



Town of Cottesloe

I hereby certify that the minutes of the Council meeting held on

Tuesday, 23 August 2022

were confirmed as a true and accurate record by Council resolution.

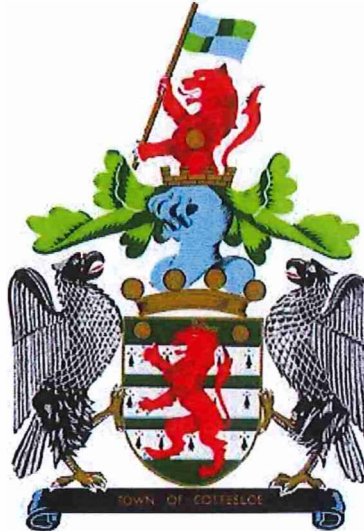
A handwritten signature in blue ink, appearing to read 'I. B. Jones', is written over the signature line.

Signed:

Presiding Member

Date:

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING CONFIRMED MINUTES

ORDINARY COUNCIL MEETING
HELD IN THE

Council Chambers, Cottesloe Civic Centre, 109 Broome Street, Cottesloe
6:00pm Tuesday, 23 August 2022

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

MATTHEW SCOTT
Chief Executive Officer

1 September 2022

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

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS	1
2	DISCLAIMER	1
3	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	1
4	PUBLIC QUESTION TIME	1
4.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	1
4.2	PUBLIC QUESTIONS	1
5	PUBLIC STATEMENT TIME.....	8
6	ATTENDANCE	8
6.1	APOLOGIES	8
6.2	APPROVED LEAVE OF ABSENCE.....	9
6.3	APPLICATIONS FOR LEAVE OF ABSENCE	9
7	DECLARATION OF INTERESTS.....	10
8	CONFIRMATION OF MINUTES.....	10
9	PRESENTATIONS	10
9.1	PETITIONS.....	10
9.1.1	T03/2022 - ERIC STREET PRINCIPAL SHARED PATH CONSTRUCTION	5
9.2	PRESENTATIONS	11
9.3	DEPUTATIONS	11
10	REPORTS.....	12
10.1	REPORTS OF OFFICERS.....	12
	CORPORATE AND COMMUNITY SERVICES	13
10.1.1	MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2021 TO 30 JUNE 2022	13
10.1.2	PINEAPPLE CLUB EVENT	16
10.1.3	PROPOSED PARKING AND PARKING FACILITIES LOCAL LAW LOCAL 2022	21
10.2	RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES	26
10.2.1	RECEIPT OF COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLAN (CHRMAP) STEERING COMMITTEE MINUTES	26

- 11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 27**
- 12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:..... 27**
 - 12.1 ELECTED MEMBERS 27**
 - 12.2 OFFICERS..... 27**
- 13 MEETING CLOSED TO PUBLIC..... 27**
 - 13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED..... 27**
 - 13.1.1 T03/2022 - ERIC STREET PRINCIPAL SHARED PATH CONSTRUCTION
- TENDER RECOMMENDATION 27
 - 13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC 30**
- 14 MEETING CLOSURE 30**

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6:05 pm.

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

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Presiding Member announced that the meeting is being recorded, solely for the purpose of confirming the correctness of the Minutes.

The Presiding Member took the opportunity to provide information on Item 13.1.1 in the Agenda (T03/2022 – Eric Street Principal Shared Path Construction – Tender recommendation).

Cr Bulbeck left the meeting at 6:13 pm.

Cr Bulbeck returned to the meeting at 6.39 pm.

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

Nil

4.2 PUBLIC QUESTIONS

Kevin Morgan – 1 Pearse Street Cottesloe - Various Matters

Q1: Has there been a significant cost increase for the building of the new Anderson Pavilion?

Q2: Has the cost increased by about \$165,000 during the last quarter since this year's budget?

Q3: What entitles the builder to now increase costs?

Q4: Is it due to a variation being made to the contract?

Q5: Is any increase related to the location of the build, such as wrongly located on a street reserve?

Q6: Is the builder now revising its costs, and if so, why were those costs not locked in before now?

Q7: How many football seasons, one, two, or three, before users of Cott oval have change rooms again?

Q8: What benefit is there to residents and ratepayers of Cottesloe from the Pineapple Club event, particularly given that its use of the beach area clashes with a Surf Club event to interest local kids in surf lifesaving?

- Q9: Why subject local residents to more problems from Marine Parade being half closed as it has throughout the whole of winter?**
- Q10: Why locate this event at the main beach for everyday beach users rather than on other little-used parts of the beach?**
- Q11: Did any other event organisers get a chance to bid for the use of the beach for this type of event, or was the organiser of the event lucky enough to be the only person given this windfall opportunity to profit from doing so?**
- Q12: Were the Surf Clubs given an opportunity to profit from this event?**
- Q13: How is it that the reports for item 10.1.2 are marked 'confidential', even though contrary to your Meeting Procedures local law 6.15(a) this can only be done if that item is in the Agenda under the part for matters for which the meeting may be closed?**
- Q14: Why is it that all the report on the Eric Street Cycle path tender is confidential, despite the Civil Contractor Federation WA website showing this council is an absolute outlier in not ticking criteria for proper transparency in local government tenders, and despite it also showing only a few words and figures in the report should be kept confidential and not publicly discussed?**
- Q15: Why is it that if feedback to the council was that the community's top priority is a new cycle way separated from traffic on Marine Parade, that the Cottesloe Foreshore Plan still does not have any such cycle way, but instead Eric Street gets a cycle way even though it's clearly the community's second option, and it will take riders to Marine Parade where there's still no cycle way?**

Taken on Notice

Thomas Jowett – 31 Eric Street, Cottesloe – Item 13.1.1

Q1: Councillors do you think you are acting in good faith by proceeding without the Safety Audit of the path?

A1: The detailed design has been produced by a professional with expertise in designing cycling infrastructure. The Town believes the design is compliant with relevant regulations and standards.

Q2: Do Councillors think they are exempt from claims of misconduct and gross negligence by ignoring a Safety Review and failing in their duty to mitigate the risk of the construction of the path?

A2: As per the previous response the design is compliant.

Q3: Cr Sadler do you think you have a Conflict of Interest due to WestCycle?

Q4: Cr Sadler are you a member of IRG or any others?

A3/A4: The Presiding Member explained about the Disclosure of Interest and that it is the responsibility of individual Councillors to disclose relevant interest (Financial, Proximity, and Impartiality) prior to the matter being dealt with by Council.

Emma Pugsley – 29 Eric Street, Cottesloe – Item 13.1.1

Q1: Has any investigation been done into the aesthetics of the design?

A1: The Presiding Member advised that there has not been an aesthetics study of the design as this is a very subjective matter.

Q2: Path Grant– when was the Grant applied for?

Taken on Notice

Q3: The Grant Application requires a Business Plan, Design Document, and Conflict of Interest Statement, why have these not been provided to the Public?

A3: It is not normal practice to publicly release Grant Application information. The Administration understands there is an FOI application to release this information and therefore the Administration believes it is not at liberty to make further comment until the FOI application has been processed.

Jocelyn Biddle – 27 A Eric Street Cottesloe – Item 13.1.1

Q1: Are Councillors happy to have their names associated with the construction of a dangerous path that has been objected to by residents on the grounds of aesthetics and safety?

A1: The design is compliant with regulations and standards.

Q2: Sustainability perspective, how is the path environmentally sustainable?

A2: The Town believes that encouraging residents to use cycleways creates greater long-term environmental, health, and sustainability benefits compared to the cost of constructing and maintaining a cycleway.

Janet Reubrey – 156B Marine Parade, Cottesloe – Item 13.1.1

Q1: What is the Council's liability? Has legal advice been obtained?

A1: The cycle design has been approved by the Department of Transport and Main Roads WA. The design is compliant.

Columba Tierney – Princess Street Cottesloe – Various Items

Q1: Can you please give an update on the negotiations regarding the temporary or permanent location of the OBH replacement telecommunications tower? Has a location been agreed or what locations are being considered? Will residents local to any location (temporary or permanent) be consulted?

A1: As per the Council Resolution, the preferred site is the John Black Dune Park which has been communicated to Telstra and relevant agencies. We are waiting to commence formal negotiations on the lease.

Q2: Can you please give a status report on the progress and total budget projection including all access and landscaping costs for the Anderson Pavilion? After the demolition, there has been no apparent work. What is the hold-up?

A2: There has been no formal change in the agreed price. The Town currently is in discussions with the contractor on a variation but this has not been agreed to.

Q3: Last month there was a \$16,000 budget item listed for Pavilion maintenance. As there is no building, am I right in assuming this is for the sea container storage hire?

Taken on Notice

Q4: In the Parking Local Law document there is an infringement penalty for driving/parking on reserves. Will the Oval and Harvey Sporting Fields perimeter spectator's vehicles be exempt?

Taken on Notice

Q5: In last month's OCM papers under Parking there is a 'contribution' of \$67,000. What is this for? Is this a developer's payment in lieu of car parking space and if so which development?

Taken on Notice

Q6: What % of the \$431,000 outstanding infringements can be expected to be recovered after collection costs?

A6: For the full amount the collection costs are added to the infringement and are recovered by the collection agency (Fines Enforcement). We use Fines Enforcement and that way we get the full amount of infringement and collection costs.

Q7: What Ranger resources are used to manage parking within the town and what % of their time is used for parking management? Will the increase in parking sensors be managed by current resources?

A7: There has been a slight increase in casual staff relating to Ranger services but not a significant increase.

Rebecca King – 1/72 Eric Street, Cottesloe – Item 13.1.1

Q1: I understand you invited and accepted submissions from outside of Cottesloe. As Councillors, you are elected to represent electors under the Local Govt Act, why are they included?

A1: Early consultation was carried out with the Department of Transport regarding the long-term cycle network, however when put out to consultation it only went to the Cottesloe residents.

Q2: The white bike lane works really well, not only in Cottesloe but in most other suburbs, why are you financially burdening ratepayers with this unnecessary excess that serious bike riders would not use anyway?

A2: The white marks are not bike lane marks and they provide no safety to cyclists riding on the road. The funding is predominantly from external sources i.e. State and Federal.

Q3: Have you done a Safety Audit including danger to residents exiting their properties?

A3: It is a compliant design, accepted by the relevant departments, and meets standards and guidelines as answered in previous questions.

Rebecca Warburton – 23 A & B Eric Steet Cottesloe – Item 13.1.1

Q1: If the bike path goes ahead who will be responsible for new access/crossovers as current access will be in no doubt be affected?

A1: The crossovers to properties will be reinstated as the cycleway is implemented.

Mr. Leigh Roberts – 51 Eric Street Cottesloe – Item 13.1.1

Q1: The shared path could be installed on Grant Steet simply and for much less cost and provide safer outcomes. What factors does Council consider Eric Steet provides as an overwhelming advantage to Grant Street for the shared path?

A1: Past Council Resolutions have determined Eric Street as a priority over Grant Street as determined in the Long Term Cycle Network Plan.

Q2 How does the Council plan to mitigate the safety risk of putting cyclists, e-bikes, and pedestrians moving bi-directionally on the shared path and at dangerously close proximity to Eric Street vehicle traffic?

A2: This has been answered in a previous question.

Peter Callaghan – 59 Eric Street Cottesloe – Item 13.1.1

Q1: Will I be compensated for the money I have spent on the verge lawn, fertiliser, water, and mowing?

A1: The Town of Cottesloe and Council acknowledges and thanks residents that maintain the verges, however, the verge belongs to the community.

Q2: Will the proposed extra street lightning be reduced so as to avoid intrusion into my house?

A2: The lighting design has been developed to mitigate impacts on adjacent and neighbouring properties.

David Muller – 1/19 Eric Street Cottesloe – Item 13.1.1

Q1: Has anyone abstained due to a Conflict of Interest?

A1: No. The Mayor explained the Declaration of Interest provisions.

Q2: I requested 10 days ago to have a Town Representative attend my property, as of today I am still waiting.

A2: The Administration will have relevant staff make contact and attend.

Q3: Has a Safety Audit been performed?

A3: Refer to previous responses.

Stephen Ramsay – 1/21 Eric Steet, Cottesloe – Item 13.1.1

Q1: I am the owner/resident of 1/21 Eric St, Cottesloe, I attended Council Chambers with my partner on or about April 2022 to discuss the implications of the proposed bike path. An Engineer named Parshia met me at the counter and advised me that the bike path had been approved by Council. I expressed my annoyance at the lack of consultation with affected residents. The Engineer assured me that the existing retaining wall abutting the street/my property would not be impacted or moved in any way. On this basis, I installed new reticulation and planted new shrubs to beautify the area. I now find out this is incorrect and my retaining wall/garden will be removed. Will I get compensation from the Council on the basis the information given was incorrect and I spent many thousands of dollars relying on the information provided by a Council employee?

A1: If you feel there is a financial detriment as a result of information you have received from the Town, you have the ability to make a claim against the Town, which will be processed to determine whether the Town was at fault or not.

Q2: There is an existing bike path on Forrest Street that runs from Curtin Avenue to Marine Parade. Forrest Street runs parallel to Eric Street and is 650 meters apart. Has the Council done any research/studies that justify the expense of a new bike path proposed on Eric Street based on bike traffic? If so, can you provide this research?

A2: The Town was requested to develop a long-term cycle network plan to connect with neighbouring Local Governments and major transport corridors. The State and Federal Governments are providing a significant amount of funding for this project.

Q3: Does one letter drop constitute consultation to the community when the rest of the consultation was done through the website / electronic means?

A3: A direct letter drop is considered an effective method to contact residents who may be directly impacted by Council works, however, It is always recommended that members of the community sign up to the Town of Cottesloe Newsletter which goes out regularly that contains information on what is happening in the Town.

Robert Gould – 26 Eric Street, Cottesloe – Item 13.1.1

Q1: How much research has been done on the number of people from Marine Parade who cycle to Curtin Avenue?

A1: The Director of Engineering provided information on traffic counts on cyclist's numbers on Eric Street from previous years.

5 PUBLIC STATEMENT TIME

Agenda Item 13.1.1

Ms. Gliddon outlined her concerns relating to the bike path and the lack of consultation with the community.

Agenda Item 13.1.1

Mr. Jowett outlined his concerns relating to the bike path, lack of consultation, the need to allow members of the community to be on the Active Transport Committee, and the need for a Safety Audit.

6 ATTENDANCE

Elected Members

Mayor Lorraine Young
Cr Helen Sadler
Cr Caroline Harben
Cr Craig Masarei
Cr Melissa Harkins
Cr Kirsty Barrett
Cr Chilla Bulbeck
Cr Brad Wylynko

Officers

Mr. Matthew Scott	Chief Executive Officer
Mr. Shane Collie	Director of Corporate and Community Services
Mr. Shaun Kan	Director of Engineering Services
Ms. Jacquelyne Pilkington	Governance Coordinator

6.1 APOLOGIES

Nil

Officers Apologies

Ms. Freya Ayliffe Services	Director of Development And Regulatory
Mr. Wayne Zimmermann	Manager of Planning
Mr. Ed Drewett	Coordinator Statutory Planning

The meeting be adjourned for 5 minutes at 7:23 pm

Moved Mayor Young Seconded Cr Barrett

Carried 8/0

The Mayor re-opened at 7:31 pm

6.2 APPROVED LEAVE OF ABSENCE

Cr Paul MacFarlane

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL RESOLUTION

Moved Cr Sadler Seconded Cr Harkins

That Mayor Young be granted a leave of absence from 10 September 2022 to 30 September 2022 inclusive.

Carried: 8/0

7 DECLARATION OF INTERESTS

Mayor Young declared an IMPARTIALITY INTEREST in Item 13.1.1 by virtue "Some of the residents in Eric Street are known to me"

Deputy Mayor Sadler declared an IMPARTIALITY INTEREST in Item 13.1.1 by virtue "I am a member of the Westcycle Advisory Group"

Cr Wylynko declared an IMPARTIALITY INTEREST in Item 13.1.1 by virtue "Some of the residents in Eric Street are known to me"

Cr Barrett declared an IMPARTIALITY INTEREST in Item 13.1.1 by virtue "Some of the residents in Eric Street are known to me"

Cr Harkins declared an IMPARTIALITY INTEREST in Item 13.1.1 by virtue "Some of the residents in Eric Street are known to me"

Cr Masarei declared an IMPARTIALITY INTEREST in Item 13.1.1 by virtue "Some of the residents in Eric Street are known to me"

8 CONFIRMATION OF MINUTES

OCM113/2022

Moved Mayor Young Seconded Cr Bulbeck

That the Minutes of the Ordinary Meeting of Council held on Tuesday 26 July 2022 be confirmed as a true and accurate record.

Carried 8/0

For: Mayor Young, Crs Sadler, Harben, Masarei, Harkins, Barrett, Bulbeck and Wylynko

Against: Nil

9 PRESENTATIONS**9.1 PETITIONS*****Section 9.4 - Procedure of Petitions***

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; or*
 - b) that the petition not be accepted; or*
 - c) that the petition be accepted and referred to a committee for consideration and report; or*
 - d) that the petition be accepted and dealt with by the full council.*
-

9.1.1 PETITION REGARDING ERIC STREET PRINCIPAL SHARED PATH CONSTRUCTION

The Presiding Member presented a petition of 154 signatories regarding the Eric Street Principal Shared Path Construction. The Chief Petitioner is Mr. Thomas Jowett.

OCM114/2022

Moved Mayor Young

Seconded Cr Barrett

THAT Council accepts the petition.

Carried 8/0

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Pineapple Club – Caiti Jefferies

10 REPORTS

10.1 REPORTS OF OFFICERS

OCM115/2022

Moved Mayor Young

Seconded Cr Barrett

COUNCIL RESOLUTION

That Council adopts en-bloc the following Officer Recommendations contained in the Agenda for the Ordinary Council Meeting on 23 August 2022:

Item #10.1.1 Monthly Financial Statements from 1 July 2021 to 30 June 2022

Carried 8/0

For: Mayor Young, Crs Sadler, Harben, Masarei, Harkins, Barrett, Bulbeck and Wylenko

Against: Nil

CORPORATE AND COMMUNITY SERVICES**10.1.1 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2021 TO 30 JUNE 2022**

Directorate: Corporate and Community Services
Author(s): Lauren Davies, Finance Manager
Authoriser(s): Shane Collie, Director of Corporate and Community Services
File Reference: D22/31707
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

It is a requirement of the *Local Government Act 1995* that monthly and quarterly financial statements are presented to Council, 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 2021 to 30 June 2022.

BACKGROUND

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.
- 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 of 30 June 2022 was \$3,721,806 as compared to \$1,483,578 this time last year. This is due to a combination of higher revenue from Infringements, and fewer payments YTD, with a number of projects to be carried forward to the 2022/23 budget.
-

- Operating revenue is more than the year-to-date budget review by \$816,037 with a more detailed explanation of material variances provided on page 21 of the attached financial statements. Operating expenditure is \$2,383,681 less than a year-to-date budget review, with a more detailed analysis of material variances provided on page 21. There are further end-of-year adjustments to be made.
- The Capital Works Program is shown in detail on pages 35 to 36 of the attached financial statements.
- The balance of cash-backed reserves was \$8,266,992 as of 30 June 2022 as shown in note 7 on page 28 of the attached financial statements.

List of Accounts Paid for June 2022

The list of accounts paid during June 2022 is shown on pages 37 to 40 of the attached financial statements. The following material payments are brought to Council's attention:

- \$28,580.61 and \$29,123.04 to SuperChoice Services Pty Ltd for staff superannuation contributions.
- \$33,764.09 to Classic Contractors for Anderson Pavilion Development.
- \$177,355.030 to the Department of Fire & Emergency for ESL Quarter 4 levy.
- \$52,933.16 to Managed IT for various of IT services.
- \$94,281.42 to Solo Resource for waste removal services.
- \$77,000 for Sculpture by the Sea sponsorship.
- \$50,000.00 for the half yearly removal of the shark barrier.
- \$35,609.32 to Surf Life Saving WA for April patrolling services.
- \$36,243.11 to WMRC for transfer station waste disposal.
- \$34,3483.90 for FOGO caddy compostable liners.

Investments and Loans

Cash and investments are shown in note 4 on page 23 of the attached financial statements. The Town has approximately 53% of funds invested with the National Australia Bank, 22% with the Commonwealth Bank of Australia and 25% with Westpac Banking Corporation. Municipal term deposits were called in prior to 30 June, which is why more funds were with National Australia Bank at 30 June 2022.

Information on borrowings is shown in note 10 on page 32 of the attached financial statements. The Town had total principal outstanding of \$2,810,904 as at 30 June 2022.

Rates, Sundry Debtors and Other Receivables

Rates outstanding are shown on note 6 on page 25 and show a balance of \$260,244 outstanding as compared to a similar \$315,399 this time last year.

Sundry debtors are shown on note 6 on page 25 of the attached financial statements. The sundry debtors report shows that 30% or \$44,417 is older than 90 days. The majority of this was paid in July 2022. Infringement debtors are shown on note 6 on page 27 and were \$430,985 as at 30 June 2022.

ATTACHMENTS

10.1.1(a) Monthly Financial Report 1 July to 30 June 2022 [under separate cover]

CONSULTATION

Senior Staff.

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 6: Providing open and accountable local governance

Major Strategy 6.2: Continue to deliver high quality governance, administration, resource management and professional development.

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

OCM116/2022

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Young Seconded Cr Barrett

THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2021 to 30 June 2022 as submitted to the 23 August 2022 meeting of Council

For: Mayor Young, Crs Sadler, Harben, Masarei, Harkins, Barrett, Bulbeck and Wylynko

Carried 8/0

10.1.2 PINEAPPLE CLUB EVENT

Directorate: Corporate and Community Services
Author(s): Shane Collie, Director of Corporate and Community Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D22/32972
Applicant(s): Zaccaria Concerts & Touring
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider the Event Application from Zaccaria Concerts & Touring to hold a music event "Pineapple Club" at the Cottesloe Foreshore on Saturday 19 November 2022, and a free community event the following day.

OFFICER RECOMMENDATION IN BRIEF

That the Event be approved subject to specific conditions relating to the issues that arose with the 2021 event. These conditions will be included in the event approval issued by the Principal Environmental Health Officer in accordance with relevant statutory legislation.

BACKGROUND

Zaccaria Concerts & Touring wish to hold another Pineapple Club event at the Cottesloe Main Foreshore on Saturday 19 November 2022 and an Event Management and Delivery Plan has been received. They also wish to hold further events in April and November each year though this report concentrates on the specific application for November 19 this year.

The organisers have proposed a 25% increase in ticket sales from 8,000 to 10,000.

The Event hire fee is \$25,000 and a bond of \$10,000 is paid. Additional fees from the event are also received being; health, waste and car bay hire (approximately \$8,500). There is also a Surf Babies and Surf Kids event scheduled for the morning of Saturday 19 November 2022 at Cottesloe Beach. The event organisers have commenced discussions with the Club to ensure the events do not conflict and that access issues identified from last year do not occur again.

Given the public interest in this matter and high profile, as well as the fact that there were some issues with the Event last, this Report is submitted to Council to determine whether Council desires to see the event continue, and importantly at this location.

OFFICER COMMENT

The issues around the event held last year on 27 November 2021 were damage to the lawn and associated infrastructure, anti-social behaviour and damage to the golf club fence. It is important to note that the turf under the Norfolk Island Pines immediately adjacent to Marine Parade was in a poor condition prior to the event.

Restriction on access to the area was also raised as part of the Debrief meeting held as the area was unavailable for public use for not only the duration of the event, but the set up and pack down, being approximately 10 days. This limited access also impacted the E-bike rental station next to the Cottesloe Surf Lifesaving Club which has a compounding effect on the licence agreement with the bike service provider. The lessee's were accommodative last

year and in the interest of fairness, public access to these rental bikes should be provided during the upcoming event. The lawn area was unable to be watered during this time and unfortunately this coincided with a very unusual hot spell of weather which contributed to further deterioration of the poor conditioned lawn.

Discussions have been held with the Event organisers seeking to see if it is feasible to hold the event at either the Civic Centre Gardens or the Cottesloe Sporting Grounds, noting that the resulting and inevitable lawn damage at the Civic Centre Gardens will have implications on other events such as weddings later in the summer season. Given the short interlude between this and follow on events, there may not be sufficient time for reinstatement. Notwithstanding this, the organisers have advised that the alternative locations are not acceptable with the beach atmosphere being a significant factor in the holding of the Event. Further these event spaces are not large enough to accommodate the number of patrons and infrastructure required for the event and the noise impact to surrounding residents would be more significant if held in the Civic Centre Gardens due to close proximity of residents.

The Event organisers have agreed to restrict the capacity of the Event to 8,000 people which indicates that their 25 percent increase mentioned earlier is no longer applicable. An expanded footprint is also being proposed to minimise interruption to the local community. This will result in increased access to both the beach and grassed area by members of the public during bump in/out and reduce damage to infrastructure as grassed areas will be able to be watered. Further, allowing the spread of patrons and activations allows grassed areas prone to wear and tear to be designated as infrastructure free zones, reducing the risk of damage. It is proposed high use infrastructure such as entry gates, toilets and bars/food vans will be placed on the road (in the road closure) reducing damage to grassed areas. It is proposed a portion of Marine Parade, directly adjacent to the event area will be closed from midnight Thursday until deemed safe to open Sunday (post event) once all infrastructure is removed.

The road closure will -

- Reduce traffic congestion through a well implements (and approved) traffic management plan;
- Place high-infrastructure on the road, minimising potential damage to grassed areas;
- Increase the footprint of the site reducing the overall impact through an increase in space/person
- Allow better access to the beach and grassed area by members of the public during the bump in.

Alternatively, the event organiser had advised that the road closure can be implemented Friday midnight however, this will require an over-night site bump in creating potential noise impact to nearby residents.

The recent closure of Marine Parade due to works being carried out by Water Corporation has demonstrated that the road closure will have minimal impact on traffic and businesses.

A Debrief meeting was held after the 2021 event and the organisers have committed to address all issues raised, including submitting an access plan for the bump in/out period (a draft plan is attached). The yellow lines indicate a safe work zone (during bump in/out),

restricting public access however, vehicle entry and disability access will be maintained at all times, with gates manned by security. Additionally the Seaview Golf Club is understood to be happy with the Event proceeding and want to be involved offering their space to have artists there, and a pre or post function.

WA Police were also happy with the event as too were surrounding businesses in general, notwithstanding that there were some businesses that expressed concerns with the event, in the main being patron behaviour including after the event.

The event complied with all event conditions, including the Regulation 18 Noise Approval, with zero noise complaints being received on the day of the event.

A free community event is proposed the following day Sunday 20 November 2022. The event will allow members of the community to enjoy the Pineapple Club experience and will include a silent disco, food trucks and other activities. In addition, Pineapple Club will be making a \$5,000 donation to a local Club/charity and propose to make this donation every year the event is held in Cottesloe.

Director of Development and Regulatory Services has advised that she observed most people well behaved for the duration of the 2021 event. Subject to conditions and monetary securities held, Council is encouraged to support events such as this which cater for a broad demographic of ages able to enjoy local artists in a controlled, safe and well-managed environment. Given general stakeholder support, event organiser's willingness to collaborate towards the best outcome, including involving local businesses in the event, and in the interest of fairness, the recommendation is to permit the event to proceed. However if sufficient substantiated unsatisfactory outcomes occur after the second time the event is held then Council should consider not to approve any future Pineapple Club events at this location.

ATTACHMENTS

- 10.1.2(a) Pineapple Club Cottesloe Beach Attach 1 - Sat 19 November 2022
[CONFIDENTIAL] [UNDER SEPARATE COVER]**
- 10.1.2(b) Pineapple Club Cottesloe Beach Attach 2 - Sat 19 November 2022
[CONFIDENTIAL] [UNDER SEPARATE COVER]**
- 10.1.2(c) Pineapple Club - During Build - 19 November 2022 [CONFIDENTIAL] [UNDER SEPARATE COVER]**
- 10.1.2(d) Pineapple Club - Site Plan Event Day - 19 Nov 2022 [CONFIDENTIAL] [UNDER SEPARATE COVER]**

CONSULTATION

Zaccaria Concerts & Touring.

STATUTORY IMPLICATIONS

Health (Miscellaneous Provisions Act) 1911

Health (Public Buildings Regulations) 1992

Environmental Protection (Noise) Regulations 1997

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 3: Enhancing beach access and the foreshore

Major Strategy 3.2: Continue to improve access to beach facilities.

RESOURCE IMPLICATIONS

An Environmental Health Officer will be on site for the duration of the event to ensure compliance with event conditions, including noise level limits.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council approves the holding of the Pineapple Club event hosted by Zaccaria Concerts and Touring at the Cottesloe Foreshore on Saturday 19 November 2022 subject to the following conditions:

- 1. Full compliance with the submitted Event Management, Risk Management Plan, and Access Plan;**
- 2. Beach access by the general public being maintained at all times (not through the event site);**
- 3. That aside from the Event day itself that watering of lawn areas be maintained from the time sprinklers are deactivated**

OCM117/2022

COUNCILLOR MOTION

Moved Cr Sadler

Seconded Cr Wylenko

That Council gives in principle support to the "Pineapple Club" event for 8000 patrons on the Cottesloe foreshore, on a date in March/April 2023, after the closure of the Sculpture

by the Sea event, with the site plan and other details of the proposal to be approved by Council prior to the event.

Rationale:

The council welcomes the Pineapple Club event to Cottesloe, to cater for the young adult demographic.

Cottesloe's principal attraction for locals and visitors is our beautiful beach and foreshore. We look after this space for the benefit of all.

Currently there are limitations on the nature and timing of events that can be held on the foreshore. We have limited space and the environment is not well suited to large and active audiences.

The Cottesloe Foreshore Masterplan includes well-designed, suitable space for many different types of events. When the Masterplan is implemented, we will be better positioned to host events throughout the year. Until then, we must manage the timing and demands on the beach to ensure that the beach and foreshore serve all users.

The current limitations of the foreshore as a venue for events was demonstrated by last year's event in late November. During that event, the stress placed on the foreshore lawn by large numbers of active patrons resulted in considerable damage to the grass. We were therefore without grass cover at the main entry point to our foreshore for the entire summer period this year. Laying new turf during the heat of summer was not advisable.

The event organisers have proposed an expanded footprint for the event, to spread patrons out and therefore lessen the stress on the grassed areas. This would however mean that more of the area is taken up by the event during the 5 days of set up and during the event and pack up, restricting access to general beach users.

Holding the Pineapple Club event after Sculpture by the Sea will ensure that our beach and foreshore, including our grass terraces and open spaces, are in excellent condition throughout the summer for all beach users when numbers are at their peak. It will ensure a beautiful setting for the sculptures at our signature event.

It is appropriate for Council to understand and approve the details of the proposal including the site area to be used, the period of exclusive use and security arrangements, particularly given the issues that were reported around the event last year.

Equality 4/4

For: Mayor Young, Crs Sadler, Harben and Wylynko

Against: Crs, Harkins, Masarei, Barrett and Bulbeck

Mayor Young exercised the casting vote For Vote

Carried 5/4

10.1.3 PROPOSED PARKING AND PARKING FACILITIES LOCAL LAW LOCAL 2022

Directorate: Corporate and Community Services
Author(s): Shane Collie, Director Corporate and Community Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D22/10522
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

This report proposes advertising the intention to make a new Parking and Parking Facilities Local Law for the Town of Cottesloe.

OFFICER RECOMMENDATION IN BRIEF

That Council seek submissions on the proposal for a new Parking and Parking Facilities Local Law pursuant to Clause 3.12 of the Local Government Act 1995.

BACKGROUND

The Town of Cottesloe currently has a Parking and Parking Facilities Local Law as published in the *Government Gazette* on 10 July 2009. The Minister for Local Government has carriage of the powers conferred by the *Local Government Act 1995* for the Standing Orders Local Law.

It is recommended that the Town of Cottesloe Parking and Parking Facilities Local Law be remade to account for amendments in legislation and better practice given that the current Local Law is 13 years old. Statutory reviews of Local Laws are due every 8 years.

OFFICER COMMENT

Up to date and relevant Local Laws are an important cornerstone of good governance and the Town has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner. The repeal and replacement of this Local Law will result in more efficient and effective local government by removing an outdated Local Law from the public record.

To comply with the provisions of Section 3.12 of the Act, when proposing to make a Local Law, the Presiding Person is required to give notice of the purpose and effect of the proposed Local Law at the Council meeting where the Local Law is being considered.

The purpose and effect of the proposed Town of Cottesloe Parking and Parking Facilities Local Law 2022 is as follows:

Purpose: To provide for the orderly control and regulation of Parking and Parking Facilities within the Town of Cottesloe.

Effect: To ensure that all matters associated with parking within the district of the Town of Cottesloe are governed by this Local Law unless otherwise provided in the Act, regulations or other written law.

The draft Local Law has been through the following scrutiny in terms of its drafting:

- In 2009 the existing Local Law was examined by the Administration, including Ranger Services and Regulatory officers.
- The Western Australian Local Government Association (WALGA) Model Local Law was combined with the Town's previous existing Local Law and updates made where required.
- A new draft of the Local Law based on the WALGA model was prepared, while retaining those sections that are relevant and specific to the Town of Cottesloe.

Matters within the Local Law that are considered significant for Council's consideration are as follows:

1. Table of Contents and page numbers of the Local Law will be removed when the Local Law is at the gazettal stage. All Local Laws are treated this way now to avoid confusion with the Government Gazette Table of Contents and page numbering systems.
2. The Residential and Visitor Parking Permit section has been amended and now references a separate Parking Policy allowing for greater flexibility. This Policy does not form part of the Local Law and is still in draft format and will be submitted to Council at a later point in time for adoption. The non finalisation of this Policy need not delay the lengthy Local Law making process, particularly as Council has been seeking this Local Law to be updated for some time now.
3. The section relating to paid parking has been retained though Council has not introduced paid parking and there is no intention to do so. The section is retained as it provides Council the ability to introduce paid parking, but it does not have to and there remains the State imposed restrictions surrounding this matter.
4. Areas "A" and "B" have been removed from the draft Local Law. The reason is that this now provides consistency in penalties across the district.
5. The fines and penalties within the Local Law are consistent with the WALGA Model and industry standard. The Joint Standing Committee on Delegated Legislation (JSCDL) is likely to reject the Local Law if the penalties differ from the Industry Standard.
6. The remainder of the Local Law is principally the same as the current Local Law and is compatible with the Parking System introduced by the Town in 2021.

Please note that the local law is currently being reviewed by the Solicitors, this process will be completed by the Council Meeting.

ATTACHMENTS

- 10.1.3(a) UPDATED Local Law - Parking & Parking Facilities [under separate cover]**

CONSULTATION

The formal consultation process is embedded in the legislation associated with the review of a Local Law. Consultation consists of two 6 week advertising periods.

STATUTORY IMPLICATIONS

Local Government Act 1995

3.5. Legislative power of local governments

- (1) *A local government may make Local Laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*

3.12 Procedure for making a Local Law

- (1) *In making a Local Law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
- (a) *give local public notice stating that —*
- (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
- (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
- (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
- (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
- (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*
- * Absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
- (a) stating the title of the local law; and*
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section —*
- making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

POLICY IMPLICATIONS

There is the intention to introduce a Policy relating to Residential and Visitor Parking as noted at Council's Briefing Session held on 12 July 2022. This will be formally submitted to Council for adoption in due course and need not hold up the progress of the Local Law itself.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Corporate Business Plan 2020 – 2024*.

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 6: Providing open and accountable local governance

Major Strategy 6.2: Continue to deliver high quality governance, administration, resource management and professional development.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation and consist predominantly of officer time.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council PROVIDES Local Public Notice that it proposes to make the Town of Cottesloe Parking and Parking Facilities Local Law 2022, as contained within *Attachment 1* to this report, inviting public submissions on the proposal in accordance with Section 3.12 (3) (iii) of the *Local Government Act 1995*.

OCM118/2022

COUNCILLOR MOTION

Moved Mayor Young Seconded Cr Barrett

That COUNCIL defer this matter until a Councillor workshop is held.

RATIONALE

THAT Council wanted to have a workshop on the proposed local law prior to reconsidering it for public consultation.

Carried 7/1
For: Mayor Young, Crs Sadler, Harben, Masarei, Harkins, Barrett and Bulbeck
Against: Crs Wylynko

10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES**10.2.1 RECEIPT OF COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLAN (CHRMAP) STEERING COMMITTEE MINUTES**

Attachments: 10.2.1(a) Signed Unconfirmed Minutes - 15 August 2022 [under separate cover]
10.2.1(b) Draft Community Stakeholder Engagement Plan (CSEP) - CHRMAP(3) [under separate cover]

OCM119/2022**Moved Cr Barrett****Seconded Cr Harkins**

THAT Council RECEIVES the attached Unconfirmed Minutes of the Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) Steering Committee Meeting held on [Monday, 15 August](#) and ADOPTS the recommendations contained within.

Carried 8/0

For: Mayor Young, Crs Sadler, Harben, Masarei, Harkins, Barrett, Bulbeck and Wylenko

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OCM120/2022**COUNCILLOR AMENDMENT****Moved Cr Sadler****Seconded Cr Bulbeck****Amendment to include the additional wording.**

“SUBJECT TO: the Administration including the name of the Presiding Member in the Minutes”

Carried 8/0

For: Mayor Young, Crs Sadler, Harben, Masarei, Harkins, Barrett, Bulbeck and Wylenko

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OCM121/2022**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION****Moved Cr Barrett****Seconded Cr Harben**

THAT Council RECEIVES the attached Unconfirmed Minutes of the Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) Steering Committee Meeting held on [Monday, 15 August](#) and ADOPTS the recommendations contained within subject to the ADMINISTRATION include the name of the Presiding Member in the Minutes.

RATIONALE:

It is not stated in the Minutes who the Presiding Member of the meeting is. This should be included for clarity and correctness.

Carried 8/0

For: Mayor Young, Crs Sadler, Harben, Masarei, Harkins, Barrett, Bulbeck and Wylenko

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**

OCM122/2022

MOTION FOR BEHIND CLOSED DOORS

Moved Cr Wylenko

Seconded Cr Bulbeck

That, in accordance with Section 5.23(2)(c), Local Government Act 1995, Council discuss the Confidential Reports behind closed doors.

Carried 8/0

For: Mayor Young, Crs Sadler, Harben, Masarei, Harkins, Barrett, Bulbeck and Wylenko

The public and members of the media were requested to leave the meeting at 8:37 pm

13.1.1 T03/2022 - ERIC STREET PRINCIPAL SHARED PATH CONSTRUCTION - TENDER RECOMMENDATION

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.

OFFICER RECOMMENDATION

THAT Council:

1. AUTHORISES the Chief Executive Officer to award the scope of works associated with T03-2022 mentioned in Option three to ADVANTEERING for a contract sum of \$676,446 (excluding GST);
 2. AUTHORISES the Mayor and/or Chief Executive Officer to sign the Contract and affix the Town's Common Seal (if required); and
 3. AUTHORISES the Chief Executive Officer or delegate to manage the construction
-

contract, including provision of possible variations (provided the variation is necessary in order for the goods or services to be supplied, does not change the general scope of the contract and is managed within the allotted budget allocation).

OCM1233/2022

Moved Mayor Young Seconded Cr Sadler

THAT Standing Orders be suspended at 8:44pm

Carried 8/0

OCM124/2022

Moved Cr Sadler Seconded Mayor Young

THAT Standing Orders be resumed at 9:37 pm

Carried 8/0

OCM125/2022**COUNCILLOR MOTION**

Moved Cr Barrett Seconded Cr Masarei

THAT Council:

- 1. AWARD the scope of works associated with T03-2022 mentioned in Option four to ADVANTEERING for a contract sum of \$832,980 (excluding GST);**
- 2. APPROVES a budget amendment of \$175,000 from the Active transport Reserve for the additional cost required, increasing the total amount coming from this Infrastructure Reserve to \$317,466.**
- 3. REQUEST the Administration to obtain a copy of the reported "Road Safety Audit" commissioned by Eric Street residents, within two (2) weeks of this decision, and consider and seek if necessary, external professional advice on the matters raised within the Road Safety Audit, prior to the finalisation of final construction plans and construction commencing.**
- 4. REQUEST the Administration to provide feedback to Eric Street residents regarding issues raised in the Road Safety Report prepared by the residents.**
- 5. REQUEST the colour of the Asphalt to be as muted / toned down as possible, noting it is required to be red for safety reasons.**
- 6. REQUEST ADVANTEERING to take specific care whilst cutting through driveways to ensure minimal damage occurs and reduce any patching required by ensuring it is**

cut to size where practically possible.

7. **REQUEST ADVANTEERING** takes specific care to ensure lighting has minimal impact on residents.
8. **AUTHORISES** the Mayor and/or Chief Executive Officer to sign the Contract and affix the Town's Common Seal (if required); and
9. **AUTHORISES** the Chief Executive Officer or delegate to manage the construction contract, including provision of possible variations (provided the variation is necessary in order for the goods or services to be supplied, does not change the general scope of the contract and is managed within the allotted budget allocation).

RATIONALE

1. The Asphalt is more desirable aesthetically and from a functioning perspective. The DOT guidelines strongly prefer this option, as did the Active Transport Working group. The Asphalt provides for a smoother ride with no expansion joints, is relatively inexpensive to repair (compared to concrete), can be installed on a variety of ground conditions and provides uniformity with the vast majority of existing shared paths. Fortunately the difference in cost between the concrete and asphalt is not significant and therefore achievable by utilising the current Active Transport reserve.
2. This motion aims to take into account the concerns of Residents and any safety issues, whilst still ensuring we do not jeopardize the significant grant funding to allow the project to proceed. 67% of the project is being funded externally.
3. Eric Street residents have reportedly commissioned a Road Safety Audit on the proposed cycle way design and therefore it would be prudent to review this report prior to finalising the construction plans (currently at 85%) to ensure the proposed cycle way meets all relevant regulations and standards.
4. It would be premature to initiate the Town's own Road Safety Audit until the Administration has a clearer understanding of the reported "unresolved issues" this audit has reportedly identified.
5. If necessary the Town can seek its own advice (internal or external) if these reported "unresolved issues" require further investigation. The cost of any further investigation (approx. \$4,000) should be accommodated within the Town's existing budgetary allocations.
6. The timeframe is suggested to ensure there is no significant delays in commencing the contract with the successful tenderer or impacting on Grant Funding requirements.

Carried 7/1

For: Mayor Young, Crs Sadler, Harben, Masarei, Barrett, Bulbeck and Wylanko

Against: Cr Harkins

OCM126/2022

MOTION FOR RETURN FROM BEHIND CLOSED DOORS

Moved Mayor Young Seconded Cr Barrett

In accordance with Standing Orders 15.10 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.

Carried 8/0

For: Mayor Young, Crs Sadler, Harben, Masarei, Harkins, Barrett, Bulbeck and Wylynko

Against: Nil

The public and members of the media were invited to return to the meeting at 9:58 pm.

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

**13.1.1 T03/2022 - ERIC STREET PRINCIPAL SHARED PATH CONSTRUCTION -
 TENDER RECOMMENDATION**

The resolution for item 13.1.1 was not read aloud, the public did not return.

14 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 9:59 pm.