

# TOWN OF COTTESLOE



## WORKS AND CORPORATE SERVICES COMMITTEE

# MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE  
109 BROOME STREET, COTTESLOE  
7.00 PM, TUESDAY, 7 DECEMBER 2010

**CARL ASKEW**  
Chief Executive Officer

10 December 2010



---

**WORKS AND CORPORATE SERVICES COMMITTEE**
**TABLE OF CONTENTS**

<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.....	1
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	ADMINISTRATION.....	3
10.1.1	DONATIONS - REFUSE SERVICES	3
10.1.2	UNIFORMS - OFFICE STAFF POLICY REVIEW	5
10.1.3	CHANGE ROOMS/TOILETS - OPENING TIMES - INDIANA	7
10.1.4	WARD BOUNDARY REVIEW NUMBERS OF ELECTED MEMBERS	10
10.1.5	PERFORMANCE & REMUNERATION REVIEW AND KEY RESULT AREAS (KRA'S) FOR THE CHIEF EXECUTIVE OFFICER	26
10.2	ENGINEERING.....	30
10.2.1	CIVIC CENTRE ROOF REFURBISHMENT - TENDER	30

10.2.2	GRANT STREET PARK AND ROW 17 COTTESLOE. REQUEST FOR DEVELOPMENT.	33
<b>10.3</b>	<b>FINANCE.....</b>	<b>36</b>
10.3.1	SPECIFIED AREA RATE LEVY - PROCOTT	36
10.3.2	STATUTORY FINANCIAL REPORT FOR THE MONTH OF NOVEMBER 2010	38
10.3.3	SCHEDULE OF INVESTMENTS AND LOANS AS AT 30 NOVEMBER 2010	40
10.3.4	ACCOUNTS FOR THE MONTH OF NOVEMBER 2010	42
10.3.5	PROPERTY AND SUNDRY DEBTORS REPORT FOR NOVEMBER 2010	44
<b>11</b>	<b>ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....</b>	<b>46</b>
<b>12</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING.....</b>	<b>46</b>
<b>13</b>	<b>MEETING CLOSURE.....</b>	<b>46</b>

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

The Presiding Officer announced the meeting opened at 7:00pm.

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

Mayor Kevin Morgan	Presiding Member
Cr Patricia Carmichael	
Cr Ian Woodhill	
Cr Victor Strzina	Arrived 7:01pm
Cr Rob Rowell	
Cr Dan Cunningham	Arrived 7:03pm

**Officers Present**

Graham Pattrick	Manager Corporate & Community Services
Geoff Trigg	Manager Engineering Services
Annaliese Davis	Events and Support Officer

**Apologies**

Cr Greg Boland

**Officer Apologies**

Carl Askew	Chief Executive Officer
------------	-------------------------

**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**

Ian Braslin – 3 Grange Street, Claremont

Treasurer of PROCOTT

Item 10.3.1 – Specified Area Rate Levy – PROCOTT

Mr Braslin discussed his support of the additional rate. Not only is Mr Braslin the Treasurer of Procott but he is also a partner in a business in Napoleon Street. Mr Braslin is conscious that it has been a tight retail scene leading up to Christmas and believes that the additional rate will be an advantage.

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Cr Woodhill and Cr Stzina requested a leave of absence for the February 2011 Works and Corporate Services Committee Meeting. Cr Stzina additionally requested leave from the December full Council meeting.

**Moved Cr Stzina, seconded Mayor Morgan**

That Cr Woodhill and Cr Stzina request for leave of absence from the February 2011 Works and Corporate meeting and Cr Stzina request for leave of absence from the full December Council meeting are granted.

**Carried 6/0**

**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**Moved Cr Rowell, seconded Cr Stzina**

[Minutes November 16 2010 Works and Corporate Services Committee.doc](#)

**The Minutes of the Ordinary meeting of the Works And Corporate Services Committee, held on 16 November 2010 be confirmed.**

**Carried 6/0**

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

**9 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

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 November 2010. |
| 10.3.3 | Schedule of Investments and Loans as at 30 November 2010    |
| 10.3.4 | Accounts for the month of November 2010                     |
| 10.3.5 | Property and Sundry Debtors for November 2010               |

## 10 REPORTS OF COMMITTEES AND OFFICERS

### 10.1 ADMINISTRATION

#### 10.1.1 DONATIONS - REFUSE SERVICES

**File No:** POL/17  
**Attachments:** [Policy - Donations - Refuse Services.DOC](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services  
**Proposed Meeting Date:** 07 December 2010  
**Author Disclosure of Interest** Nil

---

#### **SUMMARY**

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

#### **STRATEGIC IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

This report relates to the Donations – Refuse Services policy.

#### **STATUTORY ENVIRONMENT**

Nil

#### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

#### **SUSTAINABILITY IMPLICATIONS**

Nil

#### **CONSULTATION**

Nil

#### **STAFF COMMENT**

The Manager Corporate and Community Services has confirmed with the Health & Building Secretary that the North Cottesloe Pre-Primary is not being charged for rubbish collection. They are the only group listed on the policy.

#### **VOTING**

Simple Majority

---

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Cr Rowell, seconded Cr Strzina**

**THAT Council note the policy has been reviewed and maintain the Donations – Refuse Services Policy as per the attachment.**

**Carried 6/0**



**10.1.2 UNIFORMS - OFFICE STAFF POLICY REVIEW**

**File No:** POL/70  
**Attachments:** [Uniform Policy - Office Staff Amended.doc](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate & Community Services  
**Proposed Meeting Date:** 7 December 2010  
**Author Disclosure of Interest** The author receives the annual staff uniform allowance.

---

**SUMMARY**

The Town of Cottesloe policy for Staff Uniforms has been reviewed by Council staff. This report recommends that Council adopt the amended policy.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Uniforms - Office Staff: (Resolution No: C9, Adopted: February,2000)

**STATUTORY ENVIRONMENT**

None known

**FINANCIAL IMPLICATIONS**

Sufficient funds are allocated in the current budget for this expense.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

Council is required to regularly review policies. The policy has had some minor amendments.

The changes allow for greater flexibility for staff in relation to where they may purchase their uniforms. Myers has been substituted for Country Road for this purpose. There were some anomalies that were also addressed in the old policy including:

- Staff on probation have to wait until they are made permanent before ordering uniforms

- Any person commencing part way through a year will receive a pro-rata uniform allowance
- Some staff had uniforms provided and received a payment equivalent to the annual uniform allowance. These staff will now have the choice of either having their uniforms provided or being re-imbursed for uniform purchases.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Cr Rowell, seconded Cr Cunningham**

**THAT Council note the policy has been updated and adopt the modified Uniforms – Office Staff Policy as per the attachment.**

**Carried 6/0**

**10.1.3 CHANGE ROOMS/TOILETS - OPENING TIMES - INDIANA**

**File No:** PRO/2414  
**Responsible Officer:** Carl Askew  
**Author:** Chief Executive Officer  
Graham Pattrick/Elizabeth Cox  
Manager Corporate Services/Consultant  
Environmental Health Officer  
**Proposed Meeting Date:** 07 December 2010  
**Author Disclosure of Interest** Nil

---

**SUMMARY**

This report provides the outcomes of officer investigations into the opening times for the change room and toilet facilities at Indiana.

**BACKGROUND**

Council at the ordinary meeting of the 21 September 2010 as part of a multi faceted resolution resolved in part 5.

That Council, *be provided with a further report ensuring that this facility can remain open 24/7 with suitable safe guards if needed for community safety.*

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Nil

**FINANCIAL IMPLICATIONS**

Potential increases in opening hours will have a financial impost on Indiana in relation to security, monitoring, cleaning and maintenance.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Discussions have been held with the Cities of Wanneroo, Joondalup, Stirling, Fremantle, Perth, Rockingham, Mandurah and the Town of Cambridge relating to the opening and closing times of their public toilets, and the associated issues of anti social behaviour and vandalism. Discussions were also held with the Cottesloe police and the Office of Crime Prevention relating to issues associated with a 24/7 opening regime. Information was also obtained from the private operators at Mindarie in an endeavour to identify the most appropriate operation.

**STAFF COMMENT**

There are two sets of public facilities along Marine Parade at 149 (near Eric Street – Barchetta) and 99 (near Forrest Street – Indiana). Both sets of facilities are managed through a lease between the Town of Cottesloe and the respective businesses and the facilities are cleaned and maintained as a condition of the lease. The current lease with the owners of Barchetta requires the Lessee to ensure that on each day the facilities are open to the general public between the hours of 5am and 10pm during summer and 5:30am and 10pm during winter. The lease for 99 Marine Parade (Indiana) is silent on the opening and closing times of the public ablutions however under the current arrangement the facilities are opened daily at 6:30am when the first clean takes place and closed at the close of business, when the premises are secured for the evening, usually between 10pm and 11pm( or later during the weekends). Comments received from Indiana reported that in the majority of occasions the beach areas are uninhabited at the time of the lock up.

Issues identified during the consultation with other Councils and Police, where toilets facilities were open 24 hours per day, included concerns with anti social behaviour and maintenance from vandalism. Of significant concern were instances where people had taken to sleeping in the toilets, vandalism, fires and the opportunity for anti social activities to develop. Maintenance issues extended to broken fixtures and fittings, graffiti and blockages. To address these issues the Cities of Mandurah, Fremantle and Perth lock all except a few selected (Northbridge) public toilets at around 10pm.

In the opinion of officers, and as supported by comments from local police and other Councils, it is recommended that the current opening and closing times be maintained as opposed to a 24/7 operation and that Indiana be requested to consider addressing the needs of early morning beach users and swimmers in the summer.

**VOTING**

Simple Majority

**COMMITTEE COMMENTS:**

Mayor Morgan questioned how Administration had dealt with the request from Council to research appropriate safeguards that would be necessary if Indiana toilets/change rooms were opened 24 hours/7 days a week. There was a long discussion regarding the current lease of the building and if the Town of Cottesloe can request Indiana's to open the toilets/changerooms at hours specified by Council. Cr Rowell discussed the possibility that there would be a clause in the current lease about when these facilities need to be opened. Cr Carmichael expressed that she was aware that certain food businesses along the beachfront closed and opened their toilet facilities in line with their opening and closing times. This was to ensure that the toilets were maintained and cleaned while the food businesses were open. Committee debated appropriate opening and closing hours of the toilets and change rooms and agreed with the information in the officers report, that toilets should be opened in the summer between the hours of 5am till 10pm. The committee requested that Administration provide them with further information regarding the lease and specified opening hours before the December full Council meeting.

**OFFICER RECOMMENDATION****Moved Cr Woodhill, seconded Cr Strzina**

THAT Council:

1. Note the information provided and receives the report.
2. Request that Indiana consider opening the change room and toilets to accommodate early morning beach users and swimmers during summer.

**AMENDMENT****Moved Mayor Morgan, seconded Cr Strzina**

*That point (2) of the recommendation be deleted and replaced with, 'That Council be provided with a report from Administration prior to the December full Council meeting on the legal entitlements for Council to determine the opening/closing times of the Indiana changerooms and toilets. Additionally that feedback is obtained from Indiana regarding their willingness to open the toilets/changerooms at 5am till 10:00pm in the summer months.'*

*That a point (3) be added to the recommendation to state, 'Subject to confirmation that Council is able to direct Indiana they be notified on preferred closing and opening times for the changerooms and toilets. The report to Council is to include costing for measures to safeguard the toilets if they are kept open'.*

Carried 6/0

**COMMITTEE RECOMMENDATION**

THAT COUNCIL:

1. Note the information provided and receives the report.
2. That Council be provided with a report from Administration prior to the December full Council meeting on the legal entitlements for Council to determine the opening/closing times of the Indiana changerooms and toilets. Additionally that feedback is obtained from Indiana regarding their willingness to open the toilets/changerooms at 5am till 10:00pm in the summer months. '
3. Subject to confirmation that Council is able to direct Indiana, they be notified on preferred closing and opening times for the changerooms and toilets. The report to Council is to include costing for measures to safeguard the toilets if they are kept open..

**AMENDED SUBSTANTIVE MOTION WAS PUT**

Carried 6/0

**10.1.4 WARD BOUNDARY REVIEW NUMBERS OF ELECTED MEMBERS**

**File No:** SUB/41  
**Attachments:** [Report to Council August 2010 Ward Review Discussion Paper September 2010 Ward Review Ward Boundaries with variations.pdf](#)  
[Wards as per Electoral Commission August 2010.pdf](#)  
[Cottesloe Ward Boundaries Map.pdf](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer  
**Proposed Meeting Date:** 7 December 2010  
**Author Disclosure of Interest** Nil

---

**SUMMARY**

In August 2010 Council resolved as follows:

THAT Council:

1. Commence the process of a review of wards and representation.
2. Affirm its preferred position that Councillor numbers be reduced from ten (10) to eight (8) across four (4) Wards, retaining a directly elected Mayor.
3. Give local public notice that a review is to be carried out and seek submissions from the public.
4. Receive a subsequent report which considers all submissions and relevant factors, and;
5. Submit a report to the Local Government Advisory Board for its consideration.

This report addresses part four (4) of the above resolution and recommends:

That Council:

1. Note that no submissions from the public have been received in relation to its local public notice that a ward review is to be carried out
  2. Endorse the reduction from ten (10) to eight (8) elected members across four (4) wards retaining a directly elected Mayor, from October 2011, as per map option one (1) attached, with associated changes to its ward boundaries and representation
  3. Declare all Councillor positions vacant at the next election (October 2011) and conduct elections for eight (8) members, with four (4) to serve a four (4) year term and four (4) to serve a two (2) year term, recognising that some current members will not serve their full term.
  4. In accordance with Schedule 2.2 (9) of the *Local Government Act 1995* (the Act), recommend to the Local Government Advisory Board that;
-

- a. An order be made under s 2.2 (1) to amend the existing ward boundaries as detailed in the map (ref: CEO's report to Council dated 22 November 2010).
- b. An order be made under s 2.3 to retain the existing ward names
- c. An order be made under s 2.18 to designate the following number of offices of councillor for each ward: North (2), South (2), East (2) and Central (2).
- d. The local government to undertake another review of wards and representation in eight years time.

## BACKGROUND

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

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

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

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

According to the Department of Local Government in their circular of November 2008 related to *Review of Wards and Representation*, after the community comment period any feedback should be assessed and summarized and presented to Council for consideration and resolution. It needs to be clear from the consideration of submissions and the assessment of options against the factors why an option has been chosen as the best one for the district. If the Council proposes to maintain the status quo then reasons for this **must** be included in the resolution. If the Council decides to make a change, then an **absolute majority** is required. The resolution of the Council must propose the making of an order under s2.2 (1), s2.3 (3) and/or s2.18 (3) of the Act. Once a decision is made the local government may consider the impact of implementing any change at the next ordinary election. In some circumstances elected members may be unable to complete their term of office in view of the implementation of changes.

After the local government has completed its review, it must provide a written report about the review to the Local Government Advisory Board. If a local government expects changes to be in place in time for an ordinary election, it must submit its report to the Board by the **end of December** in the year prior to an ordinary election day. This will allow sufficient time for any changes to be considered and processed for the beginning of the election cycle. The report must outline the process and outcome of the review and include any recommendations for change. The officer's report to the Council forms the basis of this report. If any changes to boundaries are recommended then the maps must show the current situation and the proposed changes. These are required by the Department of Land Information to assist the preparation of new technical descriptions for the proposed new ward boundaries.

The Board considers all review reports submitted by local governments and assesses them against the requirements of the Act. If the Board determines that some part of a review does not meet the requirements of the Act, then the local government may be requested to undertake another review (or part of a review) that does meet the requirements. The Board will consider all recommendations for change submitted as part of the review. The Board makes recommendations to the Minister who has the final decision and may accept or reject the Board's recommendations.

If the Minister accepts the Board's recommendations, then several other processes follow. Changes to wards and representation are subject to an order to be signed by the Governor and then published in the *Government Gazette*. The order will include the date of implementation of changes which may be the date of gazettal or the next ordinary election day) and any resulting elections arising from the changes. Where there are changes to boundaries, the order will also include a new technical description of the ward boundaries, prepared by Landgate at the local government's cost. If a boundary change affects electors, then the WA Electoral Commission prepares new rolls for those affected wards.

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

Ward	Number of Electors	Number of Councillors	Councillor: Elector Ratio	% Ratio Deviation
------	--------------------	-----------------------	---------------------------	-------------------



North	2391	4	598	-11.21%
East	1009	2	505	6.14%
South	1035	2	518	3.72%
Central	940	2	470	12.56%
<b>Total</b>	<b>5375</b>	<b>10</b>	<b>538</b>	

*Note: Data is from the Electoral Commission as at August 2010.*

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

### **STRATEGIC IMPLICATIONS**

Whilst Council has a Future Plan for the period 2006 – 2010 and has endorsed action plans through the budget process in 2010/11 to achieve its goals, any future strategic planning and subsequent actions will need to address the issue of structural reform, including changes to the number of elected members. The impact of changing the number of elected members affects elector representation ratios, Committee and Council membership/functions and, in some circumstances, elected members may be unable to complete their term of office based upon endorsed implementation timeframes.

### **POLICY IMPLICATIONS**

Nil

### **STATUTORY ENVIRONMENT**

Local Government Act 1995, particularly Section 2.1, 2.2, 2.3, 2.18 and Schedules 2.1 and 2.2.

### **Part 2 — CONSTITUTION OF LOCAL GOVERNMENT**

#### **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.

**2.2. Districts may be divided into wards**

- (1) The Governor, on the recommendation of the Minister, may make an order —
  - (a) dividing a district into wards;
  - (b) creating new wards in a district that is already divided into wards;
  - (c) changing the boundaries of a ward;
  - (d) abolishing any or all of the wards into which a district is divided; or
  - (e) as to a combination of any of those matters.
- (2) For the purposes of this Act —
  - (a) an order that divides a district into wards is to be regarded as establishing a ward system for the district; and
  - (b) an order that abolishes all of the wards into which a district is divided and does not create new wards, is to be regarded as discontinuing the ward system for the district.
- (3) Schedule 2.2 (which deals with wards and representation) has effect.
- (4) The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.

**2.3. Names of districts and wards**

- (1) An order under section 2.1 designating an area of the State to be a district is to include an order naming the district.
- (2) An order under section 2.2 establishing a ward system for a district is to include an order naming the wards.
- (3) If a local government proposes under Schedule 2.2 that an order be made changing the name of the district or a ward, the Minister may recommend to the Governor that the order be made, and the Governor may make the order accordingly.
- (4) The Minister can only make a recommendation under subsection (3) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.

**2.18. Fixing and changing the number of councillors**

- (1) When a local government is newly established the Governor, by order made on the recommendation of the Minister, is to —
  - (a) specify the number of offices of councillor on the council of the local government; and
  - (b) if the district is to have a ward system, specify the numbers of offices of councillor for the wards.
- (2) When an order is made under section 2.2 discontinuing a ward system for a district, the number of offices of councillor on the council remains unchanged unless the order specifies otherwise.
- (3) The Governor, on the recommendation of the Minister, may make an order —

- (a) changing the number of offices of councillor on a council;
  - (b) specifying or changing the number of offices of councillor for a ward; or
  - (c) as to a combination of those matters.
- (4) The Minister can only make a recommendation under subsection (1) or (3) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.

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

[Section 2.1(2)]

#### **1. Interpretation**

In this Schedule, unless the contrary intention appears —

**“affected electors”**, in relation to a proposal, means —

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

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

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

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

#### **2. Making a proposal**

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

#### **3. Dealing with proposals**

- (1) The Advisory Board is to consider any proposal.
- (2) The Advisory Board may, in a written report to the Minister, recommend\* that the Minister reject a proposal if, in the Board’s opinion —

- (a) the proposal is substantially similar in effect to a proposal on which the Board has made a recommendation to the Minister within the period of 2 years immediately before the proposal is made; or
- (b) the proposal is frivolous or otherwise not in the interests of good government.

*\* Absolute majority required.*

- (3) If, in the Advisory Board's opinion, the proposal is —

- (a) one of a minor nature; and
- (b) not one about which public submissions need be invited,

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

*\* Absolute majority required.*

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

#### **4. Notice of inquiry**

- (1) Where a formal inquiry is required the Advisory Board is to give —

- (a) notice to affected local governments, affected electors and the other electors of districts directly affected by the proposal; and
- (b) a report to the Minister.

- (2) The notice and report under subclause (1) are to —

- (a) advise that there will be a formal inquiry into the proposal;
- (b) set out details of the inquiry and its proposed scope; and
- (c) advise that submissions may be made to the Board not later than 6 weeks after the date the notice is first given about —
  - (i) the proposal; or
  - (ii) the scope of the inquiry.

- (3) If, after considering submissions made under subclause (2)(c), the Advisory Board decides\* that the scope of the formal inquiry is to be significantly different from that set out in the notice and report under subclause (1), it is to give —

- (a) another notice to affected local governments, affected electors and the other electors of districts directly affected by the proposal; and
- (b) another report to the Minister.

- (4) The notice and report under subclause (3) are to —

- (a) set out the revised scope of the inquiry; and
- (b) advise that further submissions about the proposal, or submissions about matters relevant to the revised scope of the inquiry, may be made to the Board within the time set out in the notice.

*\* Absolute majority required.*

#### **5. Conduct of inquiry**

- (1) A formal inquiry is to be carried out, and any hearing for the purposes of the inquiry is to be conducted, in a way that makes it as easy as possible for interested parties to participate fully.

- (2) In carrying out a formal inquiry the Advisory Board is to consider submissions made to it under clause 4(2)(c) and (4)(b) and have regard, where applicable, to —
- (a) community of interests;
  - (b) physical and topographic features;
  - (c) demographic trends;
  - (d) economic factors;
  - (e) the history of the area;
  - (f) transport and communication;
  - (g) matters affecting the viability of local governments; and
  - (h) the effective delivery of local government services,

but this does not limit the matters that it may take into consideration.

## **6. Recommendation by Advisory Board**

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

*\* Absolute majority required.*

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

*\* Absolute majority required.*

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

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

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

- (1) Where the Advisory Board recommends to the Minister the making of an order to abolish 2 or more districts (“**the districts**”) and amalgamate them into one or more districts, the Board is to give notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation about the recommendation.
- (2) The notice to affected electors has to notify them of their right to request a poll about the recommendation under subclause (3).
- (3) If, within one month after the notice is given, the Minister receives a request made in accordance with regulations and signed by at least 250, or at least 10%, of the electors of one of the districts asking for the recommendation to be put to a poll of electors of that district, the Minister is to require that the Board's recommendation be put to a poll accordingly.
-

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

#### **9. Procedure for holding poll**

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

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

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

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

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

- (1) The Advisory Board may —
- (a) when it makes its recommendations under clause 3 or 6; or
  - (b) after the Minister has accepted its recommendations under clause 10,
- in a written report to the Minister, recommend the making of an order to do any of the things referred to in section 2.2(1), 2.3(1) or (2) or 2.18(1) or (3) that the Board considers appropriate.
- (2) In making its recommendations under subclause (1) the Advisory Board —
- (a) may consult with the public and interested parties to such extent as it considers appropriate; and
  - (b) is to take into account the matters referred to in clause 8(c) to (g) of Schedule 2.2 so far as they are applicable.

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

- (1) Regulations may provide for matters to give effect to orders made under section 2.1 including —
- (a) the vesting, transfer, assumption or adjustment of property, rights and liabilities of a local government;
  - (b) the extinguishment of rights of a local government;

- (c) the winding up of the affairs of a local government;
  - (d) the continuation of actions and other proceedings brought by or against a local government before the taking effect of an order under section 2.1;
  - (e) the bringing of actions and other proceedings that could have been brought by or against a local government before the taking effect of an order under section 2.1;
  - (f) if the effect of an order under section 2.1 is to unite 2 or more districts, the determination of the persons who are to be the first mayor or president, and deputy mayor or deputy president, of the new local government;
  - (g) the continuation of any act, matter or thing being done under another written law by, or involving, a local government.
- (2) Subject to regulations referred to in subclause (1), where an order is made under section 2.1 any local governments affected by the order (including any new local government created as a result of the order) are to negotiate as to any adjustment or transfer between them of property, rights and liabilities.
- (3) Where an order is made under section 2.1 the Governor may, by order under section 9.62(1), give directions as to any of the matters set out in subclause (1) if, and to the extent that, those matters are not resolved by regulations referred to in that subclause or by negotiation under subclause (2).
- (4) A contract of employment that a person has with a local government is not to be terminated or varied as a result (wholly or partly) of an order under section 2.1 so as to make it less favourable to that person unless —
- (a) compensation acceptable to the person is made; or
  - (b) a period of at least 2 years has elapsed since the order had effect.
- (5) The rights and entitlements of a person whose contract of employment is transferred from one local government to another, whether arising under the contract or by reason of it, are to be no less favourable to that person after the transfer than they would have been had the person's employment been continuous with the first local government.
- (6) If land ceases to be in a particular district as a result of an order under section 2.1, any written law that would have applied in respect of it if the order had not been made continues to apply in respect of the land to the extent that its continued application would be consistent with —
- (a) any written law made after the order was made; and
  - (b) any order made by the Governor under subclause (8).
- (7) Regulations may make provision as to whether or not, or the modifications subject to which, a written law continues to apply in respect of land under subclause (6).
- (8) The Governor may, in a particular case, by order, vary the effect of subclause (6) and regulations made in accordance with subclause (7).

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

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

[Section 2.2(3)]

### **1. Interpretation**

In this Schedule, unless the contrary intention appears —

“**affected electors**”, in relation to a submission, means electors whose eligibility as electors comes from residence, or ownership or occupation of property, in the area directly affected by the submission;

“**review**” means a review required by clause 4(4) or 6 or authorized by clause 5(a);

“**submission**” means a submission under clause 3 that an order be made to do any or all of the things referred to in section 2.2(1), 2.3(3) or 2.18(3).

## **2. Advisory Board to make recommendations relating to new district**

- (1) When a local government is newly established, the Advisory Board —
  - (a) at the direction of the Minister; or
  - (b) after receiving a report made by a commissioner appointed under section 2.6(4) after carrying out a review,

is, in a written report to the Minister, to recommend the making of an order to do all or any of the things referred to in section 2.2(1)(a), 2.3(2) or 2.18(1).

- (2) In making its recommendations under subclause (1) the Advisory Board is to take into account the matters referred to in clause 8(c) to (g) so far as they are applicable.

## **3. Who may make submissions about ward changes etc.**

- (1) A submission may be made to a local government by affected electors who —
  - (a) are at least 250 in number; or
  - (b) are at least 10% of the total number of affected electors.
- (2) A submission is to comply with any regulations about the making of submissions.

## **4. Dealing with submissions**

- (1) The local government is to consider any submission made under clause 3.
- (2) If, in the council's opinion, a submission is —
  - (a) one of a minor nature; and
  - (b) not one about which public submissions need be invited,

the local government may either reject the submission or deal with it under clause 5(b).

- (3) If, in the council's opinion, a submission is substantially similar in effect to a submission about which the local government has made a decision (whether an approval or otherwise) within the period of 2 years immediately before the submission is made, the local government may reject the submission.
- (4) Unless, under subclause (2) or (3), the local government rejects the submission or decides to deal with it under clause 5(b), the local government is to carry out a review of whether or not the order sought should, in the council's opinion, be made.

## **5. Local government may propose ward changes or make minor proposals**

A local government may, whether or not it has received a submission —

- (a) carry out a review of whether or not an order under section 2.2, 2.3(3) or 2.18 should, in the council's opinion, be made;
- (b) propose\* to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3) if, in the opinion of the council, the proposal is —
  - (i) one of a minor nature; and
  - (ii) not one about which public submissions need be invited;



or

- (c) propose\* to the Minister the making of an order changing the name of the district or a ward.

*\* Absolute majority required.*

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

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

- (a) its ward boundaries; and
- (b) the number of offices of councillor for each ward,

from time to time so that not more than 8 years elapse between successive reviews.

#### **7. Reviews**

- (1) Before carrying out a review a local government has to give local public notice advising —
  - (a) that the review is to be carried out; and
  - (b) that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.
- (2) In carrying out the review the local government is to consider submissions made to it before the day fixed by the notice.

#### **8. Matters to be considered in respect of wards**

Before a local government proposes that an order be made —

- (a) to do any of the matters in section 2.2(1), other than discontinuing a ward system; or
- (b) to specify or change the number of offices of councillor for a ward,

its council is to have regard, where applicable, to —

- (c) community of interests;
- (d) physical and topographic features;
- (e) demographic trends;
- (f) economic factors; and
- (g) the ratio of councillors to electors in the various wards.

#### **9. Proposal by local government**

On completing a review, the local government is to make a report in writing to the Advisory Board and may propose\* to the Board the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit.

*\* Absolute majority required.*

#### **10. Recommendation by Advisory Board**

- (1) Where under clause 5(b) a local government proposes to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3), and the Board is of the opinion that the proposal is —
  - (a) one of a minor nature; and
  - (b) not one about which public submissions need be invited,

the Board, in a written report to the Minister, is to recommend the making of the order but otherwise is to inform the local government accordingly and the local government is to carry out a review.

- (2) Where under clause 9 a local government proposes to the Advisory Board the making of an order of a kind referred to in clause 8 that, in the Board's opinion, correctly takes into account the matters referred to in clause 8(c) to (g), the Board, in a written report to the Minister, is to recommend the making of the order.
- (3) Where a local government proposes to the Advisory Board the making of an order of a kind referred to in clause 8 that, in the Board's opinion, does not correctly take into account the matters referred to in that clause —
  - (a) the Board may inform the local government accordingly and notify the local government that a proposal that does correctly take those matters into account is to be made within such time as is set out in the notice; and
  - (b) if the local government does not make a proposal as required by a notice under paragraph (a), the Board may, in a written report to the Minister, recommend\* the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit that would correctly take into account those matters.

*\* Absolute majority required.*

- (4) Where a local government fails to carry out a review as required by clause 6, the Advisory Board, in a written report to the Minister, may recommend\* the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit that would correctly take into account the matters referred to in clause 8.

*\* Absolute majority required.*

#### **11. Inquiry by Advisory Board**

- (1) For the purposes of deciding on the recommendation, if any, it is to make under clause 10(3)(b) or (4), the Advisory Board may carry out any inquiry it thinks necessary.
- (2) The Advisory Board may recover the amount of the costs connected with an inquiry under subclause (1) from the local government concerned as if it were for a debt due.

#### **12. Minister may accept or reject recommendation**

- (1) The Minister may accept or reject a recommendation of the Advisory Board made under clause 10.
- (2) If the recommendation is accepted the Minister can make a recommendation to the Governor for the making of the appropriate order.

*[Schedule 2.2 amended by No. 64 of 1998 s.53.]*

### **FINANCIAL IMPLICATIONS**

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

### **SUSTAINABILITY IMPLICATIONS**

Nil

### **CONSULTATION**

In accordance with statutory obligations, advertisements were placed in the POST (17 September 2010) and Western Suburbs Weekly (21 September 2010) and information was placed on the Town's website, including a detailed discussion paper and supporting information with potential boundary options.

Information was also included in the Cott News page in September and again in October 2010. At the time of preparing this report no public submissions had been received.

Consultation with Council's Strategic Planning Committee took place in November 2010.

### **STAFF COMMENT**

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.

As part of the community consultation period a discussion paper was prepared which outlined the factors considered and against which options are to be assessed, as well as including maps to show the current situation and possible alternative options. The Local Government Advisory Board considers that the ratio of councillors to electors is always significant and it is expected that each local government will have similar ratios of electors to councillors across the wards of its district. In relation to timing, and as mentioned above, conducting a ward and representation review can be a lengthy process and, according to the Department of Local Government any changes to be implemented before the 2011 local government elections must be gazetted 80 days before the election date.

During the last twelve (12) months many Council's have been focussed on the Minister for Local Government's reform agenda, including potential amalgamation of local governments. Based upon Council's current position with regard to reform and the lack of willingness of its nominated partners to participate in a Regional Transition Group (RTG) process, little voluntary advancement can be achieved at this time.

The discussion paper and supporting documentation outlined the factors to be considered in the review including community of interest, physical and topographical features, demographic trends, economic factors and ratio of councillors to electors in the various wards. Given the size and nature of the Town it is considered that these factors do not create a significant variation between wards across the local government area. The options outlined in the discussion paper included (i) maintaining the current ward system (ii) reducing the number of councillor offices from ten (10) to eight (8) across four wards and (iii) no wards. Information, maps and ratios were provided to explain the advantages and disadvantages of each option.

Maintaining the current ward boundaries also maintains an imbalance in representation and will create difficulties if the number of councillor positions is reduced. Option two was provided in four (4) variations to demonstrate how changes in boundaries can affect ratios and option three (no wards) could be considered given the size of the local government area however this option does affect *local* representation and impacts on election costs. The ward system has served the Town well for many years and there is no reason to suggest that it cannot continue to do so. Given the lack of community feedback it could be assumed that there is no

dissatisfaction with the current ward structure. Similarly there is no suggestion that the names of the wards require change.

Cottesloe is a relatively small LGA of 4 km<sup>2</sup> and is bounded by the Towns of Claremont and Mosman Park, the Shire of Peppermint Grove and the City of Nedlands. Its western boundary is the ocean. It is predominantly a residential community with a small town centre and strong coastal focus. It is divided by the Perth to Fremantle rail line and a major highway (Stirling Highway) running North to South. The population is relatively static with only small growth predicted. Current ward boundaries reflect one ward (North) as having twice the population and elected representatives and, as indicated above, the % ratio of representation between it and the Central ward has, over time, become slightly in excess of the preferred 10% limit.

The proposal to reduce the overall number of councillor positions requires a reconsideration of existing boundaries. Given the Council's preferred position as expressed in May 2009 and reaffirmed in August 2010 to retain four wards, there is a need to amend the boundaries accordingly. As can be seen from the four options proposed in the discussion paper all except option two (2) would be well within the preferred ratios, however the new boundaries will change the wards, and elected members will need to consider which new alignments are best suited to the new wards. In particular changes to the East ward, which currently uses the railway line as its western boundary, will be most affected but needs to change if ratios are to be maintained.

On the basis of receiving no submissions from the public during the advertising period and noting Council's resolution from August 2010, specifically part two (2) which stated *affirm its preferred position that Councillor numbers be reduced from ten (10) to eight (8) across four (4) Wards, retaining a directly elected Mayor* it is recommended that Council now endorse that position, confirm its proposed ward boundaries and advise the Local Government Advisory Board accordingly. In addition Council should also consider the implications for change at the next elections in October 2011 and the impact upon existing Councillor terms.

At present Council has ten (10) elected members and elections for five (5) positions are held every two years. Currently this involves elections for two (2) members in the North ward and one (1) in each of the South, East and Central wards. If the overall numbers are reduced to eight (8) there is only a need for three (3) councillors to be elected in 2011, however this will have a flow on effect for future elections and the number of councillor positions facing election.

The following options are suggested for consideration by Council and once endorsed will require the support of the LGAB and Minister;

1. Maintain current election terms for all existing members and only hold elections for three positions in October 2011 (one each for South, East and Central wards) – noting that this will create an imbalance in election numbers for one election cycle. The North ward will continue with its existing two (2) members but would not have an election in 2011. At the 2013 election two positions in the North Ward would be available for election and, in order to rebalance numbers, one should be advertised for a four (4) year term and one for a two (2) year term.

2. Declare all positions vacant at the next election (October 2011) and conduct elections for eight (8) members, with four (4) to serve a four (4) year term and four (4) to serve a two (2) year term, recognising that some current members will not serve their full term.

There are advantages and disadvantages to both options but on balance, and noting the impact on members with existing terms of office, it is recommended that option two be endorsed.

## **VOTING**

Absolute Majority

## **OFFICER & COMMITTEE RECOMMENDATION**

**Moved Cr Cunningham, seconded Cr Strzina**

**THAT Council**

1. **Note that no submissions from the public have been received in relation to its local public notice that a ward review is to be carried out**
2. **Endorse the reduction from ten (10) to eight (8) elected members across four (4) wards retaining a directly elected Mayor, from October 2011, as per map option one (1) attached, with associated changes to its ward boundaries and representation**
3. **Declare all Councillor positions vacant at the next election (October 2011) and conduct elections for eight (8) members, with four (4) to serve a four (4) year term and four (4) to serve a two (2) year term, recognising that some current members will not serve their full term**
4. **In accordance with Schedule 2.2 (9) of the *Local Government Act 1995* (the Act), recommend to the Local Government Advisory Board that;**
  - a. **An order be made under s 2.2 (1) to amend the existing ward boundaries as detailed in the map (ref: CEO's report to Council dated 22 November 2010).**
  - b. **An order be made under s 2.3 to retain the existing ward names**
  - c. **An order be made under s 2.18 to designate the following number of offices of councillor for each ward: North - Two (2), South - Two (2), East - Two (2) and Central - Two (2).**
  - d. **The local government to undertake another review of wards and representation in eight years time (2019).**

**Carried 6/0**

**MOTION TO MEET BEHIND CLOSED DOORS****Moved Mayor Morgan, seconded Cr Strzina**

**In accordance with Standing Order 15.10 “That the Council meets behind closed doors – Effect of Motion” (LG Act s5.23) that Committee discuss item 10.1.5 Performance & Remuneration review and key result areas (KRA’s) for the Chief Executive Officer.**

**In accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public, with the following aspect(s) of the Act being applicable to this matter:**

**(a) a matter affecting an employee or employees; and 9B) the personal affairs of any person.**

**Carried 6/0**

*Mayor Morgan adjourned the meeting at 8:15pm  
Mayor Morgan reconvened the meeting at 8:16pm*

**ATTENDANCE:**

Mayor Kevin Morgan	Presiding Member
Cr Rob Rowell	
Cr Dan Cunningham	
Cr Ian Woodhill	
Cr Victor Strzina	
Cr Patricia Carmichael	

**10.1.5 PERFORMANCE & REMUNERATION REVIEW AND KEY RESULT AREAS (KRA’S) FOR THE CHIEF EXECUTIVE OFFICER**

<b>File No:</b>	<b>PER/94</b>
<b>Attachments:</b>	<b><u>CONFIDENTIAL - CEO Annual Performance Review 2010 – Report</u></b>
<b>Responsible Officer:</b>	<b>Carl Askew Chief Executive Officer</b>
<b>Author:</b>	<b>Carl Askew Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>07 December 2010</b>
<b>Author Disclosure of Interest</b>	

---

**SUMMARY**

This report recommends that Council note and endorse the recommendations of the CEO’s Performance Review Panel as per the attached “confidential” reports.

**BACKGROUND**

Refer to the confidential reports attached.

**STRATEGIC IMPLICATIONS**

The achievement of Council's Future Plan is directly related to the performance of the CEO.

**POLICY IMPLICATIONS**

None Known.

**STATUTORY ENVIRONMENT**

Local Government Act 1995.

The Review is to be conducted in accordance with sections 5.38 and 5.39(3) (b) and Regulation 18D of the Local Government Act 1995, which requires that:

- *The performance of the CEO be reviewed at least once a year;*
- *The CEO will have a written contract of employment, which shall include performance criteria for the purpose of conducting a review. and,*
- *A Local Government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.*

**5.23. Meetings generally open to the public**

- (1) Subject to subsection (2), the following are to be open to members of the public —
  - (a) all council meetings; and
  - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
  - (a) a matter affecting an employee or employees;
  - (b) the personal affairs of any person;
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
  - (e) a matter that if disclosed, would reveal —
    - (i) a trade secret;
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person,where the trade secret or information is held by, or is about, a person other than the local government;
  - (f) a matter that if disclosed, could be reasonably expected to —

- (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
  - (ii) endanger the security of the local government's property; or
  - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
  - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
  - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

### **FINANCIAL IMPLICATIONS**

Any proposed increase has an impact on Council's budget. Provision has been made in the Council budget for performance related pay increases.

### **SUSTAINABILITY IMPLICATIONS**

Nil

### **CONSULTATION**

- Strategic Planning Committee (CEO's Performance Review Panel)
- Mr John Phillips (Executive Manager) Workplace Business Solutions WALGA
- All Elected Members

### **VOTING**

Simple Majority

### **OFFICER RECOMMENDATION**

THAT Council note and endorse the recommendations of the CEO's Performance Review Panel as per the attached "confidential" reports.

### **AMENDMENT**

**Moved Mayor Morgan, seconded Cr Cunningham**

**That the officer recommendation be replaced with the following:**

**Point (1) be added to state, '*Note and endorse report*'**

**Point (2) be added to state '*Receive advice prior to the December full Council meeting on disclosure or otherwise of any recommended salary increase*'.**

**Point (3) be added to state, '*That council receive from Administration prior to the December full Council meeting a summary of the Councillors feedback*'.**

**Carried 6/0**

### **COMMITTEE RECOMMENDATION**

**THAT COUNCIL:**

- 1. Note and endorse report**



2. Receive advice prior to the December full council meeting on disclosure or otherwise of any recommended salary increase.
3. That Council receive from Administration prior to the December full council meeting a summary of the councillors feedback.

**AMENDED SUBSTANTIVE MOTION WAS PUT****Carried 6/0****MOTION TO PROCEED WITH OPEN DOORS****Moved Mayor Morgan, seconded Cr Strzina**

**In accordance with Standing Order 15.10 “*That the Council meets behind closed doors – Effect of Motion*” (LG Act s5.23) that Council re-open the meeting to the public.**

**Carried 6/0**

*Door open 8:28pm*

The Public were invited back into the room in order for the Presiding Member to read aloud the Council Resolution.

## 10.2 ENGINEERING

### 10.2.1 CIVIC CENTRE ROOF REFURBISHMENT - TENDER

**File No:** SUB/1131  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Proposed Meeting Date:** 07 December 2010  
**Author Disclosure of Interest** Nil

---

#### SUMMARY

Council has budgeted in its 2010/2011 budget to structurally strengthen the Cottesloe Civic Centre roof and replace the majority of the roof tiled area. The cost of this work is in excess of \$100,000 and therefore a tender was called for the work, including a mandatory advertising period.

Tenders closed on Friday 26<sup>th</sup> November, 2010, and the recommendation is that Council accept the tender lodged by KMC Group for the Structural remedial Works and Re-roofing of the Cottesloe Civic Centre for \$399,700 (excluding GST) and that all unsuccessful tenderers be notified of Councils decision.

#### BACKGROUND

In August 2009, Council received a report from the Structerre Consulting Group, which provided photographs, plans and an explanation of the structural issues of the roof supporting timbers and joints. This report had been commissioned because of visible sagging in sections of the memorial hall ceiling. In addition, it was known that the waterproof membrane or sarking under the roof tiles had badly degenerated. There has been problems with roof water soaking through the original tiles. These tiles had been found to be semi-absorbant and not waterproof. Based upon these issues, Council resolved to include \$500,000 in the 2010/2011 budget for a major roof renovation and tiling upgrade.

#### STRATEGIC IMPLICATIONS

Under Councils' Future Plan, 2006 to 2010, Objective 5 is to "Maintain infrastructure and Council Buildings in a sustainable way". The Major Strategy dealing with this objective is No 5.6 – Develop a long term asset management plan and accompanying financial plan. This applies directly to the needs of Councils' foremost public building, the Cottesloe Civic Centre and War Memorial Hall.

#### POLICY IMPLICATIONS

Nil

#### STATUTORY ENVIRONMENT

No statutory requirement applies.

---

**FINANCIAL IMPLICATIONS**

Council has budgeted \$500,000 for its work. Recently, a grant of \$261,000 was approved by Lottery West for the project, which will reduce Councils' financial impact by that amount.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

The project was advertised as a tender in excess of \$100,000 for 3 weeks. Including by newspaper, internet and notice board at the Civic Centre.

**STAFF COMMENT**

Tenders closed on Friday, 26<sup>th</sup> November, with four tenders being received and opened:

1. KMC Group:	\$399,700.00	(not including GST)
2. Robinson Buildtech	\$463,209.79	(not including GST)
3. Loxam Developments	\$443,108.18	(not including GST)
4. Olympic Holdings Pty Ld	\$950,000.00	(not including GST)

The works involved fall into two sections.

(A) The removal of tiles and remnants of the old sarking plus the installation of new sarking and tiles. All tenders included the cost of the new tiles being supplied by Bristle Roofing.

(B) Structural replacement and improvement works as detailed in the Structerre Consulting report, on the timber beams and general structure plus a variety of connection and jointing issues.

All works must commence in early January and be completed by the end of March 2011. A total of 14 sets of plans and specifications had been sent out, with 5 companies undertaking the mandatory roof-space inspection prior to tendering.

Of the four tenders received, the \$950,000 tender was discarded from consideration due to price. The three remaining tenderers supplied a varying level of support and justification details which were worked through by staff. All three tenderers are within Councils' budget allocation have committed to the time constraints, ie. start early January and finish by the end of March.

All tenderers will follow the plans and specifications provided by Council, without reservation. There is a \$10,000 contingency figure included in the tendered amounts, as required, for standard extras and minor additions exposed during the works program. All tenderers visited the site and inspected within the roof cavity, a mandatory requirement before tendering. With regards to the lowest tender received, \$399,700 (not including GST) from the KMC Group, the following advantages apply:

- Lowest tender

- Most recent building experience including the upgrading of the Civic Centre and hall in 2008. This allows fore-knowledge of the site and features of the building not applying to other tenderers.
- The KMC supervisor for this work would be the supervisor who has completed all finishing works for the end of the liability period for the building refurbishment contract.
- KMC invested substantial time on site with staff to determine the logistical requirements of the contract prior to tendering. This reduces the potential for 'surprise' extra works.

Therefore after consideration of the tenders received, the KMC Group is recommended for the awarding of the contract for the Structural Remedial Works and Re-roofing of the Cottesloe Civic Centre.

#### **VOTING**

Simple Majority

#### **OFFICER & COMMITTEE RECOMMENDATION**

**Moved Cr Rowell, seconded Cr Carmichael**

**THAT Council accept the tender lodged by KMC Group for the Structural Remedial Works and Re –roofing of the Cottesloe Civic Centre for \$399,700 (excluding GST) and that all unsuccessful tenderers be notified of Councils decision.**

**Carried 6/0**

**10.2.2 GRANT STREET PARK AND ROW 17 COTTESLOE. REQUEST FOR DEVELOPMENT.**

**File No:** PRO/3625  
**Attachments:** [Email from resident about grassed area adjacent Grant Street Marine Park.pdf](#)  
[Map Grant Marine Park & Row 17.pdf](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Proposed Meeting Date:** 07 December 2010  
**Author Disclosure of Interest** Nil

---

**SUMMARY**

A request has been received from an adjacent property owner to have the unwatered part of the Grant Marine Park on the south east corner landscaped with natural vegetation and to have the unsealed ROW 17 off Hamersley Street sealed due to dust problems.

The recommendation is that Council:

1. Include consideration in its next 5 year plan for Natural Areas Management to convert the un-watered south east corner of Grant Marine Park, adjacent to the Hawkstone Street/Hamersley Street intersection, into an extension of the nature species area already established in this park.
2. Include consideration for the sealing of ROW 17 in the first draft 5 Year Plan for the sealing and drainage of all Council controlled laneways, to be considered in February 2011.
3. Inform the applicant of Councils decision on these matters.

**BACKGROUND**

ROW 17 is currently owned by the Town of Cottesloe but is included with all other Council-owned laneways in the process underway to convert them to Crown ownership but vested in Council. It is unsealed and has a mixture of road base and limestone as a loose surface layer.

The south east corner of Grant Marine Park has a piped reticulation system as part of the total park area bore water – supplied resource. However, because of the lack of use by the public for any purpose, the water has been turned off over the area for the past 2 years. This corner is separated from the majority of Grant Marine Park by the curved junction of Hamersley Street with Hawkstone Street.

The file shows that there was some consideration of this junction becoming two cul de sacs opposite Grant Marine Park, to stop through traffic, but no conversion took place.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

No applicable policy.

**STATUTORY ENVIRONMENT**

There are not statutory requirements for sealing the laneway or for any form of park development.

**FINANCIAL IMPLICATIONS**

All costs for development of Grant Marine Park and sealing of ROW17 would normally be through Council. There are long term programs that could include these works in conjunction with similar works throughout Cottesloe.

**SUSTAINABILITY IMPLICATIONS**

The reticulation of this section of Grant Marine Park has been turned off to save bore water. The remainder of the grassed areas of Grant Marine Park continue to be reticulated. These areas receive a variety of public use. Without any projected future uses requiring the south east corner of the park to be reticulated, the long term nature of this section could be native vegetation planting as an extension to the coastal vegetation already established within the park.

**CONSULTATION**

Nil

**STAFF COMMENT**

There are no plans for the south east portion of Grant Marine Park. It used to be watered, mowed, weeded and fertilised regularly but received no use. In order to meet the Water Corporations restrictions on the bore water allocation, this area has not been watered from the nearby bore for two years. This area could become an extension of the nature vegetation portion of Grant Marine Park, with local species being planted and mulched after all grass on the site has been treated. Financial provision for this work could be included in the 5 Year Program for the Natural Areas Management Plan.

With regards to the possible sealing of ROW17, Council requested a 5 year program for the sealing and drainage of Council – controlled laneways at its June 2010 meeting. This laneway (ROW17) will be included in that draft 5 year program for consideration with all other programs in February, 2011.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Cr Cunningham discussed that community consultation may be appropriate with this item.

**OFFICER RECOMMENDATION****Moved Mayor Morgan, seconded Cr Rowell**

THAT Council

1. Include consideration in its next 5 year plan for Natural Areas Management to convert the un-watered south east corner of Grant Marine Park, adjacent to the Hawkestone Street/Hamersley Street intersection, into an extension of the nature species area already established in this park.
2. Include consideration for the sealing of ROW17 in the first draft 5 Year Plan for the sealing and drainage of all Council controlled laneways, to be considered in February 2011.
3. Inform the applicant of Council decision on these matters.

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

That point 3 of the recommendation becomes point 4. That a new point (3) be added to the recommendation to state, *'that consideration of the above two points be accompanied by appropriate community consultation.'*

Carried 6/0

**COMMITTEE RECOMMENDATION**

THAT Council

1. Include consideration in its next 5 year plan for Natural Areas Management to convert the un-watered south east corner of Grant Marine Park, adjacent to the Hawkestone Street/Hamersley Street intersection, into an extension of the nature species area already established in this park.
2. Include consideration for the sealing of ROW17 in the first draft 5 Year Plan for the sealing and drainage of all Council controlled laneways, to be considered in February 2011.
3. That consideration of the above two points be accompanied by appropriate community consultation.
4. Inform the applicant of Council decision on these matters.

**AMENDED SUBSTANTIVE MOTION WAS PUT**

Carried 6/0

## 10.3 FINANCE

### 10.3.1 SPECIFIED AREA RATE LEVY - PROCOTT

**File No:** SUB/47  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 7 December 2010  
**Author Disclosure of Interest** Nil

---

#### SUMMARY

This report recommends Council support and approve a correction to the 2010-2011 Budget relating to the rate in the dollar charge for the specified area rate from 1.1999 cents in the dollar, to 1.305 cents in the dollar.

#### BACKGROUND

As part of the annual budget cycle, the Town receives advice from PROCOTT as to the level of increase for the specified area rate for the coming financial year. This year, the request from PROCOTT was received in June. PROCOTT requested an increase of 15 per cent on the previous year which was to yield approximately \$86,250. The rate in the dollar to achieve this increase and yield was calculated at 1.305 cents in the dollar. However, the rate that was actually adopted by Council was 1.1999 cents in the dollar, which represented an increase of 5.72 per cent. This was the increase in the general rate in the dollar, and it meant that only \$79,352 was actually levied, leaving a shortfall of \$6,897. The budget document which formed an attachment to the June 2010 agenda item reflected the 1.305 cents in the dollar figure, however the minutes in point 2 (g) of the Committee Recommendation and Council Resolution of Item 11.2.1 show a rate in the dollar of only 1.1999 cents in the dollar.

#### STRATEGIC IMPLICATIONS

Nil.

#### POLICY IMPLICATIONS

Nil.

#### STATUTORY ENVIRONMENT

Section 6.16 (3) of the Local Government Act 1995 provides for the following:-

6.16. Imposition of fees and charges

6.16(3) . Fees and charges are to be imposed when adopting the annual budget may be –

(b) amended from time to time during a financial year.



**FINANCIAL IMPLICATIONS**

There would be no financial resource impact on Council, however, at present, PROCOTT will have a shortfall of funding of approximately \$6,897 if this item is not adopted.

**CONSULTATION**

PROCOTT have been consulted on this matter and have confirmed their wishes (in writing) for the full budget request of \$86,250 to be levied as a specified area rate in 2010-2011.

**STAFF COMMENT**

There was an administrative error on the budget recommendation. The total amount required to be raised from the Special Area Rate was correct but the rate in the dollar shown was incorrect. To correct this problem and allow Pro-Cott to achieve the requested yield of \$86,250, Council will need to raise an interim rate notice on those businesses that are part of the specified area.

Pro-Cott have been consulted and given 2 options:

1. Operate with a reduced budget; or,
2. Request Council to process an interim levy.

Pro-Cott have requested we raise the interim levy to enable them to carry out their planned activities for the year.

**VOTING**

Absolute Majority

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Cr Rowell, seconded Cr Strzina**

**THAT Council change the rate in the dollar for the specified area rate adopted as part of the 2010-2011 Budget from 1.1999 cents in the dollar to 1.305 cents in the dollar, raise the associated interim rates notices and provide an accompanying written explanation.**

**Carried 6/0**

**10.3.2 STATUTORY FINANCIAL REPORT FOR THE MONTH OF NOVEMBER  
2010**

**File No:** SUB/137  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services  
**Proposed Meeting Date:** 07 December 2010  
**Author Disclosure of Interest** Nil

---

**SUMMARY**

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 October 2010, to Council.

**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 Operating Statement on page 2 of the Financial Statements shows a favourable variance between the actual and budgeted YTD net profit of \$905,639 as at 30 November 2010. Operating Revenue is above budget by \$92,846 (1%). Operating Expenditure is \$2,847 (0.1%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 30 November 2010 is shown on page 7. As discussed last month, it is important to note that the YTD variance is distorted by \$518,018 in grant funds distributed from the Shire of Peppermint Grove relating to the Library project and \$215,000 of parking revenue received as in lieu from development projects.

The Capital Works Program is listed on pages 22 - 27 and shows total expenditure of \$2,155,444 compared to YTD budget of \$2,407,466. Included in this section is an

---

anomaly relating to the new library. The report currently shows YTD expenditure against this project of \$1,501,298 compared to a total budget of \$789,848. Part of the reason for the \$711,450 unfavourable variance is that we have not offset the grant funds (\$581,018 as mentioned above) from the Shire of Peppermint Grove.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Rowell, seconded Cr Strzina**

**THAT Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 November, 2010, as per the attached Financial Statements, submitted to the 7 December 2010 meeting of the Works and Corporate Services Committee.**

**Carried 6/0**

**10.3.3 SCHEDULE OF INVESTMENTS AND LOANS AS AT 30 NOVEMBER 2010**

**File No:** SUB/150 & SUB/151  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services  
**Proposed Meeting Date:** 07 December 2010  
**Author Disclosure of Interest** Nil

---

**SUMMARY**

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 30 November 2010, as per attachment, to Council

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Schedule of Investments on page 18 of the Financial Statements shows that \$3,627,400.96 was invested as at 30 November 2010.

Reserve Funds make up \$650,478.95 of the total invested and are restricted funds. Approximately 30% of the funds are invested with the National Australia Bank, 40% with Westpac, 14% with Commonwealth Bank and 16% with BankWest.

The Schedule of Loans on page 19 shows a balance of \$6,679,066.39 as at 30 November, 2010. There is \$440,894.71 included in this balance that relates to self supporting loans.

**VOTING**

Simple Majority

---

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Rowell, seconded Cr Strzina**

**THAT Council receive the Schedule of Investments and Schedule of Loans for the period ending 30 November 2010, as per the attached Financial Statements, as submitted to the 7 December 2010 meeting of the Works and Corporate Services Committee.**

**Carried 6/0**

**10.3.4 ACCOUNTS FOR THE MONTH OF NOVEMBER 2010**

**File No:** SUB/137  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Patrick  
Manager Corporate Services  
**Proposed Meeting Date:** 07 December 2010  
**Author Disclosure of Interest** Nil

---

**SUMMARY**

The purpose of this report is to present the list of accounts paid for the period ending 30 November 2010 to Council, as per the attached financial statements.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

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

- \$15,216.54 to WA Local Government Superannuation Plan for superannuation contributions.
- \$28,869.22 to BCITF for development contributions towards the Building and Construction Industry Training Fund.
- \$15,311.37 to WA Local Government Superannuation Plan for superannuation contributions.
- \$10,993.40 to Kyocera Mita Australia Ltd for a new replacement photocopier.
- \$29,870.50 to LGIS Liability for Council's second and final instalment of liability insurance for 2010-2011.
- \$40,557.00 to LGIS Workcare for Council's second and final instalment of workers compensation insurance for 2010-2011.

- \$55,763.93 to Transpacific Cleanaway for waste collection services for October 2010.
- \$20,428.57 to Surf Life Saving WA for lifesaving services at Cottesloe beach for November 2010.
- \$14,743.03 to Red 11 for the purchase of new computers.
- \$10,560.00 to Breac Ltd for the provision of consultancy services in the area of health and waste for October 2010.
- \$54,477.46 to the Shire of Peppermint Grove for Council's contributions towards the new joint library building.
- \$10,622.61 to Wilson Technology Solutions for Council's monthly instalment towards the purchase of meter eye technology and also a new hand held pideon unit.
- \$23,785.26 to WMRC for transfer station tipping fees for the period ended 07-11-10.
- \$67,075.31 & \$69,826.53 for fortnightly staff payroll for November 2010.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Rowell, seconded Cr Strzina**

**THAT Council receive the List of Accounts for the period ending 30 November 2010, as per the attached Financial Statements to the 7 December 2010 meeting of the Works and Corporate Services Committee.**

**Carried 6/0**

**10.3.5 PROPERTY AND SUNDRY DEBTORS REPORT FOR NOVEMBER 2010**

**File No:** SUB/145  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Patrick  
Manager Corporate Services  
**Proposed Meeting Date:** 07 December 2010  
**Author Disclosure of Interest** Nil

---

**SUMMARY**

The purpose of this report is to present the Property and Sundry Debtors Report for the period ending 30 November 2010 to Council.

**BACKGROUND****STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Sundry Debtors Report commences on page 20 of the Financial Statements and shows a balance of \$305,096.34 of which \$27,887.08 relates to the current month. The balance of aged debtors stood at \$277,209.26, including an amount of \$200,000.00 for cash in lieu of parking which is due prior to occupation.

Property Debtors are shown in the Rates and Charges analysis on page 21 of the Financial Statements and shows a balance of \$1,830,731.93. Of this amount \$197,117.74 and \$375,415.53 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 \$1,633,740 as compared to \$1,346,436 this time last year. The main reason for this increase is the increased number of ratepayers who have chosen to pay on instalments.



**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Rowell, seconded Cr Strzina**

**THAT Council receive the Property and Sundry Debtors Report for the period ending 30 November 2010 meeting of the Works and Corporate Services Committee.**

**Carried 6/0**

**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**

**Moved Mayor Morgan, seconded Cr Stzina**

**THAT the above matter be considered as new business of an urgent nature introduced by the elected members by decisions of meeting.**

**Carried 6/0**

Mayor Morgan expressed concern that the notice that was given by Western Power provided insufficient time for the Town of Cottesloe to respond and did not clearly identify how quickly the trees were going to be removed. The Town of Cottesloe desires to have an improved relationship with Western Power including better communication to ensure there is no repeat of this type of incident.

**COMMITTEE RECOMMENDATION**

**Moved Mayor Morgan, seconded Cr Stzina**

**That a letter be sent to the Premier, Minister of Energy and Chairman of Western Power expressing the Town of Cottesloe's disappointment at the late notice and lack of consultation given by Western Power regarding the removal of trees from land near the Western Power substation in Curtin Avenue, adjacent to Forrest Street..**

**Carried 6/0**

**13 MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 8:30pm

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