

# TOWN OF COTTESLOE



## STRATEGIC PLANNING COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE  
109 BROOME STREET, COTTESLOE  
7.00 PM, WEDNESDAY, 23 SEPTEMBER 2009



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**STRATEGIC PLANNING COMMITTEE****TABLE OF CONTENTS**

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<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE NO</b>
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	1
4	PUBLIC QUESTION TIME.....	1
5	PUBLIC STATEMENT TIME.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE.....	2
7	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	2
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	2
9	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	2
10	REPORTS OF COMMITTEES AND OFFICERS.....	3
	10.1 GENERAL.....	3
	10.1.1 TOWN OF COTTESLOE - ACTION PLAN REVIEW	3
	10.1.2 LOCAL GOVERNMENT STRUCTURAL REFORM SUBMISSION	7
11	ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	13
12	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING.....	13
13	MEETING CLOSURE.....	13

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

The Chief Executive Officer announced the meeting opened at 7:00pm and advised of the Mayor's apology for the meeting. In the absence of the chairperson, the called for nominations from the floor to chair the meeting.

Deputy Mayor Jack Walsh was nominated by Cr Birnbrauer to chair the meeting. There being no further nominations, Cr Walsh accepted the Nomination.

Moved Cr Birnbrauer, seconded Cr Woodhill

Carried 4/0

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

Cr Jack Walsh	Presiding Member
Cr Greg Boland	
Cr John Utting	
Cr Jay Birnbrauer	

**Officers Present**

Carl Askew	Chief Executive Officer
Graham Pattrick	Manager, Corporate and Community Services
Andrew Jackson	Manager of Development Services
Geoff Trigg	Manager, Engineering Services
Krystal Shenton	Executive Assistant

**Apologies**

Mayor Kevin Morgan  
Cr Bryan Miller  
Cr John Utting

**Leave of Absence (previously approved)**

Cr Patricia Carmichael

**Officer Apologies**

Nil

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

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 PUBLIC STATEMENT TIME**

Nil

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Moved Cr Boland, seconded Cr Walsh

[Minutes May 20 2009 Strategic Planning Committee.doc](#)

**The Minutes of the Ordinary meeting of the Strategic Planning Committee, held on 20 May 2009 be confirmed.**

Carried 4/0

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

**9 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

**10 REPORTS OF COMMITTEES AND OFFICERS****10.1 GENERAL****10.1.1 TOWN OF COTTESLOE - ACTION PLAN REVIEW**

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

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**SUMMARY**

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

**BACKGROUND**

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

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

**STRATEGIC IMPLICATIONS**

The Action Plan has obvious strategic implications.

**POLICY IMPLICATIONS**

None Known.

**STATUTORY ENVIRONMENT**

Division 5 — Annual reports and planning principal activities

5.56. *Planning principal activities*

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- (1) *Each financial year, a local government is to prepare a plan for the next 4 or more financial years.*
- (2) *The plan is to contain details of—*
  - (a) *the principal activities that are proposed to be commenced or to be continued in each financial year affected by the plan;*
  - (b) *the objectives of each principal activity;*
  - (c) *the estimated cost of, and proposed means of funding, each principal activity;*
  - (d) *how the local government proposes to assess its performance in relation to each principal activity;*
  - (e) *the estimated income and expenditure for each financial year affected by the plan; and*
  - (f) *such other matters as may be prescribed.*

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

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

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

*\*Absolute majority required.*

## **FINANCIAL IMPLICATIONS**

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

## **SUSTAINABILITY IMPLICATIONS**

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

## **CONSULTATION**

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



**STAFF COMMENT**

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

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

In May 2009 it was reported to Council that;

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

*In reviewing its Strategic Plan and 2008/09 Action Priorities, Council also needs to consider what changes it wishes to make at this time. With the uncertainty that is currently before all local governments it would be prudent for Council to consider maintaining its Future Plan and to continue to pursue and finalise its current Action Plans. In addition, the next Council elections are*

*scheduled for October 2009 and, depending upon Council's final determined position with regard to structural reform, it may be appropriate for the new Council to again consider its future direction after the Minister has considered and/or determined his position with regard to local government structural reform and voluntary amalgamations."*

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

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

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

### **OFFICER RECOMMENDATION**

That Council:

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

### **AMENDMENT**

Moved Cr Birnbrauer, seconded Cr Boland

That objective 6.1 in the Action Plan replace the words *"that there are different techniques for different objectives"* with the words *"of the need to for greater community engagement when change is needed"*.

Carried 3/1

### **AMENDMENT**

Moved Cr Boland, seconded Cr Birnbrauer

That objective 5.2 in the Action Plan delete the words *"Subject to the satisfactory resolution of land tenure, design and funding requirements,"*

Carried 3/1

### **COMMITTEE RECOMMENDATION**

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

### **THE SUBSTANTIVE MOTION WAS PUT**

Carried 4/0

**10.1.2 LOCAL GOVERNMENT STRUCTURAL REFORM SUBMISSION**

**File No:** SUB/793  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer  
**Attachment:** Local Government Structural Reform Submission

**Proposed Meeting Date:** 23-Sep-2009  
**Author Disclosure of Interest** The author has an interest in the matter as any potential amalgamation would directly relate to his employment

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**SUMMARY**

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

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

**BACKGROUND**

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

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

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

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

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

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

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

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

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

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

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

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

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

At its August 2009 meeting it was resolved;

*That Council;*

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

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

interest. Although both of these matters might quite properly be addressed at local council and community level any realignment of boundaries might be best addressed at the WESROC level in the first instance, before any proposed changes are then considered at local council and community level.

### **STRATEGIC IMPLICATIONS**

The potential strategic implications for Council are significant. Whilst Council has a Future Plan for the period 2006 – 2010 and has endorsed action plans through the budget process in 2009-10 to achieve its goals, any future strategic planning and subsequent actions will need to address the issue of structural reform. The announcement by the Minister for Local Government in relation to reform strategies has brought into sharp focus the need for the Town to consider its position. Any significant change to existing boundaries or an amalgamation will require a complete review of strategic and financial plans and priorities.

### **POLICY IMPLICATIONS**

None Known

### **STATUTORY ENVIRONMENT**

Local Government Act 1995 - particularly Section 2.1, Schedule 2.1 and Section 3.1 (2).

#### *Division 1 — Districts and wards*

##### **2.1. State divided into districts**

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

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

*[Section 2.1(2)]*

##### **1. Interpretation**

*In this Schedule, unless the contrary intention appears —*  
*“affected electors”, in relation to a proposal, means —*

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

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

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

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

## **2. Making a proposal**

- (1) *A proposal may be made to the Advisory Board by —*
  - (a) *the Minister;*
  - (b) *an affected local government;*
  - (c) *2 or more affected local governments, jointly; or*
  - (d) *affected electors who —*
    - (i) *are at least 250 in number; or*
    - (ii) *are at least 10% of the total number of affected electors.*
- (2) *A proposal is to —*
  - (a) *set out clearly the nature of the proposal and the effects of the proposal on local governments;*
  - (b) *be accompanied by a plan illustrating any proposed changes to the boundaries of a district; and*
  - (c) *comply with any regulations about proposals.*

## **3. Dealing with proposals**

- (1) *The Advisory Board is to consider any proposal.*
- (2) *The Advisory Board may, in a written report to the Minister, recommend\* that the Minister reject a proposal if, in the Board’s opinion —*
  - (a) *the proposal is substantially similar in effect to a proposal on which the Board has made a recommendation to the Minister within the period of 2 years immediately before the proposal is made; or*
  - (b) *the proposal is frivolous or otherwise not in the interests of good government.*

*\* Absolute majority required.*

- (3) *If, in the Advisory Board’s opinion, the proposal is —*
  - (a) *one of a minor nature; and*
  - (b) *not one about which public submissions need be invited,*

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

*\* Absolute majority required.*

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

**4. Notice of inquiry**

- (1) *Where a formal inquiry is required the Advisory Board is to give —*
- (a) *notice to affected local governments, affected electors and the other electors of districts directly affected by the proposal; and*
  - (b) *a report to the Minister.*
- (2) *The notice and report under subclause (1) are to —*
- (a) *advise that there will be a formal inquiry into the proposal;*
  - (b) *set out details of the inquiry and its proposed scope; and*
  - (c) *advise that submissions may be made to the Board not later than 6 weeks after the date the notice is first given about —*
    - (i) *the proposal; or*
    - (ii) *the scope of the inquiry.*
- (3) *If, after considering submissions made under subclause (2)(c), the Advisory Board decides\* that the scope of the formal inquiry is to be significantly different from that set out in the notice and report under subclause (1), it is to give —*
- (a) *another notice to affected local governments, affected electors and the other electors of districts directly affected by the proposal; and*
  - (b) *another report to the Minister.*
- (4) *The notice and report under subclause (3) are to —*
- (a) *set out the revised scope of the inquiry; and*
  - (b) *advise that further submissions about the proposal, or submissions about matters relevant to the revised scope of the inquiry, may be made to the Board within the time set out in the notice.*

*\* Absolute majority required.*

**5. Conduct of inquiry**

- (1) *A formal inquiry is to be carried out, and any hearing for the purposes of the inquiry is to be conducted, in a way that makes it as easy as possible for interested parties to participate fully.*
- (2) *In carrying out a formal inquiry the Advisory Board is to consider submissions made to it under clause 4(2)(c) and (4)(b) and have regard, where applicable, to —*
- (a) *community of interests;*
  - (b) *physical and topographic features;*



- (c) *demographic trends;*
  - (d) *economic factors;*
  - (e) *the history of the area;*
  - (f) *transport and communication;*
  - (g) *matters affecting the viability of local governments; and*
  - (h) *the effective delivery of local government services,*
- but this does not limit the matters that it may take into consideration.*

**6. Recommendation by Advisory Board**

- (1) *After formally inquiring into a proposal, the Advisory Board, in a written report to the Minister, is to recommend\* —*
- (a) *that the Minister reject the proposal;*
  - (b) *that an order be made in accordance with the proposal; or*
  - (c) *if it thinks fit after complying with subclause (2), the making of some other order that may be made under section 2.1.*

*\* Absolute majority required.*

- (2) *The Advisory Board is not to recommend to the Minister the making of an order that is significantly different from the proposal into which it formally inquired unless the Board has —*
- (a) *given\* notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation of its intention to do so;*
  - (b) *afforded adequate opportunity for submissions to be made about the intended order; and*
  - (c) *considered any submissions made.*

*\* Absolute majority required.*

**7. Minister may require a poll of electors**

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

**8. Electors may demand a poll on a recommended amalgamation**

- (1) *Where the Advisory Board recommends to the Minister the making of an order to abolish 2 or more districts (“**the districts**”) and amalgamate them into one or more districts, the Board is to give notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation about the recommendation.*
- (2) *The notice to affected electors has to notify them of their right to request a poll about the recommendation under subclause (3).*
- (3) *If, within one month after the notice is given, the Minister receives a request made in accordance with regulations and signed by at least 250, or at least*

*10%, of the electors of one of the districts asking for the recommendation to be put to a poll of electors of that district, the Minister is to require that the Board's recommendation be put to a poll accordingly.*

- (4) *This clause does not limit the Minister's power under clause 7 to require a recommendation to be put to a poll in any case.*

**9. Procedure for holding poll**

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

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

**10. Minister may accept or reject recommendation**

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

**10A. Recommendations regarding names, wards and representation**

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

- (b) *is to take into account the matters referred to in clause 8(c) to (g) of Schedule 2.2 so far as they are applicable.*

**11. *Transitional arrangements for orders about districts***

- (1) *Regulations may provide for matters to give effect to orders made under section 2.1 including —*
- (a) *the vesting, transfer, assumption or adjustment of property, rights and liabilities of a local government;*
  - (b) *the extinguishment of rights of a local government;*
  - (c) *the winding up of the affairs of a local government;*
  - (d) *the continuation of actions and other proceedings brought by or against a local government before the taking effect of an order under section 2.1;*
  - (e) *the bringing of actions and other proceedings that could have been brought by or against a local government before the taking effect of an order under section 2.1;*
  - (f) *if the effect of an order under section 2.1 is to unite 2 or more districts, the determination of the persons who are to be the first mayor or president, and deputy mayor or deputy president, of the new local government;*
  - (g) *the continuation of any act, matter or thing being done under another written law by, or involving, a local government.*
- (2) *Subject to regulations referred to in subclause (1), where an order is made under section 2.1 any local governments affected by the order (including any new local government created as a result of the order) are to negotiate as to any adjustment or transfer between them of property, rights and liabilities.*
- (3) *Where an order is made under section 2.1 the Governor may, by order under section 9.62(1), give directions as to any of the matters set out in subclause (1) if, and to the extent that, those matters are not resolved by regulations referred to in that subclause or by negotiation under subclause (2).*
- (4) *A contract of employment that a person has with a local government is not to be terminated or varied as a result (wholly or partly) of an order under section 2.1 so as to make it less favourable to that person unless —*
- (a) *compensation acceptable to the person is made; or*
  - (b) *a period of at least 2 years has elapsed since the order had effect.*
- (5) *The rights and entitlements of a person whose contract of employment is transferred from one local government to another, whether arising under the contract or by reason of it, are to be no less favourable to that person after the transfer than they would have been had the person's employment been continuous with the first local government.*
- (6) *If land ceases to be in a particular district as a result of an order under section 2.1, any written law that would have applied in respect of it if the*

*order had not been made continues to apply in respect of the land to the extent that its continued application would be consistent with —*

- (a) any written law made after the order was made; and*
  - (b) any order made by the Governor under subclause (8).*
- (7) Regulations may make provision as to whether or not, or the modifications subject to which, a written law continues to apply in respect of land under subclause (6).*
- (8) The Governor may, in a particular case, by order, vary the effect of subclause (6) and regulations made in accordance with subclause (7).*

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

### ***DIVISION 1 — GENERAL***

#### ***3.1. General function***

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

### **FINANCIAL IMPLICATIONS**

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

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

Overall, the financial implications of change associated with local government reform have the potential to be significant and have been documented with in the PwC report and included in the draft Reform Submission. In the immediate term there will be continue to be significant ongoing human resource costs (officer time) to Council in responding to the Minister's reform agenda.

### **SUSTAINABILITY IMPLICATIONS**

The final outcome in regard to the implementation of the recommendations of the Dollery and Anne Banks-McAllister Consulting reports, plus the information contained

within the PriceWaterhouseCoopers (PwC) report, as well as the Minister's reform agenda may have an impact upon Council's future objectives and plans however this is unknown at this stage.

### **CONSULTATION**

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

### **COMMUNITY CONSULTATION**

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

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

In total, 3,970 questionnaires were distributed to all residential homes and business premises throughout the Town of Cottesloe together with a covering letter and reply paid envelope. They were distributed between the 18<sup>th</sup> and 23<sup>rd</sup> August 2009. In addition, the questionnaire was also placed on the Town's website and the opportunity was made available to complete and lodge the form online. Forms were requested to be returned by 31 August however forms received after that date were also accepted and included. At the time of reporting a total of 679 forms had been received representing a 17% return rate. All forms received were collated and analysed. In addition some respondents also chose to provide additional information with their questionnaire which was also considered in the analysis. No identifying information was requested from respondents and so no adjustments have been

made for potential multiple responses from the same individual. In all questions some respondents chose to not to reply to all questions and these have been listed as *no response*. Some respondents chose to select more than one answer for some questions and these questions have been highlighted.

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

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

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

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

## STAFF COMMENT

Speaking at the Western Australian Local Government Convention on 6 August the Minister for Local Government made it clear to delegates that he expects *meaningful and significant reform* of the local government sector and he reaffirmed his previous statements that each local government should consider voluntarily amalgamations, reducing the total number of elected members to between six and nine and forming appropriate regional groupings of councils to assist with the efficient delivery of services.

Other key strategies of the reform agenda include:

- Adoption by local governments of a longer term strategic planning framework, including asset and financial management and workforce planning.
- Development of measures to enhance the skills and competency of elected members and staff.

- Examination of options to maintain local community identity and greater community representation including consideration of community-based committees.
- Identification of proposals to amend the local government legislation to facilitate local government sustainability.
- Examination of the ability for local governments to form corporate entities to undertake urban regeneration projects and other business activities.
- Identification and implementation of approaches to reduce town planning and building licence approvals time.
- Development of measures to encourage a diverse range of citizens to stand for council.

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

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

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

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

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

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

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

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

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

In summary, the report makes the following comments;

*WESROC councils have many similarities, including mean incomes and post-school education levels which are considerably higher than the WA average. There are only minor differences in the demographics of the WESROC councils, and as a result, they demand similar services*

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

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

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

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

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

*The report identifies potential recurrent net annual amalgamation savings after three years, after allowing for transition costs in the first few years, however the report also notes that there are many external factors which may prevent the realisation of the predicted amalgamation benefits. These include;*

- actual amalgamation costs exceeding forecast costs,*
- cost synergies not being realised,*
- residents resisting amalgamation,*
- staff integration issues,*



- *other employee issues (such as staff being unfamiliar with new and expanded roles), and*
- *regulatory issues deriving from State government amalgamation legislation*

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

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

## **LOCAL GOVERNMENT ADVISORY BOARD REPORT 2006**

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

### ***“6.12 RECOMMENDATION***

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

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

## **ELECTED MEMBER NUMBERS**

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

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

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

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

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

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

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

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

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

- A smaller number of elected members may result in an increased workload and may lessen effectiveness. A demanding role may discourage others from nominating for Council.
- There is the potential for dominance in the Council by a particular interest group.
- A reduction in the number of elected members may limit the diversity of interests around the Council table.
- Opportunities for community participation in Council's affairs may be reduced if there are fewer elected members for the community to contact.
- An increase in the ratio of councillors to electors may place too many demands on elected members.

## **REGIONAL GROUPINGS OF COUNCILS**

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

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

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

The following Local Government Authorities are members of the WESROC;

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

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

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

The following Local Government Authorities are members of the WMRC;

- Town of Claremont
- Town of Cottesloe

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

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

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

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

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

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

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

WALGA lobbies and negotiates on behalf of Local Governments in WA. As the peak advocacy organisation, it has a strong influence on how policy decisions are made that affect the sector. Senior WALGA officers regularly consult with Ministers, politicians and senior bureaucrats and negotiate supplier agreements with senior executives of organisations with the capacity to deliver state-wide services. It is a private and independent entity which operates as a membership-based organisation. Its funding comes from membership subscriptions, business and grants. It works for and on behalf of Local Government in WA. The State Council is chaired by a President and includes 24 Members; 12 from country constituencies and 12 from

metropolitan constituencies. All members must be a serving Mayor, President or Councillor in WA Local Government. The State Council is supported by a number of Zones - groups of geographically aligned members, who are responsible for the direct elections of State Councillors, input into policy formulation and advice to officers and State Council.

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

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

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

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

### **STRUCTURAL REFORM SUMMARY**

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

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

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

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

In addition, there are also potential short term costs when amalgamations occur and these can include the following -

- Locating suitable sites and accommodating a larger workforce in new or upgraded facilities such as a new “Civic & Administration Centre” and/or works depot;
- Rationalisation of major systems such as, Information Technology systems, Town Planning Schemes and Human Resource Management Practices i.e. workplace agreements etc; and
- Current partnerships may need to be disassembled and new Regional Council relationships formed which would require a significant amount of human and financial resources.

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

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

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

## **VOTING**

Simple Majority

## **COMMITTEE COMMENT**

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

**OFFICER RECOMMENDATION**

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

*Cr Boland left the meeting at 8:20pm*

*Cr Boland returned to the meeting at 8:21pm*

**COMMITTEE RECOMMENDATION**

Moved Cr Walsh seconded Cr Woodhill

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

Carried 4/0

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

Nil

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

Nil

**13 MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 9:10pm

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