



Town of Cottesloe

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

Wednesday, 14 April 2021

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

Signed:

Presiding Member

Date: 27.4.21

TOWN OF COTTESLOE



SPECIAL COUNCIL MEETING

MINUTES

SPECIAL COUNCIL MEETING
HELD IN THE

War Memorial Hall, Cottesloe Civic Centre, 109 Broome Street, Cottesloe
6:00pm Wednesday, 14 April 2021

MATTHEW SCOTT
Chief Executive Officer

15 April 2021

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

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6:03pm.

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

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

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

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

Nil

4.2 PUBLIC QUESTIONS

Yvonne Hart – 26 Mann Street, Cottesloe – Item 10.1

Q1: Does the Council intend to uphold the Beach Policy? Is the answer yes or no?

Q2: If Council does not intend to uphold the Beach Policy, what PROCESS has it followed to inform ratepayers that the Beach Policy has been revoked? What date did this action take place?

Q3: I ask that Council evaluate the architectural drawings with a view to upgrade and refurbishment of the Indiana Toilets.

The Questions were Taken on Notice.

Gail Manton – 5 Deane Street, Cottesloe – Item 10.1

Q1: Are the design costs (present and outgoing) for the toilet block concept included in the documents available to Cottesloe Ratepayers?

A1: The purpose of this evening's meeting is to determine whether the Town will be proceeding with the toilet block or going out to consultation. The estimated construction cost is \$240,000, however, at this stage an analysis of a future operating costs has not been undertaken. The Town's general maintenance budget for toilet facilities throughout the Town would be utilised.

Q2: If not, where can Cottesloe Ratepayers access this information?

A2: The provision was included in a previous Council resolution and is available through the Council minutes on the Town's website.

5 PUBLIC STATEMENT TIME

Mr Patricia Carmichael – 14-116 Marine Parade, Cottesloe – Item 10.1

Ms Carmichael outlined her concerns about the proposed toilet block.

Laurent Rivalin – U4/116 Marine Parade, Cottesloe – Item 10.1

Mr Rivalin outlined his concerns about the proposed toilet block.

6 ATTENDANCE

Elected Members

Cr Lorraine Young
Cr Helen Sadler
Cr Craig Masarei
Cr Melissa Harkins
Cr Kirsty Barrett
Cr Paul MacFarlane

Officers

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

6.1 APOLOGIES

Cr Michael Tucak
Cr Caroline Harben

Officers Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Mayor Philip Angers

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL RESOLUTION

SCM048/2021

Moved Cr MacFarlane

Seconded Cr Sadler

That Cr MacFarlane be granted Leave of Absence for the 27 April 2021 Ordinary Council Meeting.

Carried 6/0

7 DECLARATION OF INTERESTS

Nil

8 PRESENTATIONS

8.1 PETITIONS

Nil

8.2 PRESENTATIONS

Nil

8.3 DEPUTATIONS

Nil

9 REPORTS

9.1 REPORTS OF OFFICERS

Nil

10 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**10.1 COUNCILLOR MOTION - MOTION TO CHANGE DECISION OF COUNCIL**

The following motion has been proposed by Cr Young.

SCM049/2021

COUNCILLOR MOTION

Moved Acting Mayor Young Seconded Cr Harkins, Cr Sadler

THAT Council change paragraphs 1 and 2 only of resolution OCM051/2021 so that they now read as follows:

1. **ACCEPTS** the 100% Foreshore Redevelopment Design found on the link reference in the Summary section of the report, subject to paragraph 2, below.
2. **ACCEPTS** the Toilet Block Concept within the Aspect Presentation found on the link reference in the Summary section of the report, for the purposes of community consultation (on the location and design) and as the basis for a provisional sum in the design costs estimate for Foreshore Funding.

And that the full content of Council's resolution OCM051/2021, as changed, be reproduced in the Minutes of this Special Council Meeting, for the purposes of clarity.

Carried by Absolute Majority 6/0

OCM051/2021

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION (AS AMENDED SCM 14/04/2021)

THAT Council:

1. **NOTES** the attached Unconfirmed Minutes of the Foreshore Precinct Advisory Committee Meeting – 17 March 2021.
2. **ADOPTS** the recommendations in the Foreshore Precinct Advisory Committee (points 1- 7 below):
 1. **ACCEPTS** the 100% Foreshore Redevelopment Design found on the link reference in the Summary section of the report, **subject to paragraph 2, below;**
 2. **ACCEPTS** the Toilet Block Concept within the Aspect Presentation found on the link reference in the Summary section of the report, for the purposes of community consultation (on the location and design) and as the basis for a provisional sum in the design costs estimate for Foreshore Funding;
 3. **NOTES** the petition presented at the February 2021 Ordinary Meeting and **APPROVES** for the future use of Carpark One is to be in accordance with all endorsed plans developed to date;
 4. **NOTES** that negotiations have commenced with various Government Agencies to progress the different components within the Foreshore Redevelopment Project;
 5. **NOTES** that in accordance with points four to six of the December 2020 Ordinary Council Meeting Resolution, the Active Recreation Plan 761 and 762

are only approved in principle and is subject to the outcome of any ongoing feasibility studies;

6. **NOTES** that a separate item is to be brought to Council for approval through the FPAC should there be any changes to the Active Recreational Plan to accommodate any Council approved outcomes of any ongoing feasibility studies; and
7. **REQUEST** the Administration to incorporate an appropriate provisional sum to cover any expansion of the Active Recreational Plan mentioned in points five and six.

COUNCILLOR RATIONALE

1. Council's Beach Policy provides that the construction of any enclosed and roofed structures west of Marine Parade shall be limited to replacement only without significant expansion of the footprint, height or mass of the structure.
2. Council policies are not binding on Council, but there is a community expectation that Council will not act contrary to significant and longstanding policies without strong and clearly articulated reasons and, where appropriate and possible, community consultation;
3. Members of the community have expressed concern that the acceptance of public toilet facilities in the Foreshore Masterplan would be contrary to Council's Beach Policy and that this would be done without community consultation. This point was made by members of the community at the March Council meeting and has been brought out more fully in correspondence since the meeting. It was not however the subject of extensive debate on the matter, either during the December 2020 Council meeting (at which the location of the toilet facility was endorsed unanimously by Council) or at the March Council meeting (at which the design of the toilet facility was approved by Council).
4. Unlike all other features of the foreshore Masterplan, which were the subject of extensive community consultation and endorsement, the community has not been consulted on the location or the design of the public toilet facility.
5. Community consultation is appropriate and possible and need not delay progressing the Masterplan. Including a provisional sum in the design costs estimate will allow the Administration to seek funding sources based on the 100% design drawings with that provisional sum included. Community consultation on location and design can be carried out in tandem with seeking funding sources for the Masterplan, with the final decision on that element made after the results of consultation are known.

OFFICER COMMENT

Revoking or changing decisions - Local Government (Meetings Procedure) Local Law 2021, Clause 15

15.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

15.2 Limitations on powers to revoke or change decisions

- (1) *Subject to subclause (2), the council or a committee is not to consider a motion to revoke or change a decision:*
 - (a) *where, at the time the motion is moved or notice is given, any action has been taken under clause 15.3 to implement the decision; or*
 - (b) *where the decision is procedural in its form or effect.*
- (2) *The council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.*

10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) *If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*
 - (a) *in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
 - (b) *in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee,*
inclusive of the mover.
- (1a) *Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) *If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —*
 - (a) *in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*
 - (b) *in any other case, by an absolute majority.*
- (3) *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

11 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 6:32pm.