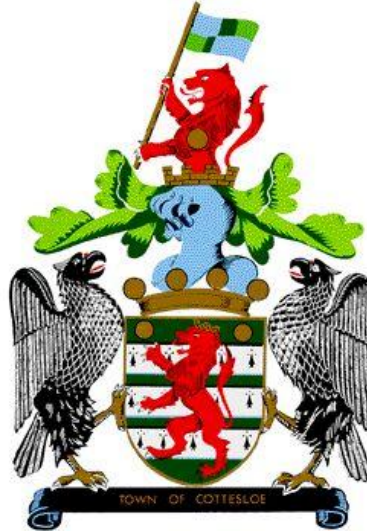


TOWN OF COTTESLOE



SPECIAL COUNCIL MEETING MINUTES

**SPECIAL MEETING OF COUNCIL
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6.00 PM, Monday 19 December 2016**

**Purpose of Meeting:
Right of Way 64 – State Administrative Tribunal Appeal (Directions Hearing)**

**Mat Humfrey
Chief Executive Officer**

22 December 2016

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.

The Town of Cottesloe wishes to advise that any plans or documents contained within the agenda or minutes may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction.

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

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS.....	2
2	DISCLAIMER	2
3	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	2
4	PUBLIC QUESTION TIME	2
4.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
4.2	PUBLIC QUESTIONS	2
5	PUBLIC STATEMENT TIME.....	2
6	ATTENDANCE.....	2
6.1	APOLOGIES	3
7	DECLARATION OF INTERESTS	3
8	PRESENTATIONS	3
8.1	PETITIONS.....	3
8.2	PRESENTATIONS	3
8.3	DEPUTATIONS.....	3
9	REPORTS OF OFFICERS	4
	9.1.1 RIGHT OF WAY 64 – STATE ADMINISTRATIVE TRIBUNAL APPEAL (DIRECTIONS HEARING) CONFIDENTIAL ITEM	4
10	ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	6
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING	6
12	MEETING CLOSURE.....	6

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6:15 PM.

2 DISCLAIMER

The Presiding Member drew attention to the Town's Disclaimer.

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Mayor announced that the meeting is being recorded, solely for the purpose of confirming the correctness of the Minutes.

4 PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

4.2 PUBLIC QUESTIONS

Nil

5 PUBLIC STATEMENT TIME

John Bell, 250 Marmion Street, Cottesloe – Re. Short-Stay Accommodation

- The property at 252 Marmion Street is being used for short-stay accommodation.
- Mr Bell expressed concern regarding strangers living at the property and issues with noise, anti-social behaviour, insurance and security.

The Manager Development Services advised that short-stay accommodation, apart from approved bed and breakfasts, is not permitted in the area in question. The Chief Executive Officer advised Mr Bell to contact him the following working today to discuss the matter further.

The Chief Executive Officer left the meeting at 6:18 PM.

The Chief Executive Officer returned to the meeting at 6:19 PM.

6 ATTENDANCE**Present**

Mayor Jo Dawkins
Cr Philip Angers
Cr Sandra Boulter
Cr Rob Thomas
Cr Katrina Downes
Cr Sally Pyvis

Officers Present

Mr Mat Humfrey
Mr Garry Bird
Mr Nick Woodhouse
Mr Andrew Jackson
Ms Siobhan French

Chief Executive Officer
Manager Corporate & Community Services
Manager Engineering Services
Manager Development Services
Governance Coordinator

6.1 APOLOGIES

Cr Helen Burke
Cr Mark Rodda
Cr Jay Birnbrauer

Officer Apologies

Nil

7 DECLARATION OF INTERESTS

Nil

8 PRESENTATIONS

8.1 PETITIONS

Nil

8.2 PRESENTATIONS

Nil

8.3 DEPUTATIONS

Nil

9 REPORTS OF OFFICERS

Moved Mayor Dawkins, seconded Cr Downes

In accordance with Standing Order 15.10 that Council discuss the matter behind closed doors.

Equality 3/3

For: Mayor Dawkins, Crs Angers & Downes

Against: Crs Boulter, Pyvis & Thomas

The Mayor exercised the casting vote to support the motion

Carried 4/3

The Manager Engineering Services left the meeting at 6:25 PM.

Members of the public and the media were requested to leave the meeting at 6:29 PM.

The Manager Engineering Services returned to the meeting at 6:35 PM.

**9.1.1 RIGHT OF WAY 64 – STATE ADMINISTRATIVE TRIBUNAL APPEAL
(DIRECTIONS HEARING) CONFIDENTIAL ITEM**

File Ref:	SUB/304
Responsible Officer:	Mat Humfrey Chief Executive Officer
Author:	Mat Humfrey Chief Executive Officer
Proposed Meeting Date:	19 December 2016
Author Disclosure of Interest:	Nil

SUMMARY

This report recommends that Council note the information contained in the confidential officer report in relation to Right of Way 64 and endorse the officer recommendation.

BACKGROUND

Refer to the confidential report attached.

STRATEGIC IMPLICATIONS

Refer to the confidential report attached.

POLICY IMPLICATIONS

Refer to the confidential report attached

STATUTORY ENVIRONMENT

Local Government Act 1995 – s5.23 – Closing a meeting to the public.

(2) (d) legal advice obtained, or which may be entered into, by the local government and which relates to the matter to be discussed that the meeting;

FINANCIAL IMPLICATIONS

Refer to the confidential report attached.

SUSTAINABILITY IMPLICATIONS

Refer to the confidential report attached.

CONSULTATION

Refer to the confidential report attached.

STAFF COMMENT

As the content of the report contains information that meets the conditions set in the Local Government Act s5.23(2)(d) and, it is recommended that the meeting be closed to the public while considering this item.

VOTING

Simple Majority

COUNCIL RESOLUTION

1. That Council agrees to the request from the owner of 21 Lillian Street and authorises the Administration to execute the Consent Orders to be submitted to the State Administrative Tribunal seeking further adjournment of the Directions hearing until 22 March 2017.
2. That all property owners who have a boundary adjacent to any part of Right of Way 64 are notified formally by letter of the current or future litigation in respect of Right of Way 64, the known dates of that litigation, the substance of the litigation and whether or not they can request third party approval to give evidence at the hearings of that litigation and that those property owners are given updates of any hearing dates and decisions relating to Right of Way 64 litigation.
3. That Council seeks legal advice about the timing of a revocation of the gate licence having regard to current or future litigation, prior to any mediation or full hearing of the current State Administrative Tribunal application.
4. That the Town of Cottesloe administration reports back to Council formally before the next appearance in any litigation relating to the Right of Way 64 dispute.

Carried 6/0

Moved Mayor Dawkins, seconded Cr Downes

In accordance with Standing Orders 15.10 that the meeting be reopened to members of the public and the media.

Carried 6/0

Members of the public and the media were invited to return to the meeting at 7:24 PM.

As there were no members of the public and the media present, the Council Resolution was not read aloud.

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

Nil

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

Nil

12 MEETING CLOSURE

The Mayor announced the closure of the meeting at 7:24 PM.

CONFIRMED MINUTES OF 19 December 2016 PAGES 1 – 6 INCLUSIVE.

PRESIDING MEMBER:
POSITION:

.....

DATE: / /