

# TOWN OF COTTESLOE



## WORKS AND CORPORATE SERVICES COMMITTEE

# MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE  
109 BROOME STREET, COTTESLOE  
7.00 PM, TUESDAY, 19 MAY 2009

**CARL ASKEW**  
Chief Executive Officer

15 May 2009



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**WORKS AND CORPORATE SERVICES COMMITTEE**
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**1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS**

The meeting was declared open at 7.05pm.

Moved Mayor Morgan, seconded Cr Strzina

In the absence of the Presiding member the Committee appointed Mayor Morgan to chair the Works and Corporate Services Committee Meeting.

Carried 7/0

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

Mayor Kevin Morgan	Presiding Member
Cr Patricia Carmichael	
Cr Dan Cunningham	
Cr Victor Strzina	
Cr John Utting	
Cr Ian Woodhill	
Cr Greg Boland	

**Officers Present**

Carl Askew	Chief Executive Officer
Graham Pattrick	Manager, Corporate and Community Services
Geoff Trigg	Manager, Engineering Services
Janna Lockyer	Community & Events Support Officer

**Apologies**

Cr Bryan Miller

**Officer Apologies**

Nil

**Leave of Absence (previously approved)**

Nil

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

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 PUBLIC STATEMENT TIME**

Robyn Benken – 6 Lyons Street Cottesloe– Item 11.1.1 – Natural Areas Management Plan – Grant Street Median

Ms Benken spoke on behalf of Cottesloe Coastcare. She wanted the recommendation to have a clear outcome for the Grant Street Median Strip and not to remain as a void in the Natural Areas Management Plan.

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Moved Cr Strzina, seconded Cr Woodhill

[Minutes April 21 2009 Works and Corporate Services Committee.doc](#)

**The Minutes of the Ordinary meeting of the Works And Corporate Services Committee, held on 21 April 2009 be confirmed.**

Carried 7/0

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

**9 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

For the benefit of the members of the public and specialist Officers present the Presiding Member determined to first consider the following Officer report;

11.1.1 Natural Areas Management Plan – Grant Street Median

The Chairman then returned to the printed order of the agenda

**10 REPORTS OF COMMITTEES AND OFFICERS****10.1 ADMINISTRATION****10.1.1 LOCAL GOVERNMENT STRUCTURAL REFORM - NUMBERS OF ELECTED MEMBERS**

**File No:** SUB/000  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer

**Proposed Meeting Date:** 19-May-2009

**Author Disclosure of Interest** Nil

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**SUMMARY**

This report addresses part four of Council's resolution from its Special meeting in March 2009 that Council *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*".

In addition, and in line with the timeframe for reform submissions to be forwarded to the Minister, it has been requested that, as part of stage 2 of the process, the Town consider establishing a project team of two to three members (refer to Attachment 10.1.1.1).

This report recommends that Council:

1. Note the information provided in relation to elected member numbers, wards and boundaries.
2. Appoint the Mayor, Chief Executive Officer, Cr \_\_\_\_\_ and Cr \_\_\_\_\_ as members of the Town of Cottesloe Project Team for the preparation of the Town's Reform Submission to the Minister for Local Government by 31 August 2009.
3. Based upon its final Reform Submission and any subsequent decisions by the Minister, determine to commence the process of reviewing its elected member numbers, wards and boundaries in time for the October 2011 local government elections.

**BACKGROUND**

The Minister for Local Government, the Hon John Castrilli MLA, announced a local government reform strategy on 5 February 2009. The reforms are based on amalgamations of local governments in WA, the reduction of elected members and the formation of appropriate regional groupings of local governments. The reforms offer a tight timeframe. The Department of Local Government and Regional Development and the Local Government Reform Steering Committee distributed *Structural Reform Guidelines* on 27 February 2009. The Guidelines provide principles without parameters and a timeframe for reform submissions to the Minister.

The staged timeframe proposed by the Minister requires a process to be carried out commencing in March 2009 and culminating in the lodgement of a reform submission by 31 August 2009. Stage 1 of the reform process involved the completion of a reform checklist which was endorsed by Council and returned to the Local Government Reform Steering Committee by 30 April 2009. This stage also involves local governments considering a reduction in the number of elected members to between six and nine.

**CONSULTATION**

Nil

**STAFF COMMENT****PROJECT TEAM**

In accordance with the Minister's Structural Reform Guidelines each Local Authority has been requested to form a project team;

**2.1 Details of Reform Submission**

*It is recommended that a project team be established, comprising two - three members of the proposed amalgamating local governments, including the Mayor/President and the CEO. The project team should consider the following:*

*how the preferred amalgamated structure will improve social, economic and environmental capacity on behalf of their communities;*  
*how the gaps identified in individual checklists will be addressed;*  
*how community identity and representation will be preserved or improved;*  
*community consultation strategies;*  
*elected member representation;*  
*membership of regional groupings;*  
*the transition timeframe; and*  
*estimated reasonable additional costs that are likely to be incurred as part of the transition.*

It will be recommended that consideration be given to nominating two elected members to be part of the Project team for the Town of Cottesloe together with the Mayor and CEO.

**Ward Boundary Review**

The Town of Cottesloe last undertook a formal review of its ward boundaries and representation in 2004. The review outcome and subsequent Council resolution was to;

Advise the Local Government Advisory Board that the Town of Cottesloe has made a review of its ward boundaries and representation is unable to recommend an order for change.

Council is required to review its ward boundaries and number of offices of councillors for each ward *from time to time so that not more than eight (8) years elapse between successive reviews*. The typical review process involves a number of steps;



- Council resolves to undertake a review on ward boundaries and the number of offices of councillor
- Prior to conducting a review a local government is to give local public notice that a review is to be carried out
- Public submission period opens (local advertising and website) – minimum of 42 days
- Information provided to community for discussion including a range of alternatives to the current ward system
- Public submission period closes – minimum of 42 days from date of notice
- Council considers all submissions and relevant facts and makes a decision
- Council submits a report to the Local Government Advisory Board for consideration (the Board considers that the ratio of councillors to electors is always significant and it is expected that each local government will have similar ratios of electors to councillors across the wards of its district with no resulting ratio being plus or minus 10% of the average ratio for that local government).
- If a change is proposed the Board submits a recommendation to the Minister for Local Government
- Any changes approved by the Minister, where possible, will be in place for the next ordinary election

Boundaries and representation are generally assessed against a number of criteria including;

- community of interest,
- physical and topographic features,
- demographic trends,
- economic factors, and
- the ratio of councillors to electors in the various wards.

The Local Government Advisory Board offers the following interpretation of these factors.

1. Community of interest

*The term community of interest has a number of elements. These include a sense of community identity and belonging, similarities in the characteristics of the residents of a community and similarities in the economic activities. It can also include dependence on the shared facilities in an area as reflected in catchment areas of local schools and sporting teams, or the circulation areas of local newspapers.*

*Neighborhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging.*

2. Physical and topographic features

*These may be natural or man made features that will vary from area to area. Water features such as rivers and catchment boundaries may be relevant*

*considerations. Coastal plain and foothills regions, parks and reserves may be relevant as may other man made features such as railway lines and freeways.*

### 3. Demographic trends

*Several measurements of the characteristics of human populations, such as population size, and its distribution by age, sex, occupation and location provide important demographic information. Current and projected population characteristics will be relevant as well as similarities and differences between areas within the local government.*

### 4. Economic factors

*Economic factors can be broadly interpreted to include any factor that reflects the character of economic activities and resources in the area. This may include the industries that occur in a local government area (or the release of land for these) and the distribution of community assets and infrastructure such as road networks.*

According to the Department of Local Government and Regional Development in their circular of November 2008 related to *Review of Wards and Representation*, after the community comment period any feedback is assessed and summarized and presented to Council for consideration and resolution. Once a decision is made the local government may consider the impact of implementing any change at the next ordinary election. In some circumstances elected members may be unable to complete their term of office in view of the implementation of changes.

Once the local government has completed its review it must provide a written report about the review to the Local Government Advisory Board. If a local government expects changes to be in place in time for an ordinary election, it must submit its report to the Board by the end of December in the year prior to an ordinary election day. This will allow sufficient time for any changes to be considered and processed for the beginning of the election cycle.

The current situation at Cottesloe has a Mayor elected “by the community” plus a total of 10 Councillors elected from four (4) wards as follows:

Ward	Number of Electors	Number of Councillors	Councillor: Elector Ratio	% Ratio Deviation
North	2315	4	1 / 579	+10.50%
Central	943	2	1 / 472	-9.92%
South	1008	2	1 / 504	-3.82%
East	974	2	1 / 487	-7.06%
<b>Total</b>	<b>5240</b>	<b>10</b>	<b>1 / 524</b>	

*Note: Data is from the Electoral Commission and based upon eligible voters as of the April 2009.*

Attachment 10.1.1.2 shows the current ward boundaries. The % ratio deviation gives a clear indication of the % difference between the average councillor/elector ratio for the whole local government and the councillor/elector ratio for each ward. It can be seen that there is a significant imbalance in representation across the Town. According to the Advisory Board it is recommended that a balanced representation would be reflected in the % ratio deviation being within plus or minus 10%.

### **Additional Background Information**

#### **Elected Members**

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.

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.
- 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.

### **Ward Systems**

Many local governments have a ward system and find that it works well for them. The **advantages** of a ward system may include:

- Different sectors of the community can be represented ensuring a good spread of representation and interests amongst elected members.
- There is more opportunity for elected members to have a greater knowledge and interest in the issues in the ward.
- It may be easier for a candidate to be elected if they only need to canvass one ward.

The **disadvantages** of a ward system may include:

- Elected members can become too focused on their wards and less focused on the affairs of other wards and the whole local government.
- An unhealthy competition for resources can develop where electors in each ward come to expect the services and facilities provided in other wards, whether they are appropriate or not.
- The community and elected members can tend to regard the local government in terms of wards rather than as a whole community.
- Ward boundaries may appear to be placed arbitrarily and may not reflect the social interaction and communities of interest of the community.
- Balanced representation across the local government may be difficult to achieve, particularly if a local government has highly populated urban areas and sparsely populated rural areas.

**No Ward System**

The **advantages** of a *no ward* system may include:

- Elected members are elected by the whole community not just a section of it. Knowledge and interest in all areas of the Council's affairs would result broadening the views beyond the immediate concerns of those in a ward.
- The smaller town sites and rural areas have the whole Council working for them.
- Members of the community who want to approach an elected member can speak to any elected member.
- Social networks and communities of interest are often spread across a local government and elected members can have an overview of these.
- Elected members can use their specialty skills and knowledge for the benefit of the whole local government.
- There is balanced representation with each elected member representing the whole community.
- The election process is much simpler for the community to understand and for the Council to administer.

The **disadvantages** of a *no ward* system may include:

- Electors may feel that they are not adequately represented if they don't have an affinity with any of the elected members.
- Elected members living in a certain area may have a greater affinity and understanding of the issues specific to that area.
- There is potential for an interest group to dominate the Council.
- Elected members may feel overwhelmed by having to represent all electors and may not have the time or opportunity to understand and represent all the issues.
- It may be more difficult and costly for candidates to be elected if they need to canvass the whole local government area.

**Options for Cottesloe**

The option to reduce elected member numbers in the Town of Cottesloe to eight (8) members over four wards, exclusive of a directly elected Mayor, would result in a change to both the Councillor/elector ratio as well as a change in actual ward boundaries.

The variation plans and tables included in attachment 10.1.1.3 provide for a number of “variations” to the current ward boundaries and are provided only to demonstrate the potential options. If Council were to determine to proceed to endorse such a change then these are the sorts of options that would be used during any community consultation process and prior to Council making a formal recommendation to the Local Government Advisory Board. In each case the Councillor/elector ratios have been shown along with the % ratio deviation. Where possible, and within the appropriate numerical deviations, ward boundaries have been aligned geographically and using primary roads within the district. Overall the Councillor/elector ratio increases from 1/524 to 1/655 under a system of 8 Councillors.

The option to reduce the number of elected members to six (6) members with no wards, exclusive of a directly elected Mayor, would result in a Councillor/elector ratio of 1/873.

Attachment 10.1.1.4 shows the range of Councillor/elector ratios currently across the metropolitan area based upon data from the West Australian Local Government Association directory for 2009.

In relation to timing, and as mentioned above, conducting a ward and representation review can be a lengthy process and, according to the Department of Local Government any changes to be implemented before the 2009 local government elections must be gazetted 80 days before the election date. It is therefore very unlikely that any decision of Council at this time to commence this process would result in any change and implementation by the October 2009 elections.

#### **POLICY IMPLICATIONS**

Nil

#### **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 2008-09 to achieve its goals, any future strategic planning and subsequent actions will need to address the issue of structural reform, including changes to the number of elected members. 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 with regard to the Ministers call for;

- voluntary amalgamations to form larger local governments,
- reduce the total number of elected members to between six and nine and
- local governments to form appropriate regional groupings of councils to assist with the effective delivery of services.

The Town is required to formally respond to the Minister outlining its intentions on these matters by 31 August 2009. The Minister has established a Local Government Reform Steering Committee who has, through the Department of Local Government and Regional Development, provided a set of structural reform guidelines to assist local governments.

**STATUTORY REQUIREMENTS**

Local Government Act 1995, particularly section 2.1 and Schedule 2.1.

*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.]*

## **Schedule 2.2 — Provisions about names, wards and representation**

*[Section 2.2(3)]*

### **6. Local government with wards to review periodically**

*A local government the district of which is divided into wards is to carry out reviews of —*

- (a) *its ward boundaries; and*

(b) *the number of offices of councillor for each ward, from time to time so that not more than 8 years elapse between successive reviews.*

#### **SUSTAINABILITY IMPLICATIONS**

The final outcome in regard to the Dollery report and the Minister's reform agenda may have an impact upon Council's future objectives and plans however this is unknown at this stage.

#### **FINANCIAL IMPLICATIONS**

The resources required to address the issues contained within the Dollery report may have a significant impact upon Council's future budgets whilst the potential cost of any future amalgamation or shared services arrangement is unknown.

There will also be costs associated with any proposal for ward boundary changes (including community consultation) and associated elections as a consequence of any change to elected member numbers.

In the immediate term there will be significant human resource costs (officer time) to Council in responding to the Minister's Structural Reform agenda.

#### **VOTING**

Simple Majority

#### **OFFICER RECOMMENDATION**

Moved Mayor Morgan, seconded Cr Strzina

That Council:

1. Note the information provided in relation to elected member numbers, wards and boundaries.
2. Appoint the Mayor, Chief Executive Officer, Cr \_\_\_\_\_ and Cr \_\_\_\_\_ as members of the Town of Cottesloe Project Team for the preparation of the Town's Reform Submission to the Minister for Local Government by 31 August 2009.
3. Based upon its final Reform Submission and any subsequent decisions by the Minister, determine to commence the process of reviewing its elected member numbers, wards and boundaries in time for the October 2011 local government elections.

#### **AMENDMENT**

Moved Mayor Morgan, seconded Cr Strzina

Point 2 of the officer recommendation be amended to have one Councillor nomination and that the nomination to be determined at the Full Council Meeting on Monday 25 May 2009.

Carried 6/1

**COMMITTEE RECOMMENDATION**

Moved Mayor Morgan, seconded Cr Strzina

**That Council:**

- 1. Note the information provided in relation to elected member numbers, wards and boundaries.**
- 2. Appoint the Mayor, Chief Executive Officer and Cr \_\_\_\_\_ as members of the Town of Cottesloe Project Team for the preparation of the Town's Reform Submission to the Minister for Local Government by 31 August 2009.**
- 3. Based upon its final Reform Submission and any subsequent decisions by the Minister, determine to commence the process of reviewing its elected member numbers, wards and boundaries in time for the October 2011 local government elections.**

Carried 6/1

**10.1.2 DELEGATED POWERS**

**File No:** sub/38  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer

**Proposed Meeting Date:** 19-May-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

In order to expedite decision-making within the Town of Cottesloe, a recommendation is made to delegate a number of powers and duties to the Chief Executive Officer as provided for in the Local Government Act (1995).

**BACKGROUND**

This is a standard agenda item which is presented to Council annually.

It allows the CEO to make decisions under the authority of Council without having to constantly refer business of a routine nature to Council.

The CEO delegates some of the powers in turn to senior staff.

**CONSULTATION**

Nil

**STAFF COMMENT**

As advised last year, the list of delegated powers was considerably reduced in May of 2002, and since that time no customer service difficulties have arisen as a result of working with a reduced list.

However, one additional delegation is recommended from the list that was approved by Council in 2008 and this is Section 403 of the Local Government (Miscellaneous Provisions) Act 1960 "*Give Notice of dangerous buildings*". As suggested, this matter implies urgency and it is considered more practical for this to be delegated with the responsibility for administration held by the CEO and Principal Building Surveyor.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**STATUTORY REQUIREMENTS**

Sections 5.42 and 5.43 of the *Local Government Act (1995)* provide as follows:-

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**5.42. Delegation of some powers and duties to CEO**

(1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

\* Absolute majority required.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

**5.43. Limits on delegations to CEO's**

A local government cannot delegate to a CEO any of the following powers or duties:-

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor; or
- (i) such other powers or duties as may be prescribed.

**SUSTAINABILITY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**VOTING**

Absolute Majority

**COMMITTEE COMMENT**



Committee discussed the recommended delegations and questions were raised in relation to section 5.36. The CEO agreed to clarify the request prior to the Council meeting. Committee supported the recommendation on that basis.

#### OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina

**That Council delegate the following powers and duties to the Chief Executive Officer effective to 30 June, 2010**

<b>Section</b>	<b>Local Government Act 1995</b>
3.18	Administration and enforcement of local laws
3.21	Performance of executive functions relating to land
3.24/3.25/3.26(3)	Powers to be exercised by authorised persons in relation to land
3.28/3.29	Powers of entry to land
3.31/3.33/3.34	Powers of entry to land
3.36	Opening/closing of fences
3.39	Authorising employees to impound goods
3.46	Withholding of goods
3.47	Disposal of impounded goods
3.47A	Disposal of sick or injured animals
3.48	Recovery of costs associated with impounded goods
3.50	Closure of thoroughfares to certain vehicles
3.50A	Closure of thoroughfares for repairs or maintenance
3.57	Inviting tenders for goods and services under contract
5.2	Ensuring that an appropriate structure exists for administration
5.36	Employment of persons other than the Chief Executive Officer
6.12	Waive, grant concessions or write off individual debts to a maximum of \$100
6.14	Investing funds not required
6.49	Make agreements with persons regarding payment of rates
6.64	Action taken when rates are unpaid for at least 3 years
6.76(4,5,6)	Dealing with objections to rates records
9.10	Appointment of authorised persons
<b>Section</b>	<b>Local Government (Miscellaneous Provisions) Act 1960</b>
374.(1) (b)	Plans of buildings to be approved
401	Give notice of required alterations to buildings
403	Give notice of dangerous buildings
<b>Section</b>	<b>Dog Act 1976</b>
9	Administer and enforce provisions of the Dog Act.
<b>Law No.</b>	<b>Signs, Hoardings and Billposting Local Law</b>
28	Revoke sign licences
33	Issue and revoke special permits for signs
36A	Remove and dispose of signs unlawfully displayed
<b>Law No.</b>	<b>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law</b>
6.2	Approve or refuse an application for a permit to trade,

<b>Section</b>	<b>Local Government Act 1995</b>
	conduct a stall or outdoor eating facility.
<b>Regulation</b>	<b>Building Regulations 1989</b>
20	Issue a certificate of classification
<b>Regulation</b>	<b>Local Government (Financial Management) Regulations 1996</b>
12(1)(a)	Power to make payments from the municipal and trust funds

Carried 5/2

**10.1.3 REBATE CLAIM WRITE-OFF**

**File No:** SUB/000  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Patrick  
Manager Corporate Services

**Proposed Meeting Date:** 19-May-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

During the period between July 1998 and June 2007 processes employed by the Town to administer rebate claims under the *Rates and Charges Rebates and Deferments) Act 1992* were not adequate to ensure that all possible rates were collectable.

Claims for rebates were not completed in a timely manner, and rejections from those claims were not processed. Processes employed during the settlement of properties from one owner to the next assumed that all rebates allowed would be collectable.

In July 2007, the value of unsettled rebates was \$156,597.98. This debt was recorded in Council's records as a sundry debtor. The balance of this account (which also tracked successful claims) was not analysed, and as the balance rose steadily over the nine year period was not identified as an anomaly.

In early 2008, a process review recognised that this balance was composed of previously rejected claims. These claims should have been either resubmitted to State Revenue, or been written back onto the property as an outstanding charge. This had not been done. The Audit committee of the Town was advised, and action commenced to identify valid claims and determine the debts to be written off. Each of the claims able to be identified was resubmitted to the State Government to be reassessed.

With the assistance of the Officer of State Revenue, and the allocation of resources by Council, 245 previously rejected claims were identified. Of these, 143 rebates were successfully claimed. Those unsuccessful were reviewed and confirmed as not entitled to the rebate at the time of processing.

The value of these successful claims was \$83,237.37. The amount recommended for write off by Council for declined rebate claims during the period July 1998 to June 2007 is \$73,360.61.

Due to the elapsed time between when these charges were originally raised, and when it was realised that they could not be claimed as rebates, it was not appropriate to return the debt to the property. In many cases ownership had changed, and these debts should have been recovered by Council at that time.

**BACKGROUND**

Information held on Council's Property and Rates database for each ratepayer is used to determine their entitlement for the forthcoming rating year. Thus, the information from one rating year is used to calculate the rebate due for the following year. The ratepayer then receives their notice with the rebate already calculated, and is only required to pay the total due shown on the notice.

Council is usually unaware that the circumstances of the ratepayer have changed until after the ratepayer's portion of the rates has been paid, and the claim by Council to the State Government is rejected. Council is then required to research the reason for the rejection, update their data, and either resubmit the claim or ensure that the ratepayer receives notification of the change, and advice of the additional amount of rates due to be paid. Delay in this action by Council may mean that the property has been sold during the period, and that the debt was not recognised at the time of the change of ownership.

In 2001, an agenda item was prepared to recommend the write off declined rebates that, in the opinion of the Officer of the day, were not recoverable. At the time, it was considered that further investigation be undertaken prior to taking the action to write off the debt. This investigation was not completed.

Since that time, and until July 2007, the problems encountered with rejected rebate claims remained and were not addressed.

**CONSULTATION**

Officers have met with Council's Audit committee on two occasions. Firstly in April 2008 when the matter was identified, and again in February 2009 to update them with the progress of recovering some of the monies from the State Government.

**STAFF COMMENT**

A combination of a lack of resources, and an inadequate understanding of the electronic data processing of earlier computer applications were the primary cause of this issue. Identification of the problem and participation in its resolution will ensure that both practise and procedure will be adhered to by current and future staff.

Procedures are now in place to ensure that the Finance Manager is required to authorise all journals posted out of the Rating subsidiary ledger.

Procedures within the rating section ensure that declined rebates are written back against the relevant property within the month.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**STATUTORY REQUIREMENTS**

The relevant section of the Local Government Act 1995 provides the following:

**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.
- (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.

**SUSTAINABILITY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Provision for this write off was made in the 2007/2008 Financial Year.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Committee discussed the report and sought clarification for two separate debtor numbers for the Office of State Revenue.

The Rates Officer advised that one is for FESA and the other is general rates and are submitted as two separate claims.

The current procedures now in place to ensure that this issue does not reoccur were explained for the benefit of the members.

Committee thanked Natasha for all her efforts in working through a very complex problem to final resolution.

**OFFICER RECOMMENDATION**

Moved Mayor Morgan, seconded Cr Strzina

That Council:

1. Authorise the amount of \$73,360.61 be written off against Debtor 151 and 152 (Office of State Revenue) against the provision for doubtful debt provided in the 2007/2008 Financial Accounts.
2. Request the Chief Executive Officer ensure that adequate procedural checks are employed and maintained to ensure identification of outstanding debts.

**AMENDMENT**

Moved Cr Boland, seconded Cr Strzina

The word '*early*' be inserted after the words "*and maintained to ensure*" and the words '*and recovery*' be placed after "*identification*" in point 2 of the officer recommendation.

Carried 7/0

**COMMITTEE RECOMMENDATION**

**That Council:**

- 1. Authorise the amount of \$73,360.61 be written off against Debtor 151 and 152 (Office of State Revenue) against the provision for doubtful debt provided in the 2007/2008 Financial Accounts.**
- 2. Request the Chief Executive Officer ensure that adequate procedural checks are employed and maintained to ensure early identification and recovery of outstanding debts.**

Carried 7/0

**10.2 ENGINEERING****10.2.1 TRAFFIC ISSUES AT NORTH COTTESLOE PRIMARY SCHOOL**

**File No:** SUB/121  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Attachment:** North Cottesloe Primary School Intersection  
**Proposed Meeting Date:** 19-May-2009  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The North Cottesloe Primary School is experiencing parental concerns regarding the movement of vehicles around the school plus problems with school parking.

A request is made for Council to arrange a safety audit to determine safety improvements for traffic flow and parking.

The report recommends that Council resolve to:

1. Arrange a Consultant safety audit to investigate matters of concern regarding vehicle movement and parking at the North Cottesloe Primary School.
2. Inform the North Cottesloe Primary School P & C of Councils' decision in this matter.

**BACKGROUND**

The North Cottesloe Primary School, situated on Eric Street and Railway Street, has experienced parking and traffic flow problems for many years. The heavy vehicle flow on Eric Street, between Curtin Avenue and Stirling Highway, has continued to grow over the years, with a growing conflict of parental vehicles dropping off and picking up school children with the 'through traffic'.

This conflict is added to by the Curtin Avenue/Eric Street light controlled intersection, the Railway Street/Eric Street roundabout being misused and the general lack of parking capacity near the school while the percentage of parents using cars to deliver or pick up school children seems to be growing.

In addition, the State Government policy of shutting down small school and redirecting students to schools such as North Cottesloe has meant more buildings and students at that site.

**CONSULTATION**

At P & C meetings only.

**STAFF COMMENT**

It has been general State Government practice over many years to 'expect' local government to provide adequate parking for school staff and parental use. North Cottesloe is a standard situation where Council has provided substantial parking facilities on adjacent road reserves, with such parking being used for very short periods, Monday to Friday during school terms.

The idea of 'peripheral' car parking areas (eg Florence Street, Hawkstone Street, Grant Street, Mann Street etc) to serve the school and car park on Railway Street being used as the main drive through drop off and pick up site could have substantial negative impact on local residents and non-school traffic flow.

A traffic study audit would cost approximately \$4,000 - \$5,000 depending on the detail required. Any works proposed from any findings on such an audit could be the subject of a discussion with the Department of Education and Training in relation to who would provide the required finding.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**STATUTORY REQUIREMENTS**

Any car parking or Traffic control installations on road reserves vested in Council would be Councils' responsibility regarding management and liability.

**SUSTAINABILITY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

\$4,000-\$5,000 for Safety Audit.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

Moved Mayor Morgan, seconded Cr Utting

That Council:

1. Arrange a Consultant safety audit to investigate matters of concern regarding vehicle movement and parking, as in attachment 10.2.1, at the North Cottesloe Primary School.
2. Inform the North Cottesloe Primary School P & C of Councils' decision in this matter.



**AMENDMENT**

Moved Cr Woodhill, seconded Cr Utting

After the words "*North Cottesloe Primary School,*" in point 1 of the Officer recommendation the following words are to be added, '*including seeking input from appropriate local police services.*

Carried 7/0

**COMMITTEE RECOMMENDATION**

Moved Mayor Morgan, seconded Cr Utting

**That Council:**

- 1. Arrange a Consultant safety audit to investigate matters of concern regarding vehicle movement and parking, as in attachment 10.2.1, at the North Cottesloe Primary School, including seeking input from appropriate local police services.**
- 2. Inform the North Cottesloe Primary School P & C of Councils' decision in this matter.**

Carried 7/0

**10.3 FINANCE****10.3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 APRIL 2009**

**File No:** SUB/137  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services  
**Attachment:** Financial Statements for the Period Ending 30 April 2009  
**Proposed Meeting Date:** 19-May-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 30 April 2009 as per attachment 10.3.1, 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 \$313,294 as at 30 April 2009. Operating Revenue is ahead of budget by \$7,830 (.1%). Operating Expenditure is \$52,116 (.7%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 30 April 2009 is shown on pages 7-8.

The Capital Works Program is listed on pages 23 - 25 and shows total expenditure of \$4,341,311 compared to YTD budget of \$9,008,271. The reason for the significant difference is the delay with the library.

**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**

Moved Mayor Morgan, seconded Cr Strzina

**That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 April 2009, as per attachment 10.3.1, as submitted to the 19 May 2009 meeting of the Works and Corporate Services Committee.**

Carried 7/0

**10.3.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 30 APRIL 2009**

**File No:** SUB/150 & SUB/151  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services  
**Attachment:** Financial Statements for the Period Ending 30 April 2009  
**Proposed Meeting Date:** 19-May-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 30 April 2009, as per attachment 10.3.1, to Council.

**BACKGROUND**

The Schedule of Investments and Schedule of Loans are presented monthly.

**CONSULTATION**

Nil

**STAFF COMMENT**

The Schedule of Investments on page 18 of the Financial Statements shows that \$772,772.14 was invested as at 30 April, 2009.

Reserve Funds make up \$764,358.88 of the total invested and are restricted funds. Approximately 66% of the funds are invested with the National Australia Bank, 34% with BankWest.

The Schedule of Loans on page 19 shows a balance of \$2,122,683.66 as at 30 April, 2009. There is \$495,960.94 included in this balance that relates to self supporting loans.

**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**

Moved Mayor Morgan, seconded Cr Strzina

**That Council receive the Schedule of Investments and Schedule of Loans for the period ending 30 April 2009, as per attachment 10.3.1, as submitted to the 19 May 2009 meeting of the Works and Corporate Services Committee.**

Carried 7/0

**10.3.3 ACCOUNTS FOR THE PERIOD ENDING 30 APRIL 2009**

**File No:** SUB/137  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services  
**Attachment:** Financial Statements for the Period Ending 30 April 2009  
**Proposed Meeting Date:** 19-May-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 30 April 2009, as per attachment 10.3.1, to Council.

**BACKGROUND**

The List of Accounts is presented monthly.

**CONSULTATION**

Nil

**STAFF COMMENT**

The following significant payments are brought to your attention that are included in the list of accounts commencing on page 10 of the Financial Statements:

- \$16,118.32 to WA Local Govt Super Fund for staff deductions
- \$12,852.35 to Synergy for street power etc for March 2009
- \$16,478.80 to WA Local Govt Super Fund for staff deductions
- \$16,434.20 to WA Local Govt Super Fund for staff deductions
- \$13,846.00 to FER for unpaid infringements
- \$13,345.45 to WATC for payment on loan 104
- \$22,471.72 to ATO for BAS for March qtr 2009
- \$12,546.11 to Verifact for beachfront ASB investigation
- \$472,920.86 to KMC for building claim 9
- \$106,821.00 to Shire of Peppermint grove for library contributions for March qtr 2009
- \$17,038.34 to B&N Waste for greenwaste collection in March 2009
- \$15,652.16 to Surf Life Saving WA for contract for February 2009
- \$34,980.00 to Key2Design for stage 2 of the Think Water campaign
- \$18,650.10 to WMRC for disposal and tipping fees
- \$24,492.15 to Ocean IT for anti-virus and protection software
- \$45,594.16 to Transpacific Cleanaway for domestic & commercial waste disposal in March 2009
- \$16,500.00 to Donegan Enterprises for Coast Care project
- \$13,739.86 to WMRC for disposal and tipping fees

- \$13,927.93 to ATO for FBT year end for March 2009  
\$64,901.32, \$84,462.48 and \$66,485.27 for staff payroll

**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**

Moved Mayor Morgan, seconded Cr Strzina

**That Council receive the List of Accounts for the period ending 30 April 2009, as per attachment 10.3.1, as submitted to the 19 May 2009 meeting of the Works and Corporate Services Committee.**

Carried 7/0

**10.3.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD ENDING 30 APRIL 2009**

**File No:** SUB/145  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer  
**Attachment:** Financial Statements for the Period Ending 30 April 2009  
**Proposed Meeting Date:** 19-May-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 30 April 2009, as per attachment 10.3.1, to Council.

**BACKGROUND**

The Property and Sundry Debtors Reports are presented monthly.

**CONSULTATION**

Nil

**STAFF COMMENT**

The Sundry Debtors Report on pages 20-21 of the Financial Statements shows a balance of \$154,363.59 of which \$59,701.63 relates to the current month. The balance of aged debt greater than 30 days stood at \$94,661.96 of which \$73,360.61 relates to pensioner rebates that are being reconciled by the Senior Finance Officer.

Property Debtors are shown in the Rates and Charges analysis on page 22 of the Financial Statements and show a balance of \$342,435.33. Of this amount \$222,519.55 and \$48,685.66 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 \$119,916 in 2009 compared to \$133,987 last 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**

Moved Mayor Morgan, seconded Cr Strzina

**That Council receive and endorse the Property Debtors Report and Sundry Debtors Report for the period ending 30 April 2009, as per attachment 10.3.1, as submitted to the 19 May 2009 meeting of the Works and Corporate Services Committee**

Carried 7/0

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

*Cr Woodhill and Cr Cunningham declared a Proximity interest in Item 11.1.1 and left the meeting at 7.07pm.*

**11.1.1 NATURAL AREAS MANAGEMENT PLAN - GRANT STREET MEDIAN**

**File No:** SUB/620 & SUB/707  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services

**Proposed Meeting Date:** 19-May-2009

**Author Disclosure of Interest** Nil

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**SUMMARY**

The following Notice of Motion from the Mayor has been received:

That Council initiate a community engagement process to develop a landscape concept for the Grant Street median strip, so as to replace the relevant portion that Council recently removed from its Natural Areas Management Plan, on the basis that:

1. The community engagement process involve local advertising, the Council' website and a mail-out to Grant Street residents; and
2. The concept plan will provide for:
  - a. Any ailing Norfolk Island Pine Tree to be replaced by a new Norfolk Island Pine sapling rather than another tree variety;
  - b. Any replacement of couch grass by local plant species be confined to species that are low lying;
  - c. Adequate provision for car parking on the median strip by residents and their visitors; and
  - d. Consideration to be given to surfacing any car parks with suitable natural ground cover rather than bitumen.

**STATUTORY ENVIRONMENT**

None known.

**POLICY IMPLICATIONS**

None known.

**STRATEGIC IMPLICATIONS**

One of the dynamic priorities contained within Councils' Future Plan is to develop a District Management Plan (Future Plan – Section 6).

Under objective 3 – Enhance beach access and the foreshore, Major Strategy 3.2 is to *“Improve beach access and dune conservation outside the central foreshore zone.”*

**SUSTAINABILITY IMPLICATIONS****FINANCIAL IMPLICATIONS**

The Natural Areas Management Plan and Five Year plan proposes set annual financial allocations to fund the objectives of the Natural Areas Management Plan.

**BACKGROUND**

In the 2007/08 budget, Council included a \$20,000 allocation towards the creation of an overarching Environmental Management Plan, in conjunction with Cottesloe Coastcare. A \$25,000 grant was also applied for, under the Coastal Planning Incentive Program, with Cottesloe Coastcare to provide \$5,080 in value from Coastcare site inspections, provisions of information and general local 'on site' aid to the Consultant.

A Natural Areas Management Plan consultants 'brief' was prepared in November 2007, with Council staff working with Cottesloe Coastcare to develop this document.

The consultants brief was sent to three consultants: Coffey Environments, Ecoscape and Cardno BSD.

Quotations and proposals were received and the proposal prepared by Ecoscape was adopted in December 2007.

Ecoscape worked on the development of the Cottesloe Natural Areas Management Plan from January 2008, until the presentation to Council of the draft Natural Areas Management Plan in July 2008.

At its July 2008 meeting, Council resolved to "receive the Cottesloe Natural Management Plan and release it for a four week public comment period". (Carried 9/0)

At the September 2008 Committee and full Council meetings, Council considered a total of eight submissions: one from Cottesloe Coastcare and seven from individuals. These submissions had been received after advertising took place on Councils' website, Council notice boards, by a newspaper advertisement and over the counter at the Civic Centre.

None of the submissions requested any changes relating to the proposals or possibilities covered in the draft Natural Areas Management Plan regarding the Grant Street median strip area.

At the September 2008 Council meeting, Council resolved:

That Council:

1. Approve the content changes incorporated into the Natural Areas Management Plan and adopt the plan.
2. Note that a five year works plan regarding Natural Areas Management will be developed incorporating recommendations from the Natural Areas Management Plan. This will include priorities for action and a works schedule which will be presented to Council for approval in early 2009. (Carried 7/0)

In February 2009, a "Five year Plan – Natural Areas Management" was presented to Council.

The motion "that Council adopt the Natural Areas Management Five Year Plan as per attachment 10.2.9 and Year one be used as the basis for inclusion in the draft 2009/2010 financial year budget for funding consideration" lapsed for want of a quorum.

The item was deferred until March 2009 meeting. The agenda item for this draft five year plan included, for Council consideration, \$8,000 to extend native shrub plantings on the east side of Marmion Street intersection sump, in Year Four – 2012/2013, on the Grant Street median.

It also included in Year Five – 2013/2014, \$8,000 on the Grant Street median on the west end to convert a trial area to natives. No proposal was included to change any of the existing Norfolk Island Pine Trees to Australian native species. This was in keeping with the Natural Areas Management Plan adopted by Council in September 2008.

The agenda item included, as part of the main text (not as an attachment) a direct quotation from the consultant of the Natural Areas Management Plan titled Median Strips/Grant Street (p49), as adopted by Council in September 2008, which underlined what the Natural Areas Management Plan intended to be considered for that median.

The Natural Areas Management Five Year Plan was brought back to Council in March 2009, but in the intervening month, Cottesloe Coastcare had studied the draft Five Year Plan and made suggestions, based on the need to concentrate, for the first five years, on Existing Natural Areas (ENA's) with Potential Natural Areas (PNA's) being a lesser priority at least for the first five years.

Staff agreed with the majority of the points made by Cottesloe Coastcare and the draft Five Year Plan was modified, with Years Three, Four and Five receiving changes. The main changes were in Year Three Entry Statements, Curtin Avenue/Marine Parade being replaced with 'Vlamingh Area for an allocation of \$8,000, in year Four Grant Street median and Eric Street verge were being replaced with Cottesloe Native Garden and Marine Parade west side verge for a total allocation of \$18,000, and Year Five being modified to replace Grant Street west end with increased expenditure on weedicide application, replanting programs and erosion control.

The subsequent Council resolution in March 2009 for this agenda item was:

*That Council adopt the Natural Areas Management 5 Year Plan and Year 1 be used as the basis for inclusion in the draft 2009/2010 financial year budget for funding consideration (Attachment W10.2.3) and that the comments in the officer's report (page 37 of the Council minutes) which references sections from the Natural Areas Management Plan (NAMP - page 49) related to the Grant Street median strip be removed from the NAMP and a copy of this report be notified as an addendum to the Natural Areas Management Plan.*

**CONSULTATION**

The Natural Areas Management Plan was advertised for public comments, which were considered before Council adopted the plan in September, 2008. The five year program was based on the contents of the Council – adopted Natural Areas Management Plan.

**STAFF COMMENT**

In the February 2009 Committee and Council meetings, there were two unrelated agenda items – ‘Parking and Parking Facilities Local Law’ presented by the Manager of Corporate Services and “Five Year Plan – Natural Areas Management” presented by the Manager of Engineering Services.

The Local Law item, as a very small part of its content dealt with parking/no parking on median strips. This item was deferred and reintroduced by the officer in April 2009. The main objection was the need to “address matters of popular parking on median strips”.

The Natural Areas Management Five Year Plan was included in a group of other five year plans dealing with a large range of infrastructure types, for forward budgeting. Council had previously adopted the consultants’ report and required a staff generated Five Year Plan, based on the formally adopted Natural Areas Management Plan. Shortly after the February 2009 Council meeting, a pamphlet was delivered to every Grant Street letterbox stating in part;

*“On Monday March 23, the Council will vote on a motion to ban parking on median strips in Cottesloe. The council engineer’s 5 year plan to replace the current grass and Norfolk Island Pine trees on the Grant Street median strip with native scrub and melaleucas or tuart trees will also be voted on (and would definitely end any parking there). The three councillors who live on Grant Street cannot vote on the latter proposal.”*

A number of issues arise due to the wording of this pamphlet:

1. There was no motion to ‘ban parking’, only to adopt a modified Parking and Parking Facilities Local Law, a small part of which dealt with median islands.
2. The Five Year Plan was based on the Council adopted document Natural Areas Management Plan, which included comments on a number of areas in Cottesloe, including the Grant Street median. The agenda item went to some lengths to underline or repeat the consultants comments regarding Grant Street, all of which had previously been adopted formally by Council in September, 2008.
3. There is no Five Year Plan to replace the existing Norfolk Island Pine Trees in Grant Street. The consultants comments include, *“The current Town practice is to replace these trees with ne Norfolk Island Pine saplings. It may be possible to alter this practice and ...”*.

Since that time there has been some discussion in the community including residents of Grant Street and Cottesloe Coastcare, regarding the future of Grant Street median and works relating to the implementation of the Natural Areas Management Plan.

There is now a degree of confusion regarding the future plans for the Grant Street median area and a need to bring all parties (Council, Coastcare, Residents and Staff) together to work through the issues that have been raised and find an acceptable solution, hence the Mayor's Notice of Motion.

**VOTING**

Simple Majority

**COUNCILLOR RECOMMENDATION**

Moved Mayor Morgan, seconded Cr Strzina

That Council initiate a community engagement process to develop a landscape concept for the Grant Street median strip, so as to replace the relevant portion that Council recently removed from its Natural Areas Management Plan, on the basis that:

1. The community engagement process involve local advertising, the Council' website and a mail-out to Grant Street residents; and
2. The concept plan will provide for:
  - a. Any ailing Norfolk Island Pine Tree to be replaced by a new Norfolk Island Pine sapling rather than another tree variety;
  - b. Any replacement of couch grass by local plant species be confined to species that are low lying;
  - c. Adequate provision for car parking on the median strip by residents and their visitors; and
  - d. Consideration to be given to surfacing any car parks with suitable natural ground cover rather than bitumen.

**AMENDMENT**

Moved Mayor Morgan, seconded Cr Boland

That '*Cottesloe Coastcare*' be added after the words "*Grant Street residents,*" in recommendation one and the words "*The concept plan will provide for:*" be removed from recommendation two and replaced with the following '*The community engagement process will consider the possibility of the Natural Areas Management Plan providing for:*'

Carried 5/0

**COMMITTEE RECOMMENDATION**

**That Council initiate a community engagement process to develop a landscape concept for the Grant Street median strip, so as to replace the relevant portion that Council recently removed from its Natural Areas Management Plan, on the basis that:**

- 1. The community engagement process involve local advertising, the Council' website and a mail-out to Grant Street residents, Cottesloe Coastcare; and**
- 2. The community engagement process will consider the possibility of the Natural Areas Management Plan providing for:**
  - a. Any ailing Norfolk Island Pine Tree to be replaced by a new Norfolk Island Pine sapling rather than another tree variety;**
  - b. Any replacement of couch grass by local plant species be confined to species that are low lying;**
  - c. Adequate provision for car parking on the median strip by residents and their visitors; and**
  - d. Consideration to be given to surfacing any car parks with suitable natural ground cover rather than bitumen.**

Carried 5/0

*Cr Woodhill and Cr Cunningham returned to the meeting at 7.25pm*

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

Cr Utting requested Committee consider as Urgent Business that officers inspect and remove two fig trees from Broome Street close to other similar trees which were recently removed.

Moved Mayor Morgan, seconded Cr Strzina

That the above matter be considered as Urgent Business.

Lost 4/3

Cr Utting referred to a recent memo from the CEO related to the Albion Hotel's application for a gaming license and requested that the matter be further investigated with the Shire of Peppermint Grove and undertake community consultation.

Moved Mayor Morgan, seconded Cr Boland

That the above matter be considered as Urgent Business.

Lost 4/3

**13 MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 8.00pm.

*CONFIRMED: PRESIDING MEMBER* \_\_\_\_\_ *DATE: .../.../...*