

# **TOWN OF COTTESLOE**



## **SPECIAL COUNCIL MEETING**

# **AGENDA**

**SPECIAL COUNCIL MEETING  
TO BE HELD IN THE  
Council Chambers, Cottesloe Civic Centre  
109 Broome Street, Cottesloe  
5:30 PM Tuesday, 17 June 2025**

# Town of Cottesloe

## SPECIAL COUNCIL MEETING

Notice is hereby given that the next Special Council Meeting will be held in the Council Chambers, Cottesloe Civic Centre 109 Broome Street, Cottesloe on **17 June 2025** commencing at **5:30 PM**.

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

Yours faithfully,



Mark Newman  
**Chief Executive Officer**

13 June 2025

## 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](http://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.

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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****3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

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.

**4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4.2 PUBLIC QUESTIONS****5 PUBLIC STATEMENT TIME****6 ATTENDANCE****Elected Members**

Mayor Lorraine Young  
Cr Helen Sadler  
Cr Melissa Harkins  
Cr Chilla Bulbeck  
Cr Brad Wylynko  
Cr Jeffrey Irvine

**Officers**

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

**6.1 APOLOGIES**

Cr Michael Thomas  
Cr Katy Mason

**6.2 APPROVED LEAVE OF ABSENCE**

Cr Sonja Heath

**6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

**7 DECLARATION OF INTERESTS**

**8 PRESENTATIONS**

**8.1 PETITIONS**

**8.2 PRESENTATIONS**

**8.3 DEPUTATIONS**

**9 REPORTS****9.1 REPORTS OF OFFICERS****CORPORATE AND COMMUNITY SERVICES****9.1.1 NOTICE OF INTENTION TO LEVY DIFFERENTIAL RATES**

**Directorate:** Corporate and Community Services  
**Author(s):** Vicki Cobby, Director Corporate and Community Services  
**Authoriser(s):** Mark Newman, Chief Executive Officer  
**File Reference:** D25/24451  
**Applicant(s):**  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider resolving to advertise its intention to levy differential rates and minimum rates.

**OFFICER RECOMMENDATION IN BRIEF**

That Council advertise its intention to levy differential rates in the dollar and minimum rates, adopt the Rating Objects and Reasons for 25/26.

**BACKGROUND**

The Town of Cottesloe has previously imposed differential rates based on the purpose for which land is zoned or for which the land is used for (vacant or improved).

In accordance with Section 6.36, *Local Government Act 1995*, the Town is required to give local public notice of its intention to impose differential general rates prior to adopting its 2024/2025 budget.

**OFFICER COMMENT**

For many years the Town has imposed differential rates, via the use of six (6) different rate categories, being:

1. GRV Residential Improved (RI);
2. GRV Residential Vacant (RV);
3. GRV Commercial Improved (CI)
4. GRV Commercial Vacant (CV)
5. GRV Commercial Town Centre (CT)
6. GRV Industrial (ID)

These rate categories represent the various land zonings/uses and whether the land is vacant or improved. The rates are set at differential levels with the intention to provide a fair

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and equitable distribution of rates to each category having regard to the total services provided by the Town. Residential improved land is the base rate for comparison and the lowest rate charged. The higher rates in the dollar are indicative of the increased demand on the Town's infrastructure and services from these categories. These include but are not limited to, increased maintenance and operational costs in and around commercial precincts including litter removal, street trees, parking provision, verge mowing and weed control.

The GRV Commercial Town Centre (CT) rate has the highest differential rate and is only applied to commercial properties in the Cottesloe Town Centre precinct. The CT rate in the dollar represents the Commercial Improved (CI) rate in the dollar, plus the rate that is levied on behalf of ProCott – who use the funds in agreement with the Town – to promote and improve commercial activity within the Town Centre.

A minimum payment is applied to each rating category to acknowledge that all properties benefit from a baseline level of services and infrastructure provided by the Town.

In 2024/2025, the minimum rate was reduced to \$792 to offset the impact of separating waste charges from general rates. However, the value of the minimum level of services delivered by the Town exceeds this reduced amount. A phased correction is now being implemented—this year and next—to restore the minimum rate to a more equitable and appropriate level. As a result, the minimum rate for Residential Improved (RI) properties has been increased to \$900 for 2025/2026, representing a 13.6% increase.

The minimums across the other rating categories have increased in line with the recommended increase to the rate in the dollar, by 3.9%.

With a 3.9% increase to the rates in the dollar and the increases to the minimums, rates are estimated to generate an additional \$494,660 in annual revenue (compared to the 24/25 budget).

The Council is considering using this additional revenue to address various needs, including covering general cost increases and investing in additional public amenities, as identified in the Council Plan (<https://www.cottesloe.wa.gov.au/documents/11724/council-plan-2023-2033>).

If Council were interested in making a greater contribution to our long term asset management, an increase of 4.4% to the rate in the dollar and minimums and keeping the RI minimum at \$900, increased revenue of \$56,411 would be raised. These extra funds could be placed directly to Reserve to invest in asset renewal.

The Town's Rating Objects and Reasons have been updated to reflect the changes discussed in this report. Council is requested to adopt these, so to provide additional context to community members when preparing their submission on the proposed rates in the dollar/minimum rates. The submission period is a minimum of 21 days, and Council will not be able to adopt the 25/26 Annual Budget (including the rates in the dollar/minimum rates) until it has considered any submissions received.

## **ATTACHMENTS**

Nil

**CONSULTATION**

Elected Member Budget Workshops.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

Section 1.7 Local Public Notice

Section 6.33 Differential General Rates

Section 6.36 Local Government to give notice of certain rates

Section 6.35 Minimum Rates

*Local Government (Administration) Regulations 1996*

Regulation 3A Requirements for local public notice (Act s. 1.7)

**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 4.1: 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.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**THAT Council ADVERTISES its intention to raise the following differential rates in the dollar and minimum rates for the 2025/26 Financial Year:**

- a. GRV – Residential Improved (RI) – Rate in the dollar being 0.05812 with a minimum rate of \$900;**

- b. GRV – Residential Vacant (RV) – Rate in the dollar being 0.06937 with a minimum rate of \$1,438;
- c. GRV – Commercial Improved (CI) – Rate in the dollar being 0.06937 with a minimum rate of \$1,438;
- d. GRV – Commercial Vacant (CV) – Rate in the dollar being 0.06937 with a Minimum rate of \$1,144;
- e. GRV – Commercial Town (CT) – Rate in the dollar being 0.08300 with a Minimum rate of \$1,456; and
- f. GRV – Industrial (ID) – Rate in the dollar being 0.06937 with a Minimum rate of \$1,438.

2. ADOPTS the attached 2025/26 Rating Objects and Reasons as follows;

Differential Rates 2025/26

The Town of Cottesloe utilises a differential rates system to ensure a fair and balanced distribution of property rates amongst various land uses within the Town. This system aligns with Section 6.33(1) of the *Local Government Act 1995*.

Key Factors for Differential Rates:

- Land Zoning: The primary purpose for which the land is zoned, as outlined in the current Town Planning Scheme.
- Land Use: The actual use of the land, as determined by the Local Government (i.e. Commercial Town Centre).
- Vacancy Status: Whether the land is currently developed and occupied.

The rates are set at differential levels that provide, as far as is practically possible, a fair and equitable distribution of the rates to each category having regards to the total services provided by the Town.

The Town has the following differential rating categories and minimum rates, namely:

**Residential Improved:** all improved land that is zoned for residential purposes (i.e. primarily residential land) and that is not zoned for commercial or industrial uses.

**Proposed Rate in the Dollar/Minimum Rate for 2025/26 = 0.05812/\$900**

**Residential Vacant:** all vacant land that is zoned for residential purposes (i.e. primarily residential land) that is not zoned for commercial or industrial uses.

**Propose Rate in the Dollar/Minimum Rate for 2025/26 = 0.06937/\$1,438**

**Commercial Improved:** all improved land that is zoned for commercial uses, other than land determined to be categorised as Commercial Town Centre.

**Proposed Rate in the Dollar/Minimum Rate for 2025/26 = 0.06937/\$1,438**

**Commercial Vacant:** all vacant land that is zoned for commercial or industrial uses, other than land determined to be categorised as Commercial Town Centre.

**Proposed Rate in the Dollar/Minimum Rate for 2025/26 = 0.06937/\$1,144**

**Commercial Town Centre:** land used for commercial and industrial purposed and non-residential land, located in the Cottesloe Town Centre area. The higher rate reflects the additional costs associated with area promotion and improvement. The Town works with the organisation known as ProCott Inc. to achieve these objectives.

**Proposed Rate in the Dollar/Minimum Rate for 2025/26 = 0.08300/\$1,456**

**Industrial:** all improved land that is zoned for industrial uses, other than land determined to be categorised as Commercial Town Centre.

**Proposed Rate in the Dollar/Minimum Rate for 2025/26 = 0.06937/\$1,438**

**Residential improved land** is the base rate for comparison. A higher rate in the dollar for other categories is to achieve a fair and equitable contribution from owners of land not rated as Residential Improved. The higher rate in the dollar is indicative of the increased demand on the Town's infrastructure and services from these categories.

The Commercial Town rate in the dollar is higher than the Commercial Improved or the Industrial rates as they benefit from a contribution to an economic development organisation that supports the Town Centre businesses.

#### **Minimum Rates 2025/26**

A minimum payment is applied to each rate category in recognition that every property receives at least minimum level of benefit from works and services provided by the Town.

Each is proposed at an amount which recognises the characteristics and particular demand on the Town's infrastructure and services.

Minimum Rates have been set so that no more than 50% of the total properties in each category will be charged minimum rates. This may result in minor adjustments to each minimum to avoid exceeding this 50% of properties threshold.

**9.1.2 PROPOSED DEMOLITION OF TWO SINGLE STOREY COMMERCIAL BUILDINGS AND  
CONSTRUCTION OF MIXED USE DEVELOPMENT AT LOTS 50 (7) AND 35 (11) STATION  
STREET COTTESLOE**

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

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**SUMMARY**

Officer to present on the night.

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

Nil

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

**11.1 ELECTED MEMBERS**

**11.2 OFFICERS**

**12 MEETING CLOSURE**