

TOWN OF COTTESLOE



ANNUAL GENERAL MEETING OF ELECTORS

MINUTES

LESSER HALL, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
6.00 PM, THURSDAY 28 FEBRUARY 2019

MAT HUMFREY
Chief Executive Officer

19 March 2019

ANNUAL GENERAL MEETING OF ELECTORS

1. DECLARATION OF MEETING OPEN

Due to the large number of people in attendance, the Mayor offered to adjourn the meeting for half an hour and move to the War Memorial Hall but the electors were against that.

In response to an elector's query about the safety and health issues, the CEO advised that he didn't believe there was as the doors were open, the maximum number of people sitting were sitting and the people standing at the back of the room can exit the room quickly.

The Mayor declared the meeting open at 6.06pm and welcomed everyone to the meeting.

The Mayor referred to the forms on seats and advised if anyone would like questions answered but didn't wish to speak tonight, to fill in the form and hand it to us and a response would be provided later.

The Mayor requested everyone to turn their phones off, asked all participants to speak in a civil and respectful manner, not interrupt other speakers and don't enter into debate.

The Mayor advised anyone wishing to ask a question or make a statement to raise their hand, wait until attention has been given to them – they would then be asked to state their name and address and they will have three minutes to speak from that point.

2. ATTENDANCE

Elected Member Present

Mayor Philip Angers
Cr Mark Rodda
Cr Michael Tucak
Cr Helen Sadler
Cr Lorraine Young
Cr Rob Thomas
Cr Sally Pyvis
Cr Melissa Harkins

Officers Present

Mat Humfrey	Chief Executive Officer
Garry Bird	Deputy Chief Executive Officer
Freya Ayliffe	Manager of Compliance and Regulatory Services
Shaun Kan	Manager Engineering Services
Mary-Ann Winnett	Governance Coordinator
Ann-Marie Donkin	Governance Officer

Electors

Peter Harms	Jane King	Robyn Clarke	David Clarke
Kevin Bond	John Spoor	Elizabeth Spoor	Robert Firth
Rod Orb	Yvette Ridderhat	Tim Evans	Bruce Robinson
Jo Keaney	Greg Boland	Norah Murphy	Rosie Walsh
Jack Walsh	Simon Rodrigues	Keith Campbell	Janice Rooney
David Barnett	Rob Rowell	Jenny Ford	Kirsty Barrett
Kate Moore	Adrian Moore	Jane Bahen	Colin Svanberg
Trevor Saleeba	Margaret Shint	James Pearson	Annie Horn
John Highet	Asa Waller	Emma Eggleston	Russell Hall
Manus O'Leary	R. Weston	Cathy Campbell	Meaghan White
Fulvio Prainito	Lorraine Walter	Claire Orb	Jim Green
B. Brine	A. Fini	Gail Manton	Brad Jones
Malcolm Wyllie	Yvonne Hart	Luke Matthews	Greg Reudavey
Jan Reudavey	Chris Shellabear	Rick Brine	Jeffrey Irvine
Adrian Wilson	Margaret Murphy	Joseph Lenny	Meredith Elliott
Tom Alabakis	Mark Powell	Michael T Kitchin	Jon Bahen
Carmel James	Pam Rattigan	Peter Rattigan	Deirdre Tierney
Mary Nolan	Chris Myers	Deon White	Joe Spagnolo
Donna Pearson	Chris Walter	Phil Paterson	Adrian Ridderhof
Sally Luttrell	Michael O'Connor	Cliff Ford	Tim Malloch
Jonathan Downes	Gabor Bedo	Rowan Clarke	Ellen Zink
Raine Noah	Ruth Greble	Mandy Pyvis	Kate Jones
Rene Highet	Jim Tunmore	Paul MacFarlane	Louise MacFarlane
Paul Underwood	Anne Annear	Lewis Considine	Jennifer Yates
David Yates	Jenny Mengler	Carol Angers	Chris Spave
Di West	Sally Seward	Jim Wieland	Margaret Kent
Lachlan Bisset	Ian Kerr	Rikke McGlew	David Garnett
Gray Porter	Gabrielle Gill	Katina Downes	Fiona Jordan
Sue Monger	O. L. Westerlund	James Turnbull	Jane Marwick
Ian Hanger	Patricia Carmichael	Rhonda Parker	Tony King
Nick Melidonis	Neil Young	Sue A'Court	Yolanda Brent-White
Tania Waters	Jamie Atkinson	Allison Manners	Scot Magee
David Griffiths	Karen Griffiths	Ellen-Rose Lenny	Andrew Dimsey
Finola Evers	Anthony Evers	John Salmon	Jan Boening
Rolf Boening	Elle Brooksby	Ed Van Beem	Peter Tim Frieiman
Ken Macintyre	Barb Dobson	Julia Hayes	Sue-Ellen Smith
Michael Simkovic	Graham Day	Rowan Lee	Ann Kay
Peter Goff	Teresa Ellis	Jean Perkins	Sandy Boulter
Ron Bartholomaeus	Lee Jackson	John Travers	Jane Travers
E. Sprivulis	Fiona Jackson	John Mengler	Garry Baverstock
Mark Smith	Philippa Garland	John Garland	Cathy Feely
Peter Feely	Dick Donaldson	Mark Westlake	Iris Barten
David Sharp	Natalie Kendal	Jane Vince-Jones	John Brooksby
Camilla Rea	Gill Vivian	Warren Hart	Jan Walker
Wayne Vinton	Diana Lapsley	Pamela Goff	Lea Price
Helen Franks	Marion Rondoni	Andrew Morgan	Roger A'Court
Mary Kendal	S. Dobson	Anna Murphy	Teresa Ellis

Media

David Cohen
Jon Bassett

POST Newspapers
Western Suburbs Weekly

Apologies

3. APOLOGIES

Elected Members

Nil

Electors

Barbara Wilcox

Officers

Nil

4. THE MAYOR'S WELCOME

The Mayor summarised a few items undertaken at Council this year, which are in the annual report as follows:

-) Indiana Toilets:
 - Council now responsible for the toilets, it's costing approximately \$120,000 per year but Indiana's rent has been increased.
 - The Town has undertaken very minor maintenance on the toilets to date and has plans to renovate the toilets once summer is over.
-) The Foreshore, Emerge Associates Plan:
 - Majority of works has been completed with the exception of some of the shady tree seating, down towards the footpaths, where the surf club is.
 - Footings are all in and have been covered as Sculpture by the Sea commences shortly – once that's over they'll recommence.
-) Harvey Field:
 - First round of public consultations with surrounding residents completed.
 - Results have been analysed - changes to the concept will be made, where appropriate and where necessary.
-) Beach Access Paths:
 - S10, S12 and N6 have been completed.
 - N6 - extra sand put over them so that the logs are underneath. That's the common way of doing it so that as people walk up and down the sand gets compacted and logs become stable.
 - For those of you who are wondering why the handrails are so low, they're not handrails, they're simply borders, as they were before.
 - N7 is in progress and is anticipated to be completed by mid-March of this year.

-) Proposed Open Public Space:
 - o Council has appointed consultants to review all open public spaces in Cottesloe.
 - o Prioritising the space, activating strategies that will upgrade to existing and new playgrounds, etc.
-) Station Street:
 - o Station Street pre-concept works will commence towards the end of this financial year.
-) Bike Path:
 - o First round of consultation with Cottesloe residents has been completed.
 - o 420 people sent in submissions – they’ve been analysed and provided to the DoT for consideration into making a bike plan statewide concept.
 - o The State in collaboration with the Town, will be engaging with the community to seek further feedback once the draft is out of concept – anticipated late 2019.
-) Principle Shared Path – being undertaken by Main Roads Western Australia:
 - o Anticipated to be completed by June 2019.
-) Landscape Working Group:
 - o Advertised for people to apply.
 - o We have \$120,000 to plant new trees – which is made up partly from Council and partly from Main Roads.
-) Shark Barrier:
 - o Expressions of Interest has closed, received a number of applications, the Town is currently reviewing them.
 - o Report will be submitted to Council in March 2019.
-) Cottesloe Pylon:
 - o Received much needed attention.
 - o Installed permanent ground anchors, which were very time consuming and expensive.
 - o Installed stainless steel formwork and re-enforced concrete.
 - o Lower section now complete.
 - o Now looking to raise funds through the National Trust - any donations from the public will become tax deductible and be matched by the Minderoo Group.
-) The Depot:
 - o Council has voted 6/3 to enter into an agreement with the Town of Mosman Park.
 - o Depot will not be shared - Town will be renting some land.

- Town will save nearly \$100,000 from what's currently being paid for our Stack Street Depot.
- No documents will be signed without all Elected Members seeing the lease first and a lawyer looking through it to ensure it fits the term of what the Town required.

) Communication:

- Town now has a brand new website.
- Council is concerned with more communication. It's something we can always do better but I am a firm believer in communication with our residents.
- Town now has emails going out to at least 900 people.
- Mayor advised anyone wishing to go on the email list, to fill out one of the forms tonight.
- Town also has a Facebook page.

5. 2017/18 ANNUAL REPORT

The Mayor explained that the meeting would now consider any questions on the Annual Report and General Business questions would follow that.

The Mayor opened up the floor to questions on the Annual Report.

There were no questions on the Annual Report.

The Mayor advised a motion would be required to accept the annual report.

Peter Goff - 116 Marine Parade, Cottesloe

Q1. In the CEO's Report, mention is made of the depot deal with Mosman Park. Referred to an article in the Post Newspaper that advised a Councillor believed having a depot on a recreation reserve is not permissible. Has Council had legal advice on exactly what matters could be contained in a depot on a recreation reserve versus what things cannot be?

A1. The CEO advised the advice we have is that a depot is considered a commercial use under the Town Planning Scheme and the Metropolitan Region Scheme and would require a change of use.

Q2. The question is have you had legal advice on it?

A2. The CEO advised we would not get legal advice on a planning issue, the advice we've had has come from planners.

Peter Rattigan - PO Box 6109, Swanbourne

Q1. At the meeting on 5 February 2019, the Mayor said there was legal advice to the effect that the depot at the Sea View Golf Club would require an Act of Parliament and that seemed to be the accepted view from other Councillors. If you accept that the decision by Council to vote to sign the documentation for the depot at Mosman Park was based upon false premise, that is, that it needed an Act of Parliament, would you also accept that Council should go back and revisit the issue of whether the depot is better suited at the golf club site somewhere and apply to the Minister to have that hectare excised or

continue acting on the false premise and go ahead with the depot at Mosman Park?

- A1.** The CEO responded that the advice that Council had consistently been provided with is that in order to change the use of an A Class Reserve, the Minister would need to agree to it and issue an order and that order would be subject to a motion passing both houses of parliament.
- Q2. What I'm talking about is section 42(3)(b) which is not changing use of the golf club, it's a specific section that allows the Minister to excise a section so you're answering a different question, not an answering the question I put.
- A2.** The CEO responded that it only applies to reserves that were created after 1998. Sea View Golf Club Reserve was created well before that time so the advice that we have consistently provided Council is correct.
- Q3. Are you aware that under Section 51, the Minister can change the use at the Sea View Golf Course in that section - are you aware of that?
- A3.** The CEO confirmed he was aware of that but the advice consistently provided and hasn't yet been refuted by anyone is that the Minister would first have to agree to issue the order, which is not clear that they would. Secondly, it would be open to review either by motion or by regulation to both houses of Parliament.

The Mayor advised that he had gone back over some records of previous Council meetings going back to 2012 when Mayor Morgan was with us. There were two items in August and October and it was brought up then the need to move or find a new depot. The reason given was we had a light industrial depot in the middle of an established residential area was not ideal. Also, it was put out that a lot of money would become available, which it has, which has been invested and kept for purposes – it was earmarked for use on the foreshore and other maintenance. What the Town is trying to do is not move a depot from one residential area into another one, especially not into a place where there's a children's kindergarten right next door.

The Mayor asked electors to go back to questions on the Annual Report as all the other questions would come under general business.

There were no questions.

ELECTOR MOTION

Moved Mr Rowell

Seconded Mr Shellabear

That the Meeting receive the 2017/18 Annual Report for the Town of Cottesloe.

Carried

6. GENERAL BUSINESS

Rosie Walsh – 35 Grant St, Cottesloe - Governance

-) Those who value the celebrated, natural ethos of Cottesloe will expect Council to protect it, however Cottesloe's unique beach front has been transformed into a fabricated concrete synthetic structure.

-) Local Government Rules of Conduct for Elected Members – they must behave with honesty, integrity, openness and accountability and base their decisions on factually correct information, treat others with respect and fairness, enhance discussion and exercise independent judgement.
-) The Presiding Member must be fair and reasonable, objective and impartial, provide a forum for exchange of views and encourage all Elected Members to contribute. Those meetings should be held as infrequently as possible.
-) The Council’s record in relation to the Local Government Regulations, Cottesloe’s Policies and the Town Planning Scheme follows:
 1. Recurring amendments to the TPS.
 2. Statements such as rules are just guidelines.
 3. Group voting and suppressed debate at meetings and lack of balance, background and history in agendas and minutes.
 4. Questionable declarations of impartiality.
 5. Matters discussed in secret that don’t comply with confidentiality criteria.
 6. Committees include unelected people not required to declare a vested interest who preside and vote on matters often kept confidential from the community, developers and friends figure prominently.
 7. Denials about discussions with those those eyeing A Class Reserves as a development opportunity.
 8. Condoning of the use of classified school and surf club databases to effect elections and consultation outcomes.
 9. Continuous consultants to support agendas.
 10. Meetings with “specific consultation sessions, experts, key participants and interest groups” described as community consultation.
 11. Another practice that is accepted is chain emails, including those from non-residents and others with indistinguishable names and addresses whilst rigorous Councils accept only submissions that require names, addresses and rationale.
 12. Leading questions in community surveys like ‘which of three options do you support for an ocean pool’ omitting the obvious ‘would you support an ocean pool?’
 13. 2018 saw Cottesloe approvals for non-conforming developments and the bulldozing of dozens of established trees. Council compass needs resetting.

Jack Walsh – 35 Grant St, Cottesloe

-) Why would anyone bother to address any of your committee meetings? I went to a Reserves, Parks and Gardens Committee meeting and made a statement of some minutes. When the minutes did come out, there was absolutely no mention of it in the minutes and those minutes are invariably passed without discussion through the Council. Why do we bother to state anything if most of the Councillors (i.e. those not on the RPPC) don’t ever get to hear or see what

those statements might be (i.e. the concerns of the residents about their parks and gardens).

-) The CEO may remember the two emails I sent him asking why they weren't recorded in those Committee minutes but I'm yet to hear from him.

The CEO advised that he would be asking the minute secretary to put a correction to the next committee meeting to include your statement so that it does go on public record.

Paul Underwood - – 11A Rosendo Street, Cottesloe

-) I have serious concerns about the transparency of this Council. I made a complaint in November 2017 and after 18 months of letters, emails Fol requests I find out that I'm the only resident in all of Cottesloe to make a complaint. Mr Humfrey wrote to me and said we don't register complaints, we like to deal with them personally and not in writing.
-) When I questioned why the statutory requirement to have a register of complaints is not there I was told that only applies if you go to the SAT with a complaint against an elected member and that is upheld.
-) What that means is that it is impossible to have your complaint registered in this Council, they don't do it because they don't want a record so my point is how can the Council possibly measure the performance of the Administration if there's no register of complaints, it's just ludicrous, preposterous and along this theme of secrecy and lack of transparency.
-) The plaque above Administration Reception and in the Annual Report - they brag about this transparency and accountability but you can't get a complaint registered, that is a very sad indictment and I found out there have been dozens and dozens of complaints, the same as mine.

The CEO responded as follows:

-) He clarified that what he had said was that Mr Underwood was the only person who made a complaint about the noise in that particular location.
-) The Town has received three complaints from Mr Underwood.
-) The CEO did send a written response to Mr Underwood, however the substance to your complaint wasn't found.
-) Contested Mr Underwood's statement that he had received no attention to his complaints at all. Rangers attended site on the day Mr Underwood made his complaint and informed him exactly the situation, that a building permit had been issued and construction work at that time was lawful.
-) Mr Underwood requested rangers to take a noise reading. Rangers informed Mr Underwood they could not do that.
-) Mr Underwood made a formal complaint on the Monday, and the Principal Environmental Health Officer contacted him that week and informed him they were putting in place a noise management plan for that site.
-) The service Mr Underwood received from the Town was beyond reproach, the Town did everything possible when he made the noise complaint -

officers attended on the day and the building was put under the control of a noise management plan.

-) The CEO accepted that Mr Underwood didn't think that level of service was enough and he corresponded with Mr Underwood personally for a couple of weeks trying to explain those situations to him.
-) The CEO stated that if Mr Underwood had made a similar complaint to another organisation it is highly unlikely that the Chief Executive Officer would take his complaints on board personally.
-) The CEO accepted that Mr Underwood wasn't satisfied with that outcome and unfortunately there was nothing further the Town could do.

ELECTOR MOTION

Moved David Yates Seconded Anne Kay

This meeting of electors has no confidence in the Town of Cottesloe or the Chief Executive Officer.

Rationale

Four areas of governance, local government, oversight of finances and the policy making:

-) Governance - adopting contracts, leases without being seen by Council – a breach of CEO functions under section 54(1)(b). Council's role under section 2.7 of the Act. Refusal of CEO to apply the law or in a timely manner when a Councillor requests documents under section 5.92, not complying with Council resolutions.
-) Local Government functions – not producing minutes that consistently comply with the regulatory framework– committee minutes being produced outside the five working day requirement and not including attachments in the agenda.
-) Oversight of Finances – rate rises in excess of the CPI each year with no cost application provided to ratepayers. Current rate of 1.8% for inflation yet we're paying 6.18% and that's been consistent. Needs to be some justification of that. Approving pay rises to Administration in excess of CPI and wages growth index. Poor management oversight. Unwise wasted expenditure leading to unnecessary rate rises such as the Cardno Foreshore Plan, bike plans prepared by consultants and rejected by Councillors, etc.
-) Policy making – no measurement of customer service, such as a complaints register being reported regularly in Council.
-) Absolute litany of things against the Town that shows you don't look after our interests, Town not interested, found that very damning.

Debate

Natalie Kendall – 19 Princes Street, Cottesloe

-) Personally thanked the Councillors and the Council Administration Staff for all time and effort over the last year.
-) Stated that what's going on in this meeting this evening is why as a Council and as an area that we live in that we can't move forward, we can't improve things.

So many of us want positive change and thank you Mayor Angers for outlining all the wonderful initiatives that Council has instigated.

-) Pointed out that she constantly sees at the meetings she attends and in minutes that there is ongoing legal questioning going on in minutiae of detail and that is totalling hamstringing Council from effectively operating.
-) Fully supported the Elected Members, the Mayor and the CEO and stated what she'd like to see as a ratepayer is that our money is spent on strategic initiatives that we can all enjoy, as can visitors.
-) Need to continue to give power and to actually reduce this negativity and focus on administration and let it use it because it's not helping any of us.

Adrian Wilson – 5 Stanhope Street, Cottesloe

-) Didn't understand what Ms Kendall was saying because every single vote at Council – Council votes on block 6/3, 6/2. Opposition voices have no voice on this Council, absolutely none. When Ms Kendall says we want to move forward, if at every single Council meeting, where the majority of the block of Councillors have voted, what actually do you want?
-) Asked if Ms Kendall wanted good governance, wasted money, good planning. Asked Ms Kendall to define what she's after, stated she'd had it and doesn't get it now with this block of Councillors that always vote the same, and will never get it.

Chris Shellabear - 575 Stirling Highway, Cottesloe

-) Referred to a matter he raised last year as it's still relevant to the discussion here - over a long period of time a lot of administrative matters have been going up through and being dealt with at Council.
-) Really important that those administrative matters be dealt with by the Administration itself.
-) Pointed out that Council meetings are going to one and two in the morning, so not a fun position to be a Councillor in Cottesloe at the moment.
-) There is a forum for Councillors to get a lot of information about the Administration. There are two meetings per month where Councillors are able to get all their administrative questions answered but what's happening is all those questions are going through to the Council.
-) The current upcoming meeting coming has somewhere close to 400 questions that have to be dealt with by the Administration and then the full Council meeting.
-) There's a log jam of questions that should have been answered and attended to by the Councillors attending these prior meetings.
-) Some of the Councillors responsible for the questions are not attending those meetings - so for good governance that is what they should be doing.
-) Today there was an article in the West Australian with David Templeman who is tasked with reviewing the Local Government Act. One of the last statements he made in the article was that the thing that he looked for is that a functioning Council is one that is making decisions.

-) What we've noticed over the last 18 months is that this Council is actually making decisions., not all of you agree with those decisions and you can express that in forums like this but the Council is starting to function.

ELECTOR MOTION

Moved David Yates Seconded Anne Kay

This meeting of electors has no confidence in the Town of Cottesloe or the Chief Executive Officer.

Lost

At 6:55pm, the Presiding Member adjourned the meeting for five minutes.

At 7:00pm, the Presiding Member resumed the meeting.

ELECTOR MOTION

Moved Peter Rattigan Seconded Inaudible

That the vote of the previous motion be disregarded.

Debate

Peter Rattigan

-) Not many Councils would hold a meeting in this little hall when there is a larger hall upstairs.
-) No PA system, no means of finding out whether people are residents or ratepayers.
-) Not having an accurate way of recording the vote, making sure that you're actually getting everyone who voted.
-) Doesn't matter if you like or dislike the Mayor, it's a shemozzle, you wouldn't run a business like this.
-) You don't know that I'm a resident or ratepayer, there's no record of the people here so anyone could be here.
-) This is not the proper way of running a democratic meeting where a proper record of votes can be taken. There's no record of whether people are eligible to vote.

Name not provided

Q1. Has there been any movement on the proposal to cul-de-sac the corner of Hammersley and Hawkstone to turn that area into a safe place for the children?

A1. The Mayor requested this be dealt with later.

Name not provided

Q1. What is the purpose of Residents and Ratepayers Meetings?

A2. The CEO advised that the Residents and Ratepayers Meeting provides a forum for residents and ratepayers to raise their concerns and to make their opinions known.

The resolutions of this meeting are not in any way binding on the Town of Cottesloe or Council.

All resolutions made tonight will be forwarded to the March Council meeting where the Council will decide what it wishes to do with those resolutions.

There's not really a requirement for the Town to ensure and do identity checks for every person who walks in or mark them off the roll, that's why we have never done it in the past and why we haven't done it tonight.

People are asked to sign in as they enter the building so we do know how many residents are in the building but previously it's never been an issue.

The votes are not binding on the Town, they're advisory only and that's why we don't have to check people's identification or that they are residents or ratepayers.

Debate

Chris Shellabear

) Already had a vote, vote was recorded and it was clear. We to move on.

Paul Underwood

) If you're a resident, when you sign in you get a voting slip.

) You haven't had the sense to do that, you've got a kangaroo Council meeting, you've created a mob mentality and the respect of the room has just disappeared.

) There's no stability and you don't know either way.

) Believer in democracy, whoever wins the vote, wins the vote.

) You guys are accountable for this mess.

The CEO provided an explanation as follows:

) We did actually ask for one vote to move to one side of the room and the other vote to move to the other side of the room and we counted.

) The point of contention is whether or not people are actually residents and ratepayers.

) Simply not living in the Town of Cottesloe doesn't mean that you're not necessarily a ratepayer.

) We don't have the residents and ratepayers' roll here as it's not a requirement for an electors' meeting and we did do a count.

) There were votes taken on one side and as soon as the votes were exceeded on the other side the motion was declared.

The CEO requested Mr Rattigan to restate his motion for clarity.

ELECTOR MOTION

Moved Peter Rattigan Seconded Inaudible

That the voting of the forgoing motion be disregarded.

Michael O'Connor – 46 Forrest Street, Cottesloe

-) On 20 October 2018 I was attacked and bitten by a vicious dog while it was on owner's lead.
-) As a result I received a Tetanus injection and subsequent treatments over six weeks.
-) I attended a Council meeting on 27 November 2019 and asked several questions on the prescribed form.
-) On 15 December I received an email from the CEO which provided only partial answers and at the end of the statement 'the Post article is not entirely correct'.
-) The CEO went on to say the dog had been declared a dangerous dog and would be required to wear a muzzle and be on a lead. Also on the 15 December an article in the Post newspaper stated that a Council spokesperson stated that at this stage the Town would not be proceeding with prosecution.
 - Q1. Why didn't Council didn't inform me, the victim, that the charges had been dropped as they did the Post?
 - Q2. What are infringements? Mr Bird sent an email on 20 December saying that Mr Dillon, the owner of the dog has received infringements for the attacks. The Town has elected not to initiate court processing preferring to issue infringements in lieu of. What are infringements?
 - Q3. Still unanswered - I was told that I would be contacted shortly to provide further details, after 71 days I'm still waiting.

ELECTOR MOTION

Moved Michael O'Connor

I move a motion of no confidence in Council and its officers for excessive delays in providing answers and/or action or nothing at all.

Michael O'Connor

-) Referred to the statement he made at the 27 November Council meeting and the commitment to customers notice which is displayed prominently on the wall of Cottesloe' Administration Offices which says in part 'we will provide prompt, courteous and effective service.
 -) As a resident of Cottesloe for over 51 years the commitment to service is an outrageous joke.
- A1. The CEO stated that his understanding was Mr Bird met with Mr O'Connor twice in the last two months.
- An infringement is a fine and they had been issued.
- The charges weren't dropped, the Town opted to issue a fine instead of going through a formal court prosecution process because we didn't believe we would be able to achieve a destruction order.

The CEO stated that he was happy to talk to Mr O'Connor after the meeting or send him an email.

Mr O'Connor stated that he had moved a motion and that it needs to be voted on.

The CEO provided the following advice:

-) That there had already been a motion of no confidence in the Council and CEO.
-) To repeat that same motion at the same meeting doesn't accord with either the Town's Standing Orders or standard meeting procedure.
-) Regardless of what the rationale for the motion is the motion is the same motion so it's not open for the meeting to have the had that motion and it's not open to the meeting to have the same motion repeated over and over.

ELECTOR MOTION

Moved Paul Underwood Seconded Peter Rattigan

In order to measure customer service the Town of Cottesloe establish and maintain a contemporaneous, categorised register of all complaints received from residents and/or ratepayers, either verbally at the office, by telephone, by letter or by email, regardless of whether or not it is labelled a complaint, and regardless of whether or not it's on a prescribed form, and that this register be available for inspection by ratepayers at any time and that it be reported on and tabled at least three times a year to the Council with a summary report published in the Annual Report.

Sally Larkins – 4 Torrens Court, Cottesloe

Made two observations as follows:

-) Tonight epitomises the problems in Cottesloe and why we don't have accord. People who don't get what they want and who don't accept the majority vote, simply refuse to accept a majority vote and then set about finding another way to get what they want.
-) Register of complaints – the concept of not having to put it in writing is completely unworkable. We would probably have to pay rates for another 10 Council officers to handle it. Excellent idea but would have to be in writing so that there was some semblance of order to the complaints.

James Turnbull - 119 Grant Street, Cottesloe

Q1. Is it a requirement of the Local Government Act that we maintain a register of complaints?

The CEO responded as follows:

-) Town is required to keep a register of complaints against Elected Members that have been substantiated.
-) Town does keep and report all complaints made against the Town or its officers in our record keeping system and can report on it as and when needed.

Paul Underwood - – 11A Rosendo Street, Cottesloe

Mr Underwood stated that the CEO had said the Town has a register and it's maintained but after 18 months of letters requesting that register it hasn't been provided and I'm the only person on it.

The CEO responded as follows:

-) Mr Underwood was not the only person who has made a complaint against the Town.
-) The CEO had given Mr Underwood a very specific answer - what he asked for was for a register of all complaints to be made available on the public website.
-) Town maintains a register in its records system, which meets the requirements of the Local Government Act.
-) Mr Underwood's motion would take the Town beyond the requirements of the Local Government Act but the Town does comply with the requirements of the Act.

Mr Underwood stated that the CEO's response was not true.

The CEO responded as follows:

-) The responses were completely true and he wouldn't accept statements that were false.
-) Repeating false statements doesn't make them correct.
-) What he told Mr Underwood at the Council meeting was that there were three complaints about that particular building site, all from one person.

Peter Rattigan - PO Box 6109, Swanbourne

-) Asked if the mover of the motion would amend his motion to remove the oral part from the motion and have the complaints made in writing.
-) It's in line with what the Council says it does - transparent and communicates.
-) Message that I'm hearing is that people want communication.
-) If someone's got a complaint put it on a complaint register so that it can be seen and see that it's been acted on.
-) Perception amongst some members of the community that this Council is not transparent.

The CEO asked Mr Underwood to repeat his motion.

ELECTOR MOTION

Moved Paul Underwood Seconded Peter Rattigan

In order to measure customer service the Town of Cottesloe establish and maintain a contemporaneous, categorised register of all complaints received from residents and/or ratepayers, by letter or by email, regardless of whether or not it is labelled a complaint, and regardless of whether or not it's on a prescribed form or not, and that this register be available for inspection by ratepayers at any time and that it be reported on and tabled at least three times a year to the Council with a summary report published in the Annual Report.

Robert Frith – 1 Lillian Street, Cottesloe

Spoke against the motion on the basis of privacy.

Could cause issues if someone made a complaint against a neighbour.

Chris Shellabear - 575 Stirling Highway, Cottesloe

-) Reiterated his previous point about micromanagement and the issues with taking up officers' time.
-) Town already has a register of key complaints which are kept private and people who need to see a complaint can find it.
-) Imposing on Council and Council officers with an unreasonable impost.

The Presiding Member put the motion to the vote.

Lost

Robert Frith – 1 Lillian Street, Cottesloe

-) Referred to Towns' mission statement on the website 'to preserve and improve Cottesloe's natural and built environment and beach lifestyle by using sustainable strategies in consultation with the community' – not clear whether that's financial sustainability or whether it's also environmental sustainability. Cottesloe has one of the lowest canopy covers in the established western suburbs, there's a lot we could do to improve that.

Q1. As far as he's aware the Town didn't have a sustainability officer, is that correct and do we have one now?

Q2. We don't have a tree or vegetation retention policy. Is Council developing one?

A1&2.

The CEO advised that the Town has an Environmental Projects Officer who handles all environmental projects that come up in the Town, including the strategic tree planting program that the Town has been undertaking for the past two years.

The Town is trying to improve canopy.

PSP - there's \$120,000 to plant additional trees along the length of the PSP and there's nearly \$100,000 allocated every year for planting additional trees, not replacement trees but new trees.

Sustainability is measured on all functions of sustainability but the Town is required to report on financial sustainability under the Local Government Act, that's why it's specifically in the Annual Report.

Town does have a street tree policy that governs how and when street trees are either removed or replaced. The street tree policy deals with street trees and now that that's been adopted the Environmental Projects Officer is drafting a greening infrastructure management plan which will cover all aspects of vegetation management on the land Council controls.

Q3. My understanding on speaking to a couple of Councillors at the time the PSP was approved was that the Environmental Projects Officer wasn't consulted in producing the staff recommendation for Councillors to approve that. Does that person actually have a role in looking at proposals that come before Council?

A3. The CEO advised that the Environmental Projects Officer does look at reports going to Council and provides comments where she thinks it's appropriate. It's

the same with all of our expert staff, they assess all reports going to Council and provide comments where they think it's appropriate.

Bruce Robinson - 2 Barsden Street, Cottesloe

-) Bike paths can be disrupted by tree routes.
-) Friend of mine fell off on a tree route in Kenwick and narrowly escaped getting seriously injured.
-) Because of the known risks of tree routes disrupting paths and endangering cyclists and children I'd like to request that the main roads tree allocation – (Main Roads say some trees have deep roots and don't disrupt and some have shallow roots. I understand that the Main Roads has a list of trees that can be planted near PSPs) so I'd like to suggest that Council ensure that they comply with that and no trees are planted closer than five metres or so from the path. There's a lot of railway land that you could plant the trees on, a lot of space.
-) Really good idea but please don't plant trees near the path, otherwise you will be injuring children.

Keith Campbell – 14 Forrest Street, Cottesloe

-) Referring to the 2016 Census, we have a population of 7,375 people with 3,519 dwellings - this equates for every million dollars spent by Council we pay \$284 each so residents would like to discuss projects and would like the Council management to talk to the users or visit places where these things are happening so that we then employ consultants to do what we think will progress that area.
-) Need a checklist, should have something that's ticked off. What have we looked at, how are we going to do this, is this going to improve the area, are there other areas nearby that need to be improved as we do these small sections.
-) Very confusing – we've got Emerge Associates of Subiaco will design the specifications, project management, contacted Minister, supplied a prototype shade structure and then they get Space Agency Architects of Fremantle, who sub-contract the design of six scaffolding poles with bamboo selected mats hanging off that scaffolding and that was at a design cost of \$7,000.
-) How could six scaffolding poles with bamboo mats cost \$7,000? We then have Phase 3 Landscape Construction of Perth, constructing that for \$18,000.
-) They couldn't do it so they got RMF Fabrication of Maddington to come and do it and it felt that it needed the poles painted to head height so they used a \$14 spray can, spraying at head height and they charged us \$500 variation on that contract. Ratepayers want the money spent wisely. Down at the beach we're doing all this foreshore renovation.
-) I have photos of sandy areas right next to this reservation and we go on the universal path, which is now a black path, poles falling over with sand everywhere.
-) Have another project of handicap access, hoping a person in the water will enter the water next to the groyne. We have a 30 degree incline and we might get the wheelchair down there but he may scratch his feet on the rocks so

need to have a discussion with Indiana we could store the wheelchairs undercover.

Stephen Dobson – 14 Hawkstone Street, Cottesloe

-) Cottesloe pier –proposal by architect Laurie Scanlan to build a restaurant, bigger than the Indiana Tea House, in the ocean off the end of the groyne. I'm a surfer, it would have destroyed the surf break.
-) Would like an update on where this is at.
-) Public meeting held in main hall. Understood developer would take submissions and these would be received by Council, would like a report on that.
-) Surfing pretty big deal in Cottesloe.
-) Annual report has a picture of surf break, people think it's important but these surf breaks are not listed or categorised, not protected.
-) Would like Council to list the surf breaks in Cottesloe, like them categorised and listed and steps taken to protect them.
-) Lot of money spent on bike paths, rugby and cricket grounds but not a lot on surfing.

The CEO responded as follows:

-) Mr Scanlan's company was running the consultation process.
-) They ran information session in the hall and were undertaking the survey.
-) The Town hasn't heard from Mr Scanlan.

Barb Dobson – 20 Florence Street, Cottesloe

Q1. Does Mr Scanlan intend to give you the result?

We were told at the last ratepayers' meeting the result would be taken seriously.

The CEO responded as follows:

-) The Town hasn't heard anything further from them, will write to them tomorrow and ask them for the results.
-) It may be that the project is not progressing.

Barb Dobson – 20 Florence Street, Cottesloe

-) Regarding updates – at November Council meeting, Council narrowly voted not to stop the pool south of the groyne, so pool going ahead.
-) Mayor used his casting vote.
-) Explain whether it's going ahead or not.
-) It's part of an aboriginal site.
-) Aboriginal spokespersons came to the meeting and said the platform on which the pool is intended to be constructed is part of their site and they were concerned.

The CEO responded as follows:

-) The vote in November wasn't to progress the project, it was simply not to stop the project so was very inconclusive.
-) Since that time the Town has put out requests for a proposal for a shark barrier.
-) At the March Council meeting a report will be provided for Council to consider the merits of either proceeding with the ocean pool or looking at other alternatives for protected swimming, such as barriers or other measures.

Gill Vivian – 115 Eric Street, Cottesloe

-) Lived in Cottesloe for 35 years.
-) Been promised new beaches, new developments – I've been waiting for over 30 years.
-) Walk the beach every morning.
-) The prototype shade structures – I'm not a tradesperson but you should be able to get a better shade structure than that.
-) Councillors - the development of the beach foreshore is too big for you.
-) There's people for it and people against it, not getting anywhere.
-) I've been waiting over 30 years to enjoy a beautiful beachfront.
-) Scarborough has a beautiful beachfront, we've got nothing.
-) \$25,000 for that prototype – absolutely floored that anyone would pay that much for it.
-) Wanted to know just how many complaints did the Council get about that?

The CEO responded as follows:

-) We received a number of complaints but not as high as people would think.
-) We have run a survey and the results of that survey will be presented to Council at the next meeting.
-) The survey was reasonably conclusive.

Yvonne Hart – Cottesloe Residents and Ratepayers Association

-) Appalled at what I'm experiencing tonight.
-) Councillors and CEO sitting in the dark.
-) Too many people in the room for discussion.
-) Lot of discussion is being missed.
-) Appalled that you would be so ill prepared for a meeting like this.
-) Clear from numerous articles in newspapers that people are not impressed with what's happened on the foreshore.
-) During January 2019 I completed a short survey of the residents. One of the questions was 'do you agree with the current foreshore development?' 75% said no.

-) Next question was 'do you agree with the prototype shade structure?' 86% said no.
-) One of the other questions was 'do you agree that the Foreshore Precinct Implementation Committee has done a good job?' 65% said no, 20% undecided, waiting for completion of the foreshore.
-) During 2018, in letters to the editor, Post newspaper published 48 letters regarding Cottesloe foreshore.
-) Of those 48 letters, 5 were supportive, remaining 43 spoke of unsafe steps, loss of car park, too many signs, inappropriate bollards, mismatched colours and the debacle of the sun shades.
-) These opinions not the result of round robin emails, sent by faceless people to skew a survey for their own agenda, but people who had genuine concerns with what is happening to our foreshore.
-) Aspect studios already been paid \$130,000 and in 2018 awarded a tender for the latest master plan known as the visual summary.
-) Ridiculous that in 2016 the Cardno report was proceeded to Council – a report was fully costed to around \$26million, rejected in favour of the CottPlus plan.

7. CLOSURE OF THE MEETING

The Mayor declared the meeting closed at 7.45pm.