

TOWN OF COTTESLOE



SPECIAL COUNCIL MEETING MINUTES

**SPECIAL MEETING OF COUNCIL
HELD IN THE**

**Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
5.00 PM, Tuesday 30 May 2017**

Purpose of Meeting:

**For Council to consider the Officer Recommendation following receipt of legal
advice pertaining to Right of Way 64**

**MAT HUMFREY
Chief Executive Officer**

9 June 2017

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 5:01 PM.

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

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

Nil.

4.2 PUBLIC QUESTIONS

Nil.

5 PUBLIC STATEMENT TIME

Nil.

6 ATTENDANCE**Present**

Mayor Jo Dawkins
Cr Philip Angers
Cr Jay Birnbrauer
Cr Sandra Boulter
Cr Helen Burke
Cr Katrina Downes
Cr Sally Pyvis
Cr Mark Rodda
Cr Rob Thomas

Officers Present

Mr Mat Humfrey
Mr Garry Bird
Mr Andrew Jackson
Mr Nick Woodhouse
Ms Samantha Hornby

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

6.1 APOLOGIES**Officer Apologies**

Nil.

6.2 APPROVED LEAVE OF ABSENCE

Nil.

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

7 DECLARATION OF INTERESTS

Cr Pyvis declared an impartiality interest against Item 9.1.1 Right of Way 64 (Confidential) as an acquaintance of one of the effected residents, and declared that she could consider the matter on its merits and vote accordingly.

8 PRESENTATIONS**8.1 PETITIONS**

Nil.

8.2 PRESENTATIONS

Nil.

8.3 DEPUTATIONS

Nil.

9 REPORTS OF OFFICERS**PROCEDURAL MOTION**

Moved Mayor Dawkins, seconded Cr Rodda

That the meeting be closed to the public to address the confidential Item 9.1.1

CARRIED 9/0

The meeting was closed to the public at 5:03 PM and all members of the public and media representatives left the room.

Cr Pyvis declared an impartiality interest against Item 9.1.1 Right of Way 64 (Confidential) as an acquaintance of one of the effected residents, and declared that she could consider the matter on its merits and vote accordingly.

9.1.1 RIGHT OF WAY 64 (CONFIDENTIAL)

File Ref: SUB/304
Attachments: NIL
Responsible Officer: MAT HUMFREY
CHIEF EXECUTIVE OFFICER
Author: MAT HUMFREY
CHIEF EXECUTIVE OFFICER
Proposed Meeting Date: 30 MAY 2017
Author Disclosure of Interest: NIL

SUMMARY

This report recommends that Council note the information contained in the confidential officer report in relation to a legal briefing regrading Right of Way 64.

BACKGROUND

Refer to the confidential report.

STRATEGIC IMPLICATIONS

Refer to the confidential report.

POLICY IMPLICATIONS

Refer to the confidential report.

STATUTORY ENVIRONMENT

Local Government Act 1995

5.23 Meeting Generally Open to the Public

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and

FINANCIAL IMPLICATIONS

Refer to the confidential report.

STAFFING IMPLICATIONS

Refer to the confidential report.

SUSTAINABILITY IMPLICATIONS

Refer to the confidential report.

CONSULTATION

Refer to the confidential report.

STAFF COMMENT

As the content of the report contains information that meets the conditions set in the Local Government Act 1995 s5.23(2)(d), it is recommend that the meeting be closed to the general public while considering this item.

VOTING

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda, seconded Cr Downes

That Council;

- 1. In accordance with the Local Government (Uniform Local Provisions) Regulations 1996 CANCEL the gate licence provided to the owners of 21 Lillian Street as;**
 - a. The gates have been locked despite a condition of the licence specifically stating that they were not to be; and**
 - b. The owners of 21 Lillian Street have taken steps to resist access to the laneway by one of the adjoining owners.**
- 2. AUTHORISE the Chief Executive Officer, in consultation with the Town's solicitors, to take the required action to have the gates removed.**

CARRIED 9/0

PROCEDURAL MOTION

Moved Mayor Dawkins, seconded Cr Burke

That Council resume standing orders.

CARRIED 9/0

The meeting was reopened to the public at 5:21 PM and all members of the public and media representatives returned to the room.

The Mayor read aloud the resolution made while the meeting was closed to the public.

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

Nil.

11.2 OFFICERS

Nil.

12 MEETING CLOSED TO PUBLIC

12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

13 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 5:25 PM

CONFIRMED MINUTES OF 30 May 2017 SPECIAL COUNCIL MEETING
PAGES 1 – 13 INCLUSIVE.

PRESIDING MEMBER:
POSITION:


.....

DATE: 27 / 6 / 2017