



# Town of Cottesloe

I hereby certify that the minutes of the Special Council meeting held  
on

**Tuesday, 15 January 2021**

were confirmed as a true and accurate record by Council resolution.

Signed:

A handwritten signature in black ink, appearing to be 'D. Murray', written over a horizontal line.

Presiding Member

Date: 23/2/2021

# TOWN OF COTTESLOE



## SPECIAL COUNCIL MEETING

# MINUTES

SPECIAL COUNCIL MEETING  
HELD IN THE

War Memorial Hall, Cottesloe Civic Centre, 109 Broome Street, Cottesloe  
2:00 pm Friday, 15 January 2021

**PHILIP ANGERS**  
Mayor

15 January 2021

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Agenda and minutes are available on the Town's website [www.cottesloe.wa.gov.au](http://www.cottesloe.wa.gov.au)

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**1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS**

The Presiding Member announced the meeting opened at 2.12 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.

**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**

Nil

**6 ATTENDANCE****Elected Members**

Mayor Philip Angers  
Cr Lorraine Young  
Cr Caroline Harben  
Cr Michael Tucak  
Cr Melissa Harkins

**Officers**

Mr Matthew Scott	Chief Executive Officer
Mr Shane Collie	Executive Manager Corporate Services and Governance
Ms Freya Ayliffe	Executive Manager Compliance and Regulatory Services
Mr Shaun Kan	Executive Manager Engineering Services
Mr Wayne Zimmermann	Principal Planner
Mr Ed Drewett	Coordinator Statutory Planning
Ms Yvonne Levingston	Executive Officer

**Guests**

Julius Skinner – Thomson Geer Solicitors

**Public Gallery**

David Cohen – Post Newspaper

**6.1 APOLOGIES**

Cr Helen Sadler  
Cr Craig Masarei  
Cr Kirsty Barrett  
Cr Paul MacFarlane

**6.2 APPROVED LEAVE OF ABSENCE**

Nil

**6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 DECLARATION OF INTERESTS**

Cr Michael Tucak declared an Impartiality interest in item 12.1.1 by virtue of the – Applicant being known to Cr Tucak outside his Council role (both proprietors and their planning representative Altus).

Cr Michael Tucak declared an Impartiality interest in item 12.1.1 by virtue of the Applicant’s Special Counsel at SAT being known to Cr Tucak.

**8 PRESENTATIONS****8.1 PETITIONS**

Nil

**8.2 PRESENTATIONS**

Nil

**8.3 DEPUTATIONS**

Nil

**9 REPORTS**

Nil

**9.1 REPORTS OF OFFICERS**

Nil

**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****MOTION FOR BEHIND CLOSED DOORS****Moved Mayor Angers                      Seconded Cr Young**

**That, in accordance with Standing Orders local law 15.10, Council closed the meeting to members of the public to discuss the confidential report behind closed doors.**

**Carried 5/0**

*The public and members of the media were requested to leave the meeting at 2.13 pm*

**Moved Mayor Angers                      Seconded Cr Young****That Council suspend Standing Orders.****Carried 5/0****Moved Mayor Angers                      Seconded Cr Young****That Standing Orders be resumed.****Carried 5/0****12.1.1 LOT 8 (16) NORTH STREET - CHANGE & EXTENSION TO NON-CONFORMING USE FOR NORTH STREET STORE - LEGAL ADVICE UPDATE REGARDING SAT REVIEW**

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (d) as it contains information relating to legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

**File Ref:                                      SUB/2798**  
**Applicant(s) Proponents:              Altus Planning**

**Attachments:**                      12.1.1(a) Lot 8 (16) North Street - Council Report 26 May 2020 [CONFIDENTIAL]  
    12.1.1(b) Legal advice dated 18 December 2020 [CONFIDENTIAL]  
    12.1.1(c) McLeods Barristers & Solicitors - legal advice dated 11 January 2021 [CONFIDENTIAL]

**Responsible Officer:**            Wayne Zimmermann, Principal Planner  
**Author:**                                    Ed Drewett, Coordinator Statutory Planning  
**Author Disclosure of Interest:** Nil

**OFFICER RECOMMENDATION**

Moved Cr Young    Seconded Cr Tucak

**THAT Council:**

- 1. NOTES the legal advice provided by the Town’s Lawyers, Thomson Geer, on 18 December 2020 and from McLeods Barristers & Solicitors on 11 January 2021 in respect to the SAT appeal for the North Street Store, located at 16 North Street, Cottesloe.**
- 2. DIRECTS the Chief Executive Officer (CEO) to instruct the Town’s Lawyers, Thomson Geer, to proceed as per paragraph one (1) contained within the conclusion section of this report.**

Carried 5/0

**MOTION FOR RETURN FROM BEHIND CLOSED DOORS**

Moved Cr Young    Seconded Cr Harkins

In accordance with Standing Orders 15.10 that the meeting be re-opened to members of the public and media, and motions passed behind closed doors be read out if there are any public present.

Carried 5/0

**12.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC**

**12.1.1 LOT 8 (16) NORTH STREET - CHANGE & EXTENSION TO NON-CONFORMING USE FOR NORTH STREET STORE - LEGAL ADVICE UPDATE REGARDING SAT REVIEW**

As no members of the public or media returned to council the resolution for item 12.1.1 was not read aloud.

**13 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 3.33 pm.