

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, 25 March 2025**

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 **25 March 2025** commencing at **6:00 PM**.

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

Yours faithfully,

A handwritten signature in black ink, appearing to read 'William Matthew Scott', written over a horizontal line.

William Matthew Scott
Chief Executive Officer

21 March 2025

DISCLAIMER

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

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

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

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

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

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



DISCLOSURE OF INTERESTS

Agenda Forum

Ordinary Council Meeting

Special Council Meeting

Name of Person Declaring an interest

Position

Date of Meeting

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

INTEREST DISCLOSED

Item No

Item Title

Nature of Interest

Type of Interest

Financial

Proximity

Impartiality

INTEREST DISCLOSED

Item No

Item Title

Nature of Interest

Type of Interest

Financial

Proximity

Impartiality

INTEREST DISCLOSED

Item No

Item Title

Nature of Interest

Type of Interest

Financial

Proximity

Impartiality

DECLARATION

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

DISCLOSURE OF INTERESTS

Notes for Your Guidance

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

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

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

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

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

INTERESTS AFFECTING FINANCIAL INTEREST

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

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

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

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

INTERESTS AFFECTING IMPARTIALITY

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

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

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

IMPACT OF AN IMPARTIALITY DISCLOSURE

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

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

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

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

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**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 Michael Thomas
Cr Katy Mason
Cr Jeffrey Irvine
Cr Sonja Heath

Declaration of any Elected Members attending the meeting by electronic means.

Officers

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

6.1 APOLOGIES**6.2 APPROVED LEAVE OF ABSENCE**

Cr Chilla Bulbeck
Cr Brad Wylynko

6.3 APPLICATIONS FOR LEAVE OF ABSENCE**7 DECLARATION OF INTERESTS****8 CONFIRMATION OF MINUTES**

That the Minutes of the Ordinary Meeting of Council held on Tuesday 25 February 2025 be confirmed as a true and accurate record.

That the Minutes of the Special Meeting of Council held on Friday 14 March 2025 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 25 March 2025:

____, ____ , ____ , ____ , ____ , ____ , ____

CORPORATE AND COMMUNITY SERVICES**10.1.1 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2024 TO 28 FEBRUARY 2025**

Directorate: Corporate and Community Services
Author(s): Sheryl Teoh, Finance Manager
Authoriser(s): Vicki Cobby, Director Corporate and Community Services
File Reference: D25/11764
Applicant(s):
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 2024 to 28 February 2025.

BACKGROUND

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

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

OFFICER COMMENT

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

- The net current funding position as at 28 February 2025 was \$9,049,128 compared to \$6,332,280 at the same time last year.

- Operating revenue exceeds the year-to-date budget by \$81,566 while operating expenditure is less than the year-to-date budget by \$1,693,269. A detailed explanation of material variances is provided in Note 3: Explanation of Material Variances, in the attached financial statements.
- Cash and investments are shown in Supplementary Information 3: Cash and Financial Assets at Amortised Cost, of the attached financial statements. The Town has 41.64% of funds invested with the Westpac Banking Corporation, 36.88% with the National Australia Bank, and 21.48% with the Commonwealth Bank of Australia.
- The balance of cash-backed reserves was \$7,467,524 as at 28 February 2025, as shown in Supplementary Information 4: Reserve Accounts.
- The Capital Works Program is detailed in Supplementary Information 5: Capital Acquisitions. It shows that capital expenditure is less than the year-to-date budget by \$739,976. An explanation of material variances is provided in Note 3: Explanation of Material Variances in the attached financial statements.
- Rates, sundry debtors, and other receivables are shown in Supplementary Information 7: Receivables. Outstanding rates amount to \$2,552,024, compared to \$1,181,349 at the same time last year. Sundry debtors and other receivables indicate that 66.9%, or \$339,602, are older than 90 days, which includes outstanding infringements.
- Information on borrowings is shown in Supplementary Information 10: Borrowings, of the attached financial statements. The Town had total principal outstanding of \$1,771,630 as at 28 February 2025.

List of Accounts Paid for February 2025

The list of accounts paid during February 2025 is included in the attachment. This includes purchases made via electronic fund transfers and cheque payments, credit card payments, and fuel cards payments.

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

- \$580,278.25 to Department of Fire and Emergency Services for Emergency Services Levy,
- \$223,274.72 to WA Treasury Corporation for Loan Repayment
- \$192,532.52 and \$171,381.91 to the Town of Cottesloe Staff for Fortnightly payroll
- \$60,499.44 to Crayon Australia P/L for Microsoft Licensing
- \$57,637.00 to the Australian Taxation Office for Payroll deduction
- \$46,609.25 to the SuperChoice Services Pty Ltd for Superannuation
- \$37,076.75 to Surf Life Saving WA for Lifeguard services
- \$31,689.25 to Managed IT Pty Ltd for IT services and license agreements

ATTACHMENTS

10.1.1(a) Monthly Financial Report 1 July 2024 to 28 February 2025 [under separate cover]

10.1.1(b) Payment Listing February 2025 [under separate cover]**CONSULTATION**

Internal

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 6.4

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

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2024 to 28 February 2025.

10.1.2 MID-YEAR BUDGET REVIEW 2024/25

Directorate: Corporate and Community Services
Author(s): Sheryl Teoh, Finance Manager
Authoriser(s): William Matthew Scott, Chief Executive Officer
Vicki Cobby, Director Corporate and Community Services
File Reference: D25/11759
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

In accordance with statutory requirements, the Audit Committee is presented with the mid-year budget review for the financial year ending 30 June 2025 for its consideration and recommendation on adoption by Council.

OFFICER RECOMMENDATION IN BRIEF

It is recommended that the Audit Committee recommend to Council the receipt of the Budget Review for the Financial Year 2024/25 and the adoption of the amendments contained therein.

BACKGROUND

Each year Council is presented with a mid-year budget review, comparing actual financial results with budget predictions for the year to date. This allows performance against the budget to be measured, and if required, amendments to be made.

The mid-year review process also allows for factors that were not known at the time of forming the budget to be incorporated into the budget. This may be a change in the operating environment of the Council, funding opportunities not previously known or projects that were not included in original 2024/25 budget.

Previously adopted budget amendments in 2024/25 are included in the updated budget estimates, including amendments adopted for the Sculptures by the Sea event that increased the cash surplus by \$65,000.

The 2024/25 Mid-Year Budget Review was taken to the Audit Committee on Monday 17 March 2025, where the Committee unanimously received the Budget Review and noted the recommended amendments and estimated cash surplus at 30 June 2025 (subject to Council's approval of new projects). Please note that Recommendation 2(j), 'HR Module – Increased scope to ERP project' was added to the recommendations after the audit committee meeting. This project was highlighted in the Reserves section, but not individually specified as a new project in the recommendation.

OFFICER COMMENT

The 2024/25 Budget was adopted by Council on 20 August 2024, with a balanced cash surplus, based on an estimated surplus of \$2,212,225 at the start of the financial year. The

actual end-of-year surplus for 2023/24, after the adopted Annual Financial Report, was \$3,331,494, resulting in a net surplus at the start of the financial year of \$1,119,269.

This end of year surplus is attributed to (rounded):

- Additional operating grants \$250,000
- Additional fees and charges \$135,000
- Additional interest revenue \$70,000
- Savings in employee costs \$100,000
- Savings in materials and contracts \$140,000
- Savings in utility expenses \$75,000
- Less additional finance costs (\$50,000)
- Savings in other expenses \$400,000

The current Budget Review proposes a net Budget Amendment of \$36,726. After the proposed amendments, the estimated end-of-year surplus for 2024/25 is projected to be \$101,726.

To understand the net budget amendment of \$36,726 and the projected end-of-year surplus of \$101,723 please refer to the Statement of Budget Review, on page 2 of **ATTACHMENT A**. The columns in this report are explained as follows;

- Adopted Budget – these figures represent the 2024/25 budget as adopted on 20 August 2025.
- Updated Budget Estimates – this is the current budget as at 31 January 2025, which is the adopted budget plus any amendments approved by Council since adoption.
- Year to Date Actual – the amount of actual revenue or expenditure as at 31 January 2025.
- Estimated at Year End Amount – After consideration of budget vs actual and progress of all programs, this is the amount anticipated to be spent/received at the end of the financial year. At the bottom of this column is the anticipated end-of-year surplus of \$101,726.
- Predicted Variance – this is the difference between the current budget and the estimated finishing position for each category. This is also equal to the budget amendments recommended. The total at the bottom of this column is our net budget amendment amount of \$36,726.

As mentioned above, in the column titled “Predicted Variance” you will be able to see the total of budget amendments for each category. To drill into this further, please refer to **ATTACHMENT B** where each budget amendment over \$25,000 is listed. This listing has two numerical columns, the first titled ‘amount’ and is the amount of the budget amendment, the second titled ‘Balance’ is a running total of the budgeted surplus/deficit anticipated at year end. This listing is structured so that it can be directly compared with the Statement of Budget Review, with the categories aligning between the two.

(Paragraph added post audit meeting).

The proposed amendments include new projects that are to be considered and approved by Council, these are listed below.

New Capital Projects (total new Capital \$250,000):**1. Brixton Street Resurfacing (\$15,000)**

This is to supply and lay road base material along the aisles between the areas where vehicles park. This is the land (part of the PTA lease to the Town) located west of Stirling Highway and just south of Jarrad Street. The project will reduce the maintenance cost needed to address a frequently eroding surface. The contractor will provide a 10 year warranty for the completed works. Parks and Operations are able to complete this before 30 June.

2. Marine Parade (Forrest Street) Speed Cushions (\$11,000)

At the October 2024 OCM, Council, as part of the speed reduction item resolved as follows:

OCM175/2024

THAT Council

1. APPROVES the installation of speed cushions at the Eric Street and Forrest Street pedestrian crossings as mentioned in Option 1.

2. REQUESTS the Chief Executive Officer to discuss with Main Roads Western Australia posted speed reductions to 40 km per hour along Marine Parade south of the Cove Carpark and north of the Grant Street intersection.

Carried 5/4

A budget amendment is required to purchase and install the speed cushions in the north and southbound lanes to prevent northbound vehicles from travelling into the southbound lanes and vice versa to avoid the cushions. This is a requirement of MRWA when they approve the plans.

3. Marine Parade Crossings Line Marking Removal and Re-Installation - Forrest Street, Napier Street, John Street and Eric Street (\$30,000)

This is a request from elected members following concerns raised from the community that the worn out line marking at the various pedestrian crossings are likely resulting in vehicles not giving way to people crossing. This funds will remove the existing line marking by removing and relaying the top asphalt layer of the road surface. Doing this by conventional grinding methods will damage the aged pavement making adhesiveness of the new line marking difficult and if left unaddressed will damage the bottom asphalt layers resulting in an accelerated deterioration of the pavement.

4. Marine Parade Shared Path Upgrade (\$0)*

This is related to the recent \$4 million grant received where the \$400,000 (fully grant funded) is needed to advertise and award a public tender for the detail design which needs to be completed by February 2026 to comply with the conditions of the grant agreement.

5. John Black Dune Park Drink Fountain (\$65,000)

There has been a number of request from the community and elected members. The cost allows for the extension of an existing water main from Bryan Way together with the supply and installation of the drink fountain.

6. Harvey Field Cricket Net Renewal (\$8,000)

This is a request from elected members at the POS Working Group to renew the net that has visually appeared to reach end of life.

7. Harvey Field Basketball Hoop Renewal (\$6,000)

This is a request from elected members at the POS Working Group to renew the hoop that has visually appeared to reach end of life.

8. Office Refurbishment Stage 2 (\$115,000)

This is similar to the asset renewal purpose of stage 1 within the adopted 2024/2025 budget where the rest of the office furniture not in stage 1 will be replaced. This includes the modification of air conditioning ducts to comply with circulation OSH requirements. Another element is the upgrade of the front counter to accommodate both wheelchair bound and able bodied individuals as part of the DAIP.

New Operating Project (total new operating \$44,330):

1. Urban Canopy Program - Perth to Fremantle Stage 3 (\$0)*

This is a WALGA grant that was secured after the 2024/2025 budget was adopted.

2. HR module – increased scope to ERP Project (\$44,330)

Adding an HR module to the new ERP system would enable seamless automation between People & Culture and Payroll functions. This integration would eliminate the need for multiple manual spreadsheets, reducing duplication of tasks across both teams. It would enhance accuracy and efficiency, particularly during on boarding, off boarding, and audits, while also minimising manual processes and reducing paper usage. Importantly, it would help alleviate officer frustration caused by repetitive manual tasks, creating a more streamlined and user-friendly workflow. The identification of this as a ‘new project’ and the addition of this to the Recommendation was done after the audit committee meeting, previously recognised as an addition to a current project. The amendment for this project is contained in the \$60,000 transfer to the IT Reserve.

*The Marine Parade Shared Path upgrade and Urban Canopy Program amendments are fully offset with amendments for grant funding.

The total Reserve movement contained in these amendments increase the Town’s Reserves by \$387,529 by allocating \$200,000 to compliment the \$4.175 million grant from the Federal Active Transport Fund (ATF) to upgrade the entire length of the Marine Parade Path (Curtin – North), and increasing our Leave reserve by \$50,000 to decrease the deficit compared to our leave liability. Also, a transfer of \$60,000 to our IT reserve is for variations required to deliver key user training of the new ERP and to increase the scope to include a much needed Human Resources module. Other increases in the reserves are due to an increase in interest earned on our reserve investments.

For details on the variances shown on the Statement of Budget Review (**ATTACHMENT A**) please see note 4 – Predicted Variances in the same attachment.

ATTACHMENTS

10.1.2(a) 2024/25 Mid Year Budget Review [under separate cover]

10.1.2(b) 2024/25 Mid Year Budget Review - List of material budget amendments [under separate cover]

CONSULTATION

As a part of the preparation of the Budget Review senior staff have been consulted.

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996 r33A

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

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

RESOURCE IMPLICATIONS

The Budget Review has been conducted in house from existing resources.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Absolute Majority

OFFICER AND AUDIT COMMITTEE RECOMMENDATION

THAT Council by absolute majority

- 1. RECEIVES the Budget Review for the Financial Year 2024/25;**
- 2. APPROVES the following new projects:**
 - (a) Brixton Street Resurfacing (\$15,000)**
 - (b) Marine Parade (Forrest Street) Speed Cushions (\$11,000)**
 - (c) Marine Parade Crossings Line Marking Removal and Re-Installation - Forrest Street, Napier Street, John Street and Eric Street (\$30,000)**
 - (d) Marine Parade Shared Path Upgrade (\$0)**
 - (e) John Black Dune Park Drink Fountain (\$65,000)**
 - (f) Harvey Field Cricket Net Renewal (\$8,000)**
 - (g) Harvey Field Basketball Hoop Renewal (\$6,000)**
 - (h) Office Refurbishment Stage 2 (\$115,000)**
 - (i) Urban Canopy Program - Perth to Fremantle Stage 3 (\$0)**

(j) HR Module – increased scope to ERP Project (\$43,330)

3. APPROVES the net proposed Budget Amendments of \$36,726

- (a) Increase to operating revenue of \$43,197
- (b) Increase to operating expenditure of \$368,545
- (c) Decrease to capital revenue of \$2,596
- (d) Increase to capital expenditure of \$355,012
- (e) Decrease to transfers from Reserve \$26,268
- (f) Increase to lease liability expenses of \$12,058
- (g) Increase to transfer to Reserve of \$361,261
- (h) Increase to opening balance of \$1,119,269.

4. Notes the estimated cash surplus at 30 June 2025 of \$101,726 subject to Council consideration of Points 2 and 3.

10.1.3 COMPLIANCE AUDIT RETURN 2024

Directorate: Corporate and Community Services
Author(s): Vicki Cobby, Director Corporate and Community Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D25/11760
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

With Council's approval, the Mayor and Chief Executive Officer are required to certify the 2024 Audit Compliance Return so that it may be lodged to the Department of Local Government by the due date of 31 March 2025.

OFFICER RECOMMENDATION IN BRIEF

That for Audit Committee endorse and recommend that Council adopt the 2024 Compliance Audit Return and authorise the Mayor and Chief Executive Officer to certify the Return so that it may be returned to the Department of Local Government and Communities by the due date of 31 March 2025.

BACKGROUND

Each year the Department of Local Government issues a Compliance Audit Return that covers a sample of legislative provisions required under the provisions of the *Local Government Act 1995*, which is required to be completed by staff and endorsed by Council prior to submission.

The Compliance Audit Return (CAR) covers 11 different categories and each category can have anywhere from 2 to 24 questions, with 94 questions in total.

OFFICER COMMENT

The Compliance Audit Return for 2024 has been completed and it is recommended to be endorsed by the Audit Committee and for Council to adopt and further, authorise the Mayor and Chief Executive Officer to certify the Return so that it can be forwarded to the Department of Local Government and Communities.

There were three items of non compliance raised in completing the Compliance Audit Return, as detailed below;

1. In regards to *Local Government Act 1996* s5.96A(1)(f), the minutes of the Sea View Golf Club Advisory Committee of 8 October 2024, were not published within the required timeframe, due to an administrative error. This was self reported to the Department Local Government, Sport and Cultural Industries by the CEO on 3 December 2024.
2. In regards to *Local Government (Functions and General) Regulations 1996* r14(5), there was an incidence where a tenderer had been provided advice regarding a

tender that was not available to all tenderers. Once discovered the tender process was cancelled and a new tender was issued.

3. In regards to *Local Government (Functions and General) Regulations 1996* r16, there was an incidence where an officer had assisted in submitting a tender. Once discovered the tender process was cancelled and a new tender issued.

Please note that incidents 2 and 3 above were the same tender, resulting in the cancelling of one tender only. After this occurrence, a structured training session on “Procedural Fairness in Procurement and Tenders” was conducted with the Town of Cottesloe Management group.

ATTACHMENTS

10.1.3(a) Compliance Audit Return 2024 [under separate cover]

CONSULTATION

Senior Staff.

STATUTORY IMPLICATIONS

Local Government Act 1995

s3.59,

s5.16,17,18,36,37,42,44,45,46,51,57,58,67,68,69,70,71,73,75,76,77,87,88,89,90,96,104,120,
121,127,128

s6.2,3

s7.1,9,12,

Local Government (Audit) Regulations 1996 r.10,14,15,17

Local Government (Administration) Regulations 1996 – r.18,19,21,22,23

Local Government (Functions and General) Regulations 1996

r.11,12,13,14,16,17,18,19,21,22,23,24

Local Government (Financial Management) Regulations 1996 r.5

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER AND AUDIT COMMITTEE RECOMMENDATION

THAT Council

ADOPT the 2024 Compliance Audit Return and AUTHORISES the Mayor and Chief Executive Officer to certify the Return so that it may be returned to the Department of Local Government and Communities by the due date of 31 March 2025.

DEVELOPMENT AND REGULATORY SERVICES**10.1.4 INDIANA - REFURBISHMENT WORKS & SAUNA FACILITY**

Directorate:	Development and Regulatory Services
Author(s):	Ed Drewett, Acting Manager Planning Services
Authoriser(s):	Paul Neilson, Acting Director Development and Regulatory Services
File Reference:	D25/8627
Applicant(s):	Element Advisory
Author Disclosure of Interest:	Nil

SUMMARY

The purpose of this report is to seek Council's support as [land manager and](#) lessor to proposed refurbishment works and provide 'in-principle' support to a proposed sauna facility at Indiana. Council's endorsement is also sought for the Chief Executive Officer (CEO) to sign the Metropolitan Region Scheme (MRS) application, provide a recommendation to the Western Australian Planning Commission (WAPC), and [as lessor, to](#) negotiate with the applicant to modify the current lease to allow the proposed sauna facility.

OFFICER RECOMMENDATION IN BRIEF

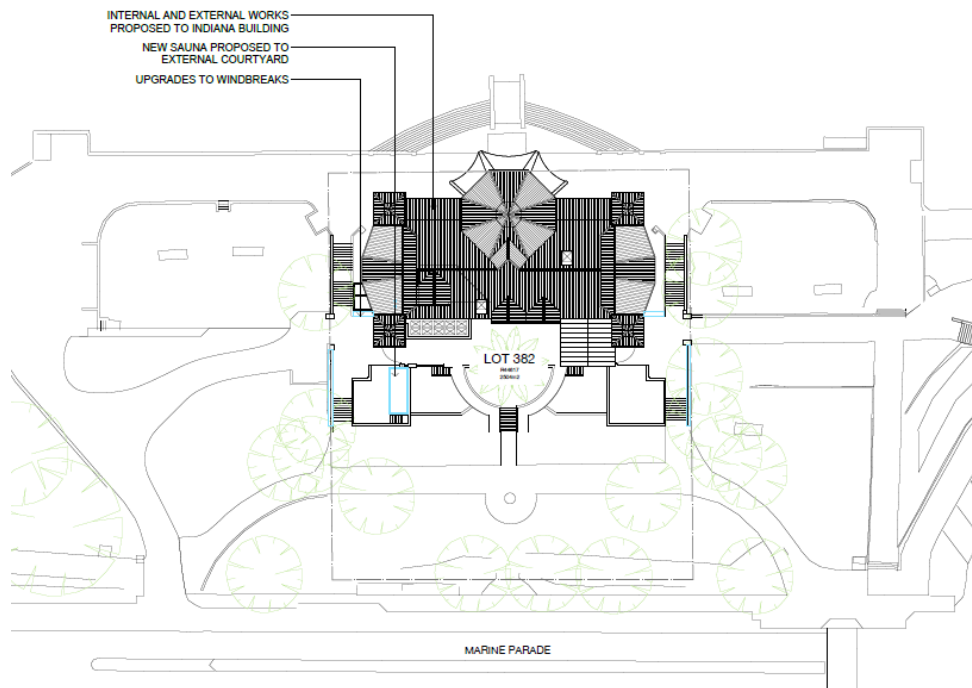
That consent be provided as 'Lessor' to the proposed refurbishment works and 'in-principle' support be given to the proposed sauna facility, and that the CEO be authorised to sign the MRS application, forward it to the WAPC with a recommendation of conditional support, and negotiate with the applicant to modify the current lease to include the sauna facility.

BACKGROUND

The Town has received an MRS application (Form 1) for refurbishment works and a sauna facility. The applicant has advised that the proposed works include:

- Installation of a modular sauna
- Replacement of kiosk cool room
- Re-rendering of the rendered elements of the Indiana building
- Replacement of wind-break structures
- Removal of operable awnings
- Replacement of all windows, window frames and doors
- Replacement of internal balustrades
- Replacement of restaurant dining room flooring
- Installation of extraction units into bin rooms
- Replacement of extraction units into restaurant bathrooms
- Replacement of bar in restaurant with larger bar footprint

- Replacement of internal mezzanine stairs



Above: Site Plan



Above: Sauna concept image

OFFICER COMMENT

The application is for works on Crown land reserved under the Metropolitan Region Scheme (MRS) for *Parks & Recreation* and therefore will be determined by the WAPC, rather than Council. However, as the land is vested to the Town through a Management Order the signature of the CEO ([as land manager](#)) is required on the application form (as landowner)

prior to its referral. A change to the current lease is also necessary due to the introduction of a 'sauna' use.

Heritage

The Heritage Council's State Heritage Register identifies that the site is within the *Cottesloe Beach Precinct*, a permanent State Registered Heritage Place. The Register Entry advises:

the Indiana Teahouse is an iconic landmark in the precinct that is well recognised by the local and wider community as well as international tourists, and is the most recent manifestation of the distinctive tradition of built form in this location on the beachfront.

<https://inherit.dplh.wa.gov.au/Admin/api/file/4122c787-5491-4f5b-a51e-424dae54da02>

Conservation Management Plan

At the OCM on 27 April 2021, Council endorsed a Conservation Management Plan (CMP) for Indiana submitted by Fiveight:

<https://www.cottesloe.wa.gov.au/council-meetings/ordinary-council-meeting/27-april-2021-ordinary-council-meeting/283/documents/minutes-ordinary-council-meeting-27-april-2021-confirmed-and-signed.pdf>.

The proposal is generally consistent with this Plan as discussed below.

Heritage Impact Statement

The applicant has submitted a *Heritage Impact Statement* in support of the planning application which addresses relevant policies within the CMP. The Heritage Council will formally consider the proposal after its referral by the Town to the WAPC.

The proposed works appear generally consistent with the CMP and the colours, materials and rendering of the external refurbishment works are proposed to match existing colour and finishes. The proposed sauna placement has been considered against the CMP and is to be located in the unused 'sunken' playground area on the south-eastern side of the building to minimise its visual impact.



Above: View of unused 'sunken' playground area



Above: Proposed location for sauna facility

State DC Policy 5.3 – Use of Land Reserved for Parks and Recreation and Regional Open Space

This policy provides guidance on development which may be permitted on land reserved for Parks and Recreation under the MRS.

The proposed sauna and refurbishment works appear generally consistent with the WAPC policy as the sauna may be considered ancillary and incidental to the existing restaurant/café on the site and the primary purpose of the reservation. It also appears that it could be removed in the future if necessary.

State Planning Policy 2.6 – Coastal Planning

This policy provides guidance for decision-making within the coastal zone including managing development and land use changes. The objectives of the policy include to:

- *ensure that development and the location of coastal facilities takes into account coastal processes, landform stability, coastal hazards, climate change and biophysical criteria and;*
- *protect, conserve and enhance coastal zone values, particularly in areas of landscape, biodiversity and ecosystem integrity, indigenous and cultural significance.*

The proposed works only effect existing infrastructure that is to be upgraded and improved and are therefore considered generally consistent with this policy.

Local Planning Scheme No. 3 (LPS 3)

Approval of Council under the Scheme is not required for the commencement or carrying out of any use or development on a Regional Reserve. However, the proposal appears generally consistent with the aims of the Scheme, which include:

- *ensuring that land uses and development adjacent to Marine Parade are compatible with the residential and recreational nature of their setting and the amenity of the locality;*
- *ensuring that development adjacent to Marine Parade adds to the high aesthetic appeal, relaxed atmosphere and lifestyle quality of the beachfront environment;*
- *ensuring that new development is compatible with the conservation significance and aesthetic value of heritage places and areas and the coastal landscape;*
- *ensuring that proper regard is given to the needs of the local community in the determination of land use and development proposals.*

Notwithstanding this, as the proposed sauna facility will be ancillary and incidental to the predominant restaurant/café use and the future of the site may be uncertain, it is recommended that only a temporary approval be recommended to the WAPC.

Town of Cottesloe Beach Policy

This Policy was adopted by Council in 2004 with the purpose, amongst other things, to limit the construction of any enclosed and roofed structures west of Marine Parade to replacement only without significant expansion of footprint, height or mass of the structure.

Although the proposed sauna will be a new covered structure west of Marine Parade, it will be within the curtilage of the existing building and will provide a recreational use that should enhance enjoyment for visitors. It is also unlikely to be a fixed and permanent structure and is considered generally consistent with the intent of the policy.

Parking

The proposed development is not subject to parking requirements in the Town's Local Planning Scheme No. 3, it is incidental to the existing uses, and is unlikely to generate significant additional demand for parking in the locality. Nevertheless, Council may wish to consider this in negotiations with the applicant when modifying the current lease.

Lease Agreements

The current lease expires 3 August 2041. The lessee must not make any alterations or additions or demolish any part of the premises without the prior written consent of the Town. The permitted uses under the lease are café, kiosk and toilets/change rooms.

Whilst the Town's written consent [as lessor](#) is required for the proposed refurbishment works, the proposed sauna facility will require a variation to the lease, which is separate from the development approval process. It is therefore recommended that the CEO be authorised to negotiate with the applicant in respect to the necessary changes to the current lease.

[Supplementary advice in response to Elected Member queries raised at the Council Agenda Forum](#)

A number of queries were raised by Councillors on this item at the Council Agenda Forum held on the 18 March 2025. The queries related to both the refurbishment as a whole, and more specifically, the sauna facility component.

For the whole of the refurbishment, the applicant advises that the development application footprint or site area remains the same as the existing Indiana Building and the maximum patronage to the site will also remain unchanged.

In this respect to the sauna, the applicant advises that the size of the sauna is proposed to be approximately 14.4m², 2.6m high, and is intended to accommodate approximately 10 users at any one time.

In terms of its operation, the Town is advised that it will be commercially operated by fully qualified staff. It will operate 7 days a week and be available for walk-up customers and customers that have pre-booked. It is intended that customers will use the publically available facilities such as showers, toilets/change rooms at Indiana's as part of using the sauna.

Another matter raised at the Council Agenda Forum was an appropriate timeframe for the operation of the sauna facility. In this respect, it was considered reasonable at the time of writing the report that the sauna facility be granted temporary approval valid for 10 years as part of the conditions of the planning application.

This timeframe would fit within the current lease period (which expires in 2041), and, given its temporary nature, may be easily removed as part of any future redevelopment of the Indiana Teahouse.

Irrespective of outcome of the planning application, the sauna facility is unable to be installed and operated unless supported by the Town as part of an amendment to the existing lease agreement. As such, there is scope for the Town to consider the most appropriate timeframe for the operation of the sauna as part of any modification to the lease to accommodate the use which will be separate to the planning process.

ATTACHMENTS

- 10.1.4(a) Submitted drawings [under separate cover]**
- 10.1.4(b) Applicant's cover letter [under separate cover]**
- 10.1.4(c) Heritage Impact Statement [under separate cover]**

CONSULTATION

Not required, as Council is not the determining authority.

STATUTORY IMPLICATIONS

Refer Officer's comment

POLICY IMPLICATIONS

Refer Officer's comment

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 1.1: Supporting an active, healthy and inclusive community culture, our residents enjoy access to a range of social, cultural and recreation activities.

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:

- 1. PROVIDES “in Principal” support to the proposed refurbishment works, including the proposed sauna facility as both land manager and lessor; and**
- 2. AUTHORISE, as land manager, the CEO to sign the planning application and forward the endorsed application to the Western Australia Planning Commission (WAPC) with a recommendation of support, subject to the following conditions:**
 - a) The development is to be carried out in accordance with the plans received 13 January 2025;**
 - b) The development being in accordance with any advice and/or conditions received from the Heritage Council WA;**
 - c) That the sauna facility be granted temporary approval that is valid for 10 years only. The use shall cease and the development shall be removed following this period, unless a new planning application has been approved by the Town and WAPC.**
 - d) Colours, materials and rendering of the external refurbishment works are to match existing;**

- e) Plant and equipment, including air conditioning units, shall be designed, positioned, and screened so as to not be visually obtrusive.
3. AUTHORISE, the CEO to negotiate with the applicant to modify the lease, at the applicant's cost, to include a 'sauna use' for Council's future consideration.

10.1.5 AMENDMENT NO. 15 TO LOCAL PLANNING SCHEME 3: SHORT-TERM RENTAL ACCOMMODATION - CONSIDERATION FOR ADVERTISING

Directorate: Development and Regulatory Services
Author(s): Sonya Hayes, Planning Officer
Authoriser(s): Paul Neilson, Acting Director Development and Regulatory Services
File Reference: D25/6978
Applicant(s): N/A
Author Disclosure of Interest: Nil

SUMMARY

Amendment 15 proposes to introduce, modify and delete various land uses and definitions in Local Planning Scheme No. 3 (LPS3), to ensure consistency with the state planning framework associated with Short-Term Rental Accommodation (STRA).

The Scheme Amendment report for Amendment 15 is attached to this Report (Attachment 1).

OFFICER RECOMMENDATION IN BRIEF

Council adopt Local Planning Scheme Amendment 15 (Attachment 1) as a 'standard' amendment and resolve to proceed to seek approval from the Western Australian Planning Commission (WAPC) to advertise Amendment 15.

BACKGROUND

Short-Term Rental Accommodation (STRA) refers to the practice of renting out a property (or part of a property) for a relatively short period of time, such as on a nightly or weekly basis. This type of accommodation is usually booked through online platforms and is popular among travellers and visitors seeking temporary lodging for holidays, business trips or other short stays. The State Government has committed to various initiatives to deliver better regulation of the short-term rental accommodation sector.

In November 2023, the WAPC released *Position Statement: Planning for Tourism and Short-Term Rental Accommodation* (Position Statement) and associated Guidelines. The release of the Position Statement complemented other whole-of-government reforms relating to STRA, responding to recommendations made in the 2019 parliamentary enquiry *Levelling the Playing Field: Managing the impact of the rapid increase of short-term rentals in Western Australia*. This included development of a state-wide registration scheme for STRA, as well as an incentive scheme to encourage transition of properties from the short to long term rental market.

Alongside the registration scheme, which sits separately to the planning system and is mandatory for all STRA, amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) were flagged as a key part of the State Government's goal to ensure a fairer and more consistent treatment of STRA from both a legal and practical standpoint. These amendments to the LPS Regulations, gazetted on 18

September 2024, have triggered the need for the Town to amend its scheme to align with the state planning framework.

OFFICER COMMENT

Councillors were briefed on the State Government reforms relating to STRA and the implications for LPS3 at the Elected Members Workshop held on the 4 February 2025.

The Scheme Amendment Report for Amendment 15 (Attachment 1) provides detail on the state planning reforms, relevant legislation, local planning context and implications for LPS 3, and sets out the proposed amendments to LPS 3 to align with the state planning framework.

The main points are as follows.

Amendments to LPS Regulations

Amendments to the LPS Regulations to facilitate the necessary planning changes of the State Government's STRA reform initiatives comprise:

- i. New 'deemed' land use classes of 'hosted short-term rental accommodation' and 'unhosted short-term rental accommodation' to ensure these accommodation types are classified as dedicated land use classes in planning schemes:
 - o *Hosted* – where the host lives in the primary dwelling or ancillary dwelling on the property during the short-term stay.
 - o *Unhosted* – where the guest/s have exclusive use of an entire dwelling (which may include a whole house, villa/townhouse or apartment).
- ii. New 'deemed' general terms to define 'short-term rental accommodation' and link to the overarching *Short-Term Rental Accommodation Act 2024*, which provides the legal framework for the STRA Register (managed by the Department of Energy, Mines, Industry Regulation and Safety).
- iii. A new 'model' land use class of 'tourist and visitor accommodation' to differentiate these use types from STRA, and consolidate a number of existing land use terms for tourist and visitor accommodation (aside from 'hotel').
- iv. A state-wide development approval exemption for 'hosted short-term rental accommodation' (this includes ancillary dwellings).
- v. A 90-night (cumulative) exemption within a 12-month period for 'unhosted short-term rental accommodation' in the Perth metropolitan area.

Implications for the Local Planning Scheme

It should be noted that the State Government is committed to consistent regulation to STRA across metropolitan local planning schemes. The changes to the regulations automatically introduced 'hosted' and 'unhosted' land use classes into all local planning schemes and the WAPC requires all Local Governments to amend their schemes to complement and align with these new deemed use classes.

These amendments are prescribed in the WAPC's aforementioned position statement and associated guidelines. Key to this is that 'hosted short-term rental accommodation' should be listed as P use in all zones where any type of dwelling is capable of approval. 'Unhosted short-term rental accommodation' should be listed as a D or A use in zones where any type of dwelling is capable of approval. In simple terms, Amendment 15 is addressing these requirements of the WAPC.

Town Staff do seek support for Amendment 15 at Council's March meeting to enable the amendment to be considered by the WAPC as early as possible for its consent to advertising the Amendment. This facilitates a timely progression of the amendment so it aligns with the intent of the WAPC *Planning Bulletin 115/2024 – Short-term Rental Accommodation – Guidance for local government (September 2024)* that amendments to local planning schemes to complement and align with new 'deemed' land use classes should ideally be completed by mid-2025, to allow for development approvals to be obtained by 1 January 2026.

It is then intended to brief Councillors on a possible draft Local Planning Policy (LPP) for STRA at its April Elected Member Workshop with a view to potentially seeking support for adoption of a draft policy at Council's April 2025 OCM for the purposes of advertising. This would enable both the Scheme Amendment and LPP to be advertised concurrently for community consideration (potentially in May/June 2025). While Amendment 15 implements the WAPC requirements, a LPP would allow Council to consider finer grain details such as amenity and scale considerations. Council would then have the opportunity to consider any community submissions following, prior to a final recommendation to the WAPC on adoption of the Scheme Amendment.

Draft Local Planning Strategy

The Town's draft Local Planning Strategy (Section 2.2) identifies Tourism as integral to the Town's development, and provides a direction of 'Investigate opportunities for increased short stay accommodation within the Town'.

Current assessment of STRA development applications

According to the STRA Register, there are currently 161 properties registered within the Town of Cottesloe, and significantly more unhosted STRA than hosted STRA. Around 60% of unhosted STRA are concentrated west of Broome Street, between Grant Street and Forrest Street.

Since the introduction of STRA amendments to the LPS Regulations, the Town has been accepting and assessing development applications for unhosted STRA as a 'use not listed'.

These applications have been advertised and granted development approval for a period of 12 months:

- a) to ensure they are compatible with the amenity of the locality; and
- b) so the Town can finalise the scheme amendment process and develop any supporting LPP that may provide further guidance on how the Town wishes to manage short-term rental accommodation within the locality.

To date, the Town has granted development approval to 17 unhosted STRA.

Current and proposed land uses and permissibility (definitions and zoning table)

Amendment 15 proposes to introduce, modify and delete various land uses and definitions in LPS 3, to ensure consistency with the state planning framework associated with STRA. The table below summarises the new and current (proposed to be deleted) land uses and their permissibility within the different zones.

New land use	Current land use in LPS 3	Current permissibility in LPS 3 (Zoning Table)	Proposed permissibility in LPS 3 (Zoning Table)	Comment
Hosted STRA	Bed and Breakfast (to be deleted and replaced by Hosted STRA).	Bed and Breakfast is: <ul style="list-style-type: none"> • an ‘A’ use in the Residential and Restricted Foreshore Centre zones, • a ‘P’ use in the Foreshore Centre zone, • a ‘D’ use in the Town Centre, Local Centre and Residential/Office zones, and • an ‘X’ use in all other zones (i.e. Hotel and Place of Public Assembly zones). 	Hosted STRA to be: <ul style="list-style-type: none"> • a ‘P’ use in zones where any type of dwelling is capable of approval (i.e. Residential, Foreshore Centre, Restricted Foreshore Centre, Town Centre, Local Centre, Residential/Office zones), and • an ‘X’ use in all other zones (i.e. Hotel and Place of Public Assembly zones). 	Hosted STRA is exempt from development approval state-wide and no discretion is available to the Town.

<p>Unhosted STRA (in excess of 90 nights cumulatively per 12 months)</p>	<p>Serviced Apartment (i.e. an apartment used for Airbnb where there maybe reception or recreation facilities)</p> <p>Short-stay accommodation (i.e. a single house or grouped dwelling used for Airbnb)</p>	<p>Serviced Apartment is:</p> <ul style="list-style-type: none"> an 'X' use in the Residential zone with densities R20, R25 and R30, and the Local Centre and Place of Public Assembly zones, an 'A' use in the Residential zone with densities R35 and above, and a 'D' use in the Foreshore Centre, Restricted Foreshore Centre, Hotel, Town Centre and Residential/Office zones. <p>Short-stay accommodation is:</p> <ul style="list-style-type: none"> an 'X' use in the Residential, Local Centre and Place of Public Assembly zones, an 'A' use in the Residential/Office zone, and a 'D' use in the Foreshore Centre, Restricted Foreshore Centre, Hotel, and Town Centre zones. 	<p>Unhosted STRA to be:</p> <ul style="list-style-type: none"> a 'D' use in the Foreshore Centre, Restricted Foreshore Centre and Town Centre zones, an 'A' use in the Residential, Local Centre, and Residential/Office zones, and an 'X' use in all other zones (i.e. Hotel and Place of Public Assembly zones). 	<p>Proposed permissibility of unhosted STRA ('A' or 'D') is in accordance with Planning Bulletin 115/2024.</p> <p>'D' land use permissibility in the Foreshore Centre, Restricted Foreshore Centre and Town Centre zones is the same as the current Serviced Apartment and Short-stay accommodation uses.</p>
<p>Tourist and visitor accommodation (to replace Serviced Apartment, Short Stay Accommodation and Motel)</p>	<p>Motel</p> <p>Serviced Apartment See above</p> <p>Short-stay accommodation See above</p>	<p>Motel is:</p> <ul style="list-style-type: none"> a 'D' use in the Foreshore Centre, Restricted Foreshore Centre, Hotel, and Town Centre zones, and an 'X' use in the Residential, Local Centre, Residential/Office and Place of Public Assembly zones. <p>Serviced apartment: see above</p> <p>Short-stay accommodation: see above.</p>	<p>Tourist and visitor accommodation to be:</p> <ul style="list-style-type: none"> a 'D' use in the Foreshore Centre, Restricted Foreshore Centre, Hotel, and Town Centre zones, and an 'X' use in the Residential, Local Centre, Residential/Office and Place of Public Assembly zones. 	<p>Tourist and visitor accommodation is a model use class and not required to be introduced. However the use consolidates a number of existing land use terms for tourist and visitor accommodation (aside from 'Hotel') and differentiates these use types from STRA.</p> <p>Permissibility is the same as the current Motel use.</p>

Note: The symbols used in the zoning table have the following meanings —

- P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;
- D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
- A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions;
- X means that the use is not permitted by this Scheme.

The main change is the permissibility of unhosted STRA within a Residential zone, as the current 'Serviced Apartment' use is not permitted in the Residential R20, R25 and R30 zones and the current 'Short-stay accommodation' use is not permitted in the Residential zone.

The proposed permissibility of unhosted STRA within a Residential zone ('A' use) accords with the WAPC's Planning Bulletin 115/2024 which states:

For local governments within the boundaries of the Metropolitan Region Scheme (MRS), 'unhosted short-term rental accommodation' should be listed as a D or A use in zones where any type of dwelling is capable of approval, a P use in Tourism zones and an X use within all other zones, reflecting the direction set in the Position Statement.

Introduction of Tourism and Visitor Accommodation Land Use

The amendment will replace Serviced Apartments, Short Term Accommodation and Motel land uses with Tourism and Visitor Accommodation. Tourist and visitor accommodation is a model use class and not required to be introduced. However the use consolidates a number of existing land use terms for tourist and visitor accommodation (aside from 'Hotel') and differentiates these use types from STRA.

In terms of land use permissibility, the new Tourism and Visitor Accommodation Land Use largely mirrors that of the existing LPS3. While a discretionary use in the Foreshore Centre, Restricted Foreshore Centre, Hotel, and Town Centre zones, it is intended to be a non-permitted 'X' use in the Residential, Local Centre, Residential/Office and Place of Public Assembly zones.

Local Planning Policy for STRA

A local planning policy (LPP) is being drafted to provide guidelines for the assessment of development applications for unhosted STRA, to ensure the location, scale, design and operation of unhosted STRA is appropriate to its setting, to maintain the amenity and established character of the locality. This is particularly important for the Residential zone.

As noted above, it is intended to brief Councillors on a potential draft LPP at its April Elected Member Workshop with a view to seeking formal support later in April to adopt the LPP for advertising in tandem with Scheme Amendment No 15 (once the latter has been endorsed for advertising by the WAPC).

Consequential scheme text modifications

In addition to the Zoning Table and definitions of LPS 3, 'Bed and breakfast', 'Serviced Apartment', 'Short-stay accommodation' and/or 'Motel' are referenced throughout LPS 3. For example, in vehicle parking requirements, the 'Hotel' definition and various clauses relating to foreshore sites and the Residential Design Codes.

Amendment 15 proposes consequential modifications to LPS 3's scheme text, to delete reference to these superseded uses and replace with the new land uses where appropriate.

ATTACHMENTS

10.1.5(a) Scheme Amendment Report - Amendment 15 [under separate cover]

CONSULTATION

Should Council resolve to adopt Amendment 15, the Town will seek approval from the Minister for Planning to advertise the amendment in accordance with r. 46A of the LPS Regulations. If approval is granted, the amendment will be advertised in accordance with r. 47 of the LPS Regulations.

A 'standard' amendment is required to be advertised for a minimum of 42 days. Consultation will include notices in the local newspaper, online via the Town's social media account, website and Engage Cottesloe, and at the Town's Administration Centre and library.

STATUTORY IMPLICATIONS

Planning and Development Act (s. 75, 83A, 84)

Planning and Development (Local Planning Schemes) Regulations 2015 (r. 35, 46A, 47)

Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024

Short-term Rental Accommodation Act 2024

Environmental Protection Amendment Regulations 2024 (s. 33C)

Town of Cottesloe Local Planning Scheme No. 3

POLICY IMPLICATIONS

The WAPC's *Position Statement: Planning for Tourism and Short-Term Rental Accommodation* encourages the development of a Local Planning Policy to provide further guidance on the consideration of STRA proposals.

A Local Planning Policy - Unhosted short-term rental accommodation is being drafted and will be presented for the Council's consideration in due course.

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 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. Pursuant to 33C of the *Environmental Protection Amendment Regulations 2024*, the scheme amendment does not require referral to the Environmental Protection Authority for assessment.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council:

1. In accordance with s. 75 of the *Planning and Development Act 2005* and r. 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, initiates Amendment 15 to Local Planning Scheme No. 3 as set out in Attachment 1;
2. In accordance with r. 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, informs the Western Australian Planning Commission that the Council considers Amendment 15 to Local Planning Scheme No. 3 (Attachment 1) to be a 'standard' amendment, for the following reasons:
 - a. the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
 - b. the amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
 - c. the amendment is not considered a complex or basic amendment;
3. In accordance with s. 83A of the *Planning and Development Act 2005* and r. 46A of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forwards Amendment 15 to Local Planning Scheme No. 3 (Attachment 1) to the Western Australian Planning Commission to seek approval from the Minister for Planning to advertise Amendment 15;
4. Delegates authority to the Chief Executive Officer to make minor modifications to Amendment 15 to Local Planning Scheme No. 3 (Attachment 1) that will not alter the

overall intent of Amendment 15, as directed by the Western Australian Planning Commission, prior to advertising;

5. In accordance with s. 84 of the *Planning and Development Act 2005* and r. 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and subject to any minor modifications pursuant to resolution 4, advertises Amendment 15 to Local Planning Scheme No. 3 (Attachment 1) for not less than 42 days;
6. Further considers Amendment 15 to Local Planning Scheme No. 3, together with any submissions, following the conclusion of the statutory public advertising period.
7. Requests that Town staff prepare and brief Councillors about a potential draft Local Planning Policy for Unhosted Short Term Rental Accommodation at the April 2025 Elected Members Workshop which may then be considered by Council for adoption at a forthcoming Ordinary Council Meeting for the purposes of advertising in conjunction with Amendment 15.

ENGINEERING SERVICES**10.1.6 COTTESLOE JUNIOR FOOTBALL CLUB - CLUB NIGHT LIGHTS PROGRAM FUNDING APPLICATION**

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D25/8722
Applicant(s): Cottesloe Junior Football Club (Magpies)
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider the public consultation results and continuing to support the Cottesloe Junior Football Club's (Magpies) Club Night Lights Program (CNLP) Funding Application (Grant Application).

OFFICER RECOMMENDATION IN BRIEF

That Council:

- ENDORSES the Chief Executive Officer (CEO) to sign the Planning Application MRS Form 1 (Form 1) and the CNLP application form for this to be submitted to the Department of Planning, Lands and Heritage (DPLH) and the Department of Sports and Local Government (DSLGL) for consideration; and
- NOTES the remaining conditions that still need to be satisfied before unconditional approval can be given for the project.

BACKGROUND

The State Government through the CNLP invests \$2.5 Million per annum, towards the upgrade and provision of sustainable floodlighting infrastructure for sport across Western Australia. The objective is to promote participation in sport and recreation through the rationalised development of good quality, well-designed and well-utilised facilities.

On 30 August 2024, a CNLP Grant Application was received from the Magpies for the upgrade to the Cottesloe Oval Lighting.

At the September 2024 Ordinary Council Meeting, Council considered the application and resolved as follows:

OCM158/2024***THAT Council***

1. Provides in Principle SUPPORT for the Cottesloe Junior Football Club's (Magpies) Club Night Lights Program Funding Application SUBJECT to consultation feedback received from surrounding residents;

2. INSTRUCTS the Chief Executive Officer to:

a. Liaise with the Cottesloe Junior Football Club for them to prepare a Resident Consultation Plan to the satisfaction of the Administration and to circulate this Plan amongst Elected Members for feedback before commencing the consultation;

b. Upon the completion of the consultation to the satisfaction of the Administration, table the results to an Ordinary Council Meeting together with the Planning Application Form 1 for Council to determine whether it wishes to provide continued support for the application by AUTHORIZING the Chief Executive Officer to sign the Planning Application Form 1 to request the approval of the Department of Planning, Lands and Heritage for the works;

3. NOTES that unconditional support is only given when the following criteria are met:

a. Approval from the Department of Planning, Lands and Heritage for the Magpies lighting upgrade works on Cottesloe Oval;

b. Approval of a Building Permit application;

c. The Magpies providing evidence to the satisfaction of the Chief Executive Officer that they have sufficient funds to complete light works at the time when the grant agreement and construction contract need to be executed; and

d. A funding agreement is entered into with the Magpies for them to make a contribution to a reserve for the future renewal of the lights and be responsible for all the maintenance costs.

Carried 7/0

Council is asked to refer to the September 2024 OCM Officer's Report for further background on this item.

The officer's comment section provides a summary of the public consultation results.

OFFICER COMMENT

Community Engagement

Attached is the Community Engagement Plan (CEP) that was circulated amongst Elected Members on 21 February 2025. Directly impacted stakeholders and residents mentioned within the CEP were consulted between 26 February 2025 to 11 March 2025.

A total of 112 registered letters were sent to directly impacted stakeholders who may be affected by the proposed lighting upgrade comprising of:

- property owners and residents within a 200m radius of the oval;
- Cottesloe Rugby Union Football Club; and
- Sea View Golf Club.

118 survey responses were received at closing of which approximately:

- 15 were from directly impacted residents;
- 2 were from the Cottesloe Rugby Union Football Club;
- 1 from the Sea View Golf Club; and

- the remaining 100 were from outside the catchment area that contained directly impacted stakeholders.

Table 1 below summarises the survey results from all 118 respondents.

CATEGORY	NO. OF RESPONSES	PERCENTAGE
TOTAL ONLINE SURVEY RESPONSES	118	
TOTAL RESPONSES FROM DIRECTLY IMPACTED STAKEHOLDERS	18	
Total Support	10	55%
Total Oppose	8	45%
This is further itemised below:		
1. RESIDENTS	15	
• Support the proposal (as a resident only)	9	60%
• Oppose the proposal (as a resident only)	3	20%
• Support the proposal (as a resident & club member)	0	0%
• Oppose the proposal (as a resident & club member)	3	20%
COTTESLOE RUGBY UNION FOOTBALL CLUB MEMBERS	2	
• Support the proposal	0	0%
• Oppose the proposal	2	100%
SEA VIEW GOLF CLUB MEMBERS	1	
• Support the proposal	1	100%
• Oppose the proposal	0	0%
TOTAL RESPONSES FROM OUTSIDE OF THE CATCHMENT AREA	100	
Total Support	100	100%
Total Oppose	0	0%
This is further itemised below:		
RESIDENTS	18	
• Support the proposal	18	100%
• Oppose the proposal	0	0%
COTTESLOE JUNIOR FOOTBALL CLUB (MAGPIES) MEMBERS	72	
• Support the proposal	72	100%
• Oppose the proposal	0	0%
COTTESLOE AMATEUR FOOTBALL CLUB (ROOSTERS) MEMBERS	10	
• Support the proposal	10	100%
• Oppose the proposal	0	0%

Table 1: Summary of All 118 Responses

Notwithstanding this, Council is to note that the survey is targeted at directly impacted stakeholders, as per the September 2024 OCM resolution. Given this, the officer’s view is that the responses from the directly impacted stakeholders (18) should only be considered.

With this in mind, below are a summary of reasons provided by directly impacted stakeholders for objecting to the lighting upgrade proposal:

Objecting Reasons	Officers Response to Comments
Visual impact of the proposed 25m poles obstructing views	The four slender tapered lighting poles are largely obscured by the Norfolk Island Pine Trees along Broome Street adjacent to the oval and on this basis, visual impact from properties will be, if at all, minimal.
Light pollution – excessive glare affecting nearby residents	The proposed lighting system is designed to direct illumination downwards, minimising horizontal and upward light spill. Furthermore, the new lighting poles will comply with Australian Standards AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting , which will be a condition of the planning approval to ensure minimal impact on surrounding properties.
Increased noise and traffic – lead to more night games and traffic in the residential area	The Town can explore curfews to lighting usage to minimise disruption to residents. As the field is already lighted and used at night, it is unlikely that this upgrade project will generate a significant increase in traffic and associated noise.

Table 2: Summary of Officer’s Responses to Objections from Catchment Area

To this end, the officer’s recommendation is for Council to continue endorsing the application because:

- More than 50% of directly impacted stakeholders supported the proposal; and
- The concerns raised by directly impacted stakeholders mentioned in Table 2 can or will be mitigated within existing regulatory frameworks and standards.

Council is to note the following are responses to questions taken on notice at the Agenda Forum:

- 59 of the 72 Cottesloe Junior Football Club Members are Cottesloe residents;
- The main reasons for the 2 Rugby Club Members objecting are as follows:
 - (a) The proposal is very dismissive of the impact on the amenity of the local residents both visually and audibly;
 - (b) The impact is not just the light but the greatly increased night activity which will be generated by the night games bringing more traffic and noise;
 - (c) The reference is also made to the ability to have more social events as a result of the increased lighting. Once 150 Lux is provided the push will always be on to use that capability for more uses;
 - (d) Cottesloe Oval is not a sports park by virtue that it is surrounded by housing and is used by residents for other purposes other than football. It was never intended as a full time sports facility or for other regular nightly activities;

- (e) The proposal represents an unreasonable retrospective impact on multiple aspects of the current and future amenity of the residents of Pearse ,Broome and Jarrad Street; and
- (f) There were no issues with improving the lighting strength and quality provided by two towers facing West so as to provide suitable and safe training quality with them automatically switching off at 7.30 pm. The concern is the lights remain in operations when no one is using them.

Next Steps

Council accepting the officer's recommendation will allow the Magpies to:

- Submit their funding application to DSLG ;
- Submit their MRS Form 1 for consideration by DPLH;

Note: Given that this is third party works on crown land, a Council resolution is needed for the Chief Executive Officer (CEO) to sign a Metropolitan Region Scheme (MRS) - Form 1 - Application for Planning Approval.

Council's unconditional approval for the project is only provided when point 3 of the September 2024 OCM Council Resolution are satisfied. Whilst awaiting the outcome of the DPLH and DSLG applications, there is merit instigating point 3d of the September 2024 resolution which is to:

- Develop a funding agreement is entered into with the Magpies for them to make a contribution to a reserve for the future renewal of the lights and be responsible for the routine maintenance costs (changing bulbs, periodic servicing, etc.); and
- Also develop Agreements (if needed) with the Cricket and Rugby Club for them to be charged utilities. The current Licence Agreements with the Roosters and Magpies already allow the Town to charge them their share of utilities.

Should the decision be to not provide this authorisation to sign MRS Form 1, Council then instructs the CEO to withdraw the support for the application by informing the Magpies first and then notifying DSLG. The process of the Magpies then ends.

Given the commitment, dedication and cooperation from the Magpies evident throughout the application process to date, the Administration asks that Council supports their application.

ATTACHMENTS

- 10.1.6(a) Cottesloe Junior Football Club - Club Night Lights Funding Application - Community Engagement Plan [under separate cover]**
- 10.1.6(b) CJFC Letter to Council - Survey results for Cottesloe Oval Lighting Upgrade [under separate cover]**

CONSULTATION

Town of Cottesloe Staff;

Elected Members;

DPLH; and

Directly impacted residents and stakeholders identified within the attached CEP

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 2.7 – Role of Council;

Local Government (Uniform Local Provisions) Regulations 1996

Regulation 17 - Private Works On, Under and Over Public Places;

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.

The Clubs are responsible for the operating maintenance and capital renewal costs.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

Given that the luminaire design aims to avoid lighting spillage to areas outside of the Oval, there will be limited impact on fauna in the surrounding areas.

It is also the officer's view that the lighting design, based on the principles of energy efficiency through the use of LED technology will be more efficient than the current halogen luminaires. However, this can only be determined by comparing the utility cost from the post and pre upgrade scenario. Any increase (if at all), is expected to be minimal and is offset by the safety benefits from a compliantly lit playing field.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council

1. **NOTES** the consultation feedback received from surrounding residents and stakeholders;
2. **REQUEST** the applicant submit a MRS Form 1 application to the Town for referral to Western Australian Planning Commission;
3. **AUTHORISES** the Chief Executive Officer to sign the
 - a. **Planning Application MRS Form 1 and forward to the Western Australian Planning Commission, imposing on the following conditions:**
 - i. **The applicant shall bear all costs associated with the removal of existing lighting poles and the installation of new lighting poles, including all related infrastructure works to the satisfaction of the Town;**
 - ii. **Engineering drawings submitted shall be consistent with the plans and details consulted as part of the community engagement when applying for a Building Permit;**
 - iii. **A luminaires diagram shall be provided, demonstrating that any spillage to surrounding residents complies with Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting; and**
 - iv. **A funding agreement is agreed in principle by the Cottesloe Junior Football Club for them to make a contribution to a reserve for the future renewal of the lights and routine maintenance costs.**
 - b. **Club Night Lights Program Application Form (if required);**
4. **NOTES** that unconditional support is only given when the following criteria are met:
 - a. **Approval from the Western Australian Planning Commission (WAPC) for the Magpies lighting upgrade works on Cottesloe Oval;**
 - b. **Approval of a Building Permit;**
 - c. **The Magpies providing evidence to the satisfaction of the Chief Executive Officer that they have sufficient funds to complete the lighting works at the time when the grant agreement and construction contract need to be executed; and**
 - d. **A funding agreement is entered into between the Town and the Cottesloe Junior Football Club for them to make a contribution to a reserve for the future renewal of the lights and be responsible for all the maintenance costs.**

10.1.7 ANDERSON PAVILION COTTESLOE JUNIOR FOOTBALL CLUB (MAGPIES) LICENCE AGREEMENT

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D25/8721
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider amending the Cottesloe Junior Football Club (Magpies) Licence Agreement (Agreement) to include Friday's 3pm to 9pm during the football season (February to September) and access to their storage area only outside the football season.

OFFICER RECOMMENDATION IN BRIEF

That Council only APPROVES the amendments mentioned in the summary section with no changes to the remaining clauses within the May 2024 approved Agreement and NOTES that the Anderson Pavilion is open for public hire outside the times allocated to the two football clubs.

BACKGROUND

At the May 2024 Ordinary Council Meeting (OCM), Council the Anderson Pavilion Licence Agreements for the Magpies and the Cottesloe Amateur Football Club (Roosters).

The Roosters Agreement has been executed without change and has the following agreed use period during the football season (February to September):

- Monday to Thursday 6pm to 9pm; and
- Saturday 7am to 9:30pm.

The Magpies at that time were hesitant to enter into the Agreement because they felt the document did not sufficiently capture their requirements. The May 2024 Agreement allowed the Magpies the following use period during the football seasons (February to September):

- Monday to Thursday 3pm to 6pm; and
- Sunday 7am to 7pm.

At the August 2024 OCM, Council considered the Magpies change request and resolved as follows:

OCM130/2024

That Council DEFERS consideration of this matter and does not accept bookings from third parties for the use of the Anderson Pavilion during the current football season, pending a Report from the Administration being brought to the October Briefing Forum at the end of the football season, on the scope to further refine usage arrangements noting the feedback from the Magpies Club and the issues raised by the terms of the draft Licence,

and the intention behind previous Council resolutions setting out priority of usage of the facilities.

Carried 5/2

The Magpies are currently permitted to use the Anderson Pavilion under an interim arrangement based on the principles of the May 2024 endorsed agreement.

OFFICER COMMENT

The changes requested by the Magpies were considered by Council in August 2024 are as follows:

- Incorporate the use of Harvey Field as part of the Agreement;
- Reconsideration of their share towards the cost of electricity given that they do not use the facility at night and their \$10,000 contribution for furniture;
- Access to the entire facility at any time to carry out the running of the football club, this would include accessing kitchen and storerooms etc; and
- Modify their Monday to Thursday between 3pm and 6pm to 3pm and 9pm.

Further information can be found within the August 2024 OCM Officer's Report.

The Magpies have confirmed in recent discussions (Attachment A) that they accept the terms within the May 2024 Council endorse Agreement and only want to include Friday 3pm to 9pm within the hours of approved use.

The Administration is supportive of this request and recommends that Council also considers allowing the Magpies access to only their storage area outside of the football season.

Attachment A provides justification for their Friday 3pm to 9pm request. In summary, this would be to hold events and have the female team home games after the field lighting is upgraded (considered as separate item in the March 2025 OCM).

Council is to note that there are no long term bookings for Anderson Pavilion on Friday's 3pm to 9pm.

Their Monday to Thursday 6pm to 9pm extended use request is achievable through the continuation of an ongoing informal type arrangement made directly with the Roosters.

Extending their usage to 9pm during the week conflicts with the 6pm to 9pm within the Roosters Agreement which could create an issue when both clubs want to hold an event within this common period and there is no way of determining who gets priority.

Council is to note that the current Agreement expires in 2025 and a review at its conclusion will identify improvements for any subsequent Licences.

The Magpies have asked to commence negotiations on a longer term Agreement.

Following the discussions at the October 2024 Elected Members Workshop, the Administration is now accepting bookings for the Anderson Pavilion outside any approved Licence Agreement usage.

ATTACHMENTS

- 10.1.7(a) Attachment A - Email - Confirmation from Cottesloe Junior Football Club (Magpies) - Licence Agreement - Redacted [under separate cover]**

CONSULTATION

Magpies

Elected Members

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 2.7 – Role of Council

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 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.

The approved use within the Licence Agreement for the Magpies and Roosters are valued at \$41,728.00 and \$36,164.00 respectively at the hire rates within the Town's Schedule of Fees and Charges (Community hire rate).

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council

- 1. APPROVES the Cottesloe Junior Football Club (Magpies) Licence Agreement amendment to allow:**

- a. Use between 3pm to 9pm on Fridays between 1 February and 30 September;
 - b. Access to the assigned storage area specified within the Licence Agreement outside the agreed use period;
2. **REQUIRES** the Magpies to execute the Licence Agreement no later than 4 April 2025;
 3. **REQUESTS** the Chief Executive Officer to liaise with the Cottesloe Junior Football Club and the Amateur Football Club to develop a longer term Agreement; and

10.1.8 WESTERN POWER COMMUNITY BATTERY PROGRAM

Directorate: Engineering Services
Author(s): Renuka Ismalage, Manager Projects and Assets
Authoriser(s): Shaun Kan, Director Engineering Services
File Reference: D25/9995
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider supporting the installation of a Western Power (WP) community battery at Grant Marine Park Car Park (Location 2) as shown in the diagram within the Background Section of this report.

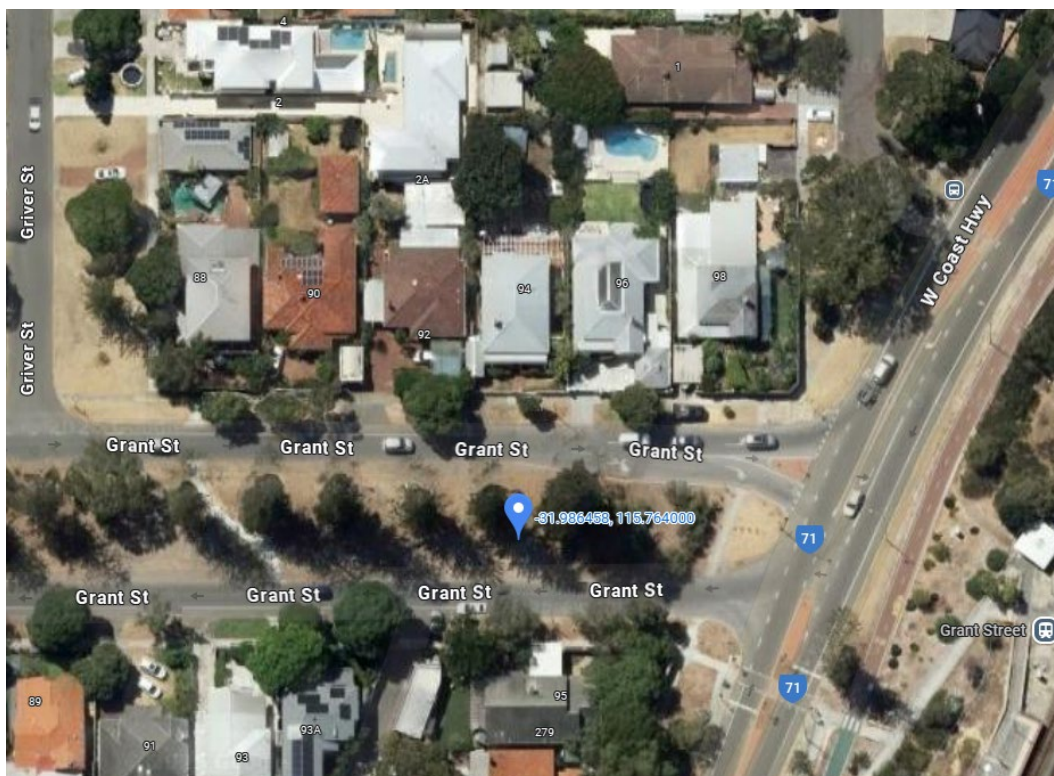
OFFICER RECOMMENDATION IN BRIEF

That Council SUPPORTS the community battery program proposed by WP.

BACKGROUND

In July 2024, WP approached the Town of Cottesloe to discuss the potential installation of Community Battery as part of a wider Federal Solar Program. The following 2 possible locations were shortlisted following a period of discussions as transformers at both these sites have been identified for upgrade in order to meet the long term demands of the network it services.

- Location 1 – Grant Street centre median near Curtin Avenue



- Location 2 – Grant Marine Park Carpark



The installation on a community battery at one of these locations negates the need for a transformer upgrade (currently operating at 100% to 110%).

Other reasons for selecting Cottesloe sites include the Local Government City Powers Partnership pledges relating to the use of renewable energy and no known WP initiatives have been introduced to the District.

After careful consideration, Location 2, was identified as the preferred site as this was further away from residential properties and a lower impact on existing vegetation when compared to Location 1.

In February 2025, WP consulted residents along Grant Street, between Marine Parade and Broome Street. One response was received at the closing objecting solely due to the visual impact of the battery and asked for any cabinet Muriel design to blend into the surroundings.

“You have indicated that a painted design will be applied and given examples. I strongly object to the application of such designs. They are hideous. If you must install this in a park, please make it blend with the environment rather than scream out with inappropriate colour and designs”

WP has committed to incorporating this feedback if the project was to proceed.

OFFICER COMMENT

The community battery operates like the ones installed within private property to store excess power generated from solar panels during the day. Similar to privately own ones, the community battery redistributes this back to homes in the area that can also include networks outside Cottesloe when solar is unavailable.

The link provides further information on WP's community battery program <https://www.westernpower.com.au/resources-education/our-network-the-grid/grid-technology/community-batteries>

Battery uptake within private property at the Town of Cottesloe stands at 2.85%, slightly higher than the regional uptake of 1.55%. Despite the potential home battery subsidy this year, there remains a notable gap in the overall system capacity that batteries can help address.

The introduction of this scheme would likely reduce the need to install batteries within properties but this is very dependent on individual usage and home owners would need to consider their circumstances in making this decision.

One of the key objectives of this project is energy equity whereby the community battery approach becomes the more affordable equivalent way for home owners to be able to enjoy the same benefits of having such a storage device installed within their property.

The Community Battery brings several benefits (environmental and economical) such as:

- strengthening energy resilience of the local and wider network;
- Utilisation of renewable energy; and
- Enhancing network stability.

Attachment A provides further details to the WP proposal.

Council is asked to note the following in response to elected member queries:

- **Public Liability**

WP will be responsible for all public liability matters within the designated easement for the community battery installation site. This includes the replacement of the asset should it be damaged. These matters will be covered under WP's extensive network asset governing policy and is outlined in the relevant document executed in the Easement Deed

- **Storage Distribution (Host Community vs Wider Network)**

These local community batteries provide support at both the local and wider network level. At the local level they support the connected transformer and feeder which distributes electricity to the surrounding residents. The storage also provides capacity for the wider network at peak demand which then delivers stability at a whole system level.

- **Subscription model for residents to opt in and receive direct benefits**

WP is the distribution operator and does not provide products to customers. This is the role of Synergy and that the benefits for residents in Cottesloe would be explored after the:

- (a) Equivalent pilot project at Alkimos beach is completed; and
- (b) The Community Battery Project is underway.

Further information is available at this link: <https://www.synergy.net.au/Our-energy/Pilots-and-trials/Community-Battery> . WP are liaising with Synergy for them to offer a scheme to Cottesloe residents.

- **Community Battery Technical Specifications**

WP have informed the Town that the latest fire suppression and noise damping technology will be implemented by any selected supplier. Any community battery installed will meet the required Australian Standards.

Given that WP are responsible for all maintenance and the proper functioning of the system, there is no risk to Council, particular with concerns around Cottesloe being a pilot project for any product installed as part of this community battery proposal.

- **Aesthetics and Treatments Surrounding the Battery**

WP are open to working with the Town in the design of the cabinet material, murals and the ground treatment that surrounds the community battery which considers the resident feedback provided.

The treatment surrounding the battery site may vary depending on the technology used. For example, Tesla fleet batteries are mounted on concrete plinths with grass growing up to pad. DCCEEW battery units are surrounded by crushed limestone with kerbing, allowing grass to reach up to 0.5m from the unit.

The primary design consideration is easy maintenance access and personnel safety.

Given the community consultation feedback received and the numerous benefits of this initiative in supporting renewable energy integration, Council is asked to support the installation of the community battery at the preferred site (Location 2 - Grant Marine Park).

Council asked to note that:

- Consulting on both Location 1 and 2 before making a determination on a preferred location could result in the risk of residents expecting a community battery being installed at both locations when in reality only one site can be selected;
- A better approach may be to consider the benefits post installation at the preferred location and then ask WP to consider Location 1 later in consultation with residents;
- Should Council decide not to support the project, it is likely that WP will select another site at a different Local Government. [Council should also note that WP can also install the community battery under legislation without the approval of Council;](#)
- [Further discussions will occur with WP to explore the possibility of the battery's ultimate position to be on an asphalt hardstand instead of the turfed area and also for WP to carry out consultation at their cost with surrounding residents to understand expectations to develop a mural design for the housing cabinet.](#)

ATTACHMENTS

- 10.1.8(a) Attachment A - Western Power - Community Batteries - ARENA Stream A - Town of Cottesloe Council Presentation - Updated 10 March 2025 [under separate cover]

CONSULTATION

Western Power

Elected Members

Grant Street residents living between Marine Parade and Broome Street

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 2.7 Role of Council

Electricity Act 1945

Section 18 Powers, rights and obligations

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

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

RESOURCE IMPLICATIONS

There are no perceived resource requirements arising from the officer's recommendation.

WP will be responsible for the cost of installation and maintenance.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The officer's recommendation continues the utilisation of renewable energy supply and reduce the Town's overall carbon footprint which is consistent with Council's participation in the Cities Power Partnership.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION**THAT Council**

- 1. SUPPORTS the Community Battery being installed at the preferred Location 2, Grant Marine Park Carpark as shown in the diagram within the Background Section of this report;**
- 2. AUTHORISES the Chief Executive Officer to execute any legal documents if needed; and**
- 3. REQUESTS the Chief Executive Officer to provide a report to an Elected Member Workshop after 12 months following the implementation of the community battery at the preferred Location 2.**

10.1.9 COMMUNITY INFRASTRUCTURE STRATEGY

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D25/10205
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider the Property Management Plan (Attachment A) and Beach Access Path Management Plan (Attachment B) as part of the Community Infrastructure Strategy (CIS).

OFFICER RECOMMENDATION IN BRIEF

That Council NOTES that the attached management plans will be used to develop a draft Asset Management Plan and a Community Infrastructure Strategy document. These will be presented to an Elected Members Workshop in the later part of 2025.

BACKGROUND

In March 2023, Council adopted the current Asset Management Plan (AMP).

In December 2023, Council adopted a new Council Plan (2023 to 2033) integrating both the Strategic Community Plan and Corporate Business Plan.

In March 2024, the Council Plan deliverables prioritisation was approved by Council.

In April 2024, Council adopted the Asset Management Strategy that covered a number of major asset modules which includes the CIS.

The CIS within the 2023 AMS approved by Council contains the following informing plans:

- Disability Access and Inclusion Plan (DAIP);
- Property Management Plan;
- Beach Access Management Plan;
- Public Health Plan; and
- Public Safety Plan (Lighting and CCTV).

The intent is that output from these management plans will inform the AMP which will in turn be used to develop the Long Term Financial Plan (LTFP).

OFFICER COMMENT**The Community Infrastructure Strategy Overview**

The CIS ensures the provision of the needed infrastructure that support individuals, families and groups in meeting their social needs and at the same time equal opportunity access to facilities so as to improve their overall health and wellbeing. Together with the Asset

Management Framework, the CIS provides a robust decision-making tool for prioritising community infrastructure investment (new, renewal and upgrade) over the next 10 years.

The implementation of the CIS will achieve the following objectives:

- Objective 1: To provide accessible and equitable opportunities to the public;
- Objective 2: Maximise the use and capacity of current and future facilities; and
- Objective 3: Preservation of their condition to ensure they continue to remain safe for the public;
- Objective 4: Identify and implement the required health guidelines, infrastructure and technology needed to maintain public safety.

Disability Access and Inclusion Plan

The DAIP was endorsed by the Department of Communities and adopted at the August 2024 OCM (<https://www.cottesloe.wa.gov.au/documents/1305/disability-access-and-inclusion-plan-2024-2029>).

The intention of this plan is to address the ongoing barriers to access and social inclusion that people with disability and their carers face.

Its aim is to ensure that all infrastructure provided by the Town preserves the access rights of people with disability to services, buildings and events in order for them to feel a sense of belonging and to live healthy, productive lives.

Property Management Plan (Attachment A)

The Property Management Plan can be summarised as follows:

- Developed through a condition assessment of all Council buildings;
- Renewal and upgrades are prioritized based on safety, efficiency and aesthetics;
- 10 year investments are summarized below, noting that the \$215,000 in 2026/2027 is for the Indiana toilet refurbishments subject to the outcome of the proposed redevelopment;

Year									
2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35
\$60,000	\$215,000	\$76,000	\$95,000	\$42,500	\$55,000	\$96,500	\$62,500	\$115,000	\$30,000
Funds Required (10 years total)									\$847,500

- Approximately \$85,000 per annum needs to be assigned to the Property Reserve to fund these works; and
- The Seaview Golf Club House Redevelopment has been included in the plan given its significance with an estimated cost of \$24 million for the facility to be rebuilt, noting that the property plan will be updated after final cost are known.

Beach Access Path Management Plan (Attachment B)

The Beach Access Management Plan is summarised as follows:

- The table below summarizes the paths that need to be renewed in the next 10 years and this is predominantly based on their current condition which will have public safety implications if not carried out;

Name	Material	Years									
		2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35
CT19	Concrete/Timber/Pine Log	\$ 15,000	\$92,800								
CT47	Pine logs/Sand			\$ 15,000	\$51,200						
CT24	Concrete/Bitumen					\$ 22,500	\$224,000				
CT44	Pine Log/Sand							\$15,000	\$96,000		
CT59	Sand/Concrete									\$ 15,000	\$115,200
Total		\$15,000	\$92,800	\$15,000	\$51,200	\$22,500	\$224,000	\$15,000	\$96,000	\$15,000	\$115,200

- The staggered program allows for the design to be carried out in one year and construction the next to allow the works to occur in winter (seasonal demand and post construction planting);
- The maintenance cost for all the paths are highlighted within Attachment B as requested by Council at its November 2023 OCM resolution (below) when considering a Beach Access Path renewal tender award. The upgrade of CT10 as per resolution 2 below has also been completed;

OCM237/2023

THAT Council;

1. REJECTS all tenders received; and

2. ENDORSES installation of sand bag supported steps design with a Fibre Reinforced Plastic landing at beach level as per option 2 within table 3 in the officer’s comment section.

3. INSTRUCT the CEO to prepare an Implementation Plan within this financial year for upgrade, replacement and/or maintenance of beach access paths.

Carried 9/0

- A CT53 upgrade requests from the community is currently outside the proposed 10 year horizon given that the path is in an acceptable average condition rating 3 that has the equivalence of 50% of its asset life remaining;
- Based on a total 10 year cost of \$660,000, approximately \$70,000 would need to be assigned to the Infrastructure Reserve to fund these works;
- Council wanting to roll out a different and more condensed program such as designing and building a different path in the same year would increase the required annual reserve transfer to approximately \$140,000. This may also result in additional staffing needs to achieve a number of other major projects namely the Marine Parade Shared Path Upgrade and the Seaview Golf Club House Projects.

Should this alternative program be adopted, the Administration will then model this in its Asset Management and Workforce Plan to determine the long term financial implications.

Alternatively, given that these major asset strategies are guiding documents to future annual budgets, Council as part of its annual budgeting process can ask for a different

path to be done should there be one that has deteriorated faster than shown in the plan.

Other Progressing CIS Informing Plans and their Proposed Allowances in the LTFP

Council is to note that the following informing plans have been excluded in this version of the CIS for a number of reasons:

- The Public Health Plan component (currently under review) is largely related to legislative compliance, it is unlikely to have asset management implications and would be more appropriate for consideration within the Workforce Plan;
- The Public Safety Plan covering lighting and CCTV has been deferred to allow more time to discuss funding contributions from relevant external parties. A CCTV strategy prioritising surveillance is within the 2024/2025 budget and there is more merit for the Public Safety Plan to be incorporated after the informing works are completed;
- The output from the Parking Management and Public Safety Plan will be incorporated in the next version of the Asset Management Plan (reviewed every 2 years and re-write every 4 years);
- To ensure such parking and public safety elements are considered, an allowance will be included in the LTFP that covers:
 - (a) Streetlight works (new and upgrade) funding through capital projects (e.g. Eric Street Shared Path);
 - (b) Strategic cost estimates for CCTV and other carpark works (new, renewal and upgrade); and
- The maintenance cost for parking facilities and CCTV will be considered within the AMP using historical data (past 3 years). Street lighting is generally maintained by Western Power.

Given the above, Council is asked to note that the plans within Attachment A and B will be used to develop the draft Asset Management Plan. A Community Infrastructure Strategy document will also be developed and presented to Council later in 2025 together with the Integrated Transport Strategy.

ATTACHMENTS

10.1.9(a) Attachment A - Property Management Plan - 10 Year Capital Program - February 2025 [under separate cover]

10.1.9(b) Attachment B - BAP Management Plan and Current BAP Map Combined [under separate cover]

CONSULTATION

Elected Members

Universal Access Working Group (DAIP)

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 2.7 Role of Council

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

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

RESOURCE IMPLICATIONS

Council will need to consider setting \$85,000 and \$70,000 annually through the LTFP into reserves to afford the asset renewals highlighted within the Property and Beach Access Path Management Plan.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The renewals and upgrades to buildings and beach access paths will have positive outcomes to the environment through the use of energy efficient technology and recyclable material.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council:

- 1. NOTES the attached Community Infrastructure Strategy Property Management Plan (Attachment A) and Beach Access Path Management Plan (Attachment B);**
- 2. NOTES that the Property Management Plan and Beach Access Path Management Plan outputs will be utilised to develop a draft Asset Management Plan; and**
- 3. NOTES that a Community Infrastructure Strategy Document will be developed and presented to an Elected Members Workshop in 2025 before the future public consultation as part of the overall Asset Management.**

10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES

10.2.1 RECEIPT OF AUDIT COMMITTEE MINUTES

**Attachments: 10.2.1(a) Minutes of the Audit Committee Meeting - 17 March 2025
[under separate cover]**

THAT Council RECEIVES the attached Unconfirmed Minutes of the Meeting held on 17 March 2025 and ADOPTS the recommendations contained within, subject to separate consideration of 10.1.2 Mid-year Budget Review 2024/25 and 10.1.3 Compliance Audit Return.

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

That, in accordance with Section 5.23(2) (e(ii)) and (c), 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 NORTH COTTESLOE SURF LIFE SAVING CLUB - REQUEST FOR SAUNA

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

13.1.2 T02/2025 HARVEY FIELD PLAYGROUND UPGRADE PROJECT - CONSTRUCT

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (c) as it contains information relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

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