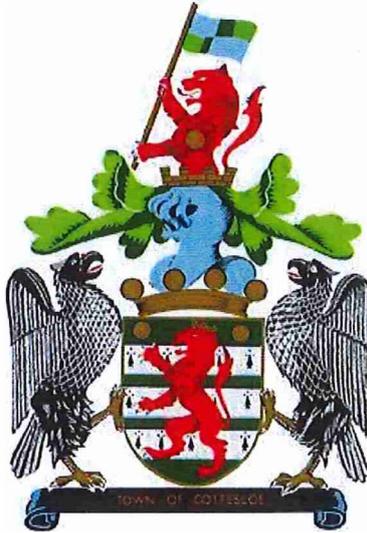


# TOWN OF COTTESLOE



## ANNUAL GENERAL MEETING OF ELECTORS

# UNCONFIRMED MINUTES

WAR MEMORIAL HALL, COTTESLOE CIVIC CENTRE  
109 BROOME STREET, COTTESLOE  
6.00 PM, WEDNESDAY, 9 MARCH 2022

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

**MATTHEW SCOTT**  
Chief Executive Officer

24 March 2022

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# ANNUAL GENERAL MEETING OF ELECTORS

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## 1. Declaration of Meeting Open

The Presiding Member, Cr Sadler opened the meeting at 6:00pm.

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

Cr Helen Sadler

### Electors Present

Cr Kirsty Barrett *(to 6:45pm)*

Cr Chilla Bulbeck

Cr Brad Wylynko

Gay Arkley

Cottesloe Elector

Gabor Bedo

Cottesloe Elector

Sheila Binns

Cottesloe Elector

John Brooksby

Cottesloe Elector

Ellie Brooksby

Cottesloe Elector

Patricia Carmichael

Cottesloe Elector

Jeffrey Irvine

Cottesloe Elector

Stephen Mellor

Cottesloe Elector

Kevin Morgan

Cottesloe Elector

Columbia Tierney

Cottesloe Elector

Philippa Wiggins

Cottesloe Elector

Chris Wiggins

Cottesloe Elector

Yvonne Hart

Cottesloe Elector

Diana Salvaris

Cottesloe Elector

### Staff Present

Matthew Scott

Shane Collie

Shaun Kan

Freya Ayliffe

Mary-Ann Winnett

**Media**

David Cohen  
Jake Dietsch

POST Newspapers  
PerthNow - Media

**3. Apologies**

**Elected Members**

Mayor Lorraine Young  
Cr Craig Masarei  
Cr Caroline Harben  
Cr Melissa Harkins  
Cr Paul MacFarlane

**Electors**

Ruth Greble	Cottesloe Elector
Rosie Walsh	Cottesloe Elector
Jack Walsh	Cottesloe Elector
Greg Boland	Cottesloe Elector

**4. The Mayor's Welcome**

The Presiding Member welcomed everyone to the meeting.

**5. Confirmation of Minutes**

**Moved Cr Barrett                      Seconded Cr Sadler**

**That the Minutes of the Annual General Meeting of Electors held on Thursday, 22 April 2021 be confirmed.**

**Carried**

**6. Discussion of the 2020/21 Annual Report for the Town of Cottesloe**

- a. The Mayor's Message**
- b. The Chief Executive Officer's Report**
- c. Statutory Reports**
- d. Integrated Planning and Reporting**
- e. Financial Statements**
- f. The Auditor's Report**

ATTACHMENT: 2020/21 Annual Report for the Town of Cottesloe

**7. Public Question Time (Annual Report)**

Mr Stephen Mellor – 8 Graham Court, Cottesloe

Q1. Can you explain that after last year's question from me on this matter, that there is still NO recognition of Country in the Annual Report being approved tonight?

A1. The Town is responding strategically to reconciliation and has established a Reconciliation Action Working Group and is developing a Reconciliation Action Plan via Reconciliation WA and Reconciliation Australia. Issues such as this can be considered in the context of that process.

**8. Receival of the 2020/21 Annual Report for the Town of Cottesloe**

**ELECTOR MOTION**

**Moved Cr Sadler                      Seconded Cr Barrett**

That the Meeting receives the 2020/21 Annual Report for the Town of Cottesloe.

**Lost 3/11**

**For: Crs, Bulbeck, Sadler and Wylynko**

**9. Public Question Time (General Business)**

Mr Stephen Mellor – 8 Graham Court, Cottesloe

Q1. When will Council display the First Nations flags in the Council Chamber?

A1. This is something that will possibly happen through the reconciliation process so I encourage you to submit your suggestions.

Q2. Can you explain how it is even possible that Annual Report Hard copies were not yet available at the Grove Library (as at Thursday 3 March)?

A2. It is not a statutory requirement for that to occur but I understand hard copies are available now.

Q4a Why does Council continue to refer to Car Park 2 as being part of the Foreshore Masterplan?

Q4b If Car Park 2 is still part of the Foreshore Masterplan, when did Council resolve to excise Car Park 2 in their brief to Aspect Studios?

Q4c On what date and in which Minutes is this recorded and what did the Council Resolution state?

Q4d If no such resolution, who and under what authority (please reference LGA or other regulation) was this decision made?

A4a-4d The Development of Carpark 2 is a part of the Foreshore Masterplan approved by Council in December 2019.

The Masterplan did include Carpark 1 and Carpark 2, Marine Parade and the land to the east of Marine Parade between Eric Street and Forrest Street.

The Officer's Report for the December 2019 meeting supported a staged approach, noting that tenure issues relating to Carpark 2 could delay progress on that part of the Masterplan for several years.

Accordingly, Council resolved that Preliminary Design works should commence for the approved Foreshore Master Plan Concept and that further discussions with the WAPC should proceed to progress the reclassification of Carpark 2.

An advice note to Council's Resolution notes that the concept for Carpark 2 was the preferred option as part of the Foreshore Masterplan but that the final decision in relation to the carpark will be dependent on matters such as funding models, overall parking requirements in the foreshore precinct and overall design aesthetics. These resolutions outline Council's intention in progressing the project. A tender for design works was accepted in May 2020 at the Ordinary Council Meeting. A preliminary design concept was approved at the July 2020 Ordinary Council Meeting and the detailed design approved in December 2020 for 85%, March 2021 for 100%. The preliminary design concept and detailed design in respect of Carpark 1 in Marine Parade and the west of Marine Parade inform Council's attentions.

- Q4e In the Foreshore 100% design, I believe there are only 4 disability access parking bays on the west side of Marine Parade – none being in the reduced Car Park 1. Does the Council think this is sufficient for access to our iconic beachside?
- A4e Council has committed to ensuring disability access to Cottesloe main beach and the Indiana Teahouse for all ages and ability consistent with the brief of the Foreshore Masterplan and the Town's Disability and Access Inclusion Plan. At the December 2021 Ordinary Council Meeting, Council resolved to investigate further ACROD Bays in close proximity to the entrance to the universal path south of Indiana and the westernmost part of Forrest Street to increase access. These bays would be in addition to the 20 bays within the foreshore area and are ultimately placed for universal access. This will ensure sufficient and simple access to the beach.
- Q4f Has Aspect Studios been advised/commissioned on any upgrade to the rooftop over NCSLC boat shed? Will this area be for al fresco eating for *Barchetta* customers? If so, will there be an annual licence fee to *Barchetta*? Will *Barchetta* be paying for the upgrade?
- A4f No – it's currently part of a lease agreement with the Cottesloe Surf Life Saving Club and no plans for area are being considered by the Town at this stage.

Mr Kevin Morgan - 1 Pearse Street, Cottesloe (Questions Asked at the Meeting)

- Q1. On what grounds, in answer to my third question at the Special Electors' Meeting on 23 February 2022, was it denied that the Indiana proponent had advised the Council that it would seek to have its proposal consented to by the State if the Council did not consent, given that:

- a. a December 2021 report to Council states that following its July 2021 meeting with elected members, the Indiana proponent was advised by the CEO that “a more detailed proposal” would be required; and
- b. that same December 2021 report to Council refers to a September 2021 request to the Town of Cottesloe to provide Landowner consent to an application for the redevelopment of Indiana’s and the relocation of the Boat Shed, via the SDAU, and that same December 2021 council report then goes on to expressly state that *“The Proponent also advised that if such consent was not provided, the only remaining alternative would be for them to approach the Minister for Lands, who has the authority to give consent (relating to crown land)”*; and
- c. WA Today reported in its 15 December 2021 publication that:
 

*“Tuesday’s council agenda claimed Tattarang had told the town if consent was not provided for the proposal it would approach the Minister for Lands, who had the authority over Crown Land.*

*But Minister for Lands Tony Buti said it was up to the company to obtain consent from the council to redevelop the site.”?*

A1. There was no proposal considered at the July 2021 meeting. The officer’s report at the December 2021 Ordinary Council Meeting clearly states the CEO advised the proponent after the July 2021 meeting that a detailed proposal would be required.

Q2. In marking as ‘confidential’ the documents put to Elected Members for their meeting with the Indiana proponent in July 2021 (as per the answer to my fifth question at the Special Electors’ Meeting on 23 February 2022), was the CEO:

- a. empowered to do so under regulation 14(2) of the *Local Government (Administration) Regulations* (by reason the documents were to be presented to a meeting of Council which in the CEO’s opinion the Council would ‘close’ under section 5.23(b) of the *Local Government Act*)?;

or

- b. empowered to do so by some other law? and if so, precisely what words of what law so empowered the CEO to mark documents as confidential other than when presented to a closed meeting as provided for in regulation 14(2) *Local Government (Administration) Regulations*?
- c. Did elected members decide to close that July 2021 meeting to the public? and if not, precisely what words of what law would mean that any information they got from any discussion at the meeting (rather than from a document marked ‘confidential’ by the CEO) is also confidential?

Q3. Is the Mayor or Council empowered to call an ad hoc meeting of Elected Members (rather than an ‘Ordinary’ monthly meeting), including for a presentation by a delegation approved by the CEO or Presiding Member, which would not be a ‘Special Meeting’ of Council?

- Q4. If so:
- a. Precisely what words of what law empowers a Council to hold such a “non-meeting” of Council, to which the *Local Government Act’s* principles of openness and transparency do not apply?
  - b. In relation to such a ‘non-meeting’ of Council:
    - i. What if any law requires attendees to disclose any conflict of interest in matters the subject of such a ‘non-meeting’?
    - ii. Is there any limit to what can be debated, opinion expressed, question asked or issue decided at such a non-meeting?

Questions 2 to 4 Taken on Notice. — Responses provided in the 26 April 2022 Ordinary Council Meeting Agenda/Minute papers and forwarded to the questioner. ([26 April 2022 OCM Agenda/Minutes](#) )

Mr Kevin Morgan - 1 Pearse Street, Cottesloe (Provided in writing, prior to the meeting)

- Q5. Do you or the CEO consider a ‘non-meeting’ is not a ‘Special Meeting’ of Council, say unless a decision of Council is proposed to be made or is made at it, or because it is not called a ‘Special Meeting’ but is instead called a ‘Workshop’, ‘Briefing’ or ‘Forum’?
- Q6. Is it not unfair for Electors’ Meetings to be governed by meeting procedures of which electors had no advance notice before the meeting, given that the meeting procedures give priority to questions and motions lodged the day prior to the electors being notified of the procedures?
- Q7. Is it not unfair for you as Mayor in 2022 to prescribe new meeting procedures for Electors Meetings that do not uphold a local law and instead allow non-electors to take part in discussion if they have the consent of the presiding member? - even though as a Councillor in 2021 you:
- a. moved that Council adopt, as it did, a local law that prohibits non-electors from taking part in discussion at an Electors’ Meeting without the consent of the electors, and which requires the Presiding Member to have regard to the prohibition in formulating meeting procedures?; and
  - b. made no mention (either at last year’s Annual Electors Meeting, at which you presided, or in the Mayoral Election) of your intention to substitute your own consent for consent which under our local law is meant to be provided by a majority resolution of electors at the meeting?
- Q8. Is not the CEO obliged by section 5.32 of the Local Government Act to “cause minutes of the proceedings at an electors’ meeting” to be taken, and do not your prescribed procedures for electors’ meetings include the making of public statements, and if so, why then do the minutes which were taken of the special electors’ meeting on 23 February 2022 not include any record of that part of the proceedings in which public statements were made, and what if any law exempts the CEO from having to minute that part of the proceedings of electors’ meetings?

Questions 5 to 8 Taken on Notice.- Responses provided in the 26 April 2022 Ordinary Council Meeting Agenda/Minute papers and forwarded to the questioner. ([26 April 2022 OCM Agenda/Minutes](#) )

## **10. Public Statement Time**

Mr Kevin Morgan - 1 Pearse Street, Cottesloe

Mr Morgan outlined his concerns with the Indiana proposal to privatise the top floor of Indiana and the public open space behind it.

### **ELECTOR MOTION 2**

**Moved Mr Mellor**

**Seconded Mr Morgan**

**That Council instigates a comprehensive Parking Plan covering the entire foreshore and areas to include the east side of Broome Street including a strategy and time-schedule for the future of Car Parks 1 & 2, taking into account the impact of proposed developments, and make this Plan available to the community as soon as possible and before major planning decisions are negotiated for cash in lieu parking space credits.**

**Carried 13/0**

### **ELECTOR MOTION 3**

**Moved Mr Mellor**

**Seconded Mr Morgan**

- a) **That Council rescind Car Park 2 Development Option A – with 5 storey blocks on top of 2 parking levels – concept choice.**
- b) **That Council revisit the Car Park 2 development process and investigate new concepts with renewed community consultation to keep and ensure the ONE East-West break in the built form is determinedly safeguarded with minimum heights and with the retention of public open space.**
- c) **That Council immediately publish the Car Park 2 Feasibility Study.**

**Carried 13/0**

Cr Barrett left the meeting at 6:45pm (prior to the vote).

### **ELECTOR MOTION 4**

**Moved Mr Mellor**

**Seconded Mrs Hart**

- a) **That Council with urgency, vigorously oppose the DPLH re-zoning of the McCall Centre.**
- b) **That Council immediately instigate and develop plans and appropriate budgets to preserve and re-instate the Vlamingh Memorial and Cable Station site.**
- c) **That Council together with Mosman Park Council claim for the use of the McCall and develop, a location sympathetic valuable visitor centre and tourist destination for the whole site that would include information and education facilities for subjects such as indigenous local history, environmental, social history, cable station, marine**

archaeology, ocean care, dune care, fishing, marine, flora and fauna – a worthwhile end-point for the coastal city trails the Town has committed to.

Carried 13/0

#### **ELECTOR MOTION 5**

Moved Mr Mellor

Seconded Ms Carmichael

- a) That Council request Administration to introduce/include, in time for the 2022-23 budget round, in the annual and each quarterly report an overall 'rolling total' project summary for large across financial year on-going projects including associated grants and income forecasts and receipts.
- b) That Council request Administration to introduce/include short text descriptors to the incomprehensible account numbers.

Carried 11/0

#### **ELECTOR MOTION 6**

Moved Mr Mellor

Seconded Mr Morgan

- a) That Council rescind the 2018 Aecom Recreation Precinct Masterplan.
- b) That Council immediately instigate and develop new concept plans for the whole site with renewed community consultation.

Carried 13/0

#### **ELECTOR MOTION 7**

Moved Mr Mellor

Seconded Mrs Hart

That Council instruct Administration to advertise and also include on the web events calendar the dates and times of the various ToC Committees' and Panels' meetings, with 14 days notice of such meetings and include information or links to associated documents, minutes and agendas.

Carried 14/0

#### **ELECTOR MOTION 8**

Moved Mr Mellor

Seconded Mr Irvine

That Council allocate budget funds and instruct Administration to undertake a thorough review and upgrade of the Council website in order to make it user friendly and transparent in its content access.

Carried 13/0

#### **ELECTOR MOTION 9**

Moved Mr Mellor

Seconded Mrs Hart

That Council instruct Administration to introduce as soon as possible a 'Percent for Art' Policy.

Carried 15/0

## **ELECTOR MOTION 10**

**Moved Mr Morgan**

**Seconded Ms Arkley**

- 1. We the electors of Cottesloe call upon our Council to immediately commence the process by which council can adopt a local law in terms of (or similar to) the attached draft *Town of Cottesloe Local Government (Informal Meetings Procedure) Local Law 2022*, so as to regulate (with more order, openness and transparency) meetings of Council that are currently unregulated, and to ensure council in making decisions is aware of potential for conflict if its staff met with property developers seeking not insubstantial changes inconsistent with Local Planning Strategy.**

**Carried 13/0**

## **ELECTOR MOTION 11**

**Moved Mr Morgan**

**Seconded Mr Brooksby**

- 1. We the electors of Cottesloe call upon our council to immediately commence the process by which to legislate local law, adopt council policy and otherwise make decisions of council to deliver the following desired outcomes of our community for a Cottesloe beachfront for everyone.**
  - a. An egalitarian beachfront.**
    - i. Don't require public open space to pay its own way, and instead use council or other public funds for its rejuvenation.**
    - ii. Don't allow public facilities and open space at Indiana to be privatised for the exclusive use of private hotel guests.**
    - iii. Don't allow the morning sunshine on our beach and promenade to be stolen by tall blocks of flats on the beachfront.**
  - b. Preserve Cottesloe beach's sunshine and blue sky.**
    - i. Adopt a policy to show decision-makers (such as the SDAU, a DAP, or council itself) the impact that different heights and setbacks on each lot between Eric and Forrest streets would have on shading the beach and promenade during mornings throughout the year.**
    - ii. Adopt policy for the ground floor of any new development between Eric and Forrest streets:**
      - 1. to be for public use, such as a public restaurant, rather than used for say a private restaurant only for a hotel's guests;**
      - 2. to have a minimum ceiling height, so as to ensure Cottesloe beach remains synonymous with sunshine and blue sky; and**
      - 3. to present a fine-grained streetscape, and not allow contiguous lots to become a whole-of-block monolith of homogeneity.**
    - iii. Keep our beachfront horizon open for everyone to enjoy by upholding the policy against any new buildings west of Marine Parade.**
  - c. A more hygienic beachfront.**

- i. Ensure that council has or obtains direct responsibility for the long-term upkeep and daily cleaning of public toilets in the town, and it particularly seeks to bring about such a result for public toilets currently at Indiana.
  - ii. Move the public toilets from Indiana (where they are the lessee's responsibility) but only by being dug into the escarpment near CSLSC, so as to comply with the policy against no new buildings west of Marine Parade.
  - iii. Build additional public toilets for surfers at or near Cove surf-break and for wind surfers at Dutch Inn, but only by being dug into the escarpment to comply with the policy against no new buildings west of Marine Parade.
- d. Don't let parking swallow our beachfront.
- i. Ensure developer contributions can be used not only to build public parking but also for a high frequency public shuttle bus service between the beach and parking away from the beach.
  - ii. Consider replacing carpark 2 with grass, with any development at the eastern not western end of carpark 2, so as to keep this break in built form between Cottesloe and North Cottesloe.
  - iii. Consider building underground parking below the main and western lawns of the Civic Centre, with vehicle entry off Napier Street and pedestrian entry and promenade via Overton Gardens.

Carried 12/0

#### **ELECTOR MOTION 12**

Moved Mrs Hart

Seconded Mr Mellor

That the Town of Cottesloe move to an electronic format by implementing Zoom or its equivalent for all Cottesloe Council Meetings as from April 2022.

Carried 10/1

#### **ELECTOR MOTION 13**

Moved Mrs Hart

Seconded Mr Mellor

That the Town of Cottesloe employ a sound technician to test the sound system used for Council Meetings in both the War Memorial Hall and the Council Chambers determines the sound equipment required and build and install a sound system to meet the needs of 21<sup>st</sup> Century and this motion be included as a budget item for the 2022/2023 financial year.

Carried 13/0

#### **ELECTOR MOTION 14**

Moved Ms Carmichael

Seconded Ms Arkley

That Council instruct Administration to form a new Finances and Accounting Review Panel (FARP) or Finances Review Accounting Panel (FRAP) with immediate effect appointing at least four independent professionals with accounting background and experience.

Carried 13/0

**ELECTOR MOTION 15**

**Moved Mr Morgan**

**Seconded Mr Brooksby**

**We, members of the community of Cottesloe demand that the Corporate Business Plan be immediately redrafted to accurately reflect the priorities and strategies from the Strategic Community Plan.**

**Carried 13/0**

**11. Closure of the Meeting**

The Presiding Member closed the meeting at 7:45pm.