by the WAPC. The key modification to replace the Town's infill targets for the stations with those to be finally determined by the Improvement Scheme is a significant departure to the infill target framework set by the State which the Town and other local governments had been operating for many years. The Town had demonstrated how it was meeting and exceeding these targets but this modification brings uncertainty about future infill dwelling yields for the Town stations.

One modification required by the WAPC which the Town is seeking clarification about is a modification which requires additional statements in the final LPS which state that 'Detailed planning for priority precincts identified in the draft LPS will also be guided by the forthcoming Improvement Plan/Scheme program'. This includes the CVPSP and other station precincts.

There is some ambiguity to the additional clauses in so far as they may be interpreted the Town's precinct planning work and the WAPC Improvement Plan/Schemes may work in parallel. The WAPC modification does not categorically state that the CVPSP and station precinct work will be overridden and superseded by the forthcoming Improvement Scheme/s. Town Officers sought additional clarity on this point, and the DPLH confirms that it supports the Town in working with the state in progressing the precincts improvement plan/scheme rather than continuing to progress the precinct structure plan for Cottesloe Village. The Department adds that an improvement scheme will override any local planning framework/instrument.

6. Precinct planning and infill development at the Swanbourne and Mosman Park Stations would likely be accelerated.

Officer Comment

The Town's draft LPS identified a longer, medium term (5 -10 years) timeframe for the planning and development of these station precincts. While the timeframes are not known, the indications are that the completion of precinct planning and Improvement Scheme/s for these station precincts will be shorter term leading to accelerated infill development.

7. Given the Improvement Scheme/s is a State Government planning instrument, and final gazettal may take time, there is likely to be community uncertainty about future development around the stations and across the Town itself.

Officer Comment

There is an absence of information at present about the WAPC and Ministers intent in terms of the adoption of the Improvement Plan and development of the improvement Scheme/s. It's not possible then to provide any certainty to the community about the

future in the shorter term. More detail will become evident as the work of the DPLH and WAPC progresses over coming months.

Improvement Plans do, however, provide greater land assembly authority to the WAPC than that which the Town possesses, and this has the potential to assist resolving long standing State level transport and infrastructure blockages at the Cottesloe and other 'heritage' line train stations. Similarly, it would enable high level coordination across government agencies to resolve issues assisting to unlock state assets and landholdings.

This could have beneficial outcomes for the Town as a key challenge to holistic development at the Cottesloe Village station precinct was the lack of commitment by State Government to addressing the multiple infrastructure planning matters which would activate the state controlled land at the station.

Regional Local Government Collaboration

As noted, the Town of Mosman Park, Town of Claremont, City of Nedlands and Shire of Peppermint Grove are also impacted by the WAPC's November 2025 decision. There may be advantages to the Local Governments advocating as a group to influence Ministerial and WAPC decision making. In the interests of joint advocacy, the respective local governments have met with local members outlining concerns about infrastructure, infill obligations and State asset underutilisation. Similarly a joint Mayor/President letter to the WAPC Chair was sent in December 2025, seeking collaboration and highlighting planning already undertaken by the respective Local Governments for the stations.

Recognising the need to progress transport planning and infrastructure improvements between Fremantle and Perth, a number of Local Governments have separately been in the process of developing a sub-regional Integrated Transport Strategy, that identifies current priorities for infrastructure planning and upgrades, partnership opportunities and addressing ageing and non-accessible infrastructure for road, rail and cycling. There is an opportunity to progress this further with State Government support [for both its preparation and longer term implementation](#).

Conclusion

The WAPC's decision to initiate an Improvement Plan and future Improvement Scheme/s across the rail precincts has significant implications for the Town, including potential changes to local planning control, timing, housing targets, and community expectations. While the Improvement Scheme/s will ultimately override elements of LPS 3 and related policies, there is also an opportunity for the Town to advocate for its existing strategic work, influence precinct planning outcomes, and collaborate regionally to ensure high-quality, well-serviced and liveable station precincts. As further detail emerges from the WAPC and DPLH, the Town will continue to engage constructively to protect local interests, support coordinated infrastructure planning, and seek clarity for the community during this period of transition.

ATTACHMENTS

- 10.1.6(a) Attachment (a) Draft Improvement Plan [under separate cover]
- 10.1.6(b) Attachment (b) Extent of 800m Improvement Plan within the Town of Cottesloe [under separate cover]
- 10.1.6(c) Attachment (c) Extent of 800m Improvement Plan and surrounding LGAs [under separate cover]

CONSULTATION

The Town met with the 'Precincts and Projects Team' at DPLH in December 2025 to better understand the process for adopting the Improvement Plan and Schemes. DPLH advised it was well aware of the Town's CVSP work and that this work would likely assist in precinct planning.

STATUTORY IMPLICATIONS

Planning and Development Act 2005:

s.119 – Preparing and making an improvement plan

s.122A to 122F – Improvement schemes (content, preparing, approving, reviewing, existing lawful development not affected, effect on other planning schemes, removal of land from/repeal of improvement scheme, transitional provisions for amended improvement scheme area).

These parts of the *Planning and Development Act 2005* provide the clear authority to the WAPC and Minister for Planning to introduce Improvement Plans and Scheme/s.

POLICY IMPLICATIONS

Within an Improvement Scheme, local planning policies lose statutory effect. The Town will seek potential delegation authority by the WAPC to apply non conflicting policies under the Improvement Scheme.

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 2.1: Town infrastructure is well planned, effectively managed and supports our community, whilst protecting and promoting our unique heritage and character

RESOURCE IMPLICATIONS

The Town has expended considerable resources and time in the development of the draft CVSP which will no longer have statutory effect. Closure of the CVSP project will return remaining funds to the Town's budget. Ongoing advocacy and submission preparation can be accommodated within existing budgets.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

Nil direct at this stage; the Town seeks inclusion of urban ecology and water management/liveability objectives within the Improvement Plan/Scheme.

RISK MANAGEMENT IMPLICATIONS

- Loss of local planning control during/after Scheme adoption;
- Community concern regarding more intensive development;
- Strategic misalignment between State-led outcomes and local aspirations;
- Reputational risk if advocacy is perceived as insufficient.

Mitigation may be sought via clear advocacy, regional alignment, and proactive communications.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council ENDORSES the following action:

- 1. In regard to the announcement by the Hon Minister for Planning and the Western Australian Planning Commission (WAPC) in November 2025 to introduce an Improvement Plan and Improvement Scheme/s for the Cottesloe, Swanbourne and Mosman Park Train Stations, Council:-**
 - a) Acknowledges the State Government announcement and respects the intended outcomes including the delivery of housing, and coordination of State agencies to 'unlock' and better use state assets.**
 - b) Notes that the Town had already spent considerable funding and resources to develop and adopt, for advertising, its Cottesloe Village Precinct Structure Plan (CVSP) in December 2024. The CVSP and the Town's nearly completed draft Local Planning Strategy clearly demonstrates how the Town was to easily meet the State Government's infill targets at the Town's train stations.**
 - c) Requests that the WAPC incorporate and utilise the CVSP work, the supporting technical investigations and planning objectives as the foundation for the planning and preparation of the Cottesloe Train Station Improvement Scheme.**
 - d) Requests that the WAPC undertake genuine engagement with the Cottesloe community throughout the development of the Improvement Scheme/s at the "Involve" level in respect to the IAP2 international standard for community engagement and the Department of Planning Lands and Heritage (DPLH) Guide to best practice planning engagement in Western Australia.**
 - e) Requests that the WAPC consider providing delegation to the Town of Cottesloe to maintain development control over single houses and associated**

development applications within the Improvement Scheme/s area, including retention of fees paid for development assessment in that category of development assessment. **The retention of fees would assist to offset the Town's costs in assessing these applications on a cost-recovery basis.**

- f) Requests that the WAPC consider providing delegation for the application of non-conflicting local planning policies for the Improvement Scheme/s. **This includes policies such as the Town's Developer Contributions for Public Art, Advertising Signage policy, Unhosted Short-Term Residential Accommodation policy and the Payment in Lieu of Parking Plan.**
- g) Requests that the State Government consider providing funding and/or resources for the development of a sub-regional Integrated Transport Strategy, that identifies current priorities for infrastructure upgrades, clear partnership with State Government agencies and local government which clearly address ageing and non-accessible infrastructure between Fremantle and Perth, both road, rail and cycling. **Once priorities are identified, the Town requests that the State, in partnership with other levels of government, fund and deliver the required transport infrastructure identified in the Strategy.**
- h) Requests that the State, as part of its delivery of the Improvement Scheme/s prioritise:-
- a. the removal of level crossings at Jarrad Street, **Salvado Street and Victoria Street** and replacement with a grade separated crossing,
 - b. east-west pedestrian and cyclist connectivity across the railway line, **Curtin Avenue and Stirling Highway** and into nearby neighbourhood areas, and
 - c. critical transport planning for Curtin Avenue, the Perth to Fremantle 'heritage' rail line and its stations, to resolve outstanding transport planning matters, remove blockages and use State Government controlled land adjacent the rail stations.
2. In regard to the WAPC's draft Improvement Plan released for comment on 5 December 2025, Council:-
- a) Notes and supports the objectives within Clause 12 addressing the delivery of housing opportunity and choice as well as utilisation of State assets.
 - b) Requests that the WAPC and Minister for Planning consider an additional objective reinforcing the WAPC's stated intent to deliver high-quality precincts, which focuses on 'liveability' and ensures detailed planning for the precincts including:-
 - high-quality public realm, including improved streetscapes, piazzas and public spaces, open space,
 - safe and accessible walking and cycling connections to and from stations,
 - urban ecology outcomes such as shade and tree canopy retention,
 - **heritage and character assessment**, and,

- appropriate community facilities and amenities to encourage and promote public transport usage.
- c) Requests that the WAPC consider implementing an appropriate delivery and funding mechanism to support that infrastructure, such as a Community Benefits / Contributions Framework or a Development Contributions Plan (DCP)-style model, whereby developers, Local Government and the State contribute fairly to the provision of upgraded public realm infrastructure and community benefit outcomes.

10.1.7 FINAL MODIFICATIONS TO THE TOWN OF COTTESLOE DRAFT LOCAL PLANNING STRATEGY AS REQUIRED BY THE WESTERN AUSTRALIAN PLANNING COMMISSION

Directorate: Development and Regulatory Services
Author(s): Paul Neilson, Manager Planning Services
Authoriser(s): Steve Cleaver, Director Development and Regulatory Services
Mark Newman, Chief Executive Officer
File Reference: D26/21477
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

To brief Council about the Western Australian Planning Commission (WAPC) – Statutory Planning Committee decision of 10 December 2025 requiring modifications to the Town’s draft Local Planning Strategy (LPS). To seek Council’s endorsement to forwarding the final LPS incorporating these modifications to the WAPC for its final endorsement.

OFFICER RECOMMENDATION IN BRIEF

For Council to note the WAPC’s decision requiring modifications to the draft LPS, and to endorse forwarding the final LPS incorporating these modifications to the WAPC for its final endorsement.

BACKGROUND

The Town has prepared a draft LPS to guide land use planning for the next 10–15 years, replacing the previous 2008 LPS.

Following extensive engagement in 2023, the draft was formally advertised from 9 September to 1 October 2024. There were 34 community submissions received and 10 submissions from State Government agencies. Town Officers, in conjunction with its consultants Hames Sharley, reviewed and responded to the submissions in the Schedule of Submissions.

On 17 December 2024, Council endorsed the Schedule of Submissions and Modifications and referred the draft LPS to the WAPC for final consideration (Item 10.1.5).

Council resolved as follows:

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.*

In May 2025, officers at the Department of Planning Lands and Heritage (DPLH) provided proposed modifications which Town Officers considered minor with the view that the CEO could exercise delegation. Elected Members were advised of such via a Memorandum and the CEO subsequently advised the DPLH that the modifications were acknowledged and to progress to final determination of the WAPC.

No determination was subsequently made for some months, and, in mid December, the Town was advised that via delegation, the WAPC Statutory Planning Committee (SPC) had made a determination on 10 December 2025 about the modifications required to the Town’s draft LPS. These included the May 2025 list of modifications but also required additional modifications to address the State’s Improvement Plan/Improvement Scheme program for station precincts.

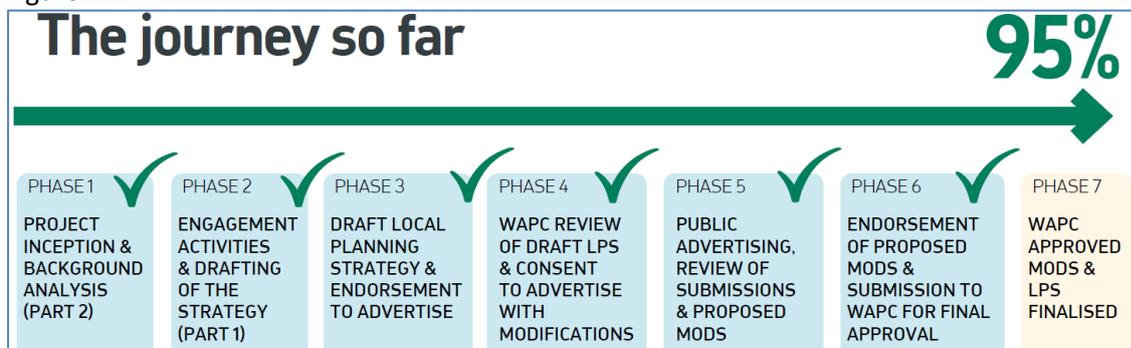
It appears that a key reason for the delay in the SPC decision on the draft LPS was the Minister for Planning and WAPC’s intent to announce the Improvement Plan/Improvement Scheme program.

OFFICER COMMENT

Status of the Draft LPS

The draft LPS has been prepared in accordance with regulation 15 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The process, starting in early 2023, is now at its final and end stage (Stage 7) as highlighted in Figure 1.

Figure 1



It is a now requirement for the Town to make the modifications to the draft LPS and return the modified LPS to the WAPC for its final ratification and publication as the endorsed LPS.

It may be noted that legal advice to the Town clarifies that the modification requirements issued by the WAPC are mandatory under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The remaining steps are procedural in nature and involve the Town carrying out the required amendments as directed. At this stage, Council does not have a formal decision-making role but this does not prevent Council express its views on the modifications should it wish.

Modifications required by the WAPC

The modifications required by the WAPC, and Town Officers responses are shown in Attachment A. Attachment B is a final marked up version of the draft LPS ready for referral to the WAPC for its final ratification. The modifications are highlighted in red text.

There was a total of 31 modifications. Of these, 13 were already supported by Council as part of its December 2024 Council resolution with minor edits by the WAPC in some cases. The balance 18 were required by the WAPC with many being administrative and 10 others directly relating to the newly announced State Improvement Plan and Scheme program.

The key modifications and Officer responses are summarised below:-

1. **Public Open Space (POS):** refine Part 1 Table 5 to focus on implementing the POS Strategy, including establishing the ecological green corridor and reviewing POS amounts. It introduces a simplified amended Planning Direction to 'Implement the POS strategy'. It then creates two associated actions for this direction.

The WAPC rationale is to ensure appropriate strategic direction exists to enable further investigation and planning that will assist the Town in achieving desired POS upgrades and acquisitions.

Officer Comment

This modification does not remove any existing initiatives but adds and clarifies an existing Planning Direction. The simplified Planning Direction to 'Implement the POS strategy' creates two associated actions for this direction.

The first is to reallocate the existing Planning Direction as an action - 'Implementation of the POS Strategy vision to establish an ecological green corridor'. This retains the intent but places it as an action. It isn't considered to diminish the importance or intent of this action to establish the ecological green corridor.

The second is a new action to review the existing POS strategy to quantify the Town's POS amounts. The aim of this action is to better understand and specifically quantify the POS distribution against state planning policy and guidelines. This will assist the Town/WAPC on matters such as 'cash in lieu' amounts as part of statutory approvals. This is intended to be introduced as a future short term action (0-5 years).

- 2. **Rights-of-Way (ROW):** add a new issue/opportunity and planning direction to review the Town’s ROW Strategy and ROW Policy (Part 1 Table 12).

The WAPC rationale is to ensure appropriate strategic direction exists to enable further investigation and planning that will assist the Town in achieving desired ROW outcomes.

Officer Comment

The Town’s existing ROW strategy was last reviewed in 2020, with the ROW Policy adopted in June 2023. This modification is considered minor given that it is merely seeking review of an existing strategy of the Town to ensure contemporary relevance.

- 3. **Integrate Improvement Plan/Improvement Scheme program:** replace specific dwelling targets for the Cottesloe Village District Centre and the Grant Street-Swanbourne and Mosman Park–Victoria Street station precincts with ‘dwelling targets to be determined through Improvement Plan/Scheme’, and adjust totals accordingly.

The WAPC rationale for this modification is to reflect the recent Minister for Planning and WAPC’s announcement regarding the Improvement Plan/Scheme/s for targeted train station precincts including Cottesloe, Swanbourne and Mosman Park Stations.

Officer Comment

This is the most significant of the modifications required by the WAPC. It results in a change to the draft LPS Tables relating to dwelling yields and is shown in Figure 2. These modifications replace the dwelling yields identified in the draft LPS for the station precincts, which demonstrated how the Town would meet and exceed its interim 570 (2031) and ultimate 970 (2050) dwelling targets set by State.

Figure 2

Dwelling Table Change					
Before:		After:			
URBAN GROWTH AREA	YIELD ESTIMATE		URBAN GROWTH AREA	YIELD ESTIMATE	
	LOWER GROWTH SCENERIO - 49% TAKE UP RATE	HIGHER GROWTH SCENERIO - 72% TAKE UP RATE		LOWER GROWTH SCENERIO - 49% TAKE UP RATE	HIGHER GROWTH SCENERIO - 72% TAKE UP RATE
Activity Centre					
Cottesloe Village District Centre	243	357	Cottesloe Village District Centre	<i>Dwelling targets to be determined through Improvement Plan/Scheme</i>	
Station Precincts					
Swanbourne-Grant Street Stations	342	502	Swanbourne-Grant Street Stations	<i>Dwelling targets to be determined through Improvement Plan/Scheme</i>	
Mosman Park-Victoria Street Stations	107	157	Mosman Park-Victoria Street Stations		
Other					
Cottesloe Foreshore	75	110	Cottesloe Foreshore	75	110
Total Estimated Additional Dwelling Yield in Planning Areas	767	1,128	Total Estimated Additional Dwelling Yield in Planning Areas	75 <i>Plus additional estimates determined through the Improvement Plan/Scheme process.</i>	110 <i>Plus additional estimates determined through the Improvement Plan/Scheme process.</i>

The modification sets up a departure from an established infill target framework set by the State Government and creates uncertainty about future dwelling yields. The Town’s draft LPS had clearly demonstrated how the Town was to easily meet the State Governments infill targets at the Town’s train stations.

The Town will now need to wait until the WAPC progresses its Improvement Scheme/s to better understand the precinct planning and future dwelling yields.

4. **Improvement Plan/Scheme program.** Additional statements that detailed planning for priority precincts identified in the draft LPS will also be guided by the forthcoming Improvement Plan/Scheme program.

The WAPC has required a number of text modifications to ensure references to planning for the train station precincts reflect the recent Minister announcement regarding Improvement Plan and Scheme/s.

Officer Comment

This requirement is to be expected, and requires the inclusion of the following or similar sentences in various parts of the draft LPS referring to the station precincts, “Detailed planning for these precincts will also be guided by the forthcoming Improvement Plans/Schemes.”

There is however some ambiguity to these additional clauses. This is because the wording does not categorically state that the CVPSP and station precinct work will be superseded by the forthcoming Improvement Scheme/s. Town Officers sought further clarification from the DPLH on this matter. DPLH has advised that it supports the Town in ‘working with the state in progressing the precincts improvement plan/scheme rather than continuing to progress the precinct structure plan for Cottesloe Village’. The Department advises that ‘an improvement scheme will override any local planning framework/instrument’.

It is worth noting that the WAPC does not require the LPS maps to be amended to reflect the Improvement Plans.

5. **CHRMAP Updates** – A requirement for the draft LPS to be updated to reflect Council’s most recent position on coastal protection in the final LPS.

Officer Comment

Council is considering the Town’s CHRMAP at the 24 February 2026 Ordinary Council Meeting. It is important then that Chapter 4.4.2 of the draft LPS be updated to reflect Council’s meeting determination. The current wording reflects an outdated version. The recommendation to this Report notes that the CEO be granted delegation to amend the draft LPS to reflect Council’s latest position prior to referral to the WAPC for final ratification.

Other required modifications included those relating to state government and transport planning clarifications, heritage and legislation updates, and editorial/formatting corrections.

Relationship of the Improvement Plan / Scheme against the Station Precincts already identified in the draft LPS.

The draft LPS adopted by Council in December 2024 for final endorsement by the WAPC identified three train station precincts. These were the Cottesloe Village Station Precinct, the Grant Street/Swanbourne Station Precinct, and the Mosman Park/Victoria Street Station Precinct. The LPS sought to progress planning for the Cottesloe Train station in the shorter term via the draft Cottesloe Village Precinct Structure Plan and then undertake precinct planning for the other two train station precincts in the medium term.

The WAPC's Improvement Plan and Scheme program impacts and supersedes this station precinct planning for all three stations and will likely accelerate precinct planning for both the Grant Street/Swanbourne, and the Mosman Park/Victoria Street Station Precincts.

However, the geographical extent of the Improvement Plan at Swanbourne Station does not extend as wide as the Planning Area in the draft LPS for the Grant Street/Swanbourne Station Precinct. So part of the Grant Street/Swanbourne Station Precinct falls outside the Improvement Plan. This is shown in Attachment C.

Town Officers take the view that the planning intent for the portion of precinct outside the Improvement Plan boundary remains unchanged and should be as intended in the draft LPS. That being, medium term (5 to 10 years) planning investigation for future urban infill consideration.

It may be the case that with the passage of time and the benefit of precinct planning by the WAPC for Swanbourne Station, the Town may need to review the aims and objectives of its LPS for this locality and potentially, the Mosman Park/Victoria Street Station Precinct.

ATTACHMENTS

- 10.1.7(a) Attachment (a) WAPC Schedule of Modifications [under separate cover]**
- 10.1.7(b) Attachment (b) draft Local Planning Strategy with modifications [under separate cover]**
- 10.1.7(c) Attachment (c) Extent of 800m Improvement Plans and LPS [under separate cover]**

CONSULTATION

The draft LPS has been the subject of comprehensive community engagement during its preparation. This included formal advertising in 2024. In December 2024, Council considered the submissions and endorsed a 'Schedule of Submissions and Modifications' which was subsequently referred to the WAPC for its consideration as part of final endorsement of the strategy.

The WAPC's modification requirements are mandatory at this final stage of the LPS adoption process.

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. The most recent determination of the WAPC was made under *regulation 15(1)(c)*.

Once finally endorsed 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 being progressed in the 2025/26 financial year.

POLICY IMPLICATIONS

The draft LPS includes a number of Planning Directions and Actions to guide the local planning framework for the Town over the next 10 to 15 years. These will guide the Town's decision making over coming years.

It also details six planning areas for future planning investigation which have now been affected by the Improvement Plan and Improvement Scheme program. That program will impact on the station precincts with the WAPC being the planning authority and decision maker under the Improvement Scheme/s for these localities.

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 2.1: Town infrastructure is well planned, effectively managed and supports our community, whilst protecting and promoting our unique heritage and character

RESOURCE IMPLICATIONS

The LPS Directions and Actions set out a program of future studies and initiatives for the Town to be considered as part of future 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.

RISK MANAGEMENT IMPLICATIONS

As noted, the WAPC's modification requirements are mandatory under the Regulations 2015. There is no statutory mechanism for appeal or review or further determination required by the Town.

While Council may express its views on the modifications, there is no statutory capacity to object to or amend the required modifications.

If the draft LPS is not updated and resubmitted to the WAPC, it raises reputational risk for the Town and also means the new local planning scheme is likely to be delayed, ultimately affecting the Town's capacity to plan for the community.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council takes the following action in respect to the Western Australian Planning Commission (WAPC) decision of 10 December 2025 requiring modifications to the Town's draft Local Planning Strategy (LPS) as per *Planning and Development (Local Planning Schemes) Regulations 2015 regulation 15(1)(c)*.

- 1. NOTES the modifications and submits a revised draft Local Planning Strategy with the modifications made as per Attachment B to this report to the WAPC for its final endorsement and publication.**
- 2. REQUIRES that as Council is considering its position in respect to the Coastal Hazard Risk Management and Adaption Plan (CHRMAP) at this Ordinary Council Meeting being held on 24 February 2026 (Item 10.1.10), that the revised draft Local Planning Strategy shown on Attachment 2 be updated post meeting (to the satisfaction of the Chief Executive Officer) to reflect Council's most recent CHRMAP position prior to its referral to the WAPC.**
- 3. ACKNOWLEDGES the extensive community consultation and significant work undertaken in preparing the Local Planning Strategy which is now effectively complete, and recognises that progressing the modified LPS is essential to maintaining a clear and up-to-date strategic vision to guide the Town's future planning and development.**

10.1.8 DRAFT PARKING STRATEGY - PUBLIC ADVERTISING

Directorate: Development and Regulatory Services
Author(s): Steve Cleaver, Director Development and Regulatory Services
Authoriser(s): Mark Newman, Chief Executive Officer
File Reference: D26/21619
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

The strategy sets out a four-year program to address severe parking saturation, prepare for population growth, and modernise parking management across the Town.

OFFICER RECOMMENDATION IN BRIEF

The four year strategy provides high level strategic advice to the Town's administration to undertake projects to:

- Restore parking availability in high-demand areas.
- Shift long-stay workers out of prime visitor parking.
- Use pricing and restrictions to reduce overstaying.
- Prepare for major growth in the Town Centre and foreshore.
- Modernise the Town's enforcement and data systems.
- Improve community transparency and communication.
- Generate revenue to fund better parking, mobility, and public amenities.

It is recommended that the draft strategy (Attached) be advertised for public comment for three weeks, with a further report considering community feedback to be considered at a future Council meeting.

BACKGROUND

Following a Procurement process in 2025 the Town engaged CK Consulting to undertake a Parking Strategy on its behalf. The 2026-2029 draft parking strategy replaces the previous 2021 – 2024 Parking Strategy [draft-parking-strategy-2021-24.pdf](#) and has recommendations which fall under four major themes:

1. Demand Management Initiatives*1.0 Adopt a Parking Demand Management Framework*

Implement an intervention matrix to guide when and how to change parking restrictions.

Use data to maintain target occupancy and respond quickly to issues.

1.1 Re-align Existing Controls & Refine Area Boundaries

Redefine parking area boundaries to reflect current land use and parking pressure.

Adjust time limits (e.g., shifting 3P to 2P or 1P in high-turnover areas).

Formalise or adjust controls around schools, foreshore, residential permit areas, and worker parking hotspots.

1.2 Introduce Paid Parking (East of Broome Street)

Introduce paid parking in Town Centre and other eligible areas.

Use pricing to increase compliance, improve turnover, and reduce overstaying.

Reinvest revenue into ranger services, infrastructure upgrades, wayfinding, and community amenities.

1.3 Extend Foreshore Controls

Increase time-restricted parking (e.g., universal 2P within ~400m of foreshore).

Formalise informal parking and manage peak-time congestion without paid parking (prohibited west of Broome Street).

1.4 Develop Dedicated Employee Parking Areas

Create 4P/8P long-stay paid areas for workers (e.g., Railway St, Forrest St, Station Street).

Introduce controls in spill over streets (e.g., Vera, Albion, Brixton Lane).

2. Connected Community Initiatives

2.0 Improve Community Information

Publish clear parking insights, maps, utilisation data, and explanations of changes.

Survey residents regularly and integrate utilisation data into public communications.

2.1 Digital Parking Wayfinding

Install digital signage showing real-time bay availability at:

Stirling Hwy approaches, Jarrad Street and Foreshore access points

Integrate occupancy information into mobile parking apps.

2.2 Monitor Equity of the Permit Scheme

Evaluate fairness of permit allocation as density grows.

Consider pricing tiers for 2nd/3rd permits and discounts for pensioners.

2.3 Expand Permit Schemes

Introduce selective permit-only periods in more residential streets.

Add options for trades, carers, and visitors.

2.4 EV Charging Partnerships

Partner with private EV charging providers.

Identify suitable locations for slow/fast chargers based on demand and grant opportunities.

3. Asset Optimisation Initiatives

3.0 Coordinate with PTA

Review commuter parking at Cottesloe, Grant Street, and Swanbourne Stations.

Explore formalising PTA land for staff and commuter parking.

3.1 Enable Private Parking Agreements

Allow businesses to opt in for ranger enforcement of private parking bays.

Use sensors or paid parking tech where needed.

3.2 Advocate for State Changes at the Foreshore

Continue lobbying to overturn the ban on paid parking west of Broome Street.

Enable redevelopment of Car Park 2 if regulations change.

3.3 Support Alternative Mobility

Partner with e-bike or e-scooter share operators.

Formalise Uber/Pick-up/drop-off zones.

Explore reinstating shuttle services (e.g., Cott Cat).

[Encourage safe and equitable access](#)

4. Effective Service Delivery Initiatives

4.0 Establish Program Governance

Create a cross-department parking working group.

Assign dedicated program resources to deliver paid parking and technology initiatives.

4.1 Implement Data-Driven Decision Making

Integrate sensor, payment, infringement, and survey data.
Produce regular dashboards and reporting to guide changes.

4.2 Strengthen Compliance Resources

Add at least two dedicated parking enforcement officers.
Deploy vehicle-mounted cameras for faster, safer enforcement.
Introduce “Park Smart” community messaging.

4.3 Adopt Efficiency Technologies

Upgrade sensor contract to a fully managed service.
Use fixed and mobile cameras for occupancy and compliance.
Add portable sensors for trial zones.

4.4 Improve Cash-in-Lieu Policy Application

Ensure developments contribute appropriately when parking shortfalls occur.
Use data to justify contributions and negotiate with developers.

OFFICER COMMENT

The Towns current parking system at the Town of Cottesloe is not fit for purpose. The proposed strategy provides recommendations to address those concerns and improve the drivers’ parking experience in the Town. Likewise, it proposes to address parking availability in high use areas.

Following a three week public comment period of the draft strategy, the document will be presented back to Council with any public comments. [The three week consultation is consistent with stutory local planning policy advertising of three weeks and lines up with the proposed 2026/2027 budget process.](#)

ATTACHMENTS

10.1.8(a) Draft Parking Strategy 2025-2028

CONSULTATION

A Town survey instrument was published online during November and December 2025 and collected 109 responses. Results of the survey are contained on page 9 of the report.

STATUTORY IMPLICATIONS

Local Government Act 1995

Town Of Cottesloe Parking Local Law 2023

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

Major Strategy 2.1: Town infrastructure is well planned, effectively managed and supports our community, whilst protecting and promoting our unique heritage and character

RESOURCE IMPLICATIONS

Current resource requirements are in accordance with the existing budgetary allocation.

It should be noted that a number of further Council resolutions will be required to implement any parking changes, as changes to timed parking restrictions require Council resolutions. Parking fees may be considered as part of the 2026/27 budget process. Parking CAPEX and OPEX would also need to be considered in the 2026/27 budget process, however, in general, parking management investments are rapidly returned.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

The potential risks associated with not resolving the Officer Recommendation would result in continued congestion in the Town centre and poor management of parking systems in the Town.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council

- 1. ENDORSE the Strategy for the purpose of public consultation.**
- 2. ADVERTISES for public comment the Draft Parking Strategy 2026-2029 ;**
- 3. REQUESTS that the Chief Executive Officer, following public consultation, bring the draft parking strategy back to Council for further consideration.**

ENGINEERING SERVICES**10.1.9 LOW COST URBAN ROAD SAFETY PROGRAM (HEALTHY STREETS) - DETAILED DESIGN**

Directorate: Engineering Services
Author(s): Tin Oo May, Project Engineer
Renuka Ismalage, Manager Projects and Assets
Shaun Kan, Director Engineering Services
Authoriser(s): Mark Newman, Chief Executive Officer
File Reference: D26/7089
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider a reduction in scope for the Low Cost Urban Road Safety Program (LCURSP).

OFFICER RECOMMENDATION IN BRIEF

That Council ENDORSES the reduction in scope at the Eric Street and Forrest Street intersections with Broome Street.

BACKGROUND

In 2022, Main Roads Western Australia (MRWA) identified Broome Street and Marmion Street (Forrest Street to Grant Street) as potential Healthy Streets trials under its LCURS Program. Elected members were briefed in May 2023 and in June of the same year, Council accepted the MRWA proposed trial.

A community aspiration survey then occurred between November 2023 and January 2024. This was followed by a community concept development workshop in May 2024. In July 2024, Council considered feedback received and adopted a preferred draft concept for a second round of public consultations.

The second consultation then occurred over the months of September and October 2024 (including MRWA engagement) before Council adopted a final concept in November 2024 to progress the detailed design.

Since then, MRWA has endorsed the enclosed detailed design drawings (Attachment A) that have been developed in line with the approved concept. They have also agreed in principle to fund the project but have indicated that their financial contributions cannot be used for drainage, street lighting and footpath modification works identified. These exclusions will cost Council approximately \$400,000 and are proposed to be funded by \$286,000 in Roads to Recovery Funding and \$114,000 from general revenue.

Following the November 2025 project update briefing, Elected members expressed concerns over the traffic disruption caused by the lengthy road closures needed to build the raised intersections.

This report recommends a number of design changes to minimise the duration of the road closures.

OFFICER COMMENT

Council should note that road closures during construction are unavoidable because this is needed for occupational health and safety reasons. However, the length and extent of these closures can be minimised by modifying the raised intersection designs to one that only involves the installation of a raised plateau at approaches to the Eric Street and Forrest Street intersections along Broome Street.

Proposed Design Modifications at Eric Street and Forrest Street Intersections (Broome Street)

To this end, officers have considered the traffic flow volumes, road hierarchy and pedestrian movements in recommending the following changes at both these intersections such that the raised design is replaced with:

- A full road width raised pedestrian crossing at the Broome Street southern approach at both intersections;
- Raised plateaus only for the remaining approaches (Broome Street north, Eric Street and Forrest Street); and
- Pedestrian markings on all four approaches.

The before (based on the November 2024 concept) and after (three points above) diagrams provide an illustration of the changes.

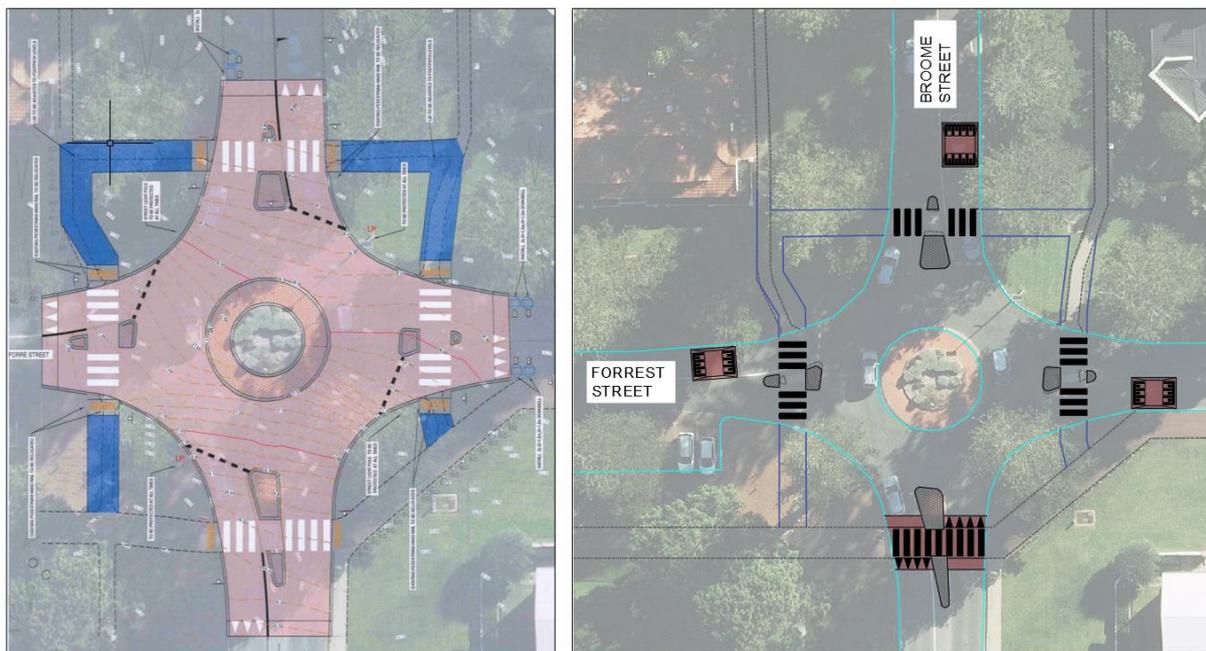


Diagram 1: November 2024 concept Raised Roundabout (Left Image) and Proposed design modifications (Right Image) at Broome Street and Forrest Street Intersection

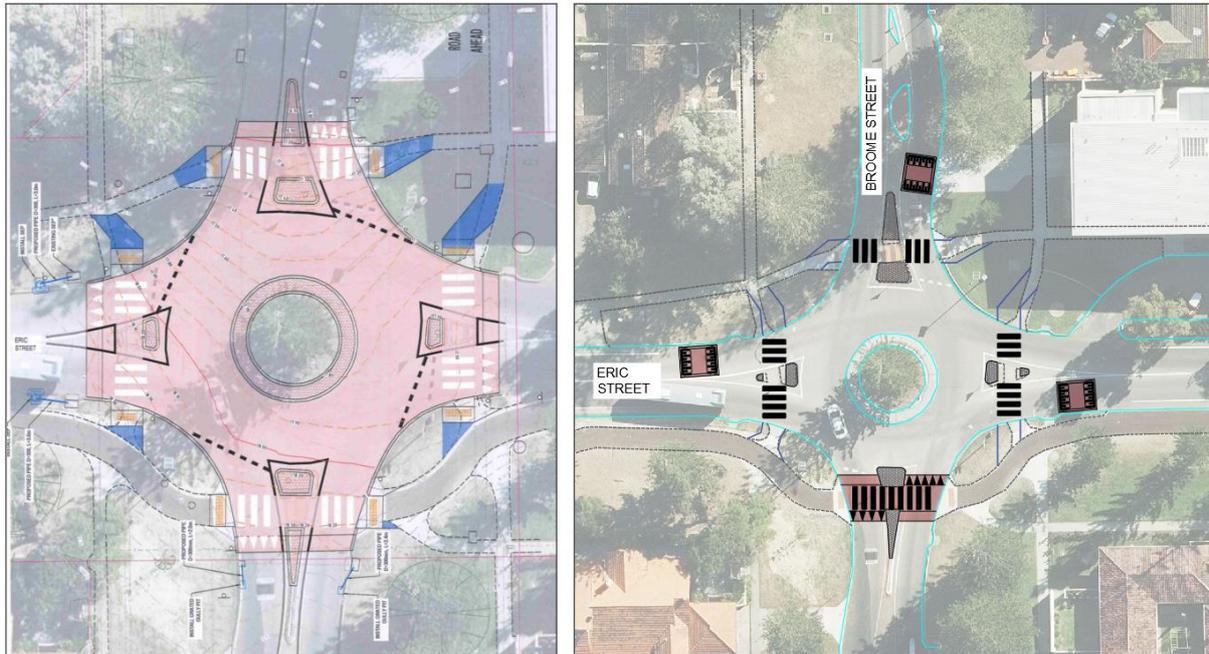


Diagram 2: November 2024 concept Raised Roundabout (Left Image) and Proposed design modifications (Right Image) at Broome Street and Eric Street Intersection

All other elements within Attachment A remain unchanged.

Council should note that only the southern legs of both intersections have been designed as a raised crossing to provide better connectivity for the existing shared path. The crossings on the other legs have been stipulated as grade separated ones to provide better pedestrian circulation.

Fundamentally, this reduction in scope will decrease the cost to Council given lesser drainage is needed whilst still delivering the safety benefits identified within the November 2024 approved concept.

Next steps

Officers have been informed by MRWA that they are in a position to either fund part of or the entire project in the 2025/2026 financial year. Should Council decide to progress a design, the next steps would be to:

- Finalise the set of construction drawings and specifications including the cost estimates;
- Inform directly impacted residents and workshop participants of the change in scope;
- Formalise the funding arrangement with MRWA and Roads to Recovery;
- Procurement and budget amendment to award the works; and
- Commence the construction.

Council should note that, given the works are road infrastructure related (asphalt, drainage and kerbing), the Town already has such a fixed-term contract in place with Roads2000 that was awarded to them through an open tender process in November 2024 (OCM214/2024).

Officers are also conscious of community involvement in developing the approved concept and propose that residents living along Broome Street between Forrest Street and Grant

Street are informed of any design changes should Council deviate from the original design. This will also include participants of the community workshops.

This recommendation is consistent with the Town's Community Engagement Policy.

ATTACHMENTS

10.1.9(a) Attachment A - Low Cost URSP 85% Detailed Design [under separate cover]

CONSULTATION

Elected members, residents, ratepayers, MRWA and the Active Transport Working Group have been previously consulted.

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 2.7 – Role of Council

POLICY IMPLICATIONS

Providing information on any design change to directly impacted residents is consistent with the Town's community engagement policy.

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 2.1: Town infrastructure is well planned, effectively managed and supports our community, whilst protecting and promoting our unique heritage and character

RESOURCE IMPLICATIONS

MRWA will generally fund the design preparation and construction of road treatments identified in the design. Council will be responsible for the lighting, drainage and footpath modifications, in which some of the elements will be funded through Roads to Recovery grant.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The implementation of this program will encourage the use of active transport modes and enhance pedestrian accessibility, thereby improving environmental and sustainability outcomes.

RISK MANAGEMENT IMPLICATIONS

- Social

Not providing information on design changes could result in community dissatisfaction and reputational risk because of their involvement with developing the concept. Informing them of the changes mitigates this risk by avoiding the element of surprise;

- Environmental

The traffic management arrangements and construction works will cause community disruptions and inconveniences. This can be mitigated through advance resident notification of the works and the timeliness in response to complaints received;

- Economical

The cost of constructing the elements under the financial responsibility of Council could exceed the estimated budget for these works (drainage, lighting and footpath) that would require an increase in rate income sources to complete the project. This can be mitigated through further design changes to reduce the drainage requirements for the project;

- Political

Not proceeding with this project carries reputational damage given the community support for the project and the time invested by residents participating in surveys and workshops. Mitigations would involve the implementation of a robust communication strategy to ensure that the reasons for not wanting to proceed are properly conveyed to and understood by the community.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council APPROVES the attached 85% design for the Low Cost Urban Road Safety Program (Healthy Streets), SUBJECT to the following design changes:

- 1. Removal of the raised intersection designs at:**
 - a. Broome Street and Forrest Street Intersection;**
 - b. Broome Street and Eric Street Intersection;**
- 2. Introduce the following traffic calming measures at each of the approaches to the intersections mentioned in point one as shown in the diagram within this section of the report:**
 - a. Full width at grade raised crossing on the southern approach and departures of Broome Street;**
 - b. Asphalt speed cushions only on the Eric Street and Forrest Street approaches;**
 - c. Asphalt speed cushion only on the Broome Street north approaches; and**
 - d. Marked pedestrian crossing on all four legs of the intersections.**

Diagram 1: Design Changes at Broome Street and Forrest Street Intersection

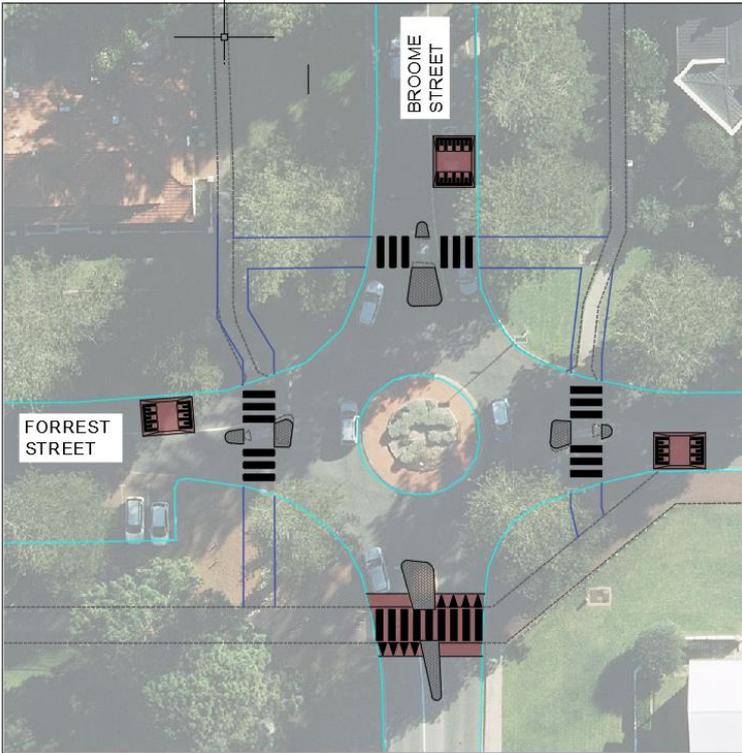
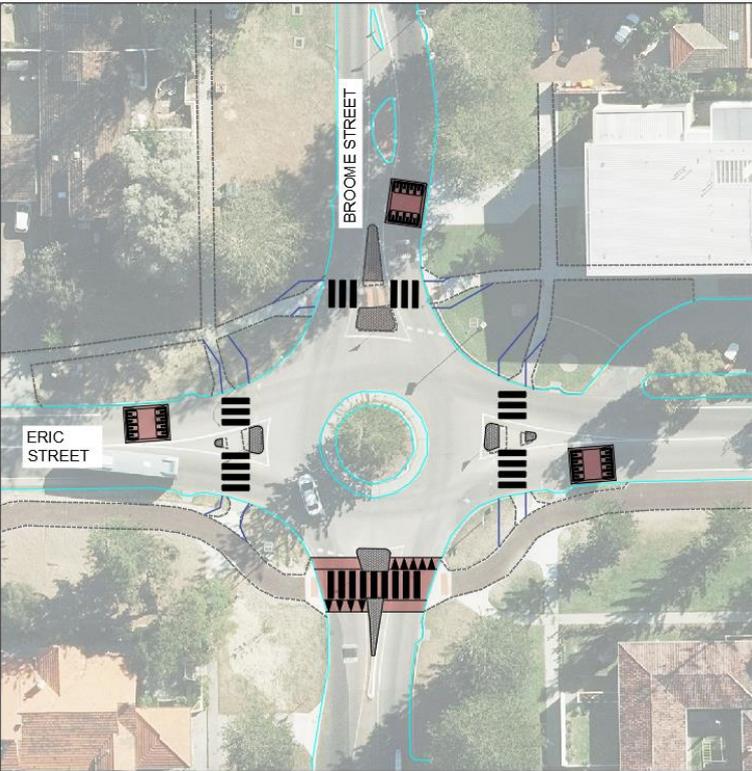


Diagram 2: Design Changes at Broome Street and Eric Street Intersection



10.1.10 RIGHT OF WAY 20 ENCROACHMENTS

Directorate: Engineering Services
Author(s): Peter Ng, Coordinator Development Projects
Shaun Kan, Director Engineering Services
Authoriser(s): Mark Newman, Chief Executive Officer
File Reference: D25/25545
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

This report outlines options to address encroachments within right of way (ROW) 20 and proposes a preferred legal pathway to progress resolution of the matter. A tiered approach is recommended for treating different levels of encroachment to ensure fairness, regulatory compliance, and consistency with previous council resolutions.

OFFICER RECOMMENDATION IN BRIEF

That Council REQUESTS the Minister for Lands to dedicate ROW 20 as a public road under section 56(1)(b)(i) of the *Land Administration Act 1997* and adopts a tiered approach for addressing encroachments based on their extent and legal context.

BACKGROUND

ROW 20 is an east-west laneway located between Hawkstone Street and Florence Street that provides rear access to several residential garages through this ROW. Over recent years, multiple adverse possession claims, encroachment issues, and legislative constraints have resulted in the need for a coordinated strategy.

Council has passed several resolutions since 2023 to not challenge certain claims, to explore streamlined management pathways, and to progress the transfer of ROWs to the Crown. Legal and technical advice has since been obtained through collaboration with the Department of Planning, Lands and Heritage (DPLH) and McLeod Lawyers.

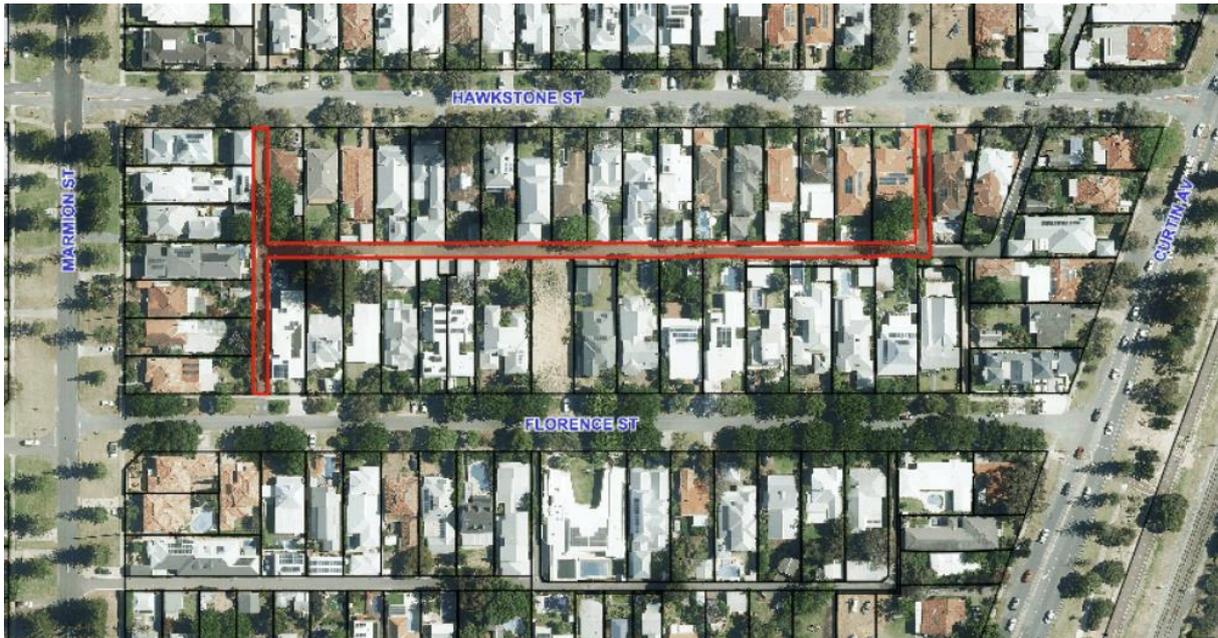


Diagram 1: ROW 20 Locality Plan

OFFICER COMMENT

ROW 20 contains a mixture of minor and significant encroachments. Larger encroachments (up to three metres) have previously been subdivided into a separate lot (ROW 20B – see Diagram 2 below highlighted in red). Table 1 provides further detail on the encroachment extent for each property and those that have either been:

- Awarded adverse possession; or
- Pending an adverse possession application decision; or
- Have removed their encroachments; or
- Have not removed their encroachments.

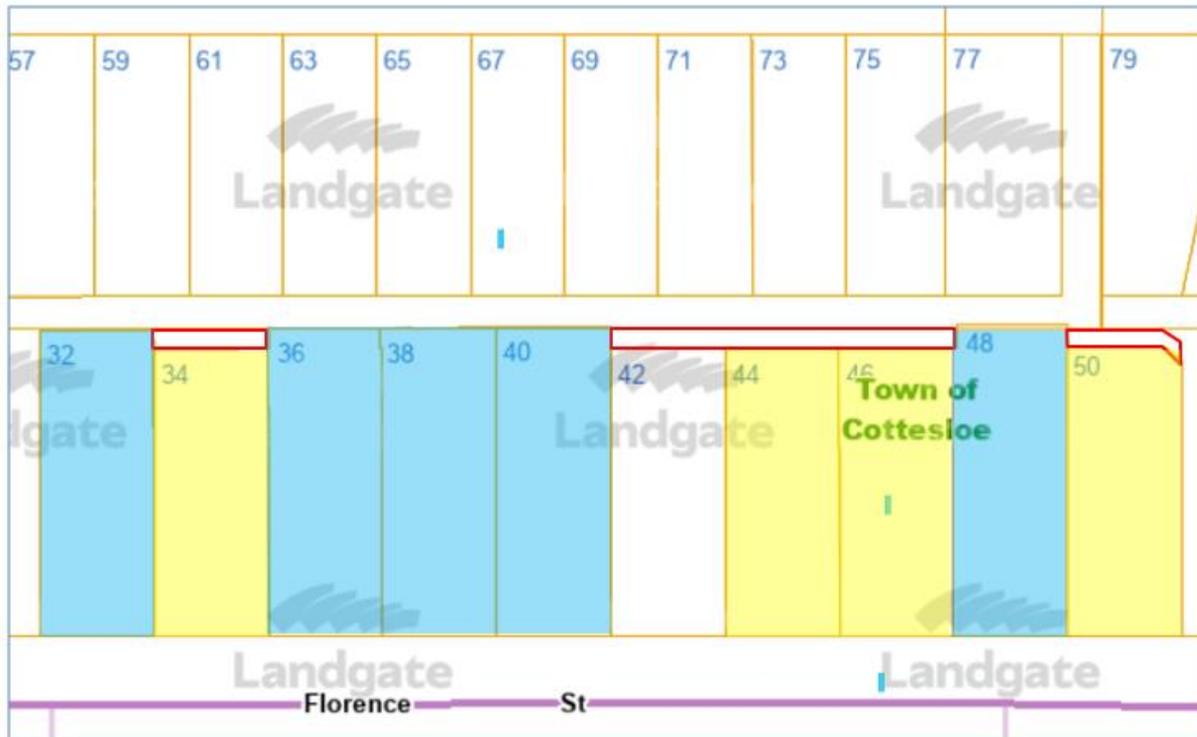
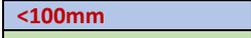


Diagram 2: ROW 20B Locality Plan

ROW	PROPERTY ADDRESS	ENCROACHMENT
ROW20	284 Marmion Street	Encroachment Removed
ROW20	286 Marmion Street	Encroachment Removed
ROW20	288 Marmion Street	Encroachment Removed
ROW20	296 Marmion Street	10mm to 15mm brick building
ROW20	18 Florence Street	10mm to 15mm brick wall
ROW20	20 Florence Street	10mm Colorbond fence
ROW20	22 Florence Street	40mm Timber fence
ROW20	32 Florence Street	100mm limestone wall Adverse possession Approved by Landgate (Completed) - 23/05/19
ROW20	34 Florence Street	1.56m to 1.63m brick building Adverse possession lodged at Landgate - Dealing number O229324 (Pending)
ROW20	36 Florence Street	Adverse possession Approved by Landgate (Completed - Landgate mapping showing new amalgamated boundary) Refer to Diagram 2 above
ROW20	38 Florence Street	Adverse possession Approved by Landgate (Completed) - 05/09/23
ROW20	40 Florence Street	Adverse possession Approved by Landgate (Completed - Landgate mapping showing new amalgamated boundary) Refer to Diagram 2 above
ROW20B	42 Florence Street	1.92m to 3.05m colorbond fence
ROW20B	44 Florence Street	60mm to 1.4m brick garage & swimming pool (Pending)
ROW20B	46 Florence Street	580mm to 670mm Brick garage Adverse possession lodged at Landgate - Dealing number 0728600 (Pending)
ROW20	48 Florence Street	Adverse possession Approved by Landgate (Completed - Landgate mapping showing new amalgamated boundary) Refer to Diagram 2 above
ROW20B	50 Florence Street	2.12m to 2.15m Metal Shed Adverse possession lodged at Landgate - Dealing number P881762 (Pending)
ROW20	45 Hawkstone Street	Encroachment Removed

ROW20	61 Hawkstone Street	20mm to 40mm brickwall
ROW20	65 Hawkstone Street	Encroachment Removed
ROW20	67 Hawkstone Street	30mm limestone wall
ROW20	69 Hawkstone Street	Encroachment Removed
ROW20	73 Hawkstone Street	40mm brick garage
ROW20	75 Hawkstone Street	60mm timber fence
ROW20	77 Hawkstone Street	Owner wants to explore all other options before proceeding with adverse possession claim. Garage encroached 140mm & fencing encroached 400mm
ROW20	79 Hawkstone Street	40mm to 60mm colorbond fence

LEGEND		No. of Properties
	Encroachments (over 100mm)	2
	Minor Encroachment (less 100mm)	9
	Encroachment Removed	6
	Adverse possession claim	5 completed
	Adverse possession claim	4 pending
TOTAL		26*

* For surveyed encroachment at Town owned ROW 20

Table 1 – ROW20 Encroachment Register

Options Available to Council

Based on recent legal advice and inter agency consultation, several legislative pathways were assessed:

Option One - Section 168(5) of the Planning and Development Act 2005

Transfer of the ROW to the State for dedication as a road without consultation. This option does not resolve encroachments and is unlikely to be supported due to lack of community transparency.

Option Two - Section 56(1)(b)(i) of the Land Administration Act 1997

Road dedication request submitted to the Minister and publicly advertised. On dedication, adverse possession claims cease to be available, and remaining encroachments must be managed via Regulation 17 Agreements or removal. This pathway is transparent, legally robust, and aligns with previous Council resolutions. Given the transparency in the process, it is likely to be supported by the Minister for Lands.

Option Three: Subdivision and amalgamation of Encroachment

Would require unanimous agreement of all adjoining owners to surrender easement rights, which is considered impractical and unlikely to receive WAPC support. Further legal advice is needed should Council wish to proceed with this intricate option.

Option Four: Do nothing

Leaves adverse possession risks unresolved and conflicts with prior Council decisions.

Preferred Option (Option Two)

Option Two is recommended as it:

- fulfils Council’s February and April 2023 resolutions to transfer all remaining Council-owned ROWs to the Crown,
- prevents future adverse possession claims,

- allows remaining encroachments to be regulated through a transparent, enforceable framework, and
 - is most likely to receive Ministerial support.
- 1.

Proposed Tiered Approach to Managing Encroachments (Preferred Option 2)

To ensure a consistent, fair and defensible response to encroachments following road dedication, the following tiered framework is proposed should the Minister approve the road dedication:

Tier 1 – Encroachments within ROW 20 (in excess of 150 mm)

- Encroachments consist of structures built up to 3 metres into the laneway
- Require formalisation through a Regulation 17 Agreement under the Local Government (Uniform Local Provisions) Regulations 1996.
- Property owners bear costs as per the Town's fees and charges.
- Any future structures that remain must be removed upon redevelopment unless Council approves otherwise.
- It is expected that 2 properties will need to enter into a Regulation 17 agreement as they have not yet lodged an application (ROW 20 – 77 Hawkstone Street and ROW 20B – 42 Florence Street)

Tier 2 – All other encroachments (Records show no more than 150 mm)

- Minor boundary misalignments with negligible impact on public access.
- Accept these encroachments and allow them to remain without requiring a Regulation 17 Agreement.
- No further action required unless the property redevelops.
- Withdraw Section 3.25 Notices issued (if required).

Tier 3 – Properties that have already lodged adverse possession claims

- Allow these to progress and Council at the appropriate time will need to determine its course of action

This tiered approach balances legal obligations, operational practicality, community expectations, and equitable treatment of affected landowners.

Next steps

The next steps are shown in Diagram 3 below. However, Council should note that this is a pilot project to determine the suitability of such a process in addressing the previous Council resolutions on the matter. Whether this is applied to the other Council owned ROWs is a matter that will be further discussed in a future Officer's Report.

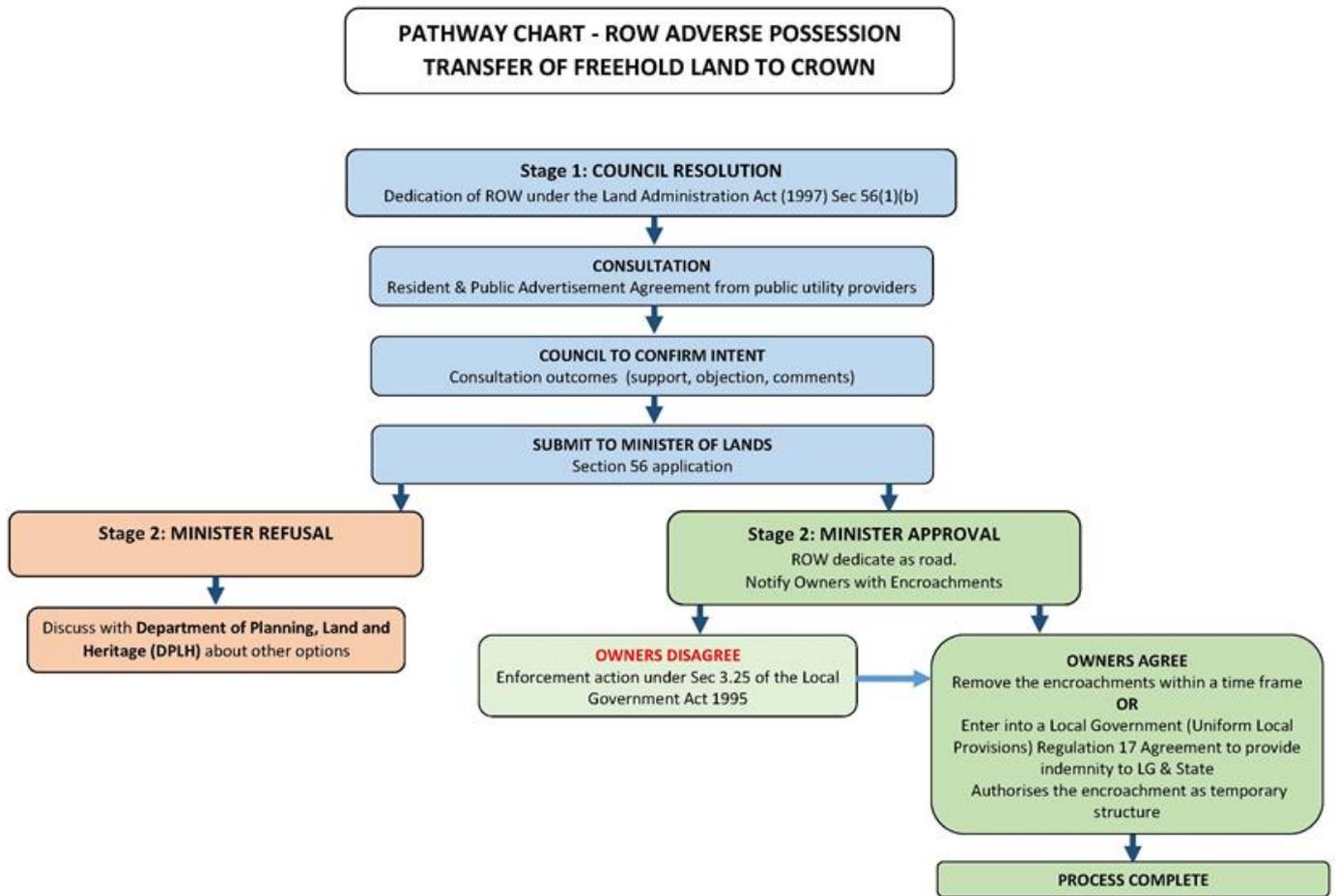


Diagram 3 – Pathway Chart

ATTACHMENTS

10.1.10(a) Attachment A - ROW Council Resolutions [under separate cover]

CONSULTATION

The Town has engaged collaboratively with the Department of Planning, Lands and Heritage (DPLH) and its legal advisers at McLeod’s to confirm the statutory requirements, risks and implications of the available pathways. Input from elected members has also helped shape the preferred approach, particularly regarding transparency, community expectations and the need for a consistent long-term solution to encroachments.

Further consultation with residents and utility providers will occur as part of the statutory process for road dedication under Section 56 of the *Land Administration Act 1997*.

STATUTORY IMPLICATIONS

- Local Government Act 1995 - Local Government (Uniform Local Provisions) Regulations 1996 Regulation 17;

- Planning and Development Act 2005 Section 168 (5); and
- Land Administration Act 1997 Section 56(1)(b)(i).

POLICY IMPLICATIONS

There are no policy implications associated with the officer's recommendation.

However, future policies and procedures may need to be developed following the outcome from the pilot project.

STRATEGIC IMPLICATIONS

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

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

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

RESOURCE IMPLICATIONS

There is currently no budget or staffing resources to undertake the development and administration of the Regulation 17 Agreement. Council's approved fees and charges allow for a fee to be levied to cover the cost of these works which is equivalent to legal cost plus 10% to cover staff time.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

Social – Some residents may feel they are treated differently depending on how their encroachments are handled. A clear tiered approach, public consultation, and consistent communication will help ensure the process feels fair and transparent.

Technical – Some larger encroachments may continue to affect vehicle access in the laneway. These structures will be required to be removed when properties redevelop, and interim measures can be introduced if specific access issues arise.

Environmental – There no known environmental risk

Economical - Some matters may cost more to resolve than can be recovered from owners. Clear cost recovery processes, use of standard templates, and referring only complex issues for legal advice will help manage costs.

Political - The perception may be that Council is either being too lenient or too strict with residents. Following a transparent statutory process and applying the tiered framework consistently will help demonstrate fairness.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council:

- 1. ENDORSES the Preferred Legal Pathway (Option Two)**
Being dedication of Right of Way (ROW) 20 as a public road under Section 56(1)(b)(i) of the *Land Administration Act 1997*, as the most transparent, legally robust and strategically aligned option to address existing encroachments and mitigate future adverse possession risks;
- 2. Following the dedication of the road mentioned in point one, ADOPTS the Tiered Encroachment Management Framework to be applied upon (and subject to) dedication of ROW 20 as a road:**
 - a. Tier 1 – Encroachments within ROW 20 (in excess of 150 mm)**
 - 2. Require affected owners to enter into a Regulation 17 Agreement under the Local Government (Uniform Local Provisions) Regulations 1996 as a condition of structures remaining on public land, including obligations for public liability insurance, maintenance and removal upon redevelopment;**
 - b. Tier 2 – All other encroachments within ROW 20 (up to 150 mm)**
 - 3. Accept these encroachments with no further action, unless and until the abutting property is redeveloped or the structure is replaced/renewed. Section 3.25 Notices issued to be withdrawn.**
 - c. Tier 3 – Properties lodging adverse possession claims**
 - 4. Allow these to progress through the standard process where an item will be brought to Council at the appropriate time to either challenge or do nothing further with these applications.**
- 3. AUTHORISES the Chief Executive Officer (CEO) to implement Option Two, specifically to:**
 - a. Prepare and submit a request to the Minister for Lands to dedicate ROW 20 as a public road;**
 - b. Publicly advertise the proposed dedication and consult utility providers and relevant agencies, inviting submissions;**
 - c. Upon completion of advertising and consultation, report submissions to Council for consideration and determination on whether to proceed with the Ministerial request;**
 - d. Where Council resolves to proceed, write to the Minister for Lands confirming Council's intent to dedicate as a road and provide the required indemnity to the State in accordance with Section 56; and**
 - e. Upon dedication, notify and engage affected owners to progress Regulation 17 Agreements consistent with the tiered framework and the Town's adopted fees and charges.**

4. REQUESTS that the CEO provide quarterly progress updates to Council on:
- a. Ministerial process status and consultation outcomes;
 - b. Number of affected properties by tier;
 - c. Number of Regulation 17 Agreements executed and in progress;
 - d. Cost recovery performance vs. budget (recoverable/non-recoverable split);
 - e. Disputes, escalations, and resolutions; and
 - f. Any recommended adjustments to the guideline, thresholds, or resource needs.

10.1.11 COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLAN (CHRMAP)

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): Mark Newman, Chief Executive Officer
File Reference: D25/76958
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider its position in relation to the CHRMAP and adopt a defend position to progress the next steps of the CHRMAP.

OFFICER RECOMMENDATION IN BRIEF

That Council NOTES the CHRMAP and adopts a defend position for its entire stretch of coastline (Curtin Avenue to North Street). Officers also recommend that Council approve a \$30,000 budget overspend to appoint a consultant to develop a Coastal Management and Implementation Plan that provides a strategy towards managing the predicted eroding coastline.

BACKGROUND

In July 2021, the Department of Planning, Lands and Heritage provided a contribution to develop a CHRMAP for the Cottesloe coastline. Since then, a CHRMAP has been compiled by a Coastal Engineering Consultant (the consultant) in collaboration with the State Government and a number of community representatives through a Steering Group.

The wider community were also consulted as part of establishing the risk and to provide feedback on the draft CHRMAP - <https://www.cottesloe.wa.gov.au/develop-build/major-projects/coastal-hazard-risk-management-and-adaptation-plan-chrmap.aspx>

Occurring concurrently is the preparation of Local Planning Scheme Number 4 (LPS 4) and given the scheme's scope, it will be affected by the recommendations within the CHRMAP. The new LPS 4 must address development along the coastline and this may include various planning requirements that responds to the coastal erosion risk identified within the CHRMAP.

These matters are further elaborated in this report where Council is asked to decide whether it wishes to adopt a defend or retreat approach to manage the receding Cottesloe coastline, which has been predicted by the CHRMAP. This then also allows the next steps of the CHRMAP to progress.

OFFICER COMMENT**CHRMAP Progress to Date**

- Draft CHRMAP

The CHRMAP modelling shows that the Cottesloe coastline is susceptible to erosional risk over the next 100 years. Defend, retreat and do nothing are the three broad pathways available to pursue for the Town to mitigate against this risk.

Council should note that the CHRMAP consultants have recommended that the Town should progress a preferred approach based on the Department of Transport standards prescribed order of hierarchy which is to give consideration to the retreat pathway first before implementing a defend position.

This retreat approach is highly legislated and aims to restrict future developments on affected land parcels using a Local Government's Planning mechanisms.

Conversely, the defend solution is one that is proactive, which, in the short term can comprise of, ongoing dune restoration through planting and beach sand nourishment. In the longer term, hard infrastructure such as seawalls may be unavoidable.

Regardless of the solution, there is always the need to continue monitoring the coastline through land surveys so as to validate the accuracy of any coastal modelling (including the CHRMAP). This ongoing surveillance ensures that the benefit to cost outcomes of any approach are optimised such that the timing of any implementation is neither overly early nor delayed.

There is also the need to consider community feedback and governmental advice in deciding a preferred pathway.

- **Community Consultation and Engagement**

The Cottesloe Community was invited to provide feedback over a six week period during the months of April and May 2025. Enclosed in Attachment A is a register detailing the feedback received. In summary, the responses suggest that the community are in favour of the defend approach and that both the State and Federal Government should fund any erosion controls because of Cottesloe's importance for a State and National tourism perspective.

CHRMAP Implications on Local Planning Scheme Number 4

As part of preparing a new LPS 4, the Town is progressing Stage 1 which includes the preparation of a working scheme document.

The CHRMAP's recommendations on the way a Local Government addresses the impacts of sea level rise will influence this new scheme and any future development along the coastline.

The State Government through the Western Australian Planning Commission (WAPC) has established the State Planning Policy 2.6 Coastal Planning and associated guidelines which clarifies how new local planning schemes should address coastal protection. For instance, the guidelines acknowledge that coastal planning provisions may vary with the management approach adopted. There will be some approaches that require a stronger emphasis on long-term development control in erosion-prone areas while others may involve a different planning response.

As part of the preparation of the new LPS 4, it is critical for Council to adopt a clear approach to coastal protection for its entire stretch of coastline. For example, as part of developing the new scheme, the Town is undertaking, in the first half of 2026, a precinct level review of

built form and land use controls for the section of coastline between Forrest Street and Grant Marine Park. This area has been termed 'Planning Area F' under the Town's Local Planning Strategy (See Diagram 1).

Planning for Area F requires an understanding of how coastal erosion risk is to be addressed in the medium to long term. A position of 'defend and protect' provides confidence for future planning and development while 'retreat and adapt' introduces a significantly different set of outcomes for Area F.



Diagram 1: Draft LPS 4 Area F

Possible Options

- **Defend Approach**

This approach will require the construction of structures such as groynes, seawalls, artificial reefs and breakwaters that would introduce the element of cost. It would also be important to reiterate that this is the approach supported by the community.

- **Retreat Approach**

This approach will result in the longer term loss of coastal foreshore and potentially development along the Cottesloe coastline in the longer term.

Broadly, this will involve the introduction of planning control measures within LPS 4 to manage retreat and limit development in parts of the coastline susceptible to erosion over the longer term. The extent of controls is something that can only be determined as part of the LPS 4 after the community consultation has been completed.

- **The Preferred Approach**

Other than feedback from the community, DPLH are of the view that the regional significance of Cottesloe Beach as an iconic tourist destination, which is, also referenced in the State Government's Coastal Planning policies makes the defend pathway the preferred practical approach. Officers agree with DPLH's position.

Furthermore, the State Coastal Planning Policy Guidelines (November 2020) recognises that there needs to be variations to the set coastal hazard response hierarchy discussed earlier in the Draft CHRMAP section of this report.

To further elaborate, the Policy Guidelines allows for places of high amenity, recreational and tourism opportunities to be offered more protection. The Guidelines rank the type of coastal nodes with 'Regional Coastal Nodes being the most important.

Council should note that Cottesloe has been listed as a specific example of a Regional Coastal Node within the November 2020 version of the State Coastal Planning Policy Guidelines.

Given this, it could be argued that Cottesloe Beach and its surrounding neighbourhood is not limited to just being a Regional Coastal Node but also a 'State' or 'Federal' 'Coastal Node such as Bondi Beach in New South Wales. Its place as an iconic beach location within Perth is evident (as a place of recreation, beauty and cultural significance) and there is limited capacity to 'adapt and retreat' without compromising the very qualities that make it iconic.

In conclusion, Officers are of the view that the State recognised regional significance of the urban Cottesloe coastline combined with the support of DPLH and the community makes defending and protecting public infrastructure and private landholdings the most reasonable approach to addressing the erosional risk. Other than planning provisions, there is a compelling rationale for the introduction of hard 'protection' using structures as the longer term solution.

Recommended CHRMAP Pathway (Defend Approach)

Given the information obtained during the stakeholder consultation (community and DPLH), the highly conservative CHRMAP modelling guidelines and this coastal plan's implications on the LPS 4, officers recommend that Council:

- Notes the attached CHRMAP and a defend position to ensure that the characteristics of Cottesloe is protected and the District continues to remain an iconic destination;
- Continues its natural area management and coastal monitoring program as erosion control measures in the short term and also to validate the CHRMAP against the actual survey data so that the longer protection measures (hard structures) can be implemented should the erosion levels align with modelling predictions; and
- Approves a \$30,000 overspend to engage an independent consultant to condense the attached highly technical orientated CHRMAP to one that is more strategic and contains an action plan which involves:
 - (a) Reviewing the adequacy of current practices such as the NAMP and coastal monitoring program;
 - (b) Developing a longer-term monitoring plan and triggers to determine when the protective measures should be implemented;
 - (c) The funding and planning controls needed for the protect approach; and
 - (d) Any other elements needed.

Council should note that at this point the CHRMAP has only focused on the risk associated with the eroding shoreline and has provided very broad details on the defend pathway because the specifics of such protective (or retreat) measures. The recommended additional analysis further expands on the defend approach.

To this end, more time is needed to develop the Coastal Management and Implementation Plan. This can potentially take up to two years to complete, given the magnitude of investigations that still need to be carried out.

Officers are of the view that this approach allows the draft LPS 4 to be finalised based on a defend position, reiterating that a retreat approach will result in a very different scheme being advertised.

Given the complexities between the CHRMAP and LPS 4, it is likely that the Western Australia Planning Commission (WAPC) would require any advertised or approved LPS 4 to address the coastal risks identified.

ATTACHMENTS

10.1.11(a) CHRMAP Community Submissions - May 2025 - Combined Feedback [under separate cover]

CONSULTATION

Cottesloe Community

Department of Planning, Lands and Heritage

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 2.7 – Role of Council

State Planning Policy 2.6

Town of Cottesloe Local Planning Strategy

POLICY IMPLICATIONS

The outcome of the CHRMAP and LPS 4 could impact the Beach Policy that generally provides a guideline to managing the use of the land along the Foreshore. This policy may need to be amended to reflect Council's position (defend or retreat) and monitored over time.

<https://www.cottesloe.wa.gov.au/documents/11740/beach-policy>

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 2.1: Town infrastructure is well planned, effectively managed and supports our community, whilst protecting and promoting our unique heritage and character

RESOURCE IMPLICATIONS

There is currently no approved budget to appoint a consultant to develop a Coastal Management and Implementation Plan.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The officer's recommendation ensures the preservation of the Cottesloe coastline through the introduction of SCAs and protective structures to mitigate against a receding beach front.

RISK MANAGEMENT IMPLICATIONS

Council not accepting the officer's recommendations carries the following risk:

1. Legal

The retreat approach will restrict future developments and expose existing private buildings and property to the predicted coastline erosions.

2. Reputational

The retreat approach is inconsistent with the community feedback received for the CHRMAP. This approach will also require planning area F as part of LPS 4 to consider the built form and development which aligns with such a regime.

This contradicts the advice provided by the State Government and State Planning Policies that encourage protecting the foreshore against the risk of erosion so as to preserve Cottesloe as an iconic destination and a region of significance;

The defend approach would require cost contributions from property owners through the introduction of planning mechanisms.

3. Financial

The retreat approach will result in the lost in public infrastructure and Marine Parade whilst the defend approach will require significant funding for protective structures to be constructed. However, DPLH has indicated that there are potential State and Federal Government funding contributions that available for such purposes.

The lack of a Coastal Management and Implementation Plan makes it difficult to rationalise the CHRMAP consultant's recommendation, the view of the community and advice of the State Government in developing a well balanced way forward.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council by Simple Majority

- 1. NOTES the Coastal Hazard Risk Management and Adaptation Plan (<https://www.cottesloe.wa.gov.au/develop-build/major-projects/coastal-hazard-risk-management-and-adaptation-plan-chrmap.aspx>) for the purpose of:**
 - a. Acquitting the remaining State Government grants provided for the project;**
 - b. Utilising the information as part of developing a Coastal Management and Implementation Plan;**

2. **ADOPTS** a defend position for the purpose of developing the Coastal Management and Implementation Plan;

That Council by Absolute Majority

3. **APPROVES** a budget overspend of \$30,000 to appoint a suitably qualified consultant to develop the Coastal Management and Implementation Plan which then finalises the entire Coastal Hazard Risk Management and Adaptation Planning process.

10.1.12 MARINE PARADE SHARED PATH DESIGN - LIGHTING STRATEGY

Directorate: Engineering Services
Author(s): Tin Oo May, Project Engineer
Renuka Ismalage, Manager Projects and Assets
Shaun Kan, Director Engineering Services
Authoriser(s): Mark Newman, Chief Executive Officer
File Reference: D26/19167
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider the proposed lighting strategy for the proposed Marine Parade Shared Path.

OFFICER RECOMMENDATION IN BRIEF

That Council ENDORSES the proposed lighting strategy for the Marine Parade Shared Path, as detailed in Attachment A.

BACKGROUND

In January 2025, the Town was successful in securing a four million dollar Australian Government co-contribution for the Marine Parade Shared Path Project. Council is responsible for providing \$200,000 to fund the works.

In April 2025, Council endorsed a visual summary plan that reflected a set of design principles for the purpose of public consultation. The community consultation occurred between 11 June 2025 and 3 July 2025.

Council then considered the feedback in July 2025 and endorsed a high-level concept to progress the detailed design. A design consultant was appointed at the same meeting.

In December 2025, Council approved the 50 percent design and requested the Chief Executive Officer to develop a lighting design that minimises the number of new lights along the entire length of the Marine Parade Shared Path.

A lighting strategy has since been developed for Council's consideration.

OFFICER COMMENT

Advice from the independent design reviewer (PJA) and the design consultant (Kercheval) suggests that some level of lighting is necessary to ensure safe night-time use of the shared path, particularly at identified conflict points and locations with limited passive surveillance.

With the December 2025 Council resolution in mind, officers have developed a lighting strategy (Attachment A) that rationalises the use of the existing streetlights, including new path bollard and pole lighting to achieve safety along the shared path. This lighting concept applies a set of design principles to illuminate the shared path:

- Utilising the luminaire spill from the existing street lighting located on the eastern side of Marine Parade (residential property side) in areas where the path runs adjacent to the road;
- One metre tall bollard lighting, which is usually spaced eight metres apart where the street lighting is not sufficient [which covers the section in front of the golf course](#);
- Four metre tall light poles normally spaced 20 metres apart in areas where there is limited passive surveillance, such as Vlamingh and Dutch Inn. [Whilst the path that goes around the western side of the Cottesloe Surf Lifesaving Club \(CSLSC\) does warrant such lighting poles, officers are in the view that bollards might be a better starting point given that this section is within the Foreshore Precinct and already has passive surveillance by being heavily pedestrianised. Officers will consult with the CSLSC should the analysis show that taller lights are needed](#);
- Investigate the use of solar powered with smart technology for these new bollards and pole lightings which have the capabilities of dimming when not in use.

This approach balances safety and amenity whilst minimising the number of new lighting installations along the Marine Parade Shared Path. Both consultants are supportive of these lighting principles, subject to further analysis.

Council endorsing this strategy allows this to be progressed as part of the detailed design. It is expected that an item will be tabled at the March 2026 Ordinary Council Meeting for the final design to be endorsed.

Council should note that the attached lighting strategy has assumed that the path within the Foreshore Masterplan section between Forrest Street and Napier Street, including the area of North Cottesloe, will be lit as part of the Foreshore Redevelopment Project (last stage).

As a contingency, the shared path project will include these sections as part of its lighting analysis to ensure a plan is in place to address the scenario where the Foreshore Project is not implemented. [Any lighting as part of this alternative plan will be to the Foreshore Style Guide standards. Council can extend this beyond the main Foreshore section but needs to be conscious of cost implications given the higher finish standards within Main Beach.](#)

[However, officers will ask the designers to create an “outside of the Foreshore Precinct” lighting infrastructure design that complements that of the Foreshore Masterplan to ensure a balance in cost and aesthetics for both areas.](#)

ATTACHMENTS

- 10.1.12(a) Attachment A - Proposed Lighting Strategy - UPDATED - 20 February 2026**
[under separate cover]

CONSULTATION

The Community, Active Transport Working Group, Elected Members and Design Consultants (Kercheval and PJA)

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 2.7 – Role of Council

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 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

There are no perceived sustainability implications arising from the officer's recommendation, particularly with optimising the use of solar lighting and smart technology.

RISK MANAGEMENT IMPLICATIONS

- Social and technical - There is the possibility that the existing street lighting may not be sufficient to illuminate the path and resulting in either new path lighting being installed or the brightness of street lighting being increased which will affect the amenity of surrounding residents. However, this can be mitigated through the installation of street lighting shields or path bollards to minimise the impact on residents;
- Economic– There is the possibility that unknown engineering challenges may be encountered during the remaining design and construction phase, resulting in delays and cost increases to the project. The extensive investigation undertaken at detailed design and a realistic financial contingency makes the risk low. In addition, there is the possibility of the Australian Government not funding the extra cost incurred by the project that may have resulted from rising construction costs. The ongoing communications with the Commonwealth will ensure they are updated throughout the project to seek an agreement on the final cost and scope before the commencement of the construction;
- Environmental – There is the possibility that solar-powered lights do not contain smart technologies resulting in the need for grid energised lighting to be installed. This risk can be mitigated through sourcing power through WALGA's renewable energy scheme to which the Town is a participant of;

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council APPROVES the attached proposed lighting strategy for this to be incorporated into the detailed design.

10.1.13 MARINE PARADE SHARED PATH DESIGN - PRELIMINARY DESIGN

Directorate: Engineering Services
Author(s): Tin Oo May, Project Engineer
Renuka Ismalage, Manager Projects and Assets
Shaun Kan, Director Engineering Services
Authoriser(s): Mark Newman, Chief Executive Officer
File Reference: D26/24084
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

This report highlights the feedback from an independent consultant (PJA) on the approved concept design for the Marine Parade Shared Path and the recommended improvements to the design.

Council is asked to approve some changes to the detailed design. Noting that any changes to the Officer's Recommendation could possibly affect the project's proposed lighting strategy.

OFFICER RECOMMENDATION IN BRIEF

That Council ENDORSES the recommended changes to the December 2025 approved concept design for the Marine Parade Shared Path.

BACKGROUND

The significance of this project and how it provides a connecting path through the Cottesloe Foreshore warranted the appointment of an independent consultant to review the concept from a design compliance and place making perspective.

Attachment A is PJA's report suggesting a number of changes to the approved concept. Elected members were consulted on PJA's report at the February 2026 Workshop in conjunction with the proposed lighting strategy.

The lighting strategy has been developed based on the officer's recommendation for this item.

OFFICER COMMENT**Rationalisation of the PJA Report**

Officers have benchmarked all PJA's suggested amendments against the approved design principles and provide the following summary on both recommended and not recommended changes:

- Proposed design changes recommended by officers:
 - (a) Incorporation of luminaires within the lighting strategy;
 - (b) A speed reduction device along Curtin Avenue at the crossing point connecting the Perth to Fremantle and the Marine Parade Path. The Town of Mosman Park will be

consulted to ensure they do not have plans to install a similar device in close proximity to this location;

- (c) An additional shared zone at the Curtin Living pedestrian crossing;
- (d) A crossing point shown North of Napier Street in the PJA suggestion (Attachment A Page 19) to be removed from the design and the existing pedestrian priority crossing at Napier Street intersection to be modified to include a cyclist on and off ramp connection to the proposed shared zone between Napier and Forrest Streets; and
- (e) Low maintenance ground cover native plantings within the 500 mm buffer zones at locations where the shared path abuts Marine Parade.

- Excluded Changes

A number of other identified modifications have not been further progressed because these are largely inconsistent with the adopted design fundamentals. The ones suggested at Dutch Inn are further discussed in the next point.

- Dutch Inn Playground

Council should note that its endorsed path alignment to the east of Dutch Inn Playground (refer to diagram 2) is considered the safer option because this separates cyclist from an existing segment that is already heavily pedestrianised by the playground entry (unfenced) and a beach access point (CT44) used by kite surfers. Designers are in the process of refining the approved alignment so as to avoid impacts on the grass mounds.

Another risk of modifying the path alignment at this location to the west of the playground (shown in diagram 1) is where a cyclist could possibly be pushed into the playground when attempting to navigate around the other users due to the fencing along the edge of the sloping dunes. Photograph 1 further illustrates this.

This change would also risk the removal of a permanent shelter and poles that provide shade sails during summer denoted in photograph 2 below.

Notwithstanding these implications, the shift does preserve green space and car bays.

Upon balancing these points, Officers recommend that Council maintains the current approved alignment at the Dutch Inn location (east of the playground) as shown within Diagram 2.

If Council wishes to accept PJA's alignment change (Diagram 1), this then would require the revocation of points one (a) and (b) within the December 2025 Meeting Minutes which reads:

THAT Council

1. APPROVES the attached 50 percent design subject to the following notations:

- a. The shared path running through the seven beach access paths as detailed in the report are to be designed as shared zones due to the lack of space to build a path that bypasses around these beach entry points;***

b. The preferred path alignment at the Dutch Inn to run along the Eastern side of the playground and the final alignment of the path at this location will be refined at detailed design to minimise the loss of green space at this location;

This being the case, officers will then consider implementing the required safety measures (fencing and shared zone) that complements this revised alignment.



Photograph 1



Photograph 2

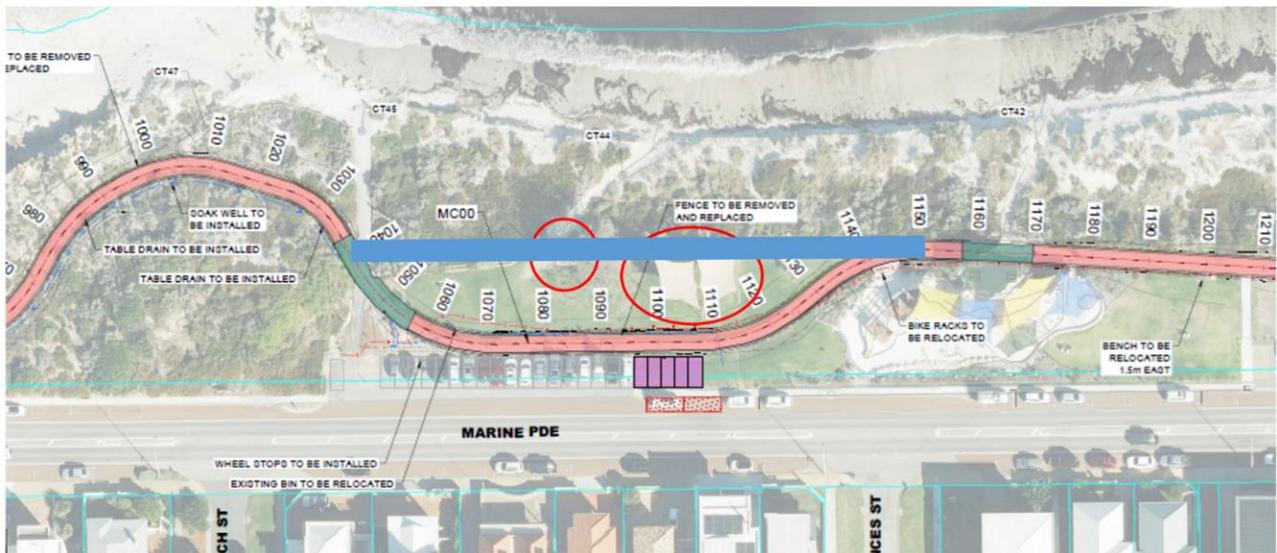


Diagram 1



Diagram 2

ATTACHMENTS

10.1.13(a) Attachment A - Concept Design Independent Review Report - PJA [under separate cover]

CONSULTATION

The Community, Active Transport Working Group, Elected Members and Design Consultants (Kercheval and PJA)

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 2.7 – Role of Council

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 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. A final project cost estimate will be provided to Council at the March 2026 Ordinary Council Meeting.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation, particularly with optimising the use of solar lighting and smart technology.

RISK MANAGEMENT IMPLICATIONS

- Social – There are no social risk associated with the officer's recommendation. Other than the 500mm planting, not adopting any of the other proposed changes will have safety implications. This includes the realignment of the path to the west of the Dutch Inn Playground which will create a conflict amongst cyclist and other users;
- Technical – The officer's recommendation complies with contemporary engineering standards. Deviating from this creates the identified social risk;
- Economic– The realignment of the path to the west of the Dutch Inn Playground will result in the possible removal of steel shelter and shade sail poles which provide sun protection during the summer months;

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council

1. **APPROVES the following changes to the December 2025 Concept:**
 - a. **A speed reduction device along Curtin Avenue at the crossing point connecting the Perth to Fremantle and the Marine Parade Path, NOTING that the Town of Mosman Park will be consulted to ensure they do not have plans to install a similar device in close proximity to this location;**
 - b. **An additional shared zone at the Curtin Living pedestrian crossing;**
 - c. **Crossing point shown North of Napier Street in the PJA suggestion (Attachment A Page 19) to be removed from the design and existing pedestrian priority crossing at Napier Street intersection to be modified to include a cyclist on and off ramp connection to the proposed shared zone between Napier and Forrest Streets; and**
 - d. **Low maintenance ground cover native plantings within the 500 mm buffer zones at locations where the shared path abuts Marine Parade; and**
2. **NOTES that the lighting strategy has been tabled as a separate agenda item.**

EXECUTIVE SERVICES**10.1.14 RECEIVAL OF MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS**

Directorate: Executive Services
Author(s): Jacquelyne Pilkington, Governance and Executive Office Coordinator
Authoriser(s): Mark Newman, Chief Executive Officer
File Reference: D26/18608
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

Following the Annual General Meeting of Electors held on Monday, 2 February 2026, it is recommended that Council receive the Minutes of the meeting as attached.

OFFICER RECOMMENDATION IN BRIEF

That Council receive the Minutes of the Annual General Meeting of Electors held on Monday, 2 February 2026, relating to the 2024/25 financial year.

BACKGROUND

At its 16 December 2026 Ordinary Council Meeting, Council resolved to set the date of the Annual General Meeting of Electors as 5:30 pm on Monday, 2 February 2026.

The meeting was attended by 8 electors (inclusive of 4 elected members) and 4 members of staff.

OFFICER COMMENT

There were no motions carried at the meeting. There were several questions or statements made by residents. Questions were either answered at the meeting or taken on notice.

ATTACHMENTS

10.1.14(a) Minutes - Annual General Meeting of Electors - 2 February 2026 [under separate cover]

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

- 5.27. Electors' general meetings
 - 5.32. Minutes of electors' meetings
-

5.33 Decisions made at electors' meetings

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.

RISK MANAGEMENT IMPLICATIONS

Section 5.33 requires Council to consider all decisions made at an Electors meeting at the next Ordinary Council Meeting or the next subsequent Ordinary Council Meeting (or Special Council) if it is not practical for the next immediate Ordinary Council Meeting, and there were no decisions from the meeting.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council RECEIVES the Minutes of the Annual General Meeting of Electors for the 2024/25 financial year held on Monday, 2 February 2026.

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

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

14 MEETING CLOSURE