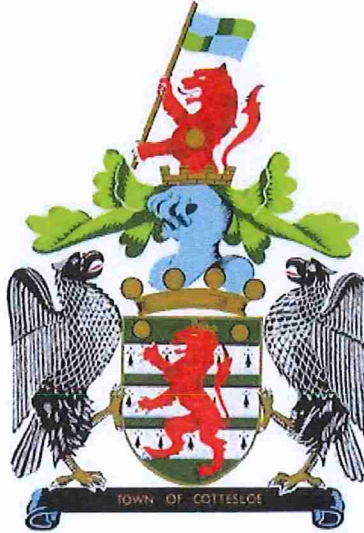


TOWN OF COTTESLOE



SPECIAL COUNCIL MEETING UNCONFIRMED MINUTES

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

A handwritten signature in black ink, appearing to read "Mark Newman".

MARK NEWMAN
Chief Executive Officer

23 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

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS	1
2	DISCLAIMER	1
3	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	1
4	PUBLIC QUESTION TIME	1
	4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	1
	4.2 PUBLIC QUESTIONS	1
5	PUBLIC STATEMENT TIME.....	1
6	ATTENDANCE	1
	6.1 APOLOGIES	2
	6.2 APPROVED LEAVE OF ABSENCE.....	2
	6.3 APPLICATIONS FOR LEAVE OF ABSENCE	2
7	DECLARATION OF INTERESTS.....	2
8	PRESENTATIONS	2
	8.1 PETITIONS	2
	8.2 PRESENTATIONS.....	2
	8.3 DEPUTATIONS	2
9	REPORTS.....	3
	9.1 REPORTS OF OFFICERS.....	3
	CORPORATE AND COMMUNITY SERVICES	3
	9.1.1 NOTICE OF INTENTION TO LEVY DIFFERENTIAL RATES.....	3
	DEVELOPMENT AND REGULATORY SERVICES.....	8
	9.1.2 LOTS 35 & 50 (7 & 11) STATION STREET, COTTESLOE - PART 17 APPLICATION FOR SIGNIFICANT DEVELOPMENT - PROPOSED DEMOLITION OF TWO SINGLE STOREY COMMERCIAL BUILDINGS AND CONSTRUCTION OF A MIXED USE DEVELOPMENT (APARTMENTS, HOTEL AND COMMERCIAL TENANCIES).....	8
10	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	15
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:.....	15
	11.1 ELECTED MEMBERS	15
	11.2 OFFICERS.....	15

12	MEETING CLOSED TO PUBLIC.....	15
12.1	MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	15
12.2	PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC.....	15
13	MEETING CLOSURE	15

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 5.32 pm.

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

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Presiding Member announced that the meeting is being 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.

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

Nil

4.2 PUBLIC QUESTIONS

Nil

5 PUBLIC STATEMENT TIME

Nil

6 ATTENDANCE**Elected Members**

Mayor Lorraine Young

Cr Helen Sadler

Via electronic means

Cr Melissa Harkins

Cr Chilla Bulbeck

Cr Brad Wylynko

Cr Jeffrey Irvine

Cr Sonja Heath

The Presiding Member advised that Cr Sadler had declared that their method of remote attendance would allow the elected member to maintain communication and enable them to fully participate in the meeting and that they were able to maintain confidentiality for any part of the meeting that was closed.

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

Officers Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Nil

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 DECLARATION OF INTERESTS

Nil

8 PRESENTATIONS**8.1 PETITIONS**

Nil

8.2 PRESENTATIONS

Nil

8.3 DEPUTATIONS

Nil

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

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 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

SCM001/2025

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Wylynko

Seconded Cr Heath

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.

Carried 7/0

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

Against: Nil

DEVELOPMENT AND REGULATORY SERVICES**9.1.2 LOTS 35 & 50 (7 & 11) STATION STREET, COTTESLOE - PART 17 APPLICATION FOR SIGNIFICANT DEVELOPMENT - PROPOSED DEMOLITION OF TWO SINGLE STOREY COMMERCIAL BUILDINGS AND CONSTRUCTION OF A MIXED USE DEVELOPMENT (APARTMENTS, HOTEL AND COMMERCIAL TENANCIES)**

Directorate: Development and Regulatory Services
Author(s): Paul Neilson, Acting Director Development and Regulatory Services
Authoriser(s): Steve Cleaver, Director Development and Regulatory Services
Mark Newman, Chief Executive Officer
File Reference: D25/24520
Applicant(s): Element Advisory/Architectus
Author Disclosure of Interest: Nil

SUMMARY

The Western Australian Planning Commission (WAPC) is to make a determination on the proposed significant development application for Lots 35 & 50 (7 & 11) Station Street, Cottesloe at its Part 17 Significant Development meeting to be held on Thursday 19 June 2025.

Following advertising of the development application by the Department of Planning Lands and Heritage (DPLH) last year, Council considered this proposed development in October and November 2024 where it resolved that it did not support the mixed-use development for a number of reasons and advised the WAPC of this position.

The recommendation of DPLH State Development Assessment Unit (SDAU) is for the WAPC to conditionally support the application. The SDAU report and agenda can be found at <https://www.planning.wa.gov.au/significant-development-pathway/part-17-significant-development-pathway/agendas-and-minutes>.

Town staff will be attending and making a deputation at the meeting. This report details the views of the SDAU on Council's stated objections and outlines the key points to be made as part of the deputation.

OFFICER RECOMMENDATION IN BRIEF

Council notes and supports the key points to be raised as part of the Town's deputation to the WAPC as part of its Part 17 Significant Development meeting to determine the application for Lots 35 & 50 (7 & 11) Station Street, Cottesloe.

BACKGROUND

Significant development application for Lots 35 & 50 (7 & 11) Station Street, Cottesloe

The development application proposes demolition of existing commercial buildings and development of two new buildings with an overall height of 15 and 17 storeys above a three-storey podium, 125 multiple dwellings with residential amenities, a 128-room hotel with

restaurant, function rooms, lounge, bar, co-working spaces and pool, 1,300m² of commercial and retail floor space, and four levels of basement parking.

Council considered this proposed development at its October and November Ordinary Council Meetings (OCM) in 2024 where it resolved to advise the WAPC that it does not support the mixed-use development application for a number of reasons. These are detailed below (Council's November 2024 resolution):-

1. THAT Council not support the mixed-use development application for Lots 35 & 50 (7 & 11) Station Street based on this assessment for the following reasons (and as otherwise detailed in this report)

- a) There are insufficient grounds to support the proposed development ahead of the progression of the Cottesloe Village Precinct Structure Plan (CVPSP) to its final approval stage, as this would result in the development of the Cottesloe Activity Centre in a poorly integrated, incohesive and inaccessible manner and undermine the purpose and function of the Precinct Plan.
- b) After consideration of Town's Local Planning Scheme No 3 (LPS 3), the Residential Design Codes (Volume 2) and State Planning Policy No 7.0 - 'Design of the built Environment':-
 - i. The proposed building height and massing will have a significant detrimental impact on the amenity of the area, especially due to overshadowing of Napoleon Street during winter months and is significantly higher than the existing height controls contained in LPS 3 or anticipated heights contemplated in recent Cottesloe Village Precinct Structure Planning.
 - ii. The resultant built form and scale will be overbearing on the character of the area, have a detrimental visual impact on the local heritage-listed Albion Hotel, and be inconsistent with the Local Planning Scheme and local planning framework;
 - iii. Related to the above, the proposal fails to satisfy Element Objectives 2.2 (Building height), 2.7 (Building separation), 3.2 (Orientation) and 3.3 (Tree retention and deep soil areas) of the Residential Design Codes (Volume 2).
 - iv. The proposed design does not include retention of the existing mature trees located on the lot and appears reliant on new trees to be planted in the public domain to improve the tree canopy at ground level. The trees being removed are the only existing large trees at the western end of Station Street and they are replaced with 3small trees along the Station Street frontage.
 - v. The application proposes two car park access points: one to Station Street and one to De Nardi Lane, which is inconsistent with the existing Town Centre Design Guidelines which only permits vehicle access from De Nardi Lane.

- vi. There will be a shortfall of up to 17 on-site visitor bays, and a significant shortfall of 165 car bays for the non-residential uses.
 - vii. The proposed development necessitates the provision of a large stormwater retention tank and other major infrastructure changes to be carried out within the Station Street road reservation which would require the separate approval of Council and is not currently supported.
 - viii. The proposed development would put significant pressure on the existing road network and interfere with the existing drainage infrastructure that could result in property flooding.
- c) The proposed development is inconsistent with the aims and objectives of the Town's draft Local Planning Strategy that has recently been advertised and should be considered as a 'seriously entertained' document.

A link to the Minutes of the OCM's held on 22 October and 26 November 2024 are provided below:-

<https://www.cottesloe.wa.gov.au/council-meetings/ordinary-council-meeting/22-october-2024-ordinary-council-meeting/347>

<https://www.cottesloe.wa.gov.au/council-meetings/ordinary-council-meeting/26-november-2024-ordinary-council-meeting/348>

The Town will be provided the opportunity to make either a written or verbal deputation at the WAPC's Part 17 Significant Development Meeting to express its view on the SDAU recommendation. Town staff are intending to attend the meeting and make a verbal deputation. It is worth noting that the time allowed for the deputation may be limited to only a few minutes depending on the number of deputations to be provided by the other submitters or the public. This is understood to be at the discretion of the meeting Chairperson.

WAPC's Statutory Planning Committee (SPC) is considering the adoption of Local Planning Scheme Amendment 14

On the 18 June, the day before the abovementioned Part 17 Significant Development Meeting, the WAPC's Statutory Planning Committee (SPC) is considering the adoption of Local Planning Scheme Amendment 14 (Amendment 14) which is the associated amendment to the Cottesloe Village Precinct Structure Plan (CVPSP).

At its OCM held on 17 December 2024, Council adopted the draft CVPSP for advertising and initiated Amendment 14 to the Town of Cottesloe Local Planning Scheme No. 3 (LPS3) and referred both documents to the WAPC for its consideration and support to advertise. The DPLH had required that both the amendment and CVPSP be advertised concurrently (along with the Shire of Peppermint Grove corresponding local scheme amendment).

The DPLH and Town had subsequently been in discussions about the amendment and Councillors will recall an Elected Member Workshop briefing on the intended DPLH

modifications to the scheme amendment held on the 6 May 2025 where a number of provisions, including the non-discretionary provisions relating to height, were intended to be removed by DPLH officers but to be replaced with alternative provisions including one seeking to limit overshadowing of Napoleon Street. While not reflecting Councils December 2024 determination to limit height discretion, the Town acknowledged and noted these intended modifications including the revised provision to addressing overshadowing, and, requested the matter be brought to the SPC Meeting to enable the advertising to proceed.

While the report to the forthcoming SPC Meeting is a Confidential Item, it is anticipated that the modifications proposed by DPLH in its report to the SPC remain unchanged to those previously discussed. This includes the provision intended to protect solar access to the southern portion of Napoleon Street (which in effect would limit the height and bulk of development on Station Street to protect sunlight).

This may have been a positive outcome for the Town's design objectives for the Town Centre should SPC have determined to support such a scheme provision for the purposes of advertising, disappointingly, given the timing of the SDAU meeting not a day later (and the delay in the release of formal minutes) it would seem to compromise any reasonable deliberation of an SPC determination of this matter at the SDAU Meeting.

OFFICER COMMENT

Town Officers have reviewed the SDAU Report and Recommendation and provide a summary of the SDAU's position in respect to each of the objections raised by Council. These are detailed in Attachment 1. Also detailed are those points which are considered the highest priorities by Town Officers to be highlighted in the Town's deputation to the WAPC.

Priority Issues for the Deputation

Those matters considered to be the highest priorities for tabling at the deputation are as follows,

1. Emphasising the significant effort made by the Town to establish a robust and updated planning framework via the draft CVPSP and Amendment 14 to accord with the WAPC's SPP 7.2 Precinct Design and this development proposal, if approved, would significantly undermine this strategic planning process.

The proposal is not consistent with the intent of the draft CVPSP and proposed Amendment 14 (nor existing Local Planning Scheme No. 3)

2. Reinforcing that the protection of sunlight during the winter months on Napoleon Street, as the 'high street' for the Village is considered a fundamental design element of the draft CVPSP. This design objective received support from the State Design Review Panel (SDRP) as part of its independent feedback to the SDAU where it stated that it has 'significant concerns that the amenity, and therefore commercial viability, of Napoleon Street tenancies will be compromised by the overshadowing and visual dominance of the proposed towers. It strongly advises that the scale of the towers be reduced to avoid negative impacts to this nearby important high street.'

The overshadowing analysis undertaken by the Town as part of the CVPSP illustrated that built form above 10 storeys would cast a shadow on the southern side of Napoleon Street during the winter months.

3. Reinforce that the Town maintains that the built form and scale of the development proposal will be overbearing on the character of the area and have a detrimental visual impact on the local heritage-listed Albion Hotel. The SDRP itself found the proposal to be over-scaled for its context, recommending reduced height and increased setbacks to minimise the visual impact.
4. State that the independent SDRP have advised SDAU that in its view, the design approach for this development 'was not supported on the basis that the proposed bulk and scale of the development does not provide an appropriate response to the current local context'.
5. Advise that the Town remains concerned about the uncertainties of the proposed development on the 'public realm' along Station Street as well as water management within immediate area (given the high water table and flooding intermittently experienced in this locality). These factors should be considered holistically now as part of the overall planning assessment, rather than simply addressed through conditions of development approval.

It is also considered appropriate for the Town to express its disappointment with the timing of the SDAU Meeting only one day after the WAPC's Statutory Planning Committee (SPC) which was determining appropriate scheme provisions for the CVPSP under Local Town Planning Scheme Amendment 14 (which was being considered by the SPC for its support to advertise alongside the CVPSP). The SPC was, amongst other scheme provisions, to consider provisions relating to such matters as solar access to Napoleon Street. A decision by the SPC may have had an influence on the SDAU decision making process and the timing may give rise to concerns about whether due process has been fully observed.

Town Officers are of the view that the planning application should be refused or at the very least a decision deferred to allow the CVPS and accompanying Amendment 14 to be advertised and finally considered by the WAPC.

Other Technical Considerations to be raised

In the event that approval is to be issued by the SDAU for the application, the following matters should also be raised by Town Officers:-

Parking & Vehicle Access

Based on the WAPC's calculations there is a 1 car bay shortfall based on the minimum number of non-residential bays required (ie: 45 bays, in lieu of 46 bays). In view of existing the demand for on-street parking during peak hours in the locality and limited availability of

on-street bays, the Town considers it appropriate to request cash in lieu of a minimum 1 car bay under the Town's *Payment in lieu of Parking Plan*.

Public Art

The Town requests that Condition 25(a) be amended to include a requirement for a minimum 1% contribution for public art based on the estimated cost of the development (ie:\$2M).

Public Open Space Contribution

Agree with an advice note being placed on the approval, that a public open space (POS) contribution be made at strata title stage in line with normal standards.

ATTACHMENTS

9.1.2(a) Attachment 1 - Response to SDAU Report for the Part17 WAPC Meeting 19 June 2025

CONSULTATION

The development application was advertised by the SDAU. The SDAU Report notes that a total of 764 submissions were received in response to the proposal of which 68 (8.9%) supported the development, 159 (20.8%) supported the development with changes, and 537 (70.3%) did not support the proposed development. Key concerns included the impacts of the proposed bulk and scale of the development on Napoleon Street, the Albion Hotel and the village character of the area, as well as increasing existing traffic and parking issues. Those in support of the proposal considered the development would increase housing supply and diversity in the area, improve the vibrancy of the town centre, and provide much needed tourism accommodation with indirect flow-on of community benefits

STATUTORY IMPLICATIONS

- Planning and Development (Local Planning Schemes) Regulations 2015
- Planning and Development Act 2005 - Part 17
- Local Planning Scheme No. 3;
- Residential Design Codes.
- Draft Local Planning Strategy
- Proposed Cottesloe Village Precinct Structure Plan

POLICY IMPLICATIONS

The proposed development will have significant implications on the proposed Cottesloe Village Precinct Structure Plan and accompanying Local Planning Scheme Amendment No 14.

STRATEGIC IMPLICATIONS

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

Priority Area 3: Our Prosperity - A vibrant and sustainable place to live, visit and enjoy.

Major Strategy 3.1: Activating Cottesloe and Swanbourne town centres and increasing their appeal, attracting more local business and visitors.

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

Council is being asked to note and support the intended Town Officers deputation to the SDAU Meeting to be held on 19 June 2025. Not providing a deputation at the meeting may not be in the best interests of the Town.

VOTING REQUIREMENT

Simple Majority

SCM002/2025

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Harkins

Seconded Cr Irvine

THAT Council notes and supports the key points to be raised as part of the Town's deputation to the WAPC as part of its Part 17 Significant Development meeting to determine the application for Lots 35 & 50 (7 & 11) Station Street, Cottesloe

Carried 7/0

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

Against: Nil

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 CLOSED TO PUBLIC

12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

12.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

13 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 6:24 pm.