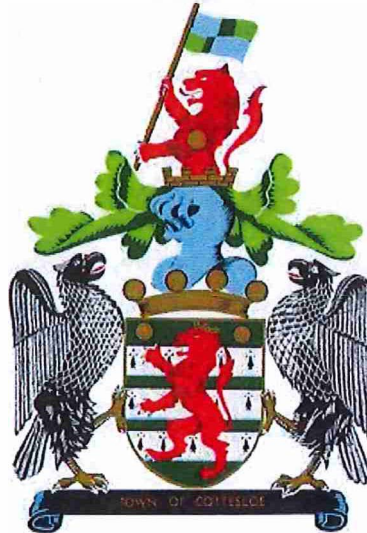


TOWN OF COTTESLOE



SPECIAL MEETING OF ELECTORS

UNCONFIRMED MINUTES

WAR MEMORIAL HALL, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
6.00 PM, WEDNESDAY, 23 FEBRUARY 2022


MATTHEW SCOTT
Chief Executive Officer

4 March 2022

SPECIAL MEETING OF ELECTORS

The procedure for the meeting has been authorised by the Mayor in accordance with Section 5.31 of the *Local Government Act 1995* and Regulation 18 of the *Local Government (Administration) Regulations 1996* and was attached to the agenda for Electors' reference.

1. Declaration of Meeting Open

Mayor Lorraine Young, the Presiding Member opened 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. Attendance

Elected Members Present

Mayor Lorraine Young

Electors Present

Gay Arkley	Cottesloe Elector
Gaye Atkinson	Cottesloe Elector
Gabor Bedo	Cottesloe Elector
Sheila Binns	Cottesloe Elector
Greg Boland	Cottesloe Elector
Jocasta Bronwasser	Cottesloe Elector
John Brooksby	Cottesloe Elector
Ellie Brooksby	Cottesloe Elector
Paul Calerder	Cottesloe Elector
Jenny Collins	Cottesloe Elector
Stephen Daly	Cottesloe Elector (Rep. Fiveight)
Valdene Diprose	Cottesloe Elector
David Ellwood	Cottesloe Elector
Michela Fini	Cottesloe Elector
Val Formby	Cottesloe Elector
Donna Fuller	Cottesloe Elector
Ken Glass	Cottesloe Elector
Annabel Gomez	Cottesloe Elector
Yvonne Hart	Cottesloe Elector
Isobel Herbert	Cottesloe Elector
John Highet	Cottesloe Elector
Jeffrey Irvine	Cottesloe Elector
Jane King	Lessee - Barchetta, Cottesloe
Carolyn Lawrence	Cottesloe Elector
Robert Ashley Lewis	Cottesloe Elector
Marilyn Lewis	Cottesloe Elector

Gail Manton	Cottesloe Elector
Katy Mason	Cottesloe Elector
Mary McInerney	Cottesloe Elector
Stephen Mellor	Cottesloe Elector
Patrick Meloche	Cottesloe Elector
Kevin Morgan	Cottesloe Elector
Caroline Morgan	Cottesloe Elector
Melissa Murray	Cottesloe Elector
David Paganin	Cottesloe Elector
Tony Papafilis	Cottesloe Elector
Antigone Radunovich	Cottesloe Elector
Leigh Roberts	Cottesloe Elector
Julie Roberts	Cottesloe Elector
Michael Roberts	Cottesloe Elector
Diana Salvaris	Cottesloe Elector
Sally Seward	Cottesloe Elector
Joan Sharpe	Cottesloe Elector
Rob Sharpe	Cottesloe Elector
David Simenson	Cottesloe Elector
Pam Simenson	Cottesloe Elector
Louise Skelton	Cottesloe Elector
Robert Stone	Cottesloe Elector
Columbia Tierney	Cottesloe Elector
Jack Walsh	Cottesloe Elector
Rosie Walsh	Cottesloe Elector
Mike Walter	Cottesloe Elector
Wendy Wisbey	Cottesloe Elector

Non-Electors Present

Andrew Bennett	Cottesloe Non Elector (Rep. Fiveight)
Susan Bryan	Cottesloe Non Elector
David Carter	Cottesloe Non Elector
Josh Grafton	Representing Fiveight
John Meredith	Representing Fiveight
Richard Simpson	Cottesloe Non Elector
Kate Stevenson	Representing Fiveight
James Wellard	Cottesloe Non Elector
Simon Wheeler	Not provided
Chris Wiggins	Cottesloe Non Elector
Philippa Wiggins	Cottesloe Non Elector
Margaret Wilkes	Cottesloe Non Elector
Paul Wilkes	Cottesloe Non Elector
Deborah Wright	Cottesloe Non Elector

Staff Present

Matthew Scott
Shane Collie
Mary-Ann Winnett

Media

David Cohen
Nadia Budihardjo

POST Newspapers
PerthNow

Apologies

Elected Members

Deputy Mayor Helen Sadler
Cr Caroline Harben
Cr Melissa Harkins
Cr Craig Masarei
Cr Kirsty Barrett
Cr Chilla Bulbeck
Cr Brad Wylynko

Approved Leave of Absence

Cr Paul MacFarlane

Electors

Chris and Gail Lee	Cottesloe Elector
James McElhinney	Cottesloe Elector
Stephen Drake-Brockman	(Silent Elector)
Janet Abraham	Cottesloe Elector
Peter Goff	Cottesloe Elector
Sally Pyvis	Cottesloe Elector
Adrian Wilson	Cottesloe Elector
Ken Macintyre	Cottesloe Elector
Barb Dobson	Cottesloe Elector
Roslyn Sadler	Cottesloe Elector
Maria Keely	Cottesloe Elector
Elizabeth and John Spoor	Cottesloe Elector
Patricia Carmichael	Cottesloe Elector
John Hammond	Not provided
Alan Marshall	Cottesloe Elector
Marion and Peter Ewing	Cottesloe Elector
David Honey	Cottesloe Elector

3. Mayor's Welcome

The Presiding Member welcomed everyone to the meeting and thanked Mr Boland for organising the meeting and engaging with her over the past few days to try to ensure that this would be a courteous and constructive meeting of electors.

The Presiding Member drew attention to the meeting procedures that were published on the website with the agenda and included in the printed copies provided for attendees.

At the Presiding Member's invitation, Mr Boland provided a summary of the purpose of the meeting and read out the matters to be discussed at the meeting.

Mr Boland outlined residents' concerns about some of the developments being approved by the WAPC which are outside the height limit of the Town's LPS3.

4. Matters to be Discussed at the Special Meeting are:

- a) **The Town of Cottesloe has a Local Planning Scheme (LPS3) which was introduced after considerable public consultation and an Enquiry by Design which provides for the orderly planning throughout the Town of Cottesloe, including the beachfront.**
- b) **LPS 3 is being undermined and ignored by many proposals for projects along the Cottesloe beachfront.**
- c) **One proposal at 120 Marine Parade has already been approved by the WA Planning Commission, and the Town of Cottesloe did not challenge that approval in the Supreme Court.**
- d) **The Cottesloe Community expects that the Cottesloe Council will do all within its power to uphold and protect LPS 3 and orderly planning.**
- e) **The Cottesloe Community expects that the Cottesloe Council will seek to end the emergency COVID planning legislation that attempts to override local planning schemes.**
- f) **The Cottesloe community expects that the Cottesloe Council will uphold its own policy that protects the Cottesloe beachfront from any commercial development west of Marine Parade outside the footprint of existing structures.**

5. Public Question Time

Mr Kevin Morgan – 1 Pearse Street, Cottesloe

My questions relate to how the Indiana proposal was allowed to progress this far despite being contrary to the Beach Policy, and are as follow:

- Q1. Were members of Council invited to a meeting in July 2021 in relation to a potential proposal to develop the Indiana site, and if so, was a decision made that the proponent will need to provide more detail before the Council would consider consenting to any such proposal?

- A1. Councillors have attended briefing sessions on the future of the Indiana site, as detailed in the Officer's Report on the item in the December OCM and in the Mayor's newsletter sent to the all residents and ratepayers on the Town's email database in December following the December 2021 OCM. The meeting in July 2021 was to consider design principles for any future redevelopment of the site following Council's support for the permanent heritage listing of the building and approval of a Conservation Management Plan. No decisions are made by Council outside formal Council meetings.
- Q2. Did Council in September 2021 receive a request from a State agency, requesting that Council confirm it had consented to such a proposal?
- A2. The Town (not Council) was contacted by a State agency regarding the Indiana site, but the Town was not asked to confirm that it had consented to a proposal.
- Q3. Did the Indiana proponent advise the Council that it would seek to have the proposal consented to by the State if Council did not consent?
- A3. No.
- Q4. Did Council before the October 2021 election reply that insufficient information had been provided for Council to consent to the proposal?
- A4. No. The Town (not Council) advised that no proposal had been presented to the Town for it to put up to Council to consider.
- Q5. Did Council decide to keep confidential what was put to them at the July 2021 meeting?
- A5. No "decision" was made to keep documents confidential. Council decisions can be made only in formal Council meetings. Documents provided to councillors at workshops were marked "confidential" by the CEO. Regulations made under the LGA prohibit the disclosure of such documents (Local Government (Model Code of Conduct) Regulations 2021).
- Q6. Are not the key elements of the current proposal for the Indiana site the same as those discussed and presented to Council in July 2021?
- A6. See answer 1.
- Q7. On what grounds does the mayor rely for not disclosing in the October 2021 election that such events occurred in July or September 2021?
- A7. This is not a matter for Council.
- Q8. Are not the key elements of the current proposal for the Indiana site the same as those discussed and presented to council in July 2021?
- A8. See answer to question 1.

6. Public Statement Time

Ms Katy Mason – 33 Kathleen Street, Cottesloe

Ms Mason spoke in support of the development of Indiana Teahouse and other developments along the foreshore as they bring wonderful amenities to the community that do not currently exist. Ms Mason questioned the money that would be required to go to the Supreme Court and stated that she considered seven stories low rise.

Mr Stephen Daly – 7 MacArthur Street, Cottesloe

Mr Daly, Cottesloe resident and Chief Operating Officer of Tattarang, spoke in support of the Indiana Teahouse development.

Mr Stephen Mellor – 8 Graham Court, Cottesloe

Mr Mellor spoke in favour of retaining Cottesloe's iconic views and relaxed lifestyle while preserving and improving Cottesloe's natural and built environmental, by using sustainability studies in consultation with the community.

Mr Jeff Irvine – 69 Napier Street, Cottesloe

Mr Irvine spoke in support of defending the LPS3 to ensure that Cottesloe does not get overdeveloped and expressed concerns about some of the developments put forward to the State Development Assessment Unit.

Mr Kevin Morgan – 1 Pearse Street, Cottesloe

Mr Morgan spoke about the Town's Beach Policy and summarised the conditions relating to the uses of the beach and developments West of Marine Parade.

Ms Carolyn Lawrence - 26 Loma Street, Cottesloe

Ms Lawrence spoke in support of the beautiful landscape and the people enjoying nature and outlined her concerns about privatising open space, the environment, short-stay accommodation on the Indiana site and associated parking issues that would need to be addressed.

Mrs Jenny Collins – 12 Geraldine Street, Cottesloe

Mrs Collins outlined her concerns about the development and how people get to these developments with the width of the roads in Cottesloe. There should be some restriction on the height, but the most important thing is the traffic issues from a safety point of view.

7. Electors Motions

ELECTOR MOTION 1

Moved Mr Walsh Seconded Mr Mellor

That the Town of Cottesloe (ToC) apply the provisions of the Local Planning Scheme 3 (LPS 3) without departure to all applications which it assesses, and upon which it is asked to provide input, and in particular, strictly apply the height provisions of LPS 3.

Carried Unanimously

ELECTOR MOTION 2

Moved Mr Irvine Seconded Mr Boland

That the ToC will seek to apply the requirement for developments at 120 and 122 Marine Parade to provide vehicle access from Napier Street and not across the Marine Parade footpath.

Carried Unanimously

ELECTOR MOTION 3

Moved Mr Boland Seconded Mr Brooksby

That the ToC will do all within its power to oppose developments which do not conform to LPS 3, including resort to legal proceedings in appropriate cases.

**Carried
1 Against**

ELECTOR MOTION 4

Moved Mr Irvine Seconded Ms Tierney

That the ToC will do all within its power to have the State Government end the revised Special Matters Development Assessment Panel process that replaces the emergency COVID State Development Assessment Unit planning legislation which still can override local planning schemes. This will include that the ToC formally advises the State Government that it opposes such legislation, and that the ToC will work with other local government authorities to achieve this outcome.

**Carried
1 Against**

ELECTOR MOTION 5

Moved Mr Morgan Seconded Mr Boland

Indiana

- 1) That the ToC will apply its own Beach policy for no new commercial development west of Marine Parade outside the footprint of existing structures, and this Policy particularly be applied currently to the Indiana site.
- 2) In relation to the current proposal for the Indiana site, the ToC by virtue of its position as the Lessor of the site, refuse any lease changes which do not conform to the Beach Policy, and thus refuse the new hotel part of the proposal.
- 3) In relation to the current proposal for the Indiana site, the ToC by virtue of its position as the Lessor of the site, refuse any lease changes which would make any part of the premises a private exclusive area.

**Carried
3 Against**

ELECTOR MOTION 6

Moved Mr Morgan

Seconded Mr Simenson

The meeting condemns this Council's excessive confidentiality and use of informal meetings behind closed doors by which the Indiana proposal has progressed to date, without any early disclosure to, or opportunity for input from, local residents, despite proposing to privatise public open space for use as a hotel and privatise the top floor of the replacement of Indiana in breach of the Council's Beach Policy.

**Carried
2 Against**

Mr Morgan proposed a motion however the Presiding Member rejected the motion as it did not fall within the purpose for which this Special Meeting of Electors was called.

Mrs Lawrence proposed a motion however the Presiding Member rejected the motion as it did not fall within the purpose for which this Special Meeting of Electors was called.

Mr Mellor proposed a motion however the Presiding Member rejected the motion as it did not fall within the purpose for which this Special Meeting of Electors was called.

Mr Wiggins proposed a motion however the Presiding Member rejected the motion as it did not fall within the purpose for which this Special Meeting of Electors was called.

Mr Boland thanked the Presiding Member for holding the Special Electors Meeting and the consideration she has given to it and thanked everyone who came along to the meeting.

8. Closure of the Meeting

Mayor closed the meeting at 8:00pm.