

TOWN OF COTTESLOE



AGENDA FORUM

AGENDA

**AGENDA FORUM
TO BE HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6:00 PM Tuesday, 21 May 2024**

Town of Cottesloe

AGENDA FORUM

Notice is hereby given that the next Agenda Forum will be held in the Council Chambers, Cottesloe Civic Centre 109 Broome Street, Cottesloe on **21 May 2024** commencing at **6:00 PM**.

The business to be transacted is shown on the Agenda hereunder.

Yours faithfully,



William Matthew Scott
Chief Executive Officer

17 May 2024

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



DISCLOSURE OF INTERESTS

Agenda Forum

Ordinary Council Meeting

Special Council Meeting

Name of Person Declaring an interest

Position

Date of Meeting

This form is provided to enable members and officers to disclose an Interest in the matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act 1995 and Local Government (Administration) Regulations 1996 34C.

INTEREST DISCLOSED

Item No

Item Title

Nature of Interest

Type of Interest

Financial

Proximity

Impartiality

INTEREST DISCLOSED

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DECLARATION

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

Notes for Your Guidance

IMPACT OF A FINANCIAL INTEREST (s. 5.65. & s. 67. Local Government Act 1995)

A member who has a **Financial Interest** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- a. In a written notice given to the Chief Executive Officer before the Meeting or;
- b. At the Meeting immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- a. Preside at the part of the Meeting relating to the matter or;
- b. Participate in, or be present during, any discussion or decision making procedure relative to the matter, unless and to the extent that, the disclosing member is allowed to do so under *Section 5.68* or *Section 5.69* of the *Local Government Act 1995*.

INTERESTS AFFECTING FINANCIAL INTEREST

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest in a matter**.

1. A Financial Interest, pursuant to s. 5.60A or 5.61 of the *Local Government Act 1995*, requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are expectations in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e sporting, social, religious etc, and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e, if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors and ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **must** be given when the matter arises in the Agenda, and immediately before the matter is discussed. Under s. 5.65 of the *Local Government Act 1995* failure to notify carries a penalty of \$10 000 or imprisonment for 2 years.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) of the *Local Government Act 1995*; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the *Local Government Act 1995*, with or without conditions.

INTERESTS AFFECTING PROXIMITY (s. 5.60b Local Government Act 1995)

1. For the purposes of this subdivision, a person has a proximity interest, pursuant to s.5.60B of the Local Government Act 1995, in a matter if the matter concerns;
 - a. a proposed change to a planning scheme affecting land that adjoins the person's land; or
 - b. a proposed change to the zoning or use of land that adjoins the person's land; or
 - c. a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.
2. In this section, land (the proposal land) adjoins a person's land if;
 - a. The proposal land, not being a thoroughfare, has a common boundary with the person's land; or
 - b. The proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - c. The proposal land is that part of a thoroughfare that has a common boundary with the person's land.
3. In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

INTERESTS AFFECTING IMPARTIALITY

Definition: An interest, pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.

A member who has an **Interest Affecting Impartiality** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- a. In a written notice given to the Chief Executive Officers before the Meeting or;
- b. At the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY DISCLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest exist.

Agenda Forum Principles:

The following rules and principles apply to the Town of Cottesloe Agenda Forums:

1. Unless otherwise determined by Council, Agenda Forums will be held in the Council Chambers on the Tuesday of the week prior to the Ordinary Council Meeting, to provide the opportunity for Elected Members and members of the public to ask questions and clarify issues relevant to the specific agenda items due to be presented to Council in the following week.
2. The Agenda Forum is not a decision-making forum and the Council has no power to make decisions at the Agenda Forum.
3. In order to ensure full transparency, Agenda Forums will be open to the public to observe the process and to ask Public Questions, similar to the Council Meeting process.
4. Where matters are of a confidential nature, they will be deferred to the conclusion of the Agenda Forum and at that point, the Agenda Forum will be closed to the public.
5. The reports provided to Agenda Forum are the reports that the Administration intends to submit to Council formally in the subsequent week. While it is acknowledged that Elected Members may raise issues that have not been considered in the formulation of the report or its recommendation, and these may be addressed in the subsequent report to Council, Agenda Forum cannot be used as a forum for Elected Members to direct Officers to alter their opinions or recommendations. However, having regard to any questions or clarification sought by Elected Members, the Chief Executive Officer and Officers may choose to amend reports, or withdraw and not present certain items listed on the Agenda Forum Agenda to the subsequent Council Meeting in the following week.
6. Agenda Forum will commence at 6.00pm and will be chaired by the Mayor or in his/her absence the Deputy Mayor. In the absence of both, Councillors will elect a chairperson from amongst those present. In general, Standing Orders (Local Government (Meeting Procedures) Local Law 2021) will apply, except that Members may speak more than once on any item. There is no moving or seconding items.
7. Members of the public present at Agenda Forum may observe the process and will have an opportunity to ask Public Questions relating only to the business on the agenda.
8. Where an interest is declared in relation to an item on the Agenda Forum Agenda, the same procedure which applies to Ordinary Council meetings will apply. All interests must be declared in accordance with the Town's Code of Conduct. The Agenda Forum will consider items on the agenda only and will proceed to deal with each item as it appears in the Agenda. The process will be for the Presiding Member to call each item number in sequence and invite questions or requests for clarification from Elected Members. Where there are no questions regarding the item, the Agenda Forum will proceed to the next item.
9. Notwithstanding 8. above, the Agenda Forum process does not and is not intended to prevent an Elected Member from raising further questions or seeking further clarification after the Agenda Forum and before or at the Council Meeting in the subsequent week.
10. While every endeavour is made to ensure that all items to be presented to Council at the Ordinary Council Meeting are included in the Agenda Forum papers, there may be occasions when, due to necessity, items will not be ready in time for the Agenda Forum and will instead be included on the Council Meeting Agenda to be presented directly to Council for determination.
11. There may also be occasions when items are tabled at the Agenda Forum rather than the full report being provided in advance. In these instances, Administration will endeavour to include the item on the Agenda Forum agenda as a late item, noting that a report will be tabled at the meeting.
12. Any person or group wishing to be received as a deputation by Council is to either a) apply, before the meeting, to the CEO for approval or b) with the approval of the Presiding Member at the meeting, consistent with the Town's Local Government (Meeting Procedures) Local Law 2021.
13. The record of the Agenda Forum will be limited to notes regarding any agreed action to be taken by Administration or Elected Members. The Agenda Forum is not a decision-making forum and does not provide recommendations to Council as a Committee might and, as such, the action notes from Agenda Forum will be retained for administrative purposes only.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS	4
2	DISCLAIMER AND AGENDA FORUM PRINCIPLES.....	4
3	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	4
4	PUBLIC QUESTION TIME	4
	4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
	4.2 PUBLIC QUESTIONS	6
5	PUBLIC STATEMENT TIME.....	6
6	ATTENDANCE	6
	6.1 APOLOGIES	7
	6.2 APPROVED LEAVE OF ABSENCE.....	7
7	DECLARATION OF INTERESTS.....	7
8	CONFIRMATION OF MINUTES – TO BE CARRIED OUT AT COUNCIL MEETING ONLY	7
9	PRESENTATIONS	7
	9.1 PETITIONS	7
	9.2 PRESENTATIONS.....	7
	9.3 DEPUTATIONS	7
10	REPORTS.....	8
	10.1 REPORTS OF OFFICERS.....	8
	CORPORATE AND COMMUNITY SERVICES	8
	10.1.1 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2023 TO 31 MARCH 2024	8
	DEVELOPMENT AND REGULATORY SERVICES.....	12
	10.1.2 CHANGE OF JOHN BLACK DUNE RESERVE FROM DOG EXERCISE AREA TO DOG ON LEASH AREA	12
	10.1.3 DRAFT TOWN OF COTTESLOE WASTE LOCAL LAW - REQUEST TO ENDORSE FOR PUBLIC CONSULTATION	14
	10.1.4 REMOVAL OF PARKING PERMIT AREA NO2	18
	ENGINEERING SERVICES	21

- 10.1.5 SEAVIEW GOLF COURSE TEE BOX RELOCATION AND FAIRWAY RE-ALIGNMENT (FAIRWAY 2 AND 11) 21
- 10.1.6 HARVEY FIELD MEMORIAL REQUEST 28
- 10.1.7 CARPARK TWO REDEVELOPMENT STRATEGY - FORESHORE PRECINCT ADVISORY COMMITTEE ENGAGEMENT 31
- 10.1.8 DEANE STREET PARKING RESTRICTION REQUEST 34
- EXECUTIVE SERVICES 37**
- 10.1.9 SEAVIEW GOLF CLUB REDEVELOPMENT ADVISORY COMMITTEE 37
- 10.1.10 ANDERSON PAVILION THIRD PARTY USE 40
- 10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES 44**
- 11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 44**
- 12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:..... 44**
- 12.1 ELECTED MEMBERS 44**
- 12.2 OFFICERS..... 44**
- 13 MEETING CLOSED TO PUBLIC..... 44**
- 13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED..... 44**
- 13.1.1 T04/2024 SUPPLY AND LAYING OF ASPHALT AND ROAD PROFILING - TENDER RECOMMENDATION 44
- 13.1.2 120 - 122 MARINE PARADE LICENCE AGREEMENT 44
- 13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC 45**
- 14 MEETING CLOSURE 45**

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

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 AND AGENDA FORUM PRINCIPLES**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION****4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****Mr Stephen Mellor 8 Graham Court, Cottesloe**

Q1: Because Council Strategies are usually tabled for discussion, even one tonight, can Council please justify why the Council's 'Car Park 2 Strategy' (undated) was passed in secret behind closed doors (OCM June 2023 "if disclosed, would reveal information that has a commercial value to a person"?)

R1: It would be inappropriate for the current Council to justify any decision of a previous Council, especially when they pertain to confidential discussions and on matters that are different.

Q2: What is the current status of the Car Park 2 Development plans and the negotiations with all associated Government Departments?

R2: As per the Car Park No.2 Strategy, the Town has engaged a consultant to develop possible concept plans for Council's future consideration.

Q3: What success has been achieved in funding support for the 100% Masterplan?

R3: The Town has not been successful thus far in securing direct funding from the State and Federal Government. The Town is now seeking indirect funding including via state government agencies and via other means, such as the Car Park No.2 Redevelopment.

Q4: What is the re-costed figure for the 100% plan in light of the major materials and construction increases?

R4: Original costings for the Masterplan implementation included a significant amount as contingency. The Town has developed a revised estimate, but has not had this estimate reviewed externally by a Quantity Surveyor. It would be speculative to release this information prior to this exercise.

- Q5: Does the Town still employ a funding or project officer for the Foreshore Masterplan?
- R5: No, and a funding officer has not been employed in the past.
- Q6: Is there going to be a page with links to ALL the current strategies, which would include the Car Park 2 strategy?
- R6: This request will be considered, however the public are encourage to use the search function of the new website to assist in navigating for information in the current configuration.
- Q7: What is the current status and plans going forward with the Tee realignment on the Seaview Golf Course as this must be crucial in any considerations and viability of any Golf Club redevelopment and lease negotiations?
- R7: There is a report on this matter in this agenda for Council's consideration.
- Q8: What golf ball fencing is going to protect the users of the new Pavilion?
- R8: A major part of dealing with safety issues posed by golf balls is for the redesign of the relevant tees, to ensure that golf balls are contained as far as possible within the golf course site. The Management Plan prepared under the Lease requires the Club to take appropriate measures to the Town's satisfaction to minimise danger and harm to the public from stray golf balls. Users of the new Pavilion are protected from golf balls if inside the new Pavilion. External protection is currently tied with the proposed realignment of tee 2, however the Town is investigating a temporary low level fencing option as an interim measure.
- Q9: Can you please advise when the Public Consultation Report was considered By Council?
- R9: The Ordinary Council Meeting 28 June 2022, Resolution OCM086/2022.
- Q10: Can you please provide an update on the future stages, schedule, details and costs of the approved Harvey Field Precinct upgrades to parking, paths, spectator seating and fencing?
- R10: Council to date has approved only the Anderson Pavilion, the adjacent ACROD bay and the playground element within the Harvey Field Precinct. The Town is only in the preliminary stages of planning the Harvey Field playground Project. Approved components can not progress until Council provides budget allocation.

Q11: What costs for these items will be included in the next annual budget formulation process?

R11: At this stage the Town cannot publicly speculate on what may or may not be in the 24/25 Annual Budget for consideration.

Q12: Have the stakeholder users of the Anderson Pavilion been made aware that there is now no emergency ambulance access to the Oval from Jarrad Street?

R12: There was previously emergency access from Jarrad Street and this has now been superseded by the footprint of the new Pavilion. All sporting groups have however been provided a key to the vehicle access point off Pearce Street, should oval access be required in an emergency.

Q13: Does the Anderson Pavilion have solar panels?

R13: No, however the Town is currently sourcing an appropriate grant to fund their purchase and installation.

Q14: What are three location installation options for the possible acquisition of the sculpture "SandBar" donation?

R14: The three proposed locations will be made public when the matter is presented to Council for consideration.

4.2 PUBLIC QUESTIONS

5 PUBLIC STATEMENT TIME

6 ATTENDANCE

Elected Members

Mayor Lorraine Young

Cr Helen Sadler

Cr Melissa Harkins

Cr Chilla Bulbeck

Cr Brad Wylynko

Cr Michael Thomas

Cr Katy Mason

Cr Jeffrey Irvine

Cr Sonja Heath

Officers

Mr William Matthew Scott

Chief Executive Officer

Mr Shaun Kan

Director Engineering Services

Mr Steve Cleaver
Ms Jacquelyne Pilkington

Director Development and Regulatory Services
Governance & Executive Office Coordinator

6.1 APOLOGIES

6.2 APPROVED LEAVE OF ABSENCE

7 DECLARATION OF INTERESTS

8 CONFIRMATION OF MINUTES – TO BE CARRIED OUT AT COUNCIL MEETING ONLY

9 PRESENTATIONS

9.1 PETITIONS

Procedure of Petitions – Local Government (Meetings Procedure) Local Law 2021, Clause 6.11

(3) *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;*
- b) that the petition shall not be accepted;*
- c) that the petition be accepted and referred to the CEO for consideration and report; or*
- d) that the petition be accepted and dealt with by the full council.*

9.2 PRESENTATIONS

9.3 DEPUTATIONS

10 REPORTS**10.1 REPORTS OF OFFICERS****CORPORATE AND COMMUNITY SERVICES****10.1.1 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2023 TO 31 MARCH 2024**

Directorate: Corporate and Community Services
Author(s): Wayne Richards, Finance Consultant
Authoriser(s): Shane Collie, Director Corporate and Community Services
File Reference: D24/17222
Applicant(s):
Author Disclosure of Interest: Nil

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 2023 to 31 March 2024.

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 March 2024 was \$5,653,787 as compared to \$5,955,362 this time last year.
- Operating revenue is more than the year to date budget by \$250,136 with a more detailed explanation of material variances provided at note 2, explanation of material variances, of the attached financial statements. Operating expenditure is \$1,752,091 less than year to date budget, with a more detailed analysis of material variances provided at note 2, explanation of material variances, of the attached financial statements.
- The Capital Works Program is shown in note 13, details of capital acquisitions, of the attached financial statements.
- The balance of cash backed reserves was \$8,501,242 as at 31 March 2024 as shown in note 7, cash backed reserves, of the attached financial statements.

List of Accounts Paid for March 2024

The list of accounts paid during March 2024 is shown on note 14, list of accounts, of the attached financial statements. Purchases made via credit card and fuel cards are listed separately below the list of electronic fund transfers and cheque payments.

The following material payments are brought to Council's attention:

- \$47,444.00 & \$43,111.00 to the Australian Taxation Office for payroll tax deductions
- \$37,742.31 & \$36,909.51 to Superchoice Services Pty Ltd for staff superannuation contributions
- \$118,819.80 to Orikan Australia Pty Ltd for the support and maintenance of the parking system
- \$28,211.40 to ManagedIT for information technology services
- \$560,665.41 to the Department of Fire and Emergency Services for emergency service levies collected on their behalf
- \$35,711.87 & \$35,711.87 to Surf Life Saving Western Australia for lifeguard services
- \$114,280.33 to Solo Resource Recovery for waste collection/disposal services
- \$27,769.23 to the Town of Mosman Park for waste removal at the depot
- \$30,635.39 to Western Metropolitan Regional Council for waste disposal costs
- \$77,000.00 to Sculpture by the Sea for the Town's contributions towards the event
- \$147,889.61 & \$141,676.13 to Town of Cottesloe Staff for fortnightly payroll

Investments and Loans

Cash and investments are shown in note 4, cash and investments, of the attached financial statements. The Town has approximately 31% of funds invested with the National Australia Bank, 43% with the Commonwealth Bank of Australia and 26% with Westpac Banking Corporation.

Information on borrowings is shown in note 10, information on borrowings, of the attached financial statements. The Town had total principal outstanding of \$2,125,281 as at 31 March 2024.

Rates, Sundry Debtors and Other Receivables

Rates outstanding are shown on note 6, receivables, and shows a balance of \$1,181,349 outstanding as compared to \$899,422 this time last year.

Sundry debtors are shown on note 6, receivables, of the attached financial statements. The sundry debtors report shows that 11% or \$34,286 is older than 90 days. Infringement debtors are shown on note 6, receivables, and shows a balance of \$490,250 as at 31 March 2024.

ATTACHMENTS

10.1.1(a) Agenda Attachment - Monthly Financial Report 1 July 2023 to 31 March 2024 [under separate cover]

CONSULTATION

Nil

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 *Council Plan 2023 – 2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

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 2023 to 31 March 2024 as submitted to the 28 May 2024 meeting of Council.

DEVELOPMENT AND REGULATORY SERVICES**10.1.2 CHANGE OF JOHN BLACK DUNE RESERVE FROM DOG EXERCISE AREA TO DOG ON LEASH AREA**

Directorate: Development and Regulatory Services
Author(s): Steve Cleaver, Director Development and Regulatory Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D24/15464
Applicant(s): Nil
Author Disclosure of Interest: Nil

SUMMARY

Following the construction of the Skate Park at John Black Dune reserve (No 28, Lot 38 Reserve 3235 Napier Street Cottesloe) Council needs to consider removal of the dog exercise area for this reserve.

OFFICER RECOMMENDATION IN BRIEF

It is recommended that Council declares that John Black Dune Park is no longer a dog exercise area and that dogs must be kept on leash at all times. Also that 28 days notice of the change be given prior to taking effect.

BACKGROUND

The default position for dogs when being exercised in the Town of Cottesloe public realm is for dogs to be “on leash”. Reserves where there is ample room for dogs to run off leash are designated by Council as Dog off leash area or dog exercise areas. John Black Dune Park is one of the reserves designated as a dog exercise area. There is a general prohibition that dogs are not allowed in playgrounds and this would include the running surface of the skate park.

Given the creation of the new skate park it is recommended that Council resolves that the John Black Dune Park now be changed to a “dog on leash” park by removing the dog exercise designation for this park. A dog on leash park would provide a safer amenity for users of the skate park however still allow dog walkers to utilise/visit the area.

OFFICER COMMENT

Should Council decide to remove the Dog Exercise area from John Black Dune Park the Town is required to give 28 days local public notice of the decision. Following this any signs, website maps etc will be amended. The Towns Rangers will also carry out a period of education followed by enforcement of the dog off leash offence.

ATTACHMENTS

10.1.2(a) Map of John Black Dune Park [under separate cover]

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 31 (3a) (3c)

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 2: Our Town - Healthy natural environs and infrastructure meeting the needs of our community.

Major Strategy 2.1: Town infrastructure is well planned, effectively managed and supports our community, whilst protecting and promoting our unique heritage and character

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

Absolute Majority

OFFICER RECOMMENDATION

THAT Council by absolute majority

- 1. DECLARES that John Black Dune Park at lot 38 No 20 Napier Street Cottesloe (Reserve 3235) is no longer a "dog exercise area" and dogs must now be kept on leash at all times.**
- 2. INSTRUCTS the Chief Executive Officer to carry out local public notice in accordance with the Dog Act 1976.**
- 3. APPROVES of advertising of the changes to the John Black Dune Park exercise area, to inform the community of the changes; and**
- 4. NOTES that the Rangers will be implementing a month of cautions and education once the appropriate signage is in place.**

10.1.3 DRAFT TOWN OF COTTESLOE WASTE LOCAL LAW - REQUEST TO ENDORSE FOR PUBLIC CONSULTATION

Directorate: Development and Regulatory Services
Author(s): Graeme Bissett, Manager Building and Health
Authoriser(s): Steve Cleaver, Director Development and Regulatory Services
William Matthew Scott, Chief Executive Officer
File Reference: D24/16635
Applicant(s): N/A
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider commencing the process towards the adoption of a Waste Local Law to meet one of the key actions listed under its Waste Action Plan 2020-2025.

OFFICER RECOMMENDATION IN BRIEF

That Council, in accordance with section 3.12(3) of the Local Government Act 1995, ENDORSE the Draft Town of Cottesloe Waste Local Law 2024 as attached for the purposes of providing Local Public Notice.

BACKGROUND

One of the key policy and procurement actions adopted by Council in its Waste Action Plan 2020-2025 is to *Develop a Waste Local Law*. This item is presented to Council to meet the following detailed sub actions under this action:

1. Draft a Waste Local Law detailing general duties and responsibilities of residents and the Local Government based on WALGA Model Local Law.
2. Draft Waste Local Law to be sent to the Minister for the Environment and the Minister for Local Government and Communities in accordance with the Local Government Act 1995.
3. Advertise Waste Local Law for public comment.

The purpose of this report is to request that Council exercise its legislative authority to endorse the Draft Town of Cottesloe Waste Local Law 2024 for the purpose of public consultation. This commences the local law-making process by giving notice that the Town proposes to make a new Local Law.

OFFICER COMMENT

To manage waste, the Town is currently using the refuse provisions of the Town's Health Local Law, which will be repealed in its entirety when the Public Health Act 2016 comes into full effect.

Part of the process of adopting this Local Law will involve the repeal of the relevant sections of the Town's Health Local Law.

The Draft Town of Cottesloe Waste Local Law is based on the WALGA Template Waste Local Law, which has been the subject of significant review and scrutiny and is the basis for many local government Waste Local Laws. This Template Waste Local Law is legally robust and includes provisions relevant to the local law-making head of power under Section 64 of the WARR Act.

The Draft Waste Local Law will contribute to the delivery of relevant actions identified in the Town's Waste Plan (2020 – 2025).

Section 3.5 of the Local Government Act 1995 provides the power for local governments to make local laws and prescribes all matters that are required or permitted to be prescribed by a Local Law, or are necessary or convenient for it to perform any of its functions.

To comply with the provisions of Section 3.12 of the Local Government Act 1995, 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 Waste Local Law 2024 is as follows:

Purpose:

"The purpose of the Draft Town of Cottesloe Waste Local Law is to assist the Town of Cottesloe in administering sustainable waste and recycling services to maintain consistent, cost effective and functional waste management practices."

Effect:

"The effect of the Draft Town of Cottesloe Waste Local Law is to establish the requirements with which any owner or occupier of premises using local government waste services, including the use of receptacles for the deposit and collection of waste within the district, must comply."

The Draft Waste Local Law will provide for the following:

- the provision and administration of all waste collection and disposal services and related waste matters;
- the establishment of regulations for the provision, use and control of receptacles (Bins) for the deposit and collection of waste, whether temporary or otherwise;
- the ability to direct the owner or occupier regarding the requirement that waste must be placed in waste receptacles provided by the Town for collection;
- the ability to determine waste collection schedules and frequencies;
- the ability to direct the owner or occupiers of a premises regarding the issue of requiring the temporary placing of waste bins in streets or lanes for collection of waste, and the requirement for the bins to be placed back on the property after emptying;
- the ability to issue approvals to collect waste and remove it from premises; and

- the ability to fix fees and charges in relation to waste collection services provided by the Town and or its contractors, the issue of approvals and prescribing the persons liable to pay the fees and charges and the method of recovery of amounts not duly paid.

The Draft Waste Local Law will assist in administering the State Government Waste Strategy and local government waste management activities. This will ensure that all parties meet their obligation to our current community and future generations to better manage the collection and disposal of our waste.

It is recommended that Council endorse the Draft Town of Cottesloe Waste Local Law for the purpose of public consultation.

ATTACHMENTS

10.1.3(a) Draft Waste Local Law - V1 [under separate cover]

CONSULTATION

The Town is required to give local public notice of the proposal to make the Draft Waste Local Law, and accept submissions for a period of not less than six weeks.

The notice will be published:

- on the Town's website,
- in the Post Newspaper,
- on the Town's noticeboards,
- on the Town's Facebook page.

Copies of the Draft Town of Cottesloe Draft Local Law will be available on the Town's website, and at the Administration Building.

It is intended that the consultation period will run from early May into June 2024. The minimum statutory consultation period is 6 weeks.

STATUTORY IMPLICATIONS

Local Government Act 1995

3.5. *Legislative power of local governments*

3.12. *Procedure for making local laws*

Waste Avoidance and Resource Recovery Act 2007

POLICY IMPLICATIONS

The Town of Cottesloe's adopted Waste Plan (2020 – 2025) includes the following action: Policies and Procurement – Develop a Waste Local law.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

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:

- 1. PROVIDES** Local Public Notice that it proposes to make the Town of Cottesloe Waste Local Law 2024, as attached and invites public submissions on the proposal in accordance with Section 3.12 (3) (iii) of the *Local Government Act 1995*.
- 2. INSTRUCTS** the Chief Executive Officer to provide a further report to allow Council to consider the submissions and determine whether to make the Local Law with or without alterations.

10.1.4 REMOVAL OF PARKING PERMIT AREA NO2

Directorate: Development and Regulatory Services
Author(s): Steve Cleaver, Director Development and Regulatory Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D24/19467
Applicant(s): Nil
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider removing permit parking restrictions for parking area 2 following the completion of construction works at 1 Arlie Street, Claremont.

OFFICER RECOMMENDATION IN BRIEF

It is recommended that Council resolves to remove the parking permits designation and subsequent signage in the area known as Area 2 and on Eric Street and Railway Street. This will allow the area to return to the same parking arrangements that existed prior to the development.

BACKGROUND

In early 2021, the Town was advised of a large scale development at 1 Arlie Street in the Town of Claremont adjoining the Towns boundary. Concern was raised as to the parking for tradesmen in the public realm.

At the May 2021 Ordinary Council Meeting, Council resolved that a resident and visitor parking permit system be introduced in the eastern side of Cottesloe known as Area 2 (as Attached). Parking permits were subsequently issued to residents on request in accordance with policy. Non permit holders were subsequently unable to park in those areas and became the subject of various enforcement actions as needed. The developer also made an ex gratia financial payment to the respective Local Government to support enforcement in the respective Local Government areas.

At the July 2023 Ordinary Council Meeting, Council further resolved to extend this area on Eric Street and Railway Street, Cottesloe.

On 10 May 2024, the Town was advised that the Builder has submitted an application for Temporary Occupancy to the Town of Claremont and it is expected that an occupancy permit would be issued on 24 May 2024 and no tradesmen would subsequently be working on site. Further to this the basement parking would be available to the residents and visitors.

OFFICER COMMENT

The issue of an Occupancy Permit to the development at 1 Arlie Street Claremont allows the Council to consider removal of parking permit restrictions in what is known as Area 2, as attached.

It is likely that some residents in Area 2 may request residential parking permit only going forward as the area is adjacent to Stirling highway, 2 x train stations and the Cottesloe Town centre possibly resulting in “over spill parking from those areas.”

Whilst the “no parking road or verge residential parking permits exempted” may be highly desired by residents it is a difficult system to manage effectively and discriminates against persons that do not have permits from utilising the Towns streets in that area without the residents permission. As such, road users are unable to park in that area resulting in less sharing and putting additional pressure on parking outside of that area. Further to this as the area has been unavailable to the general public for three years it is likely that parking habits have changed and this needs to be reassessed by the Administration.

Many Local Governments, due to the problems caused by parking permits, prefer timed parking over permit only parking to allow increased sharing.

In relation to Area 2, it is preferable to remove all parking permit restrictions for that area and then reintroduce any restrictions through the normal parking restriction request to the Town, to trigger resident surveys to allow an appropriate Council recommendation to be formulated.

ATTACHMENTS

10.1.4(a) Removal of Parking Permit - Area 2 [under separate cover]

CONSULTATION

Town of Claremont

STATUTORY IMPLICATIONS

Local Government Act 1995

Town of Cottesloe Parking and Parking Facilities Local Law 2023

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town’s *Council Plan 2023 – 2033*.

Priority Area 3: Our Prosperity - A vibrant and sustainable place to live, visit and enjoy.

Major Strategy 3.1: Activating Cottesloe and Swanbourne town centres and increasing their appeal, attracting more local business and visitors.

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

- 1. REMOVES parking permit restrictions in the parking Area 2, as shown on the attached map; and**
- 2. INSTRUCTS the Chief Executive Officer to remove parking permit street signage installed within Area 2, as per the attached map.**

ENGINEERING SERVICES**10.1.5 SEAVIEW GOLF COURSE TEE BOX RELOCATION AND FAIRWAY RE-ALIGNMENT (FAIRWAY 2 AND 11)**

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D24/17263
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider responses from the Seaview Golf Club (SVGC) to the November 2023 Ordinary Council Meeting (OCM231/2023) to determine a pathway to progress a preferred Par 4 design option for fairway 2 and 11.

OFFICER RECOMMENDATION IN BRIEF

That Council DEFERS the item until it receives advice from the Local Government Insurance Scheme (LGIS).

BACKGROUND

There is an ongoing safety risk for Harvey Field users being exposed to errand golf balls from fairway 2 and 11. The following summarises the work completed to date:

- February 2021 – Council deferred an item for the incorporation of safety measures into a rationalised Recreation Precinct Masterplan;
- May 2021 – Council adopted a preferred rationalised Masterplan for further development. This had a fence on Harvey Field.
- March 2022 – Council noted a preferred concept for public consultation that involved the relocation of the tee box and an adjacent low fence as the protective solution;
- June 2022 – Council endorsed the March 2022 preferred concept;
- March to July 2023 – Engagement occurred with the SVGC on the golf course elements within the endorsed preferred concept;
- August to September 2023 - Given the SVGC comments and the matter complexity, 2 golf course architects (Mr Michael Coates and Mr Richard Chamberlain) were engaged to provide advice on the matter;
- November 2023 – Council consider Attachment C and D in resolving as follows:

OCM231/2023

- 1. NOTES the pathway mentioned in the officer's comment section of the report;***
 - 2. NOTES the advice provided by the Golf Course Architects and the principle of Option 2 that converts the Seaview Golf Club Course hole 2 and 11 to a Par 3,***
-

fundamentally involve building a new green along the western edge of this fairway and a new tee box so that tee shots are directed away from Harvey Fields and Cottesloe Oval as shown in Richard Chamberlain Report and Diagram 4 within the Officer's Comment Section;



Diagram A: Par 3 Design

3. INSTRUCTS the CEO to engage with the Seaview Golf Club to obtain feedback from the Club on point 2 and determine how this fits into any future golf course improvements proposed by the Club;

4. INSTRUCTS the CEO to report to Council on the Club's insurance cover, whether and in what circumstances it covers injury to third parties caused by errant golf balls outside the boundaries of the Golf Course and whether the Golf Club's insurers have confirmed that the Club's preferred realignment option is sufficient mitigation of risk.

5. REQUESTS for an item to be tabled no later than the March 2024 Ordinary Council Meeting on the matters mentioned above.

Carried 9/0

Further information is within the respective Ordinary Council Meeting (OCM) Reports and the progress of the November 2023 OCM resolution elaborated in the officer's comment section.

OFFICER COMMENT

For context, Council is to note key points from the November 2023 OCM Officer's Report:

- The SVGC's July 2023 feedback:
 - (a) A realignment of this Par 4 fairway using Mr Jeff Lane's design (SVGC course design consultant) in conjunction with the tee box relocation approved by Council in June 2022. The green remains in its current eastern position because moving to the west requires the removal of trees and an impact to fairway 3's teebox;
 - (b) The principle of a Par 3 conversion reduces the overall standard of the golf course (71 to 69). The course quality is important for membership (retention and enrolment) and competition hosting (professional and amateur);
- In August 2023, the Town became aware of the appointment of another golf course design consultant (Mr Michael Coates), whom had also provided advise to the Town on the preferred alignment for fairway 2/11;
- At the November 2023 OCM, SVGC with Mr Michael Coates presented their objecting views to Council on the proposed Par 3 conversion concept developed by Mr Richard Chamberlain and supported a Par 4 design for fairway 2/11;

Consultation with the SVGC on the November 2023 resolution is summarised below. The attached correspondence (Attachment A) provides further details.

Resolution 1 to 3: Compatibility of fairway 2 and 11 Par 3 Design with future course improvements

Recent engagement with the SVGC in March 2024 is as follows:

- For clarity, they confirmed that Mr Jeff Lane's Par 4 design is the concept that they are proceeding with for fairway 2/11 (Diagram D later in report) and the same principles extends to re-aligning other fairways for safety improvements;
- They are open to collaborating with the Town on the principles that retains fairway 2/11 as a Par 4.

The Administration is in the view that:

- Based on all SVGC comments, it inferred that a Par 3 concept is incompatible with their future golf course improvements and their preferred approach is for fairway 2 / 11 to remain a Par 4;
- Advice provided by Mr Richard Chamberlain and Mr Michael Coates suggests that Mr Jeff Lane's Par 4 design is improvable by a western relocation of the existing green to re-direct the second shot away from Harvey Field. This then creates a footprint to effortlessly relocate the tee box for fairway 3 (Refer to Diagram B, C and D); and
- Should Council be open to a Par 4 design, it considers the tee box and green location principles mentioned in Mr Richard Chamberlain and Mr Michael Coates design (**Revised Par 4 Design**) (Diagram B and C). The tee box relocation is consistent with the March 2022 Council approved Harvey Field concept.



Diagram B: Chamberlain Design



Diagram C: Coate Design



Diagram D: Lane Design

Resolution 4: Response from SVGC insurers on their coverage

For context, Attachment B is an email from the SVGC to Elders Insurers (SVGC insurance) asking Elders to provide comment on the November 2023 OCM Resolution 4. Response from Elders is within Attachment A.

There was a follow up with SVGC on the initial response from their insurers as the Administration was in the view that the information did not adequately address requirements of the November 2023 resolution. However, for liability reasons, Elders position remain unchanged.

In summary, the SVGC Insurer’s comments are:

- The SVGC insurance policy is base on the principles of reasonable care that is define by a number of parameters;
 - (a) **Exercise Reasonable Care** - only competent employees are employed and take reasonable measures to maintain all business premises, fittings and plant in sound condition;
 - (b) **Reasonable Precaution** - Take all reasonable precautions to prevent personal injury and property damage, and prevent the manufacture, sale or supply of defective products;
 - (c) **Compliance with Legislation** - comply with and ensure that employees, servants and agents comply with all statutory obligations, by-laws or regulations imposed by all relevant public authorities for the:
 - (i) safety of persons or property;

- (ii) disposal of waste products;
- (iii) handling, storage or use of flammable liquids or substances, gases or toxic chemicals;
- (d) **Reasonable Action** - at the club's expense take reasonable action to trace recall or modify any products containing any defect or deficiency of which they have knowledge or have reason to suspect, including (but not limited to) any of their products subject to governmental or statutory ban;
- The re-design of fairway 2 / 11 by SVGC (Jeff Lane Par 4 Option – Diagram D) meets the reasonable care requirement;
- Elders Insurance is unable to elaborate any further because:
 - (a) They can only provide advice on the policy conditions and its coverage; and
 - (b) They cannot provide advice on a specific scenario, as each claim is assessed on its own merits.

Elders Insurance comments were referred to Council's insurers (LGIS). LGIS has said that they require more time to complete the entire assessment (Attachment C). This report will be updated accordingly should any advice be received before the May 2024 OCM.

Based on the substantiation provided, the Administration's opinion is:

- SVGC insurers accept that the SVGC Par 4 proposal for fairway 2 / 11 meets the requirements of reasonable care and is willing to provide ongoing insurance coverage on this basis;
- Elders Insurance view on the design adequacy and coverage of injuries caused by errant golf balls outside the SVGC boundary cannot be determined due to their limitations on providing such advice and merit based claim assessment process; and
- Fundamentally, Council can be assured that its duty of care obligations are met by virtue that Elders Insurance agreeing to continue providing coverage with the Jeff Lane Par 4 solution preferred by SVGC (Diagram D). Whether this in reality addresses the risk cannot be easily determined.

Pathway and Options

There are 2 options open for Council to pursue.

Option 1: Carry out a Trajectory Analysis for the Revised Par 4 Design at the cost of SVGC.

Given the SVGC responses to the November 2023 OCM resolution and particularly their willingness to collaborate, this option involves:

- Step 1: SVGC undertaking a golf ball trajectory modelling at their cost for the Revised Par 4 Design to determine the risk for Harvey Field users and the Anderson Pavilion caused by errant golf balls;
- Step 2: Refer the golf ball trajectory modelling results to Elders Insurance for them to determine whether there is still compliance of reasonable care and continuation of insurance coverage. Comments received are then referred to LGIS for comment;

- Step 3: Following which, the matter is referred back to Council to endorse a final Par 4 re-alignment concept for implementation. Depending on results, Council can ask for the Par 3 Design (Diagram A) if it wishes to do so; and
- Step 4: Request the SVGC to construct the Council approved design from Step 3 at their cost as a priority regardless whether this aligns to the timing of the overall golf course improvements.

This collaborative approach is fair because:

- It allows an opportunity to explore a safer Par 4 fairway alignment;
- Consistent with the SVGC preferred Jeff Lane design principles (Diagram D); and
- The trajectory modelling provides an indication on the errant golf shots probable landing zone of to allow Council, LGIS and the SVGC insurers to determine risk acceptability.
- There is no value modelling the Jeff Lane Par 4 design due to the inerrant risk identified by Richard Chamberlain where second shots are directed towards Anderson Pavilion.

Option 2 Defer this item until LGIS provides advice to the responses from the SVGC

Whilst awaiting an LGIS review and as part of the deferment, it is open for Council to consider the SVGC response and ask the Administration to raise further matters for investigation by LGIS.

Council is to note that **Option 2 is preferred** because this allows a fully informed decision.

ATTACHMENTS

- 10.1.5(a) Attachment A - Email Correspondence with SVGC - Redacted [under separate cover]
- 10.1.5(b) Attachment B - Email from SVGC to Elders Insurance [under separate cover]
- 10.1.5(c) Attachment C - SVGC Golf Course Tee Box Relocation - Email Correspondence from LGIS_Redacted [under separate cover]

CONSULTATION

SVGC and Elders Insurance

STATUTORY IMPLICATIONS

Land Administration Act 1997 Section 18 – crown land transaction that need ministerial approval. Council support is needed to request for this approval.

POLICY IMPLICATIONS

Street Tree Policy requires 3 offset trees to be planted for each one that is removed.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.2: Work innovatively and collaboratively with government, industry, business and community to deliver positive outcomes.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

Any fairway realignment option requires the removal of trees and Council may need to consider offset planting. The quantum can only be confirmed through further investigations.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council

- 1. CONSIDERS the responses from the Seaview Golf Club and their insurers to the November 2023 Ordinary Council Meeting Resolution; and**
- 2. DEFERS this item until the Local Government Insurance Scheme advice is received.**

10.1.6 HARVEY FIELD MEMORIAL REQUEST

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D24/18759
Applicant(s): Harvey-Arrow family
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider rescinding the February 2024 Ordinary Council Meeting (OCM) resolution and approve a new Harvey-Arrow Family request to install a drink fountain at the Anderson Pavilion.

OFFICER RECOMMENDATION IN BRIEF

That Council RECINDS a previous resolution and APPROVES the new request.

BACKGROUND

On 16 November 2023, following the passing of her mother (Ms Fleur Arrow (nee Harvey)), Ms Penelope (Penny) Arrow on behalf of the Harvey-Arrow family wrote to the Town requesting for the installation of a memorial bench in honour of several of her family members. This includes her mother, uncle, grandmother and grandfather.

Penny's grandfather, Mr Cecil Leonard Harvey was a former Cottesloe Mayor (1961 to 1974).

At the February 2024 OCM, Council resolved as follows:

Moved Cr Sadler Seconded Cr Bulbeck

THAT COUNCIL:

- 1. DECLINE the request for a memorial bench to be installed on Harvey Field;***
- 2. OFFER the applicants the alternative of planting a memorial tree in a suitable location at Harvey Field; and***

3. NOTES:

- a) that the species of tree and location is to be agreed by the Town***
- b) that the applicants would be required to pay for the cost of the tree and maintenance for the first two years of life***
- c) memorial plaque honouring Fleur Arrow (nee Harvey) is to be included.***

Carried 9/0

The family has submitted a new request (attached) providing a number of options Council's consideration after they considered the February 2024 Council decision:

- Option 1 – Drinking fountain that includes a dog drink bowl at Anderson Pavilion (Their Preference);

- Option 2 – Bench at the Anderson Pavilion; and
- Option 3 – Tree on Harvey Field.

All options include a memorial plaque.

OFFICER COMMENT

Regardless, this new request still requires a Council decision because the Town's Foreshore Memorial Policy is limited to its Foreshore area, specifically the section west of Marine Parade between Curtin Avenue and North Street. There is no Council position for other locations.

The Administration maintains its February 2024 OCM report position that the request would be rejected had the location been the Foreshore as it only met one requirement under section 3.1 (Approval Conditions) of the Foreshore Memorial Policy (below).

3.1 (a) (i) - Made a significant contribution to the Cottesloe Community. For example, individuals pivotal in the establishment or continuation of a Cottesloe Community organisation, with over ten years service at the organisation.

However, should Council wish to proceed with any option, it needs to first rescind its February 2024 resolution. The Local Government (Administration) Regulations 1996 Regulation 10 requires 1/3 of Council to support a revocation (procedural) motion.

Notwithstanding this, the Administration supports the family's preferred option 1 (drink fountain).

Using the existing Foreshore Memorial Policy principles as a guide, the recommendation is for Council to APPROVE only the mention of Mayor Harvey on the plaque by virtue that Harvey Field was named after the then Mayor Harvey.

Council is to note that rejecting the application in its entirety has reputational risk considering the 13 year contribution by the then Mayor Harvey on Council. Allowing all the names requested sets precedence and diminishes the recognition value of the any Memorial scheme.

ATTACHMENTS

10.1.6(a) Email - Further Proposal for Memorial Plaque at Harvey Field [under separate cover]

CONSULTATION

Harvey - Arrow Family

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 2.7 – Role of Council

Local Government (Administration) Regulations 1996

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

POLICY IMPLICATIONS

There are no perceived policy implications arising from the officer’s recommendation.
A Council decision is required because there are no applicable policies.

STRATEGIC IMPLICATIONS

This report is consistent with the Town’s *Council Plan 2023 – 2033*.
Priority Area 1: Our Community - Connected, engaged and accessible.
Major Strategy 1.2: Providing accessible and inclusive community spaces and facilities.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.
The applicant is responsible for the cost of the bench and plaque. The maintenance cost is negligible and is covered by the Town through Parks preservation budget.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Absolute Majority – Recommendation 1 (Rescinding)
Simple Majority – Recommendation 2 to 4

OFFICER RECOMMENDATION

THAT Council

- 1. By Absolute Majority RESCINDS the February 2024 Ordinary Council Meeting Resolution (OCM018/2024);**

THAT Council by Simple Majority

- 2. APPROVES the drink fountain request at Anderson Pavilion and for only the former Mayor Harvey mentioned on the memorial plaque, and that the applicant bears the full cost of a standard Town of Cottesloe drink fountain that contains a dog drink bowl, plaque and any other elements required;**
- 3. REQUESTS the Chief Executive Officer to amend the Foreshore Memorial Bench Policy to incorporate parameters for the Administration to determine similar future request and for this to return to an Ordinary Council Meeting for considering; and**
- 4. NOTES that the drink fountain, following its installation, will be administered to the requirements of the Foreshore Memorial Policy and that the conditions detailed within this existing policy will be specified in the letter of approval to the applicant.**

10.1.7 CARPARK TWO REDEVELOPMENT STRATEGY - FORESHORE PRECINCT ADVISORY COMMITTEE ENGAGEMENT

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D24/19044
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider a workshop with the Community Members (Non-Elected Members) of the Foreshore Precinct Advisory Committee (FPAC) and Elected Members following a presentation by Element, the consultant engaged to implement the Carpark 2 Strategy (Strategy).

OFFICER RECOMMENDATION IN BRIEF

That Council INSTRUCTS the Chief Executive Officer (CEO) to organise a workshop with the Non-Elected FPAC Members and Elected Members.

BACKGROUND

In March 2023, Council asked the CEO to develop a Redevelopment Strategy and it noted a draft version in May 2023 for further discussion with elected members. In June 2023, Council adopted the attached Strategy.

Following a presentation by Element to Elected Members, there appears to be appetite to organise a workshop with Non-Elected FPAC Members, Elected Members and Element to discuss the information presented.

The purpose of this report is for Council to instruct the CEO to organise this workshop.

OFFICER COMMENT

The Strategy considers a number of planning, financial and commercial matters to develop a feasible Redevelopment Concept based on the December 2019 principles. This covers:

- Defining land use aspirations in line with December 2019 Council approved principles;
- DPLH approval for this land use and agreement on related costs;
- Instrumenting change in tenure for this land use to occur;
- A future operating model for the Redevelopment car park component;
- Understand returns from the overall Redevelopment; and
- Adopting a concept and a delivery model that addresses these points.

Council is ask to consider instructing the CEO to organise a workshop with various participants (mentioned in Background section) to better define land use aspirations (first dot point) for the following reasons:

- The Committee was involved with the Foreshore Masterplan development;
- The Redevelopment principles within the Masterplan are broad; and
- Significant changes to hospitality offerings along Marine Parade (example Ocean Beach Hotel and the like) and the Redevelopment needs to provide complementing services.

It is propose that this engagement occurs in a similar format to Elected Member Workshops. An item is prepared to Council should any decisions be required (similar to this item).

Council is to note that the non-elected members of FPAC are professionals in a related field and can provide pro bono type specialist advice on matters referred. It is important to note that a majority of the current FPAC non-elected members were also involved in the development of the existing approved principles.

Whilst it is open for Council to not engage, this may result in a concept that is fundamentally disjoint from what was previously approved. Regardless of feedback obtained, it is ultimately Council's decision as to how it wishes to proceed with any future concept.

ATTACHMENTS

10.1.7(a) Carpark Two Redevelopment Strategy [under separate cover]

CONSULTATION

Elected Members

Council s asked to consider consulting with FPAC (Non-Elected Members)

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 2.7 – Role of Council

POLICY IMPLICATIONS

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

The officer's recommendation is in line with the FPAC charter.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.1: Engage, inform and actively involove our community in Council decision making.

The officer's recommendation is also consistent with Major Strategy 4.3 which is to deliver open, accountable and transparent governance.

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 INSTRUCTS the Chief Executive Officer to organise a workshop with the Town's consultant Element, Non-Elected Members of the Foreshore Precinct Advisory Committee (FPAC) and all Elected Members as soon as possible to discuss Element's recent presentation to Elected Members and subsequent amendments.

10.1.8 DEANE STREET PARKING RESTRICTION REQUEST

Directorate: Engineering Services
Author(s): Tin Oo May, Project Engineer
Authoriser(s): Shaun Kan, Director Engineering Services
File Reference: D24/19116
Applicant(s): 17 Deane Street
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider residents' yellow lines installation request within the vicinity of 17 Deane Street (between Avonmore Terrace and Broome Street).

OFFICER RECOMMENDATION IN BRIEF

That Council APPROVES the request.

BACKGROUND

The Town has received a request (Attached) from 17 Deane Street (resident) to implement parking restrictions along Deane Street on either side of and through the front of their crossover because:

- Parked vehicles are obstructing their property access due to drivers mistaking their unusually oriented and designed crossover as a footpath; and
- Sight distance concerns caused by non-obstructing parked vehicles.

At the February 2024 Ordinary Council Meeting, Council deferred this request for further investigation. The findings from the secondary investigation is within the officer's comment section.

OFFICER COMMENT

This Deane Street section being 190 metres long and 4.3 metres wide, is under the 5.5 metre width specified under the Australian Standard for a local access road.

The resident has requested for yellow lines as indicated in Figure 1 below to improve property access sightlines.

Given the terrain on either side of the crossover and its unusual orientation, vehicles parked either side of the access point further reduces sight lines.

Given these reasons, this case is fundamentally unique from previous requests declined by Council as those related to parked vehicles only. To this end, the yellow line installation as per Figure 1 does not set precedence and meets the resident's requirements.

Whilst it is open for Council to decline the request, it is asked to note that the unusualness of this request creates a safety and access risk that is significantly higher than that of a vehicle parked on either side of the crossover.



Photo 1: Vehicle Blocking 17 Deane St Driveway (Left) & Vehicles Parked along Deane St (Right)

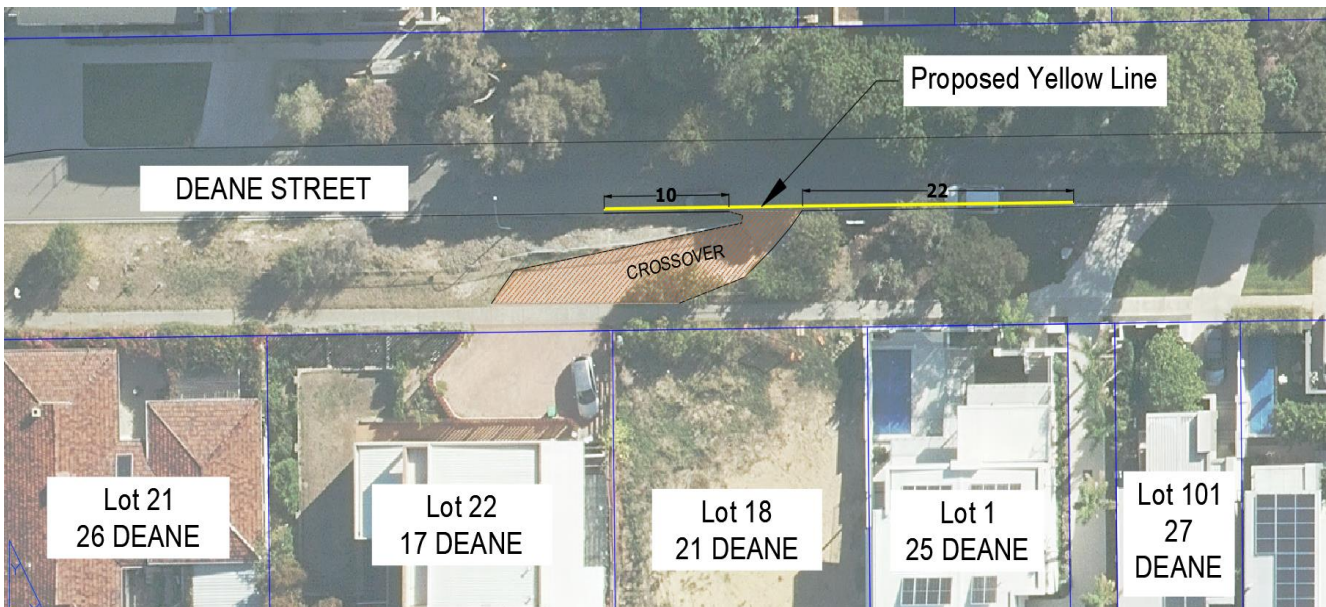


Figure 1: Proposed Yellow Lines (Deane Street)

ATTACHMENTS

10.1.8(a) Attachment A - Email Incoming - 17 Deane Street Obstruction of Driveway [under separate cover]

CONSULTATION

- Elected Members
- Ranger Services
- 17 Deane Street Resident

STATUTORY IMPLICATIONS

Local Government Act 1995

*Section 2.7 – Role of Council**Parking and Parking Facilities Local Law (2023)**Only Council can introduce restrictions**Section 4.5 (2f) – General Prohibitions on Parking***POLICY IMPLICATIONS**

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023 – 2033*.

Priority Area 1: Our Community - Connected, engaged and accessible.

Major Strategy 1.2: Providing accessible and inclusive community spaces and facilities.

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 APPROVES the proposed 'no stopping' yellow line marking parking restriction on Deane Street as shown in Figure 1.

EXECUTIVE SERVICES

10.1.9 SEAVIEW GOLF CLUB REDEVELOPMENT ADVISORY COMMITTEE

Directorate:	Executive Services
Author(s):	Shaun Kan, Director Engineering Services
Authoriser(s):	William Matthew Scott, Chief Executive Officer
File Reference:	D24/18034
Applicant(s):	Internal
Author Disclosure of Interest:	Nil

SUMMARY

For Council to consider:

- The Seaview Golf Club (SVGC) Redevelopment Advisory Committee (Committee) Charter;
- Nominations received from the Seaview Golf Club (SVGC) to appoint 2 of their members onto the Committee; and
- Appoint 4 elected members onto the Committee

OFFICER RECOMMENDATION IN BRIEF

That Council APPROVES the Committee Charter including the appointment of 4 elected members and 2 SVGC members onto the Committee

BACKGROUND

At the April 2024 Ordinary Council Meeting (OCM), Council resolved as follows:

THAT Council by absolute majority:

- 1. THANKS the Seaview Golf Club (SVGC) for providing feedback;***
 - 2. APPROVES the following strategy steps (as outlined in the attached Sea View Golf Club Facilities Strategy, Cygnet West) to progress the redevelopment of the SVGC Facilities:***
 - a. Step 1 - Site Assessment including the Needs and Aspirations Analysis (undertaken concurrently);***
 - b. Step 2 - Feasibility Study, inclusive of developing up to 3 concept designs;***
 - c. Step 3 - Re-engagement with direct stakeholders;***
 - d. Step 4 - Community Endorsement;***
 - e. Step 5 - Final Report and recommendation;***
 - 3. NOTES that that progression to each subsequent step in point 2 will only occur once Council has adopted the outcomes of the preceding step (for example Step 2 can only proceed once Council has adopted the outcome of Step 1);***
 - 4. INSTRUCTS the Chief Executive Officer (CEO) to:***
-

a. Prepare the terms of reference for a Seaview Golf Club Redevelopment Advisory Committee with the membership comprising of 4 elected members and 2 SVGC representative no later than the June 2024 OCM;

b. Invite the SVGC to nominate 2 representatives (non-employees) for Council’s consideration as members of the proposed Seaview Golf Club Redevelopment Advisory Committee.

5. NOTES that the lease negotiation continues in conjunction with the Strategy implementation (point 2); and

6. APPROVES a budget amendment of \$50,000 from the mid-year budget review surplus to fund the Step 1 of the Strategy, by absolute majority, NOTING that an item will be included in the 2024/2025 budget considerations for the remaining strategy steps.

Further background is within the April 2024 OCM Minutes.

OFFICER COMMENT

Under section 5.11 of the Local Government Act 1995, the Committee’s tenure remains until the next ordinary Local Government election, which is in October 2025. Attachment A is the draft charter reflecting the terms of reference.

In summary, this committee requires a minimum of 3 elected members for quorum and is responsible for overseeing a project team in providing Council with advice on the SVGC redevelopment elements.

Given that this committee has no delegated authority, there are no requirements for public meetings. For consistency with other committees, this is open to the public and it is open for Council to determine otherwise.

The SVGC nominated (Attachment B) the following members for this Committee:

- SVGC Member 1 - Tim Wilhelm; and
- SVGC Member 2 - Steve Joske

Council is to decide its 4 Committee elected members.

There is no requirement for community members given the terms of reference.

ATTACHMENTS

10.1.9(a) Attachment A - CHARTER - SEAVIEW GOLF CLUB REDEVELOPMENT COMMITTEE - MAY 2024 [under separate cover]

10.1.9(b) Attachment B - Email - Nomination of SVGC Representatives_Redacted [under separate cover]

CONSULTATION

SVGC

Elected Members

STATUTORY IMPLICATIONS

Local Government Act 1995

5.10. Committee members, appointment of

5.11. Committee membership, tenure of

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town’s *Council Plan 2023 – 2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

Administration will be in attendance at each meeting. This is within current staffing allocations.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

THAT Council by absolute majority

- 1. APPROVES the attached Seaview Golf Club Redevelopment Advisory Committee Charter;**
- 2. APPOINTS Crs _____, _____, _____, and _____ as members of the Seaview Golf Club Redevelopment Advisory Committee; and**
- 3. APPOINTS Seaview Golf Club’s nominees Tim Wilhelm and Steve Joske as members of the Seaview Golf Club Redevelopment Advisory Committee.**

10.1.10 ANDERSON PAVILION THIRD PARTY USE

Directorate:	Executive Services
Author(s):	Shaun Kan, Director Engineering Services
Authoriser(s):	William Matthew Scott, Chief Executive Officer
File Reference:	D24/19206
Applicant(s):	Cottesloe Roosters and Cottesloe Magpies Football Clubs
Author Disclosure of Interest:	Nil

SUMMARY

For Council to consider:

- Licence Agreement (Attached) to allow the two football clubs, being the Cottesloe Junior Football Club (Magpies) and Cottesloe Amateur Football Club (Roosters) to utilise the Anderson Pavilion (Pavilion);
- Hire the new Anderson Pavilion to third parties outside the period not utilised by the two football clubs; and
- Include the Anderson Pavilion as part of POL/111 – Civic Centre Hall Hire Policy.

OFFICER RECOMMENDATION IN BRIEF

That Council **AUTHORISES** the Chief Executive Officer (CEO) to execute the attached Agreement and update POL/111 to allow third party hire.

BACKGROUND

The two football clubs and the Cottesloe Rugby Union Club (Rugby Club) have utilise the Pavilion for many years. They wish to continue to enjoy the use and there were consultations with three clubs (Magpies, Roosters and Rugby Club) during the design phase to ensure the new building met their requirements.

There is also interest from the public to hire the facility for events.

A form of instrument and terms of use are required to ensure occupiers adhere to intended purpose of the Pavilion and not inconvenience surrounding residents. There is public no hire until the conditions of use and hire fee is determined.

The Roosters and Magpies have interim access through a temporary permit containing key principles of the attached Agreement. The Rugby Club does not require an Agreement because they utilise the oval only for their training and have their own clubhouse.

OFFICER COMMENT

There are a number of options to administer the new Anderson Pavilion:

- Option 1: Self management involving Agreements for frequent users and public hire under a set of terms (similar to the Civic Centre Halls); or
- Option 2: Fixed term leases (similar to Indiana Tea House and 149 Marine Parade).

Option 1 is the preferred option as this allows a settling period to resolve any unknown issues. Elected members were consulted and support a 12-month trial through this pathway before Council is asked to determine the long term arrangements.

Council's solicitors (McLeod's) were instructed to draft the attached Agreements and the two football clubs (Magpies and Roosters) are generally supportive of the terms with the exception of the usage hours:

- The previous Pavilion was used by the two football clubs:
 - (a) Monday to Thursday (late afternoons and night);
 - (b) All day Saturday (Rooster home games) and Sunday.

The then Pavilion was unoccupied mornings and early afternoons (Monday to Thursday) and Friday nights. Given there was no public hire then, there was no requirement to specify exact times of use by the two clubs.

In order for the preferred option 1 to function properly, the exact times and days used by the two clubs require specification for inclusion into the attached Agreement. They have asked for the following usage periods:

- Magpies:
 - (a) Monday to Thursday 3:00pm to 6:00pm;
 - (b) Sundays 7:00am to 7:00pm during their season; and
 - (c) Occasional Friday nights for club events (season opener and awards night).

The Magpies proposal is acceptable subject to an application (or equivalent) for the occasional Friday night use and there are no other public reservations for the Friday requested.

- Roosters:
 - (a) Monday to Thursday 6:00pm to 9:00pm; and
 - (b) Saturday 7:00am to 11:00pm during their season.

Prior to negotiating the Agreement, the Roosters use the previous Pavilion alternate Saturdays during the season for their home games and utilise an existing occasional liquor licence (requires approval for each use) that expires at 9:00pm. They are yet to decide the type of liquor licence they require next season (occasional or club restricted).

Initial conversations suggest they are interested to apply for an open liquor licence. The Administration is not in favour and prefers for an application to be submitted each time they require one.

Given the situation, it is the Administrations view that a 9:30pm closure for the Roosters Agreement is more appropriate. This allows 30 minutes for them to clean up after their licence concludes at 9pm. The Roosters are agreeable to this time arrangement.

For clarity, the following is the final Roosters usage period within the Agreement:

- Monday to Thursday 6pm to 9pm; and
- Saturday 7am to 9:30pm (limited to the season period only)

In addition to the above times, the Roosters have asked for an occasional Saturday usage outside the season. Similar to the Magpies, a separate event application is required.

Council can hire the Pavilion to the public during the following days and times (outside the Magpies and Rooster allotted schedule) as an additional income source:

- Monday to Thursday before 3pm;
- All day Friday and the closure time is subject to the approval of a liquor licence, should one be required; and
- All day Saturday and Sunday only outside the football season.

Should Council approve the public hire, it then asks the CEO to update POL/111 (Civic Centre Hall Hire Policy) to include the Anderson Pavilion and the hire fees determined in the 2024/2025 budget. There is no public hire until the 2024/2025 budget adoption.

POL/111 has provided the effective management for the War Memorial and Lessor Hall. The terms of this policy is expected to deliver the same success for the public hire of the Pavilion.

Council can ask the CEO to amend the 2023/2024 fees and charges now but there is more merit doing so as part of next financial year's budget. With the exception of opportunity cost, there is no actual financial implications in delaying the public hire because there is no income generation from the old Pavilion.

ATTACHMENTS

10.1.10(a) POL/111 - Civic Centre Hall Hire - 2020 [under separate cover]

10.1.10(b) Licence of Anderson Pavilion - Cottesloe Junior Football Club [under separate cover]

10.1.10(c) Licence of Anderson Pavilion - Cottesloe Amateur Football Club [under separate cover]

CONSULTATION

Elected Members

Roosters and Magpies

McLeod's

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 2.7 – The Role of Council

POLICY IMPLICATIONS

Update POL/111 (Civic Centre Hall Hire Policy) to include the Anderson Pavilion

STRATEGIC IMPLICATIONS

This report is consistent with the Town’s *Council Plan 2023 – 2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.2: Work innovatively and collaboratively with government, industry, business and community to deliver positive outcomes.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

The old Pavilion did not provide an income source and a new fee is determined as part of the 2024/2025 budget.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council

- 1. AUTHORISE the Mayor and Chief Executive Officer (CEO) to sign the attached Licence Agreement and affix the Town’s Common Seal (if required);**
- 2. INSTRUCTS the CEO to:**
 - a. update POL/111 (Civic Centre Hall Hire Policy) to include the Anderson Pavilion;**
 - b. Include the hire fees for the Anderson Pavilion for Council’s consideration as part of the 2024/2025 budget; and**
 - c. Not commence public hire for the Anderson Pavilion until points 2(a) and 2(b) are completed.**

10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES

Nil

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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****MOTION FOR BEHIND CLOSED DOORS**

That, in accordance with Section 5.23(2) (c), Council discuss the confidential reports behind closed doors.

The Presiding Member requested the recording equipment to be deactivated when going behind closed doors.

13.1.1 T04/2024 SUPPLY AND LAYING OF ASPHALT AND ROAD PROFILING - 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.

13.1.2 120 - 122 MARINE PARADE LICENCE AGREEMENT

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.

MOTION FOR RETURN FROM BEHIND CLOSED DOORS

In accordance with Section 5.23 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.

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

14 MEETING CLOSURE