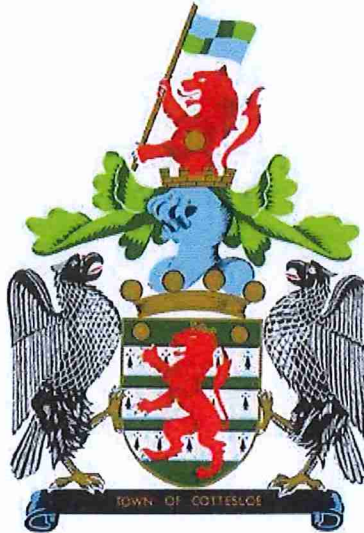


TOWN OF COTTESLOE



ANNUAL GENERAL MEETING OF ELECTORS

UNCONFIRMED MINUTES

WAR MEMORIAL HALL, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
6.00 PM, WEDNESDAY, 20 MARCH 2024

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

MATTHEW SCOTT
Chief Executive Officer
5 April 2024

ANNUAL GENERAL MEETING OF ELECTORS

1. Declaration of Meeting Open

The Presiding Member, Mayor Young opened the meeting at 6:04 pm

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

2. Attendance

Elected Members Present

Mayor Young
Cr Sadler
Cr Wylynko
Cr Mason
Cr Irvine
Cr Heath
Cr Harkins

Electors Present

Clare McLaren	Cottesloe Elector
Philippa & Chris Wiggins	Cottesloe Elector
Gabor Bedo	Cottesloe Elector
Greg & Mary Prout	Cottesloe Elector
Chris Gilmour	Cottesloe Elector
Barb Dobson	Cottesloe Elector
Kim Leunig	Cottesloe Elector
Phil Paterson	Cottesloe Elector
Ken Macintyre	Cottesloe Elector

Staff Present

Matthew Scott
Shaun Kan
Shane Collie
Steve Cleaver
Jacquelyne Pilkington

7. Public Question Time (Annual Report)

Nil

8. Public Question Time (General Business)

Chris Gilmour

Q1. When did Council move to hand back to the Crown ROW 20A and 20B?

R1. The Town of Cottesloe has progressed the transfer of Rights of Ways (ROWs) to the Crown over many years. At the 21 February 2023 Special Council Meeting, Council confirmed this position as part of resolution SCM009/2023.

“THAT Council:

3. Instruct the CEO, in order to mitigate future adverse possession claims, to:

b. To continue to progress the transfer of any and all remaining ROWs currently in the name to the Town of Cottesloe to the Crown;”

Q2. If this motion was made behind closed doors, can the motion be made public in writing?

R2. The Resolution is available via the Minutes of the 21 February 2023 SCM, available at: <https://www.cottesloe.wa.gov.au/council-meetings/special-council-meeting/21-february-2023-special-council-meeting/325>.

Q3. What was the basis for making this decision?

R3. The principal aim of the Right of Way (ROW) strategy is to transfer the remaining ROWs to the Crown so that no future Adverse Possession claims can arise and the land will remain available for the benefit of the entire community. This can only be achieved once all encumbrances (encroachments) have been removed to the Crown’s satisfaction. An additional benefit is to provide clear title to impacted residents.

Barb Dobson

Q1. Why is the Council giving away these laneways to the Crown?

R1. The principal aim of the Right of Way (ROW) strategy is to transfer the remaining ROWs to the Crown so that no future Adverse Possession claims can arise and the land will remain available for the benefit of the entire community. This can only be achieved once all encumbrances (encroachments) have been removed to the Crown’s satisfaction. An additional benefit is to provide clear title to impacted residents.

Q2. And is it related to, or paving the way for the government's future proposed urban infill?

- R2. The ROW Strategy is unrelated to the infill targets within the Local Planning Strategy, which will be available for Public comment subject to WAPC approval. Prior to any infill being permitted the Local Planning Strategy (LPS) needs to be adopted by the WAPC (after public consultation) and the Local Planning Scheme zonings need to be updated, which could take several years. One of the reasons for the large areas identified for further investigation within the LPS is to allow a sympathetic interphase between higher density (close to the Railway Stations) and current single residential zoning (further away from the Railway Stations), similar to what has been achieved in Claremont through the adoption of a similar approach.
- Q3. I have another question, it's in regard to gaining access to the outcome, [of the ROW encroachment survey].
- R3. A decision is still to be made as to whether the entire Survey can be provided.

Phil Paterson

- Q1. Reading what's happened in Nedlands, I was just wondering if the staff understands the new accounting system?
- R1. The Town is unable to comment as to what is occurring in the City of Nedlands. However the Administration is acutely aware of the problems associated with changing over Information [accounting] systems and has incorporated various measures (Project and Change Managers, long time frames, etc) to mitigate any risks and situations that may or may not cause the problems being experienced by the City of Nedlands.
- Q2. Are you [The Council] happy with the communications and availability of staff to ask questions?
- R2. Elected Members regularly put questions to the Administration regarding the Town's finances, and the Administration is good at providing responses.
- Q3. Will WALGA or someone prepare a report on any lessons learned [regarding what has occurred at the City of Nedlands] that will be distributed around to different councils to make sure the [Town of Cottesloe] is not making any of the errors that the City of Nedlands have previously made?
- R3. It is not unusual for WALGA or relevant Government Agencies to provide advice to the Local Government Sector on how to avoid issues, similar to what may have occurred at the City of Nedlands, once the causes creating these issues have been properly identified. This matter was recently discussed at a recent Audit Committee Meeting.

Chris Wiggins

- Q1. What's the current status of the planning for the central business district, [especially] in regards to the old Hotel?
- R1. The Town of Cottesloe and the Shire of Peppermint Grove are developing a Precinct Structure Plan for the Town Centre. Last year there was community consultation in relation to this Precinct Structure Plan. There will be further consultation once the Precinct Structure Plan is finalised. Once finalised the Precinct Structure Plan will be incorporated into either the existing Local Planning Scheme (No.3) or the new Local Planning Scheme No.4. The Albion Hotel is on the State Heritage List, which provides additional protection from possible redevelopment in the future.
- Q2: [How is the Albion Hotel) recognised by Council?
- R2. Being on the State Heritage List provides greater protection than the Town can provide.

Kim Leunig

- Q1. I wish to know what the Council will do about its encroachments [installed by the Town] on our laneway [ROW] which have brought the laneway down to 3 metres in places and have made it difficult to navigate?
- R1. As the ROWs are currently vested in the Town, anything installed by the Town on the ROW are not classified as an encroachment. If what has been installed is restricting access by residents, the Town can consider if it needs to be removed.

9. Public Statement Time

Mr Leunig then made a statement expressing concern about the treatment of ROW20 compared to other ROWs. He provided a brief history of how ROW 20 evolved and explained that the adverse possession legislation is managed by Landgate, which applies strict rules in determining whether adverse possession exists, and that the Town (or resident groups) cannot overrule Landgate decisions.

10. Closure of the Meeting

The Presiding Member closed the meeting at 6:49pm.