



# Town of Cottesloe

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

**Tuesday, 28 September 2021**

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

Signed: *IBjedde*

Presiding Member

Date: *26/10/2021*

# TOWN OF COTTESLOE



## ORDINARY COUNCIL MEETING

# MINUTES

ORDINARY COUNCIL MEETING  
HELD IN THE  
Council Chambers, Cottesloe Civic Centre, 109 Broome Street, Cottesloe  
6:00pm Tuesday, 28 September 2021

**MATTHEW SCOTT**  
Chief Executive Officer

6 October 2021

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

The Presiding Member announced the meeting opened at 6:07pm.

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.

Presiding Member announced that this was the last scheduled Council Meeting before the upcoming elections and half of the Council is up for re-election and there will be at least one new Councillor due to the fact that Mayor Angers has retired.

The Presiding Member thanked all Councillors for the work that they do on behalf of the community and stated Councillors have managed to work as an independent group of individuals striving for the best interests of Cottesloe so warmly thanked Councillors for their efforts and their contributions.

The Presiding Member took the opportunity to correct some rumours circulating in the community about the Town's financial position as they effect the Town and Council's reputation and provided a summary of the following:

- operating surpluses of the audited financial statements since 2007;
- operating surplus from the unaudited financial statements for 2020/21;
- operating surplus for the budget going forward;
- amounts held in the Town's Reserve Funds every year since 2016;
- amounts held in the the Town's Current Cash Funds.

The Presiding Member assured residents and ratepayers that the Town has healthy levels of reserves and is not at risk of financial collapse.

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

David Prosser – 32 John Street, Cottesloe – Verge Work Permit

Q1. Is there a new developing culture within Council against males ... them against us mentality creating a hostile environment lacking common courtesy, a heart, soul, decency and plain common sense?

A1. No.

**Questions Taken on Notice at the Agenda Forum Meeting – 21 September 2021**

Kevin Morgan – 4/1 Pearse Street, Cottesloe – Items 13.1.2 and 13.1.3

**13.1.2 T02/2021 - Rotunda Reconstruction and Dune Stabilisation Project - Tender Recommendation**

Q2: After this Council spent millions on the Cottesloe Aquifer Re-charge Project, that I championed as former mayor to close 10 ocean outfall pipes and redirect runoff into the aquifer via pollutant traps and 400 soak-wells, am I correct in my understanding that \$750,000 is to now be spent constructing an ocean outfall pipe, with no gross pollutant trap, putting polluted water onto, of all places, Cottesloe main beach?

A2: There is no ocean pipe outfall and the runoff will merely overtop the footpath onto the scour protected dunes. Any pollutants from discharge will be filtered through the swale that will be planted within the lower dunes before the water reaches the ocean. It is important to note that this catchment never had any Gross Pollutant Traps installed prior to the wash out of the Rotunda.

**13.1.1 T01/2021 - Design and Construct Anderson Pavilion - Tender Recommendation**

Q3: Is it not against the law, if not against good governance, or against good policy such as the WALGA template policy for councils in caretaker mode before an election, let alone in the middle of an election as you now are, or at the very least against good conscience, for this Council, in the days just prior to the close of the count, to make this and the other decisions that are to be made behind closed doors, given they will:

1. spend nearly 20% of the Town's budget for the whole year;
2. be decisions you insist not only be behind closed doors but based on reports, every word of which you insist be kept confidential; and
3. spend over \$1 million to effectively gifting a new clubhouse to clubs who's support could be crucial to the re-election of two thirds of the councillors who will vote on this behind closed doors?

A3: There are no statutory caretaker provisions within the Local Government Act 1995, and/or associated Regulations. The Town of Cottesloe, like many other local governments, has not adopted a Caretaker Policy (WALGA Model), nor has there been any requests (either by Council or the Community) to consider one prior to the commencement of the election process.

John Brooksby – 1 Eileen Street, Cottesloe – Item 10.1.6

Q2. Does Council think that a response to the survey by between 1½% and 2% of Cottesloe residents who participated in the survey is sufficient for the Council to make an informed/fair decision on the location, which 98% of rate payers didn't vote for?

- A2. According to the survey, of the 962 participants, 340 participants identified themselves as living near one of the proposed locations, a further 501 participants identified themselves as Cottesloe residents (not living near either proposed location) or with interests in Cottesloe, totalling 841 (340+501) Cottesloe Residents. The 2016 ABS census data shows 7,375 individuals living in Cottesloe. Therefore, the sample size of the Cottesloe residents in the survey is 11.4% of the Cottesloe population, not 1-2% as suggested within the question. Statistically speaking, an 11.4% sample size is considered a reasonable sample size to determine the views of a population with a reasonable level of confidence (Confidence level 95%, Confidence Interval (margin of error) 3.2%).
- Q3. 121 people, 12½% of the respondents, do not live in Cottesloe. Why are they included in the calculated percentages, and had they been excluded how would that effect the result?
- A3. The below table shows the survey results excluding the 121 non Cottesloe residents (based on weighted averages).

Question	Cat 1	Cat 2	Combined
1	340	501	841
	40%	60%	100%
4	81%	79%	80%
	19%	21%	20%
5	35%	32%	33%
	39%	46%	43%
	27%	22%	24%
6	68%	75%	72%
	32%	25%	28%
7	57%	52%	54%
	43%	49%	46%

- Q4. The survey information was incomplete - it provided a diagrammatic representation on the scale of the site within the John Black Dune Park. The indicative plan prepared by Coast Care which likely represents the ultimate construction is completely different from the diagram upon which rate payers were invited to vote. I invite the Council to redraw the survey and resubmit on the basis of the representative diagram prepared by Coast Care and see what results they get – Is the Council prepared to do that?
- A4. Cottesloe CoastCare has not been engaged by the Town of Cottesloe with regard to any future design of John Black Dune Park, and the plan included in their submission was developed on their own

initiative. Given that the Town has yet to commence any concept design, any suggestion that Cottesloe CoastCare design represents what ultimately will be constructed is extremely speculative and misleading.

Stephen Mellor – 8 Graham Court, Cottesloe – Items 4, 10.1.1, 10.1.2, 10.1.3 and 10.2.1

**Item 4 Public Questions**

Q1: Is there a reason the public questions I asked at the last OCM have not been included with answers in tonight's papers? I thought they were taken on notice.

A1: The questions were submitted prior to the meeting and officers had already prepared responses. As responses have been included in the minutes (as requested) there is no reason to include them in this agenda.

**Item 10.1.1 Town of Cottesloe Local Government (Meeting Procedure) Amendment Local Law 2021**

Q2: What is the estimated cost in time and dollars to re-issue a State-wide notice and process of any public submissions?

A2: It has been determined that State-wide public notice is not required therefore there will be no cost for this aspect of the Local Law. The legislation on this was recently changed to state that only local public notice is required. The report on this matter has been updated to reflect this.

**Item 10.1.2 Facility Booking Software**

Q3: What is confidential about a suppliers' 'sales pitch'?

Savings Efficiency models should not be confidential.

A3: Section 5.23(2)(ii) of the Local Government Act 1995 states that the meeting may be closed to members of the public if the meeting deals with –

*"information that has a commercial value to a person."*

The information in the attachment to this report contained business detail and models which are commercial in respect to the company that developed them.

Q4: Has a detailed cost analysis and business case been prepared to change the supplier particularly with the % commission?

A4: The Town does not presently have a supplier of a product of this nature with all facility bookings being undertaken in house.

Q5: In order to calculate what 15% commission might be with the SpacetoCo supplier, what has been the income over the last four separate financial years from event bookings?

A5: The Income and the 15% commission would have been as below:

	20/21	19/20	18/19	17/18
Income	\$ 40,646	\$50,715	\$55,533	\$55,147
15% commission	\$ 6,097	\$7,607	\$8,330	\$8,272

What this does not take into account is the amount of staff time that would become available to focus on other areas. An analysis on 20/21 bookings and time spent indicated over \$10,000 of staff time was involved in bookings, which the SpacetoCo system could do instead. Nor does this take into account the potential increase in income due to the increased promotion of Council facilities via the SpacetoCo Platform.

The Officer states that Civica was removed in 2018/2019.

Q6: What system has been used since and currently?

A6: Facility and event bookings are undertaken in house.

Q7: Does/did Civica receive a commission of booking income?

A7: Civica does not supply a Facility and Events Booking system.

Q8: Was the Datacom quotation of \$75,000 a one off purchase with no subsequent licence fees and % bookings commission?

A8: Yes.

### **10.1.3 Monthly Financial Statements for the Period 1 July 2021 to 31 August 2021**

Q9: Is there a cancellation of contract fee where a new ERP supplier is appointed?

A9: No.

Q10: Does this mean my earlier point that Civica was NOT removed in 2018/2019?

A10: Yes this is correct. As stated in the report, in 2016, the Town placed an order with Civica, the Town's current ERP Software Supplier, for a facilities booking system as part of the Customer Relationship Management Project. In 2018/2019 Civica advised the Town that it did not contain all the promised functionality, which is why Administration removed it from that project. Civica still cannot offer a competitive solution.

Q11: Can you explain why the ERP Supplier purchase being considered is an exception within Council Purchasing Policy via WALGA Preferred Supplier arrangements, with multiple quotes.

A11: WALGA Preferred Suppliers do not require separate quotations. Nevertheless in arriving at a preferred supplier an independent company assisted with 6 separate suppliers asked to provide details of their systems, pricing and undertake demonstrations.

Q12: Would this mean two or three written quotes are available?

A12: A report was prepared in November 2020 by IT Consultancy firm Journey 1 to assist in the decision on arriving at a preferred ERP supplier.

#### **10.2.1 Receipt of North Cottesloe Primary School Traffic Safety Committee**

Q13: Why was this meeting not included in the ToC web page Events calendar?

A13: As this Committee has no delegated authority, there is no requirement for the meeting to be opened to the public.

Q14: When was the date for the meeting set?

A14: The date was confirmed a few days before the meeting held on 2 September 2021.

Q15: When was it uploaded onto the meetings schedule on that Committee web page?

A15: Refer to question 13 response.

Q16: Why are the recent Committee minutes not currently on the website Committee page?

A16: The minutes have been uploaded.

Q17: Why are Agenda Forum meetings not included in the ToC web home page Events calendar? Surely as important as 'Wardrobe Refresh' announcements. Please separate community events dates calendar from ToC events.

A17: These requests will be considered.

## **4.2 PUBLIC QUESTIONS**

### Rebecca King – 1/72 Eric St, Cottesloe –Item 10.1.6

Q1. Would the ToC please ask the PTA about whether they plan to build a road through the area of land the ToC already zoned as "additional use" and if so would they be removing the cycle path and relocating the electrical station? In other words what is the likelihood of the 6 month clause being exercised?

A1. Taken on Notice.

Q2. Would the Town be willing to defer tonight's decision about John Black Dune Park until due diligence by way of correspondence with the PTA has taken place?

A2. The Town has corresponded with PTA, not asking for approval, but asking the terms on which approval would be granted for a skate park on those lands and has had confirmation that the six month break

clause is not negotiable. It would be up to Council to decide if they want to defer or pursue that further. It is believed previous decisions of Council are based on the understanding that it would be irresponsible for the Town to invest ratepayer funds on terms where there is no security of tenure. The amount that is proposed for the skate park is hopefully going to be funded, to a substantial degree, from external sources and that funding is very unlikely to be available, if there is no security of tenure for the land.

Q3. Which of the relevant statutory planning considerations are required to assess this proposal?

A3. It is assumed that they have been met as the officers have not alerted the Elected Members to any issues. John Black Dune Park is a reserve vested in Council for the purposes of recreation and a skate park falls under that definition of recreation so it would be a permitted use on that reserve.

Stephen Mellor 8 Graham Court, Cottesloe – Item 10.2.3 and Car Park 2

### **10.2.3**

Q1. If the 29 July meeting of the Foreshore Precinct Advisory Committee Minutes was inquorate, how can there be any unconfirmed minutes for the 15 September 2021 meeting to approve?

Q2. How can minutes of 29 July be approved by the 15 September meeting by 7/0 - if there had been no meeting?

Q3. How can 7 approve anyway when only five were in attendance on 29 July?

Q4. Why are there no minutes of this 29 July meeting on the Committee web page and which now belatedly has only the proposed agenda of that meeting?

Q5. How can Council tonight receive the 15 September minutes if they are incorrect and surely invalid?

Q6. When was the date for the 15 September 2021 meeting set?

Q7. When was the meeting date uploaded onto the meetings schedule on that Committee web page?

Q8. With reference to the Officer's comments, second paragraph, under the heading Toilet Building Design Parameters of the report in the Foreshore Committee 15 September Minutes, will Council now recognise my longstanding quest by way of questions and statements, for the progress of Car Park 2 to have some cohesive planning?

Q9. Will Council please request Administration to separate the web Events calendar into two – Community dates and Council dates that list all meetings, Agenda Forums, OCM and committees where the community can attend?

**Car Park 2**

- Q10. Have there been any Councillor workshops in the last six months when the development of Car Park 2 has been discussed? If so, when?
- Q11. Have any of the Councillors had a copy of the Feasibility Report for the development of Car Park 2? If so, when?
- Q12. Have any of the Councillors been briefed on the current status of negotiations with the relevant State Government Departments? If so, when?
- Q13. When will the community be consulted on the next stages of the Car Park 2 development?

The above questions were taken on notice.

**Rosie Walsh – 35 Grant Street, Cottesloe – Item 11.1 and General Questions**

- Q1. Previous Council minutes included residents' comments and councillors' arguments in full. When did they start being omitted and why? Do current minutes show an accurate record of Council meetings with this important content withheld?
- Q2. Regarding Cr Young's statement in the Post Newspaper "*I think 5 storeys has very strong support from the Cottesloe community*". What evidence do you have to back this up?
- Q3. In 2019 Cr Young and Mr Angers both stated publicly and to me, that there had been no Council discussion about development on the Marine Parade A class reserve. Can you now clarify, if at a foreshore committee meeting in May 2019, you proposed the motion to support multi-storey development there, seconded by Mr Angers?
- Q4. How many instances are there of the Council not ratifying/rubber-stamping decisions proposed and supported by unelected committee members at committee meetings?
- Q5. This question for the CEO - how have staff numbers increased in the last 4 years?

The above questions were taken on notice.

**Kevin Morgan – 4/1 Pearse Street, Cottesloe – Items 10.2.3, 13.11 and 13.1.2****13.1.2**

- Q1. Is there, adjacent to the Rotunda, at the northern end of Carpark No. 1, a gross pollutant trap into which could be re-directed the stormwater run-off from the footpath that is to replace the Rotunda, and does not Cottesloe's 'Aquifer Re-charge Project' require you to first filter any such water of cigarette butts, plastics and other pollutants, and to redirect it into the aquifer rather than dump it onto the beach? Has this been investigated?

- A1. The answer to the question you raised last week is contained within this agenda under item 4.1.
- Q2. Should Council not delay spending \$750,000 on a beach outfall pipe, so as to first check if some or all of that spending can be avoided and might instead be spent elsewhere?

A2. Taken on Notice.

**13.1.1**

- Q3. Now that the Sports Precinct Masterplan no longer has the rebuilt Anderson Pavilion being shared with the golf club, why not rebuild it to the east of the oval? Why not build it to the east of the oval, given that nowadays it could be build on the eastern side without blocking views, by being dug into the embankment immediately south of the cricket net and tennis wall area, where it would more usefully serve both the oval and Harvey Field as compared to the obvious safety risks if it is re-built west of the oval as you propose?
- A3. Council has previously determined the location. If a Council was minded to they could bring a revocation motion and set that aside and open the question up for further consideration. This evening Council is being asked to consider a tender for the current plan.

**10.2.3**

- Q4. Why does Council persist with wasting money on a new toilet block north of Cottesloe beach near Napier Street, even though not originally proposed by the community or by its Foreshore Precinct Advisory Committee but rather was belatedly proposed by a Councillor, and since then four times as many ratepayers said they want it built to the south of Cottesloe beach rather than to the north as is again proposed?
- A4. Council is being asked to consider the Foreshore Precinct Advisory Committee's recommendation to request that the Administration provide a range of options in relation to pre fabricated facilities and conventional site built design options including cost estimates and explore access from the foreshore to the new facility for the consideration at the next FPAC meeting.
- Q5. Given how many councils have adopted WALGA's Election Period Caretaker Policy, is it not against good governance, if not against good conscience, for the Council in the middle of this election to decide on issues that involve significant expenditure?
- A5. The Town does not have a Caretaker Policy.

Patricia Carmichael – 14-116 Marine Parade, Cottesloe — General Questions**Foreshore rejuvenation**

Q1. Is there a timeframe for the start of the foreshore works after such a lag of time with the once beautiful foreshore area now sadly falling into a state of disrepair, particularly noted within the playground area?

A1. Taken on Notice.

**Community Consultation**

Q2. Why do you think ratepayers keep attending these meetings, talking about planning issues? Do you think that these ratepayers have not spoken with concerned ratepayers and do you think that they have not carried out their homework through extensive and reading and consultation with other residents and ratepayers?

A2. Ratepayers probably attend for a multitude of reasons and I am sure that they do speak with other residents.

**5 PUBLIC STATEMENT TIME**Patricia Carmichael – 14-116 Marine Parade, Cottesloe – General Statements

Ms Carmichael spoke about a divided community ethos, financial management, consultant expenses, financial operating ratios and playground upgrades and meetings held behind closed doors.

Stephen Mellor – 8 Graham Court, Cottesloe – Caretaker Policy

Mr Mellor spoke in support of Caretaker Policies and felt that Council should defer making decisions on any major policy or significant decisions prior to the local government election period.

Kevin Morgan – 4/1 Pearse Street, Cottesloe – Finances

Mr Morgan outlined his views about the depot fund reserve, operating revenue and expenditure.

Ellie Brooksby – 1B Eileen Street, Cottesloe – Item 10.1.6

Ms Brooksby outlined her views on the Council's Mission Statement and consultation regarding the skate park.

Rosie Walsh – 35 Grant Street, Cottesloe – Item 11.1

Ms Walsh outlined her views on the officer's comment in Item 11.1 Councillor Motion – Customer Service Objectives.

Mark Powell – 43 Lyons Street, Cottesloe – Item 10.1.6

Mr Powell supported proceeding with the skate park consultation for design and accepting the most supported location.

Sonja Heath – 50 Brighton Street, Cottesloe – Items 10.1.6, 13.1.1 and Public Toilets

Ms Heath spoke on behalf of herself and other families in the community and appealed to Councillors to adopt the officer's recommendation to move to the design phase for the skate park. Ms Heath also spoke in support of the rejuvenation of the Anderson Pavilion and putting public toilets near the Beaches Café playground.

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

Acting Mayor Lorraine Young  
Cr Caroline Harben  
Cr Helen Sadler  
Cr Melissa Harkins  
Cr Michael Tucak  
Cr Paul MacFarlane  
Cr Craig Masarei (from 7:19pm)

**Officers**

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

**6.1 APOLOGIES**

Cr Kirsty Barrett

**6.2 APPROVED LEAVE OF ABSENCE****6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

**7 DECLARATION OF INTERESTS**

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "I am a Deputy Member to the WMRC."

Cr Harben declared an IMPARTIALITY INTEREST in item 13.1.3 by virtue "the architect involved in that project worked on a property I own."

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.2.2 by virtue "Prior to being a Councillor I have expressed my views in favour as I have had verge equipment on my verge in the past."

Cr Harkins declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "One of the residents in Chamberlain Street is known to me."

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "One of the residents in Vera Street is known to me."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "I was involved in facilitating the introduction of the supplier to the Town."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "Residents in Vera Street are known to me outside of Council and I have been involved in facilitating other residents' concerns through the Administration on Parry Street and Salisbury Street."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "I am a former Deputy Member of the WMRC but I resigned from that Council."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.2.1 by virtue "I live in the East Ward, not far from the school."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.6 by virtue "Residents who spoke for and against the skatepark at the preferred site are known to me."

Cr MacFarlane declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "I am the primary voting delegate assigned from the Town of Cottesloe to the WMRC."

The CEO declared a FINANCIAL INTEREST in item 13.1.4 by virtue "Not only is it a statutory requirement but it is a condition of my employment."

**8 CONFIRMATION OF MINUTES****Moved Acting Mayor Young**

That the Minutes of the Ordinary Meeting of Council held on Tuesday 24 August 2021 be confirmed as a true and accurate record.

**COUNCILLOR AMENDMENT****Moved Cr Tucak****No Seconder, Lapsed**

Cr Tucak advised he had an amendment to the minutes to include the full motion that he proposed at Item 12.1 Urgent Business.

OCM166/2021

**COUNCILLOR MOTION (FORESHADOWED)**

Moved Cr Harkins

Seconded Cr Sadler

That the confirmation of the 24 August 2021 Ordinary Council Minutes be DEFERRED for the purposes of further information and clarity.

Carried 7/0

OCM167/2021

Moved Acting Mayor Young

Seconded Cr Sadler

That the Minutes of the Special Meeting of Council held on Monday 30 August 2021 be confirmed as a true and accurate record.

Carried 5/1

For: Cr Young, Harben, Sadler, Harkins and MacFarlane

Against: Cr Tucak

**9 PRESENTATIONS**

**9.1 PETITIONS**

***Section 9.4 - Procedure of Petitions***

*The only question which shall be considered by the council on the presentation of any petition shall be -*

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

**9.2 PRESENTATIONS**

**9.3 DEPUTATIONS**



**CORPORATE AND COMMUNITY SERVICES****10.1.2 FACILITY BOOKING SOFTWARE**

**Directorate:** Corporate and Community Services  
**Author(s):** Esther Cullity, Events Coordinator  
**Authoriser(s):** Shane Collie, Director Corporate and Community Services  
Matthew Scott, Chief Executive Officer  
**File Reference:** D21/41385  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "I was involved in facilitating the introduction of the supplier to the Town."

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**SUMMARY**

Council is being asked to consider the implementation of SpacetoCo, a facility booking software for the Town's venues, parks and reserves.

**OFFICER RECOMMENDATION IN BRIEF**

That Council approves the implementation of the SpacetoCo facility booking software, which includes a once off project cost of \$3,000, an ongoing cost of \$150 per month and a 15% (ex GST) charge on approved bookings.

**BACKGROUND**

The current facilities booking process used by the Events Coordinator and the Administration Officers involves a highly manual and repetitive process. This includes responding to the availability and pricing enquiries, processing payments, booking the facilities in Outlook, providing confirmation letters and handling the bond refunds and cancellations.

Administration have been investigating other options to replace the current facilities booking process, including a WALGA preferred supplier SpacetoCo. SpacetoCo is a web based software for booking facilities by the hour. SpacetoCo have specifically developed their product to suit Local Government requirements, with a number of LGA's now successfully using the software including:

- City of Vincent
- City of Melville
- City of Kwinana
- City of Fremantle
- City of Swan
- City of Canning

The City of Vincent have reported an increase of 30% in bookings since implementing SpacetoCo.

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**OFFICER COMMENT**

Implementing SpacetoCo software would bring a number of benefits to the Town:

- Increase revenue and utilisation of the Town's venues, parks and reserves
- Streamlining the booking experience for both staff and customers
- Streamline the financial methodology
- An automated bond process
- All cancellations and refunds are handled by SpacetoCo
- Easily track revenue and data for reporting

Other points of note are that the \$150 monthly fee is ongoing and will not change after the first year. SpacetoCo do not plan to adjust or change the fee in the next couple of years and the fee varies depending on the size of the Local government. Should the company increase fees to an unacceptable level in the future the Town can review its position and look at alternative providers. As such it is prudent to review the arrangement after 12 months where booking levels can be reviewed, feedback from customers and staff as well as the ease of operation of the system looked into and a general view of whether the system is working for the Town arrived at. An informed decision on continuation after that time can then be made.

**ATTACHMENTS**

**10.1.2(a) SpacetoCo Presentation Slides [CONFIDENTIAL] [UNDER SEPARATE COVER]**

**10.1.2(b) SpacetoCo - Administration Savings Efficiency [CONFIDENTIAL] [UNDER SEPARATE COVER]**

**CONSULTATION**

In 2016, the Town placed an order with Civica, The Town's current ERP Software Supplier, for a facilities booking system as part of the Customer Relationship Management Project. In 2018/2019 Civica advised the Town that it did not contain all the promised functionality, which is why Administration removed it from that project. Civica still can not offer a competitive solution.

In early 2021, DataCom, being a competitor in the ERP Software supply area, indicated their facility booking system was \$75,000 to buy and implement, using the old financial methodology.

In September 2021, Administration met with the Director of SpacetoCo to hear about the web based facility booking software. Administration were very impressed with the customer-friendly interface, and the ability to reduce the amount of time staff spend on processing facility bookings.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

**POLICY IMPLICATIONS**

Under the Town's Purchasing Policy (2021) this project does not require written quotes due to the fact that SpacetoCo is a WALGA preferred supplier.

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

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

There is a once off project cost of \$3,000 for the rollout of the SpacetoCo software. In addition, there is a \$150 per month payment (\$1,800 per annum), and SpacetoCo retain 15% ex GST on approved bookings.

The Contractors – Software Licence Fees in the 2021/22 financial year budget will facilitate the rollout and ongoing project costs of SpacetoCo.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

**OCM169/2021**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Harkins**

**Seconded Cr Harben**

**THAT Council:**

- 1. APPROVES the implementation of the SpacetoCo facility booking software, which includes a once off project cost of \$3,000, an ongoing cost of \$150 per month with SpacetoCo retaining 15% ex GST on approved bookings.**
- 2. Reviews the SpacetoCo facility booking software arrangements after 12 months to ensure that the product is operating in a manner acceptable to the Town.**

**Carried by En Bloc Resolution 6/0**

**10.2.2 RECEIPT OF TASK FORCE ON RESIDENTIAL AND RECREATIONAL VERGES USES MINUTES - 13 SEPTEMBER 2021**

**Attachments: 10.2.2(a) Residential and Recreational Verge Uses Task Force Meeting Minutes 13 September 2021 [under separate cover]**

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.2.2 by virtue "Prior to being a Councillor I have expressed my views in favour as I have had verge equipment on my verge in the past."

**OCM170/2021**

**Moved Cr Harkins**

**Seconded Cr Harben**

**THAT Council RECEIVES the attached Unconfirmed Minutes of the Task Force on Residential and Recreational Verges Uses Meeting held on 13 September 2021 and ADOPTS the recommendations contained within.**

**Carried by En Bloc Resolution 6/0**

The Presiding Member advised that Item 10.1.6 Skatepark Consultation - Preferred Location would be moved forward as the first item business, followed by the items as listed in the agenda.

**ENGINEERING SERVICES****10.1.6 SKATEPARK CONSULTATION - PREFERRED LOCATION**

**Directorate:** Engineering Services  
**Author(s):** Shaun Kan, Director Engineering Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D21/41620  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.6 by virtue "Residents who spoke for and against the skatepark at the preferred site are known to me."

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**SUMMARY**

Council is asked to consider the feedback of the public consultation to determine the preferred location for the skate park and proceed as per the project framework approved at the March 2021 Ordinary Meeting.

**OFFICER RECOMMENDATION IN BRIEF**

Council is asked to approve John Black Dune Park as the preferred location for the skate park and commence the concept development in consultation with youths of the community through a series of workshops.

**BACKGROUND**

In October 2020, Council acknowledged the strong demand for a skate facility and asked for a consultant to be engaged to review previous work to determine the future steps for the project.

In November 2020, Convic was engaged to complete these works and developed a full report and executive summary detailing its findings including a recommended way forward.

In March 2021 (Minutes Attached), Council considered the information within the Convic Reports before shortlisting John Black Dune Park and the future Foreshore Redevelopment Recreational Area as two possible sites for the skatepark. It also approved for community workshops to be conducted for participants to provide an opinion for Council to make a decision on the preferred location for the skatepark.

The Town then engaged Space Station consultants to independently organise and facilitate the workshops that occurred in May 2021.

In July 2021, Council considered the workshop feedback and given the insufficient number of participants at the community workshop, decided to go out to wider public consultation to obtain more data before making a final decision.

The public consultation was undertaken through an online survey that opened 5 August 2021 and closed 22 August 2021. A copy of the report is attached for Council's consideration and findings summarised in the officer's comment section of this Council Report.

**OFFICER COMMENT**

The community workshop, post online survey and the recent public consultation results can be summarised as follows:

**Community Workshop and Post Event Online Survey Results**

- 36 attendees were broken up into 10 different groups at workshops held over two days (19 and 20 May 2021);
- 13 workshop registrants that were unavailable to attend the event participated in a post event online survey. It would be important to note that only 12 responses were received and these individuals were considered as the eleventh group for the purpose of the analysis;
- Eight of the ten community workshop groups preferred the Foreshore location, one group John Black Dune Park and the remaining one could not be determined;
- Nine of the twelve post survey respondents preferred John Black Dune Park and the remaining three were more inclined towards the Foreshore location, making the Foreshore the preferred site for the eleventh group; and
- Based on the analysis of the results above (workshop and post event survey), it can be concluded that the Foreshore was the preferred location for this sample group (49 participants).

Council is asked to note the following responses to queries raised during the community workshops and post event survey when making a final determination on a location:

- **Comment 1: A skate park on the foreshore will diminish its value** – The proposed location on the foreshore will enhance the recreational area and improve the value of the main beach precinct, similar to other foreshore redevelopment projects in other Local Governments.
- **Comment 2: Concerns with road traffic on the Foreshore** – The skate park will be sufficiently set back from the road and the intent would be for the foreshore roadway to be pedestrian friendly and at lower speeds.
- **Comment 3: Line of sight concerns with a built up skate park at the foreshore** – Measures will be put in place to mitigate any shortfall in sight distances, should there be any.
- **Comment 4: Concern with maintenance with the build up of sand and dust at John Black Dune** – The maintenance issues will be similar at either location.
- **Comment 5: Concern of potential events, skaters not using the toilet across the road at John Black Dune, further expansion of the park and more people on residential streets coming from other suburbs** – The layout can be planned to design out anti-social behaviours. Any future expansion is dependent on the availability of funds and normally subject to public consultation. Events are properly conditioned to minimise impacts and require the approval of Council. Regardless, the future foreshore redevelopment is going to eventually increase the number of people visiting Cottesloe.

- **Comment 6: Noise is a major concern for John Black Dune** - Given the available area on John Black Dune; there is the opportunity of the skate park to be located away from residents.
- **Comment 7: The skate park on John Black Dune will have an impact on property prices** – This will need to be confirmed.
- **Comment 8: Unable to design the skate park on the Foreshore without removing trees** – A good skate park design will be able to include trees within their layout. There are many skate parks within the State, across Australia and internationally built amongst trees.
- **Comment 9: Council to reconsider locations such as the recreation precinct and the railway reserve** - These sites do not form the terms of reference approved by Council and are unviable due to 6 month termination clauses within lease conditions (current and future). The recreation precinct is within close proximity to residents.

Further details to the analysis of these results can be found within the attached Space Station Community Workshop Report and the Officer's Report under item 10.1.6 – Skate park Community Workshop – Site Selection

(<https://www.cottesloe.wa.gov.au/council-meetings/ordinary-council-meeting/27-july-2021-ordinary-council-meeting/286/documents/minutes-ordinary-council-meeting-27-july-2021-confirmed-and-signed.pdf>)

#### **Public Consultation Survey Results**

The following provides a summary of the public consultation survey results received from the online survey. Council is also asked to note the written submission provided by Cottesloe Coastcare.

- A total of 977 online survey responses were received;
- 15 responses have been discounted as they could not be verified either by name or address, a mandatory requirement of a compliant participating entry; and
- 962 valid responses were taken into consideration and summarised in the table below;

SURVEY QUESTIONS		SUMMARY OF RESPONSES				
1	Please pick which applies to you	Survey Participants Categories	CATEGORY ONE: Cottesloe residents living with close proximity to site	CATEGORY TWO: Cottesloe residents, business and property owners not living in	CATEGORY THREE: Not living in Cottesloe	COMBINED - CATEGORY ONE TO THREE
		Total Number of Respondents	340	501	121	962
			35%	52%	13%	100%
2	Please enter your name and residential address	Refer to Summary Report Attached				
3	What age group are you in					
4	Have you read the Convic Skate Park Feasibility Review and the Space Station Community	Read the Convic and Space Station reports	81%	79%	85%	81%
		Did not read the Convic and Space Station reports	19%	21%	15%	19%
5	Please indicate your preferred location for Cottesloe's Skate Park	Prefers Cottesloe Foreshore	35%	32%	59%	36%
		Prefers John Black Dune	39%	46%	35%	42%
		Does not want a skate park	27%	22%	7%	22%
6	Would you support a skate park facility at John Black Dune Reserve, noting that this may not have been your preferred location?	Supports John Black Dune noting that this may not have been your preferred location	68%	75%	88%	74%
		Does not support John Black Dune noting that this may not have been your preferred location	32%	25%	12%	26%
7	Would you support a skate park facility at the Cottesloe foreshore, noting that this may not have been your preferred location?	Supports Cottesloe Foreshore noting that this may not have been your preferred location	57%	51.50%	83%	57%
		Does not support Cottesloe Foreshore noting that this may not have been your preferred location	43%	48.50%	17%	43%

**Table 1: Public Consultation Summary**

**Analysis of all Results Received (Community Workshop and Public Consultation)**

- Response to question five of the public survey shows an overall balance in preference between the two sites with 36% preferring the Foreshore whilst 42% thought John Black Dune was a better location.
- When the statistics to question five were further broken down, it can be said that the:
  - same balance was seen from the 340 residents living within close proximity to the site;
  - John Black Dune was more popular amongst the 501 wider Cottesloe community participants; and
  - The Foreshore was significantly more popular amongst the 121 respondents not living within the district.
- However, when the responses to questions six and seven were taken into consideration, it was fairly clear that John Black Dune was the preferred location based on the following statistics:
  - 74% of overall respondents supporting this site even though this may not have been their preferred location (question six) whilst only 57% of the total

participants were prepared to support the Foreshore site under the same criteria;

- The support for John Black Dune in question six was generally strong across all three categories of participants; and
- The Foreshore location was fairly balanced in question seven amongst all Cottesloe residents (category one and two) with the exception of participants not residing within Cottesloe where the support was significantly stronger.
- Both the community workshop responses have been combined with the results received from questions five to seven within the public consultation survey and summarised below to eliminate any statistical biased in the officer's recommendation:

			Community Workshop	Public Consultation (Overall)	Revised Total	Percentage
5	Please indicate your preferred location for Cottesloe's Skate Park	Prefers Cottesloe Foreshore	32	346	378	37%
		Prefers John Black Dune	13	404	417	41%
		Does not want a skate park	4	212	215	21%
6	Would you support a skate park facility at John Black Dune Reserve, noting that this may not have been	Supports John Black Dune noting that this may not have been your preferred location	13	712	724	72%
		Does not support John Black	32	250	282	28%
7	Would you support a skate park facility at the Cottesloe foreshore, noting that this may not	Supports Cottesloe Foreshore noting that this may not have been your preferred location	32	548	580	58%
		does not support Cottesloe	13	414	426	42%

**Table 2: Combined Community Workshop and Public Consultation Summary**

- Table two has been prepared based on the following method:
- Based on 36 community workshop participants and 12 post event survey respondents, it can be concluded that:
  - 80% of groups preferring the Foreshore equates to 29 workshop participants wanting this site for the skate park;
  - This 29 combined with the three post event survey respondents also liking the foreshore brings the total to 32 of the 48 community workshop participants preferring this site;
  - Similar calculation methods were used to derive the support for John Black Dune with 10% of workshop groups (4 participants) preferring this site combined with the nine post event survey also making this selection. This brings the total for this location to 13.
  - Remaining 10% from the workshop group, equivalent to four participants did not like either site and have been allocated to the group that did not want a skate park. This has been reflected in the adjustments to question five.
  - The 32 and 13 preferring each respective site were then applied accordingly to questions six and seven, for the results to be moderated accordingly to determine the global outcome.
- Comparing the overall results shown in table one and two, it can be concluded that John Black Dune is the preferred site for the skate park to be located and a recommendation has been made accordingly.

Given that there is a clear preferred location for the skate park, Council is asked to approve the concept development phase as per the approved Project Framework through a workshop with the youth of the community. Once a concept has been adopted by Council, the Town can then approach the State Government, possibly through Lotterywest to apply for a full grant to construct the facility.

Council is asked to note that the consultant will be asked to consider all feedback received from the recent public consultation and the community workshop when developing the concept design so as to ensure concerns are addressed, where possible.

### **ATTACHMENTS**

- 10.1.6(a) Skate Park Consultation 2021 – Community Feedback [under separate cover]**
- 10.1.6(b) Combined Engagement Analysis Report and attachments 3a,3b,3c and 4a, 4b [under separate cover]**
- 10.1.6(c) Minutes Ordinary Council Meeting 23 March 2021 - Skate Park Report [under separate cover]**

### **CONSULTATION**

Community Workshop and a post event survey has been undertaken in the month of May 2021 and a community wide public consultation through an online survey was carried out over the month of August 2021.

### **STATUTORY IMPLICATIONS**

There are no statutory implications.

### **POLICY IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

Major Strategy 6.1: Ongoing implementation of Council's community consultation policy.

### **RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the officer's recommendation at this stage. The majority of vegetation in John Black Dune park are declared weeds and their removal is consistent with the street tree policy.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

THAT Council:

1. THANKS all participants for taking the time to complete the public consultation survey;
2. NOTES the attached Skate Park Consultation 2021 – Community Feedback and the Combined Engagement Analysis Report and attachments 3a,3b,3c and 4a, 4b;
3. APPROVES John Black Dune Park as the preferred location for the skate park;
4. INSTRUCTS the CEO to engage with a skate park consultant to develop a concept design in consultation with the youth of the community and that the consultant takes into consideration previous work done including feedback received for the preferred location within the current budget allocated; and
5. NOTES that the final concept developed through the process mentioned in point four will be brought back to an Ordinary Council Meeting for approval before progressing through the subsequent stages of the approved Project Framework.

Cr Masarei entered the meeting at 7:19pm.

**COUNCILLOR MOTION**

**Moved Cr Tucak**

**No Seconder, Lapsed**

That this item be DEFERRED for a period of one month for the Town to further complete its due diligence on the train station site in light of the letter from the Minister for Planning, Transport and Ports, tabled earlier this evening.

**OFFICER RECOMMENDATION**

**Moved Cr Harkins**

**Seconded Cr MacFarlane**

THAT Council:

1. THANKS all participants for taking the time to complete the public consultation survey;
2. NOTES the attached Skate Park Consultation 2021 – Community Feedback and the Combined Engagement Analysis Report and attachments 3a,3b,3c and 4a, 4b;
3. APPROVES John Black Dune Park as the preferred location for the skate park;
4. INSTRUCTS the CEO to engage with a skate park consultant to develop a concept design in consultation with the youth of the community and that the consultant takes into consideration previous work done including feedback received for the preferred location within the current budget allocated; and
5. NOTES that the final concept developed through the process mentioned in point four will be brought back to an Ordinary Council Meeting for approval before progressing through the subsequent stages of the approved Project Framework.

**COUNCILLOR AMENDMENT****Moved Cr Tucak****No Seconder, Lapsed**

That points 3, 4, 5 and 6 be amended as follows:

3. APPROVES John Black Dune Park as the preferred location for the development of a skate park concept design;
4. INSTRUCTS the CEO to engage with a skate park consultant to develop a concept design in consultation with the youth and skaters of the community and that the consultant takes into consideration previous work done including all feedback received for the preferred location within the current budget allocated;
5. INSTRUCTS the CEO to ensure a consultation on the concept design developed under point 4 then occurs with immediately surrounding residents, and any concerns or issues with the concept design developed under point 4 be addressed in the final concept; and
6. NOTES that the final concept developed through the process mentioned in point four and point five will be brought back to an Ordinary Council Meeting for approval before progressing through the subsequent stages of the approved Project Framework.

Cr Tucak raised a Point of Order that Cr Harkins was summing up (the Substantive Motion) instead of providing a right of reply to matters raised in the opposing side of the debate.

The Presiding Member ruled that she would allow Cr Harkins to continue as she could not remember all the points raised.

**OCM171/2021****PROCEDURAL MOTION****Moved Cr Tucak****Seconded Cr MacFarlane****That the ruling of the Presiding Member be disagreed with.****Lost 3/4****For: Crs Sadler, Tucak and MacFarlane****Against: Cr Young, Harben, Masarei and Harkins****OCM172/2021****SUBSTANTIVE MOTION AND COUNCIL RESOLUTION****THAT Council:**

1. THANKS all participants for taking the time to complete the public consultation survey;
2. NOTES the attached Skate Park Consultation 2021 – Community Feedback and the Combined Engagement Analysis Report and attachments 3a,3b,3c and 4a, 4b;
3. APPROVES John Black Dune Park as the preferred location for the skate park;
4. INSTRUCTS the CEO to engage with a skate park consultant to develop a concept design in consultation with the youth of the community and that the consultant

takes into consideration previous work done including feedback received for the preferred location within the current budget allocated; and

5. **NOTES** that the final concept developed through the process mentioned in point four will be brought back to an Ordinary Council Meeting for approval before progressing through the subsequent stages of the approved Project Framework.

**Carried 6/1**

**For: Cr Young, Harben, Sadler, Masarei, Harkins and MacFarlane**

**Against: Cr Tucak**

The Presiding Member advised item 10.1.1 would be considered next followed by the rest of the items as listed in the agenda.

**CORPORATE AND COMMUNITY SERVICES****10.1.1 TOWN OF COTTESLOE LOCAL GOVERNMENT (MEETING PROCEDURE)  
AMENDMENT LOCAL LAW 2021**

**Directorate:** Corporate and Community Services  
**Author(s):** Shane Collie, Director Corporate and Community Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D21/37790  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

It is recommended that the Town of Cottesloe Standing Orders Local Law 2021, as published in the Government Gazette on 9 March 2021 be amended in accordance with direction provided by the Joint Standing Committee on Delegated Legislation (JSCDL).

**OFFICER RECOMMENDATION IN BRIEF**

For Council to advertise that it proposes to make the Town of Cottesloe Local Government (Meetings Procedure) Amendment Local Law 2021, as contained within *Attachment 2* to this report, and invites public submissions on the proposal in accordance with Section 3.12 (3) (iii) of the *Local Government Act 1995*.

**BACKGROUND**

The Town's Local Government (Meeting Procedure) Local Law 2021 was gazetted on 9 March 2021 and came into effect on 23 March 2021. As Council members are aware the JSCDL raised some relatively minor matters with the Local Law and an assurance was sought by 25 June 2021 that these matters will be attended to. This has occurred. Notwithstanding this the Town now needs to formally make those amendments to the Local Law.

The JSCDL scrutinises legislation including local laws and has the authority to disallow a local law should it be deemed to be unlawful or not meet the requirements of the committee. The JSCDL wrote to Council on 15 June 2021 (received 17 June 2021) noting some matters in the Town's Local Government (Meeting Procedure) Local Law 2021 that it deemed required correction.

**OFFICER COMMENT**

The matters raised by the JSCDL are discussed below and have been dealt with by Council at its meeting held on 22 June 2021:

**Clause 5.1 (2) Business to be specified**

This matter was raised as it is not consistent with the WALGA Local Law template. The rationale for inclusion was requested to be provided, however if this clause is not acceptable to the JSCDL it should be removed as opposed to having the entire Local Law disallowed. Council has resolved to remove the clause.

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**Clause 9.16 (2) Right of reply**

This matter was raised as it is not consistent with the WALGA Local Law template. The rationale for inclusion was requested to be provided, however if this clause is not acceptable to the JSCDL it should be removed as opposed to having the entire Local Law disallowed. Council has resolved to remove the clause.

**Clause 7.5 Use of mobile phones and other communication devices**

This matter was raised with concerns at the necessity and appropriateness of this clause. The JSCDL recommends its deletion. Given this clause is not acceptable to the JSCDL it should be removed as opposed to having the entire Local Law disallowed. Council has resolved to remove the clause.

**Typographical/formatting errors**

Identified typographical/formatting errors have been corrected and consequential amendments from clauses 5.1 (2), 9.16 (2) and 7.5 have been undertaken.

**Conclusion**

A Local Law Amendment must follow the same process as the making of a Local Law. In this instance the JSCDL also require evidence that their requirements have been met.

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

The purpose and effect of the proposed Town of Cottesloe Local Government (Meeting Procedure) Amendment Local Law 2021 is as follows:

**Purpose: To correct minor typographical and non industry standard clauses within the Town of Cottesloe Local Government (Meeting Procedure) Local Law 2021.**

**Effect: To ensure that all Council meetings, committee meetings, and other meetings as described in the *Local Government Act 1995*, and the use of Council's Common Seal, are governed by the amended Town of Cottesloe Local Government (Meeting Procedure) Local Law unless otherwise provided in the Act, regulations or other written law.**

Please note that legislation has recently been amended in respect of the procedure for making local laws and only local public notice is now required as opposed to previous State wide notice as the minimum requirement. This report has been amended to reflect this.

**ATTACHMENTS**

- 10.1.1(a) Letter from Joint Standing Committee on Delegated Legislation 4 August 2021 [under separate cover]**
- 10.1.1(b) Local Government Meeting Procedure Amendment Local Law 2021 [under separate cover]**

**CONSULTATION**

Joint Standing Committee on Delegated Legislation.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

**3.5. Legislative power of local governments**

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

**3.12 Procedure for making a Local Law**

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

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

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**10.1.3 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2021 TO 31 AUGUST 2021**

**Directorate:** Corporate and Community Services  
**Author(s):** Lauren Davies, Finance Manager  
**Authoriser(s):** Shane Collie, Director Corporate and Community Services  
Matthew Scott, Chief Executive Officer  
**File Reference:** D21/42266  
**Applicant(s):** Internal  
**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 to ensure that income and expenditure are compared to budget forecasts.

**OFFICER RECOMMENDATION IN BRIEF**

That Council receives the Monthly Financial Statements for the period 1 July 2021 to 31 August 2021.

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

**OFFICER COMMENT**

The following comments and/or statements provide a brief summary of major financial/budget indicators and are included to assist in the interpretation and understanding of the attached financial statements:

- The net current funding position as at 31 August 2021 was \$12,191,880 as compared to \$9,922,873 this time last year. This is due to rates being raised in early August last year compared to late August this year.

- Rates receivables as at 31 August 2021 stood at \$11,459,714 as compared to \$7,163,835 this time last year as shown on page 23 of the attached financial statements. This is due to the timing of the raising of rates.
- Operating revenue is more than year to date budget by \$140,878 with a more detailed explanation of material variances provided on page 19 of the attached financial statements. Operating expenditure is \$676,209 less than year to date with a more detailed analysis of material variances provided on page 19.
- The capital works program is shown in detail on pages 32 to 33 of the attached financial statements.
- The balance of cash backed reserves was \$8,543,874 as at 31 August 2021 as shown in note 4 on page 21 of the attached financial statements.

#### **List of Accounts Paid for August 2021**

The list of accounts paid during August 2021 is shown on pages 34 to 39 of the attached financial statements. The following material payments are brought to Council's attention:

- \$27,594.12 & \$28,982.13 to SuperChoice Services Pty Ltd for staff superannuation contributions.
- \$52,886.72 to Environmental Industries for a progress payment on Dutch Inn Playground Upgrade.
- \$149,141.01 to LGIS for part of the 2021/2022 insurance.
- \$74,732.90 to Solo Resource recovery for waste removal service.
- \$44,849.75 to Shine Community Services for 6 months of agreed contribution.
- \$35,038.10 to Civica Pty Ltd for ERP annual licence support & maintenance.
- \$242,938.72 to WA Treasury Corporation for 6 monthly repayment of Loan 105 and Loan 107.

#### **Investments and Loans**

Cash and investments are shown in note 4 on page 21 of the attached financial statements. The Town has approximately 31% of funds invested with the National Australia Bank, 39% with the Commonwealth Bank of Australia and 30% with Westpac Banking Corporation. A balance of \$8,543,874 was held in reserve funds as at 31 August 2021.

Information on borrowings is shown in note 10 on page 29 of the attached financial statements. The Town had total principal outstanding of \$2,998,473 as at 31 August 2021.

#### **Rates, Sundry Debtors and Other Receivables**

Rates outstanding are shown on note 6 on page 23 and show a balance of \$11,459,714 outstanding as compared to \$7,163,835 this time last year.

Sundry debtors are shown on note 6 on page 23 of the attached financial statements. The sundry debtors report shows that 65% or \$21,319 is older than 90 days. Infringement debtors are shown on note 6 on page 25 and were \$459,674 as at 31 August 2021.

**ATTACHMENTS**

10.1.3(a) Monthly Financial Report 1 July to 31 Aug 2021 [under separate cover]

**CONSULTATION**

Senior staff.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995* Local Government (Financial Management) Regulations 1996

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2021 to 31 August 2021 as submitted to the 28 September 2021 meeting of Council.

**COUNCILLOR MOTION**

**Moved Cr Tucak**

**No Seconder, Lapsed**

THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2021 to 31 August 2021 as submitted to the 28 September 2021 meeting of Council, and in all future Council Agenda Officer Reports, includes a summary of the total expenditure to date on:

(a) Dutch Inn Playground;

- (b) Rotunda replacement (in the proximity of C3 beach path/Napier St); and
- (c) the Anderson Pavilion,

including across financial years (if applicable), and upon completion of these projects, a comparison of total final expenditure against budget, and the reason for any variances – after which time it may cease.

**OCM175/2021**

**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

**Moved Acting Mayor Young      Seconded Cr MacFarlane**

**THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2021 to 31 August 2021 as submitted to the 28 September 2021 meeting of Council.**

**Carried 6/1**

**For: Cr Young, Harben, Sadler, Masarei, Harkins and MacFarlane**

**Against: Cr Tucak**

**ENGINEERING SERVICES****10.1.4 PARKING CHANGES**

**Directorate:** Engineering Services  
**Author(s):** David Lappan, Manager Projects and Assets  
**Authoriser(s):** Shaun Kan, Director Engineering Services  
**File Reference:** D21/39923  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

Cr Harkins declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "One of the residents in Chamberlain Street is known to me."

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "One of the residents in Vera Street is known to me."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.4 by virtue "Residents in Vera Street are known to me outside of Council and I have been involved in facilitating other residents' concerns through the Administration on Parry Street and Salisbury Street."

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**SUMMARY**

Council is asked to consider changes to parking arrangements along the following streets:

- Vera Street (near Stirling Highway Intersection);
- Parry Street (near Right of Way 44 and Alexandra Avenue);
- Chamberlain Street (between Eric Street and Clarendon Street); and
- Salisbury Street (near North Street Intersection).

**OFFICER RECOMMENDATION IN BRIEF**

Council is asked to consider:

- implementing the parking restriction changes further to road safety investigation findings and consultation with affected residents for Vera Street, Parry Street and Chamberlain Street; and
- Rejecting 15 Salisbury Street resident's request for parking restrictions to be introduced directly opposite their crossover.

**BACKGROUND****Vera Street**

Residents have raised concerns through an elected member about cars parked close to the intersection of Vera Street and Stirling Highway and impacting vehicle movements along Vera Street at this location. Traffic safety investigations have concluded that parking within close proximity to the intersection reduces manoeuvring space for vehicles exiting Stirling highway and visibility for oncoming cars along Vera Street.

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Crash history shows that there have been 2 traffic accidents, one in December 2017 and the other April 2020 at this intersection involving the rear ending of vehicles on Stirling Highway waiting to turn right into Vera Street.

Residents have been consulted on a proposed parking restriction and the results have been summarised in the officer's comment section of the report.

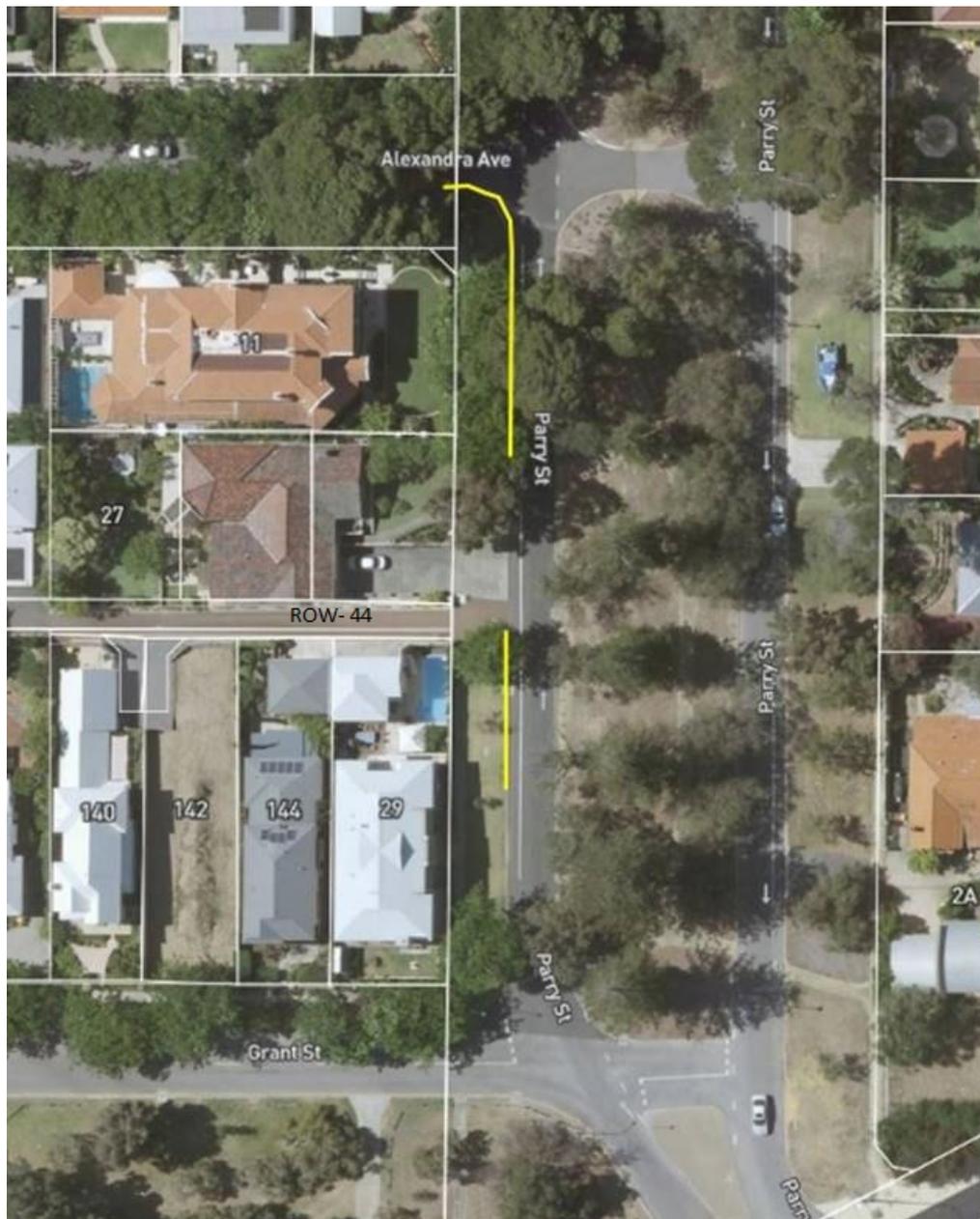


### Parry Street

Residents near Alexandra Avenue and Parry Street intersection have raised concerns around the increase in parking along Parry Street restricting line of sight from Right of Way (ROW) 44 to oncoming traffic exiting Stirling Highway. A crest along Parry Street within the vicinity extending to Alexandra Avenue further exacerbates the issue.

Investigations have concluded that the permitted parking within close proximity to Right of Way 44 and Alexandra Avenue does not meet the requirement for safe intersection sight distance and consideration would need to be given to limiting parking around this location to meet safety standards.

Whilst parked vehicles does slow traffic down it needs to be balanced off against other safety matters such as sight distance.



### **Chamberlain Street**

A proposal from residents to help control the irregular parking was brought before administration at the end of 2018.

Rather than implement the changes immediately, the administration decided to continue monitoring the parking situation. It has been observed that since then the growth of Eric Street shopping centre has increased parking along Chamberlain Street between Eric Street and Clarendon Street. The current 2 hour parking restrictions and lack of marked bays has resulted in the worsening of random parking, impacting resident access to properties. This has also affected larger vehicle such as waste collection trucks from accessing the street.

Consultation letters comprising of three options (attached) were sent to residents and the results have been summarised in the officer's comment section of the report.

**15 Salisbury Street**

The resident has raised concerns through an elected member regarding difficulty accessing driveways when vehicles are parked on the road opposite the property's crossover.

**OFFICER COMMENT****Vera Street**

Following traffic safety investigations, it has been found that there is a potentially unsafe situation that has resulted from vehicles permitted to park close to Stirling Highway intersection along Vera Street.

Crash history has shown two major incidents occurring on Stirling Highway at the intersection with Vera Street within the last five years (December 2017 and April 2020). Both were rear end collisions with the first accident involving the rear ending of a vehicle waiting to enter Vera Street from Stirling Highway. The second was a vehicle suddenly stopping on Stirling Highway to avoid colliding into another vehicle and this resulted in this vehicle being rear-ended.

The existing 'Yellow No Stopping Lines' along the northern side of Vera Street should be extended to 19 metres from the Stirling Highway intersection to provide a safer and more compliant road environment through allowing for an increase in:

- Stopping distance for vehicles approaching the intersection along Vera Street;
- Queue storage capacity for vehicles waiting to enter Stirling Highway; and
- Line of sight for vehicles approaching the intersection from both Vera Street and Stirling Highway.

The recommended yellow line extension will result in the loss of one on street parking bay for the resident but they would have sufficient room to park within their property or alternatively in other sections of the street. Parking on the southern side in this area of Vera Street is currently restricted therefore, no changes are proposed to the southern side.

There is currently a non-compliant, solid line along Vera Street close to the intersection not posing any traffic safety issues. Main Roads has indicated that the current sub-standard centreline marking configuration is due to the width of the road. Roads less than 6 metres in width do not meet the requirements for a solid centre line but have installed one and whilst not to standard, believes that it would benefit safety.

Affected residents have raised further concerns around the volume of vehicles using Vera Street as a 'Rat Run' due to Forrest Street being closed to south bound Stirling Highway Traffic. Whilst this may be true, it would be important to note that such traffic have been distributed across other parallel running routes to Vera Street that permit right turns from Stirling Highway and implementing the road closure will impact other roads.

Council is also asked to consider the feedback received from the recent resident consultation when deciding whether or not to accept the officer's recommendation. Road improvement suggestions not relating to this item will be considered separately by the Administration.



### Parry Street

Given the crest within the vicinity, it is recommended that implementing 'Yellow No Stopping Lines' beyond the 10 metre statutory requirements to both intersections of Alexandra Avenue and ROW 44 (as shown below) will be required to achieve a compliant safe intersection sight distance for both locations.

The proposed extensions along Parry Street from the two intersections will be as follows:

- 33 metres to the south from Alexandra Avenue; and
- 20 metres to the south from ROW 44.

Current statutory yellow lines limited to 10 metres in length can only be applied in situations where two gazetted roads intersect. Council approval would be required for extensions beyond the statutory requirements (Alexandra Avenue) or when either one of the intersecting road is not a gazetted street (ROW44).

Given that the majority of ROWs in Cottesloe are not gazetted roads and residents do have access to their garages through such streets, Council is asked to consider delegating authority to the Administration to restrict parking 10 metres either side of ROWs should there be any safety issues similar to that of ROW 44. Any extension beyond this length would need to be brought before Council.



**Chamberlain Street**

Letters were sent to all residents along Chamberlain Street between Eric Street and Clarendon Street (locality plan shown below) to consult on the following three options (attached):



- Option 1 - 7 marked bays to western side of street and time restrictions changed to 1/2hr;



PROPOSED ON STREET CAR BAYS  
1/2 HOUR PARKING - PERMITS EXEMPT

- Option 2 – 11 marked bays & 1 MC bay to both sides of street and time restrictions changed to 1/2hr.



- Option 3 – no changes required.

Options one and two include the installation of yellow lines in remaining sections of the street outside the parking bay areas.

The results have been summarised below:

<b>Chamberlain St On-Street Car Bays (Eric Street – Clarendon Street)</b>			
	<u>Option 1:</u> 7 Car Bays (Western Side Only)	<u>Option 2:</u> 11 Car Bays & 1 Motorcycle Bay (Both sides)	<u>Option 3:</u> No changes required
Residents Preferred Option Feedback Results:	7	0	1

Following this feedback, officers would recommend implementing Option 1 – 7 marked bays on the western side only as per the plan below with the 2 hour parking restrictions to be modified to 1/2hr to allow for vehicle turnover. This will ensure that long term visitors to the shopping centre park in the undercroft provided. Parking permits will continue to be exempt from the proposed changes.

There is the option to include one motorcycle bay adjacent to the two most southern bays and there would be a loss of one bay should Council wish for this to be located next to the bays on the northern part, closer to Eric Street.

**15 Salisbury Street**

This is a common occurrence throughout Cottesloe and a swipe path analysis undertaken (as shown below) indicates that there is the opportunity to modify the crossover wings at the cost of the resident to provide more turning space rather than restricting parking. The cross overwidth also allows vehicles to take wider angle turns to avoid parked vehicles.

There is also yellow no parking lines to the north of the driveways, terminating at the crossover and for this reason, the parked vehicle shown in the diagram below is able to reverse out in the path shown (refer to site photo below). In the event that there are illegally parked vehicles at this location, cars will still be able to exit driveways by “full locking” their steering wheel, similar to the turn radius that has been modelled for the crossover to the south.

For these reasons, there is no support for any changes to parking.

Council is asked to note that approving a yellow line on the road opposite this property will set precedence and reduce available on street parking for residents that do not have sufficient driveway space to accommodate their visitors.





### **ATTACHMENTS**

- 10.1.4(a) Vera Street - Changes to Proposed Parking Restrictions Feedback [under separate cover]
- 10.1.4(b) Chamberlain St On-Street Car Bay Feedback [under separate cover]

### **CONSULTATION**

Vera Street Residents (Stirling Hwy to Railway Street)  
Chamberlain Street Residents (Eric St to Clarendon St)  
Town of Cottesloe Staff

### **STATUTORY IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

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

Major Strategy 1.1: Develop an 'integrated transport strategy' that includes cycling, park and ride, Cott Cat, public transport and parking management strategies to meet the needs of pedestrians, cyclists and other non-vehicular traffic.

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation and can be accommodated within the car parking maintenance account.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION**

**Moved Acting Mayor Young      Seconded Cr Harkins**

THAT Council:

1. APPROVES the extension of 'Yellow No Stopping Lines' to 20 metres along Vera Street from Stirling Highway intersection as shown on the plan attached to the officer's comment section of the report;
2. APPROVES the installation of 'Yellow No Stopping Lines' along Parry Street 33 metres to the south from Alexandra Avenue and 20 metres to the south of ROW 44 as shown on the plan attached to the officer's comment section of the report;
3. APPROVES Option One involving the Installation of seven marked bays along Chamberlain Street as shown on the plan attached to the officer's comment section of the report and the change to parking time restriction from two hours to thirty minutes; and
4. REJECTS 15 Salisbury Street resident's request for parking restriction yellow lines to be painted opposite their cross over.
5. SUBJECT to the approval of point two, DELEGATES the Chief Executive Officer or his delegate authority to install yellow lines no more than 10 metres either side of a non-gazetted road such as a right of way should there be traffic safety issues, noting that any length beyond 10 metres would need to be approved by Council.

Following discussion it was agreed to consider each point separately.

**OCM176/2021****COUNCILLOR MOTION (POINT 1)****Moved Acting Mayor Young      Seconded Cr Tucak****THAT Council:**

- 1. APPROVES the extension of 'Yellow No Stopping Lines' to 20 metres along Vera Street from Stirling Highway intersection as shown on the plan attached to the officer's comment section of the report;**

**Carried 7/0****COUNCILLOR MOTION (POINT 2)****Moved Acting Mayor Young      Seconded Cr Masarei**

- 2. APPROVES the installation of 'Yellow No Stopping Lines' along Parry Street 33 metres to the south from Alexandra Avenue and 20 metres to the south of ROW 44 as shown on the plan attached to the officer's comment section of the report;**

**OCM177/2021****COUNCILLOR AMENDMENT (POINT 2)****Moved Cr Tucak      Seconded Cr MacFarlane**

Add the following words to the end of point 2:

and requests surrounding resident's input prior to installing any yellow line 33 metres from Alexandra Avenue to ROW 44;

**Lost 2/5****For: Crs Tucak and MacFarlane****Against: Cr Young, Harben, Sadler, Masarei and Harkins****OCM178/2021****COUNCILLOR MOTION (POINT 2) (FORESHADOWED)****Moved Cr Harkins      Seconded Acting Mayor Young**

- 2. DEFERS installation of 'Yellow No Stopping Lines' along Parry Street pending a further report from the officers.**

**Carried 4/3****For: Cr Young, Harben, Masarei and Harkins****Against: Crs Sadler, Tucak and MacFarlane**

Cr Harben left the meeting at 8:08pm.

**OCM179/2021****COUNCILLOR MOTION (POINT 3)****Moved Acting Mayor Young      Seconded Cr Tucak**

- 3. APPROVES Option One involving the Installation of seven marked bays along Chamberlain Street as shown on the plan attached to the officer's comment section of the report and the change to parking time restriction from two hours to thirty minutes; and**

**Carried 6/0**

Cr Harben returned to the meeting at 8:11pm.

**OCM180/2021**

**COUNCILLOR MOTION (POINT 4)**

**Moved Acting Mayor Young      Seconded Cr Sadler**

- 4. REJECTS 15 Salisbury Street resident's request for parking restriction yellow lines to be painted opposite their cross over.**

**Carried 6/1**

**For: Cr Young, Harben, Sadler, Masarei, Harkins and MacFarlane**

**Against: Cr Tucak**

**OCM181/2021**

**COUNCILLOR MOTION (POINT 5)**

**Moved Acting Mayor Young      Seconded Cr Harkins**

**That paragraph 5 be DEFERRED as it was dependent on point 2.**

**Carried 7/0**

**COUNCILLOR RATIONALE:**

- 1. Council deferred the installation of 'Yellow No Stopping Lines' along Parry Street pending a further report from the officers.**
- 2. Council deferred point 5 of the Officer's Recommendation as it was dependent on point 2 which was deferred.**

**10.1.5 SPECTUR SHARK WARNING SYSTEM**

**Directorate:** Engineering Services  
**Author(s):** Shaun Kan, Director Engineering Services  
**Authoriser(s):** Matthew Scott, Chief Executive Officer  
**File Reference:** D21/41619  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider accepting gifts from the Department of Primary Industry Regional Development (DPIRD) comprising of two refurbished Spectur Shark Warning Systems.

**OFFICER RECOMMENDATION IN BRIEF**

That Council thanks the Minister for Fisheries and accepts two refurbished Spectur Shark Warning Systems gifted by DPIRD.

Council is also asked to note that the systems will be installed within the vicinity of Main Beach and North Cottesloe in consultation with two surf clubs including Surf Lifesaving Western Australia. Operating protocols will be developed in collaboration with the clubs.

**BACKGROUND**

During discussions with the Department of Fisheries regarding the installation of Beach Emergency Number Signs, other shark warning options were explored that resulted in the donation of two refurbished Spectur units to the Town of Cottesloe.

The Spectur Units provided are stand alone visual and audio shark warning systems for beachgoers, who may not have access to shark warnings via the SharkSmart App.

A briefing from the State Government on the warning system, attended by the North Cottesloe (NCSLSC) and Cottesloe (CSLSC) Surf Lifesaving Clubs was held. Both clubs indicated verbal support at this forum and the Town has since received written support from CSLSC. NCSLSC have suggested further consultation with Surf Lifesaving WA as they are looking at implementing a similar system.

Operating procedures will be developed and the exact location of the device identified in consultation with the local surf clubs and Surf Lifesaving WA prior to the implementation of the systems.

**OFFICER COMMENT**

Should Council accept the donations from the State Government, the Town of Cottesloe will be the First Metropolitan Local Government to install these Spectur units which are surplus devices recently used in the South West for the Shark Smart Drum Line Trials.



They have a design life of 3-5 years before needing to be refurbished due to its exposure to the coastal environment. The Units can be remotely activated by Rangers/Surf Club on confirmed shark sightings and automatically triggered should a tagged shark be detected by current sensor buoys located approximately 800 metres out in the ocean.

Both local surf clubs have been briefed and seem supportive of their installation.

Other Local Governments with Spectur Units are the City of Busselton, Shire of Augusta Margaret River and Shire of Esperance.

It is intended that one unit be installed at Main Beach and the other in North Cottesloe. Their final location and operating procedures will be determined in consultation with the local surf lifesaving clubs including Surf Lifesaving WA. Further information on the system can be found at <https://www.sharksmart.com.au/stayingsafe/shark-warning-system/>.

The installation will complement the other shark attack prevention and response systems comprising of BEN Signs, the swimming enclosure and beach patrols.

Given the benefits, a recommendation has been made for Council to accept the Minister for Fisheries donation.

### **ATTACHMENTS**

- 10.1.5(a) Letter of Support from Cottesloe Surf Life Saving Club - SPECTUR Shark warning system [under separate cover]**

### **CONSULTATION**

DPIRD

Department of Fisheries

Elected Members

CSLSC

NCSLSC

Surf Lifesaving WA will be consulted as part of the rollout

### **STATUTORY IMPLICATIONS**

There are no perceived statutory implications

### **POLICY IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

Major Strategy 6.3: Implement technologies to enhance decision making, communication and service delivery.

### **RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

The warning systems operations will only be between the hours of 5am and 8pm or otherwise determined to minimise any impacts to surrounding residents.

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Harben**

**Seconded Cr Harkins**

THAT Council:

1. ACCEPTS the donation of the two Spectur Shark Warning Units mentioned and THANKS the Department of Fisheries for the donation;
2. NOTES that subject to point one that further consultation will be undertaken with various stakeholders including the Cottesloe Surf Lifesaving Club, North Cottesloe Surf Lifesaving and Surf Life Saving WA to determine the final location of the units and develop operating procedures to ensure its optimum deployment.
3. REQUESTS the CEO to continue discussions with the Department of Fisheries regarding possible additional shark mitigation measures.



**EXECUTIVE SERVICES****10.1.7 TOWN OF CLAREMONT REPORT ON THE WMRC**

<b>Directorate:</b>	<b>Executive Services</b>
<b>Author(s):</b>	<b>Matthew Scott, Chief Executive Officer</b>
<b>Authoriser(s):</b>	<b>Matthew Scott, Chief Executive Officer</b>
<b>File Reference:</b>	<b>D21/42489</b>
<b>Applicant(s):</b>	<b>Internal</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "I am a Deputy Member to the WMRC."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "I am a former Deputy Member of the WMRC but I resigned from that Council."

Cr MacFarlane declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "I am the primary voting delegate assigned from the Town of Cottesloe to the WMRC."

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**SUMMARY**

For Council to consider the recent report by the Town of Claremont on a Strategic Review of Waste Management Services.

**OFFICER RECOMMENDATION IN BRIEF**

That Council advises the Town of Claremont that it does not believe there has been significant change in risk associated with governance structure of the Western Metropolitan Regional Council since its inception; is satisfied with the current performance and current governance structure of the WMRC and would support a request that the WMRC develops a processes and/or policies to ensure formal consultation with Member Council prior to the WMRC considering significant new projects or services.

**BACKGROUND**

At the Town of Claremont Ordinary Council Meeting, 17 August 2021, the Claremont Council considered a report on a Strategic Review of Waste Services its Administration had recently undertaken, as the result of previous Council resolution (attached).

From this report the Town of Claremont resolved:

*That Council (Town of Claremont)*

1. *Receives the Review of the WMRC by Hammond and Woodhouse, July 2021.*
2. *Requests the CEO to:*
  - a. *Approach the member Councils to discuss the contents of this report with the aim of reaching a decision to reduce the risk for the member Councils; and*
  - b. *Prepare a report to Council advising on the outcomes as soon as practical.*

Since this resolution, the Town of Cottesloe, as a member Council of the Western Metropolitan Regional Council (WMRC) has been requested to make comment on the contents of the report, focusing on how risks to member Councils could be reduced.

The Claremont report was discussed at the September Elected Member Workshop, noting that any formal comment could only be provided via a Council Resolution, from a formal Council Meeting.

This report is a summary of the discussion and to enable Council to provide formal comment to the Town of Claremont in the form of a Council Resolution.

### **OFFICER COMMENT**

At the Elected Member Workshop it was observed that there was very limited analysis of risk, either in the actual Council report or with the independent Strategic Waste Review, by Hammond Woodhouse, 20 July 2021 (attached to the report). It was however noted that the Town of Claremont has determined the risk as high, based on a determination of the consequences being moderate and likelihood being likely but the report does not provide much detail on how consequence and/or likelihood has been determined.

The WMRC was formed via an establishment agreement some 30 years ago, as a Regional Local Government, under the Local Government Act 1995. As a Regional Council, WMRC is subject to the same statutory governance controls in its decision making processes, as a local government. It is understood the Establishment Agreement has not substantially changed in this time. It was observed at the workshop, that given there has been no substantial change in the establishment agreement, since it was initially entered into, the risks associated by governance structure could not have changed either. It would however seem from the report the Town of Claremont's risk appetite may have.

As a member Council, Council is required to appoint an elected member to the WMRC Council, which is currently Cr MacFarlane.

During the discussion at the workshop the general views expressed were:

1. Elected Members seem satisfied with the current performance of the WMRC and the current governance structure (Establishment Agreement);
2. There was little interest in further exploring other governance structures, as this was seen a possible transfer of risk, and may not result in a overall decrease of risk;
3. Elected members seem interested in being formally consulted by the WMRC on significant projects or service changes.

The Officer's recommendation attempts to reflect these views, however Council has the discretion to amend or change the proposed comments to the Town of Claremont.

### **ATTACHMENTS**

**10.1.7(a) Town of Claremont Agenda Item 13.12 Strategic Review of Waste Management [under separate cover]**

**10.1.7(b) "Review of WMRC", by Hammond and Woodhouse, July 2021 [under separate cover]**

**CONSULTATION**

Town of Claremont.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995.*

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**RESOURCE IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENT**

Simple Majority

Cr MacFarlane returned to the meeting at 8:21pm.

**OFFICER RECOMMENDATION**

**Moved Acting Mayor Young      Seconded Cr Masarei**

THAT Council ADVISES the Town of Claremont that:

1. The Town of Cottesloe does not believe there has been significant change in risk associated with the governance structure of the Western Metropolitan Regional Council (either decrease or increase), since its inception;
2. The Town of Cottesloe is satisfied with the current performance of the WMRC;
3. The Town of Cottesloe is satisfied with the current governance structure of the WMRC; and
4. The Town of Cottesloe would support a request that the WMRC develops a processes and/or policies to ensure formal consultation with Member Councils prior to the WMRC considering significant new projects or services.

**COUNCILLOR MOTION****Moved Cr Tucak** **No Seconder, Lapsed**

THAT Council ADVISES the Town of Claremont that:

1. The Town of Cottesloe does not believe there has been significant change in risk associated with the governance structure of the Western Metropolitan Regional Council (either decrease or increase), since its inception;
2. The Town of Cottesloe would support a request that the WMRC develops a processes and/or policies to ensure formal consultation with Member Councils prior to the WMRC considering significant new projects or services; and
3. Council REQUESTS the Administration to prepare a future report to Council on (i) the current performance of the WMRC, and (ii) current governance structure of the WMRC.

**OCM183/2021****COUNCILLOR MOTION****Moved Acting Mayor Young** **Seconded Cr Masarei****That the meeting be adjourned for 5 minutes.****Carried 6/1****For: Cr Young, Harben, Sadler, Masarei, Harkins and MacFarlane****Against: Cr Tucak**

The meeting was adjourned at 8:29pm.

The meeting resumed at 8:35pm.

**OCM184/2021****SUBSTANTIVE MOTION AND COUNCIL RESOLUTION (FORESHADOWED)****Moved Acting Mayor Young** **Seconded Cr Harkins**

THAT Council ADVISES the Town of Claremont that:

1. **The Town of Cottesloe does not believe there has been significant change in risk associated with the governance structure of the Western Metropolitan Regional Council (either decrease or increase), since its inception;**
2. **The Town of Cottesloe is satisfied with the current governance structure of the WMRC; and**
3. **The Town of Cottesloe would support a request that the WMRC develops a processes and/or policies to ensure formal consultation with Member Councils prior to the WMRC considering significant new projects or services.**

**Carried 6/1****For: Cr Young, Harben, Sadler, Masarei, Harkins and MacFarlane****Against: Cr Tucak**

COUNCILLOR RATIONALE:

Council did not want to make comment on the WMRC, as this was not specifically discussed in the report.



**10.2.3 RECEIPT OF FORESHORE PRECINCT ADVISORY COMMITTEE MINUTES - 15 SEPTEMBER 2021**

**Attachments: 10.2.3(a) Unconfirmed Minutes - Foreshore Precinct Advisory Committee Meeting - 15 September 2021 [under separate cover]**

THAT Council RECEIVES the attached Unconfirmed Minutes of the Foreshore Precinct Advisory Committee Meeting held on 15 September 2021 and ADOPTS the recommendations contained within.

**OCM186/2021**

**COUNCILLOR MOTION**

**Moved Cr Sadler**

**Seconded Cr Tucak**

That Council:

1. RECEIVES the attached unconfirmed minutes of the Foreshore Precinct Advisory Committee meeting held 15 September 2021 and NOTES the recommendations contained within.
2. APPROVES the Car Park Two location C as shown in the attached Aspect Studio Presentation for the purposes of master-planning the redevelopment of Car Park Two.



3. REQUESTS the administration to include the requirement for a universal access toilet facility as part of the redevelopment of Car Park Two.

**Lost 1/6**

**For: Cr Sadler**

**Against: Cr Young, Harben, Masarei, Harkins, Tucak and MacFarlane**

OCM187/2021

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (FORESHADOWED)

Moved Cr Harkins

Seconded Acting Mayor Young

THAT Council RECEIVES the attached Unconfirmed Minutes of the Foreshore Precinct Advisory Committee Meeting held on 15 September 2021 and ADOPTS the recommendations contained within.

Carried 6/1

For: Cr Young, Harben, Masarei, Harkins, Tucak and MacFarlane

Against: Cr Sadler

**11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****11.1 COUNCILLOR MOTION - CUSTOMER SERVICE OBJECTIVES**

The following motion has been proposed by Cr Tucak.

**COUNCILLOR MOTION****Moved Cr Tucak****No Seconder, Lapsed**

THAT Council REQUESTS the CEO to prepare a report to Council within the next 6 months on potential improvements to the Town's customer service and feedback commitments and resident & ratepayers interface processes, including consideration of the following:

1. Open and complete Responses to ratepayer's questions at Council Meetings.
2. Safeguarding the requirement to make all decisions in formal Council Meetings.
3. Local Law Enforcement processes and cautions / warnings before infringements.
4. Review of the Town's Customer Service Charter and of performance against it, to continuously improve interactions with its ratepayers.

including the potential for changes to any relevant local law, or a policy in support of it.

**OFFICER COMMENT****Policy**

There are no current specific policy implications with the above Motion of Notice, however Council has a Customer Service Charter 2020, which is available on the Town's website, <https://www.cottesloe.wa.gov.au/strategic-documents.aspx>.

**Budget**

Any review will involve Officer Time, however legal advice may need to be obtained if changes are proposed to Local Laws. No estimate on total cost to implement the motion on notice has been determined.

**Legal**

*Local Government Act 1995*

*Section 3.5 Legislative power of local governments*

*Section 3.10 Creating offences and prescribing penalties*

*Section 5.20 Decisions of council and committees*

*Section 5.23 Meetings generally open to public*

*Section 5.24 Question time for public*

*Section 5.25 Regulations about council and committee meetings and committees*

*Section 5.41 Functions of the CEO*

*Local Government (Administration) Regulations 1996*

*Regulation 4A Matter prescribed for when meeting may be closed to public (Act s 5.23(2)(h))*

*Regulation 5 Question time for public, meetings that require prescribe (Act s 5.24)*

*Regulation 6 Question time for public, minimum time for (Act s 5.24(2))*

*Regulation 7 Question time for public, procedure for (Act s 5.24(2))*

*Regulation 11 Minutes, content of (Act s 5.25(1)(f))*

*The Town of Cottesloe Local Government (Meeting Procedure) Local Law 2021*

*Clauses 6.3-6.7*

### **Other**

In response to the Cr Tucak rationale, the following observations are made.

The Town of Cottesloe operates within the provisions of the Local Government Act 1995 (the Act), and associated regulations and Town of Cottesloe Local Laws. All Council decisions are made either at an Ordinary Council Meeting or Special Council Meeting in accordance with the Act. It is uncertain whether the rationale is alleging that Council decisions are being made outside these requirements. As no actual evidence has been provided in the rationale regarding these concerns, it is uncertain as to what specific concerns (or allegation) are being made.

All Council decisions are made in public, except where Council has resolved to discuss matters behind closed doors, in accordance with Section 5.23. It is noted that generally items discussed behind closed doors relate to:

1. Awarding a tender
2. Dealing with Legal Advice
3. Dealing with Employee matters
4. Dealing with Councillor complaints

Discussing the above matters in public is not recommended by the Department of Local Government or WALGA, for obvious reasons.

It is also noted that the decision to discuss matters behind closed doors has generally been resolved unanimously (supported by all elected members, including Cr Tucak).

As a Local Government, the Town is required to operate lawfully. Likewise for any Council decision to be valid, it also must be made lawfully. Any allegation that the Town has not operated within the provisions of the Local Government Act should be forwarded to the Department of Local Government (or other oversight agencies) for further investigation. The Town is unaware of any current complaints being investigated by either the Department of Local Government or other oversight agencies.

Furthermore, the Town is required to enforce its Local Laws without fear or favour. It is understandable that an individual receiving an infringement may feel it has been issued unnecessarily. All infringements are subject to appeal, and ultimately challengeable via the Magistrates Court. This is the standard practice across Western Australian Local Governments. The Town is unaware of a situation where a Town issued infringement has been successfully challenged and set aside by the Courts as unreasonable or unnecessary.

It would seem the rationale is based on unsubstantiated or perceived concerns received from unidentified individual(s) by Cr Tucak. These concerns (or examples thereof) have not been forwarded to the Administration for further investigation, nor has the identity of the individuals making these allegations been disclosed. It would seem the rationale provided is purely based on hearsay and perception with no evidence provided to support these claims.



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

OCM189/2021

MOTION FOR BEHIND CLOSED DOORS

Moved Acting Mayor Young      Seconded Cr Masarei

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

Carried 6/1

For: Cr Young, Harben, Sadler, Masarei, Harkins and MacFarlane

Against: Cr Tucak

*The public and members of the media were requested to leave the meeting at 9:26pm.*

**13.1.1 T01/2021 - DESIGN AND CONSTRUCT ANDERSON PAVILION - 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.

**OCM190/2021****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION****Moved Acting Mayor Young      Seconded Cr Masarei****THAT Council:**

- 1. APPROVES a budget amendment of \$165,130 as detailed in the resource implication section of the report from the Property Reserve that increases the budget allocation in capital account 35.4010.2 – Anderson Pavilion Development (CSRFF) from \$1,400,000 to \$1,565,130, noting that this will be required to fund the shortfall in order to award the contract to Classic Contractors as per the description in point two; and**
- 2. Subject to the APPROVAL of point one, AWARDS the Design and Construct tender for Anderson Pavilion Option two for the construction of a new building comprising of four full sized change rooms as shown on the attached architectural drawings to Classic Contractors for a contract value of \$1,444,966.13 (excluding GST);**
- 3. Subject to the APPROVAL of points one and two above, APPROVES for part of the shortfall in budget mentioned in point one and detailed in the resource implication section of the report be obtained from the following order of priorities:**
  - a. Sporting clubs that utilise the Anderson Pavilion in combination with contributions from CSRFF and the Football Commission;**
  - b. In the event that point three (a) has been substantiated as not being achievable, the shortfall will then be funded from the Council’s Property Reserve.**
- 4. AUTHORISES the Mayor and/or Chief Executive Officer to sign the Contract and affix the Town’s Common Seal (if required); and**
- 5. AUTHORISES the Chief Executive Officer to manage the Design and Construct of the Anderson Pavilion contract, including provision of possible variations (provided the variation is necessary in order for the goods or services to be supplied, does not change the general scope of the contract and is managed within the allotted budget allocation).**

**Carried by Absolute Majority 6/1****For: Cr Young, Harben, Sadler, Masarei, Harkins and MacFarlane****Against: Cr Tucak**

**13.1.2 T02/2021 - ROTUNDA RECONSTRUCTION AND DUNE STABILISATION PROJECT - TENDER RECOMMENDATION**

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

**OFFICER RECOMMENDATION****Moved Cr MacFarlane****Seconded Cr Masarei**

THAT Council:

1. APPROVES awarding the Rotunda Reconstruction and Dune Stabilisation Project to Environmental Industries (EI) for a Contract Value of \$552,185.70 (excluding GST);
2. NOTES that the long lead was predominantly due to the time required by the Town's insurers to assess the complex claim and development of a satisfactory design that met their risk mitigation requirements to ensure continued insurance coverage for the new infrastructure;
3. AUTHORISES the Acting Mayor and/or Chief Executive Officer to sign the Contract and affix the Town's Common Seal (if required); and
4. AUTHORISES the Chief Executive Officer or delegate to manage the Rotunda Reconstruction and Dune Stabilisation construction contract, including provision of possible variations (provided the variation is necessary in order for the goods or services to be supplied, does not change the general scope of the contract and is managed within the allotted budget allocation).
5. APPROVES a maximum of \$153,000 surplus to be returned to Property Reserves and any remaining funds above this amount be returned to the Foreshore Reserves.

**COUNCILLOR AMENDMENT****Moved Cr Tucak****No Seconder, Lapsed**

THAT points 2, 4 and 5 be amended as follows:

2. NOTES that the long lead between the damage in June 2020 and Council's approval of the design, Budget Amendment and calling of tenders in May 2021 was predominantly due to the time required by the Town's insurers to assess the complex claim and development of a satisfactory design that met their risk mitigation requirements to ensure continued insurance coverage for the new infrastructure;
4. AUTHORISES the Chief Executive Officer or delegate to manage the Rotunda Reconstruction and Dune Stabilisation construction contract, including provision of possible variations (provided the variation is necessary in order for the goods or services to be supplied, does not change the general scope of the contract and is managed within the allotted budget allocation) to ensure completion by no later than 15 December 2021.
5. APPROVES a maximum of \$153,000 surplus to be returned to Property Reserves and any remaining funds above this amount be returned to the Foreshore Reserves, less

the sums required for the Town to procure, install and maintain suitable fence mesh banners which will obscure construction works from public view (and minimise interruption to the ocean views, if possible) containing imagery or graphics that will blend in with the environment and to avoid doubt Council AUTHORISES the Administration to procure, install & maintain.

**OCM191/2021**

**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

**THAT Council:**

- 1. APPROVES awarding the Rotunda Reconstruction and Dune Stabilisation Project to Environmental Industries (EI) for a Contract Value of \$552,185.70 (excluding GST);**
- 2. NOTES that the long lead was predominantly due to the time required by the Town's insurers to assess the complex claim and development of a satisfactory design that met their risk mitigation requirements to ensure continued insurance coverage for the new infrastructure;**
- 3. AUTHORISES the Acting Mayor and/or Chief Executive Officer to sign the Contract and affix the Town's Common Seal (if required); and**
- 4. AUTHORISES the Chief Executive Officer or delegate to manage the Rotunda Reconstruction and Dune Stabilisation construction contract, including provision of possible variations (provided the variation is necessary in order for the goods or services to be supplied, does not change the general scope of the contract and is managed within the allotted budget allocation).**
- 5. APPROVES a maximum of \$153,000 surplus to be returned to Property Reserves and any remaining funds above this amount be returned to the Foreshore Reserves.**

**Carried 7/0**

**13.1.3 COUNCIL WORKSHOP - WESTERN AUSTRALIAN PLANNING COMMISSION DECISION (SDAU) 120 MARINE PARADE**

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.

Cr Harben declared an IMPARTIALITY INTEREST in item 13.1.3 by virtue "the architect involved in that project worked on a property I own."

**OFFICER RECOMMENDATION**

**Moved Acting Mayor Young                      Seconded Cr MacFarlane**

THAT Council:

1. NOT pursue a legal challenge to the WAPC Development Approval decision for 120 Marine Parade, for the following reasons:
  - a. The limited legal grounds to seek a judicial review;
  - b. The unlikelihood of success given the broad application of Part 17 of Planning and Development Act 2005 available to West Australian Planning Commission (WAPC) in determining development applications;
  - c. The estimated significant cost to the Town of a challenge via the Supreme Court; and
  - d. Irrespective of a challenge being successful and the decision set aside, the WAPC is unlikely to make a significantly different decision to address the Town's concerns, given the broad application of Part 17 of the Planning and Development Act 2005.
2. AUTHORISES the Acting Mayor to write to:
  - a. the Premier,
  - b. the Minister for Planning,
  - c. the Minister for Local Government, and
  - d. the Chairman of the WAPC,

Outlining the Town of Cottesloe's disappointment in the WAPC decision and application of Part 17, Planning and Development Act 2005, which has overridden the Town of Cottesloe Local Planning Scheme No.3, which the Town believes does not provide for the orderly and proper planning of the District.
3. INSTRUCTS the Chief Executive Officer (CEO) to continue to work collaboratively with:
  - a. West Australian Local Government Association (WALGA);
  - b. Members of Parliament (Upper and Lower House Members); and
  - c. Other Local Governments.

To seek:

- d. Meaningful changes to the current (SDAU) processes with regard to future applications to protect local community Town planning interests;
- e. Influence the operational framework of proposed successor of the SDAU to ensure local community Town Planning interests are protected.

**OCM192/2021****COUNCILLOR AMENDMENT****Moved Cr Tucak****Seconded Acting Mayor Young****Wording be added to the end of point 2d being:**

**, and the Town's desire to work collaboratively with them to ensure any further development in Cottesloe under the SDAU or a similar State process responds to and reflects Cottesloe's coastal village character for the benefit of the entire State.**

**Carried 7/0****COUNCILLOR AMENDMENT****Moved Cr Tucak****No Seconder, Lapsed****A new point 4 be added as follows:**

- 4. **INSTRUCTS the CEO to prepare a report on the Town's ability to internally develop tools and materials that will allow the Town to proactively respond to any further SDAU development applications on the Foreshore (and in other likely development areas), such as 'envelope modelling' of heights and their overshadowing impact on the beachfront and Civic Centre viewing corridors, and a preferred holistic approach to such development (eg the Town's vision for Foreshore built form, rather than piecemeal development via SDAU).**

**OCM193/2021****SUBSTANTIVE MOTION AND COUNCIL RESOLUTION****Moved Acting Mayor Young****Seconded Cr Harben****THAT Council:**

- 1. **NOT pursue a legal challenge to the WAPC Development Approval decision for 120 Marine Parade, for the following reasons:**
  - a. **The limited legal grounds to seek a judicial review;**
  - b. **The unlikelihood of success given the broad application of Part 17 of Planning and Development Act 2005 available to West Australian Planning Commission (WAPC) in determining development applications;**
  - c. **The estimated significant cost to the Town of a challenge via the Supreme Court; and**
  - d. **Irrespective of a challenge being successful and the decision set aside, the WAPC is unlikely to make a significantly different decision to address the Town's concerns, given the broad application of Part 17 of the Planning and**

Development Act 2005.

**2. AUTHORISES the Acting Mayor to write to:**

- a. the Premier,
- b. the Minister for Planning,
- c. the Minister for Local Government, and
- d. the Chairman of the WAPC,

Outlining the Town of Cottesloe's disappointment in the WAPC decision and application of Part 17, Planning and Development Act 2005, which has overridden the Town of Cottesloe Local Planning Scheme No.3, which the Town believes does not provide for the orderly and proper planning of the District, and the Town's desire to work collaboratively with them to ensure any further development in Cottesloe under the SDAU or a similar State process responds to and reflects Cottesloe's coastal village character for the benefit of the entire State.

**3. INSTRUCTS the Chief Executive Officer (CEO) to continue to work collaboratively with:**

- a. West Australian Local Government Association (WALGA);
- b. Members of Parliament (Upper and Lower House Members); and
- c. Other Local Governments.

To seek:

- d. Meaningful changes to the current (SDAU) processes with regard to future applications to protect local community Town planning interests;
- e. Influence the operational framework of proposed successor of the SDAU to ensure local community Town Planning interests are protected.

Carried 6/1

For: Cr Young, Harben, Sadler, Masarei, Harkins and MacFarlane

Against: Cr Tucak

**COUNCILLOR RATIONALE:**

1. In addition to the direct responses proposed by the Officer's Recommendation, there is value in the Town being proactive with its own vision for any future development on the Foreshore (or other areas in the Town) and engaging with the State government on a collaborative basis and for the Town to be proactive in being able to respond to any future SDAU or similar development applications on the Foreshore, and in other areas.

**13.1.4 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW**

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (a) as it contains information relating to a matter affecting an employee or employees.

The CEO declared a FINANCIAL INTEREST in item 13.1.4 by virtue "Not only is it a statutory requirement but it is a condition of my employment."

**OCM194/2021****RECOMMENDATIONS TO COUNCIL AND COUNCILLOR MOTION AND COUNCIL RESOLUTION****Moved Acting Mayor Young      Seconded Cr Sadler****THAT Council:**

- 1. NOTES that the appraisal of Mr Matthew Scott, Chief Executive Officer, has been completed for the period of July 2020 to June 2021.**
- 2. ACCEPTS the outcome of 'Meets Expectations' and thanks Mr Scott for his efforts.**
- 3. ENDORSES Mr Scott to undertake professional development aligned to delivery of the 2021-2022 performance criteria up to the value of \$2,500 with a learning proposal and business case circulated to Elected Members for information and agreed prior by the Mayor.**
- 4. Given the limited scope for an increase within the Town's classification band as established by the Salaries and Allowances Tribunal, determines that no increase will be applied this year to Mr Scott's Total Reward Package.**
- 5. REQUIRES Mr Scott to provide the following items to Council by the November 2021 Ordinary Council Meeting:**
  - a. A calendar or schedule that identifies when strategic items should be started and delivered.**
  - b. A plan as to how the Customer Service Key Focus Area outcomes as identified in the 2020-2021 performance criteria, will be addressed.**
- 6. Mr Scott's Performance Criteria for 2021-2022 are established by Council in November 2021.**

**Carried 6/1****For: Cr Young, Harben, Sadler, Masarei, Harkins and MacFarlane****Against: Cr Tucak****OCM195/2021****MOTION FOR RETURN FROM BEHIND CLOSED DOORS****Moved Acting Mayor Young      Seconded Cr Sadler**

**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 7/0**

*The meeting was re-opened to the public at 10:19pm, 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 T01/2021 - DESIGN AND CONSTRUCT ANDERSON PAVILION - TENDER RECOMMENDATION**

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

**13.1.2 T02/2021 - ROTUNDA RECONSTRUCTION AND DUNE STABILISATION PROJECT - TENDER RECOMMENDATION**

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

**13.1.3 COUNCIL WORKSHOP - WESTERN AUSTRALIAN PLANNING COMMISSION DECISION (SDAU) 120 MARINE PARADE**

As no members of the public returned to the meeting the resolution for item 13.1.3 was not read out.

**13.1.4 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW**

As no members of the public returned to the meeting the resolution for item 13.1.4 was not read out.

**14 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 10:19pm.