

TOWN OF COTTESLOE



WORKS AND CORPORATE SERVICES COMMITTEE

MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, TUESDAY, 21 JUNE 2011

CARL ASKEW
Chief Executive Officer

27 June 2011

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

The Presiding Member announced the meeting opened at 7:03pm.

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

Mayor Kevin Morgan	Presiding Member
Cr Greg Boland	
Cr Victor Strzina	
Cr Rob Rowell	
Cr Dan Cunningham	

Officers Present

Carl Askew	Chief Executive Officer
Mat Humfrey	Manager Corporate & Community Services
Geoff Trigg	Manager Engineering Services
Meagan Hodgson	Community Development Officer
Christy Watterson	Administration & Governance Officer
Liz Lowrey	Sustainability Officer (7.03pm – 7.23pm)

Apologies

Cr Patricia Carmichael
Cr Ian Woodhill

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

Mr Ron Wise – 17 Hamersley Street – item 10.2.3 – Proposal for earthworks at Grant Marine Park, Cottesloe. Mr Wise spoke to this item and referred to the letter from Coastcare in relation to his offer/proposal. Mr Wise indicated he was disappointed with some of the comments made. Mr Wise also referred to

his email sent to the Manager Engineering Services which was tabled at the meeting.

Mr Wise spoke of the poor state of the current site, including both native and non-native flora and indicated that he was prepared to work with Coastcare, at his expense, to tidy up the site and remove debris, rubble and non-native species, including Tea trees, which would, with suitable re-planting, both improve his amenity and the overall appearance of the park.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Mayor Morgan, seconded Cr Strzina

That Cr Boland's request for leave of absence from July Committee and Council round of meetings to be granted.

Carried 5/0

Moved Mayor Morgan, seconded Cr Strzina

That Cr Rowell's request for leave of absence from July Committee and Council round of meetings to be granted.

Carried 5/0

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Cunningham, seconded Cr Strzina

[Minutes May 17 2011 Works and Corporate Services Committee.doc](#)

The Minutes of the Ordinary meeting of the Works and Corporate Services Committee, held on 17 May 2011 be confirmed.

Carried 5/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Mayor Morgan advised Committee in relation to agenda item 10.1.3 Local Government Amendment (Regional Subsidiaries) Bill 2010 that he, along with the Mayors and CEO's of Claremont, Mosman Park and Peppermint Grove, recently met with the Hon. Max Trenorden MLC. His proposal represents a way to advance regional cooperation and drive collaboration. It is an opportunity for Council to consider the development and creation of an administrative body, subservient to Council, as an alternative to forced amalgamations, for local government service delivery.

The Mayor also advised Committee that the Minister for Local Government has invited metropolitan Mayor's and CEO's to a meeting on Friday 24 June 2011 to discuss local government reform in the metropolitan area.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

9.1 PETITION - DOGS LOCAL LAW 2011

As part of the community consultation in relation to the agenda item on the Dogs Local Law (10.1.1), a petition was submitted to the Administration. In accordance with Council Standing Orders (Section 9 - Petitions) there is a requirement for an Elected member to "authenticate" the petition and sign it, and for it to be formally presented to Council on 27 June 2011. In doing so it is recommended that, at the Council meeting and in accordance with Standing Orders 9.4 (d) - Procedures for Petitions, the matter be moved "That Council accept the petition and deal with the matter as part of its consideration of the report and Committee recommendation related to the Adoption of the Dogs Local Law 2011.

In considering this matter the Mayor, in accordance with Council's Standing Orders, agreed to authenticate the petition and suggested that Committee accept and deal with it as part of their consideration of the officer report and recommendation related to the adoption of the Dogs Local Law 2011 and recommend that Council does likewise.

Moved Mayor Morgan, seconded Cr Strzina

That Committee accept the petition and deal with the matter as part of its consideration of the report and recommendation related to the adoption of the Dogs Local Law 2011 and recommend that Council does likewise.

Carried 5/0

For the benefit of the members of the public present the chairman determined to consider item 10.2.3 Proposal for Earthworks at Grant Marine Park, Cottesloe first, then returned to the published order of the agenda.

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

- 10.3.2 Statutory Financial Reports for the Month of May 2011
- 10.3.3 Schedule of Investments and Loans as At 31 May 2011
- 10.3.4 Accounts Paid For the Month of May 2011
- 10.3.5 Property and Sundry Debtors Report For May 2011

10 REPORTS OF COMMITTEES AND OFFICERS

10.1 ADMINISTRATION

10.1.1 ADOPTION OF DOGS LOCAL LAW 2011

File No:	CLL/9
Attachments:	28 February 2011 Council Minutes RE Dogs Local Law Summary of Public Submissions Draft Dogs Local Law As Amended by DLG March 2011 Petition – Dogs Local Law Northern Dog Beach
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Mat Humfrey Manager Corporate Services
Proposed Meeting Date:	21 June 2011
Author Disclosure of Interest	Nil

SUMMARY

To place before Council a summary of the public submissions received in relation to the proposed amendments to the Dogs Local Law and recommend its final adoption.

BACKGROUND

In accordance with s3.12.z(3)(a)(b) and (3a) of the local Government Act 1995, at its meeting held on 22 February 2011, Council resolved to call for submissions from the public in relation to the amended Dogs Local Law (a copy of the February report is attached as background information).

As required, state-wide and local public notice was given for a period commencing on 5th March 2011 and concluding on 29 April 2011 stating that:

- The Town of Cottesloe proposes to make amendments to the Dogs Local Law, and provides a summary of its purpose and effect;
- Copies of the proposed local law may be inspected at the Town's offices; and
- Submissions about the proposed local law may be made to the Town within a period of not less than 6 weeks after the notice is given.

In accordance with s3.12 (4) a copy of the proposed local law was also supplied to the Minister for Local Government.

The Purpose of the local law is to make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs, to prescribe areas in which dogs are prohibited and dog exercise areas.

The Effect of this local law is to extend the control over dogs which exist under the Dog Act 1976.

STRATEGIC IMPLICATIONS

Council Local Laws are an important part of the administration and good governance of the district. Review of Local Laws ensures continued relevance to our community.

POLICY IMPLICATIONS

Beach Policy: (Resolution No: 12.1.1, Adopted: May, 2004)

STATUTORY ENVIRONMENT

- Dog Act 1976
- Section 3.5 & 3.12 of the Local Government Act applies

3.5. Legislative power of local governments

1. A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.

2. A local law made under this Act does not apply outside the local government's district unless it is made to apply outside the district under section 3.6.

3. The power conferred on a local government by subsection (1) is in addition to any power to make local laws conferred on it by any other Act.

4. Regulations may set out –

(a) matters about which, or purposes for which, local laws are not to be made;

or

(b) kinds of local laws that are not to be made, and a local government cannot make a local law about such a matter, or for such a purpose or of such a kind

5. Regulations may set out such transitional arrangements as are necessary or convenient to deal with a local law ceasing to have effect because the power to make it has been removed by regulations under subsection (4).

3.12. Procedure for making local laws

1. In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.

2. At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.

3. The local government is to –

(a) give Statewide public notice stating that –

(i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice;

(ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and

(iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;

(b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and

(c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

3a. A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

4. After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

*** Absolute majority required.**

5. After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

6. After the local law has been published in the Gazette the local government is to give local public notice –

(a) stating the title of the local law;

(b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and

(c) advising that copies of the local law may be inspected or obtained from the local government's office.

7. The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

8. In this section –making ~ in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

Regulation 3 of the Local Government Functions and General Regulations provides the following.

3. Notice of purpose and effect of proposed local law - s. 3.12(2)

For the purpose of section 3.12, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that –

(a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and

(b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.

FINANCIAL IMPLICATIONS

The primary costs associated with the review of local laws are the officer's time to research and prepare reports, analyse submissions and associated state wide/local advertising costs. Changes to the operation of the existing Local Law such as increased activity or times of patrols may impact upon Ranger and Depot staff hours.

Through the comments received during advertising period for the Dogs Local Law, an issue was identified with the bins at the Northern Dog Beach. If the Dogs Local Law is adopted as advertised, there will be a cost associated with replacing these bins. It is anticipated that the replacement of the bins will resolve the issue raised.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

A notice advertising the amended Dogs Local Law was placed in the West Australian on the 5th March 2011 and the Post on the 12th March 2011 calling for submissions

by the 29th April 2011. Copies of the amended Dogs Local Law were also available at the Administration and Library, the Town's notice boards and on the website. A comment form was also provided on the web site to assist residents in making their submission.

At the close of advertising period fifty four (54) submissions were received together with a petition containing twenty-seven (27) signatures. One respondent commented on a number of matters in addition to the dogs on beach issue. While the entire Dogs Local Law was advertised for comment, the single issue which attract most of the comments was the Northern Dog Beach at Vera View.

A detailed list of the submissions received is attached to this report with a summary of comments received below:

- One respondent commented on the exclusion of dogs from outdoor eating areas as she enjoys the opportunity to walk her dog then socialise with other dog lovers.
- A further comment was received on the increase in penalties as the respondent believed these were excessive.
- The terminology used in the proposed Local Law 'under effective control', and 'nuisance' were considered to be too subjective.
- The majority of respondents focused on the extension of available hours in line with part three of the February resolution.

3. That Council, in relation to item 4.2 Northern Dog Beach of the Draft Dogs Local law, advertise option (3) as outlined in the attachment i.e. dogs to be allowed at all times.

- Analysis of the 54 written responses shows 11 (20%) persons were against the northern dog beach being open to dogs at any time while 43 (80%) respondents were in favour of the northern dog beach being available to exercise their dog at all times. A 27 signature petition was also received in favour of the dog beach being open at all times.
- Comments received in relation to the position **(No)** included:
 - Dog owners could use other beaches such as Swanbourne to exercise their dogs.
 - Council should not be expending monies for two dog beaches – the northern dog beach and the southern dog beach.
 - Dog excreta has been deposited throughout the beach.
 - Overflowing bins;
 - Many dog fights on the beach
 - Dogs present a nuisance to fishermen
- Comments received in favour of the position **(Yes)** focused on:
 - The family and health benefits of being able to exercise the family pet with the family without having a 'curfew' to consider.

- Working hours vary considerably and respondents wanted the opportunity to exercise their dog when they were not working which would be possible if dogs were permitted at all times.
- The beach is hardly used during the day and it is environmentally unfriendly for residents to get in their car and drive to another beach.
- Opening the beach 24/7 will spread dog use of the beach over the day.
- Respondents highlighted that the northern dog beach was not suitable for swimming due to the reef and rips and it made an ideal dog beach.

The amended Dogs Local Law 2011 was submitted to the Department of Local Government for consideration in accordance with s3.12(4) of the Act. The Department made some minor suggestions relating to drafting and appearance of the local law. The text boxes and notes have been retained in the attachment to this report in order to see the changes by the Department; but will not be printed on the final version sent to the Government Printing Office for Gazettal.

The above changes suggested to the amended Dogs Local Law are considered minor. As such, subject to the proposed minor amendments that are shown 'marked up' on the attachment to this report, the local law can be adopted.

STAFF COMMENT

The draft Local Law has been advertised for public comment with the majority of responses (80%) in favour of the beach being open at all times.

Respondents against the proposal have made comments that the beach should not be available to dogs at any time. Other comments related to the issue of, and concern with, excreta. Whilst it is acknowledged that there may be some excreta on the beach, on the occasions that staff visited the beach during the review period no evidence was seen.

The poor condition of the litter bins raised in the respondents comments have been on some occasions overflowing through use (usually after a long weekend). Arrangements will be made for the current suite of bins to be replaced with a design that has a lid. These bins take a larger capacity of waste and have a lid to prevent birds and other animals accessing the bin.

Comment was also made relating to dog fights. The Senior Ranger responsible for administering the law commented that there has not been an official complaint in the past three years relating to a dog fight. It is noted that there can be a difference in terms of occurrence and reporting however the Council Records show that none have been reported.

Those in favour of having the beach open at all times described the family and health benefits of being able to exercise their dog at any time during the day. Those on shift work or who worked outside an 8-5 day wanted the opportunity to exercise on the beach without having to drive to another beach.

In relation to the comment on dogs being allowed in alfresco dining areas, the Food Act 2009 excludes animals from food premises where there is service of food to the table. Other options are available for consideration such as no service of food to tables in alfresco areas.

A comment was received regarding the wording “under effective control” and “nuisance” suggesting the words were subjective. These words used are the words used in the Dog Act 1976 and need to be used in the Local Law.

VOTING

Absolute Majority

OFFICER RECOMMENDATION

Moved Mayor Morgan, seconded Cr Rowell.

THAT COUNCIL:

1. Receive the submissions relating to amendments to the Dogs Local Law from members of the community made during the period of public advertising.
2. In accordance with s3.12(4) of the Local Government Act 1995, ADOPT the Dog Local Law 2011, subject to various minor amendments provided by the Department of Local Government as ‘marked up’ on the attachment to the report.
3. In accordance with s3.12(5), PUBLISH the local law in the Government Gazette and SEND a copy to the Minister for Local Government;
4. After Gazettal, in accordance with s3.12(6), GIVE local public notice:
 - a. Stating the title of the local law;
 - b. Summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - c. Advising that copies of the local law may be inspected or obtained from the Town Administration and website.
5. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 7 November 2005, PROVIDE a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and the Chief Executive Officer to the WA Parliamentary Joint Standing Committee on Delegated Legislation.

COMMITTEE DISCUSSION:

Mayor Morgan proposed that Committee amend point (2), to reflect the creation of a part (a) and new part (b) with two additional sub points (i) and (ii) as listed below:

2. In accordance with s.3.12 (4) of the Local Government Act 1995 ADOPT the Dog Local Law 2011 subject to;

(a) various minor amendments provided by the Department of Local Government as ‘marked up’ on the attachment to the report.

(b) amending clause 4.2(1) by;

(i) replacing the reference to “Lot 67” with “Lot 24” (i.e. moving the southern boundary north one access path from 182 Little Marine Parade to 200 Marine Parade); and

(ii) deleting the following words after the word “municipality” – “except between the hours of 10.00am and 4.00pm from 1st November to 31st March (both dates inclusive) during which time this public beach shall be a prohibited area”.

Committee discussed two proposed amendments from the Mayor with the aide of maps provided by administration. Committee noted that the current northern boundary of the Town and dog beach backed onto the City of Nedlands dog beach area. Committee also agreed to vote on each amendment separately.

AMENDMENT

Moved Mayor Morgan, seconded Cr Strzina

2. (b) amending clause 4.2 (1) by;

(i) replacing the reference to Lot 67 with Lot 24 (i.e. moving the southern boundary north one access path from 182 Little Marine Parade to 200 Marine Parade).

Carried 3/2

AMENDMENT

Moved Mayor Morgan, seconded Cr Strzina

2. (b) amending clause 4.2 (1) by;

(ii) deleting the following words after the word “municipality” – “except between the hours of 10.00am and 4.00pm from 1st November to 31st March (both dates inclusive) during which time this public beach shall be a prohibited area”.

Carried 5/0

AMENDMENT

Moved Mayor Morgan, seconded _____

That a new part (6) be added to the recommendation to read;

6. That after the amended local law is gazetted, Council enforce the prohibition of people being permitted to take dogs to prohibited areas and that leashes should be used when walking dogs outside of exercise areas.

The motion lapsed for want of a seconder.

COMMITTEE RECOMMENDATION

THAT COUNCIL:

- 1. Receive the submissions relating to amendments to the Dogs Local Law from members of the community made during the period of public advertising.**

2. In accordance with s3.12(4) of the Local Government Act 1995, **ADOPT** the Dog Local Law 2011, subject to;
 - (a) various minor amendments provided by the Department of Local Government as 'marked up' on the attachment to the report.
 - (b) amending clause 4.2(1) by;
 - (i) replacing the reference to "Lot 67" with "Lot 24" (i.e. moving the southern boundary north one access path from 182 Little Marine Parade to 200 Marine Parade); and
 - (ii) deleting the following words after the word "municipality" – "except between the hours of 10.00am and 4.00pm from 1st November to 31st March (both dates inclusive) during which time this public beach shall be a prohibited area".
3. In accordance with s3.12(5), **PUBLISH** the local law in the Government Gazette and **SEND** a copy to the Minister for Local Government;
4. After Gazettal, in accordance with s3.12(6), **GIVE** local public notice:
 - a. **Stating** the title of the local law;
 - b. **Summarizing** the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - c. **Advising** that copies of the local law may be inspected or obtained from the Town Administration and website.
5. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 7 November 2005, **PROVIDE** a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and the Chief Executive Officer to the WA Parliamentary Joint Standing Committee on Delegated Legislation.

AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 5/0

10.1.2 CARBON NEUTRAL: 2009/2010 BASELINE CARBON INVENTORY

File No: SUB/988
Attachments: [Town of Cottesloe Carbon Inventory Report June 2011](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Elizabeth Lowrey
Sustainability Officer
Proposed Meeting Date: 21 June 2011
Author Disclosure of Interest Nil

SUMMARY

In February 2010 Council unanimously resolved to follow a four-step process to achieve carbon neutrality as soon as practicable, and before 2015. This report is to advise Council that a baseline inventory has been completed for the Town for the period between 1 July 2009 and 30 June 2010. Attached is the Town of Cottesloe's Carbon Inventory Report (June 2011).

This report recommends that Council note the completion of the baseline carbon inventory as a commitment towards becoming carbon neutral and achieving Step 1 of the carbon neutral process.

BACKGROUND

Carbon neutral means reducing net greenhouse gas emissions to zero. The terms carbon and carbon emissions have been used in the media as a shorthand way of referring to all greenhouse emissions that are contributing to the enhanced global warming or climate change process. Greenhouse emissions are made up of a number of greenhouse gases in addition to carbon dioxide, each adding different levels of warming to the atmosphere. For example, the greenhouse warming contribution of a tonne of methane is equivalent to approximately 21 tonnes of carbon dioxide. The main greenhouse gases are: Carbon dioxide, Methane, Nitrous dioxide and Fluorocarbons.

To capture the effects of all of these greenhouse gases on global warming a carbon dioxide equivalence (CO₂-e) is used as a standard measure that takes account of the different global warming potentials of greenhouse gases and expresses the cumulative effect in a common unit (Department of Climate Change 2010). Hence the term "carbon neutral" applies when all of the measured cumulative greenhouse gases from an organisation are avoided, reduced or offset to a point where the net emissions are equal to zero. The four step process to achieve carbon neutrality for the Town include the following:

- Step 1.** Measure greenhouse gas footprint.
- Step 2.** Reduce highest emission producing areas through a Carbon Reduction Plan.
- Step 3.** Switch to energy sources that create less greenhouse gas emissions.
- Step 4.** Offset all remaining greenhouse gas emissions.

STRATEGIC IMPLICATIONS

Objective 5: Infrastructure

To maintain infrastructure and Council buildings in a sustainable way.

The Carbon Neutral project may have implications for Council infrastructure. These changes are likely to fit with the Town's strategic sustainability objectives under Section 4 of the Future Plan. The Plan promotes the use of renewable energy over energy produced from traditional coal burning methods, which reduces greenhouse gas emissions and the contribution to global warming.

STATUTORY ENVIRONMENT

None known.

FINANCIAL IMPLICATIONS

Resource requirements for beginning Step 2 and producing a Carbon Reduction Strategy or Action Plan are within the existing budgetary and staffing allocations.

After a Carbon Reduction Plan has been developed capital investment to implement projects may be required in future years. The Sustainability Officer will actively seek any external grants available to help implement carbon reduction activities.

SUSTAINABILITY IMPLICATIONS

Local Governments face the challenge of adapting to climatic change and protecting their infrastructure, whilst keeping communities safe. As such, the Town of Cottesloe aims to show leadership by striving to reduce greenhouse gas emissions while continuing to provide essential services and operations.

PURCHASING

1. Buying local and supporting local produce.

The Town support local produce and the carbon neutral project has been implemented by using local consultants and expertise where possible.

2. Buying from organisations that have an environmental accreditation.

Only accredited products will be used to implement the carbon neutral project, unless there is a justified reason that would be transparently reported through Council.

CONSULTATION

External consultation has occurred between the Sustainability Officer and Greensense Pty Ltd; the City of Fremantle's Sustainability Officer; and WALGA's Climate Change Coordinator to complete the baseline inventory. The Sustainability Officer has also completed a Carbon Accounting Course through Swinburne University for professional development to complete the inventory report.

Internal consultation occurred between senior staff and the Sustainability Officer in a workshop that was facilitated by Greensense Pty Ltd to determine appropriate boundaries for the Town's carbon inventory.

STAFF COMMENT

The Town is progressing towards becoming carbon neutral as a result of completing this baseline inventory. The recommendations provided within the attached report, and shown below, outline how the Town must prepare to address Step 2 of the carbon neutral process. Step 2 will involve considering the carbon reduction options available and determining what will best suit the lifestyle and culture in Cottesloe.

Below are the recommendations from the Carbon Inventory Report (June 2011):

1. The carbon inventory report will be submitted to Council by July 2011.
2. The carbon inventory report will be published on the Town's website by August 2011 as a commitment towards becoming carbon neutral and achieving Step 1 of the carbon neutral process.
3. A workshop will be held for elected members and senior staff by August 2011 to set carbon reduction targets and discuss options to proceed with Step 2 of the agreed carbon neutral process.
4. Following from the workshop a Carbon Reduction Strategy will be developed for the Town to achieve reduction targets, including carbon neutrality as soon as practicable, and before 2015. The Carbon Reduction Strategy or Action Plan will be finalized by December 2011.
5. Future annual inventories will be prepared each year by May and will be published on the Town's website by August of the same year.
6. Bi-annual verification will be sought for inventories after carbon neutrality has been claimed, in accordance with the recommendations set out in National Carbon Offset Standard (NCOS) (2010).

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Boland.

THAT Council note the completion of the baseline carbon inventory as a commitment towards becoming carbon neutral and achieving Step 1 of the carbon neutral process.

Carried 4/1

**10.1.3 LOCAL GOVERNMENT AMENDMENT (REGIONAL SUBSIDIARIES) BILL
2010**

File No: SUB/793-02
Attachments: [Letter to Mayor from Hon Max Trenorden MLC](#)
[Letter to CEO from Hon Max Trenorden MLC](#)
[Letter to CEO from Ricky Burgess CEO WALGA](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer
Proposed Meeting Date: 21 June 2011
Author Disclosure of Interest Nil

SUMMARY

Correspondence addressed to both the Mayor and CEO from the Hon Max Trenorden MLC, Member for the Agricultural Region, has been received advising of the introduction of his private members bill. A copy of the bill and second reading speech is attached to the letter to the CEO. Subsequent correspondence from the CEO of WALGA in relation to this matter has also been received. According to Mr Trenorden the intent of the Bill is to bring flexibility to the Local Government Act in order to provide a mechanism for further debate to continue local government reform.

This report recommends that Council support the Local Government (Regional Subsidiaries) Bill 2010 and advise both the Minister for Local Government and Member for Cottesloe accordingly.

BACKGROUND

Local Government reform was formally placed on the agenda by the Minister for Local Government in February 2009 and Council's position has been made clear with its most recent report and resolution being in August 2010.

A number of consultant reports previously considered by Council include and acknowledge the possibility and benefit of the Regional Subsidiaries model. According to Anne Banks McAllister in her report "A Model for Regional Cooperation and Resource Sharing in the Western Suburbs" she states;

South Australian Regional Subsidiary Model

While Dollery evaluated several models for regional cooperation (ad hoc, regional organisations, area-integration or joint board, virtual, agency and amalgamated) he did not consider the Regional Subsidiary Model available under the South Australian Local Government Act 1999. Both Douglas and Giffellon have reviewed this model and recommend it as an option for Western Australia, subject to legislative change.

Due to the interest in this model in Western Australia it is useful to provide more detail here about its structure and operation. However, it must be pointed

out that this model is not currently available in Western Australia but could be something that WESROC further considers advocating for.

According to Douglas, the benefits of the regional subsidiary model are:

1. Regulatory and compliance burdens are light, especially compared to those imposed on local governments in Western Australia.
2. Much of the regulation is left to individual charters. This means that charters do not require legislative intervention and regional subsidiaries can be flexible in their approaches depending on their needs.
3. There is a focus on reporting and accountability by the regional subsidiary to its constituent councils, rather than to the Department or the Minister.
4. The entity is subject to the joint direction and control of its constituent members.
5. The entity is enabled by a Charter to deal with the proceedings as a Board of Management, rather than the general proceedings required of a council under the Act.

Douglas concludes by noting that WA local government legislation needs to be changed to enable regional subsidiaries, which he doesn't believe can be achieved by amendments to the regulations of the Act.

Under the South Australian legislation (Appendix A), two or more councils may establish a regional subsidiary –

- (a) To provide a specified service or services to carry out a specified activity or activities;
- (b) To perform a function of the councils under this or another Act

The establishment of a regional subsidy is subject to Ministerial approval but does not remove any powers from a constituent council. Under Schedule 2 of the Act a regional subsidiary:

- Is a body corporate
- Has the name assigned to it by its Charter (Constitution)
- Has the powers, functions and duties specified in its charter
- Holds its property on behalf of the constituent councils

The Southern and Hills Local Government Association (S&HLGA) was established in 2003 and consists of six regional local government associations in non-metropolitan South Australia and was constituted under the Regional Subsidiary provisions of the Act. The constituent councils are the Adelaide Hills Council, Alexandrina Council, the Barossa Council, Kangaroo Island Council, District Council of Mt. Barker, Rural City of Murray Bridge, City of Victor Harbour and the District Council of Yankalilla. The Association's Charter aims to:

1. Provide leadership and advocacy on regional issues
2. Encourage and promote the interests of an autonomous and democratic system of Local Government

3. *Plan at a regional level when determining the needs of communities*
4. *Promote cooperation to achieve efficient and effective delivery of services which meet the needs of communities*
5. *Support and develop financial and economic well being of the community which is sustainable*

Collectively the eight councils have a population of 140, 668 (2003).

S&HLGA is governed by an Executive Committee which meets bi-monthly and delegates are generally the Mayor and Chief Executive Officer of each Council. Meetings are rotated between councils and provide a regional forum for speakers on topical issues. The Association has the following technical working parties/committees, members drawn from the technical staff of each constituent council:

- *Roads Working Party*
- *Natural Resource Management Committee*
- *CEO's Forum (informal, bi-monthly on alternate months to the Executive Committee)*

Under the Association's Charter, subscriptions are paid by constituent councils on an equal amount. The Association engages the services of an Executive Officer under a contract services agreement.

The Association has a Strategic Plan and Business Plan which focuses on the following objectives:

1. *To achieve a high level of cooperation between member councils within the region*
2. *To promote the Southern & Hills Local Government Association*
3. *To be an advocate on regional issues for member councils*
4. *To support sustainable regional economic development*
5. *To improve transport infrastructure*
6. *To access funds as a region*

The Murray and Mallee Local Government Association was also established as a regional subsidiary under the provisions of the SA Local Government Act 1999. The Association is comprised of eight local government authorities (Berri Barmera, Coorong, Karoonda East Murray, Loxton Waikerie, Mid Murray, Murray Bridge, Renmark Paringa and Southern Mallee). A copy of the Association's Charter is attached as an example at Appendix B.

Correspondence recently received from the Chief Executive Officer of the Western Australian Local Government Association (WALGA) states;

"the Association has supported the concept encapsulated in this Bill for a number of years and is therefore advocating for these and other amendments to the Act. The Association's formal policy position is to support a range of reforms and amendments to the Act to allow Local Governments to enter into a broad range of regional service delivery and collaboration options, on of which is the regional subsidiary model proposed by this Bill.

The Association is also strongly advocating for Local Governments to be able to establish Local Government Enterprises (arms length corporate subsidiaries) and for compliance requirements and bureaucracy to be reduced for Formal Regional Councils."

STRATEGIC IMPLICATIONS

Objective 1: To Protect and enhance the lifestyle of residents and visitors

Objective 4: To manage development pressures

Objective 7: To effectively manage Council's resources and work processes

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

The announcement by the Minister for Local Government in relation to reform strategies has brought into sharp focus the need for the Town to consider its position. Any significant change to existing boundaries or an amalgamation will require a complete review of all strategic and financial plans and priorities and this could be achieved, in part, through a combination of joint business plans and agreements or using a regional subsidiary model to deliver services.

POLICY IMPLICATIONS

None Known

STATUTORY ENVIRONMENT

The proposed amendments to the Local Government Act 1995 (refer to attached Bill) include Section 1.4, Section 3.60, Part 3 Division 4 heading, Section 3.68 and a new proposed Section 3.69:

3.60. No capacity to form or acquire control of body corporate

A local government cannot form or take part in forming, or acquire an interest giving it the control of, an incorporated company or any other body corporate except a regional local government unless it is permitted to do so by regulations.

FINANCIAL IMPLICATIONS

None Known

SUSTAINABILITY IMPLICATIONS

None Known

CONSULTATION

In June 2011 the Hon Max Trenorden MLC, Member for the Agricultural Region, was invited to meet with the Mayors of Cottesloe, Claremont, and Mosman Park and Shire

President of Peppermint Grove, together with the respective Chief Executive Officers in relation to his proposed Bill.

STAFF COMMENT

A number of officer reports have been prepared and received by Council since the Minister's announcement in February 2009. In addition a number of consultant reports have also been provided including:

- Western Australian Local Government Association (WALGA) "Systemic Sustainability Study: In Your Hands - Shaping the Future of Local Government in Western Australia" and Draft Report *The Journey: Sustainability into the Future*
- Dollery Report "Rising to the Challenge: Reform Options for the Western Suburbs"
- Anne Banks McAllister report "A Model for Regional Cooperation and Resource Sharing in the Western Suburbs"
- Price Waterhouse Coopers (PWC) report "Western Suburbs Structural Reform Options".

The proposed amendments to the Local Government Act have the support of WALGA and provides for an increased suite of options for each local government in terms of reform. The proposed amendments appear to have no negative impacts upon the operation of the current Act and may create additional opportunities for Council and its partners to explore an alternative model for regional shared services whilst preserving the integrity of Council as an established representative local government authority.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council

- 1. Support the Local Government Amendment (Regional Subsidiaries) Bill 2010.**
- 2. Advise both the Minister for Local Government and Member for Cottesloe of that support.**

Carried 5/0

10.1.4 COTTESLOE COUNCIL NEWS - POLICY REVIEW

File No: POL/6
Attachments: [Policy_Cottesloe Council News](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer
Proposed Meeting Date: 21 June 2011
Author Disclosure of Interest Nil

SUMMARY

The Town of Cottesloe policy for Cottesloe Council News has been amended by Council staff. This report recommends that Council adopt the policy, noting some minor changes have been recommended.

BACKGROUND

A process of review and update for all Council policies has been implemented by the Administration and policies are being presented to Council as they are reviewed for endorsement.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Minor wording changes to an existing policy.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil

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. Minor changes are recommended to be made to this policy at this time, as per the attachment.

VOTING

Simple Majority

OFFICER RECOMMENDATION

THAT Council adopt the updated Policy on Cottesloe Council News as per attached.

COMMITTEE DISCUSSION

Committee discussed the report and officer recommendation and noted that the attached amended policy did not highlight the changes made by officers and determined to refer the matter direct to Council with the CEO to include a “marked up” version of the proposed policy with the Council agenda.

10.1.5 LEGAL PROCEEDINGS - POLICY REVIEW

File No: POL/12
Attachments: [Policy Legal Proceedings](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer
Proposed Meeting Date: 21 June 2011
Author Disclosure of Interest Nil

SUMMARY

The Town of Cottesloe policy for Legal Proceedings has been amended by Council staff. This report recommends that Council adopt the policy, noting some minor changes have been recommended.

BACKGROUND

A process of review and update for all Council policies has been implemented by the Administration and policies are being presented to Council as they are reviewed for endorsement.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

No change

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil

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. Minor changes are recommended to be made to this policy at this time, as per the attachment.

VOTING

Simple Majority

OFFICER RECOMMENDATION

THAT Council adopt the updated Policy on Legal Proceedings as per attached.

COMMITTEE DISCUSSION

Committee discussed the report and officer recommendation and noted that the attached amended policy did not highlight the changes made by officers and determined to refer the matter direct to Council with the CEO to include a "marked up" version of the proposed policy with the Council agenda.

10.1.6 REGIONAL COOPERATION - POLICY REVIEW

File No: POL/3
Attachments: [Policy Regional Cooperation](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer

Proposed Meeting Date: 21 June 2011
Author Disclosure of Interest Nil

SUMMARY

The Town of Cottesloe policy for Regional Cooperation has been amended by Council staff. This report recommends that Council adopt the policy, noting some minor changes have been recommended.

BACKGROUND

A process of review and update for all Council policies has been implemented by the Administration and policies are being presented to Council as they are reviewed for endorsement.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

No change

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil

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. Minor changes are recommended to be made to this policy at this time, as per the attachment.

VOTING

Simple Majority

OFFICER RECOMMENDATION

THAT Council adopt the updated Policy on Regional Cooperation as per attached.

COMMITTEE DISCUSSION

Committee discussed the report and officer recommendation and noted that the attached amended policy did not highlight the changes made by officers and determined to refer the matter direct to Council with the CEO to include a “marked up” version of the proposed policy with the Council agenda.

10.2 ENGINEERING

10.2.1 LITTLE MARINE PARADE - DAMAGE TO COASTAL VEGETATION

File No: SUB/472
Attachments: [Letter and photos of damaged vegetation](#)
[Plan of site vegetation damage](#)
[Street tree policy](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 21 June 2011
Author Disclosure of Interest NIL

SUMMARY

A complaint has been received from a resident in Little Marine Parade regarding damage done by unknown persons, to a clump of Rottnest Island Tea trees at the north end of Little Marine Parade. The resident request is for a sign to be installed and new trees planted, plus the 'culprits' be prosecuted for vandalism.

The recommendation is that Council:

- Arrange the planting of several semi mature Rottnest Island Tea trees in front of the vandalised Tea trees on the road verge between Little Marine Parade and Marine Parade adjacent to 190 Little Marine Parade, with all damaged existing trees to remain until the new trees have replaced the vegetation killed by recent vandalism.
- Inform the applicant of Council's decision on this matter.
- Send letters to adjacent or affected properties to request that they monitor the new plantings and inform Council staff of any damage.

BACKGROUND

These trees grow on the Marine Parade road reserve, and have grown there for many years. The photo's supplied show saw cuts on several branches. There is no definite evidence that poison has been applied. Not all of the tree group have been damaged or killed but the damage is concentrated on the north side of the group.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council Street Tree policy applies.

STATUTORY ENVIRONMENT

Legal action is possible if proof was available regarding the people who caused the damage. No proof is currently available.

FINANCIAL IMPLICATIONS

If Council resolves to plant more trees the cost will be less than \$500. If a sign is to be erected the cost could be substantial, depending on the sign and the wind bracing required in this exposed location.

SUSTAINABILITY IMPLICATIONS

This clump of vegetation occupies a very obvious location on Marine Parade and should be protected. Any removal or death by vandalism should be prevented and replacement undertaken if required.

CONSULTATION

Nil

STAFF COMMENT

The trees have certainly been damaged, however who damaged them is unknown and no proof has been provided or found on site. Similar types of vandalism have occurred in various locations of Cottesloe over the years. The suggested sign could be installed but would have to be solid, with good wind bracing. It would not be aesthetic in nature and could also suffer graffiti or vandalism. An alternative would be to plant semi mature Rottnest Island Tea trees in front of the damage clump, with the dead material only being removed when the new trees have covered the same view area. These new trees could be given more protection than normal street trees.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina

THAT COUNCIL:

1. Arrange the planting of several semi mature Rottnest Island Tea trees in front of the vandalised Tea trees on the road verge between Little Marine Parade and Marine Parade adjacent to 190 Little Marine Parade, with all damaged existing trees to remain until the new trees have replaced the vegetation killed by recent vandalism.
2. Inform the applicant of Council's decision on this matter.
3. Send letters to adjacent or affected properties to request that they monitor the new plantings and inform Council staff of any damage.

AMENDMENT

Moved Cr Boland, seconded _____

That a new part (4) be added to state;

4. Arrange installation of a sign on site until re-growth occurs and the new trees have replaced the vegetation killed by recent vandalism.

The motion lapsed for want of a seconder.

AMMENDMENT

Moved Mayor Morgan, seconded Cr Strzina

That Committee amend point (3) to include the following words after the word “damage”- “noting that if the problem persists, consideration may be given to erecting a sign on site until vegetation re-grows”.

Carried 5/0

COMMITTEE RECOMMENDATION**THAT COUNCIL:**

1. Arrange the planting of several semi mature Rottnest Island Tea trees in front of the vandalised Tea trees on the road verge between Little Marine Parade and Marine Parade adjacent to 190 Little Marine Parade, with all damaged existing trees to remain until the new trees have replaced the vegetation killed by recent vandalism.
2. Inform the applicant of Council’s decision on this matter.
3. Send letters to adjacent or affected properties to request that they monitor the new plantings and inform Council staff of any damage, noting that if the problem persists, consideration may be given to erecting a sign on site until vegetation re-grows.

AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 5/0

**10.2.2 REQUEST FOR REMOVAL OF STREET TREES, 13 & 15 CONGDON ST,
COTTESLOE**

File No: PRO/786
Attachments: [Copy of letter requesting removal](#)
[Plan of site 13 and 15 Congdon Street Cottesloe](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 21 June 2011
Author Disclosure of Interest Nil

SUMMARY

A request has been received from the owners of 13 Congdon Street on their own behalf and that of their neighbours at 15 Congdon Street. The request is for a total of three large old Sheoak street trees to be removed due to the root invasion and damage being done by roots in their property(s) and on the public footpath.

The recommendation is that Council:

- Agrees to remove three large Sheoak trees fronting 13 and 15 Congdon Street and replace them with WA Peppermint trees.
- Inform the applicant of the decision made in regards to this matter.

BACKGROUND

The three large Sheoaks have been pruned many times. There is evidence of root damage to adjacent kerbs and road surfacing. Depot staff have reset concrete slabs at regular intervals on the footpath beside the trees. In 2010, an overseas visitor was hospitalised due to injuries caused by slabs being lifted by root growth causing a trip problem. From the footpath, there is evidence of root damage within the private property, as covered in the applicant's letter.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Councils' Street Tree Policy applies.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Normal street tree removals and replacement are covered within Council's annual allocation for all costs relating to street tree maintenance.

SUSTAINABILITY IMPLICATIONS

Council owns several thousand street trees, a number of which are removed each year for various reasons. These removed trees are normally replaced with new young trees chosen for their applicability as street trees. Therefore there is an ongoing sustainability issue regarding Council stock of street trees.

CONSULTATION

Nil

STAFF COMMENT

The trees have reached a condition and stage where they are causing a variety of problems that can only get worse as they age. Removal is recommended and replacement with an alternative species such as Peppermints.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Mayor Morgan, seconded Cr Rowell

THAT COUNCIL:

1. Agree to remove three large Sheoak trees fronting 13 and 15 Congdon Street and replace them with WA Peppermint trees.
2. Inform the applicant of the decision made in regards to this matter.

AMMENDMENT

Moved Cr Cunningham, seconded Mayor Morgan

That the first 3 words of item (1) be replaced with the following words "Defer consideration of the removal of the" and that part (2) be re-numbered part (3), with a new part (2) stating "Obtain a report from an Arborculturalist as to the alleged problems the trees are causing and provide an independent recommendation on potential solutions including whether the trees should be removed".

Carried 4/1

COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Rowell.

THAT COUNCIL:

1. Defer consideration of the removal of the three large Sheoak trees fronting 13 and 15 Congdon Street and replace them with WA Peppermint trees.
2. Obtain a report from an Arborculturalist as to the alleged problems the trees are causing and provide an independent recommendation on potential solutions including whether the trees should be removed.
3. Inform the applicant of the decision made in regards to this matter.

AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 4/1

**10.2.3 PROPOSAL FOR EARTHWORKS AT GRANT MARINE PARK,
COTTESLOE**

File No: SUB/232
Attachments: [Copy of letter requesting changes](#)
[Plan of site Grant Marine Park](#)
[Copy of letter from Cottesloe Coastcare](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 21 June 2011
Author Disclosure of Interest NIL

SUMMARY

A request has been received from a Hamersley Street resident for a high point within the Grant Marine Park (originally created from demolition rubble) to be removed and the lowered area replanted. This work could be done in conjunction with remedial works required on the north side of 166 Marine Parade.

The recommendation is that Council:

- Take no action on the proposal to undertake earthworks on Grant Marine Park to remove a high point for improvement of views.
- Inform the applicant of Council decision on this matter.
- Thank Cottesloe Coastcare for their comments relating to this issue and inform that organisation of Council's decision on the matter.

BACKGROUND

The applicant and his neighbour own 17 and 19 Hamersley Street. Buildings being built on 164 and 166 Marine Parade immediately in front of the Hamersley Street properties, will have a negative impact on westerly views from Hamersley Street.

Trees growing on the elevated positions on the south side of Grant Marine Park are now high enough to also block views to the north west.

Apparently levels were changed on Grant Marine Park many years ago by the use of demolition rubble then sand cover prior to the current replanting of the park with native vegetation.

Reinstatement works will take place on the north side of 166 Marine Parade in the next few months by the builder to repair the damaged edge of the park caused by early house earthworks. The proposal is suggested that the manmade high point could be removed at the same time.

STRATEGIC IMPLICATIONS

In Council Future Plan 2006-2010, Objective 3 is "Enhance beach access and the foreshore". Under this heading, two major strategies are "3.1 – Develop the

‘Foreshore Vision and Master Plan’ in consultation with the community”, plus “3.2 - Improve beach access and dune conservation outside the central foreshore zone”.

These strategies could apply to Grant Marine Park.

POLICY IMPLICATIONS

There are no specific policies that apply to this area, however Council has adopted a Natural Area Management Plan for all of its natural vegetation reserves, including Grant Marine Park. This plan places a high value on the native species section of the park and does not include any proposal for major earthworks changes.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Substantial unbudgeted costs would apply to any large scale earthworks on Grant Marine Park, for the actual removal of material, reshaping and replanting. A cost of over \$100,000 is estimated.

SUSTAINABILITY IMPLICATIONS

The protection of existing native vegetation in Cottesloe has important environmental and sustainability priorities. Rare species protection, removal of weed species and the replanting or enhancement of remnant vegetation has been a Council commitment for many years.

CONSULTATION

Nil, apart from requesting a comment from Cottesloe Coastcare. Grant Marine Park is well known in Cottesloe and any proposal to reshape part of the park should be advertised for public comment, if such works are to be realistically considered.

STAFF COMMENT

The existing shape of Grant Marine Park, including native vegetation and high points, has been in place for many years. Any substantial change involving earthworks and reshaping would be seen as a major event which required public advertising and Community comment. In recent years, Cottesloe Coastcare has invested heavily in this site to bring it up to the current condition. Coastcare’s letter of comment is included in the attachments, and is totally against any reshaping works.

There is an issue regarding 166 Marine Parade, where additional clearing and earthworks took place during house construction. Discussions with the builder have taken place, with a commitment that all required reinstatement of a narrow strip of Grant Marine Park opposite that building site will take place, at the builders cost, to Council requirements.

VOTING

Simple Majority

OFFICER RECOMMENDATION**Moved Mayor Morgan, seconded Cr Boland****THAT COUNCIL:**

1. Take no action on the proposal to undertake earthworks on Grant Marine Park to remove a high point for improvement of views.
2. Inform the applicant of Council decision on this matter.
3. Thank Cottesloe Coastcare for their comments relating to this issue and inform that organisation of Council's decision on the matter.

COMMITTEE DISCUSSION

Committee discussed the report at length and commented on the history of the site, its current state and the need for further rehabilitation. There was recognition of the site's topography and ground condition, as well as the good work of Coastcare over a number of years to re-plant. There was also acknowledgement of the offered contribution by Mr Wise to assist in its rehabilitation, including the removal of non-native plants. Comments were also made in relation to earthworks not being considered and acceptance that if the NAMP is not definitive in the site's rehabilitation, that a plan be created, inclusive of the need to use local native flora. The plan should also make clear the cost of any proposed works as Council currently has no funds set aside for this purpose in the next 12 months.

AMMENDMENT**Moved Mayor Morgan, seconded Cr Cunningham**

That a new part (4) be added to the recommendation as follows;

- 4. Welcome any private funding contributions to facilitate the implementation of the Natural Areas Management Plan (NAMP) in this locality and reaffirm that any work, including clearing, at this site can only be carried out by Council and / or Coastcare.**

Carried 4/1

COMMITTEE RECOMMENDATION**Moved Mayor Morgan, seconded Cr Boland****THAT COUNCIL:**

1. **Take no action on the proposal to undertake earthworks on Grant Marine Park to remove a high point for improvement of views.**
2. **Inform the applicant of Council decision on this matter.**
3. **Thank Cottesloe Coastcare for their comments relating to this issue and inform that organisation of Council's decision on the matter.**

4. Welcome any private funding contributions to facilitate the implementation of the Natural Areas Plan (NAMP) in this locality and reaffirm that any work, including clearing, at this site can only be carried out by Council and / or Coastcare.

AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 4/1

10.3 FINANCE

10.3.1 ADOPTION OF 2011/2012 BUDGET

File No: SUB/140
Attachments: [Town of Cottesloe Budget 2011 2012](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mathew Humfreys
Manager of Corporate and Community Services

Proposed Meeting Date: 21 June 2011
Author Disclosure of Interest Nil

SUMMARY

A recommendation is made to adopt the draft 2011/12 budget.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Section 6.2 of the Local Government Act 1995 provides the following:-

6.2. Local government to prepare annual budget

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

** Absolute majority required.*

- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
 - (a) the expenditure by the local government;
 - (b) the revenue and income, independent of general rates, of the local government; and
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
 - (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
-

- (4) The annual budget is to incorporate —
- (a) particulars of the estimated expenditure proposed to be incurred by the local government;
 - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
 - (i) the amount it is estimated will be yielded by the general rate; and
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
 - (c) the fees and charges proposed to be imposed by the local government;
 - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
 - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
 - (g) such other matters as are prescribed.
- (5) Regulations may provide for —
- (a) the form of the annual budget;
 - (b) the contents of the annual budget; and
 - (c) the information to be contained in or to accompany the annual budget.

FINANCIAL IMPLICATIONS

The budget sets the direction for the next financial year.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

In accordance with the Local Government Act 1995, the intention to raise Differential Rates was advertised in the West Australian, the Post and Cottesloe News (June Edition) as well as on the Council's website. This notice contained the level of rating as well as the characteristics that would be used to determine the differential rate. No public submissions were received.

Submissions were also called for from community groups wishing to receive a donation from Council in the 2011/2012 financial year. A summary of the requests can be seen in the table on page 35 of the Budget (attached).

There have been three workshops with Elected Members in which the information provided from senior staff and public submissions have been considered. Through this process the Budget has been prepared and is now presented for consideration.

STAFF COMMENT

The 2011 / 2012 Budget has been prepared in consultation with Council and with input from senior staff. Allowances have been made in the budget to;

- Ensure that infrastructure is being maintained to a high standard
- Infrastructure replacement programs continue as planned
- Plant and equipment is replaced at the optimal time.

The Local Government sector is still experiencing significant increases in cost, with the Local Government Cost Index (LGCI) forecast to be as high as 4.5% in the 2011/2012 financial year. This includes increases in utilities, expected increases in staff costs as well as the materials and consumables used in every day operations. The 2011/2012 budget contains an overall rate increase of 4.95%. Given the expected increase in the LGCI of up to 4.5%, on top of cost increases already experienced, this is considered a modest rate increase.

This year also sees the introduction of differential rating. From the advertising conducted in accordance with the requirements for differential rating, no public submissions have been received. This means that a separate item in differential rating is no longer required, and the differential rates can be adopted with the remainder of the budget.

Since the final budget workshop, a minor change to the budget has been made administratively, being the inclusion of two requests for donations that appear to have been accidentally omitted during the initial application process. These are from the Cottesloe Community Childcare Centre and the Cottesloe Playgroup. Both requests are supported by Administration for approval of Council. The donations total \$5,500 and details can be found on page 35 of the budget document. This increases the total of donations to \$39,052.

The 2011/2012 financial year is also a revaluation year for Cottesloe. This means the Valuer General's Office (VGO) has revalued all of our gross rental value properties (GRV), which is a process that is repeated every 3 to 5 years. In effect this means that if the rate in the dollar was left as it was last year, rates would rise by more than 18%. In order to avoid this and to ensure only the required rate rise is achieved, a change to the rate in the dollar has been required.

The revaluation has another impact in that the rate rise people experience individually may not be 4.95%. Some people will experience slightly larger increases, some slightly smaller increases and others may experience a decrease. The difference will be caused by the amount that their property has been revalued by the VGO. In cases where people feel their revaluation is unfair, there is an appeal process through the VGO and information on this process will be supplied to residents upon request. It is important to note that the Council itself has no control over or input into the valuation process, however staff assist people with their appeals by providing information (such as assessment number and historical valuations) but Council is required to accept and use the valuations provided.

VOTING

Absolute Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina
THAT Council

(1) ADOPT THE 2011 / 2012 BUDGET

- (a) for the financial year ending 30 June 2012;
- (b) Adopt the Statement of Cash Flows for the financial year ending 30 June 2012;
- (c) Endorse the Rate Setting Statement for the financial year ending 30 June 2012; and
- (d) Endorse the Statement of Comprehensive Income (by nature and type) showing expenditure of \$10,441,420 and revenue of \$10,054,464 for the financial year ending 30 June 2012.

(2) ADOPTION OF RATE – SECTION 6.32 LOCAL GOVERNMENT ACT, 1995**(a) Differential General Rates**

Impose rates in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June 2012 as follows:-

- GRV – Residential Improved (RI) – 5.8929 cents in the dollar
- GRV – Residential Vacant (RV) – 5.8929 cents in the dollar
- GRV – Commercial Improved (CI) – 5.8929 cents in the dollar
- GRV – Commercial Town (CT) – 6.9654 cents in the dollar
- GRV – Industrial (II) – 5.8929 cents in the dollar

(b) Minimum Rate

Impose a minimum rate of \$890.00 for the financial year ending 30 June 2012.

(c) Refuse Collection

Include in the rate charge for residential properties:

- a once per week service of a 120 litre mobile garbage bin (MGB) for general household rubbish, and
- a once per fortnight service of a 240 litre MGB for recyclable household rubbish.

Apply the following charges to residential properties for additional services:

- General rubbish – each additional service per week – 120 litre MGB - \$325.00 per annum (inclusive of GST),
- Recycling – each additional service per fortnight – 240 litre MGB – nil.

Apply the following charges to commercial properties:

General rubbish – one service per week – 240 litre MGB - \$325.00 per annum (inclusive of GST),

- Recycling – one service per fortnight – 240 litre MGB - \$135.00 per annum (inclusive of GST),
- Recycling – one service per week – 240 litre MGB - \$270.00 per annum (inclusive of GST).

(d) Administration Charge – Section 6.45(3) Local Government Act, 1995

Impose an administration charge of \$54.00 where payment of a rate or service charge is made by instalments, except that eligible pensioners will be excluded from paying the charge.

(e) Interest – Section 6.51 Local Government Act, 1995

Apply an interest rate of 11% per annum to rates and service charges levied in the 2011/12 financial year which remain unpaid after they become due and payable and where no election has been made to pay the rate or service charge by instalments.

(f) Rates Instalment Payment Option

Adopt the following rates instalment options:

Option 1

To pay the total amount of rates and charges included on the rate notice in full by the 35th day after the issue.

OR

Option 2

To pay by four instalments, as detailed on the rate notices with the following anticipated dates:

- First instalment due by 8th September, 2011
- Second instalment due by 17th November, 2011
- Third instalment due by 19th January, 2012

- Fourth instalment due by 22nd March, 2012.

(3) INTEREST ON MONEY OWING – SECTION 6.13 LOCAL GOVERNMENT ACT, 1995

That Council apply an interest rate of 11% per annum to any amount not paid within 35 days of the date of the issue of the account.

(4) MEMBERS MEETING ATTENDANCE FEES – SECTION 5.99 LOCAL GOVERNMENT ACT, 1995

That Council set an annual meeting attendance fee of \$5,000 for Council Members and \$10,000 for the Mayor.

(5) MAYOR AND DEPUTY MAYORAL ALLOWANCE – SECTION 5.98 AND 5.98A LOCAL GOVERNMENT ACT, 1995

That Council set a mayoral allowance of \$7,500 and set a deputy mayoral allowance of \$1,250.

(6) TELECOMMUNICATIONS ALLOWANCE – SECTION 5.99A LOCAL GOVERNMENT ACT, 1995

That Council set a telecommunication allowance of \$1,600 for elected members.

Carried 5/0

10.3.2 STATUTORY FINANCIAL REPORTS FOR THE MONTH OF MAY 2011

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 21 June 2011
Author Disclosure of Interest Nil

SUMMARY

- The purpose of this report is to present the Statement of Financial Activity, the Operating Statements by Program and by Nature and Type, the Statement of Financial Position, and supporting financial information for the period ending 31 May 2011.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Statement of Financial Activity on page 1 of the Financial Statements shows favourable operating revenue of \$1,536,660. Of this amount, \$766,071 relates to grant funding for the new joint library building, \$261,542 relates to grant funding for the Civic Centre roof, and \$255,000 relates to developer contributions for cash in lieu of parking. Operating expenditure is \$206,084 or 2% less than budgeted year to date forecast.

Capital expenditure on Furniture and Equipment is \$66,645 less than year to date budget due to some IT projects that have been deferred until 2011-2012. Capital

expenditure on Land and Buildings is \$165,150 less than YTD budget, with the new Depot Facility project being placed on hold as possible future sites are investigated. The new joint library building is currently \$790,345 over budget however this is matched with corresponding grant funding as noted above.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council receive the Statement of Financial Activity, Operating Statements by Program and by Nature and Type, Statement of Financial Position and other supporting financial information for the period ending 31 May 2011, as per the attached Financial Statements, as submitted to the 21 June 2011 meeting of the Works and Corporate Services Committee.

Carried 5/0

10.3.3 SCHEDULE OF INVESTMENTS AND LOANS AS AT 31 MAY 2011

File No: SUB/150 & SUB/151
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 21 June 2011
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Schedule of Investments and the Schedule of Loans for the period ending 31 May 2011, as per attachments, to Council

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 17 of the Financial Statements shows that \$1,783,820.78 was invested as at 31 May 2011.

Reserve Funds make up \$730,549.65 of the total invested and are restricted funds. Approximately 42% of the funds are invested with the National Australia Bank, 29% with Westpac bank, 19% with Bankwest and 10% with Commonwealth Bank.

The Schedule of Loans on page 18 shows a balance of \$6,526,652.09 as at 31 May 2011. There is \$421,433.90 included in this balance that relates to self supporting loans.

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 periods ending 31 May 2011. These schedules are included in the attached Financial Statements, as submitted to the 21 June 2011 meeting of the Works and Corporate Services Committee.

Carried 5/0

10.3.4 ACCOUNTS PAID FOR THE MONTH OF MAY 2011

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager

Proposed Meeting Date: 21 June 2011
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the list of accounts paid for the period ending 31 May 2011 to Council, as per the attached Financial Statements.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

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

- \$15,593.48 & \$15,344.76 to WA Local Government Superannuation plan for superannuation contributions.
 - \$12,845.87 to BCITF for March 2011 deductions.
 - \$15,563.03 to the Australian Taxation Office for the April 2011 BAS.
 - \$207,187.42 & \$32,793.89 to the KMC Group for progress claims relating to works on the roof at the Civic Centre.
-

- \$14,212.00 & \$14,212.00 to Breac Pty Ltd consultancy services in the Corporate Services department.
- \$22,928.04 to Snap Printing for printing works relating to a mail out for LPS3.
- \$11,517.00 to Civica Pty Ltd for the annual software licence fees.
- \$16,684.60 to WMRC for station tipping fees.
- \$64,757.52 & \$64,838.94 for staff payroll.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council receive the List of Accounts for the period ending 31 May 2011, as per the attached Financial Statements, as submitted to the 21 June 2011 meeting of the Works and Corporate Services Committee.

Carried 5/0

10.3.5 PROPERTY AND SUNDRY DEBTORS REPORT FOR MAY 2011

File No: SUB/145
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 21 June 2011
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Report for the period ending 31 May 2011 to Council.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors report on page 19 of the Financial Statements shows a balance of \$148,452.04 of which \$10,153.35 relates to the current month. The balance of aged debtors stood at \$138,298.69. Included in this amount is an outstanding lease payment of \$70,470.86, with payment being received for this debt on 10-06-2011.

Property Debtors are shown in the Rates and Charges analysis on page 20 of the Financial Statements and shows a balance of \$253,757.60. Of this amount \$188,918.33 and \$26,446.47 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 \$64,753 as compared to \$58,420 this time last year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council receive the Property and Sundry Debtors Report for the period ending 31 May 2011 at the meeting of the Works and Corporate Services Committee on 21 June 2011.

Carried 5/0

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

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

13 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 8.48PM.

CONFIRMED: PRESIDING MEMBER _____ DATE:...../.../