

TOWN OF COTTESLOE



SPECIAL COUNCIL MEETING MINUTES

**SPECIAL MEETING OF COUNCIL
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6.00 PM, Tuesday 17 October 2017**

Purpose of Meeting:

**For Council to consider the Officer Recommendation following receipt of
further advice pertaining to 28 Avonmore Terrace and 20A Deane Street
Crossovers**

MAT HUMFREY
Chief Executive Officer

13 October 2017

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Agenda and minutes are available on the Town's website

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.00 PM

2 DISCLAIMER

The Presiding Member drew attention to the Town's Disclaimer and reminded those present that this meeting is being recorded.

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

4 PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****QUESTIONS PROVIDED BY CRBOULTER - EMAILED 8 OCTOBER 2017**

- Q1. Why is the on-line version of the TOWN OF COTTESLOE PARKING & PARKING FACILITIES LOCAL LAW not signed and sealed?
- Q2. Is the typed information accurate on page 1 of the TOWN OF COTTESLOE PARKING & PARKING FACILITIES LOCAL LAW that it was Adopted on 28 April, 2009 and Gazetted on 10 July, 2009?
- Q3. Has the TOWN OF COTTESLOE PARKING & PARKING FACILITIES LOCAL LAW been amended since it was adopted by Council 28 April 2009? If so, when and how was it amended?
- Q4. Can the online and current version on the TOC website of the TOWN OF COTTESLOE PARKING & PARKING FACILITIES LOCAL LAW be updated to show the latest sealed and signed version?
- Q5. When is the TOWN OF COTTESLOE PARKING & PARKING FACILITIES LOCAL LAW due for review?
- Q6. How many formal and informal complaints to the TOC administration have there been in the last 2 years about the operation of TOWN OF COTTESLOE PARKING & PARKING FACILITIES LOCAL LAW?
- Q7. Do any of the complaints relate to faulty functioning of the Town's parking timing mechanisms? If so, how many?
- Q8. What litigation has the TOC been engaged in respect of the TOWN OF COTTESLOE PARKING & PARKING FACILITIES LOCAL LAW and can the TOC administration advise Council of the substance and outcomes of any litigation – but not by using any personal identifying information?

- Q9. Do any of these outcomes referred to in no 7 above suggest review and amendment of the TOWN OF COTTESLOE PARKING & PARKING FACILITIES LOCAL LAW would be a timely and prudent exercise of Council's discretion to review a local law?
- Q10. What is the text of the delegated authority to the TOC administration from Council in respect of the TOWN OF COTTESLOE PARKING & PARKING FACILITIES LOCAL LAW?

4.2 PUBLIC QUESTIONS

Shirley Primeau, 38 Marine Parade, Cottesloe

- Q1. Could Council propose a special vote of thanks to Cr Jay Birnbrauer for all of his years of service on Council and the Community.
- A1. This is generally done at the end of an elected member's term, however this can be put to Council as requested.

5 PUBLIC STATEMENT TIME

Andrew Boyne, 69 Stanley Street, Nedlands – Item 12.1.1 28 Avonmore Terrace and 20A Deane Street – Crossovers – Second Report with Further Information – Confidential

Tabled a diagram/map relating to the Deane Street, Avonmore Terrace matters under discussion in Item 12.1.1, and spoke against the proposed footpath modifications on behalf of Jack and Lorna Adams at 24 Deane Street.

Ian Pearce, 22 Deane Street, Cottesloe – Item 12.1.1 28 Avonmore Terrace and 20A Deane Street – Crossovers – Second Report with Further Information – Confidential

Commented that the angled crossover currently in place is suited to modification, and would achieve safe access to the two properties whilst preserving vegetation on the embankment. Extending the ramp further up Deane Street is unnecessary.

Vivienne Jagger, 20 Deane Street, Cottesloe – Item 12.1.1 28 Avonmore Terrace and 20A Deane Street – Crossovers – Second Report with Further Information – Confidential

Spoke against the proposed footpath modifications and commented that any crossover higher up than the road, or angled from east to west would be detrimental to the streetscape and embankment, and is unnecessary.

Barbara Pascoe, 17 Deane Street, Cottesloe – Item 12.1.1 28 Avonmore Terrace and 20A Deane Street – Crossovers – Second Report with Further Information – Confidential

Spoke against the proposed footpath modifications and commented that residents have been poorly informed. Urged Councillors to defer any voting on this item to allow time for those residents who wish to obtain expert advice.

Michael Finn, 26 Deane Street, Cottesloe – Item 12.1.1 28 Avonmore Terrace and 20A Deane Street – Crossovers – Second Report with Further Information – Confidential

Spoke in support of the statements made by all affected local residents on this matter and objects to the proposed footpath modifications.

6 ATTENDANCE

Present

Mayor Jo Dawkins
Cr Philip Angers
Cr Sandra Boulter
Cr Katrina Downes
Cr Sally Pyvis
Cr Mark Rodda
Cr Rob Thomas

Officers Present

Mr Mat Humfrey
Mr Andrew Jackson
Mr Nick Woodhouse
Ms Samantha Hornby

Chief Executive Officer
Manager Development Services
Manager Engineering Services
Governance Coordinator

6.1 APOLOGIES

Cr Helen Burke

Officer Apologies

Mr Garry Bird

Manager Corporate & Community Services

6.2 APPROVED LEAVE OF ABSENCE

Nil.

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

7 DECLARATION OF INTERESTS

Nil.

8 PRESENTATIONS

Nil.

8.1 PETITIONS

A petition containing 21 signatures was presented before Council objecting to the proposal put forward by the owner of 20A Deane Street.

That the Town of Cottesloe Council accepts the above petition as presented.

**Moved Mayor Dawkins, seconded Cr Downes
CARRIED 7/0**

8.2 PRESENTATIONS

Nil.

8.3 DEPUTATIONS

Nil.

9 REPORTS OF OFFICERS

Nil.

10 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:

11.1 ELECTED MEMBERS

Nil.

11.2 OFFICERS

Nil.

12 MEETING CLOSED TO PUBLIC

12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

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PROCEDURAL MOTION**Moved Cr Rodda, seconded Cr Downes****That the meeting be closed to the public.****CARRIED 7/0**

The meeting was closed to the public at 6.24 PM and all members of the public and media representatives left the room

**12.1.1 28 AVONMORE TERRACE AND 20A DEANE STREET – CROSSOVERS
– SECOND REPORT WITH FURTHER INFORMATION – CONFIDENTIAL**

File Ref:	PR50833/PR54825
Attachments:	26 September 2017 item Minute and Attachments CONFIDENTIAL Consultation Letter CONFIDENTIAL Submissions Received CONFIDENTIAL GHD Crossovers Assessment Report CONFIDENTIAL
Responsible Officer:	Mat Humfrey, Chief Executive Officer
Author:	Andrew Jackson, Manager Development Services
Proposed Meeting Date:	17 October 2017
Author Disclosure of Interest:	Nil

SUMMARY

This report recommends that Council note the information contained in the confidential officer report in relation to further advice received regarding 28 Avonmore Terrace and 20A Deane Street – Crossovers.

BACKGROUND

Refer to the confidential report.

STRATEGIC IMPLICATIONS

Refer to the confidential report.

POLICY IMPLICATIONS

Refer to the confidential report.

STATUTORY ENVIRONMENT

Local Government Act 1995

5.23 Meeting Generally Open to the Public

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or

part of the meeting, if the meeting or the part of the meeting deals with any of the following —

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and

FINANCIAL IMPLICATIONS

Refer to the confidential report.

STAFFING IMPLICATIONS

Refer to the confidential report.

SUSTAINABILITY IMPLICATIONS

Refer to the confidential report.

CONSULTATION

Refer to the confidential report.

STAFF COMMENT

As the content of the report contains information that meets the conditions set in the Local Government Act 1995 s5.23(2)(d), it is recommend that the meeting be closed to the general public while considering this item.

VOTING

Simple Majority

PROCEDURAL MOTION

Moved Mayor Dawkins, seconded Cr Rodda

That Council suspend standing orders for this Item.

CARRIED 7/0

COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Downes

That Council resolve to:

Not agree to the offer made by CT Legal (5 September 2017) and request the Town's Solicitors to advise CT Legal that:

1.
 - a. the Town supports modification of the existing shared crossover to provide effective access to Lot 505 based on a design to be prepared by the Town at its cost;
 - b. the Town will bear the cost of reconstruction of the crossover and rehabilitation within the road reserve; and

- c. the settlement shall be recorded in a Deed of Agreement between the Town and the owners of Lot 505.
- 2.
 - a. the Town supports modification of the existing shared crossover to provide effective access to Lot 506, based on a design to be prepared by the Town at its cost;
 - b. the Town will bear the cost of reconstruction of the crossover and rehabilitation within the road reserve;
 - c. the owners of Lot 506 will insure the reconstructed crossover and indemnify the Town from liability;
 - d. the settlement shall be recorded in a Deed of Agreement between the Town and the owners of Lot 506; and
 - e. the State Administrative Tribunal proceedings in relation to Lot 506 shall be put on hold to enable the details of the settlement to be finalised, and then withdrawn by the applicant.

CARRIED 7/0

Mr Nick Woodhouse left the room at 7.32 PM and returned at 7.35 PM

PROCEDURAL MOTION

Moved Mayor Dawkins, seconded Cr Rodda

That the meeting be reopened to the public.

CARRIED 7/0

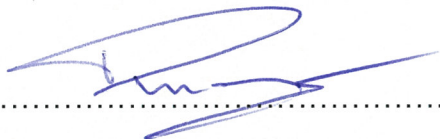
The meeting was reopened to the public at 7.50 PM

13 MEETING CLOSURE

The Presiding Member declared the meeting closed at 7.53 PM.

CONFIRMED MINUTES OF 17 OCTOBER 2017 SPECIAL COUNCIL MEETING
PAGES 1 – 9 INCLUSIVE.

PRESIDING MEMBER:
POSITION:



DATE: 31 / 10 / 2017