



# Town of Cottesloe

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

**Tuesday, 25 August 2020**

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

Signed:

A handwritten signature in black ink, appearing to read 'Philip Angers', written over a horizontal line.

Presiding Member

Philip Angers

Date:

# TOWN OF COTTESLOE



## ORDINARY COUNCIL MEETING MINUTES

ORDINARY COUNCIL MEETING  
HELD IN THE  
War Memorial Hall, Cottesloe Civic Centre, 109 Broome Street, Cottesloe  
6:00pm Tuesday, 25 August 2020

**MATTHEW SCOTT**  
Chief Executive Officer

1 September 2020

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## 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 .....	8
5	PUBLIC STATEMENT TIME.....	11
6	ATTENDANCE .....	11
	6.1 APOLOGIES .....	11
	6.2 APPROVED LEAVE OF ABSENCE.....	11
	6.3 APPLICATIONS FOR LEAVE OF ABSENCE .....	11
7	DECLARATION OF INTERESTS.....	11
8	CONFIRMATION OF MINUTES.....	12
9	PRESENTATIONS .....	12
	9.1 PETITIONS.....	12
	9.2 PRESENTATIONS.....	12
	9.3 DEPUTATIONS .....	12
10	REPORTS.....	13
	10.1 REPORTS OF OFFICERS.....	13
	PLANNING .....	14
	10.1.1 COTTESLOE BEACH HOTEL - APPLICATION FOR AN OUTDOOR EATING FACILITY PERMIT	14
	ADMINISTRATION .....	18
	10.1.2 WALGA AGM VOTING DELEGATES	18
	10.1.3 CELEBRATION OF THE MOTORCAR 2020	20
	10.1.4 EXTENSION OF YELLOW (NO STOPPING) LINE - MARGARET STREET	25
	10.1.5 PETITION - THE PRESERVATION OF LADY LAWLEY COTTAGE AND THE LEGACY OF LADY ANNIE LAWLEY	28
	ENGINEERING .....	31
	10.1.6 PROTECTED SWIMMING ENCLOSURE - SECTION 91 LICENSE	31

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10.1.7	ANDERSON PAVILION MULTI-PURPOSE FACILITY DESIGN PRINCIPLES	35
10.1.8	PETITION - HAMERSLEY STREET TREE PETITION	42
<b>10.1</b>	<b>FINANCE .....</b>	<b>44</b>
10.1.9	FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2020 TO 30 JULY 2020	44
<b>10.2</b>	<b>RECEIPT OF COMMITTEE MINUTES .....</b>	<b>47</b>
10.2.1	RECEIPT OF COMMITTEE MINUTES	47
<b>10.3</b>	<b>REPORTS OF COMMITTEES .....</b>	<b>48</b>
	NORTH COTTESLOE PRIMARY SCHOOL TRAFFIC SAFETY ADVISORY COMMITTEE - 10 AUGUST 2020	48
10.3.1	NORTH COTTESLOE PRIMARY SCHOOL - DETAILED DESIGN	48
<b>11</b>	<b>ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>53</b>
<b>12</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:.....</b>	<b>53</b>
<b>12.1</b>	<b>ELECTED MEMBERS .....</b>	<b>53</b>
<b>12.2</b>	<b>OFFICERS.....</b>	<b>53</b>
<b>13</b>	<b>MEETING CLOSED TO PUBLIC.....</b>	<b>53</b>
<b>13.1</b>	<b>MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....</b>	<b>53</b>
13.1.1	SUBLEASE - INDIANA TEA HOUSE KIOSK	53
13.1.2	BEACH ACCESS PATH S4 S15 N4 - TENDER RECOMMENDATION	54
<b>13.2</b>	<b>PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC .....</b>	<b>55</b>
<b>14</b>	<b>MEETING CLOSURE .....</b>	<b>56</b>

**1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS**

The Presiding Member announced the meeting opened at 6:04pm.

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.

**4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****Questions Taken on Notice – 7 July 2020 – deferred to 28 July 2020****Sue Freeth – 1 Florence Street, Cottesloe – Proposed Skate Park – Questions Deferred from Special Council Meeting – 7 July 2020 Tabled on 28 July 2020**

Q1. Are councillors aware that Grant Marine Park is the final destination of the Bush to Beach Trail, which is part of the Whadjuk trail network?

A1. No.

Q2. The trail network took several years to implement after big efforts from community groups and Noongar elders, with good support from all WESROC Councils. How can it be that the quiet end point of this popular walk trail where walkers are invited to stop, rest on the grass and take in the wonderful views of the ocean, could become a noisy, cement skate bowl?

A2. The comments will be provided to Council for consideration and factored into the analysis when making a recommendation in the Council report summarising the public consultation results.

**Peter Rattigan – 9 Grant St, Cottesloe – Proposed Skate Park – Questions Deferred from Special Council Meeting – 7 July 2020 - Tabled on 28 July 2020**

Q1. Was the Proposed Skatepark Location Feasibility Study Project Brief that was approved by full Council on 22 May 2018 advertised for tender and if so on what date and where was it publicised.

A1. The estimated consultancy cost was below the public tender threshold and the procurement was done through a Request for Quotation process.

- Q2. Was consultation conducted pursuant to the unanimous resolution of Council of 22 May 2018, i.e. "Community Consultation, including Community and Councillor workshops will be held prior to the first draft of the Feasibility Study being prepared".
- a) If so, on what dates and who participated
  - b) If not, will Council forthwith conduct such Community Consultation consistent with all council policies relating to community engagement and consultation, including Community and Councillor workshops as stated in the Council Resolution of 22 May 2018
- A2. No workshops have been held as yet but will be organized and conducted in accordance with the resolution of the 22 May 2018 OCM.
- Q3. What level of consultation do Council's consultation and community engagement policies require for building a skatepark on Grant Marine Park, and what exactly does that require?
- A3. A public survey on whether this location is supported and the community aspirations for such a facility. This is normally done through an online survey and the public is welcome to provide written submissions to provide any additional information not covered within the survey.
- Q4. How many draft and/or final reports relating to the possible location of the proposed Skatepark have been presented to Council staff and/or Councillors by a) AECOM b) Enlocus c) any other person/company/consultant and what are the dates of those reports.
- A4. This has been responded to in the July 2020 Ordinary Council Meeting.
- Q5. Will Council immediately make available to ratepayers all reports and draft reports presented to Council staff and/or Councillors by AECOM and/or Enlocus and/or any other person/company/consultant relating to the possible location of the proposed skatepark.
- A5. Yes but only the final report will be made available.
- Q6. What consultation has Council and/or the administration undertaken with State Minister responsible for PTA land about more attractive lease terms for this land? If yes what were the outcomes and IF not, why not?
- A6. No. This is a standard lease clause and any Ministerial discussion is undertaken either when the location has been accepted in principle by Council or resolved by Council otherwise.
- Q7. Has Council done a risk assessment as to probability of the PTA invoking a six months break clause in a lease of the site for the proposed skate park near the Cottesloe train station and if so will it forthwith make the report available to ratepayers. a) If not, will Council forthwith do such a risk assessment b) will it make the assessment available to ratepayers.
- A7. No risk assessment has been done.
-

- Q8. Has Council investigated the possibility of insuring against the risk of the PTA invoking a break clause in a lease of the site of the proposed skate park near the Cottesloe train station and if not a) will it do so and b) will it forthwith report such investigations to ratepayers.
- A8. It would not be possible to insure against such risk.
- Q9. Why have I not received any notification from the Council of the skate park proposal for Grant Marine Park even though I reside near the park?
- A9. A letterbox drop was carried out for surrounding residents inviting them to participate in the recent survey.
- Q10. What steps has Council taken to ensure that all residents that reside close to Grant Marine Park are advised of the skate park proposal and given the opportunity to comment on it?
- A10. As per the response to question 9.
- Q11. How much ratepayers' money has been expended in the last 15 years on the rehabilitation of Grant Marine Park land including all works by CoastCare?
- A11. This cannot be easily determined.
- Q12. What are all the Town of Cottesloe strategies, plans, policies and expert reports that relate to the planning merits or otherwise of how Grant Marine Park should/should not be developed to which Council must pay due regard having regard to LPS3 clauses 3.4.2, 10.2.1 and 10.2.2, which include considerations of State policies, locality amenity, natural environment impacts, likely traffic generation, toilet facilities, vegetation preservation, loss of community benefit, and impact on views to and from the Park?
- A12. Grant Marine Park is identified as a 'Local Park and Recreation Reserve' in the Town of Cottesloe Local Planning Scheme No.3. Under the Scheme in considering any development proposal, such as a 'skate park', Council is required to have due regard to the matters contained in clauses 3.4.2, 10.2.1 and 10.2.2 of the Scheme. This includes any relevant strategies, plans and policies adopted by the Council and State Government.
- Q13. What is the LPS3 clause 3.4.2(b) ultimate purpose of Grant Marine Park?
- A13. Grant Marine Park is identified as a 'Local Park and Recreation Reserve' in the Town of Cottesloe Local Planning Scheme No.3 which is the purpose of the reserve.
- Q14. Who is the approval authority for development of a skatepark at Grant Marine Park? If it is the Town of Cottesloe has the Council delegated the approval power to the CEO? If yes, will Council withdraw that delegation? If not, the Town of Cottesloe who is the approval authority?



- A14. As Grant Marine Park is a Local Park and Recreation Reserve the Council is the approval Authority for the development of a skate park at the park. There is no delegation to the CEO, it is a decision for Council.
- Q15. What liaison with the Minister or DPI and/or the WAPC has the TOC administration and/or Council representatives undertaken about the proposal to build a skate park in Cottesloe and/or at Grant Marine Park? If any, what were the outcomes and if none, why not?
- A15. No. Public works are exempted from planning approval. The land classification is vested in the Town of Cottesloe and is of the appropriate classification for such a facility to be constructed.

Sheryl Grimwood – 2 Margaret Street, Cottesloe - Proposed Skate Park – Questions Deferred from Special Council Meeting – 7 July 2020 – Questions Provided in Writing

- Q1. Please explain how the Town of Cottesloe (TOC) can justify supporting the proposal of installing a skate park within the confines of the Grant Marine Park (GMP) when giving due consideration to:
- a) the size of the GMP at approximately 1.8ha, and already accommodating a significant playground, oval area with goal posts and basketball hoop, hopscotch, dog off lead area, and a significant environmental and well maintained protected green space on the eastern side, and
  - b) when compared to the spaces by area and facilities of neighbouring skate parks, see attachment *Appendix 1 Comparison of neighbouring Suburbs accommodating Skate Parks by both POS area and proximity to residential homes (source Google Maps, with scale uniform for all satellite maps), ?*
- A1. Skate Parks come in a variety of sizes and can be designed to suit. Similarly, the playground has been flagged for upgrade in the Council approved Playground Strategy and the size of play equipment can be rationalised as part of the process to fit all activities within GMP.
- Q2. Following from 1. above please explain how the Town of Cottesloe (TOC) can justify supporting The proposal of installing a skate park within the confines of the Grant Marine Park (GMP) when giving due consideration to the POS & Playground Strategy Survey Report, (Community Consultation Survey Report, 7th September 2019 to 30 September 2019) GMP was identified by at least half of the 112 participants as one of the 2 parks in the top three by “the ones you visit most”?
- A2. The introduction of a Skate Park would increase the variety of play within GMP providing further benefit for visitors that frequent that playground.
- Q3. In looking at the satellite maps of GMP relative to neighbouring skate parks *Appendix 1 Comparison of neighbouring Suburbs accommodating Skate Parks by both POS area and proximity to residential homes (source*

*Google Maps, with scale uniform for all satellite maps), it is abundantly clear that the construction of a skate park within the confines of GMP will adversely impact (by increased noise, potentially night lighting, loss of current facilities, and strain on nearby amenities) of many more residents than those of Fremantle, Perry Lakes, Nedlands, and Scarborough, i.e. residential homes are located within 80m of GMP on three of 4 Sides. How can council possibly rationalise GMP as a suitable location for a skate park?*

- A3. Consultation with surrounding residents will determine their acceptability of the Skate Park within close proximity to homes.

### **Questions Taken on Notice – 28 July 2020**

#### Stephen Mellor – 8 Graham Court, Cottesloe – Responses to Previous Questions Taken on Notice

- Q1. Would the Administration like to withdraw any of the written answers to my questions raised at the Ordinary Council Meeting of 23 June 2020 that are on tonight's agenda, as in my view the answers are evasive, at times misleading and sometimes incorrect?

A1. No.

- Q2. Could the Administration suggest a way forward for me to respond to the answers in today's agenda?

A2. It is not for the Administration to advise on how someone should respond.

- Q3. Would it be possible for me to view by appointment the following documents (list provided)?

2017 Engineer's Annual Report on the Collection and report on associated maintenance actions

2017 Collection file photographs for the whole Collection

2018 Engineer's Annual Report on the Collection and reports on associated maintenance actions

2019 Engineer's Annual Report of the Collection and reports on associated maintenance actions

2019 New Acquisition file photographs

2019 Catalogue of the Collection

2020 Engineer's Annual Report on the Collection and reports on associated maintenance actions

2020 New Acquisition file photographs

2020 Catalogue of the Collection.

A selection of Artist/artwork files for the Collection Works:

'Roundabout'; 'Untitled'; 'Kinetic Interference'; 'Liquorice Allsorts'

- A3. An officer from the Administration will be in contact to arrange viewing of these documents.
- Q4. Would the Administration like to comment on why I have not received a response in writing?
- A4. Responses have been provided in writing with apologies for their lateness.

Mr Peter Rattigan – 9 Grant Street, Cottesloe – Proposed Skate Park

- Q3. Will Council consider requiring Council staff to include compatibility with the Town's Mission Statement as one of the criteria when providing reports on proposals to Council?
- A3. This is a matter for Council consideration.

**Questions Taken on Notice – Agenda Forum – 18 August 2020**

Yvonne Hart – 26 Mann Street – Item 10.1.9

- Q1. 2/7/20 - Award Contracting - Service locating consulting services \$1,287.00 p38. What service locating? Where?
- A1. Identification of utility services for tree planting at new depot site in Mosman Park.
- Q2. 2/7/20 - W H Location Services - NCPS Kiss & Drop works - \$9,459.18 p39. What 'works'?
- A2. Service location for the NCPS detail design.
- Q3. 9/7/06 - Edge Transport Solutions - Road safety inspection - \$9,636.0 p40. Which road was inspected? Why?
- A3. Marmion Street which was part of the 2019/2020 budget.
- Q4. 9/7/20 - Porter Consulting Engineers - Engineering services - \$2,200.00 p41. What engineering services? Why?
- A4. NCPS detail design development.
- Q5. 15/7/20 - DU Consulting - Install cable pit NPCPS - \$1,053.80 p42. What is this? Why?
- A5. Disconnection of reticulation systems.
- Q6. 30/7/30 - Capital Engineering - Site visit and concept for car park - \$1,397.00 p44. Which car park? Why?
- A6. Design for the reinstatement of the Rotunda collapse at Carpark 1.

Stephen Mellor – 8 Graham Court, Cottesloe – Item 10.1.7

- Q1. What is the status of the AECOM Cottesloe Recreation Precinct Masterplan submitted to Council May 2018? Is the existing 'Pavilion' what is being discussed tonight - not the new site of a multi-functional building as outlined in the sub-ordinated Masterplan?

- A1. An item will be tabled at a later Ordinary Meeting. The concept being discussed would be replacing the Anderson pavilion in the same location as the existing building.
- Q2. If the item is discussing the existing pavilion, I proposed a review and re-design of the parking around Harvey Field and Oval. Can this be looked at again in the design brief and planning for the renewal of the existing Anderson Paviliion, along with a review of my suggestions and photographs supplied to the former CEO.
- A2. Yes this can occur once that stage is reached.
- Q3. Is it possible for a revision of he Officer's report in next week's OCM Agneda clarifying the possible scope of these works in general terms and the deisgn schedule, approval and building?
- A3. This stage has not been reached yet. The purpose of the current action is to satisfy the requirements of grant submission and more formalised planning including design will occur in due course.
- Q4. This is the first time I have read anything about this project in spite of Council Approving this in the \$1,000,000 capital works budget setting process. Did I miss it?
- A4. The question is not directed at Council for a response.

Stephen Mellor – 8 Graham Court, Cottesloe – Item 10.1.9

- Q1. Is it possible to provide a slightly more detailed description in the monthly list of accounts where confidentiality allows? For example tonight's List of Accounts there are multiple Legal Fees listed as follows:
- |                                    |                      |         |                |
|------------------------------------|----------------------|---------|----------------|
| Kott Gunning                       | Legal services       | \$5,016 | For what?      |
| McLeods                            | Legal services       | \$6,721 | For what?      |
| Thompson Geer                      | Legal service        | \$6,682 | For what?      |
| Porter Consulting                  | Engineering services | \$2,200 | For what?      |
| Site visit and concept for carpark |                      | \$1,397 | Which carpark? |
- A1. Legal fees are often associated with confidential matters such as contracts and disputes and consistent with the practice set out in the *Local Government Act 1995* detail on legal advice is generally not made public.
- Q2. Is it possible to introduce/include in each monthly report an overall 'rolling total' project cost for large projects suchs as the North Cottesloe Primary 'Kiss and Drop' project and associated grants and income forecasts?
- A2. The monthly financial statements sets out the expenditure to date of the various projects Council is undertaking. Many of these projects are Engineering based and contact with Council's Executive Manager Engineering Services would provide some more specific detail if this is desired.

Stephen Mellor – 8 Graham Court, Cottesloe – Item 10.3.1

- Q1. What is the total budget going to be for the North Cottesloe Primary School Project?
- A1. This is to be determined at the end of the detail design phase.
- Q2. Can the Administration please provide a rationale and process brief summary of why this project is still being discussed against the views of the majority of ratepayers who were consulted and how the project, if it were to proceed, will be funded?
- A2. Council has resolved for the detail design to proceed and the expectation would be for the works to be funded by State Government.
- Q3. Is the public consultation for the Skatepark at equal risk of being ignored?
- A3. No. All feedback received has been consistent with the Town's community engagement policy.

**4.2 PUBLIC QUESTIONS**Stephen Mellor – 8 Graham Court, Cottesloe – Items 4.1 and 10.1.7

I refer to my questions asked at the Agenda Forum on 18 August about the status of the Cottesloe Recreation Precinct Masterplan and responses given at A1 and A3 of tonight's Agenda.

- Q1. Is the Council prepared to commit to expenditure on this item whilst locking in the location and resulting restrictions on design elements prior to more formalised planning, notwithstanding the grant application process and the status of the Masterplan?
- Q2. How much of the allocated \$1,000,000 can be expected to be used in this financial year?
- Q3. What is the anticipated date for the results of the ToC Grant applications?
- Q4. What is the status/future of the current Harvey Field Rugby Club building and its Lessee? The location of a new shared facility for the Rugby Club seems particularly impractical if they are to retain the Clubhouse?

The questions were taken on notice.

Stephen Mellor – 8 Graham Court, Cottesloe – Items 4.1, 10.1.7 and 10.1.9

I refer to my questions asked at the Agenda Forum on 18 August about providing slightly more detailed descriptions in the monthly list of accounts and responses given on pages 7 and 8 of tonight's Agenda.

- Q1. I ask again, can a very general project association in the accounts listing be provided particularly for larger expenditure items such as Legal Fees?

- Q2. What specific part/clauses of the *Local Government Act 1995* is referred to in the answer provided?
- Q3. Would Council please request Administration to introduce/include in each monthly report an overall 'rolling total' project summary for large on-going projects and associated grants and income forecasts? The answer given to this question raised at the Agenda Forum does not address the question asking for 'whole of project' summary reports.

The questions were taken on notice.

Stephen Mellor – 8 Graham Court, Cottesloe – Items 4.1, 10.3 and 10.3.1

- Q1. Can Council confirm they took notice of the Public Consultation responses and decided to proceed to the next design stage in spite of the 52% majority against the proposal? The answer given to this question raised at the Agenda Forum is unclear – is it the 'internal Council process' rather than the feedback that is consistent with policy?
- Q2. Will the ToC expenditure on this project from previous years and this year be recouped from the expected Government funds?

The questions were taken on notice.

Yvonne Hart – 26 Mann Street, Cottesloe – Proposed Skate Park

- Q1. The most recent *Cottesloe Newsletter*, where Capital Expenditure shows allocations set aside on projects for the coming year – Blackspot projects for Eric Street and Railway Street \$210,000; North Cottesloe Primary School car park works \$208,000; Railway Street realignment \$550,00 (an increase of \$340,00). Why has Council approved this 62% increase? Could you please explain and justify why this has occurred?
- Q1. Does Cottesloe Council intend to approach the Department of Education for further funding?
- Q2. Does Cottesloe Council intend to ask Main Roads to fund a Railway St realignment especially when the Eric St Bridge will be upgraded within the next 3-5 years?
- Q3. Is there no other solution?

The CEO noted that what is mentioned in the newsletter is only one side of the equation i.e. the expenditure side and does not necessarily disclose what the potential revenue sources are. The Town has had discussions in the past and continues to have discussions with the State Government in regards to the State Government funding this project because it is a result of the State Government i.e. the primary school. Just looking at the expenditure side of the newsletter does not say it is all coming out of ratepayer funds. The Town will take the questions on notice to provide a more accurate response.

**Standing Order 8 – Questions Submitted by Cr Tucak via email 20 August 2020**

Q1. Did the 2018 “Project Brief” for the Foreshore Masterplan work include in ‘Element 5’ a requirement for Foreshore, Beach and Promenade of *“A broad offering of facilities, equipment and space will encourage all ages and abilities into Cottesloe’s public open space”*?

A1. Yes.

Q2. Did the 2018 “Project Brief” for the Foreshore Masterplan work include in ‘Element 6’ a requirement for Car Park 1, Foreshore Promenade and Civic Plaza to *“ensure activity areas are transgenerational”*?

A2. Yes.

Q3. Did the 2018 “Visual Summary” that informed the Foreshore Masterplan work include in relation to area 5 (Car Park One, Foreshore Promenade and Civic Plaza) include the requirement *“Provide for a range of activities and recreational amenity (e.g. additional seating, BBQ, inter-generational uses etc)”*?

A3. Yes.

Q4. Did the Town’s 2020 Tender Document for the Foreshore Detailed Design state that *“The objective is to provide facilities, equipment and space to enable individuals of all ages and abilities to utilize Cottesloe’s public open space”*?

A4. Yes.

Q5. Did the Town’s 2020 Tender Document for the Foreshore Detailed Design state that *“Appropriately scaled seating/viewing/picnic areas are to be integrated into recreational areas, including short term viewing car bays in the Civic Plaza, to foster area activation through inclusion”*?

A5. Yes.

Q6. Did the Town’s 2020 Tender Document for the Foreshore Detailed Design state that *“The design is to provide boardwalk with shade, wind protection and seating together with short term car bays for everyone to enjoy ocean views within this area”*?

A6. Yes.

Q7. Did the Town’s 2020 Tender Document for the Foreshore Detailed Design state the consultant (designers) requirement for *“deep respect and understanding for the ... Foreshore’s users together with their needs in these public spaces”*?

A7. Yes.

Q8. Did the Town’s 2020 Tender Document for the Foreshore Detailed Design state that *“The final plans shall recognise that small changes ... make a big difference to the way public open space is used and enjoyed”*?

A8. Yes.

**5 PUBLIC STATEMENT TIME**

Nil

**6 ATTENDANCE****Elected Members**

Mayor Philip Angers  
Cr Lorraine Young  
Cr Caroline Harben  
Cr Helen Sadler *(to 6:49pm)*  
Cr Craig Masarei  
Cr Melissa Harkins  
Cr Michael Tucak  
Cr Kirsty Barrett  
Cr Paul MacFarlane

**Officers**

Mr Matthew Scott	Chief Executive Officer
Mr Shane Collie	Executive Manager Corporate Services and Governance
Ms Freya Ayliffe	Executive Manager Compliance and Regulatory Services
Mr Shaun Kan	Executive Manager Engineering Services
Ms Mary-Ann Winnett	Governance Coordinator

**6.1 APOLOGIES**

Nil

**Officers Apologies**

Nil

**6.2 APPROVED LEAVE OF ABSENCE**

Nil

**6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 DECLARATION OF INTERESTS**

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "my children are involved with the football club."

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.3.1 by virtue "I still have a child attending the school."



Cr Young declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "my children played for the Cottesloe magpies for a number of years but some time ago."

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.1 by virtue "I know the owners of the Cottesloe Beach Hotel."

Cr Harben declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "I have a good friend who lives on the Margaret Street."

## **8 CONFIRMATION OF MINUTES**

**Moved Mayor Angers**

**Seconded Cr Masarei**

**That the Minutes of the Ordinary Meeting of Council held on Tuesday 28 July 2020 be confirmed as a true and accurate record.**

**Carried 9/0**

## **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.*

Nil

### **9.2 PRESENTATIONS**

Nil

The Mayor advised that during the COVID-19 emergency period, item 9.2 (Presentations) will only be utilised for matters of significant importance.

### **9.3 DEPUTATIONS**

Nil

**10 REPORTS****10.1 REPORTS OF OFFICERS**

**Moved Mayor Angers Seconded Cr Young**

**COUNCIL RESOLUTION**

**Moved Cr Seconded Cr**

**That Council adopts en-bloc the following Officer Recommendations contained in the Agenda for the Ordinary Council Meeting 25 August 2020:**

<b>Item #</b>	<b>Report Title</b>
<b>10.1.1</b>	<b>Cottesloe Beach Hotel - Application for an Outdoor Eating Facility Permit</b>
<b>10.1.3</b>	<b>Celebration of the Motorcar 2020</b>
<b>10.1.4</b>	<b>Extension of Yellow (No Stopping) line - Margaret Street</b>
<b>10.1.5</b>	<b>Petition - The Preservation of Lady Lawley Cottage and the Legacy of Lady Annie Lawley</b>
<b>10.1.8</b>	<b>Petition - Hamersley Street Tree Petition</b>
<b>10.1.9</b>	<b>Financial Statements For The Period 1 July 2020 to 30 July 2020</b>
<b>10.2.1</b>	<b>Receipt of Committee Minutes</b>
<b>10.3.1</b>	<b>North Cottesloe Primary School - Detailed Design</b>

**Carried by En Bloc Resolution 9/0**

**PLANNING****10.1.1 COTTESLOE BEACH HOTEL - APPLICATION FOR AN OUTDOOR EATING FACILITY PERMIT****File Ref:** SUB/2798**Attachments:** 10.1.1(a) 2018 OCM Report - Lot 39 (104) Marine Parade Cottesloe Beach Hotel [under separate cover]  
10.1.1(b) Outdoor Eating Facility Application Cover letter - Cottesloe Beach Hotel [under separate cover]  
10.1.1(c) Application for Outdoor Eating Facility - Cottesloe Beach Hotel [under separate cover]  
10.1.1(d) Development Plans dated 30 April 2020 - Cottesloe Beach Hotel [under separate cover]**Responsible Officer:** Matthew Scott, Chief Executive Officer**Author:** Freya Ayliffe, Executive Manager Compliance and Regulatory Services**Author Disclosure of Interest:** Nil

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.1 by virtue "I know the owners of the Cottesloe Beach Hotel."

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**SUMMARY**

At the September 2018 Ordinary Council Meeting, Council granted Planning Approval for alterations and additions to the Cottesloe Beach Hotel. In-principle support was also granted for the proposed outdoor eating area subject to a detailed application being submitted.

Council is now being asked to approve Cottesloe Beach Hotel's outdoor eating facility application.

**BACKGROUND**

A deputation was made to Council in early 2018 by the applicant, Alan Ross; Mr Ross also addressed the Foreshore Precinct Implementation Committee (FPIC) to request the proposed outdoor dining area be included in the Council's Foreshore Master Plan and be approved 'in-principle' by Council.

At the September 2018 Ordinary Council Meeting, Council granted Planning Approval for alterations and additions to the Cottesloe Beach Hotel, 'in-principle' support was also granted for the proposed outdoor eating area subject to the owner/applicant applying for a building permit, obtaining approval prior to undertaking the development and submitting an outdoor eating facility application in accordance with the Town's *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001* detailing; the size, location, landscaping, protective screens, decking, removal of parking bays, addressing Council's Liquor (Licensed Premises) Policy, and comments from nearby residents being submitted for Council approval (refer to attached officer's report).

The application has now been received, addressing all concerns raised by both FPIC and Council. Approval has also been granted by WAPC on 30 June 2020. The approval shall be

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deemed to be an approval for private infrastructure on public land as required under *regulation 17 of the Local Government (Uniform Provisions) Regulations 1996*.

Council is being asked to approve the outdoor eating facility application.

As per the Officer's report dated 25 September 2018, the outdoor eating area, which will be licensed, includes areas adjoining John Street, Marine Parade and Warnham Road, with suitably fixed screens for vehicle and weather protection and a proposed floor area of 245m<sup>2</sup>, with 238 seats. The footpath width for pedestrians will be a minimum of 1.8m and two parking bays will be converted to short-term drop off parking bays, located in John Street.

The venue has sufficient facilities to cater for the increase in patrons.

### **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 3.1: Implement the 'Foreshore Redevelopment Plan' in consultation with the community.

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 3: Enhancing beach access and the foreshore.

Major Strategy 3.1: Implement the 'Foreshore Redevelopment Plan' in consultation with the community.

### **POLICY IMPLICATIONS**

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

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Uniform Provisions) Regulations 1996*

*Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001*

*Liquor (Licensed Premises) Policy*

### **FINANCIAL IMPLICATIONS**

There are no perceived financial implications arising from the officer's recommendation. All works will be carried out by the applicant.

### **STAFFING IMPLICATIONS**

Additional compliance monitoring during construction and when operational will be required.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

The Foreshore Master plan includes outdoor eating areas adjacent to cafes and restaurants, which has received a significant amount of community support. The Cottlesloe Beach Hotel's application aligns with this plan and is consistent with the Town's overall objectives for the Foreshore.

The outdoor eating application was advertised for a period of two weeks on 13 February 2020. The Town did not receive any response.

Extensive consultation has also taken place with the applicant, Building, Engineering, Planning and Health departments.

**OFFICER COMMENT**

Concerns were raised in 2018 by nearby residents when the development application was advertised. The concerns related to possible noise associated with patrons in the proposed outdoor dining areas affecting the amenity of some nearby residents. As part of the outdoor eating application, the applicant was required to submit an acoustic report (prepared by an independent acoustic consultant). The report concludes that activities associated with the use of the outdoor dining area are unlikely to comply with the *Environmental Protection (Noise) Regulations 1997* after 10.00pm. Noise mitigation measures will be required to be implemented after 10.00pm. These measures can be addressed in a Noise Management Plan specific to the outdoor eating area, and included as conditions of the permit.

Administration will condition the outdoor eating permit accordingly addressing;

- Location and construction materials (as per submitted plans);
- Safety (both patrons and pedestrians);
- Noise;
- Maximum number of persons permitted in the outdoor dining area;
- Appropriate public liability insurance to protect the Town in the event of an incident; and
- Liquor licensing requirements.

ensuring compliance with all relevant statutory requirements and addressing details included in the submitted plans (as per attachment).

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Mayor Angers**

**Seconded Cr Young**

**THAT Council:**

- 1. As per the Officer's report dated 25 September 2018 APPROVES the Cottesloe Beach Hotel's Outdoor Eating Facility application; and**
- 2. AUTHORISES the Chief Executive Officer to condition the Outdoor Eating Facility permit in accordance with the Town's local laws and addressing details included in the submitted plans.**

**Carried by En Bloc Resolution 9/0**

**ADMINISTRATION****10.1.2 WALGA AGM VOTING DELEGATES**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Matthew Scott, Chief Executive Officer  
**Author:** Shane Collie, Executive Manager Corporate Services and Governance  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to select two Voting Delegates for the WA Local Government Association (WALGA) Annual General Meeting.

**BACKGROUND**

The WALGA AGM is scheduled to be held on 25 September 2020. The Town normally has delegates attend representing the interests of the Cottesloe community.

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

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

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

Nil.

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Nil.

**OFFICER COMMENT**

In the normal course of events the Mayor and Deputy Mayor (if attending) would be the voting delegates for the Town. Should this be the case it is recommended that this practice continue. If either the Mayor or Deputy Mayor are not attending another attending Councillor or Councillors would become the voting delegate or delegates.

**VOTING REQUIREMENT**

Simple Majority

**COUNCIL RESOLUTION**

Moved Cr Young

Seconded Cr Masarei

**THAT Council:**

1. **NOMINATES Cr Sadler and Cr MacFarlane as the voting delegates for the WA Local Government Association AGM.**
2. **NOMINATES Cr Barrett as the proxy delegate for the WA Local Government Association AGM.**

**Carried 9/0**



**10.1.3 CELEBRATION OF THE MOTORCAR 2020**

**File Ref:** SUB/2798  
**Attachments:** 10.1.3(a) Celebration of the Motorcar 2020 - Event Application [under separate cover]  
**Responsible Officer:** Shane Collie, Executive Manager Corporate Services and Governance  
**Author:** Gabrielle Hall, Events Coordinator  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Automotive Event Management is seeking approval to host the Celebration of the Motorcar at Cottesloe Civic Centre on Sunday, 29 November 2020 from 10.30am to 3.30pm.

**BACKGROUND**

Celebration of the Motorcar invites members of the public to view an exhibition of Australia's classic, exotic and prestige cars in the grounds of the Cottesloe Civic Centre as part of a charity fundraising event. The specific locations of the public exhibition will be on the Main Lawn, Lower Lawn and Playground Two.

The primary aim of the event is to raise funds and the profile of the organiser's chosen charity, Wheels for Hope. Wheels for Hope is a charity that supports Western Australian families with disabilities who do not have the benefit of mobility. These families do not have suitable transportation to access critical medical and remedial care, educational opportunities and community events. Wheels for Hope have a fleet of 60 wheelchair hoist vehicles which are loaned to eligible families as part of the programme.

General public event admittance fees for the motoring exhibition are as follows:

Adult	\$20
Children	\$10
Family	\$50 (2 adults and up to 4 children)

**STRATEGIC IMPLICATIONS**

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

Priority Area 1: Protecting and enhancing the wellbeing of residents and visitors

Major Strategy 1.4: Continue to improve community engagement.

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 1: Protect and enhance the wellbeing of residents and visitors.

Major Strategy 1.4: Continue to improve community engagement.

**POLICY IMPLICATIONS****Event Classification Policy**

Under the current Policy, the event meets the assessment criteria of a 'charitable' event as outlined in the policy, as *'The primary purpose of the event is to raise funds for a registered charitable purpose(s)'*.

**Outdoor Concerts and Large Public Events Policy**

The proposed event is in keeping with the Outdoor Concerts and Large Public Events Policy.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Health (Public Buildings) Regulations 1992*

*Food Act 2008*

*Town's Health Local Law 1997*

*Health (Miscellaneous Provisions) Act 1911*

*Environmental Protection (Noise) Regulations 1997*

**FINANCIAL IMPLICATIONS**

As stated in the 2020-21 Schedule of Fees and Charges, a charitable event with over 2000 and fewer than 3000 attendees at the Cottesloe Civic Centre incurs a \$500 bond and \$0 hire fee. If this were a Commercial event a \$3,000 bond and \$10,000 hire fee would be applicable.

The organisers are contributing 100 percent of the admission fees collected, after costs, to their chosen charity, Wheels for Hope. The Town will require Wheels for Hope's Deductible Gift Recipient status and, Australian Charities and Not-for-Profit Commissions Charity Register Summary.

A comprehensive financial summary from the previous years events, showing charitable donations made to Wheels for Hope have been supplied.

Based on this information, it is recommended that Council classify this event as a 'Charitable' event, which has no hire fees.

**STAFFING IMPLICATIONS**

If approved, the Manager Compliance and Regulatory Services will liaise with event organisers to review the relevant event plans and discuss the requirements of the *Health (Public Building) Regulations 1992* and the *Food Act 2008*.

Officers will be required to attend the event to ensure compliance with the officer's recommendation and statutory obligations.

Officers will liaise with event organisers in regard to ensuring compliance with the new requirement to not use single use plastics.

Staff will meet with event organisers after the event to de-brief.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

Adequate arrangements are made for rubbish collection and removal of recyclable materials.

Staff will assist organisers to avoid the use of any form of single use plastic in accordance with the event conditions.

**CONSULTATION**

Town of Cottesloe

Automotive Events Management

Wheels for Hope

**OFFICER COMMENT**

On the Saturday, 28 November 2020, between 1.00pm and 5.00pm, some cars will be delivered in preparation for their display placement. Event organisers will be required to keep the noise associated with this to a minimum. A security guard will be in place overnight to guard the vehicles.

On the morning of the event, the remainder of the display cars will enter the Main Lawn, Lower Lawn and Playground Two from 8.30am. Event organisers will be required to keep the noise associated with this to a minimum. Cars will not be running during the event times which will assist in keeping noise levels to an acceptable level. Cars will come in the northern entry and leave from the gate close to the War Memorial Hall, keeping all traffic moving in one direction.

The cars will leave the Civic Centre from 3.30pm on Sunday, 29 November 2020. This should minimise noise impacts on nearby residents.

The event is open to the public between 10.30am and 3.30pm on Sunday, 29 November 2020. It is expected that there will be minimal use of a public announcement system during the event for awards presentations and a charity auction. An unamplified classical trio will play from 10.30am until 2.30pm.

Rubbish bins are required for the event, which were supplied by the Council at last year's event in support of this charitable event. No additional toilets are expected to be required as on site toilets have been sufficient in the past. The Manager Compliance and Regulatory Services will ensure that the event is compliant with the Guidelines on the Application of the *Health (Public Buildings) Regulations 1992*, *Food Act 2008* and the Town's *Health Local Law 1997*.

Event organisers have advised officers that event signage will be at a minimum and will consist primarily of directional signage. Event signage will also consist of one 'Celebration of the Motorcar' banner at the public entrance from Napier Street. The focus of the event being the cars themselves, advertising will be kept to an absolute minimum.

Event organisers have also advised officers that materials used to 'rope off' areas used to house display cars, will leave as little impact as possible on the lawn areas of the Main and Lower Lawn. The Town's Grounds Staff will be required to assist with marking out the grounds prior to the event, to minimise damage to lawn areas and reticulation systems.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Mayor Angers

Seconded Cr Young

**THAT Council APPROVES the application to hold the Celebration of the Motorcar at Cottesloe Civic Centre on Sunday, 29 November 2020 from 10.30am to 3.30pm, subject to the following conditions:**

- 1. Class this event as a 'Charitable' event and hire charges be waived. Other than hire fees, all other applicable fees and charges are to be paid by the organiser.**
- 2. Evidence of appropriate Public Liability Insurance, with cover no less than \$20 million, be provided prior to the event.**
- 3. Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event for the approval of the Chief Executive Officer.**
- 4. Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required.**
- 5. All signage to be approved by the Chief Executive Officer one month prior to the event.**
- 6. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe.**
- 7. The event complies with all requirements of the:**
  - *Health (Public Buildings) Regulations 1992***
  - *Food Act 2008***
  - *Town's Health Local Law 1997***
  - *Town's Liquor (Licensed Premises) Policy***
  - *Health (Miscellaneous Provisions) Act 1911***
  - *Environmental Protection (Noise) Regulations 1997***
- 8. No alcohol is to be served unless a valid licence or permit from the Department of Racing, Gaming and Liquor is provided to the Town prior to the event.**
- 9. Adequate arrangements for rubbish removal and collection, including the provision for recycling.**
- 10. The Applicant will (including by directing any parties under their control or supervision) use their best endeavours to minimise waste and litter production from the event.**
- 11. Single use plastics including without limit balloons, plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic lined coffee cups/lids, plastic straws, plastic lolly sticks, plastic cutlery and single plastic wrapped lollies will not be used by the Applicant (and any parties under their**

control or supervision) in setting up, during or in clearing up after the event.

12. That the event is a non-smoking event.
13. That the Western Metropolitan Regional Council 'H2O to Go' Water Station facilities are investigated for use at the event.
14. That the Western Metropolitan Regional Council Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the checklist and return to Council after the event with the aim of reducing the amount of plastics used at the event.
15. The provision of a Disability Access and Inclusion Plan.
16. Evidence of Wheels for Hope's Deductible Gift Recipient status and, Australian Charities and Not-for-Profit Commissions Charity Register Summary.
17. Provision of a detailed financial report, summarising all income and expenditure from the 2020 events to be circulated to Council by 31 March 2021.
18. No vehicle activity at the Civic Centre prior to 8.30am and after 6.00pm on Sunday, 29 November 2020.

#### **ADVICE NOTE**

##### **No Balloons**

The Town of Cottesloe Local Government Property Local Law 2001 (Consolidated) prohibits at clause 2.8(1)(i) "releasing an unsecured balloon inflated with a gas that causes it to rise in the air. Fines apply for breach of this Local Law, and applies to all events and food vans (and the like) approvals.

##### **Single Use Plastics Medical Exemption**

Exemptions may apply if the Applicant or the council requires the use of single use plastic items for medical reasons, where there is no reasonable alternative and the single use plastics are properly recycled or disposed of or stored safely and sustainably, or are removed from the Town of Cottesloe.

##### **Fish Habitat Protection Area (FHPA)**

The full length of the Cottesloe Reef is protected by a Fish Habitat Protection Area (FHPA), the only one in the Perth Metropolitan Area. The principal aim of the Cottesloe Reef FHPA is to preserve valuable fish and marine environments for the future use and enjoyment of all people. Plastic and balloon litter pose a significant risk to this very special marine environment. A Cottesloe Reef FHPA brochure is enclosed for your further attention.

Carried by En Bloc Resolution 9/0

**10.1.4 EXTENSION OF YELLOW (NO STOPPING) LINE - MARGARET STREET**

**File Ref:** SUB/2798  
**Attachments:** 10.1.4(a) Extension of yellow no stopping line - Margaret Street (12.5m) [under separate cover]  
**Responsible Officer:** Matthew Scott, Chief Executive Officer  
**Author:** Freya Ayliffe, Executive Manager Compliance and Regulatory Services  
**Author Disclosure of Interest:** Nil

Cr Harben declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "I have a good friend who lives on the Margaret Street."

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**SUMMARY**

The Town is in receipt of traffic safety complaints in Margaret Street. The complaints relate to restricted vehicle movement, line of sight issues, congestion and damage to council verges. The issue is a result of four driveways/crossovers egressing into the same point and is further exacerbated by a bend in the road at this location.

Council is being asked to consider supporting the extension of a yellow no stopping line by 12.5 metres at this location to assist with line of sight issues, vehicle movement and reduce congestion and damage to council verges.

**BACKGROUND**

The Town is in receipt of traffic safety complaints in Margaret Street. The complaints relate to restricted vehicle movement, line of sight issues, congestion and damage to council verges adjacent to 21, 22 and 23 Margaret Street. In addition, the residents of 21 and 23 Margaret Street have access issues to their properties due to vehicles being parked adjacent to their driveways (refer to attachment). The parked vehicles restrict vehicle movement causing drivers to mount kerbs and verges to avoid causing damage to the parked vehicle. Subsequently, residents have been placing unauthorised/non permissible verge treatments on the verges to deter vehicles from driving over them. These treatments include star pickets, large rocks and brick pavers.

A site inspection was carried out by the Engineering department that determined the issue is a result of four driveways/crossovers egressing into the same point, obstructing view of traffic from north and south directions. The issue is further exacerbated by a bend in the road at this location.

By extending the yellow no stopping line in this location, it will improve vehicle movement, vehicle congestion, line of sight issues and prevent damage to council verges.

**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.

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This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

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.

### **POLICY IMPLICATIONS**

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

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001*

Residential Verges Policy

### **FINANCIAL IMPLICATIONS**

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

Resource requirements are in accordance with the existing budgetary allocation. The installation of the yellow no stopping line will be carried out by the Town's Works Department.

### **STAFFING IMPLICATIONS**

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

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

Engineering Department

Ranger Services

Informal discussions have taken place with affected residents only as the extension of the yellow line will not have a direct impact on any other residents living in Margaret Street. The affected residents have advised they do not object to the extension of the existing yellow lines.

### **OFFICER COMMENT**

Margaret Street is a very narrow street, with safety issues further exacerbated in this area by a bend in the road and four driveways/crossovers egressing into the same point, obstructing view of traffic from north and south directions. By extending the existing yellow no stopping line by 12.5 metres it will improve vehicle movement, vehicle congestion, line of sight issues and prevent damage to council verges.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Mayor Angers**

**Seconded Cr Young**

**THAT Council APPROVES the extension of the yellow no stopping line by 12.5 metres in Margaret Street, in the location detailed in the attachment.**

**Carried by En Bloc Resolution 9/0**



**10.1.5 PETITION - THE PRESERVATION OF LADY LAWLEY COTTAGE AND THE LEGACY OF LADY ANNIE LAWLEY**

<b>File Ref:</b>	<b>SUB/2798</b>
<b>Attachments:</b>	<b>10.1.5(a) Red Cross Western Australia - Lady Lawley Cottage petition response email [under separate cover]</b>
	<b>10.1.5(b) A Town of Distinction extract - Lady Lawley Cottage History [under separate cover]</b>
	<b>10.1.5(c) Letter to Town of Cottesloe Chief Executive Officer - Red Cross Australia - Future of Lady Lawley Cottage [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Shane Collie, Executive Manager Corporate Services and Governance</b>
<b>Author:</b>	<b>Gabrielle Hall, Events Coordinator</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**SUMMARY**

At the 28 July 2020 Ordinary Council Meeting, Council received a petition relating to the preservation of Lady Lawley Cottage and the legacy of Lady Annie Lawley. The petition seeks the Town's assistance in opposing the permanent closure, selling, demolition or renaming of Lady Lawley Cottage.

**BACKGROUND**

Lady Lawley Cottage is in the process of being closed by Red Cross Australia by the end of this year. In May 2020 it was announced that post COVID-19 the facility would not be re-opening its services. The Town is unaware of the future of the Lady Lawley Cottage site and have no timeline as yet to when a decision will be made.

Red Cross Australia's Lady Lawley Cottage staff played a vital role within the community and provided invaluable contributions to the Town's Universal Access and Inclusion Reference Group (Formally the Disability Services Advisory Committee). The Town has financially contributed to the facility upgrades through the community donations grant program.

Lady Lawley Cottage facility has historic significance as an early charitable institution for convalescent children from the Goldfields and its association with Lady Lawley, the wife of Governor Lawley, who enabled its construction to take place.

"Lady Lawley Cottage by the Sea", Federation "Queen Anne" styled house was built in 1903. Painted, coursed limestone rubble walls with rusticated groins were used and french windows open onto a simple verandah. A turreted tower finishes the southwest corner. Roof detailing has been lost when the whole roof was refurbished in fibre cement c. 1960. Additions are largely unsympathetic. It bears a stylistic resemblance to Wearne and may well be by the same architect. This house has a high degree of architectural and historical significance as a major early charitable institution at the beachside location of Cottesloe.

The place is of higher-order local cultural heritage significance, being classified as Category 1 in the Town's Municipal Inventory (MI). The place is also heritage classified on the State

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Register of Heritage Places. The place contributes to the character and amenity of the street, locality and overall district. As such demolition of the premises is not considered to be a realistic future option and it is more so the services operated from the premises that are being withdrawn which are the concern.

A petition was tabled at the Agenda Forum on 21 July 2020 containing approximately 2,200 signatures opposing the permanent closure, selling, and demolition or renaming of Lady Lawley Cottage and requests the legacy of Lady Annie Lawley and her namesake and the history of the building be preserved.

At the 28 July 2020 Ordinary Council Meeting, it was resolved that Council:

1. *RECEIVES the petition opposing the permanent closure, selling, demolition or renaming of Lady Lawley Cottage and requests the legacy of Lady Annie Lawley and her namesake and the history of the building be preserved.*
2. *REQUESTS that the CEO arranges for a report to be presented to the August 2020 Ordinary Council Meeting.*

Numerous attempts have been made to obtain some definitive information regarding the matter. The attached correspondence has been received from Red Cross.

### **STRATEGIC IMPLICATIONS**

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

Priority Area 1: Protecting and enhancing the wellbeing of residents and visitors

Major Strategy 1.5: Continue to improve access and inclusion of aged persons and those with disabilities.

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 1: Protect and enhance the wellbeing of residents and visitors.

Major Strategy 1.5: Continue to improve access and inclusion of aged persons and those with disabilities.

### **POLICY IMPLICATIONS**

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

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

*Heritage Act 2018.*

### **FINANCIAL IMPLICATIONS**

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

### **STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Australian Red Cross.

**OFFICER COMMENT**

At the 28 July 2020 Ordinary Council Meeting, Council received a petition relating to the preservation of Lady Lawley Cottage and the legacy of Lady Annie Lawley.

A letter addressed to the Chief Executive Officer was received from the Australian Red Cross on 22 May 2020 advising the Town of the future of Lady Lawley Cottage.

Following on from the public announcement of the closure the Town had received correspondence from several individuals advocating for Lady Lawley Cottage to remain open and expressing displeasure with the announcement of its closure.

The Town has limited power in relation to the matter, however Council can advocate to Red Cross and the State Government to support the preservation of the services that have operated from the facility as well as advocating that the building itself be utilised for community based activities as has been the case for many years.

**VOTING REQUIREMENT**

Simple Majority.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Mayor Angers**

**Seconded Cr Young**

**THAT Council in response to the petition received seeking the Town's support in opposing the permanent closure, selling, demolition or renaming of Lady Lawley Cottage writes to the Red Cross and the State Government recommending the following:**

- 1. That the services operating from Lady Lawley Cottage be retained in a manner commensurate to those services that have been provided from the premises over many years.**
- 2. The Lady Lawley Cottage building, protected by its Heritage listing, be utilised in a manner that benefits the community and preserves the integrity and character of the building.**
- 3. That the sale of the premises to any non community based entity or the changing of the name of the premises, if being considered, not be supported.**

**Carried by En Bloc Resolution 9/0**

**ENGINEERING****10.1.6 PROTECTED SWIMMING ENCLOSURE - SECTION 91 LICENSE**

**File Ref:** SUB/2798  
**Attachments:** 10.1.6(a) Draft Section 91 Licence Cottesloe Shark Barrier  
- 2020 [under separate cover]  
**Responsible Officer:** Shaun Kan, Executive Manager Engineering Services  
**Author:** David Lappan, Engineering Technical Officer  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is asked to authorise the Chief Executive Officer to affix the Common Seal of the Town of Cottesloe to the Section 91 License for the protected swimming enclosure at Cottesloe Beach for the remaining four years of the maintenance contract with Ecoshark Barrier.

**BACKGROUND**

At the 18 June 2019 Special Council Meeting, a resolution was carried that authorised Administration to finalise the procurement process and award the successful tender to ECO Shark Barrier Pty Ltd for the duration of 5 years.

This would involve the construction, installation, operation, maintenance and monitoring of a shark barrier for the 5 years.

Since that time the protected swimming enclosure was installed over the 2019/20 summer period as per the original Lands Administration Act (LAA) Section 91 requirements.

A new land agreement must be in place prior to the 2020/21 summer period for the remaining 4 years of the maintenance contract with Ecoshark Barrier.

The Department of Lands has provided LAA Section 91 approval for the remaining four years for Council's approval.

**STRATEGIC IMPLICATIONS**

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

Priority Area 3: Enhancing beach access and the foreshore

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 1: Protect and enhance the wellbeing of residents and visitors.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

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*Local Government (Functions and General) Regulations 1996*

**FINANCIAL IMPLICATIONS**

A standard application fee of \$500 plus GST of \$50 is required for the license consideration.

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

A comprehensive environmental management plan was submitted previously as part of the initial application.

**CONSULTATION**

Town of Cottesloe Staff

Department of Transport

Department of Fisheries

Department of Planning, Lands and Heritage

Department of Biodiversity, Conservation and Attractions

South West Land and Sea Council

Department of Water and Environmental Regulation

West Australian Planning Commission

**OFFICER COMMENT**

The following authorities have been previously contacted to obtain all relevant statutory approvals that are still current with the exception of Section 91:

Authority	Approvals Required	Status
Department of Fisheries (Department of Primary Industries and Regional Development)	Exemption to allow construction within a fish habitat area.	Environmental management plan has been provided to the agency as per the original agreement.
Department of Transport	Not Required	No further action required.
Department of Planning, Lands and Heritage	Crown Land Enquiry	The draft Section 91 licence is attached to this report and requires a resolution from the Council to affix the Common Seal.

Department of Biodiversity, Conservation and Attractions	Not Required	The Town of Cottesloe has provided the agency with a letter of undertaking to install signage that provides contact information to report wildlife emergencies. This includes the contact for the Town and Eco Shark Barrier in the event of an emergency. This also confirms that the Town will be responsible for any cost incurred by the agency to address any wildlife situations as a result of the barrier.
South West Land and Sea Council	Not Required	The Town has contacted the Department of Planning, Lands and Heritage to discuss compliance with the <i>Aboriginal Heritage Act 1972 (WA)</i> . We have been informed that no approvals are required.
West Australian Planning Commission	Not Required	Exempt from planning approval as this project is classified as Public Works.
Department of Water and Environmental Regulation	Not Required	Confirmation has been obtained from the agency that a referral is not required.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION****Moved Cr Harkins****Seconded Cr MacFarlane**

THAT Council AUTHORISES the Mayor and Chief Executive Officer to sign and affix the Common Seal to the attached Section 91 Licence for the protected swimming enclosure for a period of four years.

**COUNCILLOR AMENDMENT****Moved Cr Tucak****Seconded Cr Young**

- CONFIRMS**, that unless otherwise resolved by Council, the Barrier will be removed by 1 April and installed after 30 September each year over the Licence Term in order to (inter alia) permit surfing, protect the barrier- from damage by winter elements and so prolong the life of its components and avoid resulting likely financial impact.

Carried 9/0

**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

**THAT Council:**

- 1. AUTHORISES the Mayor and Chief Executive Officer to sign and affix the Common Seal to the attached Section 91 Licence for the protected swimming enclosure for a period of four years.**
- 2. CONFIRMS, that unless otherwise resolved by Council, the Barrier will be removed by 1 April and installed after 30 September each year over the Licence Term in order to (inter alia) permit surfing, protect the barrier- from damage by winter elements and so prolong the life of its components and avoid resulting likely financial impact.**

**Carried 9/0**

**COUNCILLOR RATIONALE:**

1. This reflects the basis on which the barrier was supported.

**10.1.7 ANDERSON PAVILION MULTI-PURPOSE FACILITY DESIGN PRINCIPLES**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Matthew Scott, Chief Executive Officer  
**Author:** Shaun Kan, Executive Manager Engineering Services  
**Author Disclosure of Interest:** Nil

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "my children are involved with the football club."

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "my children played for the Cottesloe magpies for a number of years but some time ago."

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**SUMMARY**

A draft Recreation Precinct Masterplan has been developed for the improvements to the ageing sports facilities on Harvey Field. The redevelopments comprise of the rugby playing grounds and the football oval. This proposal also includes a multi-use building, replacing the Anderson Pavilion to accommodate the three key entities namely the Seaview Golf Club, the Rugby Club and the Football Club. Estimated to cost over twenty million dollars, the project is not affordable over five to 10 years and may need to be built over a horizon beyond this timeframe.

A grant application opportunity through the Community Sporting and Recreational Facilities Fund (CSRFF) has been made available to the Town to secure the required finances to construct part of the multi-use facility to replace the existing Andersons Pavilion. This submission is due 11 September 2020 and will fall under the Forward Planning Grant category, which is the most appropriate type of contribution for the project of this scale.

Council is asked to endorse the design principles within the officer's recommendation which is a requirement for the Town's application to be considered by the Department of Local Government, Sport and Cultural Industries (DLGSC). Other consultation can then occur at subsequent design stages should the grant be approved.

Accordingly, Council is asked to consider:

- Ranking this one of one in terms of priority for the upgrade to sporting facilities owned by the Town of Cottesloe; and
- Accepting the design principles for the purpose of making an application for this grant; and

The proposed new facility will be approximately within the same proximity as the existing building.

**BACKGROUND**

In 2018, AECOM consultants were engaged to review the current Harvey Field facilities and develop an overarching strategy to renew the ageing assets in stages.

In the same year and in 2019, surrounding residents on Forrest Street, Broome Street and Pearse Street including the Rugby and Football Club together with the Seaview Golf Club and

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Kindergarten were consulted on the draft Recreation Precinct Masterplan. Seaview was then engaged again after further changes were made to the plan in order to minimise impacting the golf course layout. These stakeholder views have been summarised in the consultation section of this report.

Given the anticipated cost of the Precinct upgrade being over 20 million dollars, Council's limited funds and Recreation Masterplan being subordinate to the further development of the Foreshore Masterplan, the Harvey Field project has not progressed.

Recently, a grant application opportunity has been made available to the Town through the CSRFF, a DLGSC program where there could be the potential to seek one third funding to build part of the multi-purpose facility. There are 3 main categories of funding, namely, small grants (up to \$300,000), annual grants (up to \$500,000) and forward planning grants (up to \$2 million). The forward planning grants would be most appropriate given our circumstances and should the application meet other extraordinary criteria, the contribution may possibly increase to 50%. There is no guarantee that this higher proportion funding will be received even if the project qualifies as this still needs to be rationalised against other Local Government applications and funds available. Similarly, consultation with DLGSC has also found that the one third contribution could be marginally reduced depending on the number of applications received by them. This would be to allow an optimal allocation of available funds.

The design principles in the first phase would be to make provision for:

- 2 change rooms
- Store
- Public Toilets including a Universal Access Toilet
- Kitchen / Canteen
- Umpire Change Room

The remaining parts of the multi-use complex comprising of 2 more change rooms, enclosed spectator area and more storage space will then be built in stage(s) as funding becomes available over coming years. If the CSRFF grant application is successful, it is anticipated that this would be funded over the next two to three financial years. The intent would be for the first phase of the project to be built as soon as possible.

## **STRATEGIC IMPLICATIONS**

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

Priority Area 1: Protecting and enhancing the wellbeing of residents and visitors

Major Strategy 1.4: Continue to improve community engagement.

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 5: Providing sustainable infrastructure and community amenities.

Major Strategy 5.2: Manage assets that have a realisable value.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government Regulations 1996*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation with one million dollars being approved by Council in the 2020/2021 budget under capital works number 35.4010.2 – Sports Precinct Development and \$20,000 under operating account number 57.9000.906 for the development of a concept to make the grant application. It is intended that \$500,000 be sourced from the CSRFF.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation. The concept will be developed by Hodge Collard Preston Architects.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

The new facility will improve energy consumption with the implementation of efficiency initiatives such as solar panels, five star showers and taps.

**CONSULTATION****Seaview Golf Club**

Seaview has indicated support for the proposed multi-use building and were supportive in sharing the facility with the Rugby and Football Club when consulted in 2018. They have indicated that this would be a significant improvement to their current ageing club house. A request has been made for the design to take into consideration their existing facilities.

**Football and Rugby Club**

Both clubs were consulted around 2018/2019 with further discussions with the Football club recently in respect to the first stage of the Andersons Pavilion replacement works. In summary these clubs have requested for a canteen and change rooms for both genders in the new facility. We have also been informed that female participation in the sport, particularly football is increasing and the female players are currently inconvenienced due to the lack of change rooms at the Andersons Pavilion.

Recent player statistics provided are as follows:

- Magpies (Football Juniors) - Approximately 88 to 100 players of which 90% are male and 10% female;
- Roosters (Football Seniors) – Four men's team and two women's team with recent trends showing that the ladies team are growing in numbers whilst the boys remain the same;

- Rugby Junior Category - Approximately 110 boys and 15 girls; and
- Rugby Senior Category – Approximately 110 men and 40 women.

**WA Football Commission**

Discussions with and literature from the Commission reflects that the Andersons Pavilion is currently their highest Western Australia football facility priority for upgrade. Potentially, there may be grants available through this agency that can form part of future funds for subsequent stages of the multi-purpose complex. The Commission are supportive of the CSRFF application.

**DLGSC**

To be completed. Meeting has been organised for 13 August 2020.

**Elected Members**

The Council have undertaken a site visit to the Andersons Pavilion and have discussed the project with the Administration at briefing forums. Elected members have endorsed the project within the 2020/2021 budget. The timing of the CSRFF application has recently been explored as part of these discussions.

**OFFICER COMMENT**

It is a requirement as part of the CSRFF grant application for a concept to be approved by Council.

Consistent with the feedback provided by both the Rugby and Football Clubs, the initial phase of this building will include two compliant change rooms as part of the effort to promote female participation in the sport. Whilst such facilities are currently available, they do not have sufficient floor area to accommodate the female players resulting in the ladies having to seek inconvenient alternatives, particularly the football players. The rugby players have access to appropriate change facilities in their club house located in the south eastern section of Harvey Fields.

Other features in this first launch also comprise of gender public amenities, universal access toilets, umpire rooms, first aid, and equipment storage and kitchen facilities. A canteen will also be considered as part of the concept.

Whilst either refurbishing the current building or constructing an extension may be possible, such approaches may not deliver value for money when the remaining life of the existing Anderson Pavilion and cost of these extension works are taken into consideration.

The demolition of the existing building and constructing the proposed first stage with the intention to add on other features in the future as funds become available may result in a better investment outcome. This preferred approach would also afford Council the opportunity to determine how it wishes to proceed with the Seaview Golf Club lease when it ends in 2026 that could affect the further expansion of the new shared facility.

It would also be prudent for Council to note that whilst possible but not recommended, deferring the application to seek more funds to combine with the current one million dollars in order to optimise the CSRFF contribution could result in the following risk:

- Further delay to meeting the requirements of clubs particularly with the lack of female changing facilities;
- No guarantee that the current CSRFF State Government contribution scheme and the magnitude of the grant will continue; and
- Other construction industry related stimulus grants could increase the cost of building.

However, should Council wish to defer, the worst case scenario would be then be the attached concept will then be built in an increase number of stages, particularly if the CSRFF either fails to exist or reduced in subsequent years.

Council is asked to note that the design principles suggested provides for like for like replacement to what is currently available at the existing facility. Funding contributions from any extension beyond the proposed first phase of works would need to be from all three clubs. To attempt seeking such a contribution to optimise the grant at this time could work against the application and create reputational damage, particularly if the CSRFF Grant is approved and there is a shortfall of matching funds for the Council to accept the agreement.

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER RECOMMENDATION**

THAT Council:

1. RANKS the Anderson Pavilion, being the only Community Sporting and Recreational Facilities Fund grant received by the Town of Cottesloe, as the highest priority for funding;
2. ACCEPTS that the multi-purpose facility concept will be as follows:
  - a. 2 new change rooms
  - b. Storage facility
  - c. Public toilets including a Universal Access Toilet
  - d. Kitchen/Canteen
  - e. Umpire change room
3. NOTES that the concept in point two will need to be accepted by Council in order for a Community Sporting and Recreational Facilities Fund application to be submitted to the Department of Local Government, Sport and Cultural Industries.

### **COUNCILLOR MOTION**

**Moved Cr Young**

**Seconded Cr Masarei**

THAT Council:

1. RANKS the Anderson Pavilion project as the highest priority for funding under the Community Sporting and Recreational Facilities Fund grant to be applied for by the Town;

2. ACCEPTS that the first stage of the multipurpose facility concept will be as follows:
  - a) 2 new change rooms
  - b) Storage facility
  - c) Public toilets including a universal access toilet
  - d) Kitchen/Canteen
  - e) Umpire change room;
3. NOTES that the concept in point two will need to be accepted by Council in order for a Community Sporting and Facilities Fund application to be submitted to the Department of Local Government, Sport and Cultural Industries (DLGSCI).

Cr Tucak proposed an additional point 4 as follows:

4. CONFIRMS that concept drawings prepared will be submitted to the Design Advisory Panel at the earliest opportunity (but without delaying the Application) for design review and input.

Crs Young and Masarei agreed to incorporate point 4 into the substantive motion.

Cr Sader proposed an additional point 5 as follows:

5. REQUESTS the administration to include in the design brief:
  - a) Universal access principles for the building in its entirety
  - b) Water wise, solar passive design and energy efficiency

Crs Young and Masarei agreed to incorporate point 5 into the substantive motion with the addition of the words 'that consideration be given to' at the end of the first sentence.

#### **COUNCILLOR AMENDMENT**

**Moved Cr Sadler**

**No Seconder, Lapsed**

Add a point 6 as follows:

6. REQUESTS the administration to first work with the clubs to secure co-funding, together with other grant funding prior to applying for the grant funding from the DLGSCI in 2021.

#### **SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

**THAT Council:**

1. **RANKS the Anderson Pavilion project as the highest priority for funding under the Community Sporting and Recreational Facilities Fund grant to be applied for by the Town;**
2. **ACCEPTS that the first stage of the multipurpose facility concept will be as follows:**
  - a) **2 new change rooms**
  - b) **Storage facility**

- c) **Public toilets including a universal access toilet**
- d) **Kitchen/Canteen**
- e) **Umpire change room;**
- 3. **NOTES that the concept in point two will need to be accepted by Council in order for a Community Sporting and Facilities Fund application to be submitted to the Department of Local Government, Sport and Cultural Industries (DLGSCI).**
- 4. **CONFIRMS that concept drawings prepared will be submitted to the Design Advisory Panel at the earliest opportunity (but without delaying the Application) for design review and input.**
- 5. **REQUESTS the administration to include in the design brief that consideration be given to:**
  - a) **Universal access principles for the building in its entirety.**
  - b) **Water wise, solar passive design and energy efficiency.**

**Carried 8/1**

**COUNCILLOR RATIONALE:**

- 1. The changes to paragraph one are to tighten the wording to clarify the intent.
- 2. The changes to paragraph two are to clarify that this is a multi-stage project and that the items listed at a) to e) are the elements of the first stage. This point will be helpful to members of the community reading the resolution.
- 3. Otherwise, the rationale for the motion is as set out in the Officer's Report.
- 4. Good design should be encouraged throughout Cottesloe, including the Town's facilities.
- 5. Early engagement with design review is more likely to lead to best case design outcomes.
- 6. Universal access, solar passive design and energy and water efficiency will ensure that the building is of value to the widest possible range of users in the community and is efficient to run for the community groups. It will also strengthen the grant application.

**10.1.8 PETITION - HAMERSLEY STREET TREE PETITION**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Matthew Scott, Chief Executive Officer  
**Author:** Shaun Kan, Executive Manager Engineering Services  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

At the 28 July 2020 Ordinary Council Meeting, Council received the Hamersley Street petition requesting for the approved verge tree species to be changed to a Peppermint Tree species and resolved as follows:

1. *RECEIVES the petition opposing the choice of verge tree – Coastal Sheoak (Casuarina equisetifolia) as per the Town of Cottesloe Street Tree Masterplan; and*
2. *REQUESTS that the CEO arranges for a report to be presented to the August 2020 Ordinary Council Meeting.*

**BACKGROUND**

The approved verge tree species for Hamersley Street within the Council endorsed Street Tree Masterplan is the Coastal Sheoak. At the 28 July 2020 Ordinary Council Meeting, a notice of motion to defer the tree planting along this street was accepted by Council.

The resolution only allowed the planting to recommence after the development of a Green Infrastructure Management Plan and following a briefing by the Masterplan arborist author. The attached petition was submitted at the same Council Meeting.

**STRATEGIC IMPLICATIONS**

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

Priority Area 1: Protecting and enhancing the wellbeing of residents and visitors

Major Strategy 1.4: Continue to improve community engagement.

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 1: Protect and enhance the wellbeing of residents and visitors.

Major Strategy 1.6: Implement policies that protect existing trees and that actively seek to increase the tree canopy in Cottesloe.

**POLICY IMPLICATIONS**

Council approval will be required to vary the approved species within the Street Tree Masterplan.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

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**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

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

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Hamersley Street Residents

Elected Members

**OFFICER COMMENT**

An arborist was engaged to develop the Street Tree Masterplan. Many factors including site locality were taken into consideration to determine a preferred species for each street. It is very likely that the Coastal Sheek was selected due to the close proximity of the planting location to the ocean and such species are very suitable to such climates.

The street tree policy does not support variations to the Street Tree Masterplan particularly when it is associated with perceptions towards a particular tree species. Council can however override such provisions within the Street Tree Policy after considering advice provided during the arborist presentation. Should the decision at the time be to vary the approved street tree species, the ordered stock will either be exchanged for other trees (the preferred option) or used to infill other streets that have the Coastal Sheek as the approved species.

It would be important for Council to note that there have been unauthorised Peppermint trees planted since the July meeting. The Administration will allow for these to remain until elected members decide on the requested species variation. A letter will be sent to all Hamersley Street residents notifying them of our position on this matter.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Mayor Angers

Seconded Cr Young

**THAT Council REQUESTS that all planting on Hamersley Street will be placed on hold until the arborist provides a briefing to Council and a Green Infrastructure Management Plan is developed.**

**Carried by En Bloc Resolution 9/0**



**FINANCE****10.1.9 FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2020 TO 30 JULY 2020**

**File Ref:** SUB/2798  
**Attachments:** 10.1.9(a) Monthly Financial Report for the Period 1 July 2020 to 31 July 2020 [under separate cover]  
**Responsible Officer:** Matthew Scott, Chief Executive Officer  
**Author:** Wayne Richards, Finance Manager  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

It is a requirement of the *Local Government Act 1995* that monthly and quarterly financial statements are presented to Council, in order to allow for proper control of the Town's finances and ensure that income and expenditure are compared to budget forecasts.

The attached financial statements and supporting information are presented for the consideration of Elected Members. Council staff welcomes enquiries in regard to the information contained within these reports.

**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.
- Allocations of costs from administration, public works overheads and plant operations.
- Reconciliation of loans and investments.

**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.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

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*Local Government (Financial Management) Regulations 1996*

**FINANCIAL IMPLICATIONS**

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

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Senior staff

**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 31 July 2020 was \$11,870,269 as compared to \$11,688,408 this time last year.
- Rates receivables at 31 July 2020 stood at \$10,784,489 as shown on page 25 of the attached Financial Statements.
- Operating revenue is less than year to date budget by \$54,615 with a more detailed explanation of material variances provided on page 21 of the attached Financial Statements. Operating expenditure is \$287,275 less than revised year to date budget with a more detailed analysis of material variances provided on page 21.
- The Capital Works Program is shown in detail on pages 33 to 36.
- The balance of cash backed reserves was \$9,093,139 as at 31 July 2020 as shown in note 7 on page 27 of the monthly financial statements.

**List of Accounts for July 2020**

The List of Accounts paid during July 2020 is shown on pages 38 to 45 of the attached Financial Statements. The following significant payments are brought to Council's attention:

- \$89,207.06 to Solo Resource Recovery for waste collection and disposal services.
- \$24,369.52 & \$25,565.42 to Superchoice Services Pty Ltd for superannuation contributions.
- \$127,875.00 to SARB Management Group Pty Ltd being a stage payment towards the new parking system.
- \$47,812.60 to Solutions 4 Building Pty Ltd for construction works at ROW 32B.
- \$45,229.98 to West Tip Waste Control Pty Ltd for a bulk waste collection.
- \$82,500.00 to Eco Shark Barrier Pty Ltd to remove and maintain the shark barrier.

- \$141,801.28 top Menchetti Consolidated Pty Ltd for foreshore development works.
- \$139,942.18 to Local Government Insurance services and the Town's insurance premiums.
- \$44,849.75 to Shine Community Services being the Town's bi-annual contribution towards the service.
- \$172,226.94 to Western Metropolitan Regional Council for waste disposal services.

**Investments and Loans**

Cash and investments are shown in note 4 on page 23 of the attached Financial Statements. The Town has approximately 36% of funds invested with National Australia Bank, 32% with Commonwealth Bank of Australia and 32% with Westpac Banking Corporation. A balance of \$9,087,003 was held in reserve funds as at 31 July 2020.

Information on borrowings is shown in note 10 on page 30 of the attached Financial Statements and shows Council had total principal outstanding of \$3,451,436 as at 31 July 2020.

**Rates, Sundry Debtors and Other Receivables**

Rates revenue information is shown in note 9 on page 29 of the attached Financial Statements. Rates outstanding are shown on note 6 on page 25 and show a balance of \$10,784,489 as compared to \$9,281,164 this time last year.

Sundry debtors are shown on note 6, page 25 of the attached Financial Statements. The sundry debtors show that 27% or \$33,619 is older than 90 days. Infringement debtors are shown on note 6 page 26 and stood at \$404,353 as at 31 July 2020.

**Budget Amendments**

There have not been any budget amendments as at 31 July 2020.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Mayor Angers

Seconded Cr Young

**THAT Council RECEIVES the Financial Statements for the period 1 July 2019 to 31 July 2020 as submitted to the 25 August 2020 meeting of Council.**

**Carried by En Bloc Resolution 9/0**

### 10.2.1 RECEIPT OF COMMITTEE MINUTES

**Moved Mayor Angers**                      **Seconded Cr Young**

- **North Cottesloe Primary School Traffic Safety Committee – 10 August 2020.**

**Carried by En Bloc Resolution 9/0**

**10.3 REPORTS OF COMMITTEES****NORTH COTTESLOE PRIMARY SCHOOL TRAFFIC SAFETY ADVISORY COMMITTEE - 10 AUGUST 2020****10.3.1 NORTH COTTESLOE PRIMARY SCHOOL - DETAILED DESIGN**

<b>File Ref:</b>	<b>SUB/2630</b>
<b>Attachments:</b>	<b>10.3.1(a) North Cottesloe Primary School Kiss and Drop - Concept Design - Road Safety Audit Officer Comments [under separate cover]</b>
	<b>10.3.1(b) North Cottesloe Primary School Kiss and Drop - Detailed Design [under separate cover]</b>
	<b>10.3.1(c) North Cottesloe Primary School Kiss and Drop - Lighting Design [under separate cover]</b>
	<b>10.3.1(d) OCM 25 February 2020 - Report/Resolution - Item 10.3.1 [under separate cover]</b>
	<b>10.3.1(e) Correspondence - Cottesloe Residents and Ratepayers Association [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Shaun Kan, Executive Manager Engineering Services</b>
<b>Author:</b>	<b>David Lappan, Engineering Technical Officer</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.3.1 by virtue "I still have a child attending the school."

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**SUMMARY**

At the April 2020 Ordinary Meeting, Council resolved as follows:

*THAT Council:*

1. *THANKS the Department of Education and Main Roads Western Australia for their contributions;*
2. *APPROVES the use of the attached concept for the purpose of a detail design development in conjunction with a road safety audit that (that is consistent with the 25 February 2020 Ordinary Council Meeting item 10.3.1 – Kiss and Drop Community Engagement Committee Recommendation and Council Resolution Point (2( (b) (i))), is carried out by Main Road's suggested safety auditor and re-engagement with the State Government to discuss opportunities for construction funding opportunities;*
3. *APPROVES the engineering consultant who undertakes the detailed design to develop the design and a cost estimate together with traffic analysis for further discussions with the State Government to explore construction funding opportunities;*
4. *NOTES that subject to point two:*
  - a. *The Administration will work closely with the Department of Education and Main Roads Western Australia to progress the design of the attached concept;*

- b. The final design will be subject to a second road safety audit covering the safety of the design for all users including pedestrians and cyclists accessing the school site; and*
  - c. Following the completion of the second road safety audit, the detailed design plans and the road safety audit report will be brought to an Ordinary Council Meeting to ensure the concerns raised by the community have been adequately addressed before formally submitting to the State Government for consideration to provide construction funding for the project.*
5. *That in addition to the minutes being on the Town of Cottesloe website under the 'Committees and Working Groups' page, the committee minutes for the North Cottesloe Primary School Traffic Safety Committee be also included under the heading 10.3.2 of the Council Agenda page.*

*Carried (7/2)*

A road safety audit has been carried out by a Main Roads Western Australia accredited consultant for the Council approved concept. The recommended corrective actions from this investigation have been implemented within the 85 percent design. Both documents have been attached.

The North Cottesloe Primary School Traffic Safety Committee is asked to provide comments and consider making a recommendation to Council to accept the 85 percent completed detail design. This would then allow for any design changes to be considered before the traffic analysis is done and a cost estimate prepared. The final design will then be tabled at a later committee meeting for consideration to make an appropriate recommendation to Council.

## **BACKGROUND**

At the July 2017 Ordinary Council Meeting, Council rejected the initial design that involved the removal of several trees including a number of Norfolk Island Pines. A revised concept has since been developed.

At the June 2018 Ordinary Council Meeting, Council accepted and resolved to advertise the amended concept design for broad public consultation before the detail design is developed.

In September 2019, the concept was approved by Council for public consultation in October 2019. A total of 286 responses were received of which 52% were against and 48% in support of the project.

Council then noted the survey results at the February 2020 meeting and asked the Administration to liaise with the State Government to:

- Determine the timing of the Eric Street upgrade design; and
- Obtain written confirmation that the approved kiss and drop concept will improve safety for all road users.

In April 2020, following Administration meetings with the State Government, the Department of Education and Main Roads Western Australia provided a contribution for the detail design development and two road safety audits. Council then approved the concept for the purpose of detail design development and required for the final drawings to be

brought back to a council meeting for endorsement before submitting to the State Government for construction funding consideration.

In line with the April 2020 Ordinary Council Meeting resolution, the Administration has:

- Completed the road safety audit for the approved concept using a Main Roads Western Australia accredited consultant; and
- Completed 85 percent of the detail design.

Both documents have been attached.

### **STRATEGIC IMPLICATIONS**

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

Priority Area 2: Achieving connectivity between east and west Cottesloe

Major Strategy 2.4: Proactively pursue solutions for improved access to North Cottesloe Primary School, with a view to reducing congestion on Eric Street.

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 5: Providing sustainable infrastructure and community amenities.

In the 2017-2018 Corporate Business Plan, 4 actions were contained to the strategy, being:

- a. Develop a costed project that relocates the school's parking and drop off point from Eric Street to Railway Street;
- b. Develop a costed solution for the intersection of Railway Street and Eric Street;
- c. Lobby the State Government to make an appropriate allocation for the parking relocation; and
- d. Lobby to the State Government to upgrade the Eric Street rail bridge and the intersection of Curtin Avenue and Railway Street.

Actions a. and b. were allocated to the 2017/2018 year in the Corporate Business Plan, with actions c. and d. to commence in the 2018/2019 financial year.

### **POLICY IMPLICATIONS**

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

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

### **FINANCIAL IMPLICATIONS**

The Department of Education has contributed \$60,000 to develop the detail design. Main Roads Western Australia has provided \$8000 for the Administration to appoint their accredited Road Safety Auditor to carry out the safety analysis for the approved concept and final detail design.

The final financial implications will only be known once a cost estimate is completed for the detail design. State Government will then be approached again to discuss opportunities for construction funding contributions.

Depending on the outcome of subsequent negotiations with the State Government, Council will need to determine how (or if) any shortfall is funded.

### **STAFFING IMPLICATIONS**

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

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There will be a number of small trees that would need to be removed or relocated.

### **CONSULTATION**

The consultation period ran from 21 October 2019 to 12 November 2019.

A Concept Design, Arborist Report and a list of Frequently Asked Questions were presented with a survey to the community for comment.

Two Information Sessions with site walkthroughs were conducted at the school on 21 October with a total of 30 people attending.

The survey was available from 22 October 2019.

48 percent were supportive and 52 percent were against the proposed project.

Ongoing consultation with MRWA and Education Department .

Fire and Emergency Services (Congdon Street Fire Station) were consulted to ensure that sufficient emergency access has been considered as part of the detail design development.

### **OFFICER COMMENT**

Council at the February 2020 Ordinary Council Meeting has asked for the Administration to request Main Roads Western Australia to undertake an analysis of the approved concept and provide written confirmation that the proposed design will improve the safety for all road users around the school.

Funding has been provided by Main Roads for the Town to engage their accredited road safety auditor to provide such an opinion. The attached report has identified safety issues associated with the proposed concept and have recommended solutions towards mitigating these issues. The Administration's comments on the road safety auditor's recommendations have been annotated in red within the document and changes have been made to the detail design accordingly.

Both the Committee and Council are asked to note that recommendation one within item six of the road safety audit report where the road safety auditor in his comments have indicated in principle support for the relocation of the kiss and drop facility to Railway Street. This is on the basis that Railway Street carries significantly less through traffic in comparison to Eric Street.



Committee and elected members are asked to provide feedback on the attached documents and endorse the attached design for the drawings to be finalised. The traffic engineering analysis and cost estimation can then be undertaken once any further required changes have been incorporated.

**VOTING REQUIREMENT**

Simple Majority

**PROCEDURAL MOTION, COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Mayor Angers                      Seconded Cr Young**

**DEFERS consideration of this item for two weeks to allow the committee further deliberation of the attached plans.**

**Carried by En Bloc Resolution 9/0**

**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**

Moved Mayor Angers                      Seconded Cr Young

That, in accordance with Standing Orders 15.10, Council discuss the confidential reports behind closed doors.

**Carried 9/0**

*The public and members of the media were requested to leave the meeting at 6:49pm.*

Cr Sadler left the meeting at 6:49pm and did not return.

**13.1.1 SUBLEASE - INDIANA TEA HOUSE KIOSK**

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

**File Ref:** SUB/2792

**Attachments:** Nil

**Responsible Officer:** Matthew Scott, Chief Executive Officer

**Author:** Shane Collie, Executive Manager Corporate Services and Governance

**Author Disclosure of Interest:** Nil

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Young                      Seconded Cr Masarei

**1. THAT Council AUTHORISES the Chief Executive Officer to grant consent (and execute any required documents to provide that consent) for a sub-lease of the kiosk area at the Indiana Tea House, subject to:**

- a. The sublease terms being (broadly);**
  - i. The area being the kiosk area on the middle level (Indi Fish);**
  - ii. The only permitted use being that of a kiosk;**

- iii. The term being a maximum of 6 months, commencing on or around 1 October 2020;
2. Council NOTES the intent of Perth Venues Pty Ltd to forward the rent received under the sub-lease to a local community group;
3. Council DELEGATES authority to the Chief Executive Officer, by ABSOLUTE MAJORITY, to allow further short term sub-leases of this site on the condition the area and the purpose of the sub-lease are reasonably aligned to the above approval.

Carried 8/0

#### 13.1.2 BEACH ACCESS PATH S4 S15 N4 - 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.

**File Ref:** SUB/2792

**Attachments:** 13.1.2(a) Beach Access Path Tender Assessment Summary [CONFIDENTIAL] [UNDER SEPARATE COVER]

**Responsible Officer:** Matthew Scott, Chief Executive Officer

**Author:** Shaun Kan, Executive Manager Engineering Services

**Author Disclosure of Interest:** Nil

#### OFFICER RECOMMENDATION

Moved Cr Harkins

Seconded Cr Barrett

THAT Council:

1. REJECTS all tenders submitted given the major changes to scope in the preferred revised concept;
2. APPROVES the revised S15 concept, shown in the background section of the report, with the exception of section one shown on the diagram (Node) that would be built to the original design presented to Council at the June 2020 Ordinary Meeting;
3. REQUESTS the Administration to undertake the rationalisation of all the beach access paths along the Cottesloe Foreshore and for an item to be brought to an Ordinary Council Meeting recommending the future beach access arrangements; and
4. NOTES that the remaining sections two to five in the concept referred to in Point Two will not be in accordance with the Beach Access Style Guide.

#### COUNCILLOR AMENDMENT

Moved Cr Tucak

No Seconder, Lapsed

Add the following point 5:

5. Request that the Administration undertake further consultation and seek further input from user groups as part of the detail design referred to in point two.

**COUNCILLOR AMENDMENT****Moved Cr Tucak****Seconded Cr Barrett**

Add the following as point 5:

5. Request that the Administration programs the works to occur over summer and concluded before winter.

Following discussion the Mover and Seconder agreed to include the amendment into the substantive motion.

**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION****THAT Council:**

1. **REJECTS** all tenders submitted given the major changes to scope in the preferred revised concept;
2. **APPROVES** the revised S15 concept, shown in the background section of the report, with the exception of section one shown on the diagram (Node) that would be built to the original design presented to Council at the June 2020 Ordinary Meeting;
3. **REQUESTS** the Administration to undertake the rationalisation of all the beach access paths along the Cottesloe Foreshore and for an item to be brought to an Ordinary Council Meeting recommending the future beach access arrangements; and
4. **NOTES** that the remaining sections two to five in the concept referred to in Point Two will not be in accordance with the Beach Access Style Guide.
5. Request that the Administration programs the works to occur over summer and concluded before winter.

**Carried 8/0**

**MOTION FOR RETURN FROM BEHIND CLOSED DOORS****Moved Cr Young****Seconded Cr Harkins**

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**

*The meeting was re-opened to the public at 7:06pm, however no members of the public or media were in attendance.*

**13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC****13.1.1 SUBLEASE - INDIANA TEA HOUSE KIOSK**

As no members of the public returned to the meeting the resolution for item 13.1.1 was not read out.

**13.1.2 BEACH ACCESS PATH S4 S15 N4 - TENDER RECOMMENDATION**

As no members of the public returned to the meeting the resolution for item 13.1.2 was not read out.

**14 MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 7:06pm.