

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, 23 May, 2011

30 May 2011

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 7:02 PM.

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

Mayor Kevin Morgan	Presiding Member
Cr Jack Walsh	
Cr Rob Rowell	
Cr Greg Boland	
Cr Dan Cunningham	
Cr Jo Dawkins	
Cr Victor Strzina	
Cr Davina Goldthorpe	
Cr Patricia Carmichael	
Cr Ian Woodhill	
Cr Jay Birnbrauer	

Officers

Mr Carl Askew	Chief Executive Officer
Mrs Elizabeth Cox	Acting Manager Corporate & Community Services
Mr Geoff Trigg	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Mrs Lydia Giles	Executive Officer

Apologies

Nil

Officer Apologies

Nil

Leave of Absence (previously approved)

Nil

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Ms Helen Sadler – 39 Griver Street, Cottesloe

Ms Sadler provided two questions to Council which the Mayor read out:

Q1: Do you want your children to have the lifespan and the lifestyle that you had?

Q2: Are you prepared to lead and invest in the things that are proven overseas in Holland, Belgium, Germany and England to work?

The Mayor accepted the questions as “rhetorical”. In reply and as a general response, the Mayor advised that the answer to the first question was “yes” whilst the second would probably be addressed via Ms Sadler’s public statement.

5 PUBLIC STATEMENT TIME

Ms Helen Sadler, 39 Griver Street, Cottesloe – Item 11.1.4 – Grant Street Median Strip

Ms Sadler thanked Council for the opportunity to speak and outlined the many benefits of Council investing in cycle facilities and programs as a way to improve the built environment, to reduce congestion on the roads and increase health outcomes. She asked that Council demonstrate leadership in setting its budget and activities by looking to initiatives that show the positive effects of supporting healthy programs such as the North Cottesloe Primary School “walk to school” Fridays and programs that provide incentives for people to not take their car when they need to travel. She cited the Barclays Cycle Super Highway as an example of the City of London working in partnership with the private sector to change the way people use their built environment to support healthy lifestyles, such as cycling facilities and programs. She urged Council to be creative and innovative and to take proactive steps to address the future health and wellbeing of the community.

Mr Paul Callander, 22 Margaret Street, Cottesloe – Item 11.1.4 – Grant Street Median Strip

Mr Callander thanked the Council for the opportunity to speak and stated that he commutes on the train and parks at Grant Street. He asked the Council where commuters are expected to park if people cannot park at Grant Street. The Mayor responded that it is Public Transport Authority’s (PTA) responsibility to provide park and ride facilities, and not the local Council. He advised that Council have had some success recently and PTA will embark on resurfacing part of the western carpark at the main Cottesloe station carpark.

Mr Callander also asked the Council what is wrong with the existing parking (at Grant Street). The Mayor responded that the current parking situation affects the residents has safety issues and the current parking Local Laws already prohibit people from parking on the median strip. The Mayor suggested Mr Callander contact the PTA and express his concern as well as contacting his local member to ask them to provide a solution.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Carmichael, seconded Cr Strzina

That Cr Carmichael's request for leave of absence from the June and July Meetings of Council be granted.

Carried 11/0

Moved Cr Birnbrauer, seconded Cr Dawkins

That Cr Birnbrauer's request for leave of absence for the June Meeting of Council be granted.

Carried 11/0

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Strzina, seconded Cr Goldthorpe

[Minutes April 27 2011 Council.DOC](#)

The Minutes of the Ordinary meeting of Council held on Wednesday, 27 April, 2011 be confirmed.

Carried 11/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

As outline in his comments to Mr Callander the Mayor confirmed the proposed works by the PTA to upgrade parking on the western side at Cottesloe station which will also include part of the principal shared path along the rail line for cyclists and pedestrians, as part of the Perth to Fremantle cycle way.

He indicated that it was difficult for a Council of Cottesloe's size to have its voice heard in relation to large strategic projects that affect the community and noted the limitations with the current PTA system of trains and busses. He commented that it was important in addressing such issues that Councils work together for a united voice. He noted that the State Government still had no plan in place to resolve the problems with Curtin Avenue, the Leighton Peninsula, and Stirling Highway. A larger Council or Regional Council may have more impact on such planning. Many of the issues raised by members of the public are symptomatic of the larger planning issues and the struggle by Council to influence those larger bigger decisions by the State Government.

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 Birnbrauer, seconded Cr Strzina

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 11/0

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

CONSIDERATION OF REPORTS BY COUNCIL

The Mayor advised 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;

Works and Corporate Services Committee

- 11.1.3 Seaview Golf Club - Management Plan
- 11.1.4 Grant Street Median Strip

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

- 11.1.1 Planning Institute of Australia 2011 National Congress - Update
- 11.1.2 Western Metropolitan Regional Council (WMRC) - Proposed Waste Delivery Agreement
- 11.1.5 Property and Sundry Debtors Report For April 2011
- 11.1.6 Schedule of Investments and Loans as at 30 April 2011
- 11.1.7 Financial Reports for the Month of April 2011
- 11.1.8 Accounts for the Month of April 2011

11.1.9 Approval of 2011/12 Differential Rates for Advertising

10 REPORTS OF OFFICERS

Nil

11 REPORTS OF COMMITTEES**11.1 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 17 MAY 2011****11.1.1 PLANNING INSTITUTE OF AUSTRALIA 2011 NATIONAL CONGRESS - UPDATE**

File No: SUB/38
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 16 May 2011

Author Disclosure of Interest Nil

SUMMARY

On 13 December 2010 Council resolved:

That Council approve the attendance of the Senior Planning Officer at the Planning Institute of Australia 2011 National Congress, Critical Mass: Planning Engages the World, in Hobart from 6 - 9 March 2011, and request that a report on the congress be provided within two months of attending the event.

The conference was attended and this report provides a summary of the topics discussed.

BACKGROUND

The Planning Institute of Australia is recognised nationally and internationally as the peak professional body representing town planners in Australia. The theme of this year's conference was *Critical Mass: Planning engages the world*, and this was divided into three sub-themes – thinking planning; working planning and living planning, that respectively provided a platform for looking at what planning is or should be, how planners can work with others to achieve good outcomes, and in assessing the 'on the ground' products of the planning processes.

The conference attracted speakers from both Australia and overseas and it was well-attended by delegates from WA and other States.

The main topics of presentation included:

- Transit Orientated Developments;
- Urban Renewal;
- Built Form Controls;

- Sustainable Design;
- Integrating Active Living Principles into the Approval Process;
- Ideas for the City of Perth;
- Technology and Cities; and
- Coastal Climate Risk.

A number of keynote speakers contributed to the program and the conference culminated in the presentation of the National Awards for Planning Excellence.

COMMENT

Key presentations are summarised as follows:

- **Enrique Penalosa – Critical Mass: Ideas, Skills, and Partnerships to Deal with Challenges Confronting the World Today.**

This was an excellent presentation by the former Mayor of Bogota, Columbia, now President of the Institute for Transportation and Development Policy in New York, which discussed alternative ways of addressing increased urban densities in cities, especially if priority is given to society's most vulnerable members such as children, the elderly, the handicapped and the poor. Examples of recent planning strategies that had been implemented in Bogota, a city of 7 million, were provided including: pedestrian-and-bicycle-only promenades, an extensive new bus system that eliminates the majority of vehicle traffic and removed congestion in the city, and an initiative to have a car-free day each week. These type of radical transport ideas are relevant to Perth, which is under increasing pressure from population growth and increased traffic congestion.

- **Brian Haratsis – Australia 2050 – Nation and City Building**

Another excellent speaker, who examined the economic future for Australia based on a belief that Australia can respond and contribute to the social, economic and environmental challenges ahead if we choose to work together and cut-through red tape to take a long hard look at our nation, our opportunities and our potential, and then to take what we know to build the future together. Again this is of relevance to Perth, which is under pressure from urban densification and infill development and which can potentially no longer afford to take a 'business-as-usual' approach to planning.

- **Martin Reason – Planning for Brisbane, Australia's New World City**

This presentation looked at the challenges for Brisbane in accommodating 156,000 new dwellings (138,000 of them infill) to 2031. It showed new IT techniques being used by the Council to demonstrate potential growth in 'virtual' form (i.e: 3-dimensional planning) which could more easily disseminate information visually to the public. It also discussed urban growth in flood-prone areas and examined whether Brisbane should become more a Compact City, a Dispersed City, a Corridor City or a Multi-Centred City, the latter which had most public support.

- **John Wynne – Delivering TODs in Australia: Stories from the Battlefield**

This presentation discussed the role of Transit Orientated Developments (TODs) as a key ingredient in the drive towards the 'Compact City' promoted by all current metropolitan strategies across Australia. It discussed the difficulties often experienced by governments in delivering densification/intensification in and around transit nodes. Examples referred to were in Sydney and Melbourne although there are also similarities to TODs in East Perth and Subiaco. TODs are a theme that the State government in WA is keen to pursue and must be of particular consideration to development on the railway lands west of the Cottesloe Town Centre.

- **Mike Scott – Critical Mass in CBDs: Re-thinking Built Form Controls**

This examined the importance of controlling built form to create safe, vibrant and sustainable streets for people. Topics discussed included:

- relationships between buildings and spaces;
- residential densification;
- protection of buildings of heritage significance;
- improving pedestrian permeability;
- delivering sustainability;
- strengthening a 'sense of space'; and
- Improving amenity in the public domain.

Examples in Sydney and Kur-ring-gai, NSW, were presented. The importance of strong community consultation when reviewing strategic plans is specifically relevant to Cottesloe's Local Planning Scheme.

- **William Chandler – Keeping Surrey Hills Neighbourhood Vital**

This addressed the extensive community consultation process that's been embraced by the Surrey Hills community in Melbourne to pursue activities, involving both protest and positive initiatives: challenging threats of destruction; creative leadership; establishing and maintaining a thriving Neighbourhood Centre and local newspaper; and addressing decline and re-vitalisation. This interaction ensures that the community take responsibility for actions - a useful analogy for Cottesloe to embrace.

- **Rebecca Martin – Planners as Administrators: Integrating Active Living Principles into the Development Application and Approval Process**

Discussed initiatives by the Heart Foundation, in collaboration with the Planning Institute of Australia, to create a supportive environment for physical activity. 'Healthy By Design' is a planner's guide to environments for active living that is being applied to both master planning and development approval stages of a large residential subdivision in an inner northern suburb of Adelaide.

- **Peter Monks – What If? Ideas for the City of Perth**

Another excellent presentation that discussed the City of Perth's ideas programme called 'What If?'. 10 urban design consultancies were appointed by the City to put forward ideas for 12 key sites in the CBD area. The programme captured the community's imagination and the media played a strong role in promoting the programme. The City of Perth received a PIA award for Planning Excellence for its What If? initiative.

- **Andrew Zuch – What do Communities Think About Planners' work on Climate Change?**

An interesting discussion which looked at whether Climate Change initiatives should be incorporated in local town planning schemes and examined the need for the community to be involved in local initiatives for them to be successful. Generally the community are often critical and distrusting of a 'top-down' approach and it is therefore appropriate to adopt a 'learning by doing' approach and encourage more community involvement.

- **Clive Attwater – Coastal Climate Risk – Market Signals or Protection by Planning**

This presented a case for an active risk management approach to managing property in hazardous coastal areas taking into account both the consideration of a smooth transition in property values and interests of the wider community. It suggested that a 40 - 50 year flood pattern may be more important than a 100 year flood occurrence, and that both public and private initiatives are required to alleviate a fall in property prices in coastal areas that may result from climate change. Cottesloe's coastal position makes this subject of particular interest as climate change initiatives are becoming increasingly important to this area, especially when considering the potential cost of replacing public infrastructure and the implications of allowing significant new development to occur along the foreshore.

The Senior Planning Officer thanks Council for the opportunity to attend this conference which provided a high level of training and exposure to new ideas and concepts. It also provided an opportunity to see first-hand planning initiatives that have been of mixed success in Hobart, an area of outstanding natural beauty comprising both historic and post-war buildings, and which is exposed to increasing urban densification, higher property prices, and pressures from tourism.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council receive the report from the 2011 Planning Institute of Australia National Congress.

Carried 11/0

11.1.2 WESTERN METROPOLITAN REGIONAL COUNCIL (WMRC) - PROPOSED WASTE DELIVERY AGREEMENT

File No: SUB/378
Attachments: [The Waste Delivery Agreement](#)
[The Establishment Agreement for WMRC](#)
[WMRC Letter 12 April 2011 Waste Delivery Agreement](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Darrell Monteiro
Principal Environmental Health Officer
Proposed Meeting Date: 17 May 2011
Author Disclosure of Interest Nil

SUMMARY

The Town of Cottesloe is a member council of the Western Metropolitan Regional Council (WMRC). The WMRC was created in its present form in July 1989 for the purposes of disposal and handling of waste in the western suburbs as described in the Establishment Agreement (adopted in December 2003).

The Town delivers all its putrescible and green waste to the WMRC under no contractual obligation to do so. The intent of the proposed Waste Delivery Agreement is to formalise this arrangement with all member councils.

STRATEGIC IMPLICATIONS

All non-exempted waste will continue to be delivered to the WMRC operated transfer station at Shenton Park until March 2017.

POLICY IMPLICATIONS

- Regional Cooperation Policy is applicable.

STATUTORY ENVIRONMENT

There are no specific legislative considerations associated with this report. State government legislation and regulations impact on the cost of landfill operations.

There are no tender requirements given that the WMRC is a local government [r.11 (2)(e) of the Local Government (Functions and General) Regulations].

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS**Waste Management and Recycling**

Commitment on resource efficiency (reducing, reusing, recovering, recycling);

BACKGROUND

The Town of Cottesloe is a member of the WMRC, along with the City of Subiaco, the Towns of Mosman Park and Claremont and the Shire of Peppermint Grove.

The WMRC is constituted as a legal entity under s3.61 of the *Local Government Act 1995*, which provides that local governments may form cooperatives. Regional Councils are separate local government organisations in their own right, and operate subject to the provisions of their Establishment Agreements.

The WMRC is governed by a Council made up of one elected member from each of its member local governments. The Town's representative is Cr Strzina, with Cr Rowell as deputy. Each member on the Regional Council has one vote.

The WMRC was created in its present form in July 1989. The current Establishment Agreement (attached) was adopted in December 2003, although there have been various forms of regional cooperatives with respect to waste disposal in the area since 1971.

The Establishment Agreement describes the following purpose for which the WMRC was established:

Clause 6.1 – Regional Purposes

- (a) *the collection, treatment and disposal of Waste;*
- (aa) *the recycling or reuse of Waste and other materials including but not limited to, green waste and soil;*
- (b) *the provision of facilities for the collection, treatment and disposal of Waste and/or for the recycling or reuse of Waste and other materials; and*
- (c) *education and promotion regarding processes, industries or activities relating to the collection, treatment and disposal of Waste and/or to the recycling or reuse of Waste and other materials.*

In carrying out its purposes, amongst other things, the WMRC operates a waste transfer station, the JFR (Jim) McGeough Resource Recovery Facility, on a Crown reserve in Lemnos St, Shenton Park. The transfer station accepts waste from member councils and other local governments or contractors who wish to deliver waste at the facility including members of the public. Waste is compacted at the transfer station before being trucked to a landfill site by a contractor. Day to day administration and management of the WMRC is provided by their own in-house staff.

Some 38,637 tonnes of waste (2,800 tonnes from the Town) is processed annually through the transfer station, including waste from non-member local governments in the area, contractors and local residents. Of this volume, 8,007 tonnes of green waste is recycled.

The Town currently collects and delivers its domestic and commercial waste to the transfer station at Shenton Park. The WMRC sets certain fees to be paid by any person delivering waste to the facility and the Town pays a relevant fee for the waste that it delivers (currently \$144.68 per tonne excl. GST). The proposed 2011/12 fee is \$157.16 per tonne excl. GST.

The Waste Delivery Agreement (WDA)

The WMRC has no formal agreement with its member councils in regards to the delivery of waste and consequently the Town is under no obligation to deliver its waste to the WMRC facility and is free to decide where and to whom it delivers its waste.

The WMRC is contracted under a Waste Supply Agreement with DiCOM AWT Operations Pty Ltd (Project SPV) to deliver a defined quantity (33,000 tonnes per year) of municipal solid waste to the DiCOM facility to enable Project SPV to provide the services, mainly processing of putrescible waste. The Waste Supply Agreement sets out the terms on which the parties agree; that the WMRC will deliver municipal solid waste and Project SPV will process the waste. This is not currently matched by a similar commitment from member councils to supply waste to the WMRC.

The WMRC at its Council meeting on 2 December 2010 resolved:

- *The attached Waste Delivery Agreement be endorsed by the Council.*
- *Exceptions from the proposed Waste Delivery Agreement be anticipated for recyclables collected separately from general waste, and inert waste from the member councils' activities.*
- *The attached Waste Delivery Agreement be circulated to member councils seeking their endorsement by the end of February 2011.*

The Town subsequently received a letter dated 17 December 2010, requesting consideration and endorsement of the WDA.

This agreement included Project SPV as being party to the agreement with the duration of the agreement being twenty (20) years in line with the term of the Waste Supply Agreement.

Concerns were raised by member Chief Executive Officers in relation to signing the WDA in its initial form as it would create a legal relationship with a private company (Project SPV) that could take action against the member councils as a result of non-delivery of waste. Concerns were also raised on the term of the proposed agreement which would lock member councils into delivering waste to the WMRC for a twenty (20) year period.

As an outcome of the above, the WMRC considered and amended the WDA to the effect that Project SPV is no longer a signatory and term of the agreement is reduced to five (5) years term from commissioning date of the project in March 2012.

The WMRC at its Council meeting on 7 April 2011 resolved:

That:

- *The attached Waste Delivery Agreement as amended be endorsed by the Council.*
- *The attached Waste Delivery Agreement be circulated to member councils seeking their endorsement by the end of April 2011.*

The Town subsequently received a letter dated 8 April 2011 (attached), requesting consideration and endorsement of the amended WDA (attached).

The purpose of this report, therefore, is to recommend to Council, approval for the Town to enter into the amended WDA with the WMRC.

As the WDA is a common agreement between member councils, it requires the delivery of all waste, with provision for member councils to apply for exemptions as required and subject to the exemption not affecting WMRC's capacity to comply with its obligation under the Waste Supply Agreement.

The proposed parties to the agreement are:

- Town of Cottesloe
- Town of Claremont
- Town of Mosman Park
- Shire of Peppermint Grove
- City of Subiaco
- Western Metropolitan Regional Council.

STAFF COMMENT

As the WMRC was established from funding by member councils, all its profits, losses, assets and liabilities are shared by the member councils. In the absence of the WDA, member councils including the Town could decide to deliver their waste elsewhere. This could possibly result in losses for the remaining member councils.

The WDA therefore provides an added level of comfort as other member councils are less likely to pull out of the agreement and risk litigation.

Term of Agreement

The amended term of five (5) years is considered an improvement as it gives the Town the opportunity to review its options for delivery of waste after 2017, taking into consideration environmental, sustainability and financial implications of the current arrangements.

Exemptions

The Town has a contractual agreement for collection and processing of recyclable waste. In order to meet with these contractual obligations it is essential that the Town receive exemptions from the WMRC for delivery of recyclable waste collected from the yellow lid bins.

Green waste from council tree pruning green and bulk waste from verge collections is currently delivered to the WMRC transfer station at Shenton Park. Presently, there are no plans for this to be amended, however it is considered prudent to apply for exemptions for delivery green and bulk waste should the Town decide otherwise.

CONSULTATION

The Chief Executive Officer (CEO) of the WMRC briefed the CEOs of the member councils on the proposal at a meeting held on 2 February 2011. Following this meeting, the amended WDA was endorsed by the WMRC Council at its Council meeting on 7 April 2011.

There are no requirements for consultation arising from this report or its recommendations.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council:

- 1. Endorse the Town entering into the Waste Delivery Agreement (WDA) with the Western Metropolitan Regional Council and other member Councils, as attached to this report.**
- 2. Pursuant to clause 2.2 Exemptions of the Waste Delivery Agreement, seek exemption from the Western Metropolitan Regional Council for the delivery of:**
 - Recyclable waste;**
 - Green waste from verge collections and the Town's tree pruning; and**
 - Bulk waste from verge collections.**

Carried 11/0

An interest was declared by Mayor Morgan, for Item No 11.1.3*Nature of Interest: Impartiality**Extent of Interest: By virtue of being a member of the Sea View Golf Club***An interest was declared by Cr Walsh, for Item No 11.1.3***Nature of Interest: Impartiality**Extent of Interest: By virtue of being a member of the Sea View Golf Club***An interest was declared by Cr Strzina, for Item No 11.1.3***Nature of Interest: Impartiality**Extent of Interest: By virtue of being a member of the Sea View Golf Club***11.1.3 SEAVIEW GOLF CLUB - MANAGEMENT PLAN**

File No: SUB/235
Attachments: [Copy of February 2011 item](#)
[Seaview Golf Club Management Plan](#)
[Details on Key Performance Indicators](#)

Responsible Officer: Carl Askew
Chief Executive Officer

Author: Geoff Trigg
Manager Engineering Services

Proposed Meeting Date: 17 May 2011

Author Disclosure of Interest NIL

SUMMARY

The Sea View Golf Club has a 21 year lease from the Town of Cottesloe which expires on 30th June 2026. Under clause 13 of that lease, a Management Plan is required for the lease area, to be updated every 3 years. The updated plan has been supplied by the Club for the period January 2011 to December 2014. This matter was considered by Council at the February 2011 meeting, where further details were requested. The Golf Club has responded with further information.

This item recommends that Council:

- Receive and agree to the content of the Sea View Golf Club Management Plan for the period 1st January 2011 to 31st December 2014.
- 2. Endorse the Mayor and Chief Executive Officer signing copies of this Management Plan, with the common seal of the Town of Cottesloe being applied.

BACKGROUND

The purpose of the Management Plan is to record and communicate the Sea View Golf Club's safety and environmental policies and procedures with respect to the golf course and the reserves on which it resides.

The 21 year lease commenced in 2005, and the commencement or first management plan was accepted by Council in that year. This latest version is the third plan, each plan applying to a 3 year period.

STRATEGIC IMPLICATIONS

The Town of Cottesloe Future Plan 2006-2010 makes no comment in regards to the Sea View Golf club.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

The Town of Cottesloe and the Sea View Golf Club are the signatories to a legally drawn up 21 year lease document, of which approximately 15 years still applies. Any changes required by Council of the club, within a management plan, must comply with the conditions of the lease.

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Substantial public consultation and community comment occurred during the period leading up to the creation of the 21 year lease and the first Management Plan. Public discussion on the Management Plan updates every 3 years was not a listed requirement of the lease document.

STAFF COMMENT

Council requested further information on performance against KPI's (Appendix A), changes compared with previous management plans and compliance with the management plan in appendix B.

The Seaview Golf Club response, dated 27th April 2011, is in the attachments, with comments relating to Appendix A. Under Appendix B of the Management Plan, a number of information items are to be provided to Council by the club by the 31st of August each year. The club has committed to provide that information by the due date. The club manager has had discussions with staff on part of the process of designing a concrete or asphalt surfaced wash down area with a pollution trap. Plans for this construction will be inspected by staff prior to construction. Staff comments included in this item for the February 2011 meeting are included in the attachments.

VOTING

Simple Majority

DECLARATION OF INTEREST

Mayor Morgan declared an Impartiality interest that he is a member of the Sea View Golf Club. As a consequence there may be a perception that his impartiality on this

matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.

Cr Strzina declared an Impartiality interest that he is a member of the Sea View Golf Club. As a consequence there may be a perception that his impartiality on this matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.

OFFICER RECOMMENDATION

Moved Cr Rowell, seconded Mayor Morgan

THAT COUNCIL:

1. Receive and agree to the content of the Sea View Golf Club Management Plan for the period 1st January 2011 to 31st December 2014.
2. Endorse the Mayor and Chief Executive Officer signing copies of this Management Plan, with the common seal of the Town of Cottesloe being applied.

COMMITTEE DISCUSSION

Committee discussed the report and supporting Management Plan at length with Cr Boland indicating that further information was required including further officer comment or follow up on reticulation/water use, salinity trends and changes from previous Management Plans. Committee agreed that members should provide the CEO with sufficient information on areas of concern with the current plan and Cr Boland proposed that this matter be deferred for a further report and that the recommendation be amended accordingly.

AMMENDMENT

Moved Cr Boland, seconded Cr Rowell

THAT Council

1. Note the draft content of the Sea View Golf club Management Plan for the period 1 January 2011 to 31st December 2014.
2. Refer the matter back to administration for further comment and information on performance against KPI's (appendix A) and changes compared with previous management plans.

Carried 6/1

COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Walsh

THAT COUNCIL:

1. **Note the draft content of the Sea View Golf club Management Plan for the period 1 January 2011 to 31st December 2014.**
2. **Refer the matter back to administration for further comment and information on performance against KPI's (appendix A) and changes compared with previous management plans.**

Carried 7/0

Mayor Morgan declared an Impartiality interest that he is a member of the Sea View Golf Club. As a consequence there may be a perception that his impartiality on this matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.

Cr Walsh declared an Impartiality interest that he is a member of the Sea View Golf Club. As a consequence there may be a perception that his impartiality on this matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.

Cr Strzina declared an Impartiality interest that he is a member of the Sea View Golf Club. As a consequence there may be a perception that his impartiality on this matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.

AMENDMENT

Moved Cr Strzina, seconded Mayor Morgan

That a new part 3 be added to the recommendation to read “ Request that the report include information on water usage from bores, salinity and herbicides and fertilizers for other Council reserves.”

Carried 8/3

AMENDMENT

Moved Cr Boland, seconded Cr Rowell

That part 2 be amended to add the words “compliance with the management plan in Appendix B” after the word ‘appendix A.

Carried 10/1

THE AMENDED SUBSTANTIVE MOTION WAS PUT

COUNCIL RESOLUTION

THAT COUNCIL:

- 1. Note the draft content of the Sea View Golf club Management Plan for the period 1 January 2011 to 31st December 2014.**
- 2. Refer the matter back to administration for further comment and information on performance against KPI’s (appendix A) compliance with the management plan in Appendix B and changes compared with previous management plans.**
- 3. Request that the report include information on water usage from bores, salinity and herbicides and fertilizers for other Council reserves.**

Carried 10/1

11.1.4 GRANT STREET MEDIAN STRIP

File No: SUB/457
Attachments: [Copy of April 2011 agenda item on subject](#)
[Plan of Grant Street parking area](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Authors: Geoff Trigg & Carl Askew
Manager Engineering Services &CEO
Proposed Meeting Date: 17 May 2011
Author Disclosure of Interest NIL

SUMMARY

This matter was considered by Council at its April 2011 meeting, in regards to a potential sealed parking area on the median strip of Grant Street west of Curtin Avenue and funded by the Public Transport Authority. Locally affected property owners were unanimous in rejecting the proposal however a strong comment received was that controls were needed to stop all day parking on this median strip by train users, whilst allowing use by local adjacent residents and owners. Council resolved to return the report to administration to investigate suitable parking solutions for Grant Street residents and rail station users. (a copy of the April 2011 report and resolution is attached).

BACKGROUND

In recent years, there has been an increase in the public use of train travel including areas where private vehicles can be parked all day without parking controls. One railway station totally within the Town of Cottesloe is Grant Street, and vehicles have been using both sides of the median strip of Grant Street for parking areas when using the train. The area has no parking controls but this increased parking is over Norfolk Island Pine Tree roots and is also converting the area to a loose, dusty surface through summer.

The Public Transport Authority, as part of its initial plans for PTA patron car parking in Cottesloe, proposed a car park on the east side of the Grant Street railway station, partially on Railway Street road reserve and partially on PTA land. Council was of the opinion that this would not solve the problem and that most vehicles currently parking in Grant Street came from out of the local area or west of the railway line and Curtin Avenue. This required a solution, therefore, on the west side of the railway line.

STRATEGIC IMPLICATIONS

Council's Future Plan, under the first objective, "Protect and enhance the lifestyle of residents and visitors", covers the challenge of providing sustainable parking solutions, including parking associated with railway stations.

POLICY IMPLICATIONS

No policy deals with this subject.

STATUTORY ENVIRONMENT

There are no applicable statutory requirements for public parking areas, other than Councils Local Law on Parking.

In regards to Council's Parking and Parking Facilities Local Law, which applies to median strips, the wording is:

"A person shall not park a vehicle so that any portion of the vehicle is on or adjacent to a median strip, unless a sign or markings on the carriageway indicate otherwise".

Therefore no parking on any Town of Cottesloe median strip is allowed, except for designated areas sign posted to allow such parking e.g. – in front of Daisies Café.

FINANCIAL IMPLICATIONS

The main thrust of this issue is to have the Public Transport Authority adequately provide for the vehicle parking needs of its patrons, at no cost to Council and on land controlled by that Authority. Therefore, the financial impact on Council should be nil. However there is the potential to increase operation costs (ranger time) in the management of this area.

SUSTAINABILITY IMPLICATIONS

The use of public transport is a very positive sustainability pursuit. However, the provision of facilities to expand this objective should be at the cost of the Public Transport Authority, on land more suitable for that purpose controlled by PTA.

CONSULTATION

Public Transport Authority and affected residents in the affected part of Grant Street.

STAFF COMMENT

From the comments received from Grant Street residents and owners affected by this uncontrolled parking issue, the following main points are made:

- All comments reject the idea of a sealed parking area on the median strip close to Curtin Ave.
- There was general support for some form of restriction to stop train users taking over the median strip for free all day parking.
- A lot of the use seems to be from non-Cottesloe residents
- Most comments suggest that PTA should use PTA land for PTA patron parking, not Council streets or median strips.
- Parking on the Grant Street median strip close to Curtin Avenue creates danger for vehicles using Grant Street.

The original problem brought to Council by local residents was the growing number of PTA patrons parking on the Grant Street median strip. A recent comment received was that this problem increased when the car park at Swanbourne was given a 3 hour parking limit, effectively moving all day PTA patrons wanting free untimed parking to other locations i.e. Grant Street.

A proposal was also received by staff that only residents should be permitted parking on the Grant Street median strip. If this were to be achieved there would need to be an acceptable parking solution applied. One option is to issue parking permits to each affected property and to sign the area as either restricted or time limited parking

only. This would create a *safety net* for local residents whilst addressing the issue of all day train users. The challenge of any permit system is the effective operation and management, including the allocation of permits – how many, to whom, management of infringements etc. It is possible that each household (resident or owner) will have different needs for permits however a uniform system of allocation should be adopted/applied.

If a solution of restricted signage is to be employed there are two main options. A sign that restricts parking before a specified time i.e. 9am, which should discourage the majority of *all day* commuters who would typically have parked before that time and would allow the rangers to patrol and infringe vehicles prior to the stated time. After the designated time parking could then occur providing Council supports a sign to authorise it as per its current Local Law. The impact with this option is that unless permits are also issued local residents could also not park in the designated area prior to the stated time.

The alternative signage arrangement is as per the previous report to Council i.e. a specific time limit e.g. 3 or 4 hours. This would require the rangers to patrol, chalk and monitor with any vehicle *over-staying* being infringed. A 3 or 4 hour limit would effectively deter the majority of *all-day* PTA patrons. The impact with this option is that unless permits are also issued residents would realistically have to move their cars once per day.

Both these options can operate effectively and will deter train commuters who park *all day* however they will also impact on local residents. A 3 hour option aligns with the Swanbourne parking area whereas the 4 hour regime lessens the impact on operational management. Council may therefore wish to consider a combination of both a timed parking regime and a permit system.

The alternative is to leave the current situation as it is and to apply the Parking Local Law as currently gazetted and issue infringements to all vehicles parked on the median. If PTA patron parking is to be discouraged then, depending upon the solution considered by Council, some level of inconvenience may also apply to residents as well. To maintain the “*status quo*” and apply the current Local Law will impact equally on both PTA patrons and local residents. In addition there is also a workload/officer resource impact and cost for Council as rangers will need to regularly manage the area and/or apply the current Local Law unless signage is erected to allow parking.

With a time limit option the rangers would strongly police that limit for a period of time initially issuing warnings as part of an education process followed by the issue of infringements until PTA patron parking has moved on. The area would then be kept under observation and policed again strongly in the future if the problem returns.

Based upon the priority need to primarily target train patrons who park *all day* on the Grant Street median it is recommended that Council consider a combination of timed parking and permits. Specifically it is recommended that;

- Two parking permits be allocated to each household on Grant Street between Birkbeck Avenue and Curtin Avenue.
- Parking signage to be installed for a 4 hour parking limit, from 8am to 6pm, 6 days a week.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina

THAT COUNCIL:

1. Authorise the issuing of two parking permits to each household on Grant Street between Birkbeck Avenue and Curtin Avenue.
2. Initiate a 4 hour parking restriction to apply to each side of the Grant Street median strip between Curtin Avenue and Birkbeck Avenue, from 8:00am to 6:00pm, Monday to Saturday.
3. Thank the residents who provided comments on this issue and inform them of Council's decision including the decision that no sealing of any parking area fronting their properties for PTA patron use will be approved and that signage for a 4 hour parking restriction will apply.
4. Advise PTA of the community feedback received, Council's decision on this matter and request PTA provide parking on PTA land on both East and West sides of all rail stations in Cottesloe for PTA patrons with any proposed parking solutions to include consultation with the Town of Cottesloe.

AMMENDMENT

Moved Mayor Morgan, seconded Cr Rowell

THAT part 1 be amended by adding the following words in line one after the words *issuing of* and before the word *two* – “one, with the option of up to,”

Carried 7/0

AMMENDMENT

Moved Cr Boland, seconded Cr Carmichael

THAT the 4 hour parking restriction in part 2 of the recommendation apply to weekdays only, reading “from 8:00am to 6:00pm, Monday to Friday”.

Lost 2/5

AMMENDMENT

Moved Cr Cunningham, seconded Mayor Morgan

THAT point (3) be amended, removing the words “for PTA patron use”.

Carried 7/0

AMMENDMENT

Moved Mayor Morgan, seconded Cr Rowell

THAT point (4) be amended to read “Advise PTA of the community feedback received, Council's decision on this matter and request PTA meet with Council's administration to discuss possible parking solutions on PTA land on both East and West sides of all rail stations in Cottesloe”.

Carried 6/1

AMMENDMENT

Moved Cr Boland, seconded Cr Strzina

That a point (5) be added to the recommendation to read "Request Administration approach the Town of Claremont to discuss the 3 hour parking restriction to the car park opposite Beaumont Aged Care on Claremont Crescent, Swanbourne."

Carried 7/0

COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina

THAT COUNCIL:

1. Authorise the issuing of one, with the option of having up to two, parking permits to each household on Grant Street between Birkbeck Avenue and Curtin Avenue.
2. Initiate a 4 hour parking restriction to apply to each side of the Grant Street median strip between Curtin Avenue and Birkbeck Avenue, from 8:00am to 6:00pm, Monday to Saturday.
3. Thank the residents who provided comments on this issue and inform them of Council's decision including the decision that no sealing of any parking area fronting their properties will be approved and that signage for a 4 hour parking restriction will apply.
4. Advise PTA of the community feedback received, Council's decision on this matter and request PTA meet with Council's administration to discuss possible parking solutions on PTA land on both East and West sides of all rail stations in Cottesloe.
5. Request Administration approach the Town of Claremont to discuss the 3 hour parking restriction to the car park opposite Beaumont Aged Care on Claremont Crescent, Swanbourne.

AMENDED SUBSTANTIVE MOTION WAS PUT**AMENDMENT**

Moved Cr Walsh, seconded Cr Strzina

That the "4 hour parking restriction" listed in items 2 and 3 be amended to a "3 hour parking restriction".

Carried 8/3

AMENDMENT

Moved Cr Cunningham, seconded Mayor Morgan

That the words "removal of" be included in item 5 of the recommendation before the words "the 3 hour parking restriction".

Carried 10/1

COUNCIL RESOLUTION

1. Authorise the issuing of one, with the option of having up to two, parking permits to each household on Grant Street between Birkbeck Avenue and Curtin Avenue.
2. Initiate a 3 hour parking restriction to apply to each side of the Grant Street median strip between Curtin Avenue and Birkbeck Avenue, from 8:00am to 6:00pm, Monday to Saturday.
3. Thank the residents who provided comments on this issue and inform them of Council's decision including the decision that no sealing of any parking area fronting their properties will be approved and that signage for a 3 hour parking restriction will apply.
4. Advise PTA of the community feedback received, Council's decision on this matter and request PTA meet with Council's administration to discuss possible parking solutions on PTA land on both East and West sides of all rail stations in Cottesloe.
5. Request Administration approach the Town of Claremont to discuss removal of the 3 hour parking restriction to the car park opposite Beaumont Aged Care on Claremont Crescent, Swanbourne.

Carried 10/1

11.1.5 PROPERTY AND SUNDRY DEBTORS REPORT FOR APRIL 2011

File No: SUB/145
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 17 May 2011
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Report for the period ending 30th April 2011.

BACKGROUND

Nil

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 20 of the Financial Statements and shows a balance of \$236,688.44 of which \$211,618.77 relates to the current month. The balance of aged debtors stood at \$25,069.67.

Property Debtors are shown in the Rates and Charges Analysis on page 23 of the Financial Statements and shows a balance of \$333,657.72. Of this amount \$189,118.33 and \$42,248.85 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 \$316,679 as compared to \$213,377 this time last year. Debt recovery action will continue to minimise rates outstanding to Council.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council receive the Property and Sundry Debtors Report for the period ended 30th April 2011 at the meeting of the Works and Corporate Services Committee held on 17th May 2011.

Carried 11/0

11.1.6 SCHEDULE OF INVESTMENTS AND LOANS AS AT 30 APRIL 2011

File No: SUB/150 & SUB/151
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 17 May 2011
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 30th April 2011, as per attachment, to Council.

BACKGROUND

Nil

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 Schedule of Investments on page 18 of the Financial Statements shows that \$2,110,476.78 was invested as at 30th April 2011.

Reserve Funds make up \$546,639.23 of the total invested and are restricted funds. Approximately 35% of the funds are invested with the National Australia Bank, 25% with Westpac, 24% with Commonwealth Bank and 16% with BankWest.

The Schedule of Loans on page 19 shows a balance of \$6,526,652.09 as at 30th April 2011. There is \$421,433.90 included in this balance that relates to self supporting loans.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council receive the Schedule of Investments and Schedule of Loans for the period ending 30th April 2011, as per the attached Financial Statements, as submitted to the 17th May 2011 meeting of the Works and Corporate Services Committee.

Carried 11/0

11.1.7 FINANCIAL REPORTS FOR THE MONTH OF APRIL 2011

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 17 May 2011
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Statement of Financial Activity, the Operating Statements by Program and by Nature and Type, the Balance Sheet and other supporting information for the period ending 30th April 2011, to Council.

BACKGROUND

Nil

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 Statement of Financial Activity on page 1 of the Financial Statements shows a favourable total operating revenue of \$1,194,926. Of this \$776,071 relates to grant funding for the new joint library building and \$255,000 relates to developer contributions for cash in lieu of parking. Total operating expenditure is \$172,273 or 2% less than budgeted year to date.

The capital Works Programme which starts on page 24 of the Financial Statements shows expenditure of \$3,072,704 as compared with a year to date budget of \$3,820,470.

The major variances are shown in the variance analysis report which start on page 7 of the Financial Statements.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council receive the Statement of Financial Activity, Operating Statements by Program and by Nature and Type, Balance Sheet and other supporting financial information for the period ending 30th April 2011, as per attached Financial Statements, as submitted to the 17th May 2011 meeting of the Works and Corporate Services Committee.

Carried 11/0

11.1.8 ACCOUNTS FOR THE MONTH OF APRIL 2011

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 17 May 2011
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the list of accounts paid for the period ending 30th April 2011 to Council, as per the attached Financial Statements.

BACKGROUND

Nil

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

- \$16,376.09 & \$15,319.72 to WA Local Government Superannuation Plan for superannuation contributions.
 - \$19,164.20 to Cobblestone Concrete for footpath construction works.
 - \$14,438.05 to Synergy for electricity supplies at various locations in Cottesloe.
 - \$13,639.20 to BCITF being monies collected on building licence applications.
 - \$55,591.69 to the ATO for the BAS for March 2011.
 - \$16,938.90 to FJ Fitzsimmons & Co for road works in Cottesloe.
 - \$17,748.61 to B & N Waste Pty Ltd for waste collections services.
-

- \$137,427.46 to WA Treasury Corporation for loan repayments.
- \$15,969.80 to Westwide Bus and Coach for the Cott Cat service.
- \$10,531.99 & \$10,712.09 to WMRC for waste transfer fees.
- \$46,890.56 to Transpacific Cleanaway for domestic and commercial waste collection services.
- \$26,334.00 to TAPSS for Cottesloe's bi annual contribution towards the service.
- \$14,224.30 to WALGA for advertising and recruitment consultancy fees.
- \$10,227.96 for fleet fuel for March 2011.
- \$11,619.85 to Phillip Griffiths Architects for professional services regarding the Civic Centre refurbishment.
- \$15,286.25 to the Shire of Peppermint Grove for Cottesloe's contribution towards the new library facility.
- \$35,699.50 to the KMC Group for the final release of retention monies for the Civic Centre refurbishment.
- \$67,412.19 & \$72,583.75 for fortnightly staff payroll during April 2011.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council receive the List of Accounts for the period ending 30th April 2011 as per the attached Financial Statements to the 17th May 2011 meeting of the Works and Corporate Services Committee.

Carried 11/0

11.1.9 APPROVAL OF 2011/12 DIFFERENTIAL RATES FOR ADVERTISING

File No: SUB/1103
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer
Proposed Meeting Date: 17 May 2011
Author Disclosure of Interest Nil

SUMMARY

The Town has prepared its draft budget for 2011/12. All properties in the Town have been revalued by the Valuer General and these values are required to be used for rates from the 2011/12 financial year. The general increase in valuations will result in a slight reduction in the rate in the dollar used to levy rates dependent on the differential rating code applicable for the property.

The purpose of this report is to commence the process of engaging the community in providing feedback on the Town's proposed rating structure for 2011/12. Following the public comment period a further report will be presented to Council.

BACKGROUND

Council has historically applied uniform rating across the Town based on multiplying the rate in the dollar by valuations provided by the Valuer Generals Department. The 'rate in the dollar' being determined by the level of revenue the council needs to raise to carry out its function according to the proposed annual budget.

There is provision in the Local Government Act 1995 (s 6.33) for council to create *differential rates* to shift the revenue raising effort to certain sectors of the community i.e. commercial property. Council's may also create a 'specified area rate' for specific services to a particular group of properties.

In August 1994 Council adopted a policy for differential rating (last reviewed in 2010). This policy required that prior to the adoption of differential rates, that the Town considers a report incorporating the following:

- Horizontal equity;
- Council expenditure obligations relative to income drawn from specific zones or areas under consideration;
- Alternative options available;
- Intended objectives and anticipated outcomes;
- Intended objectives and anticipated outcomes;
- Identification of any non-confirming use sites within the zone or area which should be exempted to avoid an unfair disadvantage.

In 2004 Council received a request from the business proprietors representing traders in the town centre, for support in the promotion of Cottesloe Town Centre. The traders formed ProCott an incorporated entity to be a voice and drive the promotion.

In May 2004 Council resolved to raise a *Specified Area Rate* to support the promotion of the town centre through ProCott. Support was to be provided through a licence agreement, whereby Council agreed to raise monies through the rates for ProCott and on receipt of agreed information provided a lump payment to the organisation. Council's resolution was specific in the description of the area where monies were to be raised and provided exceptions where the additional rate would not apply (residential land). Since 2004 Council has continued to raise a Specified Area Rate for ProCott.

In January 2011 Council received correspondence from the Department of Local Government identifying concerns about the raising of the ProCott specified area rate. The Department of Local Government has clearly stated that the practice of raising funds for ProCott using specified area rates should cease and suggested that differential rating be considered to achieve Council's intended aim.

Elected members have considered the implication of the introduction of differential rating to achieve an equitable means of providing funds for ProCott during two workshops. Members indicated that a differential rating system be introduced to provide funding for ProCott, and that horizontal equity will be retained.

Under differential rating the rates in the town centre commercial area would attract a higher rate in the dollar than other properties throughout the Town. The additional monies raised would support council's commitment to raise funds for ProCott's activities.

Differential Rating Policy

In accordance with Council's Differential Rating Policy, the criteria for consideration is as follows:

Horizontal Equity

A uniform rate in the dollar will be calculated for all properties with the town. A surcharge equivalent to the funding of ProCott will then be added the rate in the dollar for commercial properties within the Cottesloe Town Centre.

Council's expenditure obligations relative to income drawn from specific zones or area under consideration

A higher rate in the dollar would be set for commercial areas of the town centre to raise funds for ProCott.

Alternative options available

The practise of raising funds for ProCott using specified area rates used in past years is not an option. Specified area rating can only be used where Council is to use the revenue to provide services to a discrete group of properties. The only alternative to differential rating would be for council to fund ProCott from general revenue, thus passing the cost of this funding to all rateable properties.

Intended objectives and anticipated outcomes

The introduction of differential rating would allow council to adjust the rate in the dollar for those properties which benefit from funding provided to ProCott for promotional activities.

Identification of any non-conforming use sites within the zone or area which should be excluded.

The basis of differential rating using a combination of land use and zoning as determined by the Local Planning Scheme will ensure that non-conforming sites (such as residential use or vacant properties within the Cottesloe Town Centre) will not be subject to the higher rate in the dollar set for commercial town centre properties.

Give notice of certain rates

The Act requires that the Local Government advertise details of a proposed differential rate and minimum rate and invite submissions from the public 21 days prior to the annual adoption of the budget and the setting of the rates.

The advertisement is to provide details of the object for and details of each proposed rate and minimum payment.

Property revaluation and rating


Every three years the Valuer General provides a revaluation of properties in the Town to provide an updated basis of rating. A revaluation has recently been undertaken and new values have been supplied to the Town for implementation from 1 July 2011 and replaced the valuations currently in use.

The values attributed to properties are on a Gross Rental Value (GRV) basis. GRV's express the Valuer General's opinion of an annualised value a property would earn if it was offered on the open market for rental.

There is no widespread rental potential in vacant land; the Valuer General creates a synthetic GRV by defining a vacant property's market price potential and expressing the GRV as being 3% of this. It should be noted that prior to 1 July 2011, the percentage of 5% was used.

The Town derives its rate income by calculating the multiplier (the rate in the dollar) required to be applied to the GRV's to produce the rate revenue necessary to help fund services and investment.

Example – the following is a simplification of the process followed to determine the rate in the dollar required to raise a defined rate income. This calculation is further defined to include minimum rates.

GRV 2010/11 \$20,000		Rate in the Dollar \$0.06645		Rates Chargeable \$1,329
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Desired Income \$1,375		Revalued GRV \$20,800		Rate in the Dollar \$0.06610
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The *Valuation of Land Act 1978* defines the two principal categories of GRV used by the Town:

- **Improved Land**
Reflects the value of improvements made to land through the construction of infrastructure such as housing.
- **Vacant Land**
Land on which no improvements have been made. Works such as graining, filling, excavation, grading or levelling of the land, retaining walls, or other structures or works for that purpose, the removal of rocks, stone or soil, and the clearing of timber, scrub or other vegetation do not affect this status. Construction must, therefore, reach a particular point where improvements provide habitable status, before land can be classified as improved.

The Town maintains a database of rate codes which define sub-groups within these categories. Some codes represent groupings of properties according to a combination of local planning schemes and land use and some represent the ability to provide further analysis of rating if required.

The results of the 2011 revaluation are as follows:

	2008 Values \$	2011 Values \$	Increase / Decrease	
			\$	%
Residential Improved (RI)	87,882,184	106,990,882	19,108,698	21.74
Residential Vacant (RV)	7,414,860	4,735,300	(2,679,560)	(36.14)
Commercial Improved (CI)	6,171,560	7,359,154	1,187,594	19.24
Commercial Vacant (CV)	0	0	0	0.00
Commercial Town Improved (CT)	6,613,274	8,301,680	1,688,406	25.53
Industrial Improved (II)	20,800	42,030	21,230	102.07

Within these results the following information is noted:

Decrease in the valuation of vacant land is the result of a change of the percentage of potential market price used to calculate the GRV from 5% to 3%.

The variance in the changes to property valuations makes it unwise to discuss the Town's proposed rates in terms of price increase, as this will vary from one property to another.

2011/12 Budget calculations

The following tables are again simplified to demonstrate the process of calculating the rate yield. The rate yield table uses actual figures.

Non Minimum

Revalued GRV	×	Rate in the Dollar	=	Rates Yield
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Minimums

No of Assessments on minimums	×	Minimum Rate	=	Minimum Rate Yield
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2011/12 Rate Yield

		Minimum Rate/No of Assess	Minimum Yield \$	Rate in \$/ No of Assess	Non Minimum Yield \$
General		\$890.00		0.058929	
Residential Improved	RI	383	340,870	3053	6,024,278
Residential Vacant	RV	0	0	99	279,046
Commercial Improved	CI	10	8,900	68	427,524
Commercial Vacant	CV	0	0	0	0
Industrial Improved	II	0	0	1	2476
Town Centre Zone (Procott)		\$890.00		0.069654	
Commercial Town Improved	CT	11	9,790	126	570,150

Objects and Reasons for Rating

In addition to requiring the advertising of rates, the Local Government Act 1995 requires that a document be prepared describing the objects and reasons for each rate and minimum rate. The document, which defines the Town's approach and policy to rating for the forthcoming year, must be made available publicly as part of the advertising process.

The Town of Cottesloe's proposed objects and reasons for rating are:

- Council utilises differential rating based on zoning and land use. Specific rating categories are:

Land Zoned Town Centre Zone under the Town of Cottesloe's Town Planning	These rates are set with a premium to cover the cost of Council's funding for
-------------------------------------------------------------------------	-------------------------------------------------------------------------------

Scheme Number 2 and which is used for commercial purposes.	ProCott
Land not zoned Town Centre Zone under the Town of Cottesloe's Town Planning Scheme Number 2	Rates on all other properties are levied at the same rate to reflect the fact that these types make the same relative contribution.
Land zoned Town Centre Zone under the Town of Cottesloe's Town Planning Scheme Number 2 and which is used for non-commercial purposes	

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Differential Rating Policy (attached)

STATUTORY ENVIRONMENT

submissions received must be considered by Council prior to the adoption of rates.
Local Government Act 1995:

6.33. DIFFERENTIAL GENERAL RATES

- (1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics —*
 - (a) *the purpose for which the land is zoned, whether or not under a local planning scheme in force under the Planning and Development Act 2005;*
 - (b) *a purpose for which the land is held or used as determined by the local government;*
 - (c) *whether or not the land is vacant land; or*
 - (d) *any other characteristic or combination of characteristics prescribed.*
- (2) *Regulations may —*
 - (a) *specify the characteristics under subsection (1) which a local government is to use; or*
 - (b) *limit the characteristics under subsection (1) which a local government is permitted to use.*
- (3) *In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*
- (4) *If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.*

- (5) *A differential general rate that a local government purported to impose under this Act before the Local Government Amendment Act 2009 section 39(1)(a) came into operation is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.*

[Section 6.33 amended by No. 38 of 2005 s. 15; No. 17 of 2009 s. 39.]

6.36. LOCAL GOVERNMENT TO GIVE NOTICE OF CERTAIN RATES

- (1) *Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*
- (2) *A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*
- (3) *A notice referred to in subsection (1) —*
- (a) *may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;*
 - (b) *is to contain —*
 - (i) *details of each rate or minimum payment the local government intends to impose;*
 - (ii) *an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*
 - (iii) *any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;*
- and*
- (c) *is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*
- (4) *The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*
- (5) *Where a local government —*
- (a) *in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or*
 - (b) *proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),*

it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

Division 2 — Annual budget**6.2. LOCAL GOVERNMENT TO PREPARE ANNUAL BUDGET**

- (1) *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

** Absolute majority required.*

- (2) *In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —*
- (a) the expenditure by the local government;*
 - (b) the revenue and income, independent of general rates, of the local government; and*
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*
- (3) *For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.*
- (4) *The annual budget is to incorporate —*
- (a) particulars of the estimated expenditure proposed to be incurred by the local government;*
 - (b) detailed information relating to the rates and service charges which will apply to land within the district including —*
 - (i) the amount it is estimated will be yielded by the general rate; and*
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;*
 - (c) the fees and charges proposed to be imposed by the local government;*
 - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;*
 - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;*
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and*
 - (g) such other matters as are prescribed.*
- (5) *Regulations may provide for —*
-

- (a) *the form of the annual budget;*
- (b) *the contents of the annual budget; and*
- (c) *the information to be contained in or to accompany the annual budget.*

[Section 6.2 amended by No. 49 of 2004 s. 42(8) and 56.]

As indicated above the Town must conduct local advertising and detail each rate and minimum rate and make available the objects and reasons for rating. A minimum period of 21 days must be allowed to permit the community to provide feedback. Any

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Two budget briefing sessions have been held for Elected Members. ProCott have been informed and a meeting held with Board office bearers.

STAFF COMMENT

Based upon Council's continued intent to provide support for ProCott through a financial levy upon businesses within the Town centre and the recent advice from the Department of Local Government, officers support the introduction of a Differential Rating system for the commercial businesses within the Town Centre as defined within its Town Planning Scheme #2 (refer to attachment).

Public advertising will take place through an advertisement in a local newspaper, Council's website, the Cott News page, Council and Library Notice Boards and Council Meeting report/minutes.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council

- 1. Approves the following rates in the dollar and Objects and Reasons for differential rating in 2011/12 for the purposes of advertising for public submissions:**

	Minimum Rate	Rate in \$
Town Centre Zone	\$890.00	0.069654
General	\$890.00	0.058929

Objects and Reasons for Differential Rating

<p>Town Centre Zone</p> <p>Land Zoned Town Centre Zone under the Town of Cottesloe's Town Planning Scheme Number 2 and which is used for commercial purposes.</p>	<p>These rates are set with a premium to cover the cost of Council's funding for ProCott</p>
<p>General</p> <p>Land not zoned Town Centre Zone under the Town of Cottesloe's Town Planning Scheme Number 2</p> <p>Land zoned Town Centre Zone under the Town of Cottesloe's Town Planning Scheme Number 2 and which is used for non-commercial purposes</p>	<p>Rates on all other properties are levied at the same rate to reflect the fact that these types make the same relative contribution.</p>

2. Requests the Chief Executive Officer to advertise for a minimum of 21 days in accordance with the Local Government Act with the objective of providing information to the community regarding the issues and factors which contribute to the proposed rates in the dollar.
3. Receive a further report on this matter after the closure of the public advertising period.

Carried 11/0

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

Nil

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**13.1.1 PROPOSED DEPOT RELOCATION – RESCISSION OF DECISION: REPORT 11.2.2 26 JULY 2010, RESOLUTION ITEM 1.**

Cr Dawkins with the support of five Elected Members, proposed that Council consider, as a matter of urgent business the rescission of prior motion being Item 11.2.2 dated 26 July 2010 (item 1) that no further work be permitted by Administration on assessing a depot use at the Seaview Golf Course. She further proposed that officers prepare a report on the financial pros and cons of providing a shed for depot use on the Golf Course including a proposal to consult the Cottesloe Community as soon as practicable.

With that information as the basis for her proposal she formally recommended that Council consider the matter as Urgent Business.

Moved Cr Dawkins, seconded Cr Cunningham

That this matter be considered as business of an urgent nature introduced by Elected Members.

Carried 8/3

Council note: Standing Orders S. 16.20 Revoking Decisions requires a decision which is to be rescinded, to be supported by at least one third of the number of officers of Council.

The matter was moved by Cr Dawkins, and seconded by Crs Walsh, Cunningham, Strzina, Goldthorpe, Birnbrauer

COUNCIL DISCUSSION

Members discussed the matter at length with comments including an acknowledgement that the previous process of consultation could have been better managed and that the broader Cottesloe community should have been involved, with the benefits of the proposal being made clear. There was agreement that a *modified* proposal with limited footprint, away from Broome Street and the Sea View Child Care Centre would be more acceptable and would not impact on local residents. The proposed motion was intended to allow Administration the opportunity to re-investigate options for a limited (low impact) facility at the golf course site and to specifically look at the pro's and con's of such proposal, including consultation with the Cottesloe community. The benefits to the community of freeing up the current site need to be made clear, including the long term economic benefits for the Town, so that Council can make an informed decision.

COUNCIL RESOLUTION

Moved Cr Dawkins, seconded Crs Cunningham, Walsh, Strzina, Goldthorpe, Birnbrauer

That Council

- 1. Rescind its motion being Item 11.2.2 dated 26 July 2010 (item 1) that no further work be permitted by Administration on assessing a depot use at the Seaview Golf Course.**
- 2. Prepare a report on the financial pros and cons of providing a shed for depot use on the Golf Course including a proposal to consult the Cottesloe Community as soon as practicable.**

Carried 7/4

Against: Crs Woodhill, Carmichael, Boland and Rowell

Cr Woodhill left the Chambers at 7:45 PM and returned to the Chambers at 7:47 PM

14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 7:58 PM

CONFIRMED: MAYOR DATE: / /