

TOWN OF COTTESLOE



SPECIAL COUNCIL MEETING MINUTES

**SPECIAL MEETING OF COUNCIL,
HELD IN THE COUNCIL CHAMBERS,
COTTESLOE CIVIC CENTRE,
6.30PM, MONDAY, 29 OCTOBER, 2007**

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1 DECLARATION OF MEETING OPENING

The Mayor announced the meeting opened at 6.41pm.

2 RECORD OF ATTENDANCE/APOLOGIES

Elected Members

Mayor Kevin Morgan
Cr Jay Birnbrauer
Cr Greg Boland
Cr Patricia Carmichael
Cr Daniel Cunningham
Cr Jo Dawkins
Cr Bryan Miller
Cr Victor Strzina
Cr John Utting
Cr Jack Walsh
Cr Ian Woodhill

Officers

Mr Stephen Tindale	Chief Executive Officer
Mr Geoff Trigg	Manager Engineering Services
Miss Kathryn Bradshaw	Executive Assistant

Apologies

Nil.

3 PUBLIC QUESTION TIME

Nil.

4 BUSINESS

4.1 OATH OR AFFIRMATION OF ALLEGIANCE AND DECLARATION

The Mayor is to witness the declarations of all newly elected members under 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.

The Mayor witnessed the declarations of Councillors Birnbrauer, Boland, Cunningham, Strzina and Walsh.

4.2 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.

The election is to be conducted by the Mayor and nominations for the office are to be given to the Mayor in writing.

If a Councillor is nominated by another elected member, the Mayor cannot accept the nomination unless the nominee has advised the Mayor orally or in writing that he or she is willing to be nominated for the office.

Elected members are to vote on the matter by secret ballot as if they were electors voting at a **preferential** voting election.

The votes cast are to be counted and the successful candidate determined, as if those votes were votes cast at an election – provided there is not an equality of votes.

If there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and not more than 7 days later, a special meeting of the Council is to be held.

Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.

A person elected by the Council as Deputy Mayor has to make a declaration in the prescribed form before acting in the office.

The Mayor accepted nominations in writing for the position of Deputy Mayor for:

Cr Jack Walsh
Cr Bryan Miller

A secret ballot was held and Cr Jack Walsh was duly elected as Deputy Mayor.

The Mayor witnessed the declaration of Cr Walsh.

4.3 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 will therefore conduct a draw for seating in the Council Chamber.

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

<i>Seat Number:</i>	<i>Councillor:</i>
1	Ian Woodhill
2	Jack Walsh
3	John Utting
4	Patricia Carmichael
5	Dan Cunningham
6	Bryan Miller
7	Jay Birnbrauer
8	Greg Boland
9	Victor Strzina
10	Jo Dawkins

Cr Utting left the meeting at 6.58pm

4.4 STANDING COMMITTEE MEMBERSHIP

Council has three standing committees namely:

- Development Services Committee;
- Works and Corporate Services Committee; and
- Strategic Planning Committee.

Each committee must be comprised of at least three elected members and can consist of as many as eleven elected members (i.e. the Council).

In terms of meeting efficiency and effectiveness, a committee of six elected members seems to work well and facilitates the pairing of deputies from other committees so that quorums can be easily maintained.

Currently all standing committees have seven elected members each.

As a minimum, the membership of the Strategic Planning Committee is currently comprised of the Mayor, Deputy Mayor and Presiding Members of the Development Services and the Works and Corporate Services Committees. The Strategic Planning Committee has also doubled up as the CEO's Performance Review Panel but the size of its membership (currently seven) has limited its efficiency and effectiveness.

This arrangement (along with any other committee arrangements) can be changed at any time by absolute majority decision – subject to the requirements of the *Local Government Act 1995*.

Each elected member is entitled to be a member of at least one standing committee.

The Mayor is entitled to be a member of any Council appointed committee.

By convention, at least one deputy member is required to assist each committee where there may not be enough elected members to form a quorum. However Council should consider the appointment of at least two deputies to each committee.

As a matter of policy, all elected members are "...allowed to participate in the debate and discussion of any Council Standing Committee but only to the extent that elected members who have not specifically been elected by Council to a Standing Committee shall not vote on any matter immediately before that particular Standing Committee meeting."

Cr Utting returned to the meeting at 7.00pm

VOTING

Absolute Majority.

4.4 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Dawkins

- (1) That Crs Dawkins, Strzina, Walsh, Woodhill, Birnbrauer and Boland be appointed members and the Mayor and Crs Cunningham and Miller as deputy members of the Development Services Committee; and**
- (2) That the Mayor and Crs Woodhill, Carmichael, Cunningham, Miller, Strzina and Utting be appointed members and Crs Dawkins, Walsh and Boland as deputy members of the Works & Corporate Services Committee.**

- (3) That the Mayor, Deputy Mayor, Presiding Member of the Development Services Committee, Presiding Member of the Works and Corporate Services Committee be appointed members as members of the Strategic Planning Committee.
- (4) That the appointment of additional elected members and deputies to the Strategic Planning Committee be deferred until the November ordinary meeting of the Council.
- (5) That the Mayor, Deputy Mayor, Presiding Member of the Development Services Committee, Presiding Member of the Works and Corporate Services Committee be appointed as members of the Strategic CEO's Performance Review Panel.

Carried by Absolute Majority 11/0

4.5 ADVISORY COMMITTEE MEMBERSHIP

4.5.1 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.*

VOTING

Absolute Majority.

4.5 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Woodhill

That Crs Carmichael, Miller and Woodhill be appointed members and Cr Dawkins as deputy member of the Audit Committee.

Carried by Absolute Majority 11/0

4.5.2 COTTESLOE COMMUNITY SAFETY AND CRIME PREVENTION COMMITTEE

This committee was created by Council at its April 2005 meeting and its original purpose was to draft a *Community Safety and Crime Prevention Plan* for Cottesloe. It now has carriage of the implementation of the plan

The committee is comprised of:

- three members of Council,
- one delegate from the community (Kerran Campbell),
- one delegate from the Cottesloe Business Association (Bronwyn Parsons), and
- one officer from the Cottesloe Police Station.

VOTING

Absolute Majority.

4.5.2 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Woodhill

That Crs Woodhill, Carmichael and Utting be appointed members and Cr Birnbrauer as deputy member to the Cottesloe Community Safety and Crime Prevention Committee.

Carried by Absolute Majority 11/0

4.5.3 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.

4.5.3 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Woodhill

- (1) **That Council 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 deferred until the November ordinary meeting of Council.**

Carried by Absolute Majority 11/0

4.5.4 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.

4.5.4 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Woodhill

That the Cr Boland be appointed member and Cr Carmichael as deputy member of the Disability Services Advisory Committee.

Carried by Absolute Majority 11/0

4.5.5 PUBLIC EVENTS COMMITTEE

The role of the Public Events Committee is to:

- (1) Consider the community concerts, festivals and events that are currently held in Cottesloe and identify:
 - (a) the aims, objectives and target audience for each event,
 - (b) whether any event(s) should no longer continue,
 - (c) improvements that could be made to any event(s), and
 - (d) any new event(s) that could be held; and
- (2) Provide feedback to the CEO, Sustainable Development Officer and Executive Assistant in relation to community events in Cottesloe.

VOTING

Absolute Majority.

4.5.5 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Woodhill

That the Mayor and Crs Dawkins, Woodhill and Birnbrauer be appointed members and Crs Cunningham and Walsh as deputy members of the Public Events Committee.

Carried by Absolute Majority 11/0

4.5.6 TENDER EVALUATION PANEL

The Town of Cottesloe's Purchasing policy requires the following;-

Tender Criteria

The Town of Cottesloe shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

The evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase.

For Requests with a total estimated (Ex GST) price of:

- Between \$40,000 and \$99,999, the panel must contain a minimum of 2 members; and
- \$100,000 and above, the panel must contain a minimum of 3 members.

VOTING

Simple Majority.

4.5.6 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Woodhill

That the Mayor, Presiding Member of the Works & Corporate Services Committee and CEO be appointed members and Crs Strzina and Cunningham as deputy members of the Tender Evaluation Panel.

Carried 11/0

4.6 APPOINTMENT OF COUNCIL DELEGATES TO OTHER LOCAL GOVERNMENT BODIES

4.6.1 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.

It meets at least annually and on other rare occasions as required. One delegate and a deputy delegate are required.

VOTING

Simple Majority.

4.6.1 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Woodhill

That Crs Carmichael and Walsh be appointed delegates and Crs Birnbrauer and Woodhill deputy delegates to the Combined Councils Aged Support Service Committee.

Carried 11/0

4.6.2 COTTESLOE-PEPPERMINT GROVE-MOSMAN PARK LIBRARY COMMITTEE

Library meetings are usually held 3-4 times a year. One delegate and a deputy delegate are required.

VOTING

Simple Majority.

4.6.2 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Woodhill

That Cr Carmichael be appointed delegate and Cr Utting deputy delegate to the Cottesloe-Peppermint Grove-Mosman Park Library Committee.

Carried 11/0

4.6.3 COTTESLOE-PEPPERMINT GROVE-MOSMAN PARK LIBRARY PROJECT MANAGEMENT COMMITTEE

Library project management committee meetings are held on as-needs basis.

Two delegates and two deputy delegates are required.

VOTING

Simple Majority.

4.6.3 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Woodhill

That Crs Dawkins and Miller be appointed delegates and the Mayor and Cr Birnbrauer deputy delegates to the Cottesloe-Peppermint Grove-Mosman Park Library Project Management Committee.

Carried 11/0

4.6.4 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.

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

VOTING

Simple Majority.

4.6.4 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Woodhill

That the Mayor and Cr Walsh, be appointed delegates to the Western Australian Local Government Association - Central Metropolitan Zone.

Carried 11/0

4.6.5 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 of Management meets quarterly at 12.30pm on the 3rd Monday.

VOTING

Simple Majority.

4.6.5 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Woodhill

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

Carried 11/0

4.6.6 WESTERN METROPOLITAN REGIONAL COUNCIL

This organisation meets at 5.30pm on 1st Thursday every second month. It is usually attended by a Council delegate and a staff representative.

The issues associated with the regional council are related to waste removal and recycling and as such are referred through to the Works & Corporate Services Committee. It would therefore be advantageous if the delegate and deputy delegate were existing members of the Works & Corporate Services Committee.

One delegate and a deputy delegate are required.

VOTING

Simple Majority.

4.6.6 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Miller

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

Carried 11/0

4.6.7 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.

It is meant to meet at 5.30pm, 3rd Thursday, every second month but has met infrequently as of late.

One delegate and a deputy delegate are required.

VOTING

Simple Majority.

4.6.7 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Woodhill

That Cr Cunningham be appointed delegate and Cr Boland deputy delegate to the Western Suburbs District Planning Committee.

Carried 11/0

4.7 APPOINTMENTS TO COMMUNITY ORGANISATIONS

4.7.1 COTTESLOE COASTCARE ASSOCIATION

This group is an incorporated body and its constitution provides for a nominee of Council. Meets at 7.30pm on the 2nd Wednesday of each month.

One delegate and a deputy delegate are required.

VOTING

Simple Majority.

4.7.1 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Woodhill

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

Carried 11/0

4.7.2 COTTESLOE SURF LIFE SAVING STRATEGIC ADVISORY BOARD

This group is currently assisting the CSLSC with its strategic plan.

One delegate is required.

VOTING

Simple Majority.

4.7.2 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Woodhill

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

Carried 11/0

4.7.3 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.

Meetings are held on 2nd Thursday of the month at 7.30pm.

One delegate and a deputy delegate are required.

VOTING

Simple Majority.

4.7.3 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Woodhill

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

Carried 11/0

4.7.4 JOHN CURTIN HOUSE STEERING COMMITTEE

Meets on an ad-hoc basis under the auspices of the National Trust of Australia (Western Australia).

One delegate and a deputy delegate are required.

VOTING

Simple Majority.

4.7.4 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Woodhill

That Cr Utting be appointed delegate and the Mayor deputy delegate to the John Curtin House Steering Committee.

Carried 11/0

4.7.5 PROCOTT (AKA COTTESLOE BUSINESS ASSOCIATION, COTTESLOE VILLAGE)

This is an incorporated body promoting the interests of the Cottesloe business community in the town centre using specified area rates income provided by the Town of Cottesloe.

Under the specified area rate agreement between ProCott Inc and the Town of Cottesloe, Procott Inc is required to give the Town of Cottesloe reasonable notice in writing of all proposed meetings of its directors and permit two elected members of the Town of Cottesloe to attend and participate in the discussions at all meetings of its directors.

Two delegates are required.

VOTING

Simple Majority.

4.7.5 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Woodhill

That Crs Dawkins and Birnbrauer be appointed as delegates and Cr Cunningham deputy delegate to ProCott (Inc.)

Carried 11/0

Cr Woodhill left the meeting at 7.32pm.

Cr Woodhill returned to the meeting at 7.33pm.

4.7.6 TAPSS COMMUNITY CARE (INC.)

This is an incorporated body which provides services to the frail aged and elderly disabled mainly through funding provided by the Home and Community Care Program (HACC).

The committee meets on the 2nd Monday of the month at 1.30 pm.

One delegate and a deputy delegate are required.

VOTING

Simple Majority.

4.7.6 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Woodhill

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

Carried 11/0

5 MEETING CLOSURE

The Mayor announced the closure of the meeting at 7.40pm.

CONFIRMED: MAYOR DATE:/...../.....