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, 28 July 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 **28 July 2026** commencing at **6:00 PM**.

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

Yours faithfully,

Mark Newman
Chief Executive Officer

24 July 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.

The Town of Cottesloe wishes to advise that any plans or documents contained within the agenda or minutes may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction.

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

Town of Cottesloe

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.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO

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
Deputy Mayor Sonja Heath
Cr Lorraine Young
Cr Helen Sadler
Cr Chilla Bulbeck
Cr Brad Wylynko
Cr Jeffrey Irvine
Cr Michael Thomas
Cr Kirsty Barrett

Officers

Mr Mark Newman	Chief Executive Officer
Mrs Vicki Cobby	Director Corporate and Community Services
Mr Shaun Kan	Director Engineering Services
Mr Paul Neilson	A/Director Development and Regulatory 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

The Presiding Member announced that the meeting is being livestreamed on the Town's website this evening and the recording will remain on the website and available to the public. Anyone attending the meeting, particularly if they are speaking, may be captured on the livestream recording

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 23 June 2026 be confirmed as a true and accurate record.

That the Minutes of the Special Meeting of Council held on Tuesday 14 July 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 28 July 2026: _____, _____, _____, _____, _____, _____, _____

CORPORATE AND COMMUNITY SERVICES

10.1.1 LIST OF PAYMENTS 1 TO 30 JUNE 2026

Directorate:	**Corporate and Community Services**
Author(s):	**Vicki Cobby, Director Corporate and Community Services**
Authoriser(s):	**Mark Newman, Chief Executive Officer**
File Reference:	**D26/79800**
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 30 June 2026.

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 June 2026 is included in the attachment and totals $2,603,113.11. This includes purchases made via electronic fund transfers and cheque payments, credit card payments, and direct debits.

The following material payments are brought to the Council's attention (excludes internal investment transfers):

- $769,406.89 to Roads 2000 Pty Ltd for roadworks/resurfacing on Marine Parade,
- $247,881.75 and 245,399.17 to the Town of Cottesloe staff for fortnightly payroll (includes ATO payments),
- $204,546.25 to the Department of Fire and Emergency Services (DFES) for third party collections of Emergency Services Levy,
- $93,258.87 to The Trustee for Rico Family Trust for waste collection services,
- $66,000.00 to Eco Shark Barrier Pty Ltd for the removal of the shark barrier in April 2026,

- $50,231.47 and $49,981.60 to SuperChoice Services Pty Ltd for Superannuation Payments,
- $48,779.95 and $36,373.25 to Managed IT for IT services and licenses,
- $34,983.00 to the Australian Taxation Office for PAYG payments,
- $33,456.50 to K & S Restorations Pty Ltd for repair work to the Civic Centre wall and balustrades.

ATTACHMENTS

10.1.1(a) Monthly Payment Listing - June 2026 [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 June 2026, as detailed in Attachment (a).

10.1.2 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 MAY 2026

Directorate:	**Corporate and Community Services**
Author(s):	**Gabriel Wani, Coordinator Finance**
Authoriser(s):	**Vicki Cobby, Director Corporate and Community Services** **Mark Newman, Chief Executive Officer**
File Reference:	**D26/79899**
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 May 2026.

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 following notes have now been included; Capital Acquisitions, Borrowings, Lease Liabilities, Budget Amendments and Capital Works. The Town will continue to add notes to this report to provide useful information to Council.

The following comments and/or statements provide a summary of material variances between year to date actuals and year to date budget as shown on the Statement of Financial Activity. The requirement to address material variances as per (1)(d) of Regulation 34 is addressed below.

- The net current funding position as at 31 May 2026 was $2,967,744.
- Operating revenue is lower than the year-to-date budget by $229,323, while operating expenditure is under budget by $4,136,439. It is important to note that this variance includes unposted depreciation of $3,044,238; excluding this timing difference, the net variance would be $1,092,201 under budget.
- Rates income is under budget by $43,832. This is a timing variance only as intermin rating was done in June.

- Grants, subsidies, and contributions are under budget by $122,135. This is a timing variance only as further grant revenue was received in June.
- Profit on asset disposals are over budget by $90,014 due to assets not being disposed in the asset system, this is a timing variance.
- Finance costs are $92,438 under budget, this is a timing variance only as outstanding transactions will happen in June.
- Depreciation is under budget by $3,044,238 as no depreciation transactions have been processed. These will occur in June and is a timing variance only.
- Other expenditure is over budget by $109,889, this includes $147,817 of expenses that should have been classified as materials and contracts, this reduces the overspend to a $37,928 underspend.
- Captial Grants are over budget by $117,997, this is a timing variance only, and is expected to finish on budget at the end of the financial year.
- The balance of cash-backed reserves was $8,341,979 as at 31 May 2026, as no reserve transfers have been processed yet.

The significant reduction in Materials and Contracts expenditure compared with the April 2026 report is primarily attributable to the completion of prior-year accrual journals. Prior to processing these journals, $1,116,786 of expenditure had been recorded in the current financial year as supplier invoices were received and posted during 2025/26. However, as the associated goods and services had been provided before 1 July 2025, accounting standards require these costs to be recognised in the 2024/25 financial year through an accrual.

The accrual process involves two journals. The first journal, processed in 2024/25, recognised the expenditure in the correct financial year by recording an expense and an offsetting accrued expenses liability. This journal was completed within the normal financial year-end process and prior to finalisation of the 2024/25 audit. The second journal, posted on 1 May 2026, reverses the accrued liability and offsets the corresponding expenditure that had been recorded when supplier invoices were received in the current financial year. This reversal effectively negates approximately $1 million of Materials and Contracts expenditure recorded in 2025/26 and is the primary reason for the decrease reported in this category.

While accrual reversals are ordinarily processed in the early months of the financial year, the Town deliberately deferred this exercise because the Chart of Accounts redesign and financial reporting restructure were underway. Deferring the reversal journal until the new structure was implemented avoided unnecessary duplication of effort and ensured the adjustments were processed directly within the updated reporting framework. The timing of the reversal does not affect the accuracy of the Town's financial position, as the underlying expenditure had already been correctly recognised in 2024/25 through the original accrual journal completed during the annual financial statement and audit process.

ATTACHMENTS

10.1.2(a) Monthly Finance Report - May 2026 [under separate cover]

CONSULTATION

Internal

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 6.4

Local Government (Financial Management) Regulations 1996

Regulation 34

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

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

RESOURCE IMPLICATIONS

The financial results for the month show operating revenue tracking below budget by approximately 1.3 per cent, while operating expenditure is under budget by approximately 6.7 per cent after allowing for depreciation.

Cash flow remains stable, and based on current trends, no adverse impacts are expected for the remainder of the financial year. Existing funding and operational capacity are sufficient to meet ongoing service delivery and financial commitments. 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

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.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2025 to 31 May 2026.

ENGINEERING SERVICES

10.1.3 MARINE PARADE SHARED PATH PROJECT - PUBLIC TENDER

Directorate:	**Engineering Services**
Author(s):	**Shaun Kan, Director Engineering Services**
	Tin Oo May, Coordinator Infrastructure
	Renuka Ismalage, Manager Projects and Assets
Authoriser(s):	**Mark Newman, Chief Executive Officer**
File Reference:	**D26/84500**
Applicant(s):	**Internal**
Author Disclosure of Interest:	**Nil**

SUMMARY

For Council to consider approving the public tender process for this project.

OFFICER RECOMMENDATION IN BRIEF

That Council AUTHORISES the Chief Executive Officer (CEO) to advertise a public tender.

BACKGROUND

In March 2025, Council secured $4.175 million in funding through the Australian Government's Active Transport Fund (ATF). Combined with Council's required co-contribution of $200,000, the project budget totals $4.375 million. The funding is allocated to upgrade the full length of the Marine Parade Shared Path between Curtin Avenue and North Street.

Since receiving the grant, the Town has undertaken extensive community consultation to inform the project design. In March 2026, Council endorsed the lighting and fencing strategy as part of adopting the 85 percent design. Detailed design work has now been completed, and the project is ready to proceed to the public tender stage to appoint a contractor.

This report addresses points 2(b) and 3 of the March 2026 Ordinary Council Meeting Resolution OCM048/2026, which states:

2(b)** **Bring an item back to an Ordinary Council Meeting following the completion of point 1(a), including a cost analysis of the elements of each of the three stages of the project and proposals for delivering the project within the available budget of $4.2 million.

3** **Notes that an item will be returned to an Ordinary Council Meeting as soon as possible following finalisation of the detailed design estimate to request any necessary budget amendments before a public tender is advertised.

OFFICER COMMENT

Council's March 2026 resolution contemplated that any required budget amendments would be considered before a public tender was advertised. However, subsequent discussions with the Australian Government have confirmed that any application for additional Active Transport Fund funding will only be assessed after the completion of a tender process. Accordingly, officers recommend proceeding to tender at this stage to obtain firm market pricing and to support discussions regarding additional funding opportunities, with any proposed budget amendments, additional Council funding contributions, scope changes and contract award to be referred back to Council for approval following completion of the tender process. The following outlines the reasons for officers recommending accordingly.

The final quantity surveyor estimate indicates that the combined cost of Stage one (Curtin Avenue to Forrest Street) and Stage two (Napier Street to North Street) exceeds the approved project budget of $4.375 million.

In May 2026, the shared path section between Forrest Street and Napier Street was removed from the ATF project scope and incorporated into Stage one of the Foreshore Masterplan Project. Funding for this section has been secured through a separate Australian Government grant under the Urban Precincts and Partnerships Program (uPPP).

The table below compares the estimated project costs against the available budget and identifies potential funding and cost-saving measures to deliver the scope endorsed by Council in March 2026.

Council should note that the Active Transport Fund permits funding of up to $5 million per project. As such, the Town may seek an additional $825,000 through a funding variation request. Under the existing funding agreement, Council would be required to provide an additional matching contribution of approximately five percent ($37,714).

The Australian Government has advised that any request for additional funding will only be considered once the tender process has been completed and Council is in a position to award a contract.

Should further budget reductions be necessary, additional opportunities exist to rationalise the lighting design and reduce elements of the project scope. These measures would only be considered after the outcome of any funding variation request is known.

Given the current circumstances, officers recommend that Council proceed with advertising a public tender before continuing discussions with the Australian Government regarding additional funding opportunities and deploying potential cost-saving measures.

Approved Budget	**$4,375,000**
Less Detailed Design (Actuals)	$382,000
Less Estimated Construction Contract	$5,008,000
Less Contingency	$500,000
Less Allowance for Cost Escalations	$178,000
Shortfall	**-$1,693,000**
Plus the Following Cost Reduction Opportunities	
(1) Increase in Grant Funding	
(a) Variation to Australian Government Funding	$825,000

(b) Town of Cottesloe Matching Additional Contribution	$37,714
(2) Reduction in scope	
(a) Utilise existing pavement - remove and replace concrete slabs only Note: No reconstruction of limestone base	$316,000
(b) Remove direct Perth to Fremantle PSP Connection Note: Connection will be at Leighton Beach	$150,000
(c) Reduction in Lighting by 50% Note: This lights only Dutch Inn and Vlamingh, plus reducing the number of bollards in the other sections by half	$250,000
(3) Reduction in Contingencies from 10% to 5% ($500k to $250k)	$250,000
(5) Further Council Funding Note: Program cost savings, reserves or 2027/2028 annual budgeting process to fund stage 2	$0
Total Cost Savings	**$1,828,714**
Net Effect (Difference between total cost savings and shortfall)	**$135,714**

ATTACHMENTS

Nil

CONSULTATION

Officers have consulted with the Australian Government.

Community consultation has been undertaken when developing the concept.

STATUTORY IMPLICATIONS

Authorisation of a public tender is consistent with the Town's procurement obligations under the *Local Government Act 1995* and applicable procurement regulations. Any subsequent award of contract will be subject to compliance with legislative procurement requirements, available budget authority, Council delegations and the conditions of the Australian Government funding agreement. Any required budget amendments or additional Council funding contributions will be subject to future Council consideration and approval.

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

The quantity surveyor estimate indicates that the project is over-budget. Officers have identified a number of mitigating measures within their comments.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

Budget Risk

There is a risk that tendered prices may exceed the current estimate, resulting in a project cost above the available budget. Mitigation measures, including scope reductions and funding negotiations with the Australian Government, are available to enable at least part of the project to proceed if necessary.

Reputational Risk

There is a reputational risk associated with advertising a public tender before funding certainty has been achieved. This risk will be mitigated by seeking alternative tender pricing options that reflect identified cost-saving opportunities, ensuring Council has an affordable package available for consideration.

Asset Management Risk

A proposed cost-saving measure involves retaining the existing limestone base and replacing only the concrete slabs. While this may reduce the useful life of the asset, the risk is considered manageable given the relatively low loading generated by cyclists and pedestrians compared with vehicular traffic. The proposed concrete pavement also provides a more durable surface than traditional asphalt treatments.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council

1. **AUTHORISES the Chief Executive Officer to advertise and evaluate a public tender for the Marine Parade Shared Path Project.**

2. **NOTES that the current detailed design estimate exceeds the approved project budget and that additional funding, scope modifications and/or budget amendments may be required to deliver the project.**

3. REQUIRES officers to submit a further report to Council following completion of the tender process and prior to any contract award, detailing:

a. the tender outcome and recommended tenderer;

b. the final forecast project cost;

c. the outcome of discussions with the Australian Government regarding any funding variation request;

d. any proposed budget amendments or additional Council funding contributions;

e. any proposed reductions or amendments to project scope; and

f. the recommended contract award.

4. CONFIRMS that no contract is to be awarded and no additional Council funding commitment is to be made without a further resolution of Council.

10.1.4 PROPOSED ROAD RENAMING - CURTIN AVENUE SERVICE ROAD

Directorate:	**Engineering Services**
Author(s):	**Renuka Ismalage, Manager Projects and Assets**
Authoriser(s):	**Shaun Kan, Director Engineering Services**
File Reference:	**D26/82358**
Applicant(s):	**Internal**
Author Disclosure of Interest:	**Nil**

SUMMARY

Council is being asked to consider a request to formally rename the Curtin Avenue service road as shown in Diagram A (pink line).

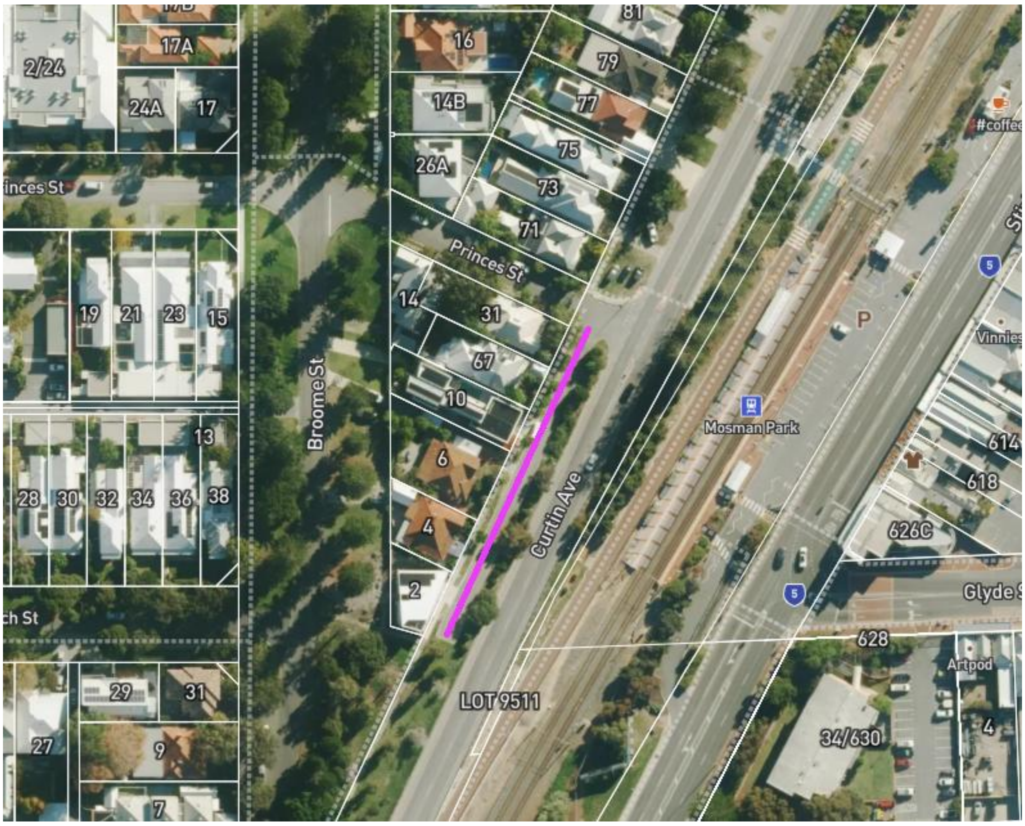

Diagram A: Locality Plan

The Administration has undertaken preliminary validation with Landgate, confirming that the proposed names ‘Lilac Close’, ‘Blue Wren Close’, and ‘Siding Close’ are available and meet the required guidelines. Residents who own property abutting this section of the road have been consulted and provided feedback on the proposed naming options.

OFFICER RECOMMENDATION IN BRIEF

That Council approves the naming of the Curtin Avenue Service Road to ‘Lilac Close’, subject to a formal application to Landgate.

BACKGROUND

The Curtin Avenue service road is approximately 90 metres in length, runs parallel to the main Curtin Avenue, and is accessed via Princes Street. It provides access to six adjoining properties. If the name of the service road is changed, only one of six adjoining property owners would require a change of address. The other five are Broome Street addresses.

One of the three names initially suggested in the change-of-name-request did not meet Landgate's naming requirements. Landgate did not support **Dove Close** due to its similarity to "Dover Court" in Mosman Park.

The proposed names that did meet Landgate's pre-requisites and reasons requested for those names were:

- **Lilac Close** – This reflects the character of the street, where Jacaranda trees line the road and produce lilac-coloured flowers, creating a recognisable local feature;
- **Blue Wren Close** – This was inspired by a favoured bird species; and

OFFICER COMMENT

The six residents living along the Curtin Avenue Service Road were initially consulted on **Lilac Close** and **Blue Wren Close**. During this process, an additional name was proposed - **Siding Close** – referencing and preserving the historical significance of the area's former Cottesloe Beach Railway Siding (established circa 1890s) and its role in early local development.

Officers considered **Siding Close** was a viable alternative as it provided an opportunity to acknowledge local heritage and a second round of consultation was undertaken.

The table below summarises the results from both consultations showing that **Lilac Close** emerged as the preferred option overall

Residents canvassed	Preference from first consultation 12 May 2026	Preference from second consultation 2 June 2026
Resident #1	Siding Close	Siding Close
Resident #2	Lilac Close	Lilac Close
Resident #3	Lilac Close	Lilac Close
Resident #4	Blue Wren Close	Blue Wren Close
Resident #5	Lilac Close	Lilac Close
Resident #6	Lilac Close	Siding Close

If Council resolves to proceed with a road name change, Landgate will undertake the necessary address, cadastral amendments and provide advance notification to relevant agencies, including Australia Post, to minimise impacts on affected residents.

On the balance of the information and the impact on residents, Council Officers support the renaming of the street to Lilac Close.

ATTACHMENTS

Nil

CONSULTATION

Consultation was undertaken with relevant internal and external stakeholders, including affected property owners, Town of Cottesloe Planning, Parks and Operations teams; and Landgate to ensure a range of perspectives and expertise were considered.

STATUTORY IMPLICATIONS

The street name change process is governed by the *Land Administration Act 1997* (ss26(2)(c) and 26A(5)(b) and Landgate's *Policies and Standards for Geographical Naming in Western Australia*, which set out the criteria, consultation requirements and approval processes for the naming and renaming of roads in Western Australia.

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

- If the Road name remains unchanged, there may be ongoing ambiguity in identifying the service road for navigation purposes, particularly for emergency services.
- Despite extensive consultation, some affected property owners or community members may remain opposed to the proposed name change, resulting in complaints, adverse media attention, or perceptions that community feedback was not adequately considered.
- A decision that differs from the consultation outcome may create a perception that community feedback has not been fully reflected in the final determination.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council APPROVES the renaming of the Curtin Avenue Service Road shown in diagram A to Lilac Close.

EXECUTIVE SERVICES

10.1.5 REQUEST FOR APPROVAL OF COTTESLOE TENNIS CLUB LEASE

Directorate:	**Executive Services**
Author(s):	**Kate Jones, Governance Coordinator**
Authoriser(s):	**Mark Newman, Chief Executive Officer**
File Reference:	**D26/85710**
Applicant(s):	
Author Disclosure of Interest:	**Nil**

SUMMARY

For Council to approve the execution of the new lease agreement between the Town of Cottesloe and the Cottesloe Tennis Club (CTC), following Council's consideration of the revised lease terms and the Club's agreement to the amendments requested by Council at its Ordinary Council Meeting of 23 June 2026.

OFFICER RECOMMENDATION IN BRIEF

That Council approves the execution of the new lease agreement with the Cottesloe Tennis Club commencing 1 July 2026, for a term of ten (10) years with a five (5) year option to renew, subject to Ministerial approval and execution of the lease documentation.

BACKGROUND

At its Ordinary Council Meeting of 23 June 2026, Council considered a report regarding the granting of a new lease to the CTC.

While Council expressed support for the proposed lease framework, a number of amendments to the draft lease were requested prior to final approval being sought. Following the meeting, Council's requested amendments were incorporated into the draft lease and the revised document was provided to the CTC for consideration.

The Club has subsequently advised that it accepts the amended lease terms and is prepared to enter into the lease agreement.

Approval is now sought to enable the lease to proceed to execution, subject to Ministerial approval under the *Land Administration Act 1997*.

OFFICER COMMENT

Following Council's consideration of the proposed lease at its Ordinary Council Meeting of 23 June 2026, a number of amendments were requested to further clarify the Town's expectations regarding signage, vaping on the Premises, strategic planning, and annual reporting obligations.

The amendments highlighted in blue in the draft lease at **Attachment (a)** are:

a. **Clause 11.1(6)** - Exemption from Lessor approval for internal facing signs no larger than 1.0 metre by 0.5 metre and those that are not illuminated - provides greater certainty regarding signage controls on the Premises;

b. **Clause 10.1(b)** - A consequential amendment to clause 10.1(b) to ensure consistency with the amended signage provisions in clause 11.1(6);

c. **Clause 11.1(7)** - Expansion of the smoking prohibition provisions to expressly include vaping;

d. **Item 10(3)(a) of the Schedule** - Strengthening of the Club's strategic planning obligations by requiring that any proposed capital works on the Premises be identified within the Club's five-year Strategic Plan, to the satisfaction of the Town; and

e. **Item 10(4)(a) of the Schedule** - Clarification that Council's expectations are met in relation to the Club's annual reporting of its achievements; and

The amended lease has been provided to the Cottesloe Tennis Club for review. The Club has confirmed that the amendments are acceptable and that it is prepared to proceed with the lease on the revised terms.

The Administration considers that the amendments improve the clarity and accountability of the lease while maintaining the overall lease framework previously endorsed by Council. The amendments do not materially alter the rights granted to the Club or the intended operation of the lease and are considered consistent with Council's objectives for governance, asset management, and community use of the facility.

The proposed lease maintains the key accountability measures previously endorsed by Council, including:

- A lease term of ten (10) years with a five (5) year option to renew;
- Public liability insurance of not less than $20 million;
- Strategic planning requirements;
- Annual reporting obligations to the Town;
- Responsibility for reimbursement of lease preparation costs.

The lease also continues to provide an appropriate framework for the management and maintenance of the leased premises and supports the long-term sustainability of the Club's operations.

The property inspection report and site survey previously undertaken remain current and no matters have been identified that would warrant delaying or withholding approval of the lease.

As the land is Crown Reserve, the lease remains subject to the approval of the Minister for Lands under Section 18 of the *Land Administration Act 1997*.

The Administration is satisfied that the amended lease appropriately reflects Council's direction, protects the Town's interests, and supports the continued operation and development of the Cottesloe Tennis Club. It is therefore recommended that Council approve the execution of the lease presented at **Attachment (a)**.

ATTACHMENTS

10.1.5(a) **Draft Lease Agreement - Cottesloe Tennis Club - July 2026 [under separate cover]**

CONSULTATION

The amended lease was provided to the Club for review and consideration. The Club subsequently confirmed that the amendments are acceptable and that it is willing to proceed with the lease in its amended form.

STATUTORY IMPLICATIONS

- *Local Government Act 1995*
- Local Government (Functions and General) Regulations 1996 – Regulation 30
- *Land Administration Act 1997 – Section 18*

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.

RISK MANAGEMENT IMPLICATIONS

Failure to approve the amended lease may result in:

- Delays in finalising an agreement that has already been substantially negotiated and agreed by both parties;
- Ongoing uncertainty for the Club regarding future tenure and strategic planning;
- Potential impacts on the Club's ability to plan future maintenance, programming and investment in facilities;

Conversely, approval of the lease provides certainty of tenure, establishes a clear governance framework and supports the continued delivery of community sporting and recreational opportunities.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council:

1. **APPROVES the execution of a new lease to the Cottesloe Tennis Club on the terms and conditions set out in the draft lease at Attachment (a), commencing 1 July 2026, for a period of ten (10) years with a five (5) year option to renew.**

2. **NOTES that:**
   a. **The amendments requested by Council at its Ordinary Council Meeting of 23 June 2026, have been incorporated into the draft lease and accepted by the Cottesloe Tennis Club; and**
   b. **The lease is subject to prior written approval of the Minister for Lands in accordance with section 18 of the *Land Administration Act 1997.***

3. **Pursuant to ss.9.49A(1)(a), (2) and (3), the lease is to be duly executed by affixing the common seal to the document in the presence of the Mayor and Chief Executive Officer.**

10.1.6 WALGA AGM VOTING DELEGATES - 2026

Directorate:	**Executive Services**
Author(s):	**Mark Newman, Chief Executive Officer**
Authoriser(s):	**Mark Newman, Chief Executive Officer**
File Reference:	**D26/80350**
Applicant(s):	
Author Disclosure of Interest:	**Nil**

SUMMARY

For Council to select two voting delegates (and a proxy) for the WA Local Government Association (WALGA) Annual General Meeting (AGM) to be held on 17 September 2026, and appoint an additional Deputy Delegate to the WALGA Central Metropolitan Zone Committee for the remainder of the Council term.

OFFICER RECOMMENDATION IN BRIEF

That Council appoints two (2) elected members as voting delegates and a proxy delegate to the 2026 WALGA AGM.

BACKGROUND

The WALGA AGM is scheduled to be held on Thursday, 17 September 2026, as part of the 2026 Local Government Week Convention. The Town normally has delegates attend the AGM to represent the interests of the Town of Cottesloe.

OFFICER COMMENT

The WALGA AGM, is held every year in order for the membership of WALGA (all Local Governments in WA) to review WALGA's activities for the previous financial year and consider possible Executive or Member Motions. There is no formal protocol as to which elected member(s) should be appointed, however in the past voting delegates have been reasonably familiar with current WALGA advocacy activities and state-wide local government industry issues.

It should be noted that any motion resolved at the WALGA AGM does not bind the Town of Cottesloe to any formal position on any matter considered at WALGA AGM.

In addition to appointing delegates to the WALGA AGM, Council is requested to appoint an additional Deputy Delegate to the WALGA Central Metropolitan Zone Committee. The Zone Committee provides a forum for local governments within the Central Metropolitan region to discuss matters of sector-wide significance, contribute to WALGA policy development and advocacy, and consider issues for referral to the WALGA State Council. Appointing an additional Deputy Delegate will strengthen the Town's representation and assist in ensuring continuity of attendance and participation where the primary delegate or existing deputy delegate is unavailable.

ATTACHMENTS

Nil

CONSULTATION

Nil

STATUTORY IMPLICATIONS

There are no statutory implication associated with this item.

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

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

It is appropriate for Council to participate at the WALGA AGM to ensure the Town contributes to the strategic direction of Local Government in W.A.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council

1. **APPOINT Cr____________ and Cr____________ as the Town of Cottesloe voting delegates for the 2026 WALGA Annual General Meeting on 17 September 2026.**

2. **APPOINT Cr____________ as the proxy Town of Cottesloe delegate for the 2026 WALGA Annual General Meeting on 17 September 2026, should a voting delegate (point 1) be unable to attend.**
3. **APPOINT Cr ____________ as an additional Deputy Delegate to the WALGA Central Metropolitan Zone Committee for the remainder of the Council term.**

10.1.7 REVIEW OF SUITE OF LOCAL LAWS - CONSIDERATION OF PUBLIC SUBMISSIONS

Directorate:	**Executive Services**
Author(s):	**Kate Jones, Governance Coordinator**
Authoriser(s):	**Mark Newman, Chief Executive Officer**
File Reference:	**D26/87590**
Applicant(s):	
Author Disclosure of Interest:	**Nil**

SUMMARY

For Council to consider the precis of submissions received during the public consultation period for the review of the Town's suite of local laws and, in accordance with section 3.16(4) of the *Local Government Act 1995*, determine whether each local law should be repealed, amended or remain unchanged.

This report does not seek Council's approval of any specific new or amended local law. Rather, it presents the outcomes of the statutory review process and seeks Council's determination as to whether each local law should remain unchanged, be amended, or be repealed and potentially replaced through a future local law-making process.

OFFICER RECOMMENDATION IN BRIEF

That Council, by absolute majority, having considered the submissions received during the public consultation process undertaken pursuant to section 3.16(2) of the *Local Government Act 1995*, determine in accordance with section 3.16(4) of the Act that the following local laws should either be repealed, amended or remain unchanged as follows:

Local Law	Determination
Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001	Repeal and replace with a new local law in 2027/28
Beaches and Beach Reserves Local Law 2012	Repeal and replace with new Property Local Law in 2026/27
Fencing Local Law 2001	Repeal and replace with a new local law in 2028/29
Health Local Law 1997	Remain unchanged until WALGA Model Health Local Law is created
Local Government Property Local Law 2001 - Consolidated	Repeal (to be replaced by a new Property Local Law in 2026/27)
Signs Hoarding and Billposting Local Law 1988	Repeal and replace with a new local law in 2027/28

Local Law	Determination
Special Events Local Law 2006	Repeal and replace with new Property Local Law in 2026/27

BACKGROUND

At its Ordinary Council Meeting held on 24 March 2026, Council resolved by absolute majority to commence a review of the Town's suite of local laws pursuant to section 3.16 of the *Local Government Act 1995*. Council also resolved to give local public notice of its intention to review the relevant local laws and invite public submissions over a six-week consultation period.

The local laws subject to review were:

- Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001;
- Beaches and Beach Reserves Local Law 2012;
- Fencing Local Law 2001;
- Health Local Law 1997;
- Local Government Property Local Law 2001 – Consolidated;
- Signs Hoarding and Billposting Local Law 1988; and
- Special Events Local Law 2006.

The consultation period has now concluded and Council is required to consider the submissions received and determine whether each local law should be repealed, amended or remain unchanged.

OFFICER COMMENT

(a) Community Engagement Outcomes

The consultation was undertaken through the Town's Engagement Hub and remained open for public comment until 10 July 2026. The engagement rates were underwhelming; however, this is likely to be because local laws are not popular engagement subject matter. Engagement statistics were:

- 1,002 page views;
- 660 unique visitors;

- 636 aware stakeholders;
- 15 informed stakeholders; and
- 18 engaged stakeholders.

A total of nine survey submissions were received.

(b) <u>Summary of Survey Results</u>

Local Law	Amend	Repeal	Leave Unchanged
Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001	2	0	6
Beaches and Beach Reserves Local Law 2012	6	0	3
Local Government Property Local Law 2001 – Consolidated	2	0	5
Fencing Local Law 2001	2	1	4
Signs Hoarding and Billposting Local Law 1988	4	0	5
Special Events Local Law 2006	2	0	6

No respondents selected an option for the Health Local Law 1997, however written comments were received addressing the local law.

(c) <u>Key Theme Emerging from the Submissions</u>

The majority of respondents who selected "leave unchanged" did not advocate for retaining the existing wording of the local laws. Instead, many comments sought:

- clearer rules;
- stronger enforcement;
- updated penalties;
- consolidation of overlapping regulations;
- improved clarity regarding permitted activities; and
- modern responses to contemporary issues.

These outcomes are consistent with the rationale for replacing older local laws with contemporary local laws, including WALGA model local laws, and consolidated regulatory frameworks.

While the survey results indicate that respondents generally favoured retaining the existing local laws, the written submissions suggest that community members' primary concern is the continued regulation of these matters rather than the retention of the current legislative drafting.

A review of the comments demonstrates that many respondents support stronger enforcement, clearer regulation and updated provisions. Examples include requests for:

- clearer regulation of fishing, watercraft and beach activities;
- increased penalties for damage to marine life;
- improved controls on signage;
- greater enforcement of fencing requirements;
- clearer verge treatment requirements; and
- stronger management of special events and their impacts on surrounding residents.

These comments reflect concerns regarding the effectiveness and contemporary relevance of the existing local laws rather than support for retaining the local laws in their current form.

The purpose of the review is not to remove regulation in these areas, but to ensure that the Town's regulatory framework remains current, enforceable and consistent with contemporary legislation and WALGA model local laws. Accordingly, officers consider that repeal and replacement of a number of the Town's older local laws remains appropriate notwithstanding the survey results.

(i) <u>Activities on Thoroughfares and Trading</u>

Although six respondents selected "leave unchanged", comments sought amendments to verge treatment controls and clarification regarding responsibilities for cleaning footpaths. One submission proposed additional verge access requirements for parked vehicles.

Officer Rationale:

These submissions suggest refinement and modernisation of the existing provisions rather than support for retaining the local law unchanged. A replacement local law provides the most appropriate mechanism to address contemporary verge, trading and public place management issues.

(ii) <u>Beaches and Beach Reserves</u>

Comments sought:

- dog beach changes;
- regulation of fishing activities;
- stronger jet ski controls;
- higher penalties;
- improved enforcement;
- management of event impacts;
- additional beach amenity measures.

Officer Rationale:

The breadth of issues raised demonstrates that the community expects current and effective regulation of beach and foreshore areas. Consolidating applicable provisions into a modern Property Local Law would provide a more contemporary and integrated approach to managing these community concerns.

(iii) <u>Fencing</u>

Comments called for:

- review of razor wire provisions;
- flexibility for traffic noise mitigation;
- stronger enforcement of existing standards.

Officer Rationale:

The submissions indicate a desire for both clearer standards and improved administration. These matters are more appropriately addressed through a contemporary local law than through retention of the existing 2001 local law.

(iv) <u>Signs, Hoarding and Billposting</u>

Comments focused on:

- reducing signage clutter;
- removal of temporary signage;
- stricter controls over signage.

Officer Rationale:

Respondents generally supported ongoing regulation of signage and advertising rather than retention of the 1988 local law itself. The age of the current local law means replacement provisions would provide a more effective and contemporary framework.

(v) Special Events

While six respondents selected "leave unchanged", the substantive comments focused on:

- reducing event impacts;
- noise management;
- accountability of event organisers;
- protection of beach reserve amenity.

Officer Rationale:

The comments support continued regulation of events and their impacts. Consolidating relevant provisions into a contemporary Property Local Law would allow these concerns to be addressed through an updated and more integrated regulatory framework.

While all submissions have been carefully considered, the response rate was limited and does not provide a statistically significant basis to depart from the strategic direction previously endorsed by Council in March 2026. Officers have therefore focused on the substance of the comments received rather than the numerical survey selections alone.

After having reviewed the submissions, officers consider that the feedback does not alter the recommendations adopted by Council in March 2026 (as below), excluding slippage in the proposal to bring a new Local Government Property Local Law to Council in April 2026. The timeframe for this action has been amended in the officer's recommendation for this report.

Local Law	Review Timeframe
Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001	Recommended to be repealed and brought back to Council in the financial year ending 30 June 2028.
Beaches and Beach Reserves Local Law 2012	Recommended to be repealed. A new Local Government Property Local Law to be submitted to Council for review in April 2027.
Fencing Local Law 2001	Recommended to be repealed and brought back to Council in the financial year ending 30 June 2029.

Health Local Law 1997	Recommended to be retained and brought back to Council for a review once a WALGA Model Health Local Law has been created.
Local Government Property Local Law 2001 - Consolidated	Recommended to be repealed. A new Local Government Property Local Law to be submitted to Council for review in April 2027.
Signs Hoarding and Billposting Local Law 1988	Recommended to be repealed and brought back to Council in the financial year ending 30 June 2028.
Special Events Local Law 2006	Recommended to be repealed. A new Local Government Property Local Law to be submitted to Council for review in April 2027.

ATTACHMENTS

Nil

CONSULTATION

In accordance with section 3.16(2) of the *Local Government Act 1995*, the Town gave local public notice of its intention to review the local laws as identified in Council Resolution OCM033/2026.

The consultation period exceeded the statutory minimum six-week period and concluded on 10 July 2026. Nine submissions were received through the Town's Engagement Hub and have been considered as part of this report.

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 3.16(3) of the *Local Government Act 1995* requires the local government, after the close of submissions, to consider any submissions made and cause a report of the review to be prepared and submitted to Council.

Section 3.16(4) provides:

After the report has been submitted to Council, the local government must determine whether it considers that the local law should be repealed, be amended or remain unchanged.

POLICY IMPLICATIONS

The recommendations remain consistent with those previously presented to Council.

Implementation of future repeal and replacement local laws may require consequential amendments to existing Council policies, including:

- Residential Verges Policy; and
- Beach Policy.

STRATEGIC IMPLICATIONS

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

Priority Area 4 – Our Leadership and Governance

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

Reviewing and updating the Town's suite of local laws ensures the Town maintains a contemporary and effective regulatory framework.

RESOURCE IMPLICATIONS

There are no additional resource implications arising from the officer recommendation.

Future repeal and replacement local laws will be progressed through future work programs and existing governance resources.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

Reviewing and modernising the Town's local laws presents an opportunity to ensure contemporary provisions relating to environmental protection, climate resilience, biodiversity, coastal management and sustainable land use practices are incorporated where appropriate.

RISK MANAGEMENT IMPLICATIONS

The principal risks remain:

1. Failure to review local laws by December 2026, may result in automatic repeal under the *Local Government Act 1995*.
2. Outdated local laws may not align with contemporary legislation or regulatory standards.
3. Legislative non-compliance may expose the Town to governance and reputational risks.

4. Existing local laws may not adequately address contemporary environmental, health or operational issues.

Completion of the statutory review process reduces these risks and assists the Town in maintaining a contemporary and enforceable local law framework.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

THAT Council by absolute majority:

1. **Having considered the precis of submissions received and pursuant to section 3.16(4) of the *Local Government Act 1995*, DETERMINE that:**

Local Law	Determination
Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001	Repeal and replace with a new local law in 2027/28
Beaches and Beach Reserves Local Law 2012	Repeal and replace with new Property Local Law in 2026/27
Fencing Local Law 2001	Repeal and replace with a new local law in 2028/29
Health Local Law 1997	Remain unchanged until WALGA Model Health Local Law is created
Local Government Property Local Law 2001 – Consolidated	Repeal (to be replaced by a new Property Local Law in 2026/27)
Signs Hoarding and Billposting Local Law 1988	Repeal and replace with a new local law in 2027/28
Special Events Local Law 2006	Repeal and replace with new Property Local Law in 2026/27

2. **REQUEST the Chief Executive Officer to progress the repeal, amendment or replacement of the above local laws in accordance with Council's adopted local law review program.**

10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES

Nil

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 COUNCILLOR MOTION - MOTION TO THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION ANNUAL GENERAL MEETING - NATIONAL CLIMATE ADAPTATION FUNDING AND ACCOUNTABILITY FOR AUSTRALIAN LOCAL GOVERNMENTS.

The following motion has been proposed by Cr Bulbeck.

COUNCIL MOTION

THAT Council

ENDORSES the submission of the following motion along with the required accompanying 'in brief' and 'member comment' to the 2026 WA Local Government Association (WALGA) Annual General Meeting (submission deadline Thursday 30 July 2026 to the Chief Executive Officer of WALGA at associationgovernance@walga.asn.au):

"THAT WALGA supports the motion (92) passed by the ALGA Conference in June 2026, expected to be formally confirmed in the first week of August, following resolution of the ALGA Board', and calls on the Federal Government to:

1. **ACKNOWLEDGE that the increasing costs of climate change—including disaster recovery from storms, floods, and bushfires, and community resilience building for heatwaves and sea-level rise—place an unsustainable financial burden on local government.**
2. **RECOGNISE the inequity where local governments and communities bear these costs despite not being responsible for the 75% of climate pollution generated by major coal, oil, and gas corporations.**
3. **ESTABLISH a Parliamentary Inquiry into the adequacy of the 2025 National Adaptation Plan, specifically addressing the lack of additional funding for local governments to deliver mandated adaptation responses.**
4. **ENSURE this Inquiry identifies concrete revenue sources to meet investment needs, including the implementation of taxes or levies on the coal, oil, and gas industries aligned with the climate damage their products cause.**
5. **ESTABLISH a National Climate Compensation Fund with a dedicated funding stream for local governments, commensurate with the scale of the financial risks identified in the 2025 National Climate Risk Assessment."**

IN BRIEF

The costs of climate disaster response and readiness confronting Local Governments are fast outpacing the willingness or capacity of State and Federal governments to finance the shortfall. A sustainable supplementary funding source must be found.

- **Across Australia, local councils collectively own and manage billions of dollars in infrastructure currently threatened by climate-impacted events, including storms, floods, water damage, and bushfires.**

- **Existing constraints on Local Government revenue-raising mean councils cannot address these increasing costs without significantly compromising other essential local services.**

- **Climate disruption costs and requirements for adaptation and building resilience are escalating beyond the capacity of Local Governments to pay them.**

- **A dedicated fund for Local Governments paid by a levy on fossil fuel companies extends point 2.b of WALGA's 'Climate Change Advocacy Position': 'Ensures that Local Government has the funding, guidance and practical support required to meet increasing risk and expanded legislative requirements to plan for, mitigate and adapt to climate impacts'.**

- **This motion seeks a federally administered solution that shifts the fiscal burden from ratepayers to the industries primarily responsible for climate-related damage.**

MEMBER COMMENT

A common theme of the 41 local government responses to WALGA's draft 'Climate Change Advocacy Position' concerned the rising costs of climate disruption facing Local Governments and inadequate public funding to meet those costs: 'legislative obligations placed on Local Governments have expanded without a sustainable funding model to support implementation'. 'Local Government must be provided with the funding, guidance and practical support required to meet increasing risk and legislative requirements'.

Economy-wide disaster costs are estimated at $38 billion per year, equivalent to $3,800 for every household in Australia. Federal Government funding is totally inadequate to meet these escalating costs, and was reduced in 2026-27 from an annual $200 million to $142.5 million in the Disaster Ready Fund for floods, storms, fires and cyclones. The Federal government has proposed reducing its contribution to Queensland's Disaster Recovery Framework Arrangements from 50% to 35%.

The WA State Government's CoastWA Program provides inadequate funding to Local Governments to manage the impacts of coastal erosion and inundation and to plan and prepare for the future, including building more resilient infrastructure to meet escalating climate threats. The $8 million per annum allocated to extend the CoastWA program to 2028-29 is well short of the WAPC's estimated damages bill from coastal erosion and inundation of $44 million per annum over the next ten years.

The motion calls on the Federal Government to establish a Parliamentary Inquiry into the adequacy of the 2025 National Adaptation Plan, create a dedicated funding stream for local governments that matches the scale of financial risks identified in the 2025 National Climate Risk Assessment, and identify taxes or levies on the coal, oil and gas industries aligned with the damage their products cause to finance the fund.

Research shows that roughly 76% of Australia's climate pollution comes from burning coal, oil and gas, a sector which has seen exceptional 'superprofits' in recent years, and which pays well below its share of levies and taxes. Across the sector, income tax averages just 5% of its reported $436 billion income, compared with the 30% corporate tax rate. To

2024, $111 billion worth of royalty-free liquefied natural gas (LNG) was exported from WA, sacrificing at least $9.6 billion in revenue if royalties had been paid.

A polluter-pays mechanism is supported by a majority of the Australian public. 70% of Australians support a mechanism to collect revenue from polluting industries.

Federal and State governments are unwilling or unable to provide guaranteed long-term funding to meet the escalating climate change-induced mitigation, adaptation and resilience-building costs faced by Local Governments. The fossil fuel corporations, the major financial beneficiaries of climate disruption, contribute little to repairing the damage their products cause. A levy on fossil fuel products paid into a dedicated fund supporting Local Governments in climate adaptation and mitigation will bring costs and profits into better alignment.

COUNCILLOR RATIONALE

The Local Government Act WA requires Local Governments to plan for, and mitigate, risks associated with climate change, but does not legislate adequate resourcing for Local Governments to meet this obligation.

In its recently updated Climate Change Advocacy Position, WALGA 'calls on the Australian and Western Australian Governments to:

a) Provide the necessary climate leadership, coordination and action to ensure an orderly transition to achieve emission reduction targets and address the impacts of climate change.

b) Ensure that Local Government has the funding, guidance and practical support required to meet increasing risk and expanded legislative requirements to plan for, mitigate and adapt to climate impacts;

The costs of climate disaster readiness and response confronting Local Governments are fast outpacing the willingness or capacity of State and Federal governments to finance the shortfall. Constant underfunding of the State Government's CoastWA program and the Federal Government's Disaster Ready Fund reveals this. Local Governments need a funding source beyond that of taxpayers and ratepayers to support escalating climate-related costs.

Roughly 76% of Australia's climate pollution comes from burning coal, oil and gas. This sector pays well below its share of levies and taxes on the profits made from selling its products, income tax averaging just 5% of its reported income. In 2024, $111 billion worth of royalty-free liquefied natural gas (LNG) was exported from WA, sacrificing at least $9.6 billion in revenue if the Federal government had imposed royalties.

The motion calls on the Federal Government to examine the widening gap between climate-related costs imposed on Local Governments and funding provided by State and Federal governments and establish: a Parliamentary Inquiry into the adequacy of the 2025 National Adaptation Plan; create a dedicated funding stream for local governments that matches the scale of financial risks identified in the 2025 National Climate Risk Assessment; and identify concrete revenue sources including taxes or levies on the coal, oil and gas industries aligned with the damage their products cause to finance the fund.

OFFICER COMMENT

In respect of Cr Bulbeck's motions, these address a significant and growing issue for local governments: the increasing financial burden associated with climate change adaptation, mitigation, disaster preparedness, asset resilience and recovery from climate-related events. These costs are being experienced across a range of local government functions, including infrastructure management, coastal protection, emergency management, land use planning, environmental management and community services. There is no doubt that it is appropriate to seek State and Federal funding programs; however, the methodologies for funding these programs is a political decision that needs to be addressed at both State and Federal level.

The motion references Resolution 92 of the 2026 Australian Local Government Association (ALGA) National General Assembly and seeks WALGA's support for the establishment of a Parliamentary Inquiry into the adequacy of the Commonwealth's National Adaptation Plan and for the creation of a National Climate Compensation Fund to support Local Governments. An Inquiry that puts the focus on the growing impacts of climate change on local governments and the funding gap that exists, is thought by officers to be appropriate.

While the motion identifies a levy or taxation mechanism on fossil fuel industries as a potential funding source, the specific design, administration and implementation of any such mechanism would be matters for the Commonwealth Government.

STATUTORY IMPLICATIONS

There are no direct statutory implications arising from this motion.

POLICY IMPLICATIONS

There are no current specific policy implications with the above Motion of Notice, however Council has a Customer Service Charter 2020, which is available on the Town's website, https://www.cottesloe.wa.gov.au/strategic-documents.aspx.

RESOURCE IMPLICATIONS

Any review will involve Officer Time, however legal advice may need to be obtained if changes are proposed to Local Laws. No estimate on total cost to implement the motion on notice has been determined.

OTHER

Further advice will be provided if requested at the meeting.

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

MOTION FOR BEHIND CLOSED DOORS

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

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

13.1.1 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2)(b)(ii) as it contains information relating to a matter relating to the recruitment or employment of the CEO or a senior employee, including … (ii) a review of performance under section 5.38.

MOTION FOR RETURN FROM BEHIND CLOSED DOORS

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

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

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

14 MEETING CLOSURE