

# **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, Tuesday, 29 September, 2009**

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

The Mayor opened the meeting at 7:05pm

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

Mayor Kevin Morgan	Presiding Member
Cr Jack Walsh	
Cr Jay Birnbrauer	
Cr Bryan Miller	
Cr Greg Boland	
Cr Jo Dawkins	
Cr John Utting	

**Officers**

Mr Carl Askew	Chief Executive Officer
Mr Geoff Trigg	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Ms Krystal Shenton	Executive Officer

**Apologies**

Cr Ian Woodhill

**Officer Apologies**

Nil

**Leave of Absence (previously approved)**

Cr Patricia Carmichael  
Cr Victor Strzina  
Cr Dan Cunningham

**3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 PUBLIC STATEMENT TIME**

Mrs Margaret Lynn, 75 Curtin Ave, Cottesloe – Item 10.1.17 - Request For Morton Bay Fig Tree Removal - Verge Of 75 Curtin Avenue, Cottesloe.  
Mrs Lyn reiterated her comments made at the Works & Corporate Services Committee Meeting including a request that Council remove the Morton Bay

fig tree due to the increase in damage the tree is causing. The trees root system has not only the potential to destroy storm water drains, crossovers and sewer lines but the potential to destroy the foundations of my property at 75 Curtin Avenue.

Large branches are constantly being removed by Council and a similar tree in Nedlands recently fell. Another issue with the tree is the number of bees. This is also a cost to Council as staff are constantly removing hives from the tree. Large amounts of fruit also fall from the tree each year and a few years ago an elderly lady slipped on the fruit.

We purchased the property in 1996 with the understanding that the tree would be removed in the next ten years due to the re-alignment of Curtin Avenue. This has not come to fruition and although it is a beautiful tree it is in the wrong place and we urge Council to remove the tree from the verge of 75 Curtin Avenue.

## **6 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

## **7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Moved Cr Miller, seconded Cr Walsh

[Minutes August 24 2009 Council.DOC](#)

**The Minutes of the Ordinary meeting of Council held on Monday, 24 August, 2009 be confirmed.**

Carried 7/0

## **8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Mayor Morgan spoke on the process and very topical issue of the Structural Reform Submission that was before the Council tonight and also made reference to the proposed State Government changes to the Planning approval and decision making process which aims to limit local government control of the amenity of its own neighbourhood.

He also took the opportunity to thank departing Councillors, Cr Bryan Miller and Cr John Utting, this being the last Council meeting of their term of office. He thanked them for their distinguished service to the governance of the Town and made particular reference to Cr Utting who was retiring after 27 years on Council.

### **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 RECOMMENDATION**

Moved Cr Walsh, seconded Cr Dawkins

**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 7/0

**9 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

For the benefit of the members of the public present the Mayor determined to considered the items in the following order:

Reports from Works and Corporate Services Committee were dealt with in the following order:

- 10.1.17 Request For Morton Bay Fig Tree Removal - Verge of 75 Curtin Avenue, Cottesloe
- 10.1.2 North Cottesloe Primary School Complimentary Recycling Service
- 10.1.4 Cottesloe Toy Library - Proposed Renovations
- 10.1.7 Sustainability Conference Finding Report
- 10.1.10 Corporate Beach Event 11 December 2009
- 10.1.11 Summer Fun 09/10 Event Application
- 10.1.12 Community Rally - Coalition for a Safe Climate
- 10.1.13 Investment of Surplus Funds Policy Update
- 10.1.14 Investments Policy Update
- 10.1.18 Request For Contribution - Upgrading of Right of Way 77, Cottesloe
- 10.1.20 Federal Government Regional and Local Community Infrastructure Program
- 10.1.21 Carbon Neutral Town of Cottesloe

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

Reports from Strategic Planning Committee were dealt with in the order of the Agenda.



**10 REPORTS OF COMMITTEES****10.1 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 22  
SEPTEMBER 2009****10.1.1 WESTERN METROPOLITAN REGIONAL COUNCIL BUDGET 2009-2010**

**File No:** SUB/378  
**Attachments:** [Cover Page](#)  
[Adopted Budget 2009 2010.pdf](#)  
**Responsible Officer:** Ruth Levett  
Principal Environmental Health Officer  
**Author:** Ruth Levett  
Principal Environmental Health Officer  
**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of the report is to inform the Members of the Western Metropolitan Regional Council's (WMRC's) Budget for 2009-2010, in particular the increase in the disposal fees above those originally proposed.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

- Local Government Act 1995
- Section 6.2

**FINANCIAL IMPLICATIONS**

Additional fees are within existing budgetary allocation. The estimated increase for the Town of Cottesloe is \$9,270. As it was decided to adopt the budget to include the proposed full twelve month State Government levy increase, the existing budgetary allocation will cover the increase adopted by WMRC.

**SUSTAINABILITY IMPLICATIONS**

Sending waste to landfill is not a sustainable option and will result in increased charges as the State Government levy on waste to landfill increases. Pending the outcome of the trial of the Dicom vertical bio-digestion plant at the Jim McGeough Resource Recovery Facility, formerly known as Brockway Transfer Station, there will be the potential to convert approximately 80% of household general waste into compost and avoid this levy.

Although there are currently no alternative options to dispose of household waste, other measures to educate residents to reduce and to reuse waste are critical. A regional education project funded by the Department of Environment and Conservation is being undertaken by WMRC. One of the major focuses will be on recycling of eWaste and larger household items.

**CONSULTATION**

Nil.

**STAFF COMMENT**

Prior to the finalisation of the Town's budget, it was proposed that the member's gate fee for the disposal of general waste through WMRC was to be \$131.00 inclusive of GST. At the most recent meeting of WMRC in August 2009 it was resolved to increase this gate fee to \$134.09. Further explanation of this is outlined below under the heading of 'Management and Administration'.

In addition to the actual cost of disposal of waste through the Jim McGeough Resource Recovery Facility and at Red Hill, there are a number of factors that impact on the Regional Council's budget. These are primarily:

- **Landfill Levy**  
The State Government has proposed to increase the levy on waste to landfill by 300% this financial year. Whilst the date of commencement has been postponed to 1 January, 2010, the actual amount of the increase has not been confirmed. Based on original suggestions, it is likely to be \$20.00 per tonne. This has not been factored into the WMRC's budget but it has been factored into the Town's budget and there will be no further impact when this increase is passed on from WMRC in January 2010, unless the State Government further increases the levy to recover their budget shortfall.
- **Waste Receivals**  
The amount of waste disposed of at the Jim McGeough Resource Recovery Facility has a direct impact on the budget predictions. In some respects it can be said that WMRC is working in direct contradiction to the philosophy of reducing waste. The success of WMRC is predicated on the maximum amount of tonnage that can be processed through the Transfer Station. At the same time we are educating our communities to reduce their waste to protect the environment. It is not clear whether the 8.9% decline in receivals in the past financial year was merely a result of the economic downturn or if it was a reflection of higher gate fees. In saying this it is noted that gate fees of other sites are now almost comparable with those of WMRC.
- **Plant and Equipment**  
Major plant acquisition and overhaul is funded from reserves. Budget surplus, whether projected or otherwise has traditionally been allocated to specific Reserve accounts for the maintenance and acquisition of plant. The projected budget for this purpose ensures that adequate funds are maintained accordingly. Current negotiations with the Town of Vincent have resulted in the need to review and increase the level of infrastructure. Subject to formal agreement with the Town of Vincent additional infrastructure will be purchased and upgraded from Reserve accounts.

➤ Management and Administration

The management of WMRC has to date been undertaken by one of the member Councils under a contractual agreement. The Town of Mosman Park currently manages the WMRC until 30 June 2010 when the contract expires. The WMRC, at the most recent meeting, resolved to engage a consultant to prepare a business model for the independent management of WMRC. Funds of \$100,000 were allocated for this purpose. Rather than utilise existing reserves for the study, it was decided to increase disposal fees by \$3.09 per tonne (inc. GST). This has resulted in an increase to the Town of Cottesloe of \$9,270 that is unbudgeted expenditure for this financial year. As stated, the current budget allocation is sufficient to cover this increase.

➤ Greenwaste Recycling

The greenwaste recycling operation has been successfully relocated to within the Recovery Facility grounds. Greenwaste is processed on site by a contractor and transported off site for reuse on projects such as stabiliser for areas adjacent to major road developments. The increase in processing costs of \$2.73 per tonne has been factored into the budget.

The most significant issue for the WMRC at present is the verification of Anaeco's Dicom technology that will convert approximately 80% of the Town's general waste to compost and energy. To date, preliminary trials have proven successful and more definitive results are expected by December, 2009. Upon the provision of the Test Report from Anaeco, the WMRC will engage appropriately qualified expert advice to assess the Assumptions Book which contains the costings that will determine the 'service charge' to WMRC. Depending on the success of the trial, a decision will be made to upscale the plant to process all general waste from the Regional Councils as well as additional tonnage from non-member clients.

Future land acquisition remains unresolved with options in the vicinity gradually shrinking as adjacent land is redeveloped for other purposes. The land immediately adjoining the eastern boundary of the Jim McGeough Resource Recovery Facility that is owned by the Department of Defence, remains undeveloped and is currently utilised for defence purposes. It is this land that will be critical for the future expansion of the WMRC and for the purpose of a buffer from development up to the boundaries of the Transfer Station.

## VOTING

Simple Majority

## OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Birnbrauer

**That Council note the budget for the Western Metropolitan Regional Council for 2009-2010 and acknowledges the officer's report outlining the increased disposal fees.**

Carried 7/0

**10.1.2 NORTH COTTESLOE PRIMARY SCHOOL COMPLIMENTARY RECYCLING SERVICE**

**File No:** SUB/121  
**Attachments:** [D09 7852 Letter - Collection of Recycling Bins - North Cottesloe Primary School.pdf](#)  
**Responsible Officer:** Ruth Levett  
**Author:** Principal Environmental Health Officer  
Ruth Levett  
Principal Environmental Health Office  
**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of the report is to present a request to Council to provide a complimentary recycling service for North Cottesloe Primary School. It is recommended that this request is not supported.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

- None known

**FINANCIAL IMPLICATIONS**

There are no current resources allocated for this request. This will need to be considered as part of next budgetary process. The cost of the service per annum is \$2,530.00.

**SUSTAINABILITY IMPLICATIONS**

Recycling is a sustainable initiative and is consistent with the philosophy of reducing the amount of waste being sent to landfill. The North Cottesloe Primary School has a strong focus on sustainability at the school.

**CONSULTATION**

Nil

**STAFF COMMENT**

The North Cottesloe Primary School has written to the Council to request consideration for assistance to provide a recycling collection at no cost, see attached letter.

The Town of Cottesloe has always been a supporter of sustainability initiatives and has provided assistance to the North Cottesloe Primary School where possible including the provision of a free recycling service for the past year and previously in the early years of the new waste service. This service was also provided to Cottesloe Primary School up until the Shire of Peppermint Grove introduced recycling bins to the area.

In the past it has been possible to absorb the cost of providing free services to assist schools and community organisations where they demonstrate a commitment to sustainable practices. It is regrettable to have to suggest that the Town needs to reconsider providing this free service.

When the State Government initially tendered for waste services to be provided to all government schools within the state, the Town wrote to the Department of Education expressing concern regarding the absence of a recycling collection service in the contract and requested that the Department review this option in the future.

Sita Environmental Services are the contractor currently providing waste and recycling services to government schools. The schools are provided with a bulk waste service which is evaluated on student numbers. If the school is able to reduce the bulk waste services by recycling, the school will receive the same amount of money for waste services through the school grant.

Reducing the bulk service and the number of recycling bins would possibly reduce the cost of the service to within the allocated school budget. A number of ways to reduce the cost could be to focus on waste reduction, to ensure that all paper is reused on both sides, that paper is utilised in the garden beds to prevent weed growth and in compost bins as part of the carbon component.

A survey of the regional Councils has revealed that the City of Nedlands is the only Council which provides a free recycling service to schools within their area.

The cost of providing waste services is increasing substantially and despite a reconfiguration of the costs to minimise the cost of recycling by comparison with general waste, there is no longer the ability to absorb free services to State Government Departments and community organisations within the current budget.

It is recommended that the request to provide a free recycling service is not supported.

## **VOTING**

Simple Majority

## **COMMITTEE COMMENT**

With the permission of the chairman, Cr Utting requested confirmation from Ms Dodds on the current arrangements and what the school was asking from Council.

Ms Dodds advised that currently the school is receiving ten complimentary recycle bins from Council. The school is asking that rather than remove all complimentary bins that Council meet the school halfway and supply five complimentary recycle bins for 2010.

Cr Walsh asked the Principal Environmental Health Officer whether it is possible to work with the school in coming up with ways to reduce the amount of waste the school produces. The Principal Environmental Health Officer saw no problem with this and advised that staff would continue to work with the school on reducing waste.

#### **OFFICER RECOMMENDATION**

That Council does not support the request for the provision of complimentary recycling services to the North Cottesloe Primary School.

#### **COMMITTEE RECOMMENDATION**

That Council:

1. Provide the North Cottesloe Primary School with five complimentary recycling bins for 2010.
2. Request staff work with the North Cottesloe Primary School staff and students and investigate alternatives to reduce the amount of waste produced by the school.

#### **AMENDMENT**

Moved Cr Walsh, seconded Mayor Morgan

In Item 2 add the word “, *parents*” after the word *staff*.

Carried 7/0

#### **COUNCIL RESOLUTION**

That Council:

1. Provide the North Cottesloe Primary School with five complimentary recycling bins for 2010.
2. Request staff work with the North Cottesloe Primary School staff, parents and students and investigate alternatives to reduce the amount of waste produced by the school.

The Substantive Motion was put

Carried 7/0

**10.1.3 CIVIC CENTRE FUTURE USE**

**File No:** SUB/126  
**Attachments:** [D08 9985 Report - Civic Centre Use - Estill & Assoc - Sept 2008 Part2.pdf](#)  
[Summary Town of Cottesloe Report June 2009.pdf](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Ruth Levett  
Principal Environmental Health Officer  
**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of the report is to present the findings of the Elected Member Workshop which identified potential uses of the Civic Centre buildings and grounds and to recommend that a community consultation workshop be conducted prior to the preparation of a final Implementation Plan.

**STRATEGIC IMPLICATIONS****Objective 1: Lifestyle**

*To protect and enhance the lifestyle of residents*

- Identify increased opportunities to use existing facilities or provide new venues for formal community cultural events and activities.

**POLICY IMPLICATIONS**

Nil.

**STATUTORY ENVIRONMENT**

- None known

**FINANCIAL IMPLICATIONS**

There are no resources currently allocated for specific upgrades to the Civic Centre grounds other than the current maintenance budget and this will need to be considered as part of next budgetary process for 2010-2011.

**SUSTAINABILITY IMPLICATIONS**

Any activities undertaken at the Civic Centre should meet the criteria of sustainability, that is, they will be Environmentally, Financially and Socially acceptable.

**CONSULTATION**

As the next step in the development of a plan for the future use of the Civic Centre buildings and grounds and buildings, it is proposed that community consultation be conducted by holding a community workshop facilitated by Estill & Associates.

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**STAFF COMMENT**

At the Council meeting of 27 October, 2008 it was resolved as follows:

*That Council:*

- (1) *Request staff to implement the short and medium term recommendations of the report prepared by Estill & Associates with the exception of the proposed display of historical documents in the new office foyer.*
- (2) *Request staff to report on the costs of renovating the Lesser Hall for further consideration when framing the 2009/2010 budget.*
- (3) *Convene an elected member workshop facilitated by a “place maker” to identify potential public and private uses of the Civic Centre for additional community consultation purposes.*

A copy of the short and medium term recommendations referred to in resolution (1) is attached. The majority of these recommendations have not been implemented and have therefore been incorporated into the current recommendations for the future use of the Civic Centre as shown in the second attachment. Any decision to implement these recommendations will follow community consultation and require that they be included in the budget allocation for 2010-2011.

With regard to resolution (2), discussions held with an architect in relation to the cost of renovating the Lesser Hall, have revealed that there are two possible options to consider when assessing this upgrade of the Lesser Hall. The first option is to simply upgrade what is in place to meet current building and safety standards and include minimal catering facilities. The second option is to consider the potential of the Lesser Hall as a community facility and one which communicates with the lower lawn and may be complimentary to functions held in this area. It could incorporate a commercial kitchen and provide the option for the service of light food, coffee and drinks to visitors and users of the grounds.

Further discussions were held with an experienced private restaurant and catering operator who looked at the various options for providing catering, café or other food service options for the Civic Centre.

The feedback received was that it is not viable for a private operator to invest in the infrastructure to provide a level of catering facilities for the Civic Centre and grounds. However, there is potential for a major infrastructure investment with long term lease and maintenance arrangements if consideration were given to a more substantial use of the Civic Centre buildings and grounds. This would include the shared use of the facilities by the Council and most importantly, the community.

From these discussions it became evident that any decision by the Town to invest in the upgrade or construction of facilities for on site catering, should be approached cautiously and with professional advice. Should the Council wish to pursue this option at the completion of the community consultation, it will be recommended that funds be made available to obtain a feasibility study.



This is only one of the suggested uses of the Civic Centre and other less costly activities can be implemented in the shorter term depending on the outcome of the community consultation and the final plan with timeframes and budgets.

The preliminary estimated cost of a minimal upgrade of the Lesser Hall is approximately \$150,000. This estimate is provided without an engineering or drainage assessment and it is recommended that this be conducted and a written estimate obtained prior to a decision to proceed with any works. The estimate includes internal upgrading of the hall, upgrading the existing kitchen facilities, store and toilets, electrical wiring and lighting.

Resolution (3), to conduct a workshop, has been completed and a summary of the results of the workshop are contained in the attachment. The full report has been circulated separately. Part of the resolution refers to additional community consultation regarding the potential public and private uses resulting from the workshop by the Elected Members.

It is noted that the outcomes of the previous community workshop held in October, 2008 and the Elected Member's workshop held in May, 2009, are very similar. In order to develop the final Implementation Plan what must be considered now is the method and extent of community consultation to be undertaken.

It is recommended that community consultation be conducted in the same manner as was previously undertaken, that is, in the form of another workshop facilitated by Estill & Associates.

In view of the impact of the activities at the Civic Centre on residents within close proximity, it is recommended that a letter of invitation be circulated to residents within a radius of approximately 250 metres of the Civic Centre and that other residents be invited to participate in the workshop through an advertisement in the Civic Centre News in the Post Newspaper.

Following the community consultation, a final Implementation Plan with timeframes and budgets will be prepared for consideration and adoption by Council. It is also recommended that residents are invited to continue to meet with the Council as the implementation phase progresses.

## **VOTING**

Simple Majority

## **COMMITTEE COMMENT**

In supporting the recommendation Committee discussed the need to ensure sufficient attendance at the proposed workshop was achieved, including the need for invitations to contain a follow up and RSVP process, and that the workshop be reconsidered if the numbers attending were too low. Committee requested that this issue be discussed with Estill & Associates so that we maximise our opportunities for community engagement and feedback.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Birnbrauer

**That Council:**

1. **Acknowledges the Town of Cottesloe Civic Centre Placemaking Workshop Report of June, 2009 compiled by Estill & Associates.**
2. **Convene a community workshop facilitated by Estill & Associates in November, 2009 to present the outcomes of the Elected Member workshop and determine community feedback and support for the outcomes.**
3. **Requests staff to prepare an Implementation Plan with projected budgets and submit a report for consideration to Council in February, 2010.**

Carried 7/0

**10.1.4 COTTESLOE TOY LIBRARY - PROPOSED RENOVATIONS**

**File No:** SUB/000  
**Attachments:** [Toy Library Proposed Plans.pdf](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Janna Lockyer  
Community & Events Support Officer  
  
**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The Cottesloe Toy Library has requested approval to renovate/extend their current premises. They have written to the Town as the land at 326 Marmion Street is vested currently to the Town of Cottesloe.

This report recommends that Council:

1. Approve in principle the proposed plans to allow Grant funding to be sought.
2. Submit an application to State Government (Lotterywest) for the proposed renovations.

The Cottesloe Toy Library wish to apply for a Grant from Lotterywest and as the land is vested in the Council, we would need to apply for the Grant with the Toy Library. The renovations will improve the working space at the Toy Library and will increase the numbers of members.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

- Residential Design Codes
- Proposed Local Planning Scheme No. 3

**FINANCIAL IMPLICATIONS**

The financial implications of the project would be minimal dependent on the success of the Grant application. Council currently has no funds in the 2009/10 budget To assist with this project. Part of the Community and Events Support Officer role is to support the sourcing of relevant grants for Community groups.

**SUSTAINABILITY IMPLICATIONS**

Nil

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**CONSULTATION**

Staff are consulting with the Cottesloe Toy Library Committee on the proposed renovations. Tonia Brazier, of the Cottesloe Toy Library, has met with Loxam Developments to gain some insight on possible renovations to maximise floor space. A rough sketch of this is attached.

**STAFF COMMENT**

The Cottesloe Toy Library has asked for Council support and help to apply for a Lotterywest Grant to renovate their current premises at 326 Marmion Street. Due to the great success the Library is seeing the need to increase floor space and membership numbers.

They are proposing to remove some internal walls and extend the exterior of the building to increase the floor space by approximately 50%. Attached is a rough sketch of the proposed plans. The Toy Library committee have been in contact with Loxam Developments who are aware of Council's Planning and Building regulations.

The resulting building will be an 'L' shape and will extend out as far as the garage of the adjoining property. The interior will have the kitchen removed along with the adjoining store room, to create a larger more accessible space. Additional shelving will be applied for in the Grant to accommodate the larger space.

The renovations are expected to take approximately six-eight weeks. During this time period the committee have not determined on what will occur for the Toy Library in terms of their operations. Some current suggestions are:

- The library shut down for this time period and either refund members pro rata for membership.
- Extend the membership for the renovation period.
- Store toys at members houses.

The renovations will allow the Toy Library to increase the number of toys available and the number of active members and decrease the current waiting list.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Cr Cunningham raised concerns that most of the interior is being removed like the kitchen sink and that this may be required in the future.

Manager of Engineering Services responded. Recently attending a conference in Melbourne he had the chance to visit a recently built Toy Library and all the Library had was one room with a desk and equipment, no other facilities were required.

*Mayor Morgan declared a Impartiality interest in Item 10.1.4 due to his family being members of the not for profit toy Library.*

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Walsh

**That Council:**

1. **Approve in principle the proposed plans to allow Grant funding to be sought.**
2. **Submit an application to State Government (Lotterywest) for the proposed renovations.**

Carried 7/0

**10.1.5 CIVICA CONFERENCE - SYDNEY**

**File No:** SUB/000  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Natasha Altham  
Senior Finance Officer

**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** Report recommends Senior Finance Officer attend the conference

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**SUMMARY**

Each year, a national user group conference is arranged by Civica to showcase and present program enhancements for the benefit of its users. Civica is the Town's corporate database provider and it is important that we remain in touch with the development of the database to ensure best work practices. This conference attracts all levels of users in order to gain a broader perspective of the issues. This year the conference will be held in Sydney from 25<sup>th</sup> to 27<sup>th</sup> October 2009. This report requests approval to attend this conference by the Senior Finance Officer.

The program is attached. The main topics of presentation are:

- Version 6 being released and its impact to Local Government.
- Troubleshooting current issues with Civica

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS****CONFERENCES****OBJECTIVE**

Provide guidelines for the approval of attendance of Members and Officers at Conferences/Seminars/Training.

**PRINCIPLES**

Council supports the attendance of Members and Officers at conferences/seminars/training when the benefits to the organisation from attendance can be clearly identified.

**ISSUES**

The extent to which Council supports and funds attendance at conferences is a contentious issue. The benefits of attendance are not always readily identifiable and consequently there can be problems convincing a sceptical community that the expenditure is justified. For this reason, it is important that the benefits of attendance can be readily identified, especially when attendance involves interstate or overseas travel.

**POLICY**

Employees who wish to attend a conference/seminar/training shall complete a Request for Training application form and submit it to the Chief Executive Officer through their Supervisor.

The Chief Executive Officer is authorised to approve attendance by Officers at intrastate conferences, seminars and training that forms part of the normal training and professional development of those Officers.

The Chief Executive Officer is authorised to actively promote and approve the attendance of elected members at training courses provided under WALGA's Elected Members Development Program.

In determining attendance, the Chief Executive Officer shall take into account identified priorities and funding availability.

When funding for a conference/seminar/training is not provided in the budget, authorisation must be sought through the Corporate Services Committee.

Attendance at any interstate or international conference must be the subject of an application to be considered by the Chief Executive Officer and referred to the Works & Corporate Services Committee for recommendation to Council.

The following expenses for approved conferences/seminars/training will be met by Council:

- (a) Registration fees;
- (b) Return fares and other necessary transport expenses;
- (c) Reasonable accommodation and living expenses.

Where possible expenses are to be prepaid.

All expenditure is to be accounted for prior to reimbursement

## **STATUTORY ENVIRONMENT**

Nil

## **FINANCIAL IMPLICATIONS**

The estimate of the conference attendance, accommodation, meals and travel for this conference is \$1,500. The 2009/2010 budget includes, an allowance of this amount for training costs of the Senior Finance Officer.

## **SUSTAINABILITY IMPLICATIONS**

Nil

## **CONSULTATION**

Nil

## **STAFF COMMENT**

One of the most important sources of current information and training for CIVICA users occurs in conferences and seminars.

New ideas are discovered from these presentations, trends occurring throughout Australia are promoted and new products are presented and discussed.

Attendance at the conference by the Senior Finance Officer is supported by the Chief Executive Officer.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Birnbrauer

**That Council approve the attendance of the Senior Finance Officer at the CIVICA Conference, in Sydney, New South Wales, from 25<sup>th</sup> to 27<sup>th</sup> October 2009 and Council to receive a report within two months on the conference detailing applicable items for improving Cottesloe.**

Carried 7/0



**10.1.6 QUEENSLAND LOCAL GOVERNMENT FINANCE MANAGERS  
CONFERENCE**

**File No:** SUB/591  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services

**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** The author is the person requesting to attend the conference

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**SUMMARY**

This report requests approval for the Manager Corporate and Community Services to attend the Queensland Local Government Finance Managers Conference.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS****CONFERENCES****OBJECTIVE**

Provide guidelines for the approval of attendance of Members and Officers at Conferences/Seminars/Training.

**PRINCIPLES**

Council supports the attendance of Members and Officers at conferences/seminars/training when the benefits to the organisation from attendance can be clearly identified.

**ISSUES**

The extent to which Council supports and funds attendance at conferences is a contentious issue. The benefits of attendance are not always readily identifiable and consequently there can be problems convincing a sceptical community that the expenditure is justified. For this reason, it is important that the benefits of attendance can be readily identified, especially when attendance involves interstate or overseas travel.

**POLICY**

Employees who wish to attend a conference/seminar/training shall complete a Request for Training application form and submit it to the Chief Executive Officer through their Supervisor.

The Chief Executive Officer is authorised to approve attendance by Officers at intrastate conferences, seminars and training that forms part of the normal training and professional development of those Officers.

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The Chief Executive Officer is authorised to actively promote and approve the attendance of elected members at training courses provided under WALGA's Elected Members Development Program.

In determining attendance, the Chief Executive Officer shall take into account identified priorities and funding availability.

When funding for a conference/seminar/training is not provided in the budget, authorisation must be sought through the Corporate Services Committee.

Attendance at any interstate or international conference must be the subject of an application to be considered by the Chief Executive Officer and referred to the Works & Corporate Services Committee for recommendation to Council.

The following expenses for approved conferences/seminars/training will be met by Council:

- (a) Registration fees;
- (b) Return fares and other necessary transport expenses;
- (c) Reasonable accommodation and living expenses.

Where possible expenses are to be prepaid.

All expenditure is to be accounted for prior to reimbursement

## **STATUTORY ENVIRONMENT**

Nil

## **FINANCIAL IMPLICATIONS**

No financial resource impact.

## **SUSTAINABILITY IMPLICATIONS**

Nil

## **CONSULTATION**

Nil

## **STAFF COMMENT**

The Manager Corporate and Community Services is on the LGMA WA Finance Managers Committee. There is a reciprocal arrangement that each state will send 2 committee members to the other states annual conference. The host state bears the registration cost and the WA committee funds the airfares.

## **VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Birnbrauer

**That Council endorse the Manager Corporate and Community Services attendance at the Queensland Local Government Finance Manager's Conference from 17 to 20 November 2009 and to receive a report within two months on the conference detailing applicable items for improving Cottesloe.**

Carried 7/0

**10.1.7 SUSTAINABILITY CONFERENCE FINDING REPORT**

**File No:** SUB/000  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Jade Hankin  
Sustainability Officer  
  
**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

Since 2006, the Annual Local Government Sustainable Development Conference has been held. For this year's event, delegates heard from over 30 national and international speakers discussing how local governments can address challenges of sustainability and achieve their sustainable development goals in a cost-effective manner.

The conference was held at the Sebel Hotel in Melbourne on the 18<sup>th</sup> and 19<sup>th</sup> of August 2009.

This report outlines some of the findings from the conference, relevant topics addressed and how ideas could be implemented at the Town of Cottesloe.

**STRATEGIC IMPLICATIONS**

Findings from the conference on topics relating to climate change and sustainability in general, could be integrated into strategic planning.

**POLICY IMPLICATIONS**

Council's *Conferences Policy* applies:

**CONFERENCES****OBJECTIVE**

Provide guidelines for the approval of attendance of Members and Officers at Conferences/Seminars/Training.

**PRINCIPLES**

Council supports the attendance of Members and Officers at conferences/seminars/training when the benefits to the organisation from attendance can be clearly identified.

**ISSUES**

The extent to which Council supports and funds attendance at conferences is a contentious issue. The benefits of attendance are not always readily identifiable and consequently there can be problems convincing a sceptical community that the expenditure is justified. For this reason, it is important that the benefits of attendance can be readily identified, especially when attendance involves interstate or overseas travel.

**POLICY**

Employees who wish to attend a conference/seminar/training shall complete a Request for Training application form and submit it to the Chief Executive Officer through their Supervisor.

The Chief Executive Officer is authorised to approve attendance by Officers at intrastate conferences, seminars and training that forms part of the normal training and professional development of those Officers.

The Chief Executive Officer is authorised to actively promote and approve the attendance of elected members at training courses provided under WALGA's Elected Members Development Program.

In determining attendance, the Chief Executive Officer shall take into account identified priorities and funding availability.

When funding for a conference/seminar/training is not provided in the budget, authorisation must be sought through the Corporate Services Committee.

Attendance at any interstate or international conference must be the subject of an application to be considered by the Chief Executive Officer and referred to the Works & Corporate Services Committee for recommendation to Council.

The following expenses for approved conferences/seminars/training will be met by Council:

- (a) Registration fees;
- (b) Return fares and other necessary transport expenses;
- (c) Reasonable accommodation and living expenses.

Where possible expenses are to be prepaid.

All expenditure is to be accounted for prior to reimbursement.

**STATUTORY ENVIRONMENT**

Nil

**FINANCIAL IMPLICATIONS**

Conference attendance, accommodation, meals and travel was ~\$2,000. This was found from within the current 09/10 budget.

**SUSTAINABILITY IMPLICATIONS**

This conference is the only, major annual event which caters for the role of a Sustainability Officer in local government and attracts a variety of overseas representatives and speakers.

The program, held over two days at The Sebel, Albert Park, Melbourne included the following topics;

- Expert analysis of Local Government's emissions trading obligations;

- Climate change and energy efficiency;
- Integrating sustainability into economic imperatives;
- Future directions for asset management;
- Practical approaches to water management;
- Sustainable planning and urban design;
- Waste management and resource recovery;
- Community engagement in environmental initiatives;
- Green purchasing and procurement.

## CONSULTATION

Nil

## STAFF COMMENT

The conference was a very worthwhile experience and provided a number of ideas and practical project examples which could be applied at the Town of Cottesloe.

Speakers varied from Local Government employees (primarily Senior Managers or Elected Members), to Consultants such as Meinhardt Infrastructure and Environment Pty Ltd and Industry Representatives such as Replas.

Over the two days, 26, 20 min presentations were heard.

These were from the following six topic areas:

1. Achieving Sustainability in Local Government;
2. Climate Change – Managing Risks at a Local Level;
3. Sustainable Infrastructure;
4. Practical Approaches to Water Management;
5. Sustainable Urban Development; and
6. Resource Recovery.

As well as presentations, a trade show was set up over both days showcasing various companies products and services.

The conference also provided ample opportunities to network with other staff from all around Australia.

**All presentations from all speakers will be available on CD for reference in ~September/October 2009 (dependant on distribution from conference organisers).**

Some of the key findings from relevant topics at the conference were as follows:

- The presentation from Law Firm DLA Phillips Fox about the Federal proposed Emissions Trading Scheme (ETS) and Carbon Pollution Reduction Scheme

(CPRS) indicated this will not affect the Town of Cottesloe as it does not have an operational landfill that crosses the required threshold for reporting.

- Comments were made (Geoff Lake) about the role of the ICLEI CCP Program and how this could be rejuvenated or re-established in a different way, but in essence providing local governments with the support it needs at an officer level for climate change adaptation and mitigation strategies. There is much support for the CCP program from local governments across Australia – it is important to continue to push the agenda.
- South Australia's Sustainable 1000 Project provided a very good example of how a local government (City of Prospect) assisted small business – the aggregated biggest employer contributor to climate change – in reducing their ecological footprint. The Town of Cottesloe has implemented similar yet smaller scale initiatives like this, such as the *Business Energy Visits* in conjunction with the SMRC in 2009. This South Australia project reinforces the value of establishing such projects and adds support for the continued roll out and upkeep of these types of projects in Cottesloe, albeit at a smaller scale.
- Before local governments can make real improvements in relation to climate change and sustainability; benchmarking needs to occur to see exactly where they are at, and to provide a basis from which to move forward. The use of measurable figures, trends and comparisons is important. (Steve Harrison, Rosemary Dillon)
- Local governments are well placed to pilot new ideas and actions. They have the ability to influence, develop partnerships, change behaviours etc with numerous stakeholders. Be bold and provide leadership and innovation. "Power is spread. Decisions as a resident, consumer and leader in local government increases sustainability" (Larissa Brown).
- Local governments need to provide appropriate management planning to set direction for the organisation and to facilitate and orchestrate integration. Need 'visions' and 'actions' to guide followed by council adoption and leadership support. Town of Cottesloe should consider 'sustainability visions and outcomes' when developing new Strategic Plan. Valuable reference *'The Citizen is Willing but Society Won't Deliver: The Problem of Institutional Roadblocks'* (Meyers & Kent, 2008)
- Regarding the impacts of climate change, liability lies with the local government, therefore it is important to start looking at how LG's will plan and react. This includes undertaking risk assessment's etc. (Louise Hicks) Town of Cottesloe has begun this process as part of the 'Foreshore Vulnerability Study' with Coastal Zone Management (CZM).
- From KPMG's perspective (Susan Staples), there are four key areas for local government to address in terms of climate change: *Carbon Accounting* (ghg inventory and emissions profile), *Financial costs* (direct – (physical), and indirect (infrastructure changes, energy use, supply change)), *Internal Readiness* (systems and processes) and *Strategy* (innovation and leadership). It is imperative to undertake each of these properly (admit challenges and/or failures), whilst engaging communities in the right way.
- Gold Coast Climate Change Strategy 2009-2014 (Peter Young) provides a good example of a council addressing the issue of climate change in all its council operations and decision making. Cottesloe should consider a Climate Change Strategy or Vision for 2020, including key objectives on mitigation and adaptation. Links back to Strategic Plan review.
- Dr Peter Kinrade outlined "Build Climate Change into Strategic Planning".

- North Sydney Council (Albert Lo) has implemented many energy efficient measures through a 'property portfolio approach', consultation with energy specialists and leveraged funding through the NSW Energy Funds. Some measures are already being utilised in the Town of Cottesloe (e.g. waterless urinals, sensor lighting) but others could be investigated further (Prius vehicle fleet, voltage reduction units etc).
- Dr Xiaoming Wang outlined the importance of looking at "Climate Change, Energy and Economy" together as interlinked issues.
- Robyn Evans and Faye Adams discussed the need to incorporate sustainability into strategic asset management.
- Nick Bailey reiterated the idea that LG's need to track where they are at in terms of sustainability. There are many resources available to do this: In house systems, commercial tools (Utility Tracker, Planet Footprint etc). Benchmarking is important to track facilities' performance over time, compare to other facilities and compare to industry best practice. This is more important than ever since the ICLEI CCP program is currently defunct. Cottesloe needs to decide how it will continue to measure its ghg emissions and targets if this program does not get reinstated.
- Examples of water sensitive urban design and water efficiency measures were outlined (Richard Amon and Michael Top) which highlight the importance of recycling and reusing water in council operations and building water efficiency into development applications. Town of Cottesloe has been a leader in this area with the reuse of storm water as part of the Cottesloe Peninsular Aquifer recharge program.
- Frankston 2025 Community Vision is an integrated strategy with 9 key areas for 'sustainable development' in Frankston City Council. Frankston has many examples of projects and actions that contribute to this vision and which assisted in it winning the 'Sustainable Cities Award 2009'. See [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au)
- Randwick City Council (Peter Maganov) utilises a \$3 million 'environmental levy' which goes to environmental projects and improvements in the City each year. This assists in leveraging an additional \$3 million from external grants. Projects fall under the areas of coastal protection, reducing resource consumption, ghg emissions, biodiversity and community participation. Town of Cottesloe could consider a similar levy or through a more regional cooperative such as WESROC. See [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au)
- SDAPP (Sustainable Design Assessment in the Planning Process) as used at the City of Port Phillip, and STEPS (Sustainable Tools for Environmental Planning Strategy) used in Moreland City Council could be considered at the Town of Cottesloe. STEPS is a free, web based residential building sustainability rating tool used by various councils and designers which fills a gap in the market between the Building Council of Australia's minimum performance rating and Green Star accredited buildings (the top 25% of the market). It assists all other, 'regular' residential buildings to increase its building sustainability.
- Disposal of E-waste is still a complex issue. Regulation needed to get effective disposal. Federal government to make decision on preferred regulatory framework in Nov 2009.

Environs Sustainability Awards for 2009 had no nominations for 'Elected Officials'. Keep this in mind for 2010.

## VOTING

Simple Majority



**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Walsh

**That Council receive the report from the Sustainability Conference 2009.**

Carried 7/0

**10.1.8 TOWN OF COTTESLOE - CITIZENSHIP CEREMONIES**

**File No:** SUB/4  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Krystal Shenton  
Executive Assistant  
**Attachment:** Australian Citizenship Ceremonies Code  
**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

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 at 6:30pm. Typically, they take about 20 minutes with the Mayor presiding and witnessing with family and friends.

This report proposes a change to the current citizenship ceremony arrangement and process, including timing and format.

It is recommended that Council:

1. Endorse four citizenship ceremonies over the course of a calendar year as following;
  - 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
2. Provide a moderate level of catering for each ceremony.

## 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

## FINANCIAL IMPLICATIONS

In the past ceremonies have been held prior to the Council meetings in the Council Chambers and have been a "low key" celebration. With the suggested increase of festivities, the citizenship budget will be affected, but only marginally. This report suggests that two of the four ceremony dates be held alongside pre-existing community celebrations, Australia Day and Pioneer's Day. It is anticipated that any budget increase will be from the remaining two and can be accommodated through the budget process.

## SUSTAINABILITY IMPLICATIONS

None Known

## CONSULTATION

Consultation with neighbouring WESROC Council's, Cambridge and Nedlands has taken place. The following was ascertained through some discussion with the people responsible for the ceremonies and compared with Cottesloe present format:

	Cambridge	Nedlands	Cottesloe (present)
Location	Reception Room, Cambridge Office	Mt Claremont Community Centre, Function Room	Council Chambers
Length	1 – 1.5 hours	1 hour	20 -30 minutes
Catering	finger food supper and wine, beer and soft drinks	cocktail food, and beer, wine and soft drinks	Nil
Gifts	Adults: <ul style="list-style-type: none"> <li>• gift wrapped china mug with an Australian animal or flower on it</li> <li>• enamelled Australian pin.</li> </ul> Children	<ul style="list-style-type: none"> <li>• A copy of the History of Nedlands - "Nedlands from Campsite to City"</li> <li>• A jar of vegemite</li> </ul>	<ul style="list-style-type: none"> <li>• Perth to Fremantle Collection of Pictures</li> <li>• commemorative Citizenship \$1.00 coin</li> </ul>

	<ul style="list-style-type: none"> <li>• Australian anthem poster,</li> <li>• paper flag.</li> <li>• commemorative Citizenship \$1.00 coin</li> </ul>		
Extra	Hire of a choir that sing the anthem and other songs for entertainment throughout the ceremony.	Complimentary photograph taken with the Mayor as a memento of the occasion	

### STAFF COMMENT

By hosting four significant ceremonies a year there will be an increase in numbers that attend each ceremony. Based upon previous numbers it is estimated that there should be about eight to twelve candidates per ceremony, which can add to the atmosphere of a ceremony. In the case of Mosman Park, they run a ceremony only when the numbers reach twenty, Claremont run ad hoc ceremonies based on numbers and Peppermint Grove run only four per year. This will also allow for more time to prepare a larger scale event

### Emergency Ceremonies

In addition, there is the option of running ceremonies as we do now for “emergency” reason, though not every local government offers this option as the Department of Immigration and Citizenship suggest that because a candidate can travel on their old passport prior to attending the Ceremony there should be very little need for an urgent ceremony. If a case is considered urgent, the Department then asks that the candidate fill out an Urgent Ceremony request form and they then run the ceremony at their offices in West Perth.

### Council Shopping

Council Shopping is when people look to attend a ceremony held by a Council outside of their residency. In this case they may approach several Councils to see when they each run their ceremonies and try and attend the one that suits them. The Department of Immigration and Citizenship are trying to stop this from occurring, strongly urging Councils not to accept such requests because all the records and applications are processed in and the certificates sent from Canberra. When certificates are sent from Canberra, Council has 5 working days from the date listed for the ceremony to return the receipt of the ceremony and declaration from the Presiding Member that all those who said they would attend, where there to collect their certificate. They are otherwise made void.

### Preparation

Ceremonies can take up to a couple of months to prepare. Once the conferral reports come in with the names of the eligible candidate come in, depending on where the Council is in its cycle, the next date is offered in a letter to the candidate. Once they accept that date, an email is sent to the Department requesting certificates. They then organise these from Canberra. The Department requires 4 weeks notice, at a

minimum to organise the certificate. Once an email for a certain date is sent to the department for certificates, the list can not be changed.

Once the certificates come in it is a matter of organising the ceremony. On the night the Mayor signs the conferral report and certificates, identifications are checked and the Electoral Voting form filled out and witnessed. All these documents are required to be returned to both the Department and the Electoral Commission no later than 7 working days after the ceremony.

The preparation is a lot of back and forward between the Town, the Department and the Candidate. It can take time to prepare, so ceremonies at present are limited to bi-monthly.

### **Options**

#### **Option 1**

The first option is to remain with the status quo with the Town running bi-monthly, brief ceremonies before the Council meeting, without catering.

#### **Option 2**

Adopt the Officer's recommendation to offer the community four significant ceremonies a year that are celebrated events that involve catering and set dates around significant Australian Dates.

#### **Option 3**

Implement a combination of both two significant celebrations on Australia Day and Pioneer's Day, with the addition of bi-monthly small ceremonies. This option will exceed the current allocation in the 2009/10 budget. It will also demand more time than is currently used in the preparation of the ceremony.

### **VOTING**

Simple Majority

### **OFFICER RECOMMENDATION**

That Council:

1. Endorse four citizenship ceremonies over the course of a calendar year as following;
  - 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
2. Provide a moderate level of catering for each ceremony.

**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Birnbrauer

**That Council:**

1. **Endorse four citizenship ceremonies over the course of a calendar year as following;**
  - 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.**

Carried 7/0

**10.1.9 ROTTNEST CHANNEL SWIM**

**File No:** SUB/000  
**Attachments:** [Rottnest Channel Swim.pdf](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Janna Lockyer  
Community & Events Support Officer  
  
**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

Rottnest Channel Swim Association has requested to again hold the Channel swim from Cottesloe Beach on Saturday 20 February 2010. The Event will be starting at 5.45am with the last wave of contestants leaving at 7.45am. There is also a request to have future dates entered into the calendar (2011 will be 26 February, 2012 will be 25 February and 2013 will be 23 February).

This report requests that Council:

1. Approve the Rottnest Channel Swim Event dates (20/02/2010, 26/02/2011, 25/02/2012 and 23/02/2013).
2. Inform the Rottnest Channel Swim Association of the new fees for 2010 and possible fees for the following years.
3. Inform Indiana's of the required opening hours of the public toilets.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

The following policies are to be considered;

- Beach, and
- Outdoor Concerts & Large Public Events.

**STATUTORY ENVIRONMENT**

- Health Act 1958

**FINANCIAL IMPLICATIONS**

No financial resource impact. This Event, based upon the Fees and Charges Schedule, is listed under a Concert classification as a *Charity/Community* and there would be no fee just a bond of \$1,000. There is however an additional fee for Ranger attendance of \$110/hour/Ranger and an additional cleaning fee for the Indiana toilets of approximately \$120 for each additional clean.

**SUSTAINABILITY IMPLICATIONS**

Nil

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**CONSULTATION**

Nil

**STAFF COMMENT**

The Rottnest Channel Swim has been running in its present form since 1991. In this time there has been great success, with competitors increasing from 16 individuals to seven teams competing in 1991 to 1,868 participating and 1,811 finishing in 2008. The number of spectators to has also increased for the Event.

This increase in numbers has increased the required services of Council. Each year Council increases waste removal, cleaning services for Indiana toilets and overtime for Ranger attendance.

In the past Council has not charged for the Event or the additional resources required from Council for the Event. Nor has Council requested a bond for the Event. As a part of the 2009/10 Budget process, new fees and charges were determined for the Beach. These included the increase of Ranger out of office time's fees.

All events held in the Town are required to have a bond paid before the events commences. The Rottnest Channel swim has not done this in the past, and as part of ensuring consistency of Events it has now been proposed that this event be charged a refundable bond providing no damage has occurred to the Town of Cottesloe as a result of the Event.

Additional fees are also being sought for Ranger time and the cost of additional cleaning services for the Indiana toilets. These costs are currently coming from Council. The Ranger time is charged at double time and to cover this fee as well as overheads, there was a fee of \$110 added to the Fees and Charges in the 2009/10 Budget. The cost of additional cleaning for Indiana is approximately \$120 for each additional clean on the day.

Based on last years Rottnest Channel Swim the 2010 event will be classed as a Charity/Community event with entry fee and patrons of above 1000 but below 3000. This classification entitles Cottesloe to charge a fee of \$1,000 and a bond of \$1,000 plus out of hours Ranger time and cleaning of Indiana toilets. Council may wish to consider that the Event in future be classed as a Corporate Event. This will allow Council to cover additional costs with a fee of \$6,000 and a bond of \$4,000.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Cr Boland sought clarification of the intended fees for the 2010 Rottnest Channel Swim.

Officers advised that Fees to be charged to the Rottnest Channel Swim are:

- Bond of \$1,000
- Ranger Time @ \$110/ranger/hour – average four hours from 4am to 8am(\$880)
- Additional cleaning of Indiana toilets at \$120/clean (approx 2 cleans = \$240).



Cr Cunningham spoke to the matters raised by Ms Hatton, specifically lights and the opening of the toilets on the morning.

Officers advised that both of these will be checked the day before the Event and confirmed that Rangers now have keys to the toilets.

Committee were in agreement that the event should continue to be considered as a community event and opposed to a corporate event.

#### **OFFICER RECOMMENDATION**

That Council:

1. Approve the Event Rottnest Channel Swim Event dates (20/02/2010, 26/02/2011, 25/02/2012 and 23/02/2013).
2. Inform the Rottnest Channel Swim Association of the new fees for 2010 and possible fees for the following years.
3. Inform Indiana's of the required opening hours of the public toilets

#### **COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Birnbrauer

That Council:

1. **Approve the Event Rottnest Channel Swim Event dates (20/02/2010, 26/02/2011, 25/02/2012 and 23/02/2013).**
2. **Inform the Rottnest Channel Swim Association of the new fees for 2010.**
3. **Inform Indiana's of the required opening hours of the public toilets.**

Carried 7/0

**10.1.10 CORPORATE BEACH EVENT 11 DECEMBER 2009**

**File No:** SUB/000  
**Attachments:** [Westnet Corporate Event.pdf](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Janna Lockyer  
Community & Events Support Officer  
  
**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The Town has received an application for a corporate team building event to be held on Cottesloe Main Beach.

Corporate Challenge is requesting to hold a corporate team building event for Westnet on Friday 11<sup>th</sup> December 2009. The Event is a beach Olympics style event including sports like volleyball, sandcastles, tug-o-war etc. None of the activities involves entering the water. The expected time frame for the event is between 2.00pm and 5.00pm and there are currently no bookings for the month of December.

Westnet have hired Cottesloe Surf Life Saving Club for the food prior to the use of the beach.

This report recommends that Council:

1. Approve the Event subject to:
  - a. No advertising of the either company to be displayed.
  - b. Adequate arrangements for rubbish collection and removal, including the provision for recycling.
  - c. Compliance with noise regulations.
  - d. Compliance with relevant health and safety legislation.
  - e. Appropriate public liability insurance of not less than \$10 million.
2. Inform the applicant of Council's decision.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

The Beach policy requires consideration with this report.

**STATUTORY ENVIRONMENT**

Nil

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Town of Cottesloe receives regular applications for corporate events over the summer period. Many of these applications are for small numbers and do not require Councils permission.

Corporate Challenge has requested the use of the Main Beach for activities such as volleyball for the team building of Westnet. The number of participants (70) requires Councils approval.

The event will be low key and no part of the beach will be excluded from public access.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Miller, seconded Cr Walsh

That Council:

1. Approve the Event on Friday 11 December 2009 between 2.00pm and 5.00pm subject to:
  - a. No advertising of the company to be displayed.
  - b. Adequate arrangements for rubbish collection and removal, including the provision for recycling.
  - c. Compliance with noise regulations.
  - d. Compliance with relevant health and safety legislation with regard to food, hygiene.
  - e. Appropriate public liability insurance of not less than \$10 million.
2. Inform the applicant of Council's decision.

**AMENDMENT**

Moved Cr Walsh, seconded Mayor Morgan

That a point f. be added to Item 1. to state:

*"The event to be held north of the main beach, adjacent to Peter's Pool"*

Carried 6/1

**COUNCIL RESOLUTION**

That Council:

1. Approve the Event on Friday 11 December 2009 between 2.00pm and 5.00pm subject to:
  - a. No advertising of the company to be displayed.

- b. Adequate arrangements for rubbish collection and removal, including the provision for recycling.
  - c. Compliance with noise regulations.
  - d. Compliance with relevant health and safety legislation with regard to food, hygiene.
  - e. Appropriate public liability insurance of not less than \$10 million.
  - f. The event to be held north of the main beach, adjacent to Peter's Pool
2. Inform the applicant of Council's decision.

The Substantive Motion was put

Carried 4/3

**10.1.11 SUMMER FUN 09/10 EVENT APPLICATION**

**File No:** SUB/000  
**Attachments:** [Summer Fun Application.pdf](#)  
**Responsible Officer:** Carl Askew  
**Chief Executive Officer**  
**Author:** Janna Lockyer  
**Community & Events Support Officer**  
  
**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The Town has received an application for a company to run a free event over the summer period to be held on Cottesloe Main Beach.

Maverick Marketing and Communications is requesting to hold an event on the 9<sup>th</sup> – 10<sup>th</sup> January 2010. The Event involves an inflatable entertainment area for all ages (12 through to 50). An example of previous events is attached on the application. Entry to the event is free with a recycled can/bottle.

This report recommends that Council:

1. Approve the Event on the 9<sup>th</sup> and 10<sup>th</sup> January 2010 subject to:
  - g. No alcohol or tobacco company sponsors and advertising.
  - h. Extensive Risk Management Plan
  - i. Adequate arrangements for rubbish collection and removal, including the provision for recycling.
  - j. Compliance with noise regulations.
  - k. Compliance with relevant health and safety.
  - l. Appropriate public liability insurance of not less than \$10 million.
2. Inform the applicant of Council's decision and requirements.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

The Beach policy requires consideration with this report.

**STATUTORY ENVIRONMENT**

Nil

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

Currently no events of this sort are held on any Cottesloe Beach. As the main beach is quite busy during the time period requested, it may be an option to place the Event at North Cottesloe.

The Community Safety and Crime Prevention Committee are always interested in ways to provide the youth of Cottesloe with activities either on the beach or at the Civic Centre.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

In discussing the report Committee were of the view that the location of this event should be north of the main beach area near 'Slimey's' (area of beach located across from the intersection of Napier Street and Marine Parade).

**OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Miller, seconded Cr Walsh

That Council:

1. Approve the Event on the 9<sup>th</sup> and 10<sup>th</sup> January 2010 subject to:
  - a. No alcohol or tobacco company sponsors and advertising.
  - b. Extensive Risk Management Plan
  - c. Adequate arrangements for rubbish collection and removal, including the provision for recycling.
  - d. Compliance with noise regulations.
  - e. Compliance with relevant health and safety.
  - f. Appropriate public liability insurance of not less than \$10 million.
2. Inform the applicant of Council's decision and requirements.

**AMENDMENT**

Moved Mayor Morgan, seconded Cr Walsh

That a point g. be added to Item 1. to state:

*"The event to be held north of the main beach, adjacent to Peter's Pool"*

Carried 6/1

**COUNCIL RESOLUTION**

That Council:

1. Approve the Event on the 9<sup>th</sup> and 10<sup>th</sup> January 2010 subject to:
  - a. No alcohol or tobacco company sponsors and advertising.
  - b. Extensive Risk Management Plan

- c. Adequate arrangements for rubbish collection and removal, including the provision for recycling.
  - d. Compliance with noise regulations.
  - e. Compliance with relevant health and safety.
  - f. Appropriate public liability insurance of not less than \$10 million.
  - g. The event to be held north of the main beach, adjacent to Peter's Pool
2. Inform the applicant of Council's decision and requirements.

The Substantive Motion was put

Lost 5/2

**10.1.12 COMMUNITY RALLY - COALITION FOR A SAFE CLIMATE**

**File No:** SUB/000  
**Attachments:** [Community Rally Application.pdf](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Janna Lockyer  
Community & Events Support Officer  
  
**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The Town has received an application to hold a support rally on the Cottesloe Beach for the Coalition for a Safe Climate. The rally is scheduled for 24<sup>th</sup> October 2009 and will include approximately 300 people making a human sign on the beach.

Coalition for a Safe Climate have organised similar events in the past. On 13<sup>th</sup> June 2009 a Climate Emergency Rally was held in Forrest Place in the Perth city. On this occasion, the rally aims to raise awareness and support for action to reduce atmospheric greenhouse gas levels. To do this the rally will have a small number of speakers and the creation of the human sign "<350".

This report recommends that Council:

1. Approve the Event on 24<sup>th</sup> October 2009 subject to:
  - a. Adequate arrangements for rubbish collection and removal, including the provision for recycling
  - b. Compliance with noise regulations.
  - c. Appropriate public liability insurance of not less than \$10 million.
  - d. Payment of bond before the commencement of the event.
2. Approve the use of a PA system powered by renewable energy (if this is not possible, the use of grid power).

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

The Beach policy requires consideration with this report.

**STATUTORY ENVIRONMENT**

Nil

**FINANCIAL IMPLICATIONS**

In the 2009/10 Budget, this Event is classed as a Charity/Community event with no entry fee and less than 3000 people. An event of this nature requires a bond of \$1,000 to be paid before commencement of the Event.



**SUSTAINABILITY IMPLICATIONS**

As this is an event highlighting environmental issues, the organisers are endeavouring to use renewable resources to power the PA system they require.

**CONSULTATION**

Nil

**STAFF COMMENT**

Coalition for a Safe Climate has requested the use of the Main Beach for a community rally. The number of participants (300) and the use of a PA system requires Councils approval.

The Town of Cottesloe is a leader in sustainability initiatives and approving the application for the Event could be seen as a further step in supporting a “cleaner, greener community”.

The event will be low key and no part of the beach will be excluded from public access.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Birnbrauer

**That Council:**

1. **Approve the Coalition for a Safe Climate Community Rally on 24<sup>th</sup> October 2009 subject to:**
  - a. Adequate arrangements for rubbish collection and removal, including the provision for recycling
  - b. Compliance with noise regulations.
  - c. Appropriate public liability insurance of not less than \$10 million.
  - d. Payment of bond before the commencement of the event.
2. **Approve the use of a PA system powered by renewable resources if this is not possible, approving the use of grid power.<sup>3</sup>**

Carried 7/0

**10.1.13 INVESTMENT OF SURPLUS FUNDS POLICY UPDATE**

**File No:** SUB/000  
**Attachments:** [Investment of Surplus Funds Policy.pdf](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services  
  
**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The Town of Cottesloe policy for Investment of Surplus Funds has been reviewed by Council staff. This report recommends that Council adopt the unchanged policy.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

No change to the Investments of Surplus Funds Policy.

**STATUTORY ENVIRONMENT**

Nil

**FINANCIAL IMPLICATIONS**

None

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

This policy has been reviewed to ensure it is relevant to the Town of Cottesloe's current working environment. No changes were required to be made to this policy.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Miller, seconded Cr Birnbrauer

That Council note the policy has been reviewed and maintain the Investment of Surplus Funds Policy as per the Investments Policy attachment.

**AMENDMENT**

Moved Mayor Morgan, seconded Cr Dawkins

That a point 4(c) be added into the Policy to state:

*"All things being equal that preference be given to a bank that has a branch in Cottesloe"*

Carried 7/0

**COUNCIL RESOLUTION**

**That Council note the policy has been reviewed and maintain the Investment of Surplus Funds Policy as per the amended Investments Policy.**

**The Substantive Motion was Put**

Carried 7/0

**10.1.14 INVESTMENTS POLICY UPDATE**

**File No:** SUB/000  
**Attachments:** [Investments policy.pdf](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services  
  
**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The Town of Cottesloe policy for Investments has been reviewed by Council staff. This report recommends that Council adopt the unchanged policy.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

No change to the Investments Policy.

**STATUTORY ENVIRONMENT**

Nil

**FINANCIAL IMPLICATIONS**

None

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

This policy has been reviewed to ensure it is relevant to the Town of Cottesloe's current working environment. No changes were required to be made to this policy.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Miller, seconded Cr Walsh

That Council note the policy has been reviewed and maintain the Investments Policy as per the Investments Policy attachment.

**AMENDMENT**

Moved Mayor Morgan, seconded Cr Dawkins

That a point (k) be added into the Policy to state:

*"All things being equal that preference be given to a bank that has a branch in Cottesloe"*

Carried 7/0

**COUNCIL RESOLUTION**

**That Council note the policy has been reviewed and maintain the Investment of Surplus Funds Policy as per the amended Investments Policy.**

**The Substantive Motion was Put**

Carried 7/0

**10.1.15 APPOINTMENT OF AUDITOR FOR NEXT 3 YEARS**

**File No:** SUB/534  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services

**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

A recommendation is made to appoint UHY Haines Norton as the auditor for the Town of Cottesloe for the next 3 years up to and including the 2011/2012 financial year.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT****LOCAL GOVERNMENT ACT 1995****SECTION 7.3 APPOINTMENT OF AUDITORS**

1. A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint\* a person, on the recommendation of the audit committee, to be its auditor.

*\* Absolute majority required.*

2. The local government may appoint one or more persons as its auditor.
3. The local government's auditor is to be a person who is —
  - a. a registered company auditor; or
  - b. an approved auditor.

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

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**STAFF COMMENT**

As part of its commitment to joint services and regional partnerships, the WESROC Council's agreed to support a joint tender for Audit services. A Tender Evaluation Review Panel has now completed an assessment of the tender documentation and made a recommendation for the next 3 financial years (i.e. from 2009/2010 to 2011/2012). The recommendation from the panel to all member Councils is to proceed with the UHY Haines Norton tender.

The tender was advertised in the West Australian on Saturday 6 June 2009. The tender document was compiled with the assistance of the following staff:

Andries Gertenbach – Town of Mosman Park

Phil Howard – Shire of Peppermint Grove

Felicity Faranda – City of Subiaco

Mike Cole – City of Nedlands

Les Crichton – Town of Claremont

Jane Sterry – Town of Cambridge

Janna Lockyer – Town of Cottesloe

The tender closed 4 p.m. Monday June 22nd 2009. There were 7 responses.

A tender evaluation panel was established comprising the following members:

Andries Gertenbach – Town of Mosman Park

Mike Cole – City of Nedlands

Graham Pattrick – Town of Cottesloe

Each tender application was assessed against the following criteria:

- Compliance with the specifications contained within the tender documents – 20%
- The experience of the auditors and the audit firm – 35%
- The capacity to undertake the audit and the ability and commitment to meet timeframes for the delivery of audit services – 20%
- Price and value for money – 20%
- Answers to the environmental questionnaire – 5%

A report was prepared for the WESROC Executive who resolved to endorse UHY Haines Norton as the preferred tenderer, based on the assessment carried out and that they be recommended to each local government's Audit Committee for appointment for a three year term.

**VOTING**

Absolute Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**That Council appoint UHY Haines Norton as the auditor for the Town of Cottesloe for the next 3 years up to and including the 2011/2012 financial year.**

**10.1.16 SAFETY OF PEDESTRIANS CROSSING STIRLING HIGHWAY -  
PRESBYTERIAN LADIES COLLEGE**

**File No:**

**SUB/505**

**Attachments:**

[Pedestrian Crossing for PLC.pdf](#)

**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** Nil

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## **SUMMARY**

The Presbyterian Ladies College has been concerned with the safety of pedestrians crossing Stirling Highway at McNeil Street for some time. The matter has now been taken up with the Premier.

The college has requested Councils' support to provide for a safer form of crossing. The recommendation is that Council resolve to provide a letter of support to the Presbyterian Ladies College for the installation of a light controlled pedestrian crossing on Stirling Highway at McNeil Street, with a letter also being sent to Main Roads WA to underline Town of Cottesloe support for such a crossing.

## **BACKGROUND**

Stirling Highway in this area is one of the more busy suburban highways. The crossing on Stirling Highway at the McNeil Street junction is on a slope with a high potential for speeding. It is also used for buses turning into and out of McNeil Street plus parents delivering and picking up students.

The college is seeking a light controlled pedestrian crossing, similar to the crossing over Curtin Avenue at Grant Street.

## **STRATEGIC IMPLICATIONS**

Nil

## **POLICY IMPLICATIONS**

Nil

## **STATUTORY ENVIRONMENT**

Through State Government legislation the Police Department and Main Roads WA would, if the submission was successful, establish line marking, signage and arrange installation of any form of light controlled pedestrian crossing. Local Government has no powers in this regard.

## **FINANCIAL IMPLICATIONS**

Nil

## **SUSTAINABILITY IMPLICATIONS**

Nil



**CONSULTATION**

This matter is a request for Council support. Presbyterian Ladies College is consulting with all stakeholders for support.

**STAFF COMMENT**

The success of this 'push' to achieve a light controlled pedestrian crossing over Stirling Highway at McNeil Street will depend on Main Roads WA assessment of the site, the availability of funding and the impact on the vehicle flow of Stirling Highway. It is a dangerous location, with traffic tending to speed down a slope. The highway continues to carry heavy and increased traffic numbers.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Birnbrauer

**That Council to provide a letter of support to the Presbyterian Ladies College for the installation of a light controlled pedestrian crossing on Stirling Highway at McNeil Street, with a letter also being sent to Main Roads WA to underline Town of Cottesloe support for such a crossing.**

Carried 7/0

**10.1.17 REQUEST FOR MORTON BAY FIG TREE REMOVAL - VERGE OF  
75 CURTIN AVENUE, COTTESLOE**

**File No:** PRO/837  
**Attachments:** [Morton Bay Fig Attachment.pdf](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
  
**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

A very large fig tree exists on the west side road verge of Curtin Avenue, fronting 75 Curtin Avenue.

A request has been received from the property owner for the tree to be removed because of a number of problems caused by the tree.

The recommendation is that Council resolve to:

1. Remove the fig tree on the Curtin Avenue road verge fronting No. 75 Curtin Avenue.
2. Inform affected residents and residents who have given comments on this matter of Councils decision.

**BACKGROUND**

The owners of 75 Curtin Avenue had provided a number of reasons for the removal of this very large fig tree growing on the road verge initially in late 2008. Due to budget constraints, the removal consideration was put on hold until the new 2009/2010 financial year.

The reasons for removal are:

- Profuse growth of the tree since the property was purchased in 1996.
- This type of tree has fast growing surface roots that can destroy pipes, foundations and other infrastructure.
- It drops large amounts of rotting fruit and leaves.
- The tree creates ongoing maintenance and potential public liability issues – Council has been to the site at different times to clean up and prune.
- The fruit attracts bees and wasps, with nests having to be removed by Council staff several times.
- High potential for this tree to cause future structural damage to the house. Damage is already obvious to the footpath, crossover and driveway.

Several property owners near No. 75 have provided written support for this tree to be removed (no's 79, 85 and 87). The property on the south side has provided a letter of support, listing similar issues, as listed by the owner of No. 75, as reasons for removal.

Comments were also received on a request for removal three years ago when an elderly lady slipped and fell on the path due to dropped fruit. Thanks were given for a temporary fix due to pruning. Concern is expressed on the potential for bee stings affecting a son who has bad reaction to such stings.

However, a letter has been received from the north side owners of No. 77 Curtin Avenue, withdrawing any support for tree removal. The reasons given for retention are that the tree is healthy and not in a dangerous condition. Initial support was given when these owners were away from Cottesloe and the owners of No. 75 requested support for removal due to dangerous condition, lack of tree health and a risk to homes. The owners of No. 77 now believe this is not correct. The tree makes a mess but also provides benefits, and is a local landmark.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Councils Street Trees policy applies.

**STATUTORY ENVIRONMENT**

- None known

**FINANCIAL IMPLICATIONS**

In 2008 a quote of \$5,000 was received for this tree to be removed by a contractor. This would be funded from the Street Tree Maintenance account.

**SUSTAINABILITY IMPLICATIONS**

Involves the potential removal of one large non-local species tree with the potential for replacement landscaping with native shrubs.

**CONSULTATION**

Nil

**STAFF COMMENT**

This fig tree dominates all of the large verge area fronting 75 Curtin Avenue and has a large impact on the verges of 73 and 77. There is a Norfolk Island Pine tree in front of 77 which has a slight lean away from the fig tree. Because of the fig tree size, there would be great difficulty in growing a lawn or native shrubs around the fig tree. This tree is the only fig tree on this section of Curtin Avenue and is also the largest of any tree.

The root system is large and well established. The crossover and single parking bay on the verge is of concrete paving bricks, with slight deforming on the west side of the tree. Given time, much greater impact on adjacent infrastructure would be expected.

As has been explained to Councillors in the past, fig trees are not suitable for street verge plantings, with no new figs being planted in recent years and a number being removed e.g. Charles Street. A number of metropolitan councils have a policy of removal or replacement with other species.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Cr Boland spoke in support of retaining the tree given its health, the support of the neighbours at 77 Curtin Avenue, the amenity it provides to Curtin Avenue, the cost of removal of the tree and the value the trees provide.

Cr Woodhill spoke in support of the officer recommendation citing the comments for Ms Lynn including the damage caused by the root systems, the fruit that it drops and the danger this causes. Whilst acknowledging the health of the tree he was of the opinion it was the wrong location and should be replaced with another type of tree more suited to the location.

Committee considered the officer recommendation (and voted accordingly) and the presiding member used his "*casting vote*" in favour of the officer recommendation.

**OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Miller, seconded Cr Dawkins

That Council:

1. Remove the fig tree on the Curtin Avenue road verge fronting No. 75 Curtin Avenue.
2. Inform affected residents and residents who have given comments on this matter of Councils decision.

Lost 5/2

**COUNCIL DISCUSSION**

Council discussed the report at length, with Cr Boland foreshadowing a replacement motion in support of retaining the tree should the recommendation not be adopted, and inclusive of a new part to the resolution involving the investigation of what can be done to reduce the damage to any adjacent crossover or footpath.

**COUNCIL RESOLUTION**

That Council:

1. Declines the request to remove the fig tree on the Curtin Avenue road verge fronting No. 75 Curtin Avenue.
2. Instruct staff to investigate what, if anything, can be done to the tree to reduce any damage to adjacent crossovers and footpaths and to improve the area beneath the tree.
3. Inform affected residents and residents who have given comments on this matter of Councils decision.

Carried 7/0

**10.1.18 REQUEST FOR CONTRIBUTION - UPGRADING OF RIGHT OF WAY  
77, COTTESLOE**

**File No:** SUB/317  
**Attachments:** [Right of Way 77.pdf](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
  
**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The owners of properties fronting the unsealed section of ROW 77, giving access from Sydney Street, have requested a Council contribution of \$10,000 towards an approximately \$25,000 total estimated cost of sealing and draining the remaining unsealed section of the laneway.

The recommendation is made to accept the proposal that the Town of Cottesloe contribute \$10,000 towards the sealing and drainage of portion of ROW 77.

**BACKGROUND**

Council adopted a new policy on *Rights of Way/Laneways* in August 2006. The first two objectives of the policy are:

1. To provide a safe environment and trafficable surface for residents to access their properties while managing risk to the public and the Town of Cottesloe.
2. To establish a procedure for the progressive upgrading of all public Rights of Way and Laneways, by paving and drainage, using all available sources of funding.

Since 2006/07 a \$20,000 allowance has been made for minor upgrading works throughout the ROW/Laneway network. This figure is not sufficient to install proper base materials, drainage pits and similar needs per year, over the unsealed section of the ROW system. Only minor sealing has been undertaken in 3 years, particularly where a development contribution has been made for a half width of ROW to be sealed.

There are no programs in place to bring the ROW network up to a quality condition, apart from individual sealing works tied to a development condition for a new house construction.

The laneway/ROW requested for a contribution towards sealing and drainage is 40m long, 4.1m wide and is the most southern section of ROW 77, which runs south from Sydney Street. The first section has been sealed and drained for many years.

Drainage water on this unsealed sand surface laneway section is uncontrolled, similar to most other unsealed laneways in Cottesloe.

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**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Rights of Way/Laneways Policy applies.

**(1) OBJECTIVES:**

1. To provide a safe environment and trafficable surface for residents to access their properties while managing risk to the public and the Town of Cottesloe.
2. To establish a procedure for the progressive upgrading of all public Rights of Way and Laneways, by paving and drainage, using all available sources of funding.
3. To establish a procedure for private developments and subdivisions to contribute to the upgrading of public Rights of Way and Laneways, where those developments impact on those routes.
4. To establish a procedure for sections of private laneways to become Crown land, including land held by Council as private property and used by the public as access.

**(2) PRINCIPLES:**

1. To recognise that the Rights of Way (ROW)/Laneway network provides valuable access to residential and commercial properties.
2. To recognise that aesthetic improvements occur in street frontages when garages and carports are accessed from ROW's and Laneways.
3. To ensure that the costs of improvements to ROW's/Laneways are funded by developers and subdividers, if such improvements are required to service such developments.
4. To recognise that the ROW/Laneway network is of benefit to the whole community and that the Town of Cottesloe should contribute towards upgrading, if landowners wish to contribute towards ROW or Laneway upgrading.
5. To recognise that any ROW or Laneway used by the general public should be Crown land vested in Council for the purpose of public access, maintained by Council through the normal annual budgeted maintenance programs.
6. To discourage motorists from using laneways as de-facto streets or using laneways as shortcuts.

**(3) ISSUES:**

1. When compared with similar Local Government Authorities in the metropolitan area, the Town of Cottesloe has a high proportion of its ROW's and Laneways in a poor to undeveloped condition.
2. A large proportion of ROW's and Laneways in the Town of Cottesloe are privately owned by the Town, with the remaining sections being either Crown land or privately owned by various individuals or companies.
3. ROW's and Laneways are being progressively built, piecemeal, due to conditions placed on developments and subdivisions, with no long term air of this construction. Such construction has not included a requirement to connect the built section to a built street or existing built Laneway or ROW.
4. ROW's and Laneways often contain Service Authorities infrastructure e.g.; deep sewers, water supply pipes, as well as Council installed drainage systems. Machine access is required at all times to maintain and service this infrastructure, regardless of ownership.
5. The mixture of Crown control, private ownership and Council ownership of ROW's and Laneways has created confusion in the past for staff trying to maintain these accesses while trying not to expend Council funds on privately owned sections.
6. The amount of privately owned laneway sections (by Council and individuals) requires a lot of control regarding actions, filing, knowledge of ownership etc, which could be greatly simplified by their surrender to the Crown.
7. Past completion of various short sections of ROW and Laneway construction by various contractors organised by various developers to meet development conditions have left Council with varying levels, construction standards and quality standards of these sections throughout the Town area. This will inevitably result in a variety of maintenance problems as ROW and Laneway use grows.
8. Many of the past approved laneway constructed sections have been to a 100mm thick, un-reinforced concrete standard. With vehicle weights increasing and the use of heavy machinery by Service Authorities to service their infrastructure in laneways, it is also inevitable that Council will be involved in expensive repairs to cracked and damaged concrete laneway sections. Therefore laneway surfacing should be based on flexible rather than inflexible pavements.

**(4) POLICY:**

1. Council's attitude towards the status of ROW's/Laneways is that all such accesses should be Crown land, where they are used by the general public rather than for a specific restricted property access function.
2. Any sections of ROW's/Laneways owned by the Town of Cottesloe will be surrendered to the Crown under processes included in the Local Government Act. Any such sections owned by ratepayers of the Town of Cottesloe, which

- become available to Council for little or no cost, will also be surrendered to the Crown for Crown land.
3. When a ROW or Laneway is required for primary access to a new development the developer will upgrade by paving, kerbing and drainage, the ROW or Laneway from the nearest built gazetted road or existing built laneway to the furthestmost lot boundary, to the satisfaction of the Manager Engineering Services.
  4. The developer may elect to have the Laneway upgrading works done by the Town of Cottesloe or by a Contractor.
    - a) If the Town is to undertake the works, payment of the full estimated value of the works must be received by the Town before works commence.
    - b) If the developer employs contractors, a supervision and inspection fee is to be charged, in accord with Section 6.16 of the Local Government Act, 1995.
  5. The design of the ROW or Laneway must recognise the need to minimize vehicle speeds and maximize safety and security.
  6. When a ROW is required for primary or secondary access from an existing property redevelopment, it is conditional (Town Planning) upon the developer to contribute an amount equivalent to 50% of the costs to construct a portion of standard ROW 4m x 20m in area.
    - a) Where a charge has been applied, as condition of development for the upgrade of a ROW, the money is to be placed in a Reserve Account established under Section 6.11 of the Local Government Act, for the specific purpose of ROW upgrade.
  7. Notwithstanding averaging requirements for developments under the residential codes for rear setbacks and fencing specifications in Council's fencing local laws, there shall be a minimum building setback for carports and garages, to allow a minimum turning circle of six (6) metres, measured from the far side laneway boundary to the closest part of the structure, for each car bay, carport and garage designed at 90° to the laneway or ROW.
  8. Fees and charges for contribution to works, supervision and inspection will be determined annually by Council in accordance with the provisions of Section 6.16 of the Local Government Act, 1995.
  9. In situations where new developments or redevelopments are not factors in laneway upgrading and the condition of particular laneways has created concern regarding unsafe conditions for drivers and pedestrians, an increased public liability risk and ongoing maintenance requirements, the following shall apply regarding upgrading:
-



- a) A construction program of ROW's and Laneways will be determined by priority on the basis of vehicle and pedestrian usage, existing surface condition, drainage problems and condition of private fencing.
  - b) The design of the ROW/Laneway will recognise the need to minimize vehicle speeds and maximize safety and security.
  - c) All fences abutting ROW's and Laneways shall be constructed and maintained in accordance with Council's fencing Local Laws.
  - d) The funds available for ROW/Laneway upgrading per budget year shall be total of:
    - i) The equivalent of the total of minimum rates levied on privately owned ROW/Laneway sections per financial year; plus
    - ii) Contributions received through the development process as covered under point #6, i.e. the contents of the Reserve Account for this purpose; plus
    - iii) An amount determined by Council in each budget document, to be made available from Council funds for ROW/Laneway upgrading and construction.
  - e) Where adjacent landowners wish to contribute to the cost of construction of a ROW/Laneway or section thereof, the project will be given priority over all other such works, subject to the following:
    - i) The application shall contain confirmation by landowners of their request for the upgrading and the amount each is willing to contribute.
    - ii) It will be the responsibility of the applicants to collect the contributions and deliver all monies to the Council.
    - iii) A minimum of 50% of the total cost of the work, estimated by the Council's Manager Engineering Services will be required prior to acceptance of any application. If the ROW/Laneway or section thereof already includes work previously required to be done in the preceding five years then expenditure involved will be treated as contributions, in order to assess priorities and make up the minimum of 50%.
    - iv) Work will not commence until the full amount of the contribution has been received by the Council.
    - v) The programming and design of the work will be at the sole discretion of the Council.
    - vi) Applications will be approved in the order in which the full amount of the contribution is received by the Council and will be subject to the availability of funds to meet the Council's contribution through budget allocations each year.
10. The higher the percentage of cost of laneway upgrading to be provided by private property owner contribution, the higher the priority of project acceptance from Council, apart from the need to allow for funding to remove public liability risks and unsafe conditions on any other ROW or Laneway.

11. As a general rule it is Council policy to keep Laneways open, even if un-constructed. Applications for closure are to be considered by Council.
12. The widths of ROW's/Laneways, the need for truncations on 90° bends, 'Tee' junctions and outlets of laneways onto gazetted roads, and set back requirements from laneways are issues dealt with in other Council documents.
13. On request Council will consider the naming of right-of-ways/laneways under the care, control and management of the Town of Cottesloe on the understanding that there shall be no obligation on the Town of Cottesloe or any other service agency to improve the condition of any particular right-of-way/laneway or services to same.
14. Where a development or subdivision approval includes a condition requiring the sealing and drainage of a portion of ROW/Laneway to allow rear vehicle access, and the developer believes there is a substantial negative attitude from other affected landowners for such ROW/Laneway improvements, it is up to the developer to demonstrate to Council that attitude.
15. Where no application for a development has been received relating to the drainage and sealing of a laneway, and one or more landowner wishes to prevent the sealing and drainage of a laneway, then the concerned landowner(s) would undertake the requirements of #16 to present Council will the case to prevent such sealing and drainage.
16. The demonstration of a local landowner attitude against the drainage and sealing of a laneway to meet a development condition must include the signatures of at least two thirds of all landowners affected by the proposal supporting the 'no sealing and drainage' case and accepting that any future request to Council from any affected landowner to upgrade or seal that laneway must include an acceptance of two thirds of those owners for a differential rating payment system for those properties to fund such improvement works.

**RESOLUTION NO:** 12.2.2  
**ADOPTION:** 28 August, 2006  
**REVIEW:** December, 2012

### **STATUTORY ENVIRONMENT**

This laneway is owned freehold by the Town of Cottesloe.

There is a 'duty of care' for the owner to ensure that this access is safe for use, but there is no legal requirement for sealing of the laneway.

### **FINANCIAL IMPLICATIONS**

Council has budgeted \$20,000 in the 2009/10 budget for upgrading works on its total ROW/Laneway system. \$6,500 of this amount has been allocated to the shared cost of sealing of Right of Way 76A off Macarthur Street, in July 2009.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The total ROW/Laneway network is approximately 50% sealed in asphalt, concrete or brick paving and 50% natural surface (sand).

The sealed proportion is slowly increasing as private developments meet their development conditions to seal the laneways from their new rear garages to the closest sealed street or laneway section.

The remainder of the unsealed laneways receive minimal maintenance, with the surface remaining sand apart from short sections where cold planed material from the surface of old asphalt street surfaces is used to firm up the softest areas, particularly in late summer.

During the various discussions regarding the adoption of the new 'Rights of Way/Laneways' policy in 2006, it was the then Council's attitude that Council would not be pursuing a long term plan where all unsealed laneways would be bought up to a sealed quality standard using Council funds. There is a relatively minor allocation (\$25,000) for ROW Surface maintenance, per year, which covers minor hole patching, clean out of drains and minor surface levelling. Spread over the total 10.3km of Crown or Town of Cottesloe owned laneways over the year, only minor works are possible of a maintenance nature.

The comments included in the received letter are similar to other comments received by staff regarding unsealed laneways.

The ROW/Laneway network is one of the few asset types under Council's control that is not included in a long term program for sustainable development.

Council has been offered shared cost 'deals' in the past for laneway sealing but has not accepted them, apart from a contribution of \$6,500 towards the sealing of Right of Way 76A off Macarthur Street agreed to by Council in July, 2009. A \$10,000 contribution to this laneway sealing would be half of the total budget allocation for 2009/10.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Cr Boland raised the issue of property encroaching on Council land and asked the Manager of Engineering Services, is this is the case on this particular laneway.

The Manager Engineering Services responded with no known cases of property adjacent to Right of Way 77 encroaching on the laneway.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Dawkins

**That Council accept the proposal that the Town of Cottesloe contribute \$10,000 towards the sealing and drainage of portion of ROW 77 subject to the applicant's compliance with clause 9(e) of Council's Rights of Way/Laneways Policy.**

Carried 4/3

**10.1.19 REHABILITATION/RESURFACING OF NO. 1 CAR PARK, MARINE PARADE, COTTESLOE**

**File No:** SUB/223  
**Attachments:** [Car Park 1.pdf](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
  
**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The asphalt surface condition of No. 1 Car park, to the west of Marine Parade, has deteriorated to a stage where resurfacing will be required in the near future.

The recommendation is that Council resolve to consider the resurfacing of No. 1 Car Park, Marine Parade, in the draft 2010/2011 financial year budget.

**BACKGROUND**

Asphalt surfacing of roads, car parks, paths etc will only last on average, 12-20 years, depending on various factors but particularly on the condition of the base or foundation, the amount of vehicular use and the age i.e. amount of UV light over the age which will oxidise the bitumen and make the surface brittle. No. 1 car park has not been resurfaced for many years. It is totally in the open, with a high UV impact. The traffic loading is heavy, with sharp turning movements.

The surface is currently showing increased cracking, discolouration and failure through pot holing.

In the last few years, this car park has been part of a car parking consultant study, proposed for closure/relocation, considered for conversion to a passive recreation area of grass, trees, BBQ's etc and other more radical treatments.

It has also been part of the EbD study in regards to a foreshore redevelopment.

However, no definite Council decisions currently apply to the future of this area.

**STRATEGIC IMPLICATIONS****Objective 3: Beach Foreshore Enhancement**

*To enhance beach access and the foreshore*

- Improve beach access and dune conservation outside the central foreshore zone.

**Objective 5: Infrastructure**

*To maintain infrastructure and council buildings in a sustainable way*

- Develop a long term asset management plan and accompanying financial plan.

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

- None known

**FINANCIAL IMPLICATIONS**

The cost estimate for the resurfacing, re-line marking and adjustment of meter eyes is \$82,000 if undertaken in 2010/2011. If left for two plus years, the cost will escalate due to base failure.

**SUSTAINABILITY IMPLICATIONS**

Depending on possible redevelopment of the area as a non-car parking site and the possible expansion of No. 2 Car Park into John Black Dune Park, the sustainability implications are varied.

**CONSULTATION**

Nil

**STAFF COMMENT**

The asphalt surface of this car park is reaching its 'use by date'. Currently, a resurface is possible, with the base asphalt and foundation still in a condition that will accept an 'overlay', without breaking up. If it is left for 2-3 years, it is possible that a total reconstruction will be needed, at 2-3 times the cost of a resurfacing.

Staff have not included this project in a five year program in the past because there have been ongoing planning considerations which recently ended with the Enquiry by Design. However no practical decision appears to have been adopted by Council regarding this site. The general options most obvious from councillor discussion in the past few years have been:

- 1) Leave it 'as is' and undertake any maintenance or resurfacing as required.
- 2) Close it, redevelop it for public use not including car parking, but extend No. 2 car park (Napier Street) to replace the lost car parking capacity.

- 3) Retain part of this car park and expand No. 2 car park to replace lost capacity.
- 4) Radical redevelopment, with the possibility of one or two levels underground parking, with the surface level being some forms of passive recreation facilities.

Regardless of the future of this site and the time taken to debate and resolve any radical changes, the surface can be re-used and resurfaced if funded, probably, in 2010/2011. To leave it longer has the high potential for a costly reconstruction. A resurfacing, plus re-line marking and moving/replacing the meter eyes is estimated at \$82,000.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Birnbrauer

**That Council resolve to include for consideration the resurfacing of No. 1 Car park, Marine Parade, in the draft 2010/2011 financial year budget.**

Carried 7/0

**10.1.20 FEDERAL GOVERNMENT REGIONAL AND LOCAL COMMUNITY  
INFRASTRUCTURE PROGRAM**

**File No:** SUB/763  
**Attachments:** [Media Release.pdf](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
  
**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The Federal Government has recently announced a boost or extension of the Regional and Local Community Infrastructure Program, which will provide an extra one-off grant of \$39,000 to the Town of Cottesloe for community infrastructure projects. The funding comes with conditions and the report provides alternative projects, with a recommendation:

- 1. That the \$39,000 Federal Government Regional and Local Community Infrastructure Program additional grant be allocated to the purpose of .....*
- 2. That the Chief Executive Officer be given approval to sign an agreement on behalf of the Town of Cottesloe, and apply the Council seal 'if necessary', for the receipt of this grant.*

**BACKGROUND**

The grant of \$39,000 is the Town of Cottesloe 'share' of an additional \$100 million allocated to all Australian local government authorities by the Federal Government. The purpose of the grant is to stimulate the local economy as part of the Australian approach to the global economic crisis.

Council received \$122,000 at the start of this program, the majority of which was expended on the Cottesloe Beach Pylon.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

The Regional and Community Infrastructure Program (RLCIP) is administered by the Federal Department of Infrastructure, Transport, Regional Development and Local Government. Mandatory reporting and audit requirements have yet to be received.



Funds received and spent will have to comply with federal conditions of expenditure of the \$39,000 allocation.

**FINANCIAL IMPLICATIONS**

The \$39,000 grant income and expenditure was not included in the 2009/10 budget.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The \$39,000 extra grant allocation for the Town of Cottesloe is one-off with no inclusion of its income or expenditure in the current budget. Council's details on what areas the funds are proposed to be spent must be submitted to the Federal Government for pre-approval before expenditure.

Exact requirements and conditions for projects have not yet been received but are expected to be similar to those controlling the initial grant. Under the initial funding was not provided for ongoing costs e.g. operational costs and maintenance, any form of transport infrastructure e.g. roads or related expenditure for Roads to Recovery or Black Spot programs.

On that basis the following projects are suggested for consideration for expenditure of \$39,000:

1. Limestone retaining wall repairs, Cottesloe Foreshore. Over many years the limestone walls around the Indiana Tea House and on the southern terraces have degenerated and have suffered a variety of vandalism and damage. There is a substantial need for a variety of sections to be either repaired or replaced. This work could be undertaken on short notice.
2. Playgrounds: Council has an ongoing 5 Year Improvements program for its playgrounds to upgrade playground units and install shade sails. \$39,000 would speed up this work and distribute the funds throughout the Town area.
3. Cyclepaths: Council has recently adopted a new Cycle Plan. There are a variety of works covered in that plan which were to be covered in the 5 year plan. Council may wish to undertake \$39,000 of cycle related works, with those works as listed in the Cycle Plan not including major works requiring extensive design, consultation and approval time periods.
4. Climate Change Study: One major gap in the climate change study's predictions was the lack of information on where underlying rock exists along the Cottesloe foreshore. A study to provide this information would allow efforts on potential future protection works to concentrate on the deep sand/no rock areas along the Cottesloe coast line.

5. Traffic Management Plan: A 5 year program was adopted by Council for traffic management and speed control installations in Cottesloe based on the recently adopted Traffic Management Plan. Council may wish to commence priority works with the new federal grant.
6. Footpaths: Council has an ongoing footpath slab replacement with in-situ concrete programme throughout Cottesloe. This new grant could be used to speed up this program. As part of the costs applied to programs to arrive at an acceptable rate increase for the 2009/10 budget, two footpath works were removed = \$26,500 for Stirling Highway between Congdon Street and Parry Street plus \$14,800 for Loma Street between Broome Street and Marmion Street

All of these projects will require Council funding in the future. The \$39,000 Federal grant would allow one or more of the above listed projects to be substantially progressed or completed.

### **VOTING**

Simple Majority

### **OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Miller, seconded Cr Walsh

That Council:

1. Use the \$39,000 Federal Government Regional and Local Community Infrastructure Program additional grant for the purpose of upgrading footpaths in Loma Street between Broome Street and Marmion Street plus Stirling Highway between Congdon Street and Parry Street.
2. Authorise the Chief Executive Officer to sign an agreement on behalf of the Town of Cottesloe and apply the Council seal if necessary, for the receipt of this grant.

### **AMENDMENT**

Moved Mayor Morgan, seconded Cr Miller

That Item one replace the words *"upgrading footpaths in Loma Street between Broome Street and Marmion Street plus Stirling Highway between Congdon Street and Parry Street."* with the words *"instigating a geological investigation in support of the Town's Climate Change report"*

Carried 7/0

### **AMENDMENT**

Moved Mayor Morgan, seconded Cr Dawkins

That item 1 also include the following *"failing which for the purpose of installing shade sails and upgrading playground equipment"*.

Carried 6/1

**COUNCIL RESOLUTION**

**That Council:**

- 1. Use the \$39,000 Federal Government Regional and Local Community Infrastructure Program additional grant for the purpose of instigating a geological investigation in support of the Town's Climate Change report, failing which for the purpose of installing shade sails and upgrading playground equipment.**
- 2. Authorise the Chief Executive Officer to sign an agreement on behalf of the Town of Cottesloe and apply the Council seal if necessary, for the receipt of this grant.**

**The Substantive motion was Put**

Carried 7/0

**10.1.21 CARBON NEUTRAL TOWN OF COTTESLOE**

**File No:** SUB/000  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Janna Lockyer  
Community & Events Support Officer

**Proposed Meeting Date:** 22 September 2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The following Notice of Motion has been received from Cr Birnbrauer.

*“That staff be requested to provide a plan for the Town of Cottesloe to become carbon neutral by the year 2012. If practicable, this information should be available as part of Council’s consideration it’s the new future plan.*

Cr Birnbrauer provided the following information in support of his motion.

*“Sustainability” is a part of our mission statement and what better way for Council to demonstrate our commitment then to select a target date and plan for carbon neutrality. We may well find that a later target date than 2012 will be required but we are obliged to start and whilst our footprint is small, it grows as we can challenge others to match it.*

In May 2009, Council resolved, in part, to:

*“Determine to review its Future Plan again after the Local Government election in October 2009 and after the outcomes of the Minister for Local Government’s Reform Strategies are announced.”*

**VOTING**

Simple Majority

**COUNCILLOR & COMMITTEE RECOMMENDATION**

Moved Cr Miller, seconded Cr Birnbrauer

That Council receive the notice of motion and refer it to Administration for investigation and report back to Committee/Council.

**AMENDMENT**

Moved Cr Birnbrauer, seconded Mayor Morgan

Replace the words “Committee/Council” with “the first Strategic Planning Committee Meeting of 2010.”

Carried 7/0

**COUNCIL RESOLUTION**

**That Council receive the notice of motion and refer it to Administration for investigation and report back to the first Strategic Planning Committee Meeting of 2010.**

**The Substantive Motion was Put**

Carried 7/0

**10.1.22 STATION STREET SUMP AND THE STATION STREET/RAILWAY STREET CAR PARK**

**File No:** SUB/000  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Janna Lockyer  
Community & Events Support Officer  
  
**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The following Notice of Motion has been received from Cr Birnbrauer.

*"That staff prepares design guidelines and other documentation required to progress sale and/or development of the Station Street sump and the parking lot on the corner of Station Street and Railway Street."*

Cr Birnbrauer provided the following information in support of his motion.

*"12-18 months ago, the Station Street Working Party reported to Council the results of deliberation and Consultant's reports about the development of these two sites. As I recall, the recommendations were shelved pending a plan for the Town Centre and the plans for Curtin Avenue and the railway. So, nothing has happened. It is highly desirable that Council makes use of these properties at this time for the improvement of the Town Centre and other projects."*

**VOTING**

Simple Majority

**COUNCILLOR & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Birnbrauer

**That Council receive the notice of motion and refer it to Administration for investigation and report back to Committee/Council.**

Carried 7/0

**10.1.23 WRITE OFF MINOR BAD DEBTS**

**File No:** SUB/145  
**Responsible Officer:** Carl Askew  
**Chief Executive Officer**  
**Author:** Graham Pattrick  
**Manager Corporate Services**  
  
**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The recommendation is to write off \$1,448.92 of bad debts.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

The Council has given delegated authority to the CEO to write off amounts up to \$100. These debts are over this limit.

**STATUTORY ENVIRONMENT**

**Local Government Act 1995**  
**Part 6-Financial management**  
**Division 4-General financial provisions**

**6.12. Power to defer, grant discounts, waive or write off debts**

1. Subject to subsection (2) and any other written law, a local government may ☐
  - a. when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money;
  - b. waive or grant concessions in relation to any amount of money;  
or
  - c. write off any amount of money,

which is owed to the local government.

*\* Absolute majority required.*

2. Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
  3. The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
  4. Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.
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**FINANCIAL IMPLICATIONS**

The total value of the debts to be written off is \$1,448.92

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

Concentric Wealth Management was invoiced \$920.92 for commercial waste charges and now the company is in receivership.

Fremantle Tree Doctor was fined \$288 for illegal dumping. Officers have been unable to recoup the money through debt recovery.

Joondalup Demolition & Earthmoving were charged \$240 costs for damaging a cross-over. Subsequently there have been problems with substantiating the claim and the recommendation is to write off this debt.

The Manager of Corporate & Community Services agrees with the recommendation given the amount of time and cost involved in trying to recover these amounts and the remote chance of being successful.

**VOTING**

Absolute Majority

**COMMITTEE COMMENT**

The view of delegated authority to the CEO for debt write-off's was discussed and Committee agreed that the current level of \$100 should be increased. It was suggested that a future report on this matter be prepared for Council consideration.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Birnbrauer

**That Council approve the write off of the debts of \$1,448.92 for Concentric Wealth Management, Fremantle Tree Doctor and Joondalup Demolition and Earth moving.**

Carried 7/0



**10.1.24 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING  
31 AUGUST 2009**

**File No:** SUB/137  
**Attachments:** [Financial statements 31 August 2009.pdf](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services  
  
**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** Nil

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**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 31 August 2009, to Council.

**BACKGROUND**

The Financial Statements are presented monthly

**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 \$310,757 as at 31 August 2009. Operating Revenue is below budget by \$30,709 (.4%). Operating Expenditure is \$303,523 (19%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 31 August 2009 is shown on pages 7-8.

The Capital Works Program is listed on pages 24 - 26 and shows total expenditure of \$576,314 compared to YTD budget of \$1,300,190. The reason for the significant difference is a slight timing delay with the library and delayed general capital expenditure due to cashflow restrictions at the start of the year.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**STATUTORY REQUIREMENTS**

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

**SUSTAINABILITY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Birnbrauer

**That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 August, 2009, as per the Financial Statements attachment submitted to the 22 September, 2009 meeting of the Works and Corporate Services Committee.**

Carried 7/0

**10.1.25 SCHEDULE OF INVESTMENTS AND LOANS FOR THE PERIOD  
ENDING 31 AUGUST 2009**

**File No:** SUB/150 & SUB/151  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services  
  
**Proposed Meeting Date:** 22-Sep-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 31 August 2009 to Council, as per the Attachment entitled 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 Schedule of Investments on page 19 of the Financial Statements shows that \$1,702,923.10 was invested as at 31 August, 2009.

Reserve Funds make up \$894,339.51 of the total invested and are restricted funds. Approximately 19% of the funds are invested with the National Australia Bank, 34% with BankWest, 23% with Westpac and 24% with Commonwealth Bank.

The Schedule of Loans on page 20 shows a balance of \$2,122,683.66 as at 31 August, 2009. There is \$495,960.94 included in this balance that relates to self supporting loans.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Birnbrauer

**That Council receive the Schedule of Investments and Schedule of Loans for the period ending 31 August, 2009, as per the Financial Statements attachment submitted to the 22 September, 2009 meeting of the Works and Corporate Services Committee.**

Carried 7/0

**10.1.26 ACCOUNTS PAID FOR THE PERIOD ENDING 31 AUGUST 2009**

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

**Proposed Meeting Date:** 22-Sep-2009

**Author Disclosure of Interest**  
Nil

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**SUMMARY**

The purpose of this report is to present the List of Accounts for the period ending 31 August 2009 to Council, as included commencing on page 9 in the Attachment entitled 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 Committee/Council's attention which are included in the list of accounts commencing on page 10 of the Financial Statements:

- \$14,720.12 to WA Local Govt Super Fund for staff deductions
- \$11,579.00 to Synergy for street lighting for July 2009
- \$14,680.46 to WA Local Govt Super Fund for staff deductions
- \$13,097.84 to BCITF for April 2009 levies
- \$28,044.01 to Cobblestone Concrete for work on Marine/Salvado/ Deane Streets

- \$108,496.00 to the Shire of Peppermint Grove for library contributions for September 2009 quarter
- \$41,112.50 to LGIS Workcare for Workers Comp premium for 2009/2010
- \$32,046.30 to Philip Griffiths Architects for services on Civic Centre refurbishment
- \$10,272.60 to Zipform for 2009/10 rate notices
- \$273,681.43 to Shire of Peppermint Grove for contributions to joint library project
- \$37,903.19 to Giant Nissan for new vehicle
- \$33,450.34 to B&N Waste for green and bulk waste collection in July 2009
- \$16,731.40 to WALGA for 2009/2010 ROMAN subscriptions
- \$20,078.48 to WMRC for disposal and tipping fees
- \$71,398.97 to KMC Group for progress claim
- \$19,585.50 to Communication Plus for new NEC phone system
- \$32,650.12 to Kulin Group for refurbishment of beach pylon
- \$26,520.11 to Shire of Peppermint Grove for contributions to joint library project
- \$54,191.32 to WMRC for disposal and tipping fees
- \$43,673.21 to Transpacific Cleanaway for domestic & commercial waste disposal
- \$65,448.42 and \$66,000.02 for staff payroll

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Birnbrauer

**That Council receive the List of Accounts for the period ending 31 August 2009, as per the financial statement attachment submitted to the 22 September 2009 meeting of the Works and Corporate Services Committee.**

Carried 7/0

**10.1.27 PROPERTY AND SUNDRY DEBTORS FOR THE PERIOD ENDING  
31 AUGUST 2009**

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

**Proposed Meeting Date:** 22-Sep-2009

**Author Disclosure of Interest**  
Nil

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**SUMMARY**

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 31 August 2009 to Council, as per the Attachment entitled 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 Sundry Debtors Report on pages 21-22 of the Financial Statements shows a balance of \$168,322.57 of which \$109,997.07 relates to the current month. The balance of aged debt greater than 30 days stood at \$58,325.50.

Property Debtors are shown in the Rates and Charges analysis on page 23 of the Financial Statements and show a balance of \$4,458,613.97. Of this amount \$226,546.71 and \$539,107.48 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 \$4,208,800 in 2009 compared to \$4,358,781 last year.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Birnbrauer

**That Council receive the Property Debtors and the Sundry Debtors Report for the period ending 31 August, 2009, as per the financial statements attachment submitted to the 22 September, 2009 meeting of the Works and Corporate Services Committee.**

Carried 7/0



**10.2 STRATEGIC PLANNING COMMITTEE MEETING - 23 SEPTEMBER 2009****10.2.1 TOWN OF COTTESLOE - ACTION PLAN REVIEW**

**File No:** SUB/108  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer  
**Attachment:** Action Plan  
**Proposed Meeting Date:** 23-Sep-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

This report recommends that Committee receive the updated *Action Plan* report and provide feedback to the CEO and senior staff present at the meeting on agreed modifications to the *Action Plan*.

**BACKGROUND**

The *Future Plan 2006 to 2010* for the Town of Cottesloe was finalised and adopted by Council in June 2007. At that time two review dates for the Future Plan were set, so that the document would return to Council. The first of those review dates was set at November 2008 and the second was in November 2010. Following the adoption of the *Future Plan*, an *Action Plan* was developed and an updated review of that plan is tabled for consideration at each meeting of the Strategic Planning Committee.

The November 2008 review did not take place due to a turnover of staff. At the May 2009 meeting of Council a report was tabled by the Chief Executive Officer and Council resolved to amend the future plan accordingly. In addition Council also agreed to determine to review its Future Plan again after the Local Government election in October 2009 and after the outcomes of the Minister for Local Government's Reform Strategies are announced.

**STRATEGIC IMPLICATIONS**

The Action Plan has obvious strategic implications.

**POLICY IMPLICATIONS**

None Known.

**STATUTORY ENVIRONMENT**

Division 5 — Annual reports and planning principal activities

**5.56. PLANNING PRINCIPAL ACTIVITIES**

- (1) *Each financial year, a local government is to prepare a plan for the next 4 or more financial years.*
  - (2) *The plan is to contain details of —*
-

- (a) *the principal activities that are proposed to be commenced or to be continued in each financial year affected by the plan;*
- (b) *the objectives of each principal activity;*
- (c) *the estimated cost of, and proposed means of funding, each principal activity;*
- (d) *how the local government proposes to assess its performance in relation to each principal activity;*
- (e) *the estimated income and expenditure for each financial year affected by the plan; and*
- (f) *such other matters as may be prescribed.*

*Regulation 19C of the Local Government (Administration) Regulations 1996 refers, i.e.*

***19C. Planning for the Future – section 5.56 of the LGA***

- (1) *In this regulation – “plan for the future” means a plan made under section 5.56.*
- (2) *A local government is to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).*
- (3) *A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.*
- (4) *a local government is to review its current plan for the future of its district every 2 years and may modify the plan, including extending the period the plan is made in respect of.*
- (5) *A council is to consider a plan, or modifications, submitted to it and is to determine\* whether or not to adopt the plan, or the modifications, as is relevant.*

*\*Absolute majority required.*

**FINANCIAL IMPLICATIONS**

Adoption of the Future Plan and associated Action Plans will inevitably require expenditure as per Council's adopted budget and long term financial plan.

**SUSTAINABILITY IMPLICATIONS**

The Town has continuously demonstrated a high level of regard for the sustainable management of Council's resources and the Future Plan not only supports sound financial management but also meets the legislative requirements contained within the Local Government Act 1995 and associated Regulations.

**CONSULTATION**

The Plan was developed in consultation with the community by way of public submission periods and refined by the Town's Strategic Planning Committee prior to adoption by Council.

**STAFF COMMENT**

In relation to the Action Plan, the following strategies were identified by Council as priorities for 2009/10 at its 20 May 2009 meeting:

- 1.2 Reduce beachfront hotel numbers to a sustainable level.
- 1.5 Identify increased opportunities to use existing facilities or provide new venues for formal community cultural events and activities.
- 2.1 Produce a draft Structure Plan for consultation purposes showing the sinking of the railway and realignment of Curtin Avenue together with 'what's possible' in terms of sustainable redevelopment and pedestrian and traffic links.
- 3.1 Develop the 'Foreshore Vision and Master Plan' in consultation with the community.
- 3.4 Introduce electronically timed parking.
- 4.1 Develop planning incentives for heritage properties.
- 4.5 Consider undeveloped Government owned land for higher density development provided there is both public support and benefit for the Cottesloe community.
- 5.1 Adopt a policy position on assets that have a realisable value such as the Depot and Sumps.
- 5.2 Subject to the satisfactory resolution of land tenure, design and funding requirements, progress the development of new joint library facilities.
- 5.3 Develop an integrated Town Centre plan to improve all aspects of the infrastructure of the Town Centre.
- 5.6 Develop a long term asset management plan and accompanying financial plan.
- 6.1 Further improve the community consultation policy in recognition that there are different techniques for different objectives.
- DP1 Complete the Civic Centre additions and renovations on budget and on time.
- DP2 Complete the adoption of Local Planning Scheme No. 3 including the preparation of all draft policies to a stage where they can be advertised for public comment.
- DP3 Report on the proposed tasks identified in the Climate Change Vulnerability study and their impacts, priorities and applicability to the Town of Cottesloe

In May 2009 it was reported to Council that;

*"The Plan represents a significant body of work and there are a number of objectives and actions that are now either complete, substantially complete or ongoing. In reviewing the Plan Council is to consider modifying the plan including potentially extending the period the plan.*

*In reviewing its Strategic Plan and 2008/09 Action Priorities, Council also needs to consider what changes it wishes to make at this time. With the uncertainty that is currently before all local governments it would be prudent for Council to consider maintaining its Future Plan and to continue to pursue and finalise its current Action Plans. In addition, the next Council elections are scheduled for October 2009 and, depending upon Council's final determined position with regard to structural reform, it may be appropriate for the new Council to again consider its future direction after the Minister has considered and/or determined his position with regard to local government structural reform and voluntary amalgamations."*

This agenda item represents an opportunity for committee members to review progress and provide informal feedback on where staff should be headed in terms of implementing individual actions. It is recommended that Committee receive the Action Plan and provide comment to the CEO and senior staff present at the meeting on agreed modifications to the Action Plan prior to presentation to Council.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Committee discussed the Action Plan and determined to amend two of the current strategies in order to clarify for staff the direction to be followed.

**OFFICER RECOMMENDATION**

That Council:

1. Receive the updated Action Plan report as per attachment 10.1.1 and provide feedback to the Chief Executive Officer and Senior Staff present at the meeting on agreed modifications to the Plan.
2. Receive the Action Plan Report.

**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Walsh, seconded Cr Boland

**That Council receive the amended Action Plan Report.**

Carried 7/0

**10.2.2 LOCAL GOVERNMENT STRUCTURAL REFORM SUBMISSION**

**File No:** SUB/793  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer  
**Attachment:** Local Government Structural Reform Submission  
**Proposed Meeting Date:** 23-Sep-2009  
**Author Disclosure of Interest** The author has an interest in the matter as any potential amalgamation would directly relate to his employment

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**SUMMARY**

The final stage of the Minister's Reform process involves the completion of a Reform Submission to be returned to the Minister and Local Government Reform Steering Committee by 30 September 2009.

This report advises Council of the process to date and recommends that council receive and endorse the draft submission and forward it to the Minister.

**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.

In relation to the above three strategies the Minister for Local Government initially requested that each local government advise him of their intention by way of a reform submission by the 31 August 2009. This was subsequently extended to 30 September 2009.

The Department of Local Government and Regional Development and the Local Government Reform Steering Committee distributed *Structural Reform Guidelines* to assist local governments in responding to the Minister's request for voluntary structural reform. The guidelines provide principles without parameters and a timeframe for reform submissions to the Minister. The guidelines set out a recommended decision making process along with key criteria to be considered by each local government in developing their reform submission.

The Town of Cottesloe completed and returned its *Local Government Reform Checklist* by the requested date of 30 April 2009. The checklist, based on the key principles for local government reform, targets the capacity gaps of each and every existing local government. Advice from the Department was received on 23<sup>rd</sup> July advising that the Town of Cottesloe has been assessed as Category Two “*structural reform including amalgamation/boundary adjustments and formalisation of regional groupings should be considered to enhance organisational and financial capacity to meet current and future community needs*”. Based upon the feedback received a number of concerns with the initial assessment have been raised with the Department and additional supplementary information has been collated in support of the Town’s checklist assessment. This has included information in relation to evidence of long term financial planning, elected member ratios, delays in building and development approvals and optimal community of interest. The Department has been requested to review the rating given to the Town.

The assessment of all local government reform submissions will be undertaken by the Local Government Reform Steering Committee in the first instance. Based on the assessments, the committee will provide advice to the Minister on preferred options for reform. Finalised proposals will then be referred to the Local Government Advisory Board for consideration and recommendation. It is anticipated that the Minister will report his findings and recommendations to Cabinet early in 2010 however implementation timeframes will be dependent on the advice and/or actions of the Local Government Advisory Board as specific arrangements are examined on a case by case basis.

The Town’s endorsed Project Team comprised of the Mayor, Cr Birnbrauer and the CEO and it has undertaken meetings and discussions with neighbouring Council’s including Claremont, Nedlands, Peppermint Grove, Mosman Park and Fremantle, as part of the information gathering process. In addition this matter has been discussed at numerous WESROC Board meetings, the membership of which also includes the City of Subiaco and the Town of Cambridge.

Prior to the Minister’s announcement WESROC was working towards a model of increased regional cooperation and had commissioned a detailed report (the Dollery Report) in 2008 to provide a thorough analysis of WESROC against the background of structural reform in Australian local government, including an assessment of the effectiveness of forced amalgamation programs, alternative models of local government to compulsory council mergers and shared service arrangements. The Report also considered the problem of, and differentiated between, financial sustainability and the broader concepts of community sustainability in Australian local government. It also provided an independent assessment of the WESROC organisation and its member councils (as well as the Town of Cambridge) and made recommendations for enhancing the role of WESROC.

At a Special meeting on 9 March 2009, Council resolved to;

1. *Endorse, in principle, the Dollery Report “Rising to the Challenge: Reform Options for the Western Suburbs” as a foundation planning document for WESROC member council’s and use it to support a submission to the Minister, in response to his proposed reform strategies for restructuring of Local Government.*

2. Advise WESROC of its position.
3. Note that the WESROC Board has resolved to engage, through its executive committee, suitably qualified consultant(s) to assess for comparison purposes, the likely costs and benefits (including social costs and benefits) of;
  - 3.1 an amalgamation of the WESROC councils,
  - 3.2 an amalgamation of Cottesloe, Mosman Park and Peppermint Grove Councils, together with an amalgamation of Claremont and Nedlands Councils, with Subiaco remaining independent, and
  - 3.3 a fast tracked (2 – 3 year) maximization of regional cooperation and resource sharing amongst the WESROC Councils.

*This assessment is to include consideration of matters the subject of the Structural Reform Guidelines assuming that district boundary changes are a possibility irrespective of which if any of the above options were to prevail.*

4. Request a report by April 2009 on two possible options to reduce elected member numbers in the Town of Cottesloe; (i) eight members over four wards and (ii) six members with no wards, both options exclusive of a directly elected Mayor, for either the 2009 or 2011 October elections”.

At its August 2009 meeting it was resolved;

*That Council;*

1. receive and note the Anne Banks McAllister report *A Model for Regional Cooperation and Resource Sharing in the Western Suburbs*.
2. receive and note the Price Waterhouse Coopers (PwC) report *Western Suburbs Structural Reform Options*.
3. note the progress to date and advise the Minister that local community consultation has commenced and is ongoing at this time and that Council will be in a position to make its final reform submission after it has had the opportunity to fully consider the views of its community.

Local governments in the Western Suburbs have previously been singled out for potential amalgamation and all councils will be forming their own views on amalgamation proposals in the next few weeks. At the mayoral level within WESROC, whilst there has been less enthusiasm for creating a large single Western Suburbs Council, there has been some willingness to consider a mergers between Nedlands and Claremont, and Cottesloe, Mosman Park and Peppermint Grove. Concern has been expressed at any alternative which would involve creating another level of government at a formal regional level without knowing the net benefits that are to be gained in terms of improved governance, cost savings and service improvements. It has also been acknowledged that elected member representation *could* be reduced at the local Council level and that local government boundaries *could* be redrawn to better align with existing, rather than historic, communities of interest. Although both of these matters might quite properly be addressed at local

council and community level any realignment of boundaries might be best addressed at the WESROC level in the first instance, before any proposed changes are then considered at local council and community level.

### **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 strategic and financial plans and priorities.

### **POLICY IMPLICATIONS**

None Known

### **STATUTORY ENVIRONMENT**

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;*
  - (c) *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;*
  - (c) *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*
  - (c) *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*
  - (c) *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)(c), 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)(c) and (4)(b) and have regard, where applicable, to —*
- (a) *community of interests;*
  - (b) *physical and topographic features;*

- (c) *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*
    - (c) *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*
    - (c) *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;
  - (c) 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**

Council currently contributes, as part of its annual budget, to a number of WESROC initiatives and the budgeted allocation for 2009/10 is \$95,000. However the current proposal from WESROC, including the appointment of an Executive Manager and/or secretariat support, may involve a modest increase in that allocation.

In addition, the resources required to address the issues contained within the Dollery and Anne Banks-McAllister reports may have a significant impact upon Council's future budgets. The potential cost of any future amalgamation, boundary change or shared services arrangement has been considered in a general sense within the PriceWaterhouseCoopers report but will require more detailed analysis and will be dependent upon specific decisions of Council.

Overall, the financial implications of change associated with local government reform have the potential to be significant and have been documented with in the PwC report and included in the draft Reform Submission. In the immediate term there will be continue to be significant 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 Consulting 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 Cambridge

- Town of Claremont
- Town of Mosman Park
- City of Nedlands
- Shire of Peppermint Grove
- City of Subiaco
- City of Fremantle
- WALGA
- SOS Cottesloe
- Local residents/community (a community survey was conducted in August 2009 and the results reported to Council within the reform submission).

## COMMUNITY CONSULTATION

A critical part of the reform process is to consult with the community in relation to these issues. The position of Council's Project Team and some WESROC members was that before any consultation could commence there was a need to provide the community with information in order for them to make an informed decision. Hence WESROC commissioned the studies from Anne Banks-McAllister Consulting and Price Waterhouse Coopers, which were completed and received by WESROC in late July 2009. These reports were commissioned specifically for the structural reform process and financially supported, in part, by the Department of Local Government.

An open letter from the Chief Executive Officer and a brief questionnaire (approved by Council's project Team) was distributed to every residence and business property in Cottesloe. In addition the questionnaire and supporting information was placed on Council's website and residents and community groups are encouraged to provide comment on-line. The community questionnaire was one way that local residents could have their say and inform council of their views on this important topic. In addition local residents were also invited to write to the CEO or e-mail their views direct. A copy of the community questionnaire and results has been included as an attachment to the Reform Submission.

In total, 3,970 questionnaires were distributed to all residential homes and business premises throughout the Town of Cottesloe together with a covering letter and reply paid envelope. They were distributed between the 18<sup>th</sup> and 23<sup>rd</sup> August 2009. 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. Forms were requested to be returned by 31 August however forms received after that date were also accepted and included. At the time of reporting a total of 679 forms had been received representing a 17% return rate. All forms received were collated and analysed. In addition some respondents also chose to provide additional information with their questionnaire which was also considered in the analysis. No identifying information was requested from respondents and so no adjustments have been made for potential multiple responses from the same individual. In all questions some respondents chose to not to reply to all questions and these have been listed as *no response*. Some respondents chose to select more than one answer for some questions and these questions have been highlighted.

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.

## STAFF COMMENT

Speaking at the Western Australian Local Government Convention on 6 August 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 has 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 futures with meaningful change, including the capacity to plan and act regionally and with elected members who are prepared to act strategically.

In relation to the first principal strategy in the reform agenda outlined by the Minister to **“take steps to ‘voluntarily’ amalgamate and form larger local governments”** the following information is provided:

### **PRICE WATERHOUSE COOPERS (PwC) REPORT**

In response to the Ministers announcement on structural reform the WESROC Board engaged PriceWaterhouseCoopers (PwC) to assess, for comparison purposes, the likely costs and benefits (including social costs and benefits) of;

- *an amalgamation of the WESROC councils,*
- *an amalgamation of Cottesloe, Mosman Park and Peppermint Grove Councils, together with an amalgamation of Claremont and Nedlands Councils, with Subiaco remaining independent, and*

*This assessment was to include consideration of matters the subject of the Structural Reform Guidelines assuming that district boundary changes are a possibility irrespective of which if any of the above options were to prevail.*

The PwC report *Western Suburbs Structural Reform Options* has been referred to each member council by the WESROC Board. It details the impacts that each amalgamation option will have on the new amalgamated entity’s ability to;

- maintain a community of interest
- remain financially viable
- effectively deliver local government services
- have the capacity to increase financial resources, and
- derive long-time cost efficiencies

PwC was not asked to recommend an option for WESROC to pursue, nor any solutions to issues that were raised during the process. The report’s scope was strictly limited to developing a ‘fact base’ of the financial and social impacts of the two defined amalgamation options.

In summary, the report makes the following comments;

*WESROC councils have many similarities, including mean incomes and post-school education levels which are considerably higher than the WA average.*

*There are only minor differences in the demographics of the WESROC councils, and as a result, they demand similar services*

*The report indicates that the amalgamated councils could remain financially viable, although the actual outcome will depend on the various decisions councils will be required to make. The modelled organisational structure for each amalgamated body illustrates the potential to provide comparable services, with fewer full-time employees ("FTE"), particularly if Option 1 [an amalgamation of all six WESROC Councils] is adopted. The diversity of the new amalgamated entity's rate base will vary little from the current councils and could support the same array of services.*

*The amalgamations have the potential to add to the quality of the council workforce, as larger councils may have the ability to offer greater remuneration to senior management. There is also the potential for improved governance following amalgamation, as greater competition for council board vacancies could improve the quality of elected candidates.*

*As previously mentioned, and further discussed in the report, it seems likely that the amalgamated councils will generate sufficient revenue to fund capital projects and deliver services which meet community expectations. If the cost savings identified are realised, the amalgamated bodies may be better positioned to deal with the impacts of cost shifting.*

*The report bases 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 potential recurrent net annual amalgamation savings after three years, after allowing for transition costs in the first few years, however the report also notes 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*

*Four key issues arose during discussions which were outside the scope of the report but warrant further consideration.*

1. *Firstly, there is a consensus amongst the councils that the boundaries between the WESROC member councils require adjustment to align with the region's natural boundaries.*
2. *Secondly, the merits of other methods of structural reform should be further investigated.*
3. *Thirdly, if the amalgamation process is to occur, a balkanised planning scheme may need to be developed, as loss of planning control was a key issue raised by many councils.*
4. *Finally, if amalgamation is to occur, a suitable ward system may need to be established, to ensure representation from each existing council area.*

## LOCAL GOVERNMENT ADVISORY BOARD REPORT 2006

The Local Government Advisory Board in its report to the Minister in April 2006 made the following recommendation:

### *“6.12 RECOMMENDATION*

*That the Minister legislate for the amalgamation of the local governments of Cambridge (part), Claremont, Cottesloe, Mosman Park, Nedlands, Peppermint Grove and Subiaco, to form a new western suburbs local government (in conjunction with the transfer of a part of Cambridge to Stirling and part of Stirling to the new western suburbs local government) as soon as possible.”*

The Minister of the time did not act on this recommendation.

## ELECTED MEMBER NUMBERS

In relation to the second strategy in the reform agenda outlined by the Minister to **“reduce the total number of elected members to between six and nine”** the following information is provided:

As reported to Council in May 2009, the ideal number of elected members for a local government is for the local government to determine. There is a diverse range of councillor/elector ratios across Western Australia reflecting the sparsely populated remote areas and the highly populated urban areas. The structure of the Council's operations will provide some input into the number of elected members needed to service the local government.

At present the Town of Cottesloe has eleven (11) elected members, including a Mayor who is directly elected. It operates a ward based system of four (4) wards one of which (North Ward) has four elected members and three of which (East, Central and South) have two elected members each, with five Councillors in the Town retiring every two years. The May 2009 report outlined two possible options to reduce elected member numbers being;

- i. eight members over four wards + directly elected mayor; and
- ii. six members with no wards + directly elected mayor.

*(Note: both options create an odd number of elected members for decision making purposes and reduce the need for a casting vote).*

Information related to elected member numbers and ward systems was listed in the staff comment section of the previous report to Council in May 2009 and is therefore not repeated here but remains relevant to council's consideration of the issues.

According to the Local Government Advisory Board, the **advantages** of a reduction in the number of elected members may include the following:

- The decision making process may be more effective and efficient if the number of elected members is reduced. It is more timely to ascertain the views of a fewer number of people and decision making may be easier. There is also more scope for team spirit and cooperation amongst a smaller number of people.
- The cost of maintaining elected members is likely to be reduced (an estimate of the cost of reduction would be helpful).
- The increase in the ratio of councillors to electors is unlikely to be significant.
- Consultation with the community can be achieved through a variety of means in addition to individuals and groups contacting their local elected member.
- A reduction in the number of elected members may result in an increased commitment from those elected reflected in greater interest and participation in Council's affairs.
- Fewer elected members are more readily identifiable to the community.
- Fewer positions on Council may lead to greater interest in elections with contested elections and those elected obtaining a greater level of support from the community.
- There is a State wide trend for reductions in the number of elected members and many local governments have found that fewer elected members works well.

The **disadvantages** of a reduction in the number of elected members may include the following:

- A smaller number of elected members may result in an increased workload and may lessen effectiveness. A demanding role may discourage others from nominating for Council.
- There is the potential for dominance in the Council by a particular interest group.
- A reduction in the number of elected members may limit the diversity of interests around the Council table.

- Opportunities for community participation in Council's affairs may be reduced if there are fewer elected members for the community to contact.
- An increase in the ratio of councillors to electors may place too many demands on elected members.

## REGIONAL GROUPINGS OF COUNCILS

In relation to the third strategy in the reform agenda outlined by the Minister to “**form appropriate regional groupings of councils to assist with the efficient delivery of services**” the following information is provided:

The Town of Cottesloe is currently a member of three regional groupings of Councils; WESROC, WMRC and the WALGA Central Metropolitan Zone.

### 1. WESTERN SUBURBS REGIONAL ORGANISATION OF COUNCILS (WESROC)

The following Local Government Authorities are members of the WESROC;

- Town of Cambridge (observer and casual participant)
- Town of Claremont
- Town of Cottesloe
- Town of Mosman Park
- City of Nedlands
- Shire of Peppermint Grove
- City of Subiaco

The municipal authorities of the western suburbs of Perth have established a variety of initiatives to enhance regional cooperation and improve service delivery to their respective communities over a number of years. WESROC is a voluntary collaborative partnership of Councils which aims to facilitate and coordinate activities designed to promote community and economic development within the region and to enhance that capacity of member local governments.

### 2. WESTERN METROPOLITAN REGIONAL COUNCIL (WMRC)

The following Local Government Authorities are members of the WMRC;

- Town of Claremont
- Town of Cottesloe
- Town of Mosman Park
- Shire of Peppermint Grove
- City of Subiaco

The WMRC is a statutory local government authority established in 1989 by five western suburbs local government's to undertake waste management functions. Like all local governments the WMRC is administered by a “Council” of members, one member from each of the participating local governments. The Regional Council meets regularly to administer the functions and duties of the organisation.

The principal activity is the operation of the Brockway Waste Transfer Station situated on the corner of Brockway Road and Lemnos Street, Shenton Park. Here municipal solid waste (MSW) from member councils and others is received and aggregated into larger loads for transport in sealed containers to landfill sites located on the outer fringes of the Perth metropolitan area. In addition to this the Regional Council operates a green waste recycling operation where readily separated green waste is diverted from the waste stream, ground up into mulch and sold to the horticultural industry. Further information is available at the WMRC website <http://www.wmrc.wa.gov.au>.

### **3. WALGA CENTRAL METROPOLITAN ZONE**

The following Local Government Authorities are members of the WALGA Central Metropolitan Zone;

- Town of Cambridge
- Town of Claremont
- Town of Cottesloe
- Town of Mosman Park
- City of Nedlands
- Shire of Peppermint Grove
- City of Perth
- City of Subiaco
- Town of Vincent

The WA Local Government Association (WALGA) is the voice of Local Government in Western Australia. As the peak industry body WALGA advocates on behalf of the State's 139 Local Governments and negotiates service agreements for the sector. WALGA is not a government department or agency and its mission is to *provide strong representation, strong leadership, enhance the capacity of and build a positive public profile for, Local Government*.

WALGA lobbies and negotiates on behalf of Local Governments in WA. As the peak advocacy organisation, it has a strong influence on how policy decisions are made that affect the sector. Senior WALGA officers regularly consult with Ministers, politicians and senior bureaucrats and negotiate supplier agreements with senior executives of organisations with the capacity to deliver state-wide services. It is a private and independent entity which operates as a membership-based organisation. Its funding comes from membership subscriptions, business and grants. It works for and on behalf of Local Government in WA. The State Council is chaired by a President and includes 24 Members; 12 from country constituencies and 12 from metropolitan constituencies. All members must be a serving Mayor, President or Councillor in WA Local Government. The State Council is supported by a number of Zones - groups of geographically aligned members, who are responsible for the direct elections of State Councillors, input into policy formulation and advice to officers and State Council.

### **ANNE BANKS-MCALLISTER CONSULTING REPORT**

WESROC acted on the Dollery Report by engaging Anne Banks-McAllister Consulting to prepare a further report on a *“fast tracked (2-3 years) maximisation of Regional Cooperation and Resource Sharing amongst WESROC Councils.”*

The report entitled *A Model for Regional Cooperation and Resource Sharing in the Western Suburbs* was referred to each member council by the WESROC Board. Its chief recommendation is that WESROC develop a more effective model for regional cooperation and resource sharing by implementing the recommendations of the Dollery Report and more specifically, adopting actions that address governance, structural, process and strategy.

According to Anne Banks-McAllister Consulting, WESROC has yet to reach its full potential in terms of maximising the efficient delivery of services at a regional level for reasons that are identified within the report. Quite aside from any future consideration of the likelihood and timing of any amalgamation proposal for existing Western Suburbs local governments, there is no denying that there is room for improvement in regional cooperation and resource sharing. The report is comprehensive and offers a careful and considered way forward.

### **STRUCTURAL REFORM SUMMARY**

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.

However the *potential disadvantages* with structural reform which have been identified within the various consultant reports and discussions between Councils can 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 can 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.

The Ministers has requested that each Local Government provide a reform submission which is to include a Council resolution of intent in relation to the following:

- amalgamation proposals including potential boundary adjustments
- the proposed number of elected members
- details on appropriate regional grouping of local governments
- a completed *Local Government Reform Checklist*
- a timeline for implementation of reform

This report summarises the issues contained within the Town of Cottesloe Structural Reform Submission and, as outlined in that submission, makes recommendations in relation to the above request from the Minister.

## **VOTING**

Simple Majority

## **COMMITTEE COMMENT**

Cr Birnbrauer varied a number of minor changes to the report and, at the direction of the Chairperson, Committee agreed that Cr Birnbrauer and the CEO would meet separately to amend the Reform Submission prior to it being circulated to Council. In addition Committee discussed the submission content and direction and agreed to vary the officer recommendation for further consideration and endorsement by Council. The CEO agreed to provide the varied submission and recommendation to the Council meeting on Tuesday 29 September 2009.

## **OFFICER RECOMMENDATION**

That Council endorse the draft local government structural reform submission and its recommendations as per attachment 10.1.2.

## **COMMITTEE RECOMMENDATION**

That Council endorse the draft local government structural reform submission and its recommendations as varied as per attachment 10.2.2.

## **COUNCIL DISCUSSION**

Council discussed the report and reform submission at length prior to determining its position.



**COUNCIL RESOLUTION**

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 Groveas 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.

Carried 6/1

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

Nil

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

Cr Utting advised Council of a problem in relation to the rubbish bins overflowing on the long weekend at the beachfront and also identified a difficulty with the after hours telephone service. He requested that it be considered by Council as Urgent Business.

Moved Cr Utting, seconded Cr Boland

That the matters identified by Cr Utting be approved and considered as Urgent Business

Carried 7/0

**COUNCIL RESOLUTION**

Moved Cr Utting, seconded Cr Boland

**That Council request staff provide a report to the October round of meetings on steps to better attend to the emptying of beachfront rubbish bins during peak times.**

Carried 7/0

Cr Walsh advised Council that the matter of the introduction of Development Assessment Panels was scheduled to be discussed at the WALGA Central Metropolitan Zone Meeting on Thursday night and requested Council support him and Cr Boland in requesting that an additional recommendation be included in the zone report and be considered by Council as Urgent Business.

Moved Cr Walsh, seconded Cr Boland

That the matter identified by Cr Walsh be approved and considered as Urgent Business

Carried 7/0

**COUNCIL RESOLUTION**

Moved Cr Walsh, seconded Cr Boland

**That Council encourages WALGA to strongly oppose the introduction of Development Assessment Panels in Western Australia.**

Carried 7/0

**13 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 9:00pm

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