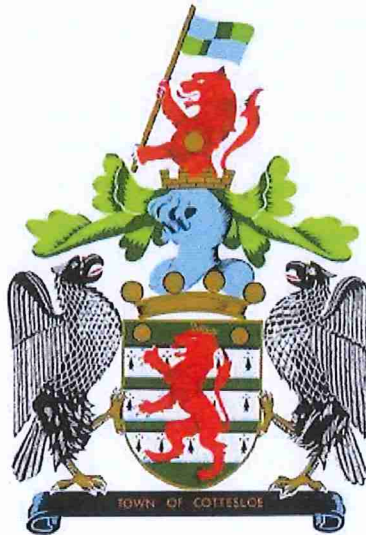


TOWN OF COTTESLOE



SPECIAL COUNCIL MEETING PRECEDED BY A SWEARING IN CEREMONY UNCONFIRMED MINUTES

SPECIAL COUNCIL MEETING
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6:15 PM Wednesday, 22 October 2025

A handwritten signature in black ink, appearing to read "Mark Newman".

MARK NEWMAN
Chief Executive Officer

6 November 2025

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

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1 MAYOR AND ELECTED MEMBER’S DECLARATION OF OFFICE

Section 2.29 of the *Local Government Act 1995* prescribes the requirements to be met when the newly elected mayor and councillors are to take the Declaration of Office.

2.29 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.

a. Prescribed form

Form 7, *Declaration by elected member of council*, in Schedule 1 of the Local Government (Constitution) Regulations 1998, is the prescribed form referred to in s.2.29(1):

Form 7.	Declaration by elected member of council	[r. 13(1)(c)]
<i>Local Government Act 1995</i> Local Government (Constitution) Regulations 1998		
Declaration by elected member		
I,		
of ¹		
having been elected to the office of ² mayor/deputy mayor/president/deputy president/councillor of the ³,		
declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the code of conduct adopted by the ³ under section 5.104 of the <i>Local Government Act 1995</i> .		
Declared at on		
by		
Before me:		
1	Insert your residential address.	
2	Delete those that do not apply.	
3	Insert the name of the local government.	

b. Prescribed person

The newly elected mayor and councillors is to make declarations of office before Mr Peter Browne OAM JP, a *prescribed person*, for the purposes of compliance with s.2.29(3).

At 6pm, the Chief Executive Officer (CEO) welcomed everyone to the swearing in ceremony and introduced Mr Peter Browne JP OAM to take Declarations of Office from the newly elected mayor and councillors.

ELECTED MEMBER'S DECLARATION OF OFFICE

Mr Peter Browne JP OAM officiated the taking of Declarations of Office from the newly elected mayor and councillors in accordance with the requirements of r.13(1)(c) of the Local Government (Constitution) Regulations 1998. Declarations were made following the wording of Form 7 referred to in r.13(1)(c):

1. Mayor-elect Melissa Harkins spoke her declaration following wording set out in Form 7 of the Local Government (Constitution) Regulations 1998 (**Form 7**) and signed the Form 7. Peter Browne JP OAM witnessed her signature and signed the Form 7 accordingly.
2. Councillor-elect Lorraine Young spoke her declaration following wording set out in Form 7 of the Local Government (Constitution) Regulations 1998 (**Form 7**) and signed the Form 7. Peter Browne JP OAM witnessed her signature and signed the Form 7 accordingly.
3. Councillor-elect Helen Sadler spoke her declaration following wording set out in Form 7 of the Local Government (Constitution) Regulations 1998 (**Form 7**) and signed the Form 7. Peter Browne JP OAM witnessed her signature and signed the Form 7 accordingly.
4. Councillor-elect Margaret Chachilla Bulbeck spoke her declaration following wording set out in Form 7 of the Local Government (Constitution) Regulations 1998 (**Form 7**) and signed the Form 7. Peter Browne JP OAM witnessed her signature and signed the Form 7 accordingly.
5. Councillor-elect Cr Brad Wylynko spoke his declaration following wording set out in Form 7 of the Local Government (Constitution) Regulations 1998 (**Form 7**) and signed the Form 7. Peter Browne JP OAM witnessed his signature and signed the Form 7 accordingly.

On conclusion of the Swearing In Ceremony, the CEO congratulated the newly sworn in Mayor and Councillors; thanked Mr Peter Browne JP OAM for officiating; and invited the Mayor and Councillors to take up seats as the Council of the Town of Cottesloe for the period 2025-2027 .

2 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

Mayor Melissa Harkins, as Presiding Member opened the Special Council Meeting at 6:15 pm.

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.

3 DISCLAIMER

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

4 ATTENDANCE**Elected Members**

Mayor Melissa Harkins
Cr Sonja Heath
Cr Lorraine Young
Cr Helen Sadler
Cr Chilla Bulbeck
Cr Brad Wylynko
Cr Katy Mason
Cr Jeffrey Irvine

Officers

Mr Mark Newman	Chief Executive Officer
Mrs Vicki Cobby	Director Corporate and Community Services
Mr Shaun Kan	Director Engineering Services
Mr Steve Cleaver	Director Development and Regulatory Services
Ms Jacquelyne Pilkington	Governance and Executive Office Coordinator
Ms Magdalena Domanska	Executive Services Officer
Ms Kate Jones	Governance Coordinator

4.1 APOLOGIES

Cr Michael Thomas

Officers Apologies

Nil

4.2 APPROVED LEAVE OF ABSENCE

Nil

4.3 APPLICATIONS FOR LEAVE OF ABSENCE

SCM003/2025

Moved Cr Mason Seconded Cr Sadler

That Cr Irvine be granted a leave of absence from 28 October 2025.

Carried 8/0

5 DECLARATION OF INTERESTS

Nil

6 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Presiding Member announced that the meeting is being livestreamed on the Town's website this evening and the recording will remain on the website and available to the public. Anyone attending the meeting, particularly if they are speaking, may be captured on the livestream recording.

7 PUBLIC QUESTION TIME**7.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

7.2 PUBLIC QUESTIONS

Nil

8 PUBLIC STATEMENT TIME

Nil

9 PRESENTATIONS**9.1 PETITIONS**

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

10 REPORTS**10.1 REPORTS OF OFFICERS****EXECUTIVE SERVICES****10.1.1 ELECTION OF DEPUTY MAYOR AND COUNCIL SEATING PLAN**

Directorate: Executive Services
Author(s): Kate Jones, Governance Coordinator
Authoriser(s): Mark Newman, Chief Executive Officer
File Reference: D25/55520
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

This report addresses:

- (a) Filling the office of deputy mayor by:
 - i. explaining the procedure that applies to how the office of deputy mayor is to be filled; and
 - ii. providing the form of the declaration a councillor must take if elected to fill the role of deputy mayor.
- (b) Council's seating plan.

OFFICER RECOMMENDATION IN BRIEF

As the processes discussed in this report are legislative, there is no officer recommendation.

BACKGROUND

Local government elections to fill the vacancies of mayor and four councillors at the Town of Cottesloe were held on Saturday, 18 October, 2025.

The Town of Cottesloe has an elector mayor. In these circumstances, the first matter Council is to deal with at its first meeting after a local government ordinary election, is to fill the office of deputy mayor (Sch 2.3, cl 7.1)).

OFFICER COMMENT**1. Filling the office of deputy mayor***Procedure to be followed*

The *Local Government Act 1995 (Act)*, prescribes how the office of deputy mayor is to be filled after an ordinary election. Unless otherwise stated, statutory references that follow are references to relevant parts of the Act.

Council is to elect a councillor (other than the mayor) to fill the office of deputy mayor (Sch 2.3, cl 8(1)).

The CEO:

- (a) is to receive nominations for deputy mayor before the first meeting of Council after an election, or during that meeting before the CEO announces that nominations are closed (Sch 2.3, cl 8(4));
- (b) is to conduct the election for deputy mayor by secret ballot as if councillors voting were electors voting at an election (Sch 2.3, cl 8(2) and (6));
- (c) is to have oral or written confirmation from a councillor, nominated for deputy mayor by another councillor, that they are willing to be nominated for the office (Sch 2.3, cl(5)); and
- (d) is to count votes; determine the result in accordance with Schedule 4.1 of the Act as if councillors were electors voting at an election; and declare and give notice of the result (Sch 2.3, cl(7) and (8)).

If the count results in equal votes for two or more candidates, the count is to be discontinued and adjourned for not more than seven days. Nominations can be withdrawn or made, before or when the meeting resumes. Councillors are to vote, and votes are to be counted, in the same way as they were during the first count (Sch 2.3, cl 9(1)-(4)).

Declaration

After the CEO declares the results of the election of the deputy mayor, the councillor elected to fill the role has to make a declaration, before a prescribed person, before acting in the office (s 2.29(2)-(3)).

A declaration made by a person elected to fill the role of deputy mayor is to make the declaration required by s2.29 of the Act before an authorised person (r.13(3) Local Government (Constitution) Regulations 1998).

The newly elected deputy mayor will make the declaration of office before Mr Peter Browne OAM JP, an authorised person, for the purposes of compliance with s.2.29 of the Act.

The form of the declaration to be taken by the newly elected deputy mayor is:

Form 7	Declaration by elected member of council	[r.13(1)(c)]
<i>Local Government Act 1995</i>		
Local Government (Constitution) Regulations 1998		
Declaration by elected member		
I,		
of ¹		
having been elected to the office of ² deputy mayor of the ³ Town of Cottesloe		
declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgement and ability, and will observe the code of conduct adopted by the ³ Town of Cottesloe under section 5.104 of the <i>Local Government Act 1995</i> .		
Declared at on		
by		
Before me:		
¹ Insert your residential address ² Delete those that do not apply ³ Insert the name of the local government		

ATTACHMENTS

Nil

CONSULTATION

No public consultation is required in relation to the subject matter of this report.

STATUTORY IMPLICATIONS

Filling to office of deputy mayor

Local Government Act 1995

Schedule 2.3 cl.7 – When council elects deputy mayor ..

Schedule 2.3 cl.8 – How deputy mayor .. is elected

Schedule 2.3 cl.9 – Votes may be cast a second time

Schedule 4.1 – How to count votes and ascertain the result of an election

Section 2.29 – Declaration

Local Government (Constitution) Regulations 1998
Regulation 13 – Oaths, affirmations and declarations
Schedule 1, Form 7

Oaths, Affidavits and Statutory Declarations Act 2005
Schedule 2 – Authorised witnesses for statutory declarations

Council seating plan

Local Government (Meeting Procedures) Local Law 2021
Clause 7.1 – Members to be in their proper places

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023-2033*, specifically:

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

This priority is delivered against by maintaining legislative compliance in the way the deputy mayor is elected and Council's seating plan is determined.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation. No internal resources have been used.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

The process to fill the office of deputy mayor is prescribed in the legislation cited in this report. The risk of not following the prescribed process, is that the election of the deputy mayor could be challenged on procedural grounds. This could potentially impact on the legality of decisions Council subsequently makes. The risk is mitigated by ensuring the legislative process to fill the office of deputy mayor as prescribed, is followed.

The risk of the CEO allotting council positions at the council table that are unfavourable is mitigated by the opportunity provided in the Meeting Procedures for Council to re-allocate positions.

VOTING REQUIREMENT

Council is not required to vote as part of the process to elect the deputy mayor, other than to cast votes, or to determine a Council seating plan.

1. Election of Deputy Mayor

The CEO advised the election of the Deputy Mayor would now commence.

The CEO advised that he had received one written nomination for the Office of Deputy Mayor and asked if there were any further nominations. No further nominations were offered and so he declared Cr Sonja Heath elected as the Deputy Mayor, her term to end on 16 October 2027. The CEO invited the Deputy Mayor elect to swear an oath.

Deputy Mayor-elect Sonja Heath spoke her deputy mayoral declaration following wording set out in Form 7 of the Local Government (Constitution) Regulations 1998 (**Form 7**) and signed the Form 7. Peter Browne JP OAM witnessed her signature and signed the Form 7 accordingly.

The CEO declared Deputy Mayor Heath as sworn into office and invited her to take up the Deputy Mayoral seat next to the Mayor.

2. Council's seating plan

The Town's Local Government (Meeting Procedures) Local Law 2021 (**Meeting Procedures**) provides the following guidance as to how councillors are to be positioned at the council table.

At the first meeting after each election day the CEO is to allot by random draw, a position at the council table to each councillor. A call by a majority of councillors for a re-allotment of positions can be made. If a call is not made, the Meeting Procedures provide that councillors are to occupy the position allotted by the CEO when they are present at meetings (cl 7.1(1)-(2)).

The CEO allotted, by random draw, seats at the Council table for all Councillors

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

Nil

12.2 OFFICERS

Nil

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

Nil

14 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 6:22 pm.