

TOWN OF COTTESLOE



SPECIAL COUNCIL MEETING

AGENDA

**SPECIAL COUNCIL MEETING
TO BE HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
5:00 PM Tuesday, 12 March 2024**

Town of Cottesloe

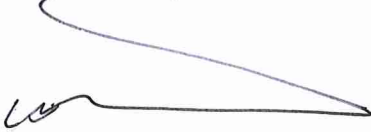
SPECIAL COUNCIL MEETING

Notice is hereby given that the next Special Council Meeting will be held in the Council Chambers, Cottesloe Civic Centre

109 Broome Street, Cottesloe on **12 March 2024** commencing at **5:00 PM**.

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

Yours faithfully,



William Matthew Scott
Chief Executive Officer

11 March 2024

DISCLAIMER

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

The Town of Cottesloe disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during council meetings.

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.

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

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Item No

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Nature of Interest

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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.

DISCLOSURE OF INTERESTS

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.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS	4
2	DISCLAIMER.....	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	4
5	PUBLIC STATEMENT TIME.....	4
6	ATTENDANCE	4
	6.1 APOLOGIES	5
	6.2 APPROVED LEAVE OF ABSENCE.....	5
	6.3 APPLICATIONS FOR LEAVE OF ABSENCE	5
7	DECLARATION OF INTERESTS.....	5
8	PRESENTATIONS	5
	8.1 PETITIONS.....	5
	8.2 PRESENTATIONS.....	5
	8.3 DEPUTATIONS	5
9	REPORTS.....	6
	9.1 REPORTS OF OFFICERS.....	6
	EXECUTIVE SERVICES.....	6
	9.1.1 ELECTED MEMBER APPOINTMENT TO AUDIT COMMITTEE	6
10	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	9
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:.....	9
	11.1 ELECTED MEMBERS	9
	11.2 OFFICERS.....	9
12	MEETING CLOSURE	9

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**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION****4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****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 Shane Collie	Director Corporate and Community Services
Mr Shaun Kan	Director Engineering Services
Ms Jacquelyne Pilkington	Governance & Executive Office Coordinator
Mr Steve Cleaver	Director Development and Regulatory Services

6.1 APOLOGIES

6.2 APPROVED LEAVE OF ABSENCE

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

7 DECLARATION OF INTERESTS

8 PRESENTATIONS

8.1 PETITIONS

8.2 PRESENTATIONS

8.3 DEPUTATIONS

9 REPORTS

9.1 REPORTS OF OFFICERS

EXECUTIVE SERVICES

9.1.1 ELECTED MEMBER APPOINTMENT TO AUDIT COMMITTEE

Directorate:	Executive Services
Author(s):	Shane Collie, Director Corporate and Community Services
Authoriser(s):	William Matthew Scott, Chief Executive Officer
File Reference:	D24/9282
Applicant(s):	Internal
Author Disclosure of Interest:	Nil

SUMMARY

For Council to appoint a replacement member to the Audit Committee.

OFFICER RECOMMENDATION IN BRIEF

That Council appoints Cr _____ to the Town of Cottesloe Audit Committee.

BACKGROUND

Cr Mason has resigned from her position on the Audit Committee therefore a replacement is required.

OFFICER COMMENT

The Audit Committee is responsible for reviewing and making recommendations to Council regarding financial management, risk management, internal controls, legislative compliance, and internal and external audit planning and reporting.

The purpose of the Audit Committee is to:

- Guide and assist the local government in carrying out its financial management and audit functions.
- Monitor and advise the Chief Executive Officer in reviews conducted into financial management and audit systems and procedures.
- Oversee the implementation of any resulting Council recommendations so as to support better decision-making, greater accountability to the community and ensure a more efficient and effective Local Government.

Council is required to appoint an Audit Committee in accordance with the *Local Government Act 1995* with the members to be appointed by the local government and at least three of the members (and the majority) to be Elected Members.

With the resignation of Cr Mason, the majority of Council members can not be achieved. Therefore it is essential that a replacement Councillor be chosen as the Committee would be unable to achieve a quorum at any of its meetings.

The Town's Auditors attend Audit meetings as required. Additionally, the Chief Executive Officer and Director Corporate and Community Services attend these meetings but are not voting members.

Current Membership

- Mayor Lorraine Young
- Cr Sonja Heath
- Cr Jeffrey Irvine
- Mr Andrew Dimsey
- Mr Nathan Hart
- Mr Ian McKenzie

ATTACHMENTS

Nil

CONSULTATION

Nil.

STATUTORY IMPLICATIONS

Local Government Act 1995

7.1A. Audit Committee

- (1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) *The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*
** Absolute majority required.*
- (3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.*
- (4) *An employee is not to be a member of an audit committee.*

Local Government (Audit Regulations) 1996 specifies the functions of the Audit Committee.

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

At least one senior staff member and one administrative staff member will be in attendance at each meeting. This is met 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. APPOINTS** Crs _____ **as a member of the Audit Committee.**

10 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

11.1 ELECTED MEMBERS

11.2 OFFICERS

12 MEETING CLOSURE