

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

**SPECIAL MEETING OF COUNCIL
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
7.00 PM, Monday, 17 October, 2011**

4 November 2011

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Chief Executive Officer announced the meeting opened at 7:02pm.

2 ELECTED MEMBER'S DECLARATION OF OFFICE

The CEO, in the absence of the Mayor, witnessed the declarations of the newly elected Council members; Cr's Boland, Downes, Hart, Jeanes, Pyvis, Rowell, Strzina and Walsh, in accordance with Section 2.29 of the *Local Government Act (1995)*.

2.29. Oath or affirmation of allegiance and declaration

(1) A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.

(2) A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.

(3) A declaration required by this section is to be taken or made before a prescribed person.

(4) A person who acts in an office contrary to this section commits an offence.

3 COUNCILLOR SEATING ARRANGEMENTS

Council's Standing Orders (Local Law No. 1), clause 11.2.1 provides that:

At the first meeting attended by a councillor after election, the chief executive officer shall allot by random draw, a position at the council table to each councillor and the councillor shall, until such time as there is a call by a majority of councillors for a re-allotment of positions, occupy that position when present at meetings of the council.

The CEO conducted a draw for seating in the Council Chamber.

The seats were allocated as follows:

1. Cr Walsh
2. Cr Pyvis
3. Cr Strzina
4. Cr Boland
5. Cr Hart
6. Cr Rowell
7. Cr Jeanes
8. Cr Downes

4 ELECTION OF DEPUTY MAYOR

Section 2.15 of the *Local Government Act (1995)* provides that the Deputy Mayor is to be elected by the Council.

Two written nominations were received for Deputy Mayor. Cr Rowell was nominated by Cr Jeanes and Cr Walsh was nominated by both Crs Hart and Pyvis.

There being two nominations for the position of Deputy Mayor, the CEO prepared ballot papers for a vote.

Prior to the ballot to determine the deputy Mayor, Cr Jeanes requested an opportunity to address Council on his nomination. As presiding member, and with the concurrence of the Council, the CEO agreed to a brief statement by Cr Jeanes. Cr Jeanes spoke to his reasons for nominating Cr Rowell as Deputy Mayor and stated that in his opinion voters at this election were sending a strong message through their nominations and that they are seeking action and progress on a raft of Town matters. In support of his nomination Cr Jeanes highlighted a few of Councillor Rowell's achievements and contributions to local government and Cottesloe, including previously being a Commissioner, holding the office of Mayor and in bringing Sculpture by the Sea to Cottesloe.

The CEO provided an opportunity for those Councillors who nominated Cr Walsh to also speak to their nomination, however both Crs Pyvis and Hart declined the offer.

The CEO, with the assistance of the Manager Corporate and Community Services, then conducted a secret ballot amongst the Councillors, with Cr Walsh declared as Deputy Mayor - the result of the ballot being 5/3.

5 DEPUTY MAYOR DECLARATION OF OFFICE

In accordance with s.2.15 of the Local Government Act (1995) Cr Walsh made his declaration of office as Deputy Mayor before the CEO and Council.

In the absence of the Mayor the Deputy Mayor assumed the chair of the meeting from the CEO.

6 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Elected Members

Cr Jack Walsh	Presiding Member
Cr Greg Boland	
Cr Katrina Downes	
Cr Yvonne Hart	
Cr Peter Jeanes	
Cr Sally Pyvis	
Cr Rob Rowell	
Cr Victor Strzina	

Officers

Mr Carl Askew
Mr Mat Humfrey
Mrs Lydia Giles
Mrs Christy Watterson

Chief Executive Officer
Manager Corporate & Community Services
Executive Officer
Administration & Governance Officer

Apologies

Nil

Officer Apologies

Nil

Leave of Absence (previously approved)

Mayor Kevin Morgan

7 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

8 PUBLIC QUESTION TIME

Nil

9 PUBLIC STATEMENT TIME

Nil

10 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

11 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

11.1 SUSPENSION OF STANDING ORDER 12.1 – MEMBERS TO RISE**BACKGROUND**

At the September 2006 meeting of Council it was agreed that the suspension of Standing Order 12.1 be listed as a standard agenda item for each Council and Committee meeting.

Standing Orders 12.1 and 21.5 read as follows:

Members to Rise

Every member of the council wishing to speak shall indicate by show of hands or other method agreed upon by the council. When invited by the mayor to speak, members shall rise and address the council through the mayor, provided that any member of the council unable conveniently to stand by reason of sickness or disability shall be permitted to sit while speaking.

Suspension of Standing Orders

- (a) The mover of a motion to suspend any standing order or orders shall state the clause or clauses of the standing order or orders to be suspended.
- (b) A motion to suspend, temporarily, any one or more of the standing orders regulating the proceedings and business of the council must be seconded, but the motion need not be presented in writing.

COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Boland

That Council suspend the operation of Standing Order 12.1 which requires members of Council to rise when invited by the Mayor to speak.

Carried 8/0

12 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

13 BUSINESS OF COUNCIL

13.1 STANDING COMMITTEE MEMBERSHIP

VOTING

Absolute Majority

COUNCIL RESOLUTION

DEVELOPMENT SERVICES COMMITTEE

Moved Cr Strzina, seconded Cr Hart

That Council appoint Crs Jeanes, Downes, Boland, Walsh, Hart, and Strzina as members and Mayor Morgan, Crs Pyvis and Rowell as deputy members of the Development Services Committee;

Carried 8/0

WORKS & CORPORATE SERVICES COMMITTEE

Moved Cr Strzina, seconded Cr Hart

That Council appoint the Mayor and Crs Rowell, Strzina, Walsh, and Boland as members and Crs Downes and Jeanes as deputy members of the Works & Corporate Services Committee.

Carried 8/0

STRATEGIC PLANNING COMMITTEE

Moved Cr Walsh, seconded Cr Strzina

That Council appoint the Mayor, Deputy Mayor, Presiding Member of the Development Services Committee and Presiding Member of the Works and Corporate Services Committee as members.

Carried 7/1

Moved Cr Walsh, seconded Cr Strzina

That Council

- (1) Note that in the event that the Mayor or Deputy Mayor is elected as the Presiding member of either the Development Services or the Works and Corporate Services Committee, then the respective Deputy Presiding member of the relevant Standing Committee be appointed as member of the Strategic Planning Committee.
 - (2) Defer consideration of appointment of any additional elected members to the Strategic Planning Committee until after the first meeting of the Development Services and Works and Corporate Services Committees, and be appointed at the next ordinary meeting of the Council.
 - (3) Appoint the Strategic Planning Committee as the CEO's Contract and Performance Review Panel.
-

Carried 8/0

Note: *Appointment of presiding members and deputy presiding members of Standing Committees will take place at the first meeting of that committee as the first item of business.*

13.2 ADVISORY COMMITTEE MEMBERSHIP**13.2.1 AUDIT COMMITTEE**

Council is required to appoint an Audit Committee. The relevant regulation requires the following.

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.

(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 him or her as a member of an audit committee.

(4) An employee is not to be a member of an audit committee.

In addition, the Town's Auditor, CEO and Manager Corporate & Community Services attend Audit Committee meetings.

VOTING

Absolute Majority.

COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

That Council appoints Crs Rowell, Jeanes, and Strzina as members and Cr Downes as deputy member of the Audit Committee.

Carried 8/0

13.2.2 COTTESLOE COMMUNITY SAFETY AND CRIME PREVENTION COMMITTEE**VOTING**

Absolute Majority.

COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Walsh

That Council appoints Cr Walsh as member and Cr Pyvis as deputy member of Cottesloe Community Safety and Crime Prevention Committee.

Carried 8/0

13.2.3 DESIGN ADVISORY PANEL

The Design Advisory Panel consists of six community members and one elected member of Council (which may or may not be the Presiding Member of the Development Services Committee).

The Panel advises Council on;

- Significant or potentially contentious development proposals.
- Proposals that significantly impact on environmental values and the natural heritage.
- Precinct and major site design issues, including town centre, open space or transport proposals with urban design implications.
- Urban design guidelines for built form and the public domain.
- Amendments to the town planning scheme that have an important design component.
- The relationship of a proposal to built heritage in an urban design sense.

The elected member appointee to the panel presides over meetings of the panel. As is the case with all Council-sponsored meetings it is open to all elected members to attend meetings of the Design Advisory Panel.

VOTING

Absolute Majority

COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Boland

That Council;

- (1) Appoint the Presiding Member of the Development Services Committee as Presiding Member of the Design Advisory Panel.
- (2) That the appointment of the deputy presiding member of the Design Advisory Panel be determined at the first meeting of the Design Advisory Panel.

Carried 8/0

13.2.4 DISABILITY SERVICES ADVISORY COMMITTEE

The Disability Services Advisory Committee assists with the development and implementation of Council's *Disability Access and Inclusion Plan*.

VOTING

Absolute Majority.

COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Boland

That Cr Pyvis be appointed member and Cr Walsh as deputy member of the Disability Services Advisory Committee.

Carried 8/0

13.2.5 PUBLIC EVENTS COMMITTEE**VOTING**

Absolute Majority.

COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Pyvis

That the Mayor, Cr Rowell and Cr Downes be appointed members and Cr Jeanes as deputy member of the Public Events Committee.

Carried 8/0

13.2.6 ART ACQUISITION COMMITTEE

Council Policy "*Acquisition of Artworks*" states'

4.1 Art Acquisition Panel

- (a) *Recommendations for the purchase of art works are to be made by an Art Acquisition Panel consisting of:*
- *the Mayor;*
 - *the CEO; and*
 - *two nominees of the Council with relevant experience in the acquisition of art works.*
- (b) *Committee members shall act in a voluntary capacity and be appointed for a maximum term of 2 years effective until the next ordinary local government elections.*
- (c) *Members may be re-nominated to serve on the panel for a further term.*
- (d) *The Mayor shall act as the Presiding Member of the panel and shall exercise a casting vote in the event of a tied vote.*

VOTING

Absolute Majority

COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Boland

That Council appoint the Mayor, Art Curator Lee Holben, the CEO and Cr Rowell as members and Cr Downes as deputy member of the Art Acquisition Committee for the period October 2011 to October 2013.

Carried 8/0

13.3 APPOINTMENT OF COUNCIL DELEGATES TO OTHER LOCAL GOVERNMENT BODIES

13.3.1 COMBINED COUNCILS AGED SUPPORT SERVICE COMMITTEE

This committee consists of elected members from the Councils of Claremont, Cottesloe, Peppermint Grove and Mosman Park.

It oversees the formal agreement between the four Councils and TAPSS Community Care.

VOTING

Simple Majority.

COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Hart

That Cr Walsh be appointed delegate and Cr Strzina deputy delegate to the Combined Councils Aged Support Service Committee.

Carried 8/0

13.3.2 THE GROVE LIBRARY MANAGEMENT COMMITTEE

This committee was formed to determine issues of policy and all other matters associated with the day to day management of the library. This committee consists of elected members from the Councils of Cottesloe, Peppermint Grove and Mosman Park as well as the Library Manager and library support staff.

VOTING

Simple Majority.

COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Rowell

That Cr Jeanes be appointed delegate and Cr Pyvis deputy delegate to the Cottesloe-Peppermint Grove-Mosman Park Library Management Committee.

Carried 8/0

13.3.3 THE GROVE LIBRARY PROJECT CONTROL GROUP

The Project Control Group is made up of the representative Mayors/Shire President and CEO's of the Town's of Cottesloe, Mosman Park and Peppermint Grove. It meets as required and is only likely to meet once or twice more in 2011/12. The CEO's are non-voting members, however, in the absence of the Mayor/President the CEO is to act (and vote) as his delegate.

VOTING

Simple Majority.

OFFICER RECOMMENDATION

Moved Cr Strzina, seconded Cr Boland

That the Mayor and CEO be appointed delegates to the Grove Library Project Control Group.

Carried 8/0

13.3.4 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) - CENTRAL METROPOLITAN ZONE

Western Australian Local Government Association zone meetings occur every two months. The Central Metropolitan Zone generally meets on the 4th Thursday of every second month at 6.00pm.

Two delegates are required. The CEO attends as a non-voting member.

These delegates are also entitled to attend the Annual State Conference of WALGA.

The following Local Government Authorities are members of the WALGA Central Metropolitan Zone;

- Town of Cambridge
- Town of Cottesloe
- Town of Claremont
- Town of Mosman Park
- City of Nedlands
- Shire of Peppermint Grove
- City of Perth
- City of Subiaco
- Town of Vincent

VOTING

Simple Majority.

COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

That Crs Walsh and Boland be appointed delegates and Cr Strzina as deputy delegate to the Western Australian Local Government Association - Central Metropolitan Zone.

Carried 8/0

13.3.5 WESTERN SUBURBS REGIONAL ORGANISATION OF COUNCILS (WESROC) – BOARD OF MANAGEMENT

The agreement between the six local governments which are members of WESROC provides for the delegate and deputy delegate to be the Mayor and Deputy Mayor. The WESROC Board meet six monthly. The Executive for WESROC (CEO's) meet monthly.

The following Local Government Authorities are members of WESROC;

- Town of Claremont
- Town of Cottesloe
- Town of Mosman Park
- City of Nedlands
- Shire of Peppermint Grove
- City of Subiaco

Note: the Town of Cambridge is an observer and casual participant.

The municipal authorities of the western suburbs of Perth have established a variety of initiatives to enhance regional cooperation and improve service delivery to their respective communities over a number of years. WESROC is a voluntary collaborative partnership of Councils which aims to facilitate and coordinate activities designed to promote community and economic development within the region and to enhance that capacity of member local governments.

VOTING

Simple Majority.

COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

That the Mayor and Deputy Mayor be appointed delegate and deputy delegate to the Western Suburbs Regional Organisation of Councils.

Carried 8/0

13.3.6 WESTERN METROPOLITAN REGIONAL COUNCIL (WMRC)

This Local Government meets at 5.30pm on 1st Thursday every second month. It is usually attended by a Council delegate and a staff representative. (Principal Environmental Health Officer).

The following Local Government Authorities are members of the WMRC;

- Town of Claremont
- Town of Cottesloe
- Town of Mosman Park
- Shire of Peppermint Grove
- City of Subiaco

The WMRC is a statutory local government authority established in 1989 by five western suburbs local government's to undertake waste management functions. Like all local governments the WMRC is administered by a "Council" of members, one member from each of the participating local governments. The Regional Council meets regularly to administer the functions and duties of the organisation.

The principal activity is the operation of the Brockway Waste Transfer Station situated on the corner of Brockway Road and Lemnos Street, Shenton Park. Here municipal solid waste (MSW) from member councils and others is received and aggregated into larger loads for transport in sealed containers to landfill sites located on the outer fringes of the Perth metropolitan area.

In addition to this the Regional Council operates a green waste recycling operation where readily separate able green waste is diverted from the waste stream, ground up into mulch and sold to the horticultural industry.

VOTING

Simple Majority.

COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Strzina

That Cr Strzina be appointed delegate and Cr Rowell deputy delegate to the Western Metropolitan Regional Council.

Carried 8/0

13.3.7 WESTERN SUBURBS DISTRICT PLANNING COMMITTEE

This Committee is established under the Town Planning & Development Act. It is resourced and coordinated by the Department of Planning and Infrastructure and focuses on regional planning issues. It is usually attended by Council delegates from the Western Suburbs local governments and relevant Council and DPI staff.

Advice from the Western Australian Planning Commission (WAPC) Chairman is that at its meeting on the 25th August 2009 it was resolved that the Western

Suburbs District Planning Committee would become an advisory committee with meetings scheduled at the discretion and direction of the WAPC.

The current meeting schedule for the Western Suburbs District Planning Committee has been cancelled and future meetings will be called by the WAPC as and when required.

VOTING

Simple Majority.

COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

That Cr Downes be appointed delegate and Cr Jeanes deputy delegate to the Western Suburbs District Planning Committee.

Carried 8/0

13.3.8 DEVELOPMENT ASSESSMENT PANEL

In April 2011 a report was presented to Council in relation to the implementation by the State Government of Development Assessment Panels (DAPs) as a new part of the planning process. It included the need for each Local Government to nominate elected member representatives for the DAP covering their area, noting that Cottesloe will come under a Joint DAP involving seven western suburbs Councils.

Advice from the Department of Planning

The *Planning and Development (Development Assessment Panels) Regulations 2011* (the regulations), which establish the operational framework for Development Assessment Panels (DAPs), were gazetted on 24 March 2011. These panels became operational as of 1 July 2011.

Under DAP regulation 26, each local government was invited to nominate four elected members of the Council, comprising two local members and two alternate local members to sit on the local JDAP.

Following receipt of all local government nominations, the Minister appointed all nominees for up to a two-year term, expiring on 26 April 2013. All appointed local members were placed on the local government member register.

Local government elections may result in a change to JDAP membership if current councillors, who are DAP members, are not re-elected. Council must consider replacement of DAP members where there is a vacancy. Local Government nominations are subject to Cabinet consideration prior to formal appointment by the Minister. It is anticipated that this will occur sometime in late November/early December 2011.

It is mandatory for all DAP members to attend training before they sit on a DAP and new members will be advised of DAP training dates and times, which be scheduled for late November in high volume DAP's. Local DAP members are entitled to be paid for their attendance at DAP training and at DAP meetings, unless they fall within a class of persons excluded from payment.

Members who are not entitled to payment of sitting, training and State Administrative Tribunal attendance fees include Federal, State and local government employees, active or retired judicial officers and employees of public institutions. These DAP members are not entitled to be paid without the Minister for Planning's consent, and such consent can only be given with the prior approval of Cabinet. This position is in accordance with *Premier's Circular - State Government Boards and Committees Circular (2010/02)*.

VOTING

Simple Majority.

COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Pyvis

That Council notify the Department of Planning that Crs Walsh and Boland will continue as its primary delegates, as will Cr Rowell as alternate deputy delegate, and Cr Jeanes be nominated as alternate deputy delegate to the Joint Development Assessment Panel.

Carried 8/0

13.4 APPOINTMENTS TO COMMUNITY ORGANISATIONS**13.4.1 COTTESLOE COASTCARE ASSOCIATION**

This group is an incorporated body and its constitution provides for a nominee of Council. It meets at 6.30pm on the 3rd Thursday of each month.

VOTING

Simple Majority.

COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Pyvis

That Cr Boland be appointed delegate and Cr Strzina deputy delegate to the Cottesloe Coastcare Association.

Carried 8/0

13.4.2 COTTESLOE SURF LIFE SAVING STRATEGIC ADVISORY BOARD

This group previously assisted the CSLSC with its strategic planning and now only meets as required. It has not met for some time.

VOTING

Simple Majority.

COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Boland

That Cr Rowell be appointed delegate to the Cottesloe Surf Life Saving Club.

Carried 8/0

13.4.3 CURTIN AGED PERSONS HOMES (INC.)

This organisation is an incorporated body which provides housing and accommodation for the aged in the community.

RiverSea and Wearne are both Curtin Aged Persons Homes (CAPH) developments. Wearne ownership has transferred to the Towns of Cottesloe, Claremont, Mosman Park and the Shire of Peppermint Grove.

VOTING

Simple Majority.

COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Rowell

That Cr Walsh be appointed delegate and Cr Jeanes deputy delegate to the Curtin Aged Persons Homes (Inc.).

Carried 8/0

13.4.4 PROCOTT (AKA COTTESLOE BUSINESS ASSOCIATION)

VOTING

Simple Majority.

COUNCIL DISCUSSION

Three nominations were received for delegate positions to PROCOTT. Council discussed and agreed that three delegates be appointed to PROCOTT with no deputy position. As a consequence an amendment to the recommendation was proposed.

AMENDMENT

Moved Cr Walsh, seconded Cr Strzina

That Council amend the officer recommendation by appointing three (3) delegates to PROCOTT and not appoint a deputy delegate.

Carried 8/0

COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Strzina

That Crs Rowell, Hart and Downes be appointed as delegates to PROCOTT (Inc.)

Carried 8/0

THE AMENDED SUBSTANTIVE MOTION WAS PUT

13.4.5 TAPSS COMMUNITY CARE (INC.)

VOTING

Simple Majority.

OFFICER RECOMMENDATION

Moved Cr Walsh, seconded Cr Strzina

That Cr Walsh be appointed delegate to TAPSS Community Care (Inc.).

Carried 8/0

13.5 MEMBERSHIP OF INFORMAL WORKING GROUPS

13.5.1 LIQUOR LICENSING WORKING GROUP

COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Boland

That Mayor Morgan, Cr Pyvis and Cr Walsh be nominated delegates to the Liquor Licensing Working Group.

Carried 8/0

13.5.2 STATION STREET REDEVELOPMENT WORKING GROUP

COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Boland

That Council appoints Crs Hart, Rowell and Jeanes as delegates to the Station Street Redevelopment Working Group.

Carried 8/0

13.5.3 COTTESLOE FORESHORE WORKING GROUP

COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Rowell

That Council appoints Mayor Morgan, Crs Jeanes, Downes, and Boland as delegates to the Cottesloe Foreshore Working Group.

Carried 8/0

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

Nil

15 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING

Nil

16 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 7:58 PM

CONFIRMED MINUTES OF 17 OCTOBER 2011. PAGES 1 – 23 INCLUSIVE.

PRESIDING MEMBER:
POSITION:

.....

DATE: / /