

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING

AGENDA

ORDINARY COUNCIL MEETING
TO BE HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6:00 PM Tuesday, 23 July 2024

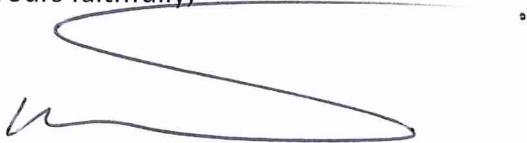
Town of Cottesloe

ORDINARY COUNCIL MEETING

Notice is hereby given that the next Ordinary Council Meeting will be held in the Council Chambers, Cottesloe Civic Centre 109 Broome Street, Cottesloe on **23 July 2024** commencing at **6:00 PM**.

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

Yours faithfully,

A large, stylized handwritten signature in black ink, appearing to be 'W. Scott', written over a horizontal line.

William Matthew Scott
Chief Executive Officer

19 July 2024

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Town for any act, omission, statement or intimation occurring during council meetings.

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Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a council meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Town of Cottesloe during the course of any meeting is not intended to be and is not taken as notice of approval from the Town.

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Members of the public should note that no action should be taken on any application or item discussed at a council meeting prior to written advice on the resolution of Council being received.

All formal Council Meetings will be audio/visual recording and Livestreaming will be publicly available via the Town of Cottesloe's website or social media platform.

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

Item No

Item Title

Nature of Interest

Type of Interest

Financial

Proximity

Impartiality

INTEREST DISCLOSED

Item No

Item Title

Nature of Interest

Type of Interest

Financial

Proximity

Impartiality

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.

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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

The Presiding Member directed the public's attention to the Disclaimer and the paragraph that advises that formal meetings of Council will be audio/visually recorded.

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

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 Wylanko
Cr Michael Thomas
Cr Jeffrey Irvine
Cr Sonja Heath

Declaration of any Elected Members attending remotely.

Officers

Mr William Matthew Scott	Chief Executive Officer
Mr Shaun Kan	Director Engineering Services
Mr Steve Cleaver	Director Development and Regulatory Services
Ms Jacquelyne Pilkington	Governance & Executive Office Coordinator
Ms Larissa Stavrianos	Executive Office Trainee

6.1 APOLOGIES**6.2 APPROVED LEAVE OF ABSENCE**

Cr Katy Mason

6.3 APPLICATIONS FOR LEAVE OF ABSENCE**7 DECLARATION OF INTERESTS****8 CONFIRMATION OF MINUTES**

That the Minutes of the Ordinary Meeting of Council held on Tuesday 25 June 2024 be confirmed as a true and accurate record.

That the Minutes of the Special Meeting of Council held on Wednesday 10 July 2024 be confirmed as a true and accurate record.

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

COUNCIL RESOLUTION

That Council adopts the following en-bloc Officer Recommendations contained in the Agenda for the Ordinary Meeting of Council 23 July 2024:

____' ____' ____' ____' ____' ____' ____'

CORPORATE AND COMMUNITY SERVICES**10.1.1 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2023 TO 31 MAY 2024**

Directorate: Corporate and Community Services
Author(s): Wayne Richards, Finance Consultant
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D24/26804
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 May 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 May 2024 was \$3,632,871 as compared to \$3,885,661 this time last year.
- Operating revenue is more than the year to date budget by \$362,505 with a more detailed explanation of material variances provided at note 2 of the attached financial statements. Operating expenditure is \$2,100,230 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 \$8,559,306 as at 31 May 2024 as shown in note 7, cash backed reserves, of the attached financial statements.

List of Accounts Paid for May 2024

The list of accounts paid during May 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:

- \$57,170.00 & \$104,926.00 to the Australian Taxation Office for payroll tax deductions
- \$42,635.31 & \$52,691.45 to Superchoice Services Pty Ltd for staff superannuation contributions
- \$144,452.15 to the Shire of Peppermint Grove for contributions to the Grove Library
- \$37,395.61 & \$45,819.55 to Western Metropolitan Regional Council for waste disposal costs
- \$34,325.04 to ManagedIT for IT services
- \$60,852.55 to Horizon West Landscape & Irrigation Pty Ltd for landscaping works at Anderson Pavilion
- \$35,711.87 to Surf Life Saving Western Australia for life guard services
- \$55,652.28 & \$74,609.05 to Solo Resource Recovery for waste collection costs
- \$109,165.38 to Phase 3 Landscape Construction Pty Ltd for construction of the new skate park
- \$162,897.05 to Classic Contractors for construction of Anderson Pavilion
- \$40,739.30 to McInerny Sales Pty Ltd for a vehicle purchase
- \$169,266.66 & \$221,730.13 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 40% of funds invested with the National Australia Bank, 32% with the Commonwealth Bank of Australia and 28% 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 \$2,108,087 as at 31 May 2024.

Rates, Sundry Debtors and Other Receivables

Rates outstanding are shown on note 6, receivables, and shows a balance of \$350,268 outstanding as compared to \$344,176 this time last year.

Sundry debtors are shown on note 6, receivables, of the attached financial statements. The sundry debtors report shows that 57% or \$26,788 is older than 90 days. Infringement debtors are shown on note 6, receivables, and shows a balance of \$436,606 as at 31 May 2024.

ATTACHMENTS

**10.1.1(a) Agenda Report - Monthly Financial Report 1 July 2023 to 31 May 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 May 2024 as submitted to the 23 July 2024 meeting of Council.

10.1.2 REVIEW OF THE TERMS OF REFERENCE FOR THE UNIVERSAL ACCESS AND INCLUSION REFERENCE GROUP AND THE RECONCILIATION ACTION WORKING GROUP

Directorate: Corporate and Community Services
Author(s): Sandra Watson, Manager Community and Customer Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D24/27548
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

Council is being asked to consider and endorse updated Terms of Reference documents for the Universal Access and Inclusion Reference Group (UAIRG) and the Reconciliation Action Working Group (RAWG).

OFFICER RECOMMENDATION IN BRIEF

The Council endorses and approves the reviewed Terms of Reference documents for the Universal Access and Inclusion Reference Group and the Reconciliation Action Working Group.

BACKGROUND

Following the April 2024 meeting of the Universal Access and Inclusion Reference Group (UAIRG), members reviewed the existing Charter (Terms of Reference) for the Group and raised some concerns around the language and references in the document, specifically around the use of the word 'Committee' to refer to the group and associated tasks that a committee would undertake. In addition, the Group queried the use of the word 'Charter' instead of Terms of Reference to describe the document.

As a result, Officers have conducted a review and update of the Charter document to better align it with existing terms of reference for similar community reference and working groups. It was noted during this review that the Terms of Reference for the Reconciliation Action Working Group (RAWG) also contained some references to committees and the actions of a committee and as such, this document has also been reviewed and updated.

OFFICER COMMENT

When reviewing the Charter/Terms of Reference for the UAIRG the following changes have been suggested:

- Change the title from 'Charter' to 'Terms of Reference' to align with the RAWG
- Change all references using the word 'Committee' to 'Group'
- Change all references to conventions of a committee such as voting to reflect a reference group or working group

- Ensure that the purpose and terms of reference in the document are reflective of the nature of a community reference or working group
- Update the membership section to include a point about representatives from service providers being as invited by the Town.

When reviewing the Terms of Reference for the RAWG, all references to committees and the workings of committees have been changed to reflect that of a Working Group as has been done for the document guiding the Universal Access and Inclusion Reference Group.

ATTACHMENTS

- 10.1.2(a) Draft Terms of Reference Universal Access and Inclusion Community Reference Group [under separate cover]**
- 10.1.2(b) Draft Terms of Reference RAWG July 2024 [under separate cover]**

CONSULTATION

The Universal Access and Inclusion Reference Group were consulted about the Charter/Terms of Reference and requested at their meeting held 17 June 2024 that the document be updated to reflect how they operate, as well as align with Terms of Reference for similar groups within the Town.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

Major Strategy 1.1: Supporting an active, healthy and inclusive community culture, our residents enjoy access to a range of social, cultural and recreation activities.

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 changes to the Terms of Reference documents for the Universal Access and Inclusion Reference Group and the Reconciliation Action Working Group.

10.1.3 DELEGATIONS REGISTER UPDATE

Directorate:	Corporate and Community Services
Author(s):	William Matthew Scott, Chief Executive Officer
Authoriser(s):	William Matthew Scott, Chief Executive Officer
File Reference:	D24/27999
Applicant(s):	Town of Cottesloe
Author Disclosure of Interest:	Nil

SUMMARY

For Council to consider the review of the Delegations Register.

OFFICER RECOMMENDATION IN BRIEF

That Council approves the delegations provided to the CEO and notes the update Delegation Register for 24/25.

BACKGROUND

Delegations allow the Chief Executive Officer (and other appropriate staff) to make decisions on behalf of Council in certain circumstances. This allows for the more efficient operation of the Town and improves the level of services that the Town is able to offer residents.

The Delegations Register contains all such delegations made to the Chief Executive Officer (CEO) and where the CEO has then on-delegated to other staff. The Register also contains any limits on the types of decisions that can be made under the Delegation, but importantly, it does not set out what decision has to be made.

The Register was last adopted by Council at the June 2023 Ordinary Council Meeting and should be review each financial year (s5.46). To ensure all Delegations are in place for the new financial year.

The latest Delegations Register is attached Council's consideration.

OFFICER COMMENT

Under the Local Government Act 1995, Section 5.42 allows the Council to delegate certain powers and duties to the Chief Executive Officer (CEO). Section 5.44 further permits the CEO to delegate (or sub-delegate) these powers and duties to other Town Officers. The purpose of these delegations is to streamline decision-making processes, thereby eliminating the need for the Council to convene formal meetings for routine matters such as payment arrangements, invoice authorisations, and issuing infringements under local laws.

All delegations, whether from the Council to the CEO or from the CEO to officers, must be recorded in the Town's Delegation Register. Section 5.46 mandates an annual review of these delegations each financial year.

In recent years, the delegations from the Council to the CEO have remained consistent. Similarly, the delegations from the CEO to staff have seen minimal changes, primarily limited

to title updates. Upon reviewing the 2023/24 Delegation Register, the CEO proposes the following amendments:

1. 7.1 Health (Miscellaneous Provisions) Act 1911: Delete, as the Public Health Act 2016 (Delegation 7.3) now provides the appropriate authority for Local Governments, and the Health (Miscellaneous Provisions) Act 1911 is rarely utilised.
2. 10.1 The Power and Duties of Council Pursuant to the Operations of the [Local Planning] Scheme: Exclude prescribed single house developments from the Conditions on Delegations, due to recent changes in the Planning Regulations.

(A marked-up version of the Delegation Register is attached for Council review)

It is important that Council review the delegations to the CEO to ensure that authority is not granted for decisions where Council involvement is deemed necessary. The Council can also impose conditions on the delegation to limit the circumstances under which the CEO can make decisions on its behalf.

It is important to note that the use of delegated authority is discretionary. The CEO (or other delegated officers) may choose not to use their delegation if they believe that the Council is better suited to make a particular decision.

Regarding the CEO's delegation of authority to individual officers, the Council should understand that this is at the CEO's discretion. The Council cannot directly overrule the CEO's delegations except by limiting the delegation from the Council to the CEO. Council should note that changes to delegations from the CEO to officers may occur during the year, and the Register will be updated when this occurs. Officers granted delegated authority are required to complete primary and annual returns to identify and mitigate possible conflicts of interest related to their use of delegated authority.

The Delegation Register is a public document and is accessible by the community via the Town's website.

ATTACHMENTS

10.1.3(a) Delegation Register 2024/2025 [under separate cover]

CONSULTATION

Executive Staff

STATUTORY IMPLICATIONS

Local Government Act 1995

s5.42 Delegation of some powers and duties to CEO

s5.43 Limits on delegations to CEO

s5.44 CEO may delegate powers and duties to other employees

s5.45 Other matters relevant to delegations under this Division

s5.46 Register of, and records relevant to, delegations to CEO and employees

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

Absolute Majority

OFFICER RECOMMENDATION

THAT Council by absolute majority APPROVES the Delegations made to the Chief Executive Officer (CEO) and NOTES the attached Delegations Register for 2024/25, which also identifies current sub-delegations from the CEO to Town Officers.

DEVELOPMENT AND REGULATORY SERVICES**10.1.4 RECONSIDERATION - 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: D24/26081
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

At the May Ordinary Council meeting Council resolved by simple majority to declare John Black Dune Park a dog on Leash Park. Unfortunately an absolute majority vote is required to make a decision when specifying a dog exercise areas. As such the administrations requests that the Council reconsiders the item.

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.

Of concern to Council at the May Ordinary Council meeting was the need for the administration to undertake additional community consultation further to the requirements of the Dog Act regarding changes of this nature. The administration has noted Councils advice going forward however in this particular matter the proposed change has been reported adequately in local media with no objections received by the Town. As such it is recommended that Council now reconsiders the matter without the need for further community consultation.

ATTACHMENTS

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

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Dog Act 1976 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.**

ENGINEERING SERVICES**10.1.5 SEA VIEW 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: D24/26531
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider all responses from the Sea View Golf Club (SVGC), their insurers (Elders Insurance), Local Government Insurance Scheme (LGIS) and various Golf Course Architects to determine a preferred design option for fairway 2 and 11. This protects the new Anderson Pavilion and users of Harvey Field.

Consideration is also requested for the safety implications associated with the tee box location to the next fairway 3 and 12 that currently places vehicles travelling and parked along Jarrad Street (west of Broome Street) at risk.

OFFICER RECOMMENDATION IN BRIEF

That Council:

- APPROVES the Michael Coate Design for the:
 - (a) Retention of fairway 2 and 11 as a Par 4 to improve the safety of users of Harvey Field and the Anderson Pavilion;
 - (b) Closure and relocation of tee box for fairway 3 and 12 so as to improve traffic safety along Jarrad Street, west of Broome Street; and
- INSTRUCTS the Chief Executive Officer (CEO) to collaborate with the SVGC to develop and implement these solutions, NOTING that this is at the cost of the SVGC.

BACKGROUND

At the May 2024 Ordinary Council Meeting, Council resolves as follows:

OCM071/2024

THAT Council

- 1. CONSIDERS the responses from the Sea View Golf Club and their insurers to the November 2023 Ordinary Council Meeting Resolution; and***
- 2. DEFERS this item no later than the July 2024 Ordinary Council Meeting for the Local Government Insurance Scheme advice to be obtain and return to Council.***

Carried 6/0

LGIS’s advice is summarised within the Officer’s Comment Section.

OFFICER COMMENT

Design Options

There are currently 3 fairway 2/11 design options available for Council to consider:

- Option 1 (Diagram A) – The Jeff Lane Par 4 design – This is the SVGC preferred option that maintains this fairway as a Par 4 and Par 71 for the entire course. This plan requires the relocation of the tee box and the removal of trees whilst the green remains in its current position. The SVGC have indicated willingness to collaborate with the Town to retain this fairway as a Par 4;
- Option 2 (Diagram B) – The Michael Coate Par 4 design – This is similar to option 1 and the difference is the relocation of the green further west and shifting the tee box to the next fairway 3/12 to the northern side of Jarrad Street. This removes the need for players to tee across the road;
- Option 3 (Diagram C) – The Richard Chamberlain Par 4 design – This is similar to option 2. The tee box to the next fairway 3/12 whilst shifted, remains on the southern side of Jarrad Street where players are required to tee across the road; and
- Option 4 (Diagram D) – The Richard Chamberlain Par 3 design – This design essentially shortens the fairway. The Par 3 conversion reduces the overall standard of the golf course (Par 71 to 69). The course quality is important for membership (retention and enrolment) and competition hosting (professional and amateur). The SVGC has indicated that this is unlikely compatible with their future course improvements.

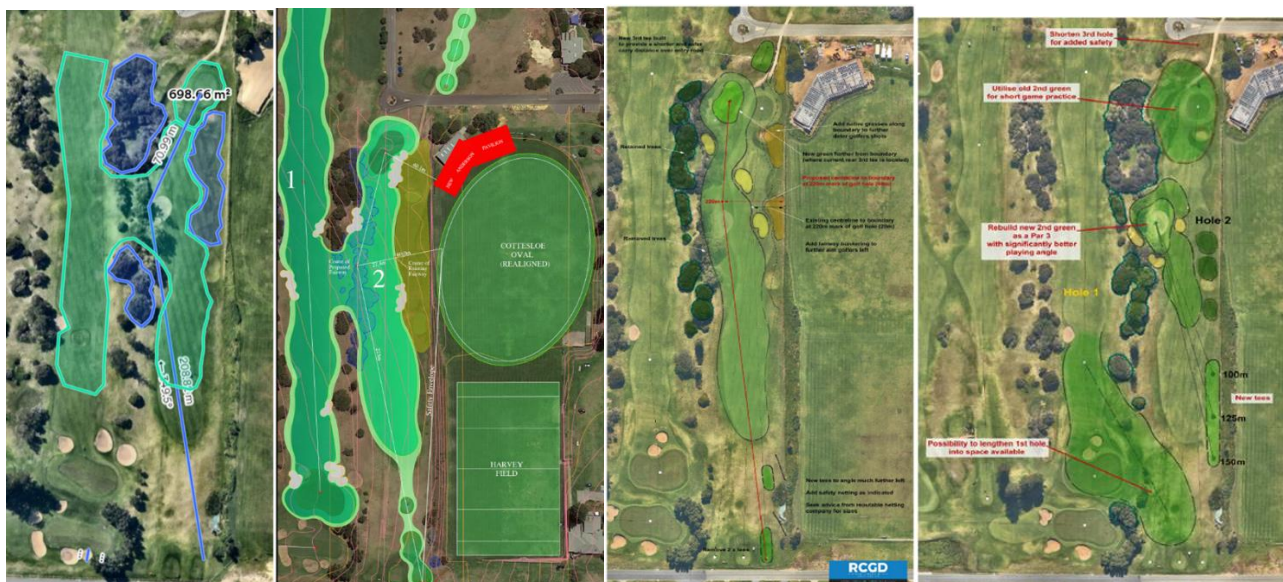


Diagram A Lane Par 4 Diagram B: Coate Par 4 Diagram C: Chamberlain Par 4 Diagram D: Chamberlain Par 3

Attachment A and B contains previous correspondence with the SVGC and Elders Insurance (SVGC insurers). In summary Elders Insurance have concluded that SVGC have met their duty of care responsibilities through the commissioning of Jeff Lane for the modification works for fairway 2/11.

LGIS Comments

Comments were provided on:

- Response from the SVGC and their insurers to the November 2023 OCM resolution;
- The two Council commissioned golf course architect's advice;
- The Administration's views to date; and
- Council's duty of care obligations.

LGIS were also asked to advice on a safety issue raised by the SVGC on 10 June 2024 associated with the risk of errant golf balls from the next tee box to fairway 3/12 damaging:

- Parked vehicles off Jarrad Street just next to the new Anderson Pavilion (Refer to Attachment C); and
- Vehicles travelling along the same section of Jarrad Street with tee shots going over the road towards the fairway and green.

As a side note, Mr Michael Coate's design (Diagram B) eliminates this risk with the tee box relocation to the north of Jarrad Street.

A site visit with LGIS occurred on 24 June 2024 and their report findings (Attachment D) is summarised as follows:

- Re-iterated its previous February 2019 advice to Council pertaining to the interface between Harvey Field and the golf course (shared boundary) where this suggested a form of protective barrier and ensure run off area for the oval;
- Council has a duty of care under Civil Liability Act 2002 (CLA) and Occupier's Liability Act 1985 (OLA), namely:
 - (a) Occupier's Liability Act (1985):
 - (i) section 2 (occupier of premises) - defines a person occupying or having control of land and other premises;
 - (ii) Section 5 highlights the Occupier's duty towards a person entering the premises in respect of any danger from the premises condition and the control of third parties;
 - (b) Civil Liability Act (2002) that considers the various elements of risk management and mitigation to determine if a duty of care exists;
- Whilst legislation does place duty of care on occupiers, it is not fair for such entities to address all risk and legislation does consider a number of mitigating circumstances when making this reasonability determination;
- It is reasonable for Council to allow fairway 2/11 to remain a Par 4 subject to the following modifications to direct all shots away from Harvey Field:
 - (a) Relocating the tee box east and the green to the west;
 - (b) Realign the fairway such that its centre is 40 metres away from the shared boundary;
 - (c) Low protection fencing adjacent to the new tee box location;

(d) Monitor the effectiveness of this solution

- A Par 3 or 4 carries the same duty of care claim risk from an injured third party and this is legally defensible due to the in depth analysis undertaken by Council to address the problem;
- The advice provided by Elders Insurance (SVGC insurers) is accurate;
- It is the view that Council has met its duty of care obligations demonstrated by all the work to date mentioned within this report to improve the safety on Harvey Field; and
- LGIS recommends that Council progresses a solution in order to continue discharging its duty of care obligations.

Whilst not specially raised in the attached report for fairway 2/11, LGIS in their return email of 3 July 2024 (Attachment D) re-iterates legislated duty of care and recommends that Council address the risk associated with tee box to fairway 3/12 by relocating it to the position within Mr Michael Coates Design (Diagram B).

Preferred Pathway

Considering all investigative findings to date, the recommendation is for Council to ask the CEO to work with the SVGC at their cost to:

- Retain fairway 2/11 as a Par 4 based on the Michael Coate design (Diagram B);
- Minimise the number of trees removed;
- Apply a 3 to 1 tree replacement ratio for the number of trees removed and prioritise their planting location in the order of the:
 - (a) eastern side of fairway 2/11;
 - (b) Other parts of the golf course;
 - (c) alternative locations within Cottesloe;
- Close the current fairway 3/12 tee box and relocate this across to the northern side of Jarrad Street where there are already existing tee boxes there; and
- Obtain the required statutory planning approvals from the State Government before bringing such a land use and planning compliant design back to Council for endorsement.

This solution is reasonable and considered the path of least resistance for the following reasons:

- LGIS has no objection should Council decide to proceed with this Par 4 retention with a modification to its layout (fairway 2/11);
- There is no difference in terms of challenge from a third party from a duty of care perspective from either a Par 3 or 4 solution (this is defensible and each claim is considered on its own merits);
- Willingness of SVGC to work with the Administration to retain fairway 2/11 as a Par 4 so as to keep the golf course to an overall Par 71 for them to maintain their existing membership and attract future enrolments;

- Likely consistent with the future redevelopment of the golf course;
- Modification to the fairway 2/11 Par 4 are primary solutions suggested by all 3 Golf Course Architects (Diagram A, B and C) and the Par 3 option (Diagram D) is a secondary approach that Mr Richard Chamberlain was asked to investigate; and
- This fairway 2/11 Par 4 modification solution (Diagram B) requires the closure of an existing tee box to fairway 3/12 which addresses another errant golf ball risk associated with the tee box location at fairway 3/12.

In conclusion, it is the Administration's view that:

- Council has followed the LGIS February 2019 advice by making the boundary fence or netting the last resort after exhausting all other solutions (March and June 2022 OCM resolution).
- Further legal advice mentioned within the LGIS report is not needed at this stage because this is not going to generate a different pathway;
- There is sufficient expert opinion to progress the recommended pathway (fairway 2/11 and tee box to fairway 3/12) and any other further work is onerous and delays addressing the safety issues identified thereby causing continued exposure to the risk of errant golf balls.

Whilst awaiting the completion of these modification works, the following provides interim protection:

- Extension of the existing fence next to Anderson Pavilion by approximately 3 metres for the new building; and
- Existing signs at the tee box for fairway 2/11 asking for utilisation of an iron (golf club that drives a shorter distance) for tee shots is also a form of temporary measure. However, this requires the SVGC assistance for effectiveness.

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 - Email Anderson Pavilion Street Parking [under separate cover]**
- 10.1.5(d) Attachment D - Email LGIS Tbox Report [under separate cover]**

CONSULTATION

SVGC and Elders Insurance

LGIS

STATUTORY IMPLICATIONS

- Land Administration Act 1997 Section 18

- Civil Liability Act 2002 (CLA)
- Occupier's Liability Act 1985 (OLA) – sections 2 and 5

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

Whilst Council previously allocated \$30,000 for the fairway 2/11 tee box relocation and the fence surrounding the tee box, [the expectation is that the SVGC be responsible for the cost required for the:](#)

- [Design and construction works associated with the Diagram B – Michael Coate preferred option;](#)
- [The planting and 2 year maintenance of the equivalent number of new trees resulting from the 3 to 1 replacement ratio \(3 new trees for each one removed\); and](#)
- [New replacement trees in place of those that fail to thrive during the 2 year maintenance period.](#)
- [The following table provides an indicate cost for Diagram A to D with the following assumptions:](#)
 - [\(a\) Jeff Lane Design \(Diagram A\) fairway earthworks is based on their previous estimate of \\$100,000 the Town's estimate of \\$30,000 for the tee box relocation. The \\$52,500 is based on 75 replacement trees \(ratio applied\) and the Town's fees and charges that applies a levy of \\$700 for the supply, install and 2 year maintenance;](#)
 - [\(b\) Similarly for the Michael Coate \(Diagram B\) and Richard Chamberlain \(Diagram C\) designs, given their closeness with the Jeff lane design, the same \\$100,000 and \\$30,000 is applied. The \\$178,500 for replacement trees is based on the \\$700 applied to 255 plantings \(ratio considered on 85 trees removed as an average\); and](#)
 - [\(c\) The Richard Chamberlain Par 3 design \(Diagram D\) is fairway works is \\$30,000 and \\$60,000 for the tee box \(prorated using cost from points a and b\). The tree replacement is conservatively based on the Jeff Lane Design.](#)

Item	Cost			
	Jeff lane Design - Par 4 (Diagram A)	Michael Coate Design - Par 4 (Diagram B)	Richard Chamberlain Design - Par 4 (Diagram C)	Richard Chamberlain Design (Par 3) (Diagram D)
Tee box Relocation		\$30,000		\$60,000
Fairway Realignment		\$100,000		\$30,000
Offset Tree Planting	\$52,500		\$178,500	\$52,500
Total Cost	\$182,500		\$308,500	\$142,500
Less Council Contribution			\$30,000	
Total Cost to SVGC	\$152,500		\$278,500	\$112,500

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. **APPROVES** the following golf course modification principles shown in the Michael Coate design (Diagram B):
 - a. For fairway 2 and 11 running parallel to Harvey Field and the Anderson Pavilion:
 - i. Relocate the tee box east and the green to the west;
 - ii. Realign the fairway such that its centre is at least 40 metres away from the shared boundary;
 - iii. Install low protection fencing adjacent to the new tee box location;
 - iv. Minimise the number of trees removed and apply a 3 to 1 replacement ratio (3 new trees for each one removed) by prioritising planting in the order of the eastern side of fairway 2/11, other parts of the golf course and then alternative locations within Cottesloe
 - b. In conjunction with the modifications mentioned in point one a (i) to a (iv), close the current tee box for the next fairway 3 and 12 and relocate it to the northern side of Jarrad Street such that tee shots are no longer play over the road towards the fairway and green as shown in Diagram B;
 - c. Monitor the effectiveness of the solution mentioned in points one a (i) to (iv) and one (b);
2. **INSTRUCTS** the Chief Executive Officer to collaborate with the Sea View Golf Club and at their cost to:

- a. Develop a design for Fairway 2 and 11 and Fairway 3 and 12 in line with the parameters mentioned in point one;
- b. Arrange for this design to be certified by an independent Golf Course Architect (endorsed by the Town) as having achieved the intended safety improvements;
- c. Plant the number of new trees resulting from the 3 to 1 replacement ratio (3 new trees for each one removed) including their maintenance for a period of 2 years for the design mentioned in point 2a with an Arborist Report that certifies their health condition at the end of the maintenance period;
- d. Replace any of the new trees mentioned within point 2c should they fail to thrive during and at the end of the 2 year maintenance period;
- e. NOTES that the new replacement trees species are decided by the Manager of Parks and Operations or one of his horticulturist on staff such that a large as practical size of new tree can planted without the risk of them failing to thrive to optimise the offset to the canopy lost from the trees that have been removed; and
- f. Implement the course modifications after this design is endorsed by the State Government under their statutory requirements and approved by Council at an Ordinary Council Meeting.

10.1.6 HEALTHY STREETS PROJECT CONCEPT

Directorate: Engineering Services
Author(s): Tin Oo May, Project Engineer
Renuka Ismalage, Manager Projects and Assets
Shaun Kan, Director Engineering Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D24/26532
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider the feedback received from the public consultation survey, community workshop, Elected Members and Active Transport Working Group (ATWG) to endorse a Broome Street and Marmion Street preferred concept for a second round of public consultation.

OFFICER RECOMMENDATION IN BRIEF

That Council approves a Broome Street and Marmion Street Preferred Concept for a second round of public consultation before adopting a final design for submission to Main Roads Western Australia (MRWA).

BACKGROUND

In 2022, MRWA identified Broome and Marmion Street as trial sites and Elected members briefed by the Administration on the proposed pilot project in April 2023. The MRWA Project Team presented to Elected Members in May 2023 on the further specifics.

At the June 2023 OCM, Council endorsed the trial (\$10,000 2023/2024 budget allocation) and the following staging:

- Stage 1: Formal position adopted by Council
- Stage 2: Media release and community consultation plan endorsement
- Stage 3: Public consultation
- Stage 4: Endorsement of concepts for community engagement
- Stage 5: Community engagement and approval of a final concept for detail design and construction
- Stage 6: detail design and construction - subject to Main Roads funding approval

Public consultation through an online survey was completed between November 2023 and January 2024. Community workshops then occurred in May 2024 and established different possible options for both streets.

Council is to note that Space Station, a community engagement consultant (Consultant) was commissioned to conduct the online survey and community workshop.

With stages 1 to 3 now complete, Council is ask to consider noting the attached concepts (Attachment E) for another round of public consultation in August and September 2024 before it is ask to adopt a final design in October 2024 for submission to MRWA for funding.

Detail design and construction can occur after.

OFFICER COMMENT

Public Consultation Survey Results (Attachment A)

Approximately 70 responses were received.

The survey asked participants to rank the 10 Healthy Streets parameters and a number of treatments to their preferred order of importance. All rankings are then prioritise using a point system to determine the community’s overall priority on the parameters and the treatments.

The Consultant’s report within Attachment A further explains this and the Administration’s summary of these results are below.

Overall Priority	Points	Healthy Street Parameter	Parameter Description (Survey Question)	Definition of Response (Agree vs Disagree)			Marmion Street			Broome Street			Overall Priority	Points	Traffic Mitigation Strategy	Description
				Response Options	Category	Agree	Disagree	Not Applicable	Agree	Disagree	Not Applicable					
1	522	Everyone feels welcome	The streets are welcoming places for everyone to walk, spend time and engage with other people.	Extremely, very, moderately & slightly welcoming	Agree	94%	3%	3%	95%	2%	3%	1	329	Pedestrian Crossing		
2	496	Easy to cross	The streets are easy to cross for everyone.	Very easy, easy and moderately easy to cross	Agree	75%	19%	6%	77%	20%	3%	2	305	Blister Island		
3	432	Not too noisy	Noise levels do not discourage people from spending time and interacting.	Very quiet and somewhat quiet	Agree	64%	33%	3%	56%	41%	3%	3	297	Pedestrian Refuge Island		
4	426	People chose to walk or cycle	Walking and cycling are convenient, pleasant and appealing.	Noisy, very noisy and moderately noisy	Disagree							4	267	Mid-block Plateau		
5	419	Shade and Shelter	Everyone can use the street whatever the weather.	Very attractive, attractive and moderately attractive	Agree	84%	15%	1%	79%	15%	6%	5	263	Raised Pavement at 4 Way Intersection		
6	418	People feel safe	Road traffic, anti-social behaviour, unwanted attention, violence and intimidation do not reduce people’s sense of safety.	Unattractive and very unattractive	Disagree							6	251	Shared Pathway		
7	309	People feel relaxed	The streets provide a relaxing atmosphere to walk, cycle and spend time in	Excellent, good and moderate shade	Agree	84%	13%	3%	80%	16%	4%	7	220	Raised Safety Platform		
8	303	Clean air	The air quality in the street is high	Minimal and no shade	Disagree											
9	281	Places to stop and rest	There are regular opportunities to stop and rest.	Very safe, safe and moderately safe	Agree	85%	9%	6%	84%	15%	1%					
10	191	Things to see and do	There are shops and services and/or opportunities to interact with art, nature and other people.	Unsafe and very unsafe	Disagree											

Table A: Consultation Summary – Healthy Streets Priority and Treatment Preference

It is evident from the data that:

- Everyone feels welcome, easy to cross and not too noisy are the 3 highest Healthy Streets priorities;
- Raised pedestrian crossings, blister islands and mid-block (between intersections) plateaus are the 3 most preferred solutions, noting that raised crossings need to meet specific criteria before MRWA can support this; and

- Footpath improvements is the most popular verge treatment option mentioned within the Attachment A report, noting that this is addressable through Council's asset renewal program (not funded by MRWA).

It is the Administrations view (from the public consultation results) that implementing the traffic calming measures along Broome Street and Marmion Street as part of the Health Streets Program largely meets the community's aspiration.

Community Workshop Comments (Attachment B and C)

33 Participants were divided into 6 groups where 3 groups focused on developing a concept for Broome Street and the remaining 3 groups on Marmion Street. The Consultant provided an introduction that covered the Healthy Streets Program, Workshop Objectives and the Public Consultation Survey Results (Table A).

The workshop presentation and concepts from different participating groups are within Attachment B. There were certain groups that provided "kerb to kerb" solutions for both streets, verge improvements, introduction of parking bays and posted speed reductions.

Following the workshop, there was feedback from a participant suggesting a number of improvements for the workshop and compared this to the process conducted by the City of Bayswater. The individual was informed that there were a number of attributes that resulted in this variation from the City of Bayswater's process:

- The City of Bayswater's public consultation and engagement process including design and construction was fully funded by MRWA; and
- MRWA is open to only funding the Town's detail design and construction cost.

The same participant also provided a separate design submission for the section of Broome Street between Forrest Street and Napier Street (Refer to Attachment C) that contained the following:

- Removal of roundabout at Napier Street intersection;
- Introduction of Parking bays;
- Raised platform at Napier Street, John Street, Loma Street and Forrest Street intersection;
- Marked pedestrian crossing on all 4 approaches of the mentioned intersection; and
- Bi-directional bicycle lane separated by planter boxes (Forrest Street to Napier Street).

On review, the Administration cannot support certain elements because:

- The removal of the roundabout contradicts the Healthy Street traffic calming principles;
- The parking bays are likely to:
 - (a) reduce the lane width down to under 3 metres which is not desirable for a distributor road;
 - (b) Impact sight distances particularly for vehicles turning out of John Street that are already affected by the crest at Loma Street. This access safety also implicates vehicles exiting the Civic Centre; and

- The bicycle lane separated by planter boxes is not a usual distributor road treatment.

The remaining raise intersection and marked pedestrian crossing suggestions are incorporated accordingly within the concepts (Attachment E) that also considers feedback from Elected Members and the ATWG (discussed in the next section).

July 2024 Elected Member Workshop and Active Transport Working Group Feedback

A draft concept, developed from the public consultation survey results and community workshop designed was presented to Elected Members and the ATWG. The following are Administration's responses to comments from Elected Members and the ATWG:

Elected Members Feedback:

- The separation between traffic calming treatments at various locations and how this affects the effectiveness of maintaining a lower speed environment; and
Administration Comments: Noted and applied accordingly.
- Traffic calming at John Street intersection at Broome Street and Marmion Street.
Administration Comments: The traffic calming measures at Forrest Street and Loma Street are sufficient to slow traffic down without an additional treatment at John Street.

The ATWG comments:

- Write to participants that contributed to the public consultation survey and community workshop to inform them when the item is tabled to Council so that they can understand how their feedback was used to develop the preferred concepts;
Administration Comments: This is incorporated as part of the Officer's Recommendation.
- General consideration towards consistent approaches that are reproducible on both streets that slows speed down and making them easy for pedestrians to cross;
Administration Comments: Noted and applied accordingly.
- Important to clarify that this project aims to improve safety for all forms of active transport and needs to be a trial that delivers effectiveness;
Administration Comments: This is the primary objective of the Healthy Streets Project.
- Any treatment selection needs to avoid the reduction of green space (secondary consideration);
Administration Comments: Noted and applied accordingly.
- Provide marked pedestrian crossing at all major intersections along Broome Street and Marmion Street (Forrest Street, Napier Street, Eric Street and Grant Street);
Administration Comments: This is incorporated.
- Broome Street feedback:
 - (a) Raised plateaus are a consistent approach and positioned at ideal locations;
 - (b) If possible, extend the treatments into side streets such that there is an at level crossing point within these locations;

Administration Comments: This is incorporated.

- (c) Consideration is given to tightening radius (if possible) and installing bicycle symbols at roundabouts;

Administration comments: Radius are at their smallest and bicycle symbols will be considered in the final line marking drawings to MRWA.

- (d) Consideration for traffic calming between Eric Street and Hawkstone Street;

Administration Comments: The 170 metre separation between the traffic calming devices at Eric Street and Hawkstone Street is sufficient. Implementing further measures in between may not deliver the benefits.

- (e) Raised plateau on the southern approach and departure of Napier Street intersection; and

Administration Comments: Only a marked pedestrian crossings is incorporated.

- (f) As part of MRWA engagement, check whether an intersection traffic calming treatment is required at John Street.

Administration Comments: The traffic calming measures at Forrest Street and Loma Street (located on either side of John Street) are sufficient to slow traffic down.

- Marmion Street:

- (a) Consideration for raised plateau on the southern approach of Eric Street intersection to align with the new shared path;

Administration Comments: Only a marked pedestrian crossing is incorporated because a raised treatment is proposed for the entire intersection.

- (b) Consideration for raised intersections at John Street and Clarendon Street intersections; and

Administration Comments: A raised intersection is incorporated for Clarendon Street whilst a mid-block plateau is implemented just south of John Street due to crossover impacts associated with a raise treatment at John Street intersection.

- (c) Consideration of raised plateau for the crossings at Napier Street.

Administration Comments: Only a marked pedestrian crossing is incorporated.

Council is to note that the raised plateau for the southern crossing at Grant Street intersection with Broome Street and Marmion Street would likely result in these traffic calming devices ending up on the travel path of Grant Street due to the current design of these intersection legs.

Matter relating to footpaths, cycle paths and shade are not covered by MRWA. Such elements are funded either by the Department of Transport's Western Australia Bike Network Initiative, the Town's asset renewal works or street tree planting program.

In relation to the community workshop participant's proposed design (Attachment C):

- Elected Members did not have the opportunity to provide feedback because this was received after their Workshop agenda was distributed; and

- The Active Transport Working Group:
 - (a) Were not supportive of the bicycle lane treatment;
 - (b) Raised concerns of cyclist struck by opening vehicle doors associated with the parking bays; and
 - (c) Were open to the marked pedestrian crossings and raised intersection treatments.

Proposed Broome Street and Marmion Street Concept (Attachment D and E)

A Technical Report rationalising the preferred concept (consideration of all feedback) is within Attachment D and the resulting proposed concept for Broome Street and Marmion Street is within Attachment E.

In the Technical Report, major intersections refers to Forrest Street, Napier Street, Eric Street and Grant Street whilst mid-block are all locations between these major intersections.

Council is to note that it may need to make financial contribution to a number of elements, as these are not funded by MRWA:

- A small number of new road crossing paths connections to existing footpaths; and
- New drainage and lighting if required, noting that this is avoided by utilising existing infrastructure where possible.

Final Council contribution is subject to MRWA negotiations in the next project phase.

Agenda Forum

The following are responses to clarifications requested:

- 1. Rationale for no treatments at Broome Street and John Street Intersection**
- 2. Alternative solutions to a raised intersection at John Street**
- 3. Distance between Loma Street to John Street and John Street to Forrest Street**

Response 1, 2 and 3: Loma Street intersection is the high point in this Broome Street section and installing the raised intersection at this location has more merits compared to John Street.

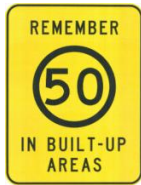
Note: There is a 100 metre separation between John Street and Loma Street. There is also a 115 metre separation between John Street and Forrest Street as shown in Diagram 1.

- (a) The slowing down of traffic at the crest allows safe pedestrians access across Broome Street for those crossing at the northern, central and southern Civic Centre including the pedestrian pathway that provides connection to the beach through Warnham Road. This includes vehicle access from the same Civic Centre entrance points and crossovers to the south of Loma Street
- (b) This does not require the installation of additional drainage as there is land over flow given the high geographical terrain at this location

Installing the raise intersection at John Street would require additional drainage along Broome Street on the northern side of this intersection and eastern side of John Street, depending on the extent of the treatment onto the side street. If the extension

is to meet the side street footpaths along Broome Street, then new drainage is required.

Other solutions that do not require drainage are blister islands and mini roundabouts but this may have an impact on verges depending on their footprint. Alternatively, “Remember 50km/h” signs, a non-infrastructure approach can also be considered.



Whilst a raise intersection at John Street is possible given this intersection meets the 80 metre to 120 metre separation requirements to Loma Street and Forrest Street, Council needs to be mindful that:

- Drainage is one of the items that the Healthy Streets Project does not fund
- The closeness of the John Street and Loma Street traffic calming treatments may also result in the risk of noise pollution resulting from the stop and go effects of vehicles. This is contrary to the “Not too Noisy” Healthy Streets criteria which has been ranked third highest order of importance by the 70 online survey participants and a concern by Community Workshop Group 2
- The Town would also need to rationalise any suggested treatments in any submission to MRWA.

The Administration is in the view that the Loma Street raised intersection on its own will likely reduce speeds between the section of Loma Street to John Street and Loma Street to Napier Street.

Photos and plan in Diagram 1 below provide further illustration on the officer’s comment.



Diagram 1: Street View and Site Location Overview

4. Confirmation that the speed cushions along Broome Street at Eric Street intersection will not be installed in the raised intersection treatment

Response 4: The speed cushion is removed entirely with the raised intersection treatment

5. Administration’s view to the community workshop participant’s follow up email to Elected Members after their initial submission providing feedback and an alternative design

Response 5: Issues raised by the participant in recent correspondence are:

- The quality of the public consultation and engagement to date is sub-standard
- Claims that the terrain at Loma Street intersection along Broome Street on its own slows vehicles down; and
- “Zebra crossings” are recommended by Healthy Streets experts and should be installed.

Concerns pertaining to the public consultation and engagement quality are addressed under the earlier sub-section titled Community Workshop Comments. By way of further elaboration, the Administration is not aware of any other unsatisfactory comments from participants living outside the Broome Street section between Napier Street and Forrest Street.

The 52km/h 85th percentile obtained from a speed survey 30 metres south of Loma Street collected from 30 September to 17 October 2023 suggests that vehicles are not slowing down at Loma Street. This is consistent with the officer’s recommendation for a raised intersection at the Loma Street intersection for pedestrian and vehicle safety on either side of this high point including John Street intersection.

Council may wish to carry out a traffic survey at this specific John Street location (or any other location it nominates) concurrently with the second round of public consultation

before making its final decision. This will then allow the validation of the claim of speeding by the individual.

Whilst “Zebra Crossings” may be recommended by experts, its warrants need to meet very specific requirements of MRWA which considers a function of vehicles and pedestrians at a particular location. It is unlikely that the John Street intersection would qualify.

6. The focus of the next engagement and the expected information provided

Response 6: This will focus on seeking feedback for a Council approved version of Attachment E with only links to supporting documents provided as references.

7. Confirmation on the number of respondents to the public consultation survey and community workshop that did not want any change

8. General comments from the community workshop in addition to those provided within Attachment C

Response 7 and 8: Attachment F is the Public Consultation and Engagement Consultant’s Report on further comments provided by the Community Workshop participant presentation of their individual group concept to all attendees. Amongst other views, some of the comments suggests that Marmion Street groups felt that change was not required for their street due to a variety of reasons. Broome Street participants were open to the change but were not supportive of some of the Healthy Streets solutions.

The Public Consultation Survey Report (Attachment A) shows approximately the number of comments to the road treatment related questions that did not want change:

- 12 of the 66 (18%) comments did not want change:

“Question 2k: Given your assessment of Marmion street, in the previous questions, what changes would you like to see made in Marmion Street (between Forrest Street and Grant Street), to make it a more welcoming places to walk, cycle and spend time for Marmion Street improvements?”

- 8 of the 57 (14%) comments did not want change:

“Question 3k: Given your assessment of Broome Street, in the previous questions, what changes would you like to see made in Broome Street (between Forrest Street and Grant Street), to make it a more welcoming places to walk, cycle and spend time?”

- 7 of the 65 (11%) comments did not want change:

“Question 5: Please provide reasons as to why you selected your preferred option as the most appealing road traffic calming strategy in the previous question?”

- 5 of the 65 (8%) comments did not want change:

“Question 6a: What do you believe would be the best strategy to encourage motorists to slow down on Marmion Street (between Forrest Street and Grant Street)?”

- 3 of the 69 (4%) comments did not want change:

“Question 6b: What do you believe would be the best strategy to encourage motorists to slow down on Broome Street (between Forrest Street and Grant Street)?”

It is the Administration’s view that:

- the number of respondents not wanting change are low in general;
- appear to be higher on Marmion Street (8% to 18%) compared to Broome Street (4% to 14%) depending on the question
- in general 11% of the respondents do not want change based on the response to question 5 (preferred treatment solution in general) that does not differentiate Broome and Marmion Street.

The Administration is of the opinion that attempting to establish community support for the project as part the initial aspiration consultation is too early in the process to determine this.

With a preferred concept rationalising all feedback now developed for both streets, it is timely for Council to ascertain the level of community and directly impacted stakeholder support for the project.

9. Confirmation that all raised intersection treatments had extended into the side streets

Response 9: Raise intersection treatments extend beyond the side street footpaths in the Broome Street and Marmion Street Concept

Next Steps

- Final round of public consultation on the preferred concept (Attachment E) covering the general community, directly impacted stakeholders (affected Broome Street and Marmion Street residents including businesses) and MRWA;
- A Healthy Streets assessment of the preferred concept by a suitably qualified consultant at the cost of Council; and
- Council consideration of public consultation feedback and Healthy Streets assessment to adopt a final concept for submission to MRWA for funding consideration; and
- Submission of a funding request to MRWA for detail design and construction.

ATTACHMENTS

- 10.1.6(a) Attachment A - Healthy Streets Public Consultation Summary Report [under separate cover]**
- 10.1.6(b) Attachment B - Healthy Streets Community Workshop Presentation and Group Concepts [under separate cover]**
- 10.1.6(c) Attachment C - Healthy Streets Community Workshop Participant Supplementary Submission [under separate cover]**
- 10.1.6(d) Attachment D - Healthy Streets Concept Technical Report [under separate cover]**

- 10.1.6(e) Attachment E - Healthy Streets Concept - Broome Street and Marmion Street [under separate cover]**
- 10.1.6(f) Attachment F - Space Station - 16 May - Workshop Results - Healthy Streets Workshop [under separate cover]**

CONSULTATION

A public consultation occurred from November 2023 to January 2024.

A community workshop occurred in May 2024.

Council is asked to consider putting the preferred concept out for a second round of public consultation that will also include engagement with MRWA.

As part of the officer's recommendation, Council is asked to request the CEO to communicate with participants of the public consultation survey and community workshop including the wider community so that they are aware how feedback obtained was applied to develop the preferred option.

This communication will include but not limited to emails to all participants (if provided) the Town's page on the Post Newspaper, the ratepayer database and social media.

Preliminary discussions with MRWA is also planned as part of the second engagement.

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 2.7 (2a) – oversee the allocation of the local government's finances and resources

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 4.1: Engage, inform and actively involve our community in Council decision making.

RESOURCE IMPLICATIONS

The Healthy Streets Program (funded through the Low Cost Urban Safety Program) will generally fund the cost for detail design consultants and the construction of selected road treatments.

Council may need to contribute towards lighting, drainage and minor footpath connections.

In the short term, Council is asked to request the CEO to include a \$5000 2024/2025 budget line item to carry out the Healthy Streets Assessment for the Preferred Concepts within Attachment E.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The implementation of this program will encourage the use of active transport modes of travel and thereby improving environmental and sustainability outcomes.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council

- 1. THANKS the participants of the public consultation survey and community workshop for taking the time to provide a response and developing options;**
- 2. NOTES the preferred concept within Attachment E;**
- 3. REQUESTS the Chief Executive Officer to:**
 - a. Communicate with the participants of the public consultation survey and the community workshop including the wider community asking them to refer to this Council Report so that they are aware how feedback obtained was applied to developing the preferred concept (Attachment E);**
 - b. Include \$5000 allocation in the 2024/2025 budget to carry out the Healthy Streets Assessment for the Preferred Option within Attachment E;**
- 4. APPROVES the second round of public consultation for the [Concepts in Attachment E](#) that will focus particularly on directly affected residents along Broome Street and Marmion Street including preliminary discussions with Main Roads Western Australia; and**
- 5. NOTES that information obtained from the second round of public consultation will be provided to Council no later than the October 2024 Ordinary Council Meeting for Council to adopt final concepts to seek detail design and construction funding from Main Roads Western Australia.**

EXECUTIVE SERVICES**10.1.7 CEO QUARTERLY INFORMATION BULLETIN**

Directorate: Executive Services
Author(s): Jacquelyne Pilkington, Governance & Executive Office Coordinator
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D24/27149
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

To provide Council information and statistics on key activities during the year on a quarterly basis, as requested by Council or recommended by the Administration.

OFFICER RECOMMENDATION IN BRIEF

THAT Council notes the information provided in the Quarterly Information Bulletin (Attachments).

BACKGROUND

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

OFFICER COMMENT

Elected Members should be aware that the Council Plan deliverables do not currently have a priority rating. Deliverable priorities will be considered by Council at a future meeting. In the interim all deliverables have been commented on.

ATTACHMENTS

10.1.7(a) CEO Quarterly Report - June 2024 [under separate cover]

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

5.41 Functions of CEO

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 notes the information provided in the Quarterly Information Bulletin

10.1.8 SEA VIEW GOLF CLUB REDEVELOPMENT ADVISORY COMMITTEE - COMMITTEE TERMS OF REFERENCE

Directorate: Corporate and Community Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): William Matthew Scott, Chief Executive Officer
File Reference: D24/28549
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider the attached revised Sea View Golf Club (SVGC) Redevelopment Advisory Committee (Committee) Terms of Reference (ToR).

OFFICER RECOMMENDATION IN BRIEF

That Council APPROVES the attached revised Committee ToR.

BACKGROUND

In April 2024, Council approved a SVGC Strategy and instructed the Chief Executive Officer (CEO) to establish the Committee.

In May 2024, Council appointed members of the Committee comprising of 4 Elected Members and 2 SVGC representatives.

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.

Council is asked to adopt the attached revised ToR comprising of the following changes:

- Title – “Charter” is replaced with “Terms of Reference” such that the document is now labelled “Seaview Golf Club Redevelopment Committee Terms of Reference”
 - Section 5 (Terms of Reference) – Removal of the word “Steering” by:
 - (a) Replacing “The Steering Committee is to provide guidance, oversight and make recommendations to Council where required including but not limited to” with
 - (b) “The Committee is to provide guidance, oversight and make recommendations to Council where required including but not limited to”
 - Section 6 (Membership)
 - (a) Removal of the words “State Government” by:
 - (i) Replacing “The State Government’s membership requirement for this Committee will generally comprise of” with
 - (ii) “The membership requirement for this Committee will generally comprise of”
 - (b) Re-assign the following roles to “Ex-Official Membership” under the same section
-

- (i) The Chief Executive Officer(CEO) of the Town of Cottesloe (or delegate)
- (ii) The Director of Engineering Services of the Town of Cottesloe (or delegate)
- (iii) The Director of Development and Regulatory Services of the Town of Cottesloe (or delegate)

ATTACHMENTS

- 10.1.8(a) Sea View Golf Club Redevelopment Advisory Committee Terms of Reference - Revised July 2024 [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

Simple Majority

OFFICER RECOMMENDATION

THAT Council APPROVES the attached revised Sea View Golf Club Redevelopment Advisory Committee Terms of Reference.

10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES

10.2.1 RECEIPT OF AUDIT COMMITTEE MINUTES

**Attachments: 10.2.1(a) Unconfirmed Minutes - Audit Committee - 27 May 2024
[under separate cover]**

THAT Council RECEIVES the attached Unconfirmed Minutes of the Audit Committee Meeting held on 27 May 2024 and ADOPTS the recommendations contained within.

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**

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

MOTION FOR BEHIND CLOSED DOORS

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

13.1.1 CONSULTANT SELECTION - CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (a) and (c) as it contains information relating to a matter affecting an employee or employees and 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 AUDIT COMMITTEE - RISK REGISTER REVIEW

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (a) and (f(ii)) as it contains information relating to a matter affecting an employee or employees and a matter that if disclosed, could be reasonably expected to endanger the security of the local government's property.

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.

The Presiding Member requested the recording equipment to be reactivated after coming out of closed doors.

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

14 MEETING CLOSURE