

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

ORDINARY MEETING OF COUNCIL
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
7.00 PM, Monday, 22 March, 2010

29 March 2010

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	1
4	PUBLIC QUESTION TIME.....	1
5	PUBLIC STATEMENT TIME.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE.....	3
7	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	3
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	3
8.1	SUSPENSION OF STANDING ORDER 12.1 – MEMBERS TO RISE.....	4
9	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	4
10	REPORTS OF OFFICERS.....	6
10.1	CHIEF EXECUTIVE OFFICER.....	6
10.1.1	LOCAL GOVERNMENT STRUCTURAL REFORM	6
10.1.2	REMUNERATION REVIEW FOR THE CHIEF EXECUTIVE OFFICER	26
11	REPORTS OF COMMITTEES.....	28
11.1	DEVELOPMENT SERVICES COMMITTEE MINUTES - 15 MARCH 2010.....	28
11.1.1	NO. 115 (LOT 9) GRANT STREET –A SWIMMING POOL WORKSHOP STORE 4 CAR GARAGE WITH TWO STOREY STUDIO ADDITION	28
11.2	WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 16 MARCH 2010.....	40
11.2.1	6 MONTHLY BUDGET REVIEW FOR 2009/2010	40

11.2.2	ASSET MANAGEMENT POLICY	42
11.2.3	STATUTORY COMPLIANCE AUDIT - 2009 RETURN	44
11.2.4	TOWN OF COTTESLOE - CITIZENSHIP CEREMONIES	46
11.2.5	APPLICATIONS FOR GRANT FUNDING 2010/2011 - COASTAL PROTECTION	50
11.2.6	DISPUTE ON PEPPERMINT TREE IN LANEWAY, COTTESLOE	53
11.2.7	WIDTH REDUCTION OF JARRAD STREET ROAD RESERVE - BROOME STREET TO MARINE PARADE	56
11.2.8	PROPERTY & SUNDRY DEBTORS REPORT FOR THE MONTH ENDING 28 FEBRUARY 2010	59
11.2.9	STATUTORY FINANCIAL STATEMENTS FOR THE MONTH ENDING 28 FEBRUARY 2010	61
11.2.10	SCHEDULE OF INVESTMENTS AND LOANS FOR THE MONTH ENDING 28 FEBRUARY 2010	63
11.2.11	ACCOUNTS FOR THE MONTH OF FEBRUARY 2010	65
11.2.12	PRESSURE CLEANING ON FOOTPATHS OUTSIDE HOTELS	67
12	ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	68
13	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING	68
14	MEETING CLOSURE.....	68

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 7:10 PM.

**2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE
(PREVIOUSLY APPROVED)****Elected Members**

Mayor Kevin Morgan	Presiding Member
Cr Jack Walsh	
Cr Davina Goldthorpe	
Cr Robert Rowell	
Cr Jo Dawkins	
Cr Patricia Carmichael	
Cr Greg Boland	
Cr Dan Cunningham	

Officers

Mr Carl Askew	Chief Executive Officer
Mr Graham Patrick	Manager Corporate Services
Mr Geoff Trigg	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Mrs Lydia Giles	Executive Assistant
Ms Krystal Shenton	Community Development Officer

Apologies

Cr Jay Birnbrauer
Cr Victor Strzina
Cr Ian Woodhill

Officer Apologies

Nil

Leave of Absence (previously approved)

Cr Ian Woodhill
Cr Victor Strzina
Cr Jay Birnbrauer

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PUBLIC STATEMENT TIME

Ms Yvonne Hart, 26 Main Street, Cottesloe – Item 11.1.1 No. 115 (Lot 9) Grant Street –A Swimming Pool Workshop Store 4 Car Garage with Two Storey Studio Addition

Mrs Hart advised Council that, based upon amended information in relation to this proposal, some of her concerns had now been alleviated. In particular she referred to the amendment to part (l) of the proposed recommendation. She indicated that she would monitor the development and thanked Council (and Committee) for their support and willingness to listen to local residents in relation to such developments.

Mr John Kestel, 125 Brown Street, East Perth - Item 11.1.1 No. 115 (Lot 9) Grant Street –A Swimming Pool Workshop Store 4 Car Garage with Two Storey Studio Addition

Mr Kestel as the architect for the project advised that he had addressed the points raised at Committee in order to improve sight lines for the garage and to increase the set backs of the garage from the rear boundary. He was supportive of the amended recommendation and had provided amended plans and covering letter (circulated to Councillors).

Mr Kevin Luttrell, 4 Torrens Court, Cottesloe - 11.2.6 Dispute on Peppermint Tree in Laneway, Cottesloe

Mr Luttrell is the owner of 4 Torres Court and has been a resident of Cottesloe for many years. In relation to the tree in the ROW he advised Council that when he moved into his property he was informed by the Manager Engineering Services that the tree would be removed. He was also of the opinion that the appropriate Council Policy for this matter was Right of Ways not Street Trees. He advised that the tree had suffered neglect and damage during recent building however had since found new health (water source) and he was concerned about the continued growth of the tree and the resulting root damage to his property. He circulated photographs to all Councillors and advised that other residents who use the laneway for access were supportive of its removal. In his opinion Mr Nelson valued the tree as a screen between his residence and the car park opposite and he advised that he already had a mulberry tree in his garden for shade/privacy. He asked Council to support its removal.

Mrs Sally Luttrell, 4 Torrens Court, Cottesloe - 11.2.6 Dispute on Peppermint Tree in Laneway, Cottesloe

Mrs Luttrell also spoke in support of the tree's removal. She advised that they had always had cordial relations with their neighbours however she was disappointed by Mr Nelson's intransigence on this matter. She was concerned at the damage the tree was and would do in the future and, now that the tree appeared to have found a good source of water, was concerned at its rate of

growth. She referred to the photographs of Mr Nelson's screenings to his house and how this reduced any view of this particular tree.

Mr Peter Nelson, 2 Torrens Court, Cottesloe - 11.2.6 Dispute on Peppermint Tree in Laneway, Cottesloe

Mr Nelson advised that he had no animosity towards his neighbours and responded to previous comments that his house screening was to reduce glare. He advised that the final decision on the tree was up to Council but that it had been there when he purchased the property seven years ago. In his opinion it presented no nuisance to users of the laneway and as it was against his wall he would be the first to be impacted if there were any issues/concerns with root damage. During recent building works he did what he could to protect and preserve the tree and in his opinion the reason his neighbours were requesting removal of the tree was to improve their views. The tree offers habitat for local birds, is a beautiful/healthy specimen and also offers shade in summer.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Dawkins, seconded Cr Boland

[Minutes February 22 2010 Council.DOC](#)

The Minutes of the Ordinary meeting of Council held on Monday, 22 February, 2010 be confirmed.

Carried 8/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Mayor announced that the Cottesloe Tennis Club has been and is one the State's best Clubs "off the court" and is home to some of the best views. As patron of the club he was pleased to confirm that they were now the undisputed top club "on the court" having recently won both the Men's and Women's Titles in the State Tennis League. He congratulated the Club, its officials, members and supporters. Like the Cottesloe Rugby Club, the Tennis Club had set the "benchmark" for all others.

In addition, the Mayor advised the gallery that Council was still awaiting Minister Day's decision in relation to the approval of the Town's Planning Scheme and was disappointed in the continued delay in finalising the Scheme, which has been outstanding for some four (4) years, despite detailed analysis and assessment including independent review. In his opinion the delay in approving the new scheme was having a negative impact on future development within the Town due to the uncertainty created.

8.1 SUSPENSION OF STANDING ORDER 12.1 – MEMBERS TO RISE**BACKGROUND**

At the September 2006 meeting of Council it was agreed that the suspension of Standing Order 12.1 be listed as a standard agenda item for each Council and Committee meeting.

Standing Orders 12.1 and 21.5 read as follows:

Members to Rise

Every member of the council wishing to speak shall indicate by show of hands or other method agreed upon by the council. When invited by the mayor to speak, members shall rise and address the council through the mayor, provided that any member of the council unable conveniently to stand by reason of sickness or disability shall be permitted to sit while speaking.

Suspension of Standing Orders

- (a) The mover of a motion to suspend any standing order or orders shall state the clause or clauses of the standing order or orders to be suspended.
- (b) A motion to suspend, temporarily, any one or more of the standing orders regulating the proceedings and business of the council must be seconded, but the motion need not be presented in writing.

COUNCIL RESOLUTION:

Moved Cr Walsh, seconded Cr Boland

That Council suspend the operation of Standing Order 12.1 which requires members of Council to rise when invited by the Mayor to speak.

Carried 8/0

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

CONSIDERATION OF REPORTS BY COUNCIL

The Mayor advised the members of the public that the Council process for considering reports was that members would advise him of items that they required to be “withdrawn” for further discussion and that all remaining reports would then be moved “*en bloc*” as per the Committee recommendation. He then advised of the following withdrawn items and order for consideration;

Development Services Committee

- 11.1.1 No. 115 (Lot 9) Grant Street –A Swimming Pool Workshop Store 4 Car Garage with Two Storey Studio Addition

Works and Corporate Services Committee

- 11.2.6 Dispute on Peppermint Tree in Laneway, Cottesloe
- 11.2.5 Applications for Grant Funding 2010/2011 - Coastal Protection

- 11.2.7 Width Reduction of Jarrad Street Road Reserve - Broome Street to Marine Parade

Report by the CEO

- 10.1.1 Local Government Structural Reform

The remainder of the items from the Works and Corporate Services Committee were dealt with *en bloc*

- 11.2.1 6 Monthly Budget Review for 2009/2010
- 11.2.2 Asset Management Policy
- 11.2.3 Statutory Compliance Audit - 2009 Return
- 11.2.4 Town Of Cottesloe - Citizenship Ceremonies
- 11.2.8 Property & Sundry Debtors Report for the Month Ending 28 February 2010
- 11.2.9 Statutory Financial Statements for the Month ENDING 28 February 2010
- 11.2.10 Schedule of Investments and Loans for The Month Ending 28 February 2010
- 11.2.11 Accounts for the Month of February 2010

Report by CEO

- 10.1.2 Remuneration Review for the Chief Executive Officer

10 REPORTS OF OFFICERS**10.1 CHIEF EXECUTIVE OFFICER****10.1.1 LOCAL GOVERNMENT STRUCTURAL REFORM**

File No: SUB/793
Attachments: [Letter from the Minister of Local Government](#)
[Draft RTG Agreement](#)
[RTG Flowchart](#)
[Department for Local Government Information Sheet](#)

Responsible Officer: Carl Askew
Chief Executive Officer

Author: Carl Askew
Chief Executive Officer

Proposed Meeting Date: 22 March 2010

Author Disclosure of Interest: The author has an interest in the matter as any potential amalgamation would directly relate to his employment

SUMMARY

Council lodged its structural reform submission in September 2009. The assessment of all local government reform submissions was undertaken by the Local Government Reform Steering Committee and, based on those assessments, the Committee provided advice to the Minister on preferred options for reform. Some finalised proposals were referred to the Local Government Advisory Board for consideration and recommendation.

As a consequence of the reform submissions made by all local governments the Minister has now determined that the Town of Cottesloe should be considered as part of a Regional Transition Group (RTG) with other western suburbs local governments, and has formally written to the Mayor advising of such and inviting Council to become part of an RTG. The Minister has also provided a draft RTG Agreement and he has asked that Council consider and report back to him on its preferred position by 26 March 2010.

This report advises Council of the process to date since submission of its reform submission and recommends that Council support the RTG process to stage 1 (production of a Regional Business Plan) and then review its position based upon the outcomes of that Business Plan, and forward that advice to the Minister. Specifically it recommends that Council *participate in the Regional Transition Group (RTG) process with a preference to have RTG partners from within the Western Suburbs, including the Towns of Claremont, Mosman Park and Shire of Peppermint Grove, and to use the Business Plan process to explore options and opportunities that will result in increased efficiency, value and service provision for its community, as well as preserving those matters that are important to Cottesloe.*

BACKGROUND

The Minister for Local Government, the Hon John Castrilli MLA, launched a wide-ranging local government structural reform agenda in February 2009. The three principal strategies in the reform agenda are that each local government:

1. take steps to 'voluntarily' amalgamate and form larger local governments
2. reduce the total number of elected members to between six and nine; and
3. form appropriate regional groupings of councils to assist with the efficient delivery of services.

Council advised the Minister of its intentions by way of a Reform Submission in September 2009. The resolution of Council was as follows;

That Council;

1. *note the feedback received from its community in relation to local government reform*
2. *join with the Town of Mosman Park and Shire of Peppermint Grove in a proposal to amalgamate the three authorities effective from 1 July 2011;*
3. *request that the Minister for Local Government approve the boundary adjustments based on the amalgamated boundaries as shown on the attached map to include the communities of Swanbourne in the north and North Fremantle in the south;*
4. *reduce the total number of elected members of the new authority to nine (9) effective from July 2011, recognising the joint decision nature of this recommendation if there is an amalgamation of Councils;*
5. *advise the Minister for Local Government of the intention to continue to work collaboratively within a regional grouping comprising the local governments of:*
 - a. *City of Subiaco*
 - b. *City of Nedlands*
 - c. *City of Fremantle*
 - d. *Town of Mosman Park*
 - e. *Town of Claremont*
 - f. *Town of Cambridge*
 - g. *Shire of Peppermint Grove**as they are currently constituted.*
6. *advise the Minister for Local Government that the transition timeframe should allow adequate planning so that all of the key systems and requirements are in place for a 1 July 2011 commencement, with elections to occur prior to 1 July 2011.*
7. *advise the Minister for Local Government that the Cottesloe Civic Centre, grounds and War Memorial Town Hall must be preserved in any amalgamation as a community asset and must remain accessible to the general community.*
8. *advise the Minister for Local Government that the estimate of costs related to the proposed amalgamation and boundary adjustments is \$12m and request that the Minister support this cost as part of any decision to amalgamate the Towns of Cottesloe, Mosman Park and the Shire of Peppermint Grove.*

9. *advise the Minister for Local Government that if either the Town of Mosman Park or Shire of Peppermint Grove are not prepared to voluntarily amalgamate, then the Town's preference is to remain independent but with the inclusion of the proposed boundary adjustments, as outlined, to include the community of Swanbourne to the north.*
10. *endorse the Town of Cottesloe Structural Reform Submission.*

In his recent letter to the Mayor (refer to attachments) the Minister advised, in part, that he was;

....writing to clarify the next steps in the reform process and to confirm my commitment to achieving the best reform outcomes for the sector and for our communities.

The proposed options provide like-minded local governments with a clear staged path to voluntary reform through a series of defined milestones.

I am asking that you consider participating in a Regional Transitional Group. The intent of an RTG is to facilitate the harmonisation of core functions and services across participating local governments. As such, an RTG will provide the structure for transitioning several local governments into a single entity by 2013.

I would also like to clarify my position on key aspects of these proposals. They are:

- *The process remains voluntary. The decision to participate is a matter for each local government.*
- *The ultimate membership of each group is also up to local governments to determine.*

A model agreement to establish the RTG and a flowchart are attached for consideration. The core elements of the agreement are:

- *The State will provide funding to assist each group develop a regional business plan. The amount to be provided will be advised following Cabinet consideration of my funding proposal.*
- *The content of the regional business plan is outlined in the schedule to the agreement. A detailed template will be developed by the Department of Local Government to assist you in the preparation of your plan.*
- *Any participant can withdraw from the group once the business plan is finalised. I believe this is reasonable as development of the plan requires input from all participants in each group. I anticipate up to nine months would be required to prepare the plan.*
- *Even after local governments have resolved to participate, the RTG can be terminated if the majority of the group decides that this is the best course of action.*

The Local Government Advisory Board statutory processes, including the poll provision, apply once the RTG proposal to amalgamate is received by the Board.

RTG agreements will not override the requirements of Schedule 2.1 of the Local Government Act 1995, ensuring that local communities are involved in the reform process.

I ask that you indicate to me in writing by 26 March 2010 your local government's willingness to proceed to an RTG on the basis outlined above and as detailed in the attached draft model agreement and flow chart.

STRATEGIC IMPLICATIONS

The potential strategic implications for Council are significant. Whilst Council has a Future Plan for the period 2006 – 2010 and has endorsed action plans through the budget process in 2009-10 to achieve its goals, any future strategic planning and subsequent actions will need to address the issue of structural reform.

The announcement by the Minister for Local Government in relation to reform strategies has brought into sharp focus the need for the Town to consider its position. Any significant change to existing boundaries or an amalgamation will require a complete review of all strategic and financial plans and priorities and this can be achieved, in part, through an RTG Business Plan process.

POLICY IMPLICATIONS

None Known.

STATUTORY ENVIRONMENT

RTG Agreements do not over-ride the requirements of the Local Government Act 1995 – particularly Section 2.1, Schedule 2.1 and Section 3.1 (2).

Division 1 — Districts and wards

2.1. State divided into districts

- (1) The Governor, on the recommendation of the Minister, may make an order —
 - (a) declaring an area of the State to be a district;*
 - (b) changing the boundaries of a district;*
 - I abolishing a district; or*
 - (d) as to a combination of any of those matters.**
- (2) Schedule 2.1 (which deals with creating, changing the boundaries of, and abolishing districts) has effect.*
- (3) The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.1 that the order in question should be made.*

Schedule 2.1 — Provisions about creating, changing the boundaries of, and abolishing districts

[Section 2.1(2)]

1. Interpretation

In this Schedule, unless the contrary intention appears —

“affected electors”, in relation to a proposal, means —

- (a) *electors whose eligibility as electors comes from residence, or ownership or occupation of property, in the area directly affected by the proposal; or*
- (b) *where an area of the State is not within or is not declared to be a district, people who could be electors if it were because of residence, or ownership or occupation of property, in the area directly affected by the proposal;*

“affected local government” means a local government directly affected by a proposal;

“notice” means notice given or published in such manner as the Advisory Board considers appropriate in the circumstances;

“proposal” means a proposal made under clause 2 that an order be made as to any or all of the matters referred to in section 2.1.

2. Making a proposal

(1) *A proposal may be made to the Advisory Board by —*

- (a) *the Minister;*
- (b) *an affected local government;*
- I 2 or more affected local governments, jointly; or*
- (d) *affected electors who —*
 - (i) *are at least 250 in number; or*
 - (ii) *are at least 10% of the total number of affected electors.*

(2) *A proposal is to —*

- (a) *set out clearly the nature of the proposal and the effects of the proposal on local governments;*
- (b) *be accompanied by a plan illustrating any proposed changes to the boundaries of a district; and*
- I comply with any regulations about proposals.*

3. Dealing with proposals

(1) *The Advisory Board is to consider any proposal.*

(2) *The Advisory Board may, in a written report to the Minister, recommend* that the Minister reject a proposal if, in the Board’s opinion —*

- (a) *the proposal is substantially similar in effect to a proposal on which the Board has made a recommendation to the Minister within the period of 2 years immediately before the proposal is made; or*

(b) *the proposal is frivolous or otherwise not in the interests of good government.*

** Absolute majority required.*

(3) *If, in the Advisory Board's opinion, the proposal is —*

(a) *one of a minor nature; and*

(b) *not one about which public submissions need be invited,*

the Board may, in a written report to the Minister, recommend that the Minister reject the proposal or that an order be made in accordance with the proposal.*

** Absolute majority required.*

(4) *Unless it makes a recommendation under subclause (2) or (3), the Advisory Board is to formally inquire into the proposal.*

4. Notice of inquiry

(1) *Where a formal inquiry is required the Advisory Board is to give —*

(a) *notice to affected local governments, affected electors and the other electors of districts directly affected by the proposal; and*

(b) *a report to the Minister.*

(2) *The notice and report under subclause (1) are to —*

(a) *advise that there will be a formal inquiry into the proposal;*

(b) *set out details of the inquiry and its proposed scope; and*

I advise that submissions may be made to the Board not later than 6 weeks after the date the notice is first given about —

(i) *the proposal; or*

(ii) *the scope of the inquiry.*

(3) *If, after considering submissions made under subclause (2)I, the Advisory Board decides* that the scope of the formal inquiry is to be significantly different from that set out in the notice and report under subclause (1), it is to give —*

(a) *another notice to affected local governments, affected electors and the other electors of districts directly affected by the proposal; and*

(b) *another report to the Minister.*

(4) *The notice and report under subclause (3) are to —*

(a) *set out the revised scope of the inquiry; and*

(b) *advise that further submissions about the proposal, or submissions about matters relevant to the revised scope of the inquiry, may be made to the Board within the time set out in the notice.*

** Absolute majority required.*

5. Conduct of inquiry

- (1) *A formal inquiry is to be carried out, and any hearing for the purposes of the inquiry is to be conducted, in a way that makes it as easy as possible for interested parties to participate fully.*
- (2) *In carrying out a formal inquiry the Advisory Board is to consider submissions made to it under clause 4(2)I and (4)(b) and have regard, where applicable, to —*
 - (a) *community of interests;*
 - (b) *physical and topographic features;*
 - I *demographic trends;*
 - (d) *economic factors;*
 - (e) *the history of the area;*
 - (f) *transport and communication;*
 - (g) *matters affecting the viability of local governments; and*
 - (h) *the effective delivery of local government services,*
but this does not limit the matters that it may take into consideration.

6. Recommendation by Advisory Board

- (1) *After formally inquiring into a proposal, the Advisory Board, in a written report to the Minister, is to recommend* —*
 - (a) *that the Minister reject the proposal;*
 - (b) *that an order be made in accordance with the proposal; or*
 - I *if it thinks fit after complying with subclause (2), the making of some other order that may be made under section 2.1.*
** Absolute majority required.*
- (2) *The Advisory Board is not to recommend to the Minister the making of an order that is significantly different from the proposal into which it formally inquired unless the Board has —*
 - (a) *given* notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation of its intention to do so;*
 - (b) *afforded adequate opportunity for submissions to be made about the intended order; and*
 - I *considered any submissions made.*
** Absolute majority required.*

7. Minister may require a poll of electors

In order to assist in deciding whether or not to accept a recommendation of the Advisory Board made under clause 6, the Minister may require that the Board's recommendation be put to a poll of the electors of districts directly affected by the recommendation.

8. Electors may demand a poll on a recommended amalgamation

- (1) *Where the Advisory Board recommends to the Minister the making of an order to abolish 2 or more districts (“**the districts**”) and amalgamate them into one or more districts, the Board is to give notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation about the recommendation.*
- (2) *The notice to affected electors has to notify them of their right to request a poll about the recommendation under subclause (3).*
- (3) *If, within one month after the notice is given, the Minister receives a request made in accordance with regulations and signed by at least 250, or at least 10%, of the electors of one of the districts asking for the recommendation to be put to a poll of electors of that district, the Minister is to require that the Board’s recommendation be put to a poll accordingly.*
- (4) *This clause does not limit the Minister’s power under clause 7 to require a recommendation to be put to a poll in any case.*

9. Procedure for holding poll

Where, under clause 7 or 8, the Minister requires that a recommendation be put to a poll —

- (a) *the Advisory Board is to —*
 - (i) *determine the question or questions to be answered by electors; and*
 - (ii) *prepare a summary of the case for each way of answering the question or questions;*
- and*
- (b) *any local government directed by the Minister to do so is to —*
 - (i) *in accordance with directions by the Minister, make the summary available to the electors before the poll is conducted; and*
 - (ii) *conduct the poll under Part 4 and return the results to the Minister.*

10. Minister may accept or reject recommendation

- (1) *Subject to subclause (2), the Minister may accept or reject a recommendation of the Advisory Board made under clause 3 or 6.*
- (2) *If at a poll held as required by clause 8 —*
 - (a) *at least 50% of the electors of one of the districts vote; and*
 - (b) *of those electors of that district who vote, a majority vote against the recommendation,**the Minister is to reject the recommendation.*
- (3) *If the recommendation is that an order be made and it is accepted, the Minister can make an appropriate recommendation to the Governor under section 2.1.*

10A. Recommendations regarding names, wards and representation

- (1) *The Advisory Board may —*
-

- (a) *when it makes its recommendations under clause 3 or 6; or*
 - (b) *after the Minister has accepted its recommendations under clause 10, in a written report to the Minister, recommend the making of an order to do any of the things referred to in section 2.2(1), 2.3(1) or (2) or 2.18(1) or (3) that the Board considers appropriate.*
- (2) *In making its recommendations under subclause (1) the Advisory Board —*
- (a) *may consult with the public and interested parties to such extent as it considers appropriate; and*
 - (b) *is to take into account the matters referred to in clause 8(c) to (g) of Schedule 2.2 so far as they are applicable.*

11. *Transitional arrangements for orders about districts*

- (1) *Regulations may provide for matters to give effect to orders made under section 2.1 including —*
- (a) *the vesting, transfer, assumption or adjustment of property, rights and liabilities of a local government;*
 - (b) *the extinguishment of rights of a local government;*
 - I the winding up of the affairs of a local government;*
 - (d) *the continuation of actions and other proceedings brought by or against a local government before the taking effect of an order under section 2.1;*
 - (e) *the bringing of actions and other proceedings that could have been brought by or against a local government before the taking effect of an order under section 2.1;*
 - (f) *if the effect of an order under section 2.1 is to unite 2 or more districts, the determination of the persons who are to be the first mayor or president, and deputy mayor or deputy president, of the new local government;*
 - (g) *the continuation of any act, matter or thing being done under another written law by, or involving, a local government.*
- (2) *Subject to regulations referred to in subclause (1), where an order is made under section 2.1 any local governments affected by the order (including any new local government created as a result of the order) are to negotiate as to any adjustment or transfer between them of property, rights and liabilities.*
- (3) *Where an order is made under section 2.1 the Governor may, by order under section 9.62(1), give directions as to any of the matters set out in subclause (1) if, and to the extent that, those matters are not resolved by regulations referred to in that subclause or by negotiation under subclause (2).*
- (4) *A contract of employment that a person has with a local government is not to be terminated or varied as a result (wholly or partly) of an order under section 2.1 so as to make it less favourable to that person unless —*
- (a) *compensation acceptable to the person is made; or*
 - (b) *a period of at least 2 years has elapsed since the order had effect.*

- (5) *The rights and entitlements of a person whose contract of employment is transferred from one local government to another, whether arising under the contract or by reason of it, are to be no less favourable to that person after the transfer than they would have been had the person's employment been continuous with the first local government.*
- (6) *If land ceases to be in a particular district as a result of an order under section 2.1, any written law that would have applied in respect of it if the order had not been made continues to apply in respect of the land to the extent that its continued application would be consistent with —*
 - (a) *any written law made after the order was made; and*
 - (b) *any order made by the Governor under subclause (8).*
- (7) *Regulations may make provision as to whether or not, or the modifications subject to which, a written law continues to apply in respect of land under subclause (6).*
- (8) *The Governor may, in a particular case, by order, vary the effect of subclause (6) and regulations made in accordance with subclause (7).*

[Schedule 2.1 amended by No. 64 of 1998 s.52.]

DIVISION 1 — GENERAL

3.1. General function

- (1) *The general function of a local government is to provide for the good government of persons in its district.*
- (2) *The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.*
- (3) *A liberal approach is to be taken to the construction of the scope of the general function of a local government.*

FINANCIAL IMPLICATIONS

The potential cost of any future amalgamation, boundary change or shared services arrangement has been considered in a general sense within the commissioned PriceWaterhouseCoopers report but will require more detailed analysis and will be dependent upon specific decisions of Council.

The impact of structural reform on the western suburbs was estimated by PWC, who indicated a range of savings, depending on best or “*minimum*” case scenarios.

The report based its financial analysis on two key scenarios developed by PwC:

- 1. “Blue Sky”: the best potential outcomes for all benefits and costs from the amalgamation are achieved - also seen as the maximum achievable financial position; and*

2. **“Grey Sky”**: the minimum indicative outcomes for all benefits and costs from the amalgamation - also seen as the minimum achievable position.

The report identifies the following potential recurrent net annual amalgamation savings after three years (after allowing for transition costs in the first few years):

Option 1: G6 [an amalgamation of all six WESROC Councils]: \$2.8m to \$7.7m;

Option 2: G3 [an amalgamation of Cottesloe, Mosman Park and Peppermint Grove]: \$0.6m to \$1.0m; and

G2 [an amalgamation of Claremont and Nedlands]: \$0.5m to \$0.8m.

However the report also noted that there are many external factors which may prevent the realisation of the predicted amalgamation benefits. These include;

- actual amalgamation costs exceeding forecast costs,
- cost synergies not being realised,
- residents resisting amalgamation,
- staff integration issues,
- other employee issues (such as staff being unfamiliar with new and expanded roles), and
- regulatory issues deriving from State government amalgamation legislation.

No projections were made for the other potential scenarios however annual savings in the order of \$1million could be reasonably expected for the G4 model, based on a very preliminary examination by the CEO's of the four local governments.

There will clearly be a cost to participate in an RTG. This will be in time [officer resource] and direct funding. The RTG agreement provides for the members to accept 50% of the cost of *administration of the RTG* with the State funding the remaining 50%. The member's contribution can be *in cash or in kind*, e.g. this may include time allocated by officers who undertake work for the RTG, provision of meeting secretariat and venues etc. The cost is not expected to be significant and the Minister has indicated that State funding will be injected into an RTG, including for the creation of a regional Business Plan and whilst the quantum of funding is unknown it is expected that the direct financial impact should be substantially covered by the State funding. This has also been identified as one of the matters for further negotiation and confirmation prior to moving forward with any RTG proposition.

The Minister has also indicated State funding to assist members of an RTG to *implement the Regional Business Plan* once it adopted. Such funding could be a major benefit for the Town, providing a source of finance for a range of capital and/or operational improvements which are identified.

Overall, the financial implications of change associated with local government reform have the potential to be significant however the State is currently prepared to negotiate and/or contribute to or meet these costs. In the immediate term there will continue to be ongoing human resource costs (officer time) to Council in responding to the Minister's reform agenda.

SUSTAINABILITY IMPLICATIONS

The final outcome in regard to the implementation of the recommendations of the Dollery and Anne Banks-McAllister reports, plus the information contained within the PriceWaterhouseCoopers (PwC) report, as well as the Minister's reform agenda, may have an impact upon Council's future objectives and plans however this is unknown at this stage.

CONSULTATION

- Town of Claremont
- Town of Mosman Park
- City of Nedlands
- Shire of Peppermint Grove
- City of Subiaco
- WESROC
- Elected Members

COMMUNITY CONSULTATION

Community consultation occurred as part of the Reform Submission stage of this process. In total, 3,970 questionnaires were distributed in August 2009 to all residential homes and business premises throughout the Town of Cottesloe together with a covering letter and reply paid envelope. In addition, the questionnaire was also placed on the Town's website and the opportunity was made available to complete and lodge the form online.

Overall, in relation to the question of supporting or opposing amalgamation, 55% were in favour and the primary reasons included; more effective use of resources, economies of scale, more efficient and logical, value for money, reduce admin costs/overheads, reduce duplication, increased quality of staff and elected members, and more strategic.

In relation to the question of if the State Government decided to create an amalgamation, which of the following local governments would they most prefer Cottesloe to amalgamate with, the overall response was Mosman Park and Peppermint Grove combined (46% - 314 responses), Peppermint Grove alone (20% - 134 responses) and Mosman Park alone (9% - 60 responses) – an overall total of 75%. In relation to the Price Waterhouse Coopers report and the referred to combined "G6" model (Cities of Subiaco and Nedlands, Towns of Claremont and Mosman Park and Shire of Peppermint Grove) only 15% (104 responses) favoured this option.

In relation to the question of supporting or opposing the Town of Cottesloe adjusting boundaries with another council, 51% (347 responses) supported adjusting boundaries and 36% (244 responses) opposed. In relation to which areas if there were boundary adjustments, 39% (300 responses) supported an adjustment north to include Swanbourne, 41% (309 responses) supported an adjustment eastward towards Peppermint Grove and Mosman Park and a further 20% (154 responses) supported a move south to include Mosman Park/North Fremantle.

In relation to the question of reducing the number of elected members to between six and nine, 200 responses (30%) were in favour of six, 120 responses (18%) were in favour of seven, 138 responses (20%) were in favour of eight, and 163 responses (24%) were in favour of nine.

Feedback in relation to the Town of Claremont was not specifically sought during the initial consultation in August 2009 (the original options were G2, G3 and G6) however a number of comments were received from residents which did make reference to Claremont as being a potential partner in any future amalgamation.

Given the importance of community consultation and ownership of this process and the need to have support from the community that we represent, it is recommended that part of the RTG process include the opportunity for the Town to engage with the community. In particular, once the Business Plan has been developed it would be appropriate to reaffirm the community's support for Council entering into a Regional Transition Group at that time.

STAFF COMMENT

In a meeting prior to Christmas with the Mayors and President of the WESROC Councils, the Minister indicated his preference was for all of the local governments of the Western Suburbs to work together i.e. the G6 option. The Minister has since confirmed that it is open to each Council to choose which local governments should make up the membership of a Regional Transition Group (RTG). However it requires a mutual decision for membership to be agreed. For example if one or more potential members are willing to work together with Cottesloe but not with another local government, Council may have to determine which option it believes is most likely to benefit the Cottesloe community.

Speaking at a forum on local government reform facilitated by WALGA in January 2010, the Minister for Local Government made it clear to delegates that he expects *meaningful and significant reform* of the local government sector and he reaffirmed his previous statements that each local government should consider *voluntarily* amalgamations, reducing the total number of elected members to between six and nine and forming appropriate regional groupings of councils to assist with the efficient delivery of services.

Other key strategies of the reform agenda include:

- Adoption by local governments of a longer term strategic planning framework, including asset and financial management and workforce planning.
- Development of measures to enhance the skills and competency of elected members and staff.
- Examination of options to maintain local community identity and greater community representation including consideration of community-based committees.
- Identification of proposals to amend the local government legislation to facilitate local government sustainability.
- Examination of the ability for local governments to form corporate entities to undertake urban regeneration projects and other business activities.

- Identification and implementation of approaches to reduce town planning and building licence approvals time.
- Development of measures to encourage a diverse range of citizens to stand for council.

The Minister stated that he wants to see a reduction in the overall number of local governments *including metropolitan councils*. The reform checklist analysis and reform submissions had indicated to the Minister that there is significant scope for reform within the sector and that there is currently an opportunity for councils to self determine their future with meaningful change, including the capacity to plan and act regionally, and with elected members who are prepared to act strategically.

The desired outcome of structural reform is a strong sustainable local government. It is claimed by the Department of Local Government that there are a *range of benefits* that will be achieved through the reform process:

- Increased capacity for local government to better plan, manage and deliver services to their communities with a focus on social, environmental and economic sustainability;
- Increased capacity for local government to have adequate financial and asset management plans in place;
- Enhanced efficiency in the processing of planning, building and other licence applications made by business and the community;
- Greater ability to attract and retain staff including the provision of further career development opportunities;
- Greater competition for positions on council and, in conjunction with other reforms, potential for enhanced governance capacity; and
- Larger local governments with greater capacity to partner with the State and Federal Government, and the private sector, to further improve services to communities.

The potential disadvantages with structural reform which have been identified within the various consultant reports and discussions between Councils *could* include:

- Potential loss of local identity;
- Communities of interest may be significantly different;
- Loss of representation;
- Loss of level of services;

In addition, there are also potential short term costs when amalgamations occur and these are issues that will need to be resolved in negotiation with the State Government via the Regional Business Plan process, and are likely to include the following;

- Locating suitable sites and accommodating a larger workforce in new or upgraded facilities such as a new "Civic & Administration Centre" and/or works depot;
- Rationalisation of major systems such as, Information Technology systems, Town Planning Schemes and Human Resource Management Practices i.e. workplace agreements etc; and

- Current partnerships may need to be disassembled and new Regional Council relationships formed which would require a significant amount of human and financial resources.

It is the officer's advice that Council should indicate in its submission to the Minister that it would be prepared to consider the RTG process subject to the interests of the Town of Cottesloe community not being adversely affected and there being sound, demonstrated economic and social justification for any such reform. The Minister's proposal of a Regional Transition Group appears to offer an opportunity that will allow the Town to examine the potential for structural reform in a manner that should address the issues flagged in the September submission, and if they cannot be addressed to the satisfaction of Council then it remains open for the Town to withdraw from the process. A further important point is that the Council's concern that the poll provisions of the Act should apply has been addressed and it is quite clear that they have not been altered.

In late February 2010 the Town held a workshop for elected members in order for them to discuss and consider the information and request from the Minister and to seek additional information and/or clarification of the issues. In addition, a forum for councillors from the Towns of Claremont, Cottesloe and Mosman Park and Shire of Peppermint Grove was held on 10th March, allowing a broad discussion about the Regional Transition Group option. Around twenty five elected members attended and each had the opportunity to express a view or ask questions. Although opinions ranged from the extremes of *do nothing* to *support for an RTG with a larger membership*, there was support for the G3 and G4 options, with the exception of councillors from the Shire of Peppermint Grove who were largely not open to entering into an RTG at this time. It was also clear that many councillors wanted more information in order to make an informed decision on the benefits of the RTG process and the development of a Business Plan with the right criteria/focus/objectives could deliver this information.

The Premier and local member, the Hon Colin Barnett, attended the forum of councillors at the request of the Mayors/President and addressed the gathering about local government reform. He confirmed that local government reform is not *going away* and will happen in WA, in the metropolitan area as well as country WA. Pressures are not just from the State level and the reform agenda from the Federal level should be quite clear to everybody. The Premier confirmed that there will be support for local governments that undertake reform and urged elected members to provide leadership and take a long term view, that is, what is best for your community, not just now but in twenty or fifty years time.

If an RTG is formed it will be implemented through an Agreement which will follow the draft [refer to attachment]. The Minister has been clear that the government is open to the RTG Agreement having specific issues negotiated and/or addressed by the inclusion of specific clauses or requirements as identified by the members. An agreement does not have to be finalised before the Minister's deadline and discussion with the other members can continue to finalise the Agreement, including the requirements of the Business Plan, after it has been confirmed which Councils will support membership of an RTG. It is proposed that if the RTG process is agreed, the representatives from each member Council should work together to finalise the Agreement to be submitted to the Minister.

In accordance with the proposed draft Agreement, an RTG will have a Board to oversee its governance. The model agreement provides for one member and one deputy member for each participant and such other members as agreed. The workload and commitment associated with the RTG process is unknown at this stage but is envisaged to be not insignificant. This report recommends that the Mayor be appointed as the member and the Deputy Mayor as deputy member however there is no requirement that it be such, and Council can elect to nominate any Councillors to those positions. Council could also request that the number of Board members be increased, dependent upon the final RTG membership.

OPTIONS

Council has a number of options including;

1. *"Do nothing"* and advise the Minister that the Town does not wish to join an RTG at this time; **or**
2. Maintain its resolved position from September 2009 and advise the Minister that the Town is willing to join an RTG with the Town of Mosman Park and Shire of Peppermint Grove (G3), inclusive of associated boundary changes; **or**
3. As has been discussed more recently, advise the Minister that the Town is willing to join an RTG with the Town of Mosman Park, Shire of Peppermint Grove *and Town of Claremont* (G4) , inclusive of associated boundary changes; **or**
4. Advise the Minister that the Town is willing to join an RTG with the Town of Mosman Park, Shire of Peppermint Grove, Town of Claremont *and City of Nedlands* (G5) , inclusive of associated boundary changes; **or**
5. Advise the Minister that the Town is willing to join an RTG with any or all local governments from within the WESROC membership (up to G7); **and**
6. Advise that Minister that the Town wishes to assess the outcome of any proposed RTG Business Plan prior to endorsing any further advancement of an RTG; **and**
7. Advise the Minister that should any of the proposed RTG members not wish to participate, that Council will support joining the RTG process with the remaining identified members; **and**
8. Ensure, as part of the RTG process and before Council confirms its final intentions, that the Town reaffirm the community's support for Council entering into a Regional Transition Group.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Mayor Morgan, seconded Cr Goldthorpe

THAT Council

1. Advise the Minister for Local Government that the Town of Cottesloe is willing to enter into a Regional Transition Group (RTG) process to stage 1 (development

- of a Regional Business Plan) and then review its position based upon the outcomes of that Business Plan.
2. Join with the Towns of Claremont, Mosman Park and the Shire of Peppermint Grove to form a Regional Transition Group.
 3. Endorse, in the event any one of the participants does not wish to join an RTG at this time, that Council will support joining an RTG with the remaining identified members as per (2) above.
 4. Ensure, as part of the RTG process and before Council confirms its final intentions, that the Town reaffirm the community's support for entering into a Regional Transition Group.
 5. Appoint the Mayor as the member of the RTG Board and the Deputy Mayor as the deputy member of the Board.
 6. Support a negotiated RTG Agreement being submitted to Council for endorsement prior to it being executed on behalf of the Town.
 7. Request that the Minister for Local Government support and approve the boundary adjustments as resolved by Council in September 2009 as part of the RTG, to include the communities of Swanbourne in the north and North Fremantle in the south.
 8. Advise the Minister for Local Government that the Cottesloe Civic Centre, grounds and War Memorial Town Hall must be preserved in any amalgamation or RTG as a community asset, and must remain accessible to the general community.

AMENDMENT

Moved Mayor Morgan, seconded Cr Walsh

That the following words be added to the conclusion of paragraph 1 of the officer recommendation after the words "*Business Plan*"

"...,subject however to:

- (a) The Town not formally entering into the RTG until the Council has, during the next month, undertaken prior community consultation confirming support for Cottesloe to enter into the RTG.**
- (b) The participants in the RTG being entitled (if they so choose after stage 1) to not proceed to amalgamate and to instead adapt the Business Plan for use by a regional council.**
- (c) The Business Plan being prepared on the basis that:**
 - (i) The Cottesloe Civic Centre, grounds and the War Memorial Town Hall, will be preserved as a community asset accessible to the general community; and**
 - (ii) An amalgamation will not cause any forced redundancies of Council's staff.**

At the request of Councillors Rowell and Cunningham the above amendment was considered and voted on separately with the following outcomes;

- (a) The Town not formally entering into the RTG until the Council has, during the next month, undertaken prior community consultation confirming support for Cottesloe to enter into the RTG.
Carried 6/2
- (b) The participants in the RTG being entitled (if they so choose after stage 1) to not proceed to amalgamate and to instead adapt the Business Plan for use by a regional council.
Carried 7/1
- (c) The Business Plan being prepared on the basis that:
- (i) The Cottesloe Civic Centre, grounds and the War Memorial Town Hall, will be preserved as a community asset accessible to the general community; and
Carried 6/2
- (ii) An amalgamation will not cause any forced redundancies of Council's staff.
Carried 7/1

AMENDMENT

Moved Mayor Morgan, seconded Cr Cunningham

"That item 8 in the officer recommendation be deleted"

Carried 8/0

AMENDMENT

Moved Cr Walsh, seconded Cr Carmichael

That a new part 8 be added to read "Advise the Minister for Local Government that before Cottesloe contemplates joining an RTG it requires Local Planning Scheme No. 3 to be signed by the Minister for Planning in order for the Town to prepare its Business Plan"

Lost 3/5

AMENDMENT

Moved Cr Cunningham, seconded Mayor Morgan

That a new part (d) be added to the recommendation to read "That the Minister notify the Town of Cottesloe of the quantum of state funding for any Regional Transition Group development of a Regional Business Plan prior to entering into any agreement."

Carried 7/1

AMENDMENT

Moved Mayor Morgan, seconded Cr Walsh

That item 3 of the officer recommendation be deleted and the remainder of the items be re-numbered.

Tied Vote 4/4
Mayor used casting vote
Carried 5/4

AMENDMENT

Moved Cr Boland, seconded Cr Cunningham

That a new part 7 be added to read “That the Regional Transition Group agreement incorporate the scope to include a Regional Business Plan with boundary adjustments”

Carried 8/0

AMENDMENT

Moved Boland, seconded Cunningham

That a new part 8 be added to read “That the Regional Transition Group agreement incorporate that elections for any new local government take place prior to the commencement of the new Local Government”.

Carried 6/2

THE AMENDED SUBSTANTIVE MOTION WAS PUT**THAT Council**

1. **Advise the Minister for Local Government that the Town of Cottesloe is willing to enter into a Regional Transition Group (RTG) process to stage 1 (development of a Regional Business Plan) and then review its position based upon the outcomes of that Business Plan ,subject however to:**
 - (a). **The Town not formally entering into the RTG until the Council has, during the next month, undertaken prior community consultation confirming support for Cottesloe to enter into the RTG.**
 - (b). **The participants in the RTG being entitled (if they so choose after stage 1) to not proceed to amalgamate and to instead adapt the Business Plan for use by a regional council.**
 - (c). **The Business Plan being prepared on the basis that:**
 - (i). **The Cottesloe Civic Centre, grounds and the War Memorial Town Hall, will be preserved as a community asset accessible to the general community; and**
 - (ii). **An amalgamation will not cause any forced redundancies of Council’s staff.**
 - (d). **That the Minister notify the Town of Cottesloe of the quantum of state funding for any Regional Transition Group development of a Regional Business Plan prior to entering into any agreement.**
 2. **Join with the Towns of Claremont, Mosman Park and the Shire of Peppermint Grove to form a Regional Transition Group.**
 3. **Ensure, as part of the RTG process and before Council confirms its final intentions, that the Town reaffirm the community’s support for entering into a Regional Transition Group.**
-

4. **Appoint the Mayor as the member of the RTG Board and the Deputy Mayor as the deputy member of the Board.**
5. **Support a negotiated RTG Agreement being submitted to Council for endorsement prior to it being executed on behalf of the Town.**
6. **Request that the Minister for Local Government support and approve the boundary adjustments as resolved by Council in September 2009 as part of the RTG, to include the communities of Swanbourne in the north and North Fremantle in the south.**
7. **That the Regional Transition Group agreement incorporate the scope to include a Regional Business Plan with boundary adjustments.**
8. **That the Regional Transition Group agreement incorporate that elections for any new local government take place prior to the commencement of the new Local Government**

Carried 8/0

10.1.2 REMUNERATION REVIEW FOR THE CHIEF EXECUTIVE OFFICER

File No:	PER/94
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Carl Askew Chief Executive Officer
Proposed Meeting Date:	22 March 2010
Author Disclosure of Interest	the Chief Executive Officer has an interest in the matter as it directly relates to his employment.

SUMMARY

In February 2010, as part of the review of the CEO's performance and endorsement of Key Result Areas (KRA's) for 2010, Council resolved, in part, to;

- 4. Review the CEO's remuneration in accordance with the terms of the contract of employment*

This report addresses part four (4) of that resolution and recommends that no change be made to the Chief Executive's remuneration package at this time.

BACKGROUND

Mr Askew has been in the position of Chief Executive Officer with the Town of Cottesloe for 1 year, having commenced on 5th January 2009. His current contract expires 6th January 2014. Mr. Askew is on a performance based contract which requires Council to consider, on an annual basis, changes in his remuneration package. His most recent performance review was undertaken on 17th February 2010, with an overall assessment of "Meets performance criteria to a satisfactory level".

Clause 12.2.1 of the CEO's contract requires *the remuneration package referred to in sub-clause 12.1 shall be reviewed annually by Council. A review shall not result in a decrease in the remuneration package.*

A "confidential" remuneration report from Mr John Phillips of Workplace Business Solutions WALGA was provided to the Panel.

STRATEGIC IMPLICATIONS

The achievement of Council's Future Plan is directly related to the performance of the CEO.

POLICY IMPLICATIONS

None known

STATUTORY REQUIREMENTS

The Review is to be conducted in accordance with sections 5.38 and 5.39(3)(b) and Regulation 18D of the Local Government Act 1995, which requires that:

- *The performance of the CEO be reviewed at least once a year;*
- *The CEO will have a written contract of employment, which shall include performance criteria for the purpose of conducting a review. and,*
- *A Local Government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.*

FINANCIAL IMPLICATIONS

Any proposed increase has an impact on Council's budget however no increase is recommended at this time.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Strategic Planning Committee (CEO's Performance Review Panel)
Mr John Phillips (Executive Manager) Workplace Business Solutions WALGA
All Elected Members

REVIEW PANEL COMMENT

The review of Mr. Askew's performance as the Chief Executive Officer of the Town of Cottesloe has been carried out by the Strategic Planning Committee (CEO's Performance Review Panel) in accordance with Council's delegation and statutory and contractual obligations. The period of the review was January 2009 to December 2009. Council appointed Mr. John Phillips, Executive Manager 'Local Government Workplace Solutions', Western Australian Local Government Association to work with the Strategic Planning Committee in facilitating the Town's performance review process.

STAFF COMMENT

Nil

VOTING

Simple Majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Cunningham

That Council note the remuneration review conducted by the CEO Performance Review Panel and endorse that no change in the CEO's remuneration package be made at this time.

Carried 8/0

The Chief Executive Officer declared a financial interest in the item and left the Chamber at 9:20 PM. He returned to the meeting at 9:21 PM.

11 REPORTS OF COMMITTEES**11.1 DEVELOPMENT SERVICES COMMITTEE MINUTES - 15 MARCH 2010****11.1.1 NO. 115 (LOT 9) GRANT STREET –A SWIMMING POOL WORKSHOP
STORE 4 CAR GARAGE WITH TWO STOREY STUDIO ADDITION**

File No:	1857
Attachments:	AerialPhoto115Grant.pdf SitePhotos115Grant.pdf Plans115Grant.pdf ApplicantJustif115Grant.pdf NeighbourComments115Grant.pdf
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	William Schaefer Planning Officer
Proposed Meeting Date:	15 March 2010
Author Disclosure of Interest:	Nil
Property Owner:	Mrs M T Bentley
Applicant:	John Kestel Architect
Date of Application:	21 December 2009
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Lot Area:	1442 m²
M.R.S. Reservation:	Not applicable

SUMMARY

This application is seeking the following variation to the Residential Design Codes:

- Wall on boundary with maximum height of 4.1m in lieu of 3.0m

The variation and other items are discussed in this report, which refers to revised plans received on 4 February 2010.

Given the assessment that has been undertaken, the recommendation is to conditionally approve the application.

PROPOSAL

It is proposed to construct a swimming pool and a workshop/ store/ 4-car garage addition with a second storey studio component in the backyard of the above property. Access is intended to be from Joinery Way, which forms part of the laneway system comprising McNamara Way, Pennefather Lane and Joinery Way.

The single-storey component of the workshop/ store/ 4-car garage addition is intended to extend from one side of the 19.17m-wide lot to the other, whilst the proposed second storey studio component is intended to be 5.3m wide.

The addition will be constructed of brick and tile that matches the parent dwelling, which is listed as a Category 3 building on the Municipal Inventory. As the lot is 75.6m in length and falls approximately 2.5m over this distance, it is expected that the additions will have little impact on the Grant Street streetscape and will thus not significantly affect the heritage value of the property.

It is intended to set the face of the garage 2.0m back from the ROW at the rear, with the upper-floor studio set back 1.403m and the workshop/ store set back 0.6m.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

- Rights of Way/Laneways: (Resolution No: 12.2.2, Adopted: 28 August,2006)

FINANCIAL IMPLICATIONS

Nil re proposal per se.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2 (TPS2)
- Residential Design Codes (RDC)

SUSTAINABILITY IMPLICATIONS

Nil

PROPOSED LOCAL PLANNING SCHEME NO 3

No changes to the zoning of the property are intended for the property under LPS3.

HERITAGE LISTING

Category 3 on Municipal Inventory

VARIATIONS

It is proposed to construct a 5.5m long wall of up to 4.1m in height along the eastern boundary, whereas the Acceptable Development Standards of the RDC state that buildings-on-boundaries in R20 areas should be no higher than 3.0m.

It is therefore necessary to consider the wall under RDC Performance Criterion 6.3.2 P2, which contemplates:

Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:

make effective use of space; or

enhance privacy; or

otherwise enhance the amenity of the development;

not have any significant adverse effect on the amenity of the adjoining property; and

ensure that direct sun to major openings to habitable rooms and outdoor living areas is not restricted.

In this instance the proposed building-on-boundary enables effective use of space by making use of space between the ROW and an established tree that the owner intends to keep. As the proposed building-on-boundary occurs to the west of the affected property, the passage of northern light is not affected and thus no overshadowing issues are generated. The 5.5m length of wall occurs along a 75.6m boundary and is considered unlikely to have a significant adverse impact on the availability of ventilation to the neighbouring lot.

In any event the neighbouring dwelling is approximately 30.0m from the proposed building-on-boundary. There are no outdoor living areas or major openings to habitable rooms in the area immediately adjacent to the building-on-boundary. Furthermore, no written objections were received from the affected landowner.

In conclusion, the Performance Criterion is deemed to have been satisfied as off-site impacts are not incurred and amenity is preserved.

A second wall-on-boundary is proposed for the McNamara Way boundary. This wall meets the Acceptable Development Standards of the RDC as setbacks are calculated from the centrelines of ROW, rather than from the property boundary, but the effect of building from east-boundary to west-boundary is worthy of consideration.

In this instance the building is predominantly single storey and is setback from Joinery Way in accordance with the RDC. The recessive roof ameliorates the effects of building bulk, and the finish of the proposed additions harmonises with the parent dwelling. Service access remains unchanged from the front and sides of the lot.

The wall does not generate overshadowing, hinder the flow of air to nearby properties or create privacy issues. At 2.7m high and 6.3m in length, it is not imposing on neighbours or the ROW.

Setting the wall further back from the western boundary would not improve the lines-of-sight at the intersection. As the second wall-on-boundary is expected to perform satisfactorily, it is recommended for approval.

Advertising

- The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2.
- Letters were sent to Adjoining and Surrounding Property Owners.
- A total of 5 submissions from 4 submitters was received.

Summaries of the submitters' concerns are as follows:

Two submissions from Y and W Hart, 26 Mann Street, Cottesloe; with P C Berrell, 34 McNamara Way, Cottesloe supporting

- Acknowledgment that proposed additions appear to meet development guidelines;

- Council needs to consider wider issue of traffic management in ROW system as situation is already hazardous and further development will only compound problem;
- Laneway system is currently an unsafe mix of single-car-width ROWS, intersections and blind spots used by motorists, pedestrians, cyclists, and skateboarders (including children). Many are using laneways as shortcuts;
- Entry and egress from rear of 26 Mann Street is hazardous due to traffic southbound along McNamara Way;
- A garage for the rear of 117 Grant Street has been approved and will worsen the traffic situation even more;
- Council needs to manage traffic in accordance with its Rights-of-Way/Laneway Policy, which aims at providing a safe environment and discouraging motorists from using ROW as shortcuts; and
- Outline of four traffic management options for Council to consider: doing nothing, adding speed humps, closing access to north of McNamara Way, partial closure of McNamara Way at rear of 28 Mann Street (fourth option most favoured by submitters).

Two submissions from A and R Sadler, 32 McNamara Way, Cottesloe

- Submissions are copies of above letters.

One submission from J and M Henderson, 28 Mann Street, Cottesloe

- No objection to building design;
- Principal concern is with traffic management during construction – ROW not to be blocked by trucks or stored materials, contractors to avoid damage to fence at rear of 28 Mann Street, dust and noise from site to be controlled; and
- Permanent traffic management measures should not include speed humps as these transmit noise and vibration into adjoining properties.

APPLICANT'S JUSTIFICATION

The applicant has supplied written justification for the building-on-boundary, which is discussed below. Streetscape and line-of-sight drawings were also supplied as justification and form two of the attachments.

PLANNING COMMENT

Built Form of Additions

As discussed, the proposal seeks only one variation from the Acceptable Development Standards of the RDC. It is further noted that the written objections to the proposal do not appear focussed on the built form of the additions.

From the built-form perspective, the proposal may be considered to offer several improvements over the existing picket/shade sail arrangement. For example, the fence is presently built right up to the ROW boundary, whereas the garage is proposed to be truncated two metres back from the boundary. Improvements in the

line-of-sight at the intersection are therefore likely to be significant. Furthermore, the additions will match the parent dwelling, provide passive surveillance of the ROW and resolve the unfinished appearance of the fence and shade cloth.

It has been suggested that the setback of the garage be increased by up to 6 metres. Insisting on a setback of this magnitude would be inconsistent with state and local planning policy, which require such setbacks to be observed only when development is proposed for primary street frontages; whereas setback requirements are normally *relaxed* for development adjacent to ROW (unless it is a garage or carport that is under consideration) and in the absence of an overriding local policy, Council may find such a decision difficult to justify.

Council would also probably be bound to consider imposing similar setback requirements on all future proposals adjacent to ROW. Given that few lots in Cottesloe are near the 1442 m² total of the subject property, the setback requirement would prove a prohibitive constraint in most instances.

It is therefore recommended that the built form of the proposed additions be approved as-is.

Outbuildings

Council's Outbuildings Policy under TPS2 also has some bearing on the proposal, although the RDC tend to prevail in similar situations and as previously advised the policy is likely to become outmoded under LPS3. The gist of the policy is to help guide the form of outbuildings including size, heights and setbacks, which is aimed at smaller, single-level traditional outbuildings.

Where two-storey more substantial residential additions/outbuildings are proposed, such as here or in similar instances in rear yards often with access via lanes, then the RDC are the appropriate assessment tool in this respect.

Urban Design

From an urban design perspective the revised proposal complies with height and setback requirements other than the eastern boundary wall to the neighbour which is assessed on performance as suitable. The western boundary wall to McNamara Way is considered to be an acceptable interface similar to other walls/garages common in lanes. Scale-wise the building is relatively spacious but it remains proportionate to the large lot and is consistent with the existing rear two-storey extension to the dwelling.

The two-storey portion of the proposal is set well-away from the eastern neighbour and is inset from the lanes on both frontages. It is arranged transverse to the single-storey garage portion, sitting over that roofline and extending into the rear yard. As the two-storey component is only 6m high with a flat roof (ie equivalent to the two-storey wall height) rather than up to the 8.5m two-storey pitched roof height allowed, the bulk of the building will be comparatively modest – effectively a low two-storeys. However, were the small cantilever over the garage perceived as heavy-looking, then that façade could be set back flush with the garage. Alternatively, were the box-effect above the garage seen as an awkward aesthetic juxtaposed with the lower element, then the studio could be pushed back over the void and into the lot to ameliorate its dominance.

Traffic Management

Council took traffic concerns into account in 2005 when supporting the scheme amendment for the former National Measurement Institute site. In considering the development application for their now-completed townhouse proposal in Clive Road, Council resolved that: ... *having regard to ongoing development in this locality and its laneway system, [Council may] review and improve traffic calming and management measures provided.*

Since then the matter has been tackled incrementally. Although in this instance it is concluded that approval of the present proposal is not prevented by traffic concerns, the application is a timely reminder of the need to effectively manage traffic in the spirit of the above resolution.

Several residents in the vicinity consider the ROW to be unsuitable for the existing traffic load. Indeed, a series of submissions to Council on the matter of traffic hazards at the intersection of Joinery Way/ McNamara Way was received from Mr Hart of 26 Mann Street in November 2009 – one month prior to the development application being lodged.

If the total of 40 single dwellings and approximately 92 multiple dwellings that are entitled to direct access to the ROW system is considered, the effects of the four extra vehicles from one residence are likely to be small. The traffic issues clearly exist despite the proposed garage.

Nevertheless, it is apparent that the present traffic situation warrants further investigation and possible additional management.

A variety of potential traffic calming solutions has been proposed by residents and consultants in the past. Possible solutions include:

- Larger speed humps along the one-way section of McNamara Way;
- Extra signage, such as *Give Way* or *Stop* signs in lieu of the existing *Watch for Entering Traffic* sign at the intersection of Joinery Way/McNamara Way;
- Chicanes or other restrictive devices along the one-way section of McNamara Way;
- Mirrors to assist the owners of 26 Mann Street with egress from their property into the ROW;
- Full closure of the northern Mann Street entry into McNamara Way.

It is beyond the scope of Council's Planning Department to make specific recommendations about these measures without due regard at this stage to the advice of suitably qualified traffic engineers. Council's Manager Engineering Services has provided the following response to the above submissions:

The laneways involved are gazetted, narrow-width public roads. Therefore, any narrowing, part-closure, full-closure or use of bollards would require a procedure under the Land Administration Act to legalise such public road restrictions or closures.

This includes an advertised 35 day objection period for all stakeholders.

Council must be careful not to implement changes brought on by a garage installation which dramatically change traffic flow for several streets. The use of speed humps and other built obstacles requires extra warning signs, improved lighting etc. Effects would include increased noise near bedrooms.

The idea of one-way traffic movement requires public advertising and agreement by Main Roads WA to linemark and signpost. It also means that speeders in that one direction no longer worry about oncoming traffic.

It is apparent from the above response that the Manager Engineering Services does not favour modifications to the laneway system at this stage. In the light of the above it is recommended that Council approve the application without making an attempt to alter the flow of traffic at this time.

Council may, however, wish to proceed with improving the laneway system regardless. If so it is recommended that Council investigate the most satisfactory solutions prior to committing resources and making changes. The investigation could be conducted by Council's Manager Engineering Services or by private consultants. Given the suggestions made by the submitters and noting the advice of the MES, it is recommended that the investigation be conducted as a separate yet related initiative., without prejudice towards approving the proposed additions.

CONCLUSION

The proposal satisfies the requirements of the Scheme and RDC, and is expected to function satisfactorily as a built-form. A number of traffic issues already exist within the laneway system but it is not considered that the proposed additions would not significantly worsen them. The 2.0m truncation would increase visibility at the intersection of Joinery Way/ McNamara Way and improve safety. Council's Manager Engineering Services advises that modifying the existing arrangements for management of traffic in the ROW system would be complicated, but Council may wish to further investigate the matter.

It is recommended that approval be granted.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee queried the use of the additions which staff clarified as bona fide and controlled by condition (m). Committee also discussed the traffic concerns in general and in relation to the design of the proposal, which it felt should not proceed in its current form. Suitable traffic management for the construction phase was a further point of discussion in terms of minimising impact on the lanes and ideally maximising builder access via the subject property. The Presiding Member foreshadowed an amended recommendation and the MDS suggested wording for: (i) elaboration of condition (l) about construction / traffic management; and (ii) adding a condition (n) requiring revised plans to address sightlines as well as reconsider the studio mezzanine overhang.

OFFICER RECOMMENDATION

THAT COUNCIL:

1. GRANT its Approval to Commence Development for the Swimming Pool and Workshop, Store and 4-Car Garage Addition with Second Storey Studio at No. 115 (Lot 9) Grant Street, Cottesloe, in accordance with the revised plans submitted 4 February 2010, subject to the following conditions:
 - (a) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff shall not be discharged onto the Rights-of-Way or adjoining properties and gutters and downpipes shall be included within the working drawings for a building licence.
 - (c) The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (d) Air-conditioning plant and equipment shall be located closer to the building than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (e) The existing redundant crossover on Grant Street shall be removed and all surfaces made good at the owners'/applicants' expense.
 - (f) The applicant shall comply with the Town of Cottesloe's Policies and Procedures for Street Trees, February 2005 where development requires the removal, replacement, protection or pruning of street trees.
 - (g) The finish and colour of the boundary wall facing the eastern neighbour shall be to the satisfaction of the Manager Development Services and the details shall be included in the building licence application.
 - (h) The pool pump and filter shall be located closer to the proposed building than the adjoining dwellings and housed or treated to ensure that noise emissions do not exceed the levels prescribed by the Environmental Protection (Noise) Regulations 1997.
 - (i) Wastewater or backwash water from swimming pool filtration systems shall be disposed of into adequate soakwells and contained within the boundary of the property.
 - (j) A soakwell system having a minimum capacity of 763 litres and located a minimum of 1.8metres away from any building or boundary shall be installed to the satisfaction of the Environmental Health Officer.
 - (k) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.
 - (l) As part of the building licence application a comprehensive construction management plan shall be submitted to the satisfaction of the Manager Development Services and shall demonstrate how the works will be undertaken without undue disruption to the ROW adjacent to the property.
 - (m) The additions are not to be used as ancillary accommodation and the studio roof is not to be used for habitable purposes.
-

2. REQUEST the Planning and Engineering staff to further consider and report back on traffic management issues and potential improvements for McNamara Way, Joinery Way and Pennefather Lane, including assessing the degree of need, priority areas, optional measures or devices, budget and resource implications, statutory procedures and works programs.
3. ADVISE the submitters of its decision.

AMENDMENTS

Moved Cr Walsh, seconded Cr Carmichael

In line with Committee's deliberations Cr Walsh moved that condition (l) be elaborated upon with respect to construction traffic access / management and that a new condition (n) be added for revised plans addressing the sightlines and design considerations. The MDS provided a form-of-words as follows (new text shown in Italics):

- (l) As part of the building licence application a comprehensive construction management plan shall be submitted to the satisfaction of the Manager Development Services and shall demonstrate how the works will be undertaken without undue disruption to the ROW adjacent to the property. *This shall include full traffic management and safety measures for all construction, contractor and worker vehicles, wherever possible utilising the subject property for direct ingress and egress via Grant Street, with any exceptions requiring prior liaison with the Town of Cottesloe (contacts: Principal Building Surveyor or Works Supervisor).*
- (n) *Revised plans being submitted to the satisfaction of the Manager Development Services which improve sightlines at the intersection of the lanes and give further consideration to the design of upper-level studio mezzanine in terms of any overhang to the southern elevation facing the lane.*

Carried 7/0

COMMITTEE RECOMMENDATION

Moved Cr Carmichael, seconded Cr Birnbrauer

THAT COUNCIL:

1. GRANT its Approval to Commence Development for the Swimming Pool and Workshop, Store and 4-Car Garage Addition with Second Storey Studio at No. 115 (Lot 9) Grant Street, Cottesloe, in accordance with the revised plans submitted 4 February 2010, subject to the following conditions:
 - (a) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff shall not be discharged onto the Rights-of-Way or adjoining properties and gutters and downpipes shall be included within the working drawings for a building licence.
 - (c) The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service
-

- plant, fitting, fixture or otherwise, except with the written consent of Council.
- (d) Air-conditioning plant and equipment shall be located closer to the building than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (e) The existing redundant crossover on Grant Street shall be removed and all surfaces made good at the owners'/applicants' expense.
 - (f) The applicant shall comply with the Town of Cottesloe's Policies and Procedures for Street Trees, February 2005 where development requires the removal, replacement, protection or pruning of street trees.
 - (g) The finish and colour of the boundary wall facing the eastern neighbour shall be to the satisfaction of the Manager Development Services and the details shall be included in the building licence application.
 - (h) The pool pump and filter shall be located closer to the proposed building than the adjoining dwellings and housed or treated to ensure that noise emissions do not exceed the levels prescribed by the Environmental Protection (Noise) Regulations 1997.
 - (i) Wastewater or backwash water from swimming pool filtration systems shall be disposed of into adequate soakwells and contained within the boundary of the property.
 - (j) A soakwell system having a minimum capacity of 763 litres and located a minimum of 1.8metres away from any building or boundary shall be installed to the satisfaction of the Environmental Health Officer.
 - (k) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.
 - (l) As part of the building licence application a comprehensive construction management plan shall be submitted to the satisfaction of the Manager Development Services and shall demonstrate how the works will be undertaken without undue disruption to the ROW adjacent to the property. This shall include full traffic management and safety measures for all construction, contractor and worker vehicles, wherever possible utilising the subject property for direct ingress and egress via Grant Street, with any exceptions requiring prior liaison with the Town of Cottesloe (contacts: Principal Building Surveyor or Works Supervisor).
 - (m) The additions are not to be used as ancillary accommodation and the studio roof is not to be used for habitable purposes.
 - (n) Revised plans being submitted to the satisfaction of the Manager Development Services which improve sightlines at the intersection of the lanes and give further consideration to the design of upper-level studio mezzanine in terms of any overhang to the southern elevation facing the lane.
2. REQUEST the Planning and Engineering staff to further consider and report back on traffic management issues and potential improvements for McNamara
-

Way, Joinery Way and Pennefather Lane, including assessing the degree of need, priority areas, optional measures or devices, budget and resource implications, statutory procedures and works programs.

3. ADVISE the submitters of its decision.

Discussion

Prior to the Council Meeting the Manager Development Services circulated to all members a memo, letter from the architect and reviewed plans as per item (n) of the Committee Recommendation. Based upon the changes made by the proponent an amended recommendation was circulated for consideration. The amended recommendation referred to the revised plans and condition (n) was recommended to be deleted

AMENDMENT

Moved Cr Walsh, seconded Cr Dawkins

That condition (n) be deleted and the amended officer recommendation as circulated by Manager of Development Services be endorsed.

Carried 8/0

COUNCIL RESOLUTION

THAT COUNCIL:

1. **GRANT its Approval to Commence Development for the Swimming Pool and Workshop, Store and 4-Car Garage Addition with Second Storey Studio at No. 115 (Lot 9) Grant Street, Cottesloe, in accordance with the revised plans submitted 22 March 2010, subject to the following conditions:**
 - (a) **All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (b) **Stormwater runoff shall not be discharged onto the Rights-of-Way or adjoining properties and gutters and downpipes shall be included within the working drawings for a building licence.**
 - (c) **The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
 - (d) **Air-conditioning plant and equipment shall be located closer to the building than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.**
 - (e) **The existing redundant crossover on Grant Street shall be removed and all surfaces made good at the owners'/applicants' expense.**

- (f) The applicant shall comply with the Town of Cottesloe's Policies and Procedures for Street Trees, February 2005 where development requires the removal, replacement, protection or pruning of street trees.
 - (g) The finish and colour of the boundary wall facing the eastern neighbour shall be to the satisfaction of the Manager Development Services and the details shall be included in the building licence application.
 - (h) The pool pump and filter shall be located closer to the proposed building than the adjoining dwellings and housed or treated to ensure that noise emissions do not exceed the levels prescribed by the Environmental Protection (Noise) Regulations 1997.
 - (i) Wastewater or backwash water from swimming pool filtration systems shall be disposed of into adequate soakwells and contained within the boundary of the property.
 - (j) A soakwell system having a minimum capacity of 763 litres and located a minimum of 1.8metres away from any building or boundary shall be installed to the satisfaction of the Environmental Health Officer.
 - (k) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.
 - (l) As part of the building licence application a comprehensive construction management plan shall be submitted to the satisfaction of the Manager Development Services and shall demonstrate how the works will be undertaken without undue disruption to the ROW adjacent to the property. This shall include full traffic management and safety measures for all construction, contractor and worker vehicles, wherever possible utilising the subject property for direct ingress and egress via Grant Street, with any exceptions requiring prior liaison with the Town of Cottesloe (contacts: Principal Building Surveyor or Works Supervisor).
 - (m) The additions are not to be used as ancillary accommodation and the studio roof is not to be used for habitable purposes.
2. **REQUEST** the Planning and Engineering staff to further consider and report back on traffic management issues and potential improvements for McNamara Way, Joinery Way and Pennefather Lane, including assessing the degree of need, priority areas, optional measures or devices, budget and resource implications, statutory procedures and works programs.
3. **ADVISE** the submitters of its decision.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 8/0

11.2 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 16 MARCH 2010**11.2.1 6 MONTHLY BUDGET REVIEW FOR 2009/2010**

File No: SUB/59
Attachments: [Rate Setting Statement 2010.pdf](#)
Responsible Officer: Carl Askew
Author: Chief Executive Officer
Graham Pattrick
Manager Corporate Services

Proposed Meeting Date: 16 March 2010
Author Disclosure of Interest Nil

SUMMARY

Local governments are required to conduct a budget review between 1st January and 31st March each financial year. This budget review consists of a detailed comparison of the year-to-date actual results with the budget. The forecast from the review shows the Council is progressing favourably compared to budget.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Regulation 33A of the Local Government (Financial Management) Regulations 1996 provides the following:

“Review of budget

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”*

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The budget review (see attachment) shows Council's operating position forecast for a surplus of approximately \$106,472. The primary cause for the surplus is the additional interest received following the early drawdown of funds for the library project. These funds have been placed on deposit while we wait for invoices for the construction. Also attached is the Operating Statement (more detailed reports are available upon request).

There is a requirement to review the materiality levels each year that trigger a report on significant variances in the budget review. It is recommended that this be maintained at the same levels as last year, that is, any variance being greater than 15% or \$25,000.

VOTING

Absolute Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Cunningham

That Council:

Maintain the materiality level used to report on significant variances in the budget review as being greater than 15% or greater than \$25,000; and

Adopt the budget review.

Carried 8/0

11.2.2 ASSET MANAGEMENT POLICY

File No: SUB/618
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Pattrick
Manager Corporate Services

Proposed Meeting Date: 16 March 2010
Author Disclosure of Interest Nil

SUMMARY

A new Asset Management policy has been prepared to complement the West Australian Asset Management initiative (WAAMI). This report recommends that Council adopt this policy.

STRATEGIC IMPLICATIONS

Objective 5.6 of the Town of Cottesloe Future Plan requires the development of a long term asset management plan and accompanying financial plan.

POLICY IMPLICATIONS

This is a proposed new policy.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

The adherence to this policy will form the foundation for ensuring and demonstrating long term financial sustainability for the Town of Cottesloe and will have a direct impact on Council's Long Term Financial Plan.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The WAAMI initiative aims to guide the Town of Cottesloe's staff through a process involving accurately identifying all of its assets. This includes determining the quality of the asset (its state of repair), the quality level required and any gaps.

Information from this detailed analysis will form the basis for capital expenditure forecasts that will be included in the Long Term Financial Plan that is prepared every year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Cunningham

That Council adopt the new Asset Management Policy as per West Australian Asset Management initiative (WAAMI).

Carried 8/0

11.2.3 STATUTORY COMPLIANCE AUDIT - 2009 RETURN

File No: SUB/390
Attachments: [Compliance Audit 2009](#)
[Cover Page](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer
Proposed Meeting Date: 16 March 2010
Author Disclosure of Interest Nil

SUMMARY

A recommendation is made to adopt the Compliance Audit Return for 2009 and authorise the Mayor and CEO to certify same so that it may be returned to the Department of Local Government and Regional Development.

BACKGROUND

Each year the Department of Local Government issues a Statutory Compliance Audit return that covers a wide range of mandatory actions required of staff, elected members and the Council as a whole under the provisions of the *Local Government Act (1995)*.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Section 7.13 of the *Local Government Act (1995)* provides, in part, that

Regulations may make provision-

- (1) *Requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are –*
- (i) *Of a financial nature or not; or*
 - (ii) *Under*

Regulation 13 of the *Local Government (Audit) Regulations 1996* sets out the specific areas that are subject to audit.

Regulation 14 of the *Local Government (Audit) Regulations 1996* reads as follows:

14. Compliance audit return to be prepared

- (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
-

- (2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
- (3) *A compliance audit return is to be –*
- (a) Presented to the council at a meeting of the council;*
 - (b) Adopted by the council; and*
 - (c) Recorded in the minutes of the meeting at which it is adopted.*

FINANCIAL IMPLICATIONS

None known.

SUSTAINABILITY IMPLICATIONS

None known.

CONSULTATION

Nil

STAFF COMMENT

The Compliance Audit Return (CAR) for 2009 has been completed and it is recommended that Council adopt the CAR

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Cunningham

That Council adopt the Compliance Audit Return for 2009 as per attachment 10.1.3 and authorise the Mayor and CEO to certify same so that it may be returned to the Department of Local Government.

Carried 8/0

11.2.4 TOWN OF COTTESLOE - CITIZENSHIP CEREMONIES

File No: SUB/4
Attachments: [Report to Council September 2009](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer

Proposed Meeting Date: 16 March 2010

Author Disclosure of Interest

SUMMARY

In September 2009 Council resolved to;

1. *Endorse four citizenship ceremonies over the course of a calendar year as follows;*
 - a) *January - Australia Day: - Ceremony to be held in partnership with the Shire of Peppermint Grove and the Town of Mosman Park*
 - b) *April – The Monday night before Anzac Day.*
 - c) *June – Pioneer’s Day*
 - d) *October – The Monday night after the Queen’s Birthday holiday*
2. *Provide a moderate level of catering for each ceremony.*

A copy of the report from September 2009 is attached as background information and context.

This report has considered the practicalities of the implementation schedule as endorsed by Council and recommends a change to the timing of the April and October dates. In summary, it recommends that Council change the April and October dates to coincide with the Ordinary Council Meeting days for those respective months, and that the ceremony take place prior to the Council meeting, allowing sufficient time for the ceremony and associated activities/celebrations.

BACKGROUND

Local Governments have been entrusted with Citizenship ceremonies for over 60 years. The ceremony is the end outcome of a potential citizen’s application to the Department of Immigration and Citizenship, a process that can take up to a year. Ceremonies are not an optional extra in the process of obtaining citizenship. Each candidate must attend the formal setting of a ceremony, declare the oath/affirmation to a registered presiding member and receive the certificate.

A conferral report is sent monthly by the Department to respective local governments with a list of eligible candidates. Candidates are then sent a letter advising them of the next available ceremony. In the past, these ceremonies have been held bi-

monthly prior to the Council meeting. Typically, they take approximately twenty to thirty minutes with the Mayor presiding and witnessing with family and friends.

The September report proposed a change to the previous citizenship ceremony arrangements and process, including their timing and format.

STRATEGIC IMPLICATIONS

Objective 1: Lifestyle

To protect and enhance the lifestyle of residents

- Develop a strategy for greater community engagement when change is needed.

POLICY IMPLICATIONS

None Known.

STATUTORY ENVIRONMENT

- Australian Citizenship Act 2007
- Australian Citizenship Regulations 2007
- Section 5.25 (e) of Local Government Act Regulations about Committee and Council Meetings
- Local Law No. 1: Standing Orders S. 16.20. Revoking Decisions

FINANCIAL IMPLICATIONS

In the past ceremonies have been held as required in the Council Chambers and prior to the Ordinary Council Meetings. The resolved changes in September 2009 resulted in an increase in the overall scale of each individual ceremony, but had a marginal impact on Council's budget.

SUSTAINABILITY IMPLICATIONS

None Known

CONSULTATION

Nil

STAFF COMMENT

When the Council decision was made it was not made clear in the initial report that the proposed change in timing of some ceremony dates was not in alignment with the Ordinary Council Meeting days, as was the prior practice of Council. This was overlooked and is now brought to Council's attention, so that a decision can be made to either maintain the current dates as resolved or amend them, where appropriate, to reflect the Ordinary Council Meeting dates for the respective months as endorsed/advertised by Council. This would allow elected members the opportunity to arrive at the Civic Centre early in order to participate at the ceremonies, meet with the new citizens and also meet subsequently for Council business.

The intention would be that officers liaise with the Mayor, who officiates at each ceremony, and that the time of the ceremony be set administratively based upon the numbers attending and in order to allow sufficient time for a full ceremony and celebration as per the September report. Consideration would be given to allowing sufficient time for elected members to both attend the ceremony and also prepare for the Council meeting – for example a 5.30pm start for a ceremony in the War Memorial Town Hall and lasting an hour and fifteen minutes, will still provide sufficient time for members to move to the Chambers and prepare for the meeting, meet with community members etc. It would also provide an opportunity for our newest citizens to also attend and observe the Council meeting from the public gallery should they wish.

Options

One option is to leave the Council resolution as it currently stands, acknowledging that the dates for April and October will not coincide with the relevant Ordinary Council Meeting dates, as has been the previous practice.

The second option is to rescind the September 2009 resolution and amend the dates for both April and October in order to coincide with the relevant Ordinary Council Meeting date, as has been the previous practice. The dates for Australia Day and Pioneers Day would remain as resolved. This is the recommended option.

If a decision is made by Council to rescind the September 2009 resolution for the reasons outlined above, this will still allow officers sufficient time to arrange with the Department of Immigration, in order for the next ceremony to take place prior to the Ordinary Council Meeting in April 2010.

VOTING

Absolute Majority to rescind a Council resolution

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Cunningham

That Council;

1. Rescind the resolution of September 2009 which read;

That Council:

- 1. *Endorse four citizenship ceremonies over the course of a calendar year as follows;***
 - a) January - Australia Day: - Ceremony to be held in partnership with the Shire of Peppermint Grove and the Town of Mosman Park***
 - b) April – The Monday night before Anzac Day.***
 - c) June – Pioneer’s Day***
 - d) October – The Monday night after the Queen’s Birthday holiday***
- 2. Endorse four citizenship ceremonies over the course of a calendar year as follows;**

- a) **January - Australia Day: - Ceremony to be held in partnership with the Shire of Peppermint Grove and the Town of Mosman Park**
 - b) **April – The day of the endorsed/advertised Ordinary Council Meeting.**
 - c) **June – Pioneer’s Day**
 - d) **October – The day of the endorsed/advertised Ordinary Council Meeting.**
3. **Provide a moderate level of catering for each ceremony.**

Carried 8/0

11.2.5 APPLICATIONS FOR GRANT FUNDING 2010/2011 - COASTAL PROTECTION

File No: SUB/537
Attachments: [Letter from Dept of Transport.pdf](#)
[Details on Geophysical testing for foreshore area.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 16 March 2010
Author Disclosure of Interest Nil

SUMMARY

The Western Australian Department of Transport has announced the opening of applications for Coastal Protection Grants in 2010/2011. Previous discussions have indicated that a Town of Cottesloe submission for a 50% grant to fund a geotechnical study to find the location of rock on the Cottesloe foreshore would be considered favourably.

The recommendation is that Council resolve to apply through the Department of Transport 20110/2011 Coastal Protection grant system for a grant of \$40,000 as a 50% cost of a project to use geophysical testing to locate rock and sand sections in the geology of the Cottesloe foreshore west of Marine Parade, Cottesloe.

BACKGROUND

Councils' Climate Change study into the vulnerability of the foreshore to sea level rise/storm damage included the future requirement to locate the gaps in the foreshore rock protection, in order to 'plug' those gaps in future years.

Geotechnical methods have been investigated and one system – micro seismic – appears to be the most applicable. The Department of Transport has been made aware of the original climate change study and also the staff investigations into the most suitable technique to locate underground rock within the general beach dune location. So far, no funding source, other than total Council funding, has been found.

STRATEGIC IMPLICATIONS

Under Councils Future Plan, Major Strategy 3.2 is to improve beach access and dune conservation outside the central foreshore zone. This would include studies regarding foreshore/climate change damage.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Costings provided by the Geological Survey of Western Australia total \$80,000 to undertake a 4km long study along the Cottesloe foreshore boundary. The grant application would be for 50% or \$40,000, to be funded in 2010/2011.

Council will need to consider setting aside a matching amount or part of its 2010/11 Budget if the grant is successful.

SUSTAINABILITY IMPLICATIONS

This study would provide Council with the knowledge as to where protective works would be required to minimise damage done by severe storms and a future sea level increase. This would therefore increase the potential to protect and sustain natural and constructed assets on the foreshore.

CONSULTATION

Nil, apart from the original advertising of the Climate Change Vulnerability report.

STAFF COMMENT

There are obvious areas of rock along the Cottesloe foreshore which provide much better protection against major storm damage which is predicted to increase due to climate change sea level rise.

There are other areas where the presence of rock is unknown. These become potential failure areas during major storm erosion events. In some sections of Marine Parade, there is a short distance between the road and the drop off in levels to the beach. This could include sites such as North Cottesloe where buildings such as the Surf Life Saving Club and the Blue Duck site are very close to the beach/sand dune face.

A geophysical study of the foreshore would locate rock and sand areas and provide Council with the missing information needed to plan for future protection works to ensure Marine Parade and other valuable infrastructure items are safe guarded.

The Coastal Infrastructure section of the Western Australian Department of Transport is interested in proving the applicability of the proposed geotechnical method proposed, for its use on other developed foreshore sites. An application for 50% of the estimated study cost, \$40,000, is therefore proposed. Council, if successful, would have to fund the other \$40,000 in its 2010/2011 budget.

VOTING

Simple Majority

COMMITTEE COMMENT

Cr Rowell questioned as to whether this project is a priority for Council and not something that Department of Transport should be doing.

Through the chair the Manager Engineering Services responded advising of past storm activity and affects upon the beachfront. This project is aimed at determining the areas that may need protection in the future to stop rising sea levels adversely affecting Council infrastructure and services.

Committee discussed the possibility of inviting other Councils to submit a joint application and share some of the costs associated with the project.

OFFICER RECOMMENDATION**Moved Cr Cunningham, seconded Cr Boland**

That Council:

1. Apply to the Department of Transport 2010/2011 Coastal Protection grant system for a grant of \$40,000 as a 50% cost of a project to use geophysical testing to locate rock and sand sections in the geology of the Cottesloe foreshore west of Marine Parade, Cottesloe.
2. Consider matching funding of \$40,000 as part of its 2010/11 Budget deliberations.

AMENDMENT**Moved Cr Cunningham, seconded Cr Rowell**

An additional point (3) be added to the recommendation whereby Council "Invite the City of Nedlands and the Town of Mosman Park to participate in and contribute to the cost of this project."

Carried 7/1

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Goldthorpe

That Council:

1. **Apply to the Department of Transport 2010/2011 Coastal Protection grant system for a grant of \$40,000 as a 50% cost of a project to use geophysical testing to locate rock and sand sections in the geology of the Cottesloe foreshore west of Marine Parade, Cottesloe.**
2. **Consider matching funding of \$40,000 as part of its 2010/11 Budget deliberations.**
3. **Invite the City of Nedlands and the Town of Mosman Park to participate in and contribute to the cost of this project.**

The Substantive Motion was put

Carried 7/1

11.2.6 DISPUTE ON PEPPERMINT TREE IN LANEWAY, COTTESLOE

File No: PRO/3628
Attachments: [Letters from 2 & 4 Torrens Court.pdf](#)
[Plan of site.pdf](#)
[Tree photos.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 16 March 2010
Author Disclosure of Interest Nil

SUMMARY

In separate letters, the owners of 2 and 4 Torrens Court have written regarding a small tree on the edge of the unsealed laneway on their northern boundaries, connecting to Hamersley Street to the west. One owner wants the tree removed and one wants it retained and protected.

The recommendation is that Council resolve to:

1. remove/not remove the peppermint tree on the north boundary of number 2 Torrens Court and
2. Inform the owners of number 2 and number 4 Torrens Court of this decision.

BACKGROUND

The tree is a small peppermint tree hard up against the southern boundary of Right of Way 17, which is unsealed and connects to Hamersley Street to the west. New houses have recently been constructed on both 2 and 4 Torrens Court and both houses gain their accesses from Torrens Court.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council's Street tree policy applies.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil if retained, less than \$500 if removed.

SUSTAINABILITY IMPLICATIONS

Minor, with the general principle that more trees are better for the environment.

CONSULTATION

Nil, apart from the owners of 2 and 4 Torrens Court.

STAFF COMMENT

The tree involved is a small peppermint tree very close to a new brick fence on the south boundary of Right of Way 17 and the north boundary of number 2 Torrens Court. Originally the tree was in very poor condition and it was thought that it would die and need removal when a new brick fence was built very close to the tree in 2009. The fence has been completed for several months and the tree is now in good condition.

As the tree grows in size, its roots will impact on the new brick wall. There is also a solid Water Corporation sewer manhole just to the east of the tree which will also restrict root growth. There is not a lot of vehicular traffic on the laneway, now that house construction use has dropped back. There is also no proposal to seal the laneway, which would affect the tree roots if undertaken.

VOTING

Simple Majority

COMMITTEE COMMENT

Cr Boland commented on the state of the tree and the fact that the tree appears healthy and provides good shade. It may interfere with the views of number 4 but they do not require access to their property through the laneway. As per the recent discussions by the Town's Foreshore Concept Plan Implementation Working Group, trees can enhance views. In his opinion this tree should not be removed.

Cr Carmichael agreed with Cr Boland and didn't want Council to set a precedent with trees being removed to enhance resident's views.

Cr Rowell commented that any future problems the tree may cause will occur to number 2 Torrens Court and as Mr Nelson is the owner and is requesting the tree remain, the tree should remain.

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Boland

That Council:

- 1. Not remove the peppermint tree on the north boundary of number 2 Torrens Court and**
- 2. Inform the owners of number 2 and 4 Torrens Court of this decision.**

Lost 3 /5

Cr Boland requested that the votes be recorded:

For: Cr Boland, Cr Walsh, and Cr Carmichael

Against: Mayor Morgan, Cr Cunningham, Cr Rowell, Cr Dawkins, and Cr Goldthorpe.

Discussion

Council discussed the item at length and sought additional information from the Manager Engineering Services in relation to the potential impact (damage) that may be caused by the tree. Mayor Morgan foreshadowed that, if the Committee Recommendation was not successful, that he would move an alternative motion that Council remove the tree.

COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Dawkins

That Council:

- 1. Remove the peppermint tree on the north boundary of number 2 Torrens Court and**
- 2. Inform the owners of number 2 and 4 Torrens Court of this decision.**

Carried 5/3

11.2.7 WIDTH REDUCTION OF JARRAD STREET ROAD RESERVE - BROOME STREET TO MARINE PARADE

File No: SUB/465
Attachments: [Plan of site Jarrad St.pdf](#)
[Copy of section 58 of the Land Admin Act 1997.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 16 March 2010
Author Disclosure of Interest Nil

SUMMARY

A 40m wide road reserve exists for Jarrad Street, from Broome Street to Marine Parade. The road reserve is temporarily closed for a period of 21 years but formal closure and amalgamation into the adjacent reserve land was not originally approved by the Western Australian Planning Commission, because of the long term possibility of the Jarrad Street road access being restored in the future.

This item recommends that Council commence the procedure required under section 58 of the Land Administration Act 1997, to narrow the 40m road reserve of Jarrad Street, between Broome Street and Marine Parade, to 20 metres, with the closed land being amalgamated into adjacent reserves.

BACKGROUND

A normal road reserve width is 20m. For a number of streets in Cottesloe, the width of the total road reserve is 40m, including this section of Jarrad Street. While there may be reasons why a street with private homes on each side may have use of a 40m road reserve, with an approx 16m verge width on each side, there is no reason why this section of Jarrad Street should be 40m.

The original 6m sealed street width plus drainage services could easily be replaced on a 20m reserve width.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

For road closures, including reduction of road reserve width, the Land Administration Act 1997, section 58 applies. The closed portion of the road reserve would also need permission from Western Australian Planning Commission for amalgamation into the adjacent 'A' class reserve, as occurred with the Pearse Street road reserve narrowing.

All service authorities with services in this section of Jarrad Street would need to be contacted, with a guarantee that they would always be able to access their services after closure.

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS**Water Usage/Quality**

Nil

Coastal Environments

Nil

Waste Management and Recycling

Nil

Energy Efficiency

Nil

Purchasing

Nil

Flora and Fauna Conservation and Biodiversity

Nil

CONSULTATION

There is a mandatory requirement for a 35 day objection period being advertised as part of the Road Closure process. This would be in a local newspaper, on Councils web page and at the Civic Centre notice board.

STAFF COMMENT

If this section of road reserve was narrowed from 40m to the normal width of 20m, no practical changes will be visible on the ground. The closed sections will be amalgamated into the adjacent reserves and the Golf Club will continue to mow the grass as part of the normal maintenance operations.

If Jarrad Street was ever to be reconstructed as a connection to Marine Parade, the remaining standard 20m road reserve would still remain for that purpose. The closed 10m width on each side of Jarrad Street west of Broome Street would also then be available for potential future works involving the Anderson Pavilion, future Depot facilities and car parking installation.

VOTING

Simple Majority

COMMITTEE COMMENT

Cr Boland commented on the need for this recommendation and whether it is necessary at this time. He was of the opinion that Council should proceed not with

the recommendation. His concern was that this process would create three separate parcels of land.

Through the chair Manager Engineering Services advised that the golf club does not stand to benefit by doing this as it is not intended to change the Golf Club Lease and incorporate this land adjustment. However 40m road reserves are very rare in local government and typically are only used where there is a significant reason for a large central median strip or dual lane road system. In addition, this proposed change may suit Council's future plans with regard to depot services adjacent to the Sea View Kindergarten. Currently the set back for Anderson Pavilion does not comply with Council regulations.

Cr Rowell agreed with Cr Boland suggesting that this process may get rejected by the State Government and therefore affect Council's plans for future use.

Mayor Morgan advised that he is a member of the Sea View Golf Club (which is a not for profit community organisation) and whilst this matter has no direct impact on the Club, did declare an impartiality interest. He stated that, in his opinion, there is no requirement for a 40m road reserve, that 20m is more than reasonable, and it is not a standard in other Council.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Cunningham

That Council commence the procedure required under section 58 of the Land Administration Act 1997, to narrow the 40m road reserve of Jarrad Street, between Broome Street and Marine Parade, to 20 metres, with the closed land being amalgamated into adjacent reserves.

Carried 6/2

- Mayor Morgan advised that he is a member of the Sea View Golf Club and whilst the matter before Council does not have a direct impact on the Club, he declared an impartiality interest
- Cr Walsh made an identical declaration to Mayor Morgan

11.2.8 PROPERTY & SUNDRY DEBTORS REPORT FOR THE MONTH ENDING 28 FEBRUARY 2010

File No: SUB/145
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Pattrick
Manager Corporate Services

Proposed Meeting Date: 16 March 2010
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 28 February 2010 to Council.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Financial reporting is a statutory requirement under the *Local Government Act 1995*.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report commences on page 19 of the Financial Statements and shows a balance of \$118,676.38 of which \$85,744.05 relates to the current month. The balance of aged debtors over 30 days stood at \$32,932.33

Property Debtors are shown in the Rates and Charges analysis on page 21 of the Financial Statements and show a balance of \$882,815.04. Of this amount \$221,457.59 and \$256,299.00 are deferred rates and outstanding ESL respectively. As can be seen on the Balance Sheet on page 4 of the Financial Statements, rates as a current asset are \$659,907 in 2010 compared to \$646,347 last year.

VOTING

Simple Majority

COMMITTEE COMMENT:

Cr Rowell sought clarification in relation to a number of payments to which staff responded. As part of that discussion Committee discussed the issue of footpath cleanliness outside the hotels and the responsibility/cost for this cleaning, which is currently undertaken by the Town. As the matter was only indirectly related to the Officer recommendation, it was agreed that members could raise this matter further as a Notice of Motion or New Business of an Urgent Nature.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Cunningham

THAT Council receive the Property and Sundry Debtors Report for the period ending 28 February 2010, as per the attached Financial Statements, as submitted to the 16 March 2010 meeting of the Works and Corporate Services Committee.

Carried 8/0

**11.2.9 STATUTORY FINANCIAL STATEMENTS FOR THE MONTH ENDING
28 FEBRUARY 2010**

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Pattrick
Manager Corporate Services

Proposed Meeting Date: 16 March 2010
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 28 February 2010, to Council.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Financial reporting is a statutory requirement under the *Local Government Act 1995*.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Operating Statement on page 2 of the Financial Statements shows a favourable variance between the actual and budgeted YTD operating surplus of \$819,659 as at 28 February 2010. Operating Revenue is above budget by \$241,009 (3%). Operating Expenditure is \$550,664 (9%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 28 February 2010 is shown on page 7.

The Capital Works Program is listed on pages 22 - 27 and shows total expenditure of \$3,841,674 compared to YTD budget of \$6,014,078. The reason for the significant difference is a timing delay with the library and delayed general capital expenditure due to cashflow restrictions at the start of the year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Cunningham

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 28 February, 2010, as per the attached Financial Statements, submitted to the 16 March 2010 meeting of the Works and Corporate Services Committee.

Carried 8/0

**11.2.10 SCHEDULE OF INVESTMENTS AND LOANS FOR THE MONTH
ENDING 28 FEBRUARY 2010**

File No: SUB/150 & SUB/151
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Pattrick
Manager Corporate Services

Proposed Meeting Date: 16 March 2010
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 28 February 2010, as per attachment, to Council.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Financial reporting is a statutory requirement under the *Local Government Act 1995*.

FINANCIAL IMPLICATIONS

No financial resource impact.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 17 of the Financial Statements shows that \$5,693,238.95 was invested as at 28 February, 2010.

Reserve Funds make up \$911,994.88 of the total invested and are restricted funds. Approximately 28% of the funds are invested with the National Australia Bank, 28% with Westpac, 15% with Commonwealth and 29% with BankWest.

The Schedule of Loans on page 18 shows a balance of \$6,922,539.15 as at 28 February, 2010. There is \$478,142.12 included in this balance that relates to self supporting loans.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Cunningham

THAT Council receive the Schedule of Investments and Schedule of Loans for the period ending 28 February, 2010, as per the attached Financial Statements, as submitted to the 16 March 2010 meeting of the Works and Corporate Services Committee.

Carried 8/0

11.2.11 ACCOUNTS FOR THE MONTH OF FEBRUARY 2010

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Pattrick
Manager Corporate Services

Proposed Meeting Date: 16 March 2010
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 28 February 2010 to Council, as per attachment Financial Statements.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Financial reporting is a statutory requirement under the Local Government Act 1995.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The following significant payments are brought to your attention that are included in the list of accounts commencing on page 9 of the Financial Statements:

- \$15,545.32 to WA Local Govt Super Fund for staff deductions
 - \$14,377.55 to GHD for completion of site investigation at depot
 - \$21,625.97 to WMRC for disposal and tipping fees
 - \$10,692.00 to Westside Bus Service for the Cott Cat service
 - \$389,744.70 to Shire of Peppermint Grove for library construction progress payment
 - \$18,867.07 to WMRC for disposal and tipping fees
 - \$57,521.57 to Transpacific Cleanaway for domestic & commercial waste disposal in January 2010
 - \$18,991.29 to Surf Life Saving WA for guard services in January 2010
-

- \$57,420.00 to Claremont Asphalt and Paving for car park construction at Railway Street
- \$73,024.26 and \$68,202.00 for staff payroll.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Cunningham

THAT Council resolve to receive the List of Accounts for the period ending 28 February 2010, as per the attached Financial Statements, as submitted to the 16 March 2010 meeting of the Works and Corporate Services Committee.

Carried 8/0

11.2.12 PRESSURE CLEANING ON FOOTPATHS OUTSIDE HOTELS**COMMITTEE COMMENT:**

At the Works and Corporate Services Committee meeting there was discussion related to the pressure cleaning on the footpaths on Marine Parade. Specifically Committee discussed the matter of responsibility for this cleaning, which is currently undertaken by the Town. As consequence of the discussion the matter was raised as a matter of New Business of Urgent Nature introduced by Elected Members by Discussion of Meeting.

Moved Cr Cunningham, seconded Cr Woodhill

That the following recommendation be considered as new business of an urgent nature introduced by Councillors by decision of meeting.

Carried 4/3

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Cunningham

That Council receive a report from administration on the cost of cleaning on the Marine Parade footpath and discussion on ways and means of having a contribution of these costs from owners of premises from which such problems may emanate, to be presented at the May 2010 meeting.

The substantive motion was put

Carried 8/0

12 **ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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

14 **MEETING CLOSURE**

The Mayor announced the closure of the meeting at 9:25 PM

CONFIRMED: MAYOR DATE: / /