

TOWN OF COTTESLOE



WORKS AND CORPORATE SERVICES COMMITTEE

MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, TUESDAY, 21 APRIL 2009

CARL ASKEW
Chief Executive Officer

16 April 2009

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

The Presiding Member announced the meeting opened at 7.00 PM.

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

Cr Bryan Miller	Presiding Member
Mayor Kevin Morgan	
Cr Victor Strzina	Arrived at 7.10pm
Cr John Utting	
Cr Ian Woodhill	
Cr Greg Boland	Deputy

Officers Present

Mr Carl Askew	Chief Executive Officer
Mr Graham Pattrick	Manager Corporate Services
Mr Geoff Trigg	Manager Engineering Services
Ms Krystal Shenton	Executive Assistant
Ms Janna Lockyer	Community and Events Support Officer

Apologies

Cr Patricia Carmichael
Cr Dan Cunningham

Officer Apologies

Nil

Leave of Absence (previously approved)

Nil

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PUBLIC STATEMENT TIME

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Woodhill, seconded Cr Utting

[Minutes March 17 2009 Works and Corporate Services Committee.doc](#)

The Minutes of the Ordinary meeting of the Works And Corporate Services Committee, held on 17 March 2009 be confirmed.

Carried 5/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

For the benefit of the members of the public and specialist Officers present the Presiding Member determined to consider the Officer reports in the following order;

- 10.1.1 Appointment of Auditor
- 10.1.3 Parking and Parking Facilities Local Law
- 10.1.2 Local Government Structural Reform - Checklist

At this juncture of the meeting the Chairman then returned to the printed order of the agenda.

10 REPORTS OF COMMITTEES AND OFFICERS**10.1 ADMINISTRATION****10.1.1 APPOINTMENT OF AUDITOR**

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

Proposed Meeting Date: 21-Apr-2009

Author Disclosure of Interest Nil

SUMMARY

At the Council meeting of 15 December 2008 Council resolved by Absolute Majority:

10.1 That UHY Haines Norton be offered a 3 year extension as auditors for the Town of Cottesloe.

The Audit Committee considered an officer report in relation to the Town's current audit contract in February 2009 which highlighted the previously determined position by WESROC for the tendering of joint audit services. The proposed officer solution involved reducing the current contract for audit services to one year. The Audit Committee determined that Council should continue with its current contract arrangements.

After discussion with the Chair of the Audit Committee and in support of the joint tender process by WESROC, this report recommends that Council reconsider the Audit Committee position and rescind the December 2008 resolution and replace it with the following;

That Council

1. Rescind the motion 10.1 of 15 December 2008 to appoint UHY Haines Norton for a 3 year extension as auditors for the Town of Cottesloe.
2. Appoint UHY Haines Norton for a one (1) year extension as auditors for the Town of Cottesloe i.e. for the 2008/09 financial year.
3. Support the WESROC initiative to participate in a joint tender with the City's of Subiaco and Nedlands, Town's of Claremont and Mosman Park and Shire of Peppermint Grove for Audit Services from 1 July 2009.

BACKGROUND

At the WESROC Executive meeting of 2 October 2007 the matter of Audit Contracts was discussed and it was agreed;

1. *That member local governments align new audit contracts to a common expiry date of 30 June 2009.*

2. *That this matter be listed as an active project to be reconsidered by the executive at its first meeting in 2009.*

At the WESROC Executive meeting of 17 February 2009 the above matter was raised and discussed. Each of the participating local governments (City's of Subiaco and Nedlands, Town's of Claremont and Mosman Park and Shire of Peppermint Grove) have aligned their current Audit Contracts to end on 30 June 2009.

The Town of Cottesloe's contract for Audit Services expired on 30 June 2008 and should have, in line with the WESROC objective, been extended for one year in order to align us with all other member Councils. Unfortunately this was not followed through and the decision by Council in December has placed us "outside" of the above arrangement. The Town of Cottesloe is the WESROC delegate for this particular project and will be undertaking the administrative work for this joint tender.

CONSULTATION

WESROC Executive.
Chair of the Audit Committee.
UHY Haines Norton.

STAFF COMMENT

The municipal authorities of the western suburbs of Perth (WESROC) have established a variety of initiatives to enhance regional cooperation and improve service delivery to their respective communities. WESROC is a cooperative partnership of Council's which aims to facilitate and coordinate regional activities designed to promote community and economic development within the region and to enhance that capacity of member local governments.

The WESROC Board is comprised of the respective Mayors and Presidents of the member Councils and the board is supported by an executive comprising of the respective local government Chief Executive Officers. Each year WESROC undertakes a number of joint initiatives/projects one of which is a *Regional Tender for Audit Services*. The lead Council is the Town of Cottesloe. The aim of the project is to align Audit Services and take advantage of a joint tender and in doing so increase consistency of accounting practices across each member Council. As the lead Council Cottesloe will be administering the tender process on behalf of WESROC members.

As a consequence of this the CEO wrote to our Auditors, UHY Haines Norton, explaining the current situation and requesting their formal consideration to re-negotiate the terms and duration of the current audit contract between the Town and UHY Haines Norton Chartered Accountants. Correspondence has since been received from UHY Haines Norton advising of their preparedness to renegotiate the terms of our current contract to enable the Town can participate with the WESROC members in the joint tender process. This is the preferred outcome. There is an expectation that the Town of Cottesloe will administer the tender process on behalf of all other members regardless of the outcome of the Town being part of the joint tender. The decision of the Audit Committee was that "the Auditors contract remains unchanged" and if this were to be Council's position there *may* be an option to

potentially join the tender at a later date. Whilst this is an option for Council it is not the preferred option for reasons outlined above.

It is recommended that Council endorse the officer recommendation as outlined.

POLICY IMPLICATIONS

In accordance with Council's Local Law # 1 – Standing Orders

16.20 Revoking Decisions - When This Can Occur

16.20.1 A substantive motion may be revoked at any time provided that no action in relation to the resolution being rescinded has already occurred;

16.20.2 If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported-

(a) in the case where an attempt to revoke or change the decision has been made within the previous three months but had failed, by an absolute majority; or

(b) in any other case, by at least one third of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

16.20.3 If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made

(a) in the case where the decision to be revoked or changed required an absolute majority or a special majority, by that kind of majority; or

(b) in any other case, by an absolute majority.

16.20.4 This clause does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

Local Government Act 1995 Part 7 – Audit.

Division 2 — Appointment of auditors

7.2. Audit

The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by the local government.

7.3. Appointment of auditors

(1) A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint* a person to be its auditor.

(2) The local government may appoint one or more persons as its auditor.

- (3) *The local government's auditor is to be a person who is —*
- (a) *a registered company auditor; or*
 - (b) *an approved auditor.*

** Absolute majority required.*

Local Government Act 1995 Part 5 – Administration.

SUBDIVISION 3 — MATTERS AFFECTING COUNCIL AND COMMITTEE MEETINGS

5.25. *Regulations about council and committee meetings and committees*

- (1) *Without limiting the generality of section 9.59, regulations may make provision in relation to —*
- (a) *the matters to be dealt with at ordinary or at special meetings of councils;*
 - (b) *the functions of committees or types of committee;*
 - (ba) *the holding of council or committee meetings by telephone, video conference or other electronic means;*
 - (c) *the procedure to be followed at, and in respect of, council or committee meetings;*
 - (d) *methods of voting at council or committee meetings;*
 - (e) *the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made);*
 - (f) *the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings;*
 - (g) *the giving of public notice of the date and agenda for council or committee meetings;*
 - (h) *the exclusion from meetings of persons whose conduct is not conducive to the proper conduct of the meetings and the steps to be taken in the event of persons refusing to leave meetings;*
 - (i) *the circumstances and time in which the unconfirmed minutes of council or committee meetings are to be made available for inspection by members of the public; and*
 - (j) *the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be —*
 - (i) *tabled at a council or committee meeting; or*
 - (ii) *produced by the local government or a committee for presentation at a council or committee meeting,**are to be made available for inspection by members of the public.*

Local Government (Administration) Regulations 1996

10. *Revoking or changing decisions made at council or committee meetings — s. 5.25(e)*

- (1) *If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*
- (a) *in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
 - (b) *in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) *If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —*
- (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*
 - (b) in any other case, by an absolute majority.*
- (3) *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The decision to vary (reduce) the current Audit contract from three (3) years to one (1) year will result in a cost to the Town of \$2,000 having already entered into a three year contact.

VOTING

Absolute Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Woodhill, seconded Cr Utting

That Council:

1. **Rescind the motion 10.1 of 15 December 2008 to appoint UHY Haines Norton for a 3 year extension as auditors for the Town of Cottesloe.**
2. **Appoint UHY Haines Norton for a one (1) year extension as auditors for the Town of Cottesloe i.e. for the 2008/09 financial year.**
3. **Support the WESROC initiative to participate in a joint tender with the City's of Subiaco and Nedlands, Town's of Claremont and Mosman Park and Shire of Peppermint Grove for Audit Services from 1 July 2009.**

Carried 5/0

10.1.2 LOCAL GOVERNMENT STRUCTURAL REFORM - CHECKLIST

File No: SUB/000
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer
Attachment Local Government Reform Checklist
Proposed Meeting Date: 21-Apr-2009
Author Disclosure of Interest Nil

SUMMARY

Stage one of the Minister's Reform process involves the completion of a Reform Checklist to be returned to the Local Government Reform Steering Committee by 30 April 2009.

This report provides Council with a draft checklist as completed by the Administration for Council to consider, endorse and forward to the Reform Steering Committee.

BACKGROUND

The Minister for Local Government, the Hon John Castrilli MLA, announced a local government reform strategy on 5 February 2009. The announcement reforms are based on amalgamations of local governments in WA, the reduction of elected members and the formation of appropriate regional groupings of local governments. The reforms offer a tight timeframes. The Department of Local Government and regional development and the Local Government reform Steering Committee distributed *Structural reform Guidelines* on 27 February 2009. The Guidelines provide principles without parameters and a timeframe for reform submissions to the Minister. The staged timeframe proposed by the Minister requires a process to be carried out commencing in March 2009 and culminating in the lodgement of a Reform Submission by 31 August 2009. Stage one of the reform process involves the completion of a reform checklist to be returned to the Local Government Reform Steering Committee by 30 April 2009. (refer to attachment).

A special meeting of the WESROC Board was held on Wednesday 18 February 2009. The purpose of the meeting was to;

- discuss the Minister for Local Government's announcement on 5 February in relation to the Liberal-National Government package of Local Government reform strategies; and
- progress the recommendations contained within the WESROC report prepared by Professor Brian Dollery and Dr Andrew Johnson *Rising to the Challenge: Reform Options for the Western Suburbs*.

The WESROC Board meeting of 4 March 2009 focused on the Structural Reform Guidelines developed by the Minister's *Local Government Reform Steering*

Committee and the implications for all WESROC Councils, including the request, amongst others, to complete and forward a detailed checklist by 30 April 2009 as well as a formal submission by 31 August 2009. The Board agreed that these matters required significant consideration by each local government, including communication with their respective communities.

The Board resolved to engage, through its executive committee, suitably qualified consultant(s) to assess for comparison purposes, the likely costs and benefits of;

- 1. An amalgamation of the WESROC councils.*
- 2. An amalgamation of Cottesloe, Mosman Park and Peppermint Grove Councils together with an amalgamation of Claremont and Nedlands Councils, with Subiaco remaining independent.*
- 3. A fast tracked (2 – 3 year) maximization of regional cooperation and resource sharing amongst the WESROC Councils.*

The assessment is to include consideration of matters the subject of the Structural Reform Guidelines and should assume that district boundary changes are a possibility irrespective of which if any of these options were to prevail. The Board also agreed to refer these matters to each member Council for noting and information.

At the Special meeting of Council 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.

CONSULTATION

Nil

STAFF COMMENT

The Dollery report provides a sound foundation document and plan for the continuation of resource sharing and cooperation across the western suburbs. The recommendations put forward by WESROC will, if all Council's participate and provide a united front to the Minister, demonstrate a commitment to reform and resource sharing whilst maintaining local participation and democracy. There may however be some reservations as to the level of commitment of the western suburbs councils to actively pursue these recommendations.

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 months. At the mayoral level within WESROC whilst there is less enthusiasm for a creating a large single Western Suburbs Council there may be some willingness to consider a merger between Nedlands and Claremont, and/or another merger between Cottesloe, Mosman Park and Peppermint Grove. Some 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. It may be helpful if Council were to at this stage indicate any preference in that regard.

At its Special meeting in March 2009, Council requested 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. Given the time constraints it is proposed that the presentation of that report be deferred until the May meeting.

The officer recommendation and draft checklist has been made with a view to specifically acknowledging the government's reform agenda and the Town's position as a Local Government Authority. Council consideration of the checklist is required prior to it being endorsed and submitted to the Local Government Reform Steering Committee.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The potential strategic implications for Council are significant. Whilst Council has a Future Plan for the period 2006 – 2010 and has endorsed action plans through the budget process in 2008-09 to achieve its goals, any future strategic planning and subsequent actions will need to address the issue of structural reform. The announcement by the Minister for Local Government in relation to reform strategies has brought into sharp focus the need for the Town to consider its position with regard to the Ministers call for;

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

The Town is required to formally respond to the Minister outlining its intentions on these matters by 31 August 2009. The Minister has established a Local Government Reform Steering Committee who will, through the Department of Local Government and Regional Development, be providing additional details with regard to the implementation of these strategies.

STATUTORY REQUIREMENTS

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

*Division 1 — Districts and wards***2.1. State divided into districts**

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

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

[Section 2.1(2)]

1. **Interpretation**

In this Schedule, unless the contrary intention appears —

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

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

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

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

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

2. **Making a proposal**

(1) *A proposal may be made to the Advisory Board by —*

- (a) *the Minister;*
- (b) *an affected local government;*
- (c) *2 or more affected local governments, jointly; or*
- (d) *affected electors who —*
 - (i) *are at least 250 in number; or*
 - (ii) *are at least 10% of the total number of affected electors.*

(2) *A proposal is to —*

- (a) *set out clearly the nature of the proposal and the effects of the proposal on local governments;*
- (b) *be accompanied by a plan illustrating any proposed changes to the boundaries of a district; and*
- (c) *comply with any regulations about proposals.*

3. **Dealing with proposals**

(1) *The Advisory Board is to consider any proposal.*

(2) *The Advisory Board may, in a written report to the Minister, recommend* that the Minister reject a proposal if, in the Board’s opinion —*

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

** Absolute majority required.*

- (3) *If, in the Advisory Board's opinion, the proposal is —*
- (a) *one of a minor nature; and*
 - (b) *not one about which public submissions need be invited,*
- the Board may, in a written report to the Minister, recommend* that the Minister reject the proposal or that an order be made in accordance with the proposal.*

** Absolute majority required.*

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

4. Notice of inquiry

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

** Absolute majority required.*

5. Conduct of inquiry

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

- (2) *In carrying out a formal inquiry the Advisory Board is to consider submissions made to it under clause 4(2)(c) and (4)(b) and have regard, where applicable, to —*
- (a) *community of interests;*
 - (b) *physical and topographic features;*
 - (c) *demographic trends;*
 - (d) *economic factors;*
 - (e) *the history of the area;*
 - (f) *transport and communication;*
 - (g) *matters affecting the viability of local governments; and*
 - (h) *the effective delivery of local government services,*
- but this does not limit the matters that it may take into consideration.*

6. *Recommendation by Advisory Board*

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

** Absolute majority required.*

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

** Absolute majority required.*

7. *Minister may require a poll of electors*

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

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

- (1) *Where the Advisory Board recommends to the Minister the making of an order to abolish 2 or more districts (“**the districts**”) and amalgamate them into one or more districts, the Board is to give notice to affected local*

governments, affected electors and the other electors of districts directly affected by the recommendation about the recommendation.

- (2) *The notice to affected electors has to notify them of their right to request a poll about the recommendation under subclause (3).*
- (3) *If, within one month after the notice is given, the Minister receives a request made in accordance with regulations and signed by at least 250, or at least 10%, of the electors of one of the districts asking for the recommendation to be put to a poll of electors of that district, the Minister is to require that the Board's recommendation be put to a poll accordingly.*
- (4) *This clause does not limit the Minister's power under clause 7 to require a recommendation to be put to a poll in any case.*

9. Procedure for holding poll

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

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

10. Minister may accept or reject recommendation

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

the Minister is to reject the recommendation.
- (3) *If the recommendation is that an order be made and it is accepted, the Minister can make an appropriate recommendation to the Governor under section 2.1.*

10A. Recommendations regarding names, wards and representation

- (1) *The Advisory Board may —*
 - (a) *when it makes its recommendations under clause 3 or 6; or*
 - (b) *after the Minister has accepted its recommendations under clause 10,*

in a written report to the Minister, recommend the making of an order to do any of the things referred to in section 2.2(1), 2.3(1) or (2) or 2.18(1) or (3) that the Board considers appropriate.

- (2) *In making its recommendations under subclause (1) the Advisory Board —*
 - (a) *may consult with the public and interested parties to such extent as it considers appropriate; and*
 - (b) *is to take into account the matters referred to in clause 8(c) to (g) of Schedule 2.2 so far as they are applicable.*

11. Transitional arrangements for orders about districts

- (1) *Regulations may provide for matters to give effect to orders made under section 2.1 including —*
 - (a) *the vesting, transfer, assumption or adjustment of property, rights and liabilities of a local government;*
 - (b) *the extinguishment of rights of a local government;*
 - (c) *the winding up of the affairs of a local government;*
 - (d) *the continuation of actions and other proceedings brought by or against a local government before the taking effect of an order under section 2.1;*
 - (e) *the bringing of actions and other proceedings that could have been brought by or against a local government before the taking effect of an order under section 2.1;*
 - (f) *if the effect of an order under section 2.1 is to unite 2 or more districts, the determination of the persons who are to be the first mayor or president, and deputy mayor or deputy president, of the new local government;*
 - (g) *the continuation of any act, matter or thing being done under another written law by, or involving, a local government.*
- (2) *Subject to regulations referred to in subclause (1), where an order is made under section 2.1 any local governments affected by the order (including any new local government created as a result of the order) are to negotiate as to any adjustment or transfer between them of property, rights and liabilities.*
- (3) *Where an order is made under section 2.1 the Governor may, by order under section 9.62(1), give directions as to any of the matters set out in subclause (1) if, and to the extent that, those matters are not resolved by regulations referred to in that subclause or by negotiation under subclause (2).*
- (4) *A contract of employment that a person has with a local government is not to be terminated or varied as a result (wholly or partly) of an order under section 2.1 so as to make it less favourable to that person unless —*
 - (a) *compensation acceptable to the person is made; or*
 - (b) *a period of at least 2 years has elapsed since the order had effect.*
- (5) *The rights and entitlements of a person whose contract of employment is transferred from one local government to another, whether arising under the*

contract or by reason of it, are to be no less favourable to that person after the transfer than they would have been had the person's employment been continuous with the first local government.

- (6) *If land ceases to be in a particular district as a result of an order under section 2.1, any written law that would have applied in respect of it if the order had not been made continues to apply in respect of the land to the extent that its continued application would be consistent with —*
 - (a) *any written law made after the order was made; and*
 - (b) *any order made by the Governor under subclause (8).*
- (7) *Regulations may make provision as to whether or not, or the modifications subject to which, a written law continues to apply in respect of land under subclause (6).*
- (8) *The Governor may, in a particular case, by order, vary the effect of subclause (6) and regulations made in accordance with subclause (7).*

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

SUSTAINABILITY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Council currently contributes, as part of its annual budget, to a number of WESROC initiatives. The budgeted allocation for 2008/09 is approximately \$65,000 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.

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

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

VOTING

Simple Majority

Cr Vic Strzina entered the meeting at 7.10pm

COMMITTEE COMMENT

This item was dealt with after item 10.1.3.

The CEO asked for guidance from the committee on question 13 of the attached Structural Reform Checklist. The Mayor with the endorsement of Committee suggested that the answer be 'no' on the basis of the supporting comments provided in the checklist.

Committee also noted that the reference in Question four be amended to reflect two uncontested elections in 2007 and that the reference to Question 12 be “yes” on the basis of Councils ongoing involvement with WESROC and WMRC.

Committee agreed that these amendments be made administratively prior to the Council meeting on 28 April, 2009.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Woodhill, seconded Mayor Morgan

That Council receive and endorse the Reform Checklist as per attachment W&CS 10.1.2 and forward to the Minister’s Local Government Reform Steering Committee.

Carried 6/0

10.1.3 PARKING AND PARKING FACILITIES LOCAL LAW

File No: SUB/176
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Pattrick
Manager Corporate Services
Attachment Updated Parking and Parking Facilities Local Law
Proposed Meeting Date: 17-Mar-2009
Author Disclosure of Interest Nil

SUMMARY

A recommendation is made to approve the proposed amended parking laws.

BACKGROUND

The purpose for these changes are:

- to rationalise the Town of Cottesloe parking laws;
- to formalise the residential parking permit process;
- to include clauses to facilitate the management of the new technology that has been installed; and,
- to include a required clause from the state government to prohibit the Town of Cottesloe making local law to include fees and charges at the beachfront (Sector B).

There are currently inconsistencies in the penalties between sectors. For example, the penalty for overstaying a time restriction at the beachfront attracts a \$100 infringement notice whereas the same offence in the town centre incurs a \$35 penalty. In addition, there is also a discrepancy between the level of severity of offences and the resulting penalties. For example, the penalty for overstaying a time restriction attracts a \$100 infringement notice whereas stopping in a 'no stopping' area incurs a \$60 penalty ('no stopping' areas are considered high risk areas for accidents if vehicles stop).

The Local law has been reviewed by our lawyers and minor amendments made. The proposed changes have been sent to the Department for Local Government and Regional Development. These were advertised statewide on April 5 2008.

There have been no submissions received following advertising for public comment Consultation Public Statewide advertising.

STAFF COMMENT

The proposed changes will provide a fairer and more consistent approach to traffic management within the Town of Cottesloe. The residential parking permit process has been an ongoing bone of contention as a result of grey areas of understanding.

The suggested changes clarify exact entitlements and conditions for residents and tenants.

The attached local law has all the changes highlighted in red.

The current local laws were based on WALGA's model Parking local law. This was done in an endeavour to ensure consistency throughout the metropolitan region.

There have been concerns raised regarding parking on median strips, including at Grant Street. It is important to note that there are no changes to the Parking Law regarding parking on verges. The Senior Ranger has confirmed that no infringements have been issued during his 7 year tenure for parking in this area.

Clause 4.5 (2)(b) of the local law prohibits parking on or adjacent to a median strip. However, Clause 7.8 adds that a driver can stop in such an area if a parking control sign applies.

To alleviate any concerns regarding the Grant Street median strip parking, signs should be placed near the area to formally notify that parking is permitted.

POLICY IMPLICATIONS

Parking and Parking Facilities Local Law (attachment).

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

Section 3.5 & 3.12 of the Local Government Act applies.

3.5. Legislative power of local governments

1. *A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*
2. *A local law made under this Act does not apply outside the local government's district unless it is made to apply outside the district under section 3.6.*
3. *The power conferred on a local government by subsection (1) is in addition to any power to make local laws conferred on it by any other Act.*
4. *Regulations may set out –*
 - (a) *matters about which, or purposes for which, local laws are not to be made; or*
 - (b) *kinds of local laws that are not to be made,*

and a local government cannot make a local law about such a matter, or for such a purpose or of such a kind

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

3.12. Procedure for making local laws

1. *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
2. *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
3. *The local government is to –*
 - (a) *give Statewide public notice stating that –*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

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

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

*** Absolute majority required.**

5. *after making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
6. *After the local law has been published in the Gazette the local government is to give local public notice –*
 - (a) *stating the title of the local law;*
 - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*

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

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

8. In this section –

making ~ in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

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

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

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

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

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The budget for 2008/2009 includes a provision for \$585,0800 for parking revenue. There are a number of increases for penalties for the town as well as some new infringements relating to damage of council property. It is estimated that these changes will result in approximately \$16,000pa increased income.

VOTING

Absolute Majority

OFFICER RECOMMENDATION

Moved Mayor Morgan, seconded Cr Woodhill

That Council:

1. adopt the proposed amended parking laws as per attachment 10.1.3.
2. approve the installation of signs permitting parking on the median strip in Grant Street west of Curtin Avenue.

AMENDMENT

Moved Mayor Morgan, seconded Cr Woodhill

That Point two of the Officer's recommendation be amended by replacing the words "approve the installation of sign permitting" with "amend its Parking Policy to permit".

COMMITTEE COMMENT

Committee discussed the report and in particular the issue of parking on median strips and agreed to amend its Parking Policy to permit parking on the median strip in Grant Street hence the amended part 2 of the recommendation.

COMMITTEE RECOMMENDATION

That Council:

- 1. Adopt the proposed amended parking laws as per attachment 10.1.3.**
- 2. Amend the Parking Policy to permit parking on the median strip in Grant Street west of Curtin Avenue.**

Carried 5/0

10.2 ENGINEERING**10.2.1 2008/2009 BLACK SPOT PROJECTS - RAILWAY STREET/STATION STREET AND RAILWAY STREET/JARRAD STREET/BRIXTON STREET**

File No: SUB/494
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Attachment Black Spot Projects
Proposed Meeting Date: 21-Apr-2009
Author Disclosure of Interest Nil

SUMMARY

In its 2008/09 budget, Council has included the modification of the Railway Street/Station Street and the Railway Street/Jarrad Street/Brixton Street intersections under the Main Roads WA State Black Spot program, with two thirds of the costs being grant funded from that program.

Due to the site problems with modifications required on site, and other issues, it is recommended that Council resolve to inform Main Roads WA that it will not be undertaking approved State Black Spot works at the intersections of Railway Street/Station Street and the Railway Street/Jarrad Street/Brixton Street for 2008/09 and that grant provision for both of these works can now be re allocated.

BACKGROUND

At its meeting in September 2007, Council was informed of the proposed Black Spot submissions for 2008/2009. Both of these projects were included in submissions to Main Roads WA and both received approval for funding. The approved State Black Spot grant for Railway Street/Station Street was \$20,000, with Council to contribute \$10,000.

The Street/Jarrad Street/Brixton Street project was approved for \$40,000, with Council to contribute \$20,000.

A surveyor was arranged to survey both sites. This information was given to a consultant road designer who provided design plans, which were sent to Main Roads WA for approval for the line marking and signage. In due course, both drawing were returned with modification required. These changes were made and sent back to Main Roads WA. The Main Roads WA response has not yet arrived.

CONSULTATION

Nil

STAFF COMMENT

Both intersections are complex and carry substantial traffic, particularly Railway Street/Jarrad Street.

In regards to Railway Street/Station Street, the redevelopment of 1 Station Street has yet to commence and will require heavy machinery and materials entering and exiting the site, which could damage any new installation.

The submissions for the 2008/09 Black Spots closed July 2007. Costs have now substantially increased. With the Benefit Cost Ratio for this job being only 1.02, it was barely acceptable as a Black Spot project in 2007, when submissions were required.

For the above reasons, staff now believe that the original benefits of this work are outweighed by the negatives, particularly the high potential to over spend and the upset to users of this intersection being high, during the construction period.

The same factors apply to the Railway Street/Jarrad Street/Brixton Street job but to a much higher degree. Main Roads WA changes to the original design have made the works more complex, at an intersection that is difficult to work 'on a good day'

Since the submissions were made in July 2007, there have been new service installations occur on the east side Railway Street footpath alignment, at the intersection, which will probably increase the complexity and costs of creating the proposed left turn lane from Railway Street into Jarrad Street.

For this intersection, the general public will expect that this work will solve all of the problems of the intersection and the section of Jarrad Street through Stirling Highway. It has only been aimed at the Railway Street/Jarrad Street intersection and reducing the accidents caused by turning traffic. The main factors of this total section of Jarrad Street from Curtin Avenue to Stirling Highway will remain until the total West Coast Highway extension takes place.

Therefore, staff would recommend that both projects be discontinued, Main Roads WA be informed and the advance 40% of grant recoup funds be returned to Main Roads WA.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Originally, Council was to contribute \$30,000 for the two projects and Main Roads WA \$60,000. Approximately \$3,000 has been spent on survey and design so far. This would come out of Councils \$30,000 leaving \$27,000 saved. The Main Roads WA \$60,000 would be reallocated by Main Roads WA for other works.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Woodhill, seconded Cr Miller

That Council resolve to inform Main Roads WA that it will not be undertaking approved State Black Spot works at the intersections of Railway Street/Station Street and the Railway Street/Jarrad Street/Brixton Street for 2008/09 as per attachment W&CS 10.2.1 and that grant provision for both of these works can now be re allocated.

Carried 6/0

10.2.2 ERIC STREET/RAILWAY STREET ROUNDABOUT PROBLEMS

File No: SUB/446
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Attachment Eric Street/Railway Street Roundabout
Proposed Meeting Date: 21-Apr-2009
Author Disclosure of Interest Nil

SUMMARY

A complaint letter has been received in relation to the owners of a property immediately south of the Railway Street/Eric Street roundabout, on Railway Street.

The complaint centres on the operation of the roundabout, the speed of traffic leaving Eric Street to proceed south on Railway Street and the safety problems of reversing from the crossover onto Railway Street.

The recommendation is that Council inform the property owners that consideration should be given to the creation of a three point turn apron on their property to allow exit onto Railway Street in a forward direction and that no changes to the roundabout, Eric Street or Curtin Avenue are considered possible or appropriate at this time.

BACKGROUND

The Eric Street/Railway Street roundabout was constructed in the 2005/2006 financial year, funded totally from Federal Government Black Spot funding. Prior to the construction, the intersection was one of the highest rated Black Spot sites in the Town of Cottesloe. Since the construction, it has not featured as a black spot site, indicating that vehicle crashes have been substantially reduced. Prior to the roundabout, 'Stop' signs on both sides of Eric Street in Railway Street meant that there often were numbers of vehicles parked on Railway Street unable to cross Eric Street or turn right into Eric Street particularly during peak times. This led to risks being taken and collision accidents.

CONSULTATION

Nil

STAFF COMMENT

The received letter raises a number of points about this roundabout and the entrance/exit for their property:

1. How can school children be safely delivered to school with the quantity and speed of vehicles causing a traffic jam at the roundabout?
2. The crossover is now so close to the roundabout that reversing out into traffic could cause an accident.
3. There is no traffic calming device for traffic speed and noise around the corner of Eric Street into Railway Street to reduce or control speed and noise.

4. When Railway Street had a stop sign on the south side of Eric Street, drivers did not speed around the corner. Now speed is a major problem.
5. The only safe option is to reverse across the double white line and drive north to the roundabout. At peak times, traffic jams prevent this movement.
6. Hoons see the roundabout as a place to spin wheels, skid over the verge and knock over rubbish bins. Pedestrians are in danger.
7. The Eric Street/Curtin Avenue intersection should be a roundabout, to reduce the clogged entry problem, similar to Curtin Avenue/Marine Parade.
8. What is the point of a roundabout so close to a set of lights?
9. Rental of this property is difficult due to the safety issues caused by the roundabout.

The suggestions made for a solution are:

- A. Convert the traffic lights on Curtin Avenue to a roundabout.
- B. Build a bridge for Eric Street over Curtin Avenue.
- C. Build a reversing area on the verge outside the neighbouring property, including a one metre widening.
- D. Block the outlet of traffic on the roundabout from Eric Street into Railway Street.

Comments on the issues raised in the letter are:

- I. Traffic jams occurred at this intersection for years before the roundabout was built caused by a number of factors including the location of the lights on Curtin Avenue, the volume of traffic, traffic slowing down to access the school parking area and the original four way intersection configuration. The accident level at that time was very high due to this problem.

Accidents have now been greatly reduced in number and all four 'legs' of this intersection now have a chance of clearing traffic stockpiles.

The site is no longer a 'Black Spot' which was the reason for the black spot funds being made available to build the roundabout.

- II. Roundabouts are not designed to cope with the volume and make-up of traffic at the Curtin Avenue /Eric Street intersection. Traffic lights are installed once roundabouts fail due to traffic volume. The Curtin Avenue/Marine Parade roundabout carries approximately half of the traffic to the Curtin Avenue/Eric Street light controlled intersection.

Main Roads WA was requested to modify the time settings at the lights to allow more vehicles to be cleared from the Eric Street railway bridge section at each green phase. This occurred, but not to the extent originally requested.

- III. With regards to this roundabout, it's impact on both street, the railway bridge and the Curtin Avenue intersection, Councils Traffic Study adopted in 2008 provides the following comments:

"5.11 *Eric Street*

Specific issues identified from the workshop and public consultations were speed; Eric Street bridge is too narrow and has poor pedestrian facilities; queuing from Railway Street to Curtin Avenue on the bridge and McNamara Way blocked by queuing on Eric Street.

A roundabout was recently constructed at the intersection of Eric Street and Railway Street. This has assisted to minimise unsafe manoeuvring and provide greater opportunity for vehicles to enter and exit the bridge traffic queue at this intersection. Further a roundabout is listed for State Black Spot funding in 2008/09 at the intersection of Eric Street with Marmion Street.

The Eric Street railway bridge is under the control of Main roads WA. Until such time as the future geometry of Curtin Avenue has been determined, the bridge is unlikely to be funded to for major improvements.

The McNamara Way intersection with Eric Street is approximately 50 metres from the Stirling Highway intersection. In that short distance it is not possible to alleviate queuing past the intersection. However, residents of McNamara Way have alternative routes available to them for access onto Stirling Highway.”

Recommended treatments:

- 1. Install coloured anti-skid textured road pavement surfacing on all approaches to improve skid resistance on the approach gradients to the Eric Street intersection with Curtin Avenue. The colouring will also assist to improve definition and highlight this intersection.*
- 2. Resurface the road pavement in a contrasting colour at Eric Street/Railway Street roundabout to highlight and deter motorists from forming stationery traffic queues through the roundabout.*

Various other issues were commented on by residents during both advertising periods for this study, in regards to Railway Street. No comments were received regarding the safety issue for exit from this property onto Railway Street. This is the only known comment from this property since the roundabout was built three years ago.

- IV. With regards to any major changes to the Curtin Avenue intersection, Eric Street and the railway bridge crossing, this will eventually be a major Main roads WA project involved with the West Coast Highway extension through Cottesloe. Traffic numbers are not projected to decrease and will probably continue to rise.

The roundabout has, in the three years that it has existed, greatly reduced accidents, the major reason for its construction. Congestion at this site will continue given that there are no proposed changes for the base causes of this congestion, with solutions being outside the powers of local government.

- V. Speed of vehicles driving south on Railway Street from Eric Street could be controlled with the installation of rubber speed cushions, which are currently being pushed as a solution for ‘hoon’ behaviour by the State Government. Such units have been installed elsewhere on roundabouts both for entering and exiting vehicles.

Alternatively, the applicants could construct, on their property, an apron to allow a three point turn to allow a forward rather than reverse entry from their property onto Railway Street. This is the case with the property to the south.

The property on the corner of Eric Street and Railway Street exits onto Eric Street.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Approximately \$4,000 if a rubber speed cushion plus advisory signs are to be installed. No cost to Council if a private three point turn apron is built on private property.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Woodhill, seconded Cr Utting

That Council inform the applicants that consideration should be given to the creation of a three point turn apron on their property to allow exit onto Railway Street in a forward direction and that no changes to the roundabout as per attachment W&C S 10.2.2, Eric Street or Curtin Avenue are considered possible or appropriate at this time.

Carried 6/0

10.2.3 RELOCATION OF ATHELSTAN ROAD ALLOCATED VISITOR PARKING AREA

File No: SUB/421
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Attachment Relocation of Athelstan Road Parking
Proposed Meeting Date: 21-Apr-2009
Author Disclosure of Interest Nil

SUMMARY

The Council of Owners of the Flour Mill have requested the relocation of the Athelstan Road visitor's car park to the Charles Street verge area where Fig Trees were removed several months ago.

The recommendation is that Council:

1. Take no action in the funding of the relocation of the Flour Mill visitors parking area in Athelstan Road.
2. Give general support to the Council of Owners of the Flour Mill if the Council proposes to self fund the car park relocation, dependant upon support from the residents opposite the new site in Charles Street.
3. Inform the Council of Owners of the Flour Mill of Councils' decisions on the matter.

BACKGROUND

This brick paved visitors car parking area was provided as part of the original redevelopment of the Flour Mill site. One reason given as to why Charles Street was not used at the time of redevelopment of the site years ago was that the Council of the day wished the fig trees to remain.

CONSULTATION

Nil

STAFF COMMENT

Street tree replacements are proposed to be installed approximately in May/June, along the Charles Street road reserve to replace the original fig trees.

The use of Council funds to relocate the visitor's car parking facility is not seen as a priority when many other Council projects await funding.

If the Council of Owners of the Flour Mill wish to fund this work, as an alternative to Council funding, then this option is supported by staff, prior to new street trees being planted.

However, property owners on the west side of Charles Street opposite the proposed new car parking area should first be asked for comments, if the Council of Owners of the Flour Mill wish to self fund the relocation proposal.

The site for a new visitor's car park area is on the east side of Charles Street, between Millers Court and Athelstan Road, with the existing car park to be removed.

POLICY IMPLICATIONS

Council's policies on 'Parking – Residential' and Maintenance of Road Reserve Verge Parking Areas both apply to this item.

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council has no forward plan to relocate this car park. If Council agreed to the request, budget allocation of approximately \$20,000 would have to be made in the 2009/10 budget.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Mayor Morgan, seconded Cr Woodhill

That Council:

1. Take no action in the funding of the relocation of the Flour Mill visitors parking area in Athelstan Road as per attachment 10.2.3.
2. Give general support to the Council of Owners of the Flour Mill if the Council proposes to self fund the car park relocation, dependant upon support from the residents opposite the new site in Charles Street.
3. Inform the Council of Owners of the Flour Mill of Councils' decisions on the matter.

AMENDMENT

Moved Mayor Morgan, seconded Cr Woodhill

That at the end of point two of the Officer's recommendation the following be added *"and subject to the Manager of Engineering Services approving the design and materials"*.

AMENDMENT

Moved Mayor Morgan, seconded Cr Woodhill

After the word "*relocation*" of point two of the Officer's recommendation that the following be added "*including the removal of the old car park and the inclusion of a footpath, (space permitting,)*".

AMENDMENT

Moved Mayor Morgan, seconded Cr Woodhill

After the word "*Council*" of point two of the Officer's recommendation that the following word be added "*of Owners*"

COMMITTEE RECOMMENDATION**That Council:**

1. **Take no action in the funding of the relocation of the Flour Mill visitors parking area in Athelstan Road as per attachment W&C S 10.2.3.**
2. **Give general support to the Council of Owners of the Flour Mill if the Council of Owners proposes to self fund the car park relocation, including the removal of the old car park and the inclusion of a footpath, (space permitting,) dependant upon support from the residents opposite the new site in Charles Street and subject to the Manager of Engineering Services approving the design and materials.**
3. **Inform the Council of Owners of the Flour Mill of Councils' decisions on the matter.**

Carried 6/0

10.2.4 REQUEST FOR RIGHT OF WAY TO BE NAMED, BROOME STREET/FORREST STREET, COTTESLOE

File No: SUB/421
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Attachment Broome Street Forrest Street Laneway
Proposed Meeting Date: 21-Apr-2009
Author Disclosure of Interest Nil

SUMMARY

A request has been received for the marking, by naming, of the laneway on the east side of Broome Street running parallel with Forrest Street and John Street, because of the difficulty in finding the laneway and the potential use by taxis and ambulances.

The recommendation is that Council

1. Arrange for the installation of a sign stating "ROW 32" on the east side of Broome Street where the Right of Way connects with Broome Street.
2. INFORM THE APPLICANT OF THIS DECISION.

BACKGROUND

Council has previously discussed the proposal to both name and signpost all the unnamed laneways or signpost the laneway as "ROW___" using only the assigned number. No action has been adopted on this proposal other than the policy stating that Council will consider the naming of Right of Ways/Laneways, with no obligation to improve the condition of the laneway, once named.

The basis for the request is that the applicant is aged, with no car or drivers license. Taxis and an ambulance have had problems finding the entrance to the laneway off Broome Street to access the property. This property has no vehicle access off Forrest Street due to the large vertical wall on the north side of that street.

CONSULTATION

Nil

STAFF COMMENT

The request proposes naming this laneway John Forrest Lane. Landgate would not approve a lane or road name which is already in use nearby and also the use of a 'Christian' name is not approved by Landgate.

A short sign with "ROW 32" would provide the required marking to ease the problem of finding the laneway access off Broome Street, without Council becoming involved in a discussion on the most appropriate name, with the required advertising and public comment period.

POLICY IMPLICATIONS

Council's Right of Way/Laneways policy applies.

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Minimal.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Utting, seconded Cr Woodhill

That Council

1. Arrange for the installation of a sign stating "ROW 32" on the east side of Broome Street as per attachment 10.2.4 where the Right of Way connects with Broome Street.
2. Inform the applicant of this decision.

AMENDMENT

Moved Cr Boland, seconded Cr Strzina

That at the beginning of point one of the Officer's recommendation the following words "*Arrange for the installation of a sign stating 'ROW 32'*" be replaced with "*Commence the process for the legal approval to use 'Pine Court Lane' for the 'ROW 32'*".

COMMITTEE RECOMMENDATION

That Council

1. **Commence the process for the legal approval to use 'Pine Court Lane' for the 'Right Of Way 32' on the east side of Broome Street as per attachment W&C S 10.2.4 where the Right of Way connects with Broome Street.**
2. **Inform the applicant of this decision.**

Carried 6/0

10.2.5 SAFETY ISSUE - RAILWAY STREET/FORREST STREET INTERSECTION, COTTESLOE

File No: SUB/222
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Attachment Railway Street/Forrest Street Intersection
Proposed Meeting Date: 21-Apr-2009
Author Disclosure of Interest Nil

SUMMARY

A visitor to Cottesloe has made comments regarding what is seen as *“the most dangerous intersection that I have come across in the local metro area”*. This relates to the Railway Street/Forrest Street intersection. This visitor recommends a roundabout construction.

The report recommendation is that Council undertake an Intersection Safety Audit for the intersection of Railway Street and Forrest Street in 2009/2010, with an allowance of \$4,500 to be included in the 2009/2010 budget for this study.

BACKGROUND

This intersection has existed in its current design for many years. Staff know of no serious accidents at the site and it has not featured as a Black Spot site because of the low level of intersection accidents.

No complaints were received during the public comment period of the Traffic Study 2008, regarding the need for any changes to this intersection.

However the TAPSS Manager has made comment in the past on the need for this intersection to be changed. One option, to resolve the perceived level of danger existing, is to have an Engineering Safety Audit undertaken by a traffic Consultant, possibly the Consultant responsible for the original Traffic Study. From that audit would come any recommendations for intersection improvements.

CONSULTATION

Extensive consultation took place as part of the formulation of the 2008 Traffic Study.

STAFF COMMENT

The points made in this letter are:

- Five roads connect at this intersection, including two lanes of Forrest Street, Railway Street and the connection to the railway parking area.
- The intersection lacks street signage and has no markings to assist and warn drivers.
- A roundabout would fix the problem.

- The TAPSS building exists at the intersection. Elderly drivers have problems navigating and parking at the site.

If this intersection was "one of the most dangerous intersections in the local metro area", it would be expected that many accidents would have occurred at the site and many comments would have been received during the public comment period for the Traffic Study.

There were no comments received about this site during the comment period. The lack of accidents has meant that this is not a black spot site.

If a roundabout was to be installed at this site, it would not be able to connect all of the intersections mentioned in the received letter.

Other problems with the site include the position of a major high voltage pole close to the site and the position of Forrest Street car parking area for the TAPSS user, which would possibly be removed with the construction of a roundabout.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

A new roundabout at this site would be in excess of \$150,000 to build. An Intersection Safety Audit would cost approximately \$4,500 to be undertaken by a consultant Engineer.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Miller, seconded Cr Utting

That Council undertake an Intersection Safety Audit for the intersection of Railway Street and Forrest Street, as per attachment W&C S 10.2.5, in 2009/2010, with an allowance of \$4,500 to be included in the 2009/2010 budget for this study.

AMENDMENT

Moved Cr Strzina, seconded Cr Woodhill

That the Officer recommendation be not adopted and that it be replaced with the following;

That Council acknowledge the comments of the visitor to Cottesloe in relation to the intersection at Forrest Street and Railway Street and take no further action at this time.

COMMITTEE RECOMMENDATION

That Council acknowledge the comments of the visitor to Cottesloe in relation to the intersection of Forrest Street and Railway Street and take no further action at this time.

Carried 6/0

10.3 FINANCE**10.3.1 ACCOUNTS FOR THE PERIOD ENDING 31 MARCH 2009**

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Patrick
Manager Corporate Services
Attachment Financial Statement
Proposed Meeting Date: 21-Apr-2009
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending **Error! Unknown document property name.9** to Council.

BACKGROUND

The List of Accounts is presented monthly.

CONSULTATION

Nil

STAFF COMMENT

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

- \$15,163.99 to WA Local Govt Super Fund for staff deductions
- \$11,640.43 to BCTIF for levies from November 2008
- \$417,557.94 to Office for State Revenue for rebate error
- \$16,272.92 to WA Local Govt Super Fund for staff deductions
- \$258,652.50 to FESA for ESL levies for 3rd quarter
- \$15,652.16 to Surf Life Saving WA for contract for February 2009
- \$10,613.90 to All Tuff Products for handrails for access ramp at North Cottesloe
- \$12,182.50 to Maunsell Australia for EbD consultancy
- \$11,540.10 to Key2Design for 1000 shower timers and 4,000 seedstick pack
- \$19,776.50 to WATC for loan repayment
- \$26,000 to Sculpture by the Sea for 2009 acquisition
- \$16,500 to West Coast Shade for shade sails at Grant / Marine Park
- \$47,638.25 to Transpacific Cleanaway for domestic & commercial waste disposal in February 2009
- \$22,242.00 to Rocla for boardwalk system for access ramp to North Cott
- \$27,206.52 to Landscape Elements for progress claim for Cottesloe boardwalk
- \$13,657.22 to WMRC for disposal and tipping fees

- \$64,315.37 and \$70,537.04 for staff payroll

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Miller, seconded Cr Utting

That Council receive the List of Accounts, as per attachment W&C S 10.3.1, for the period ending 31 March 2009, as submitted to the 21 April, 2009 meeting of the Works and Corporate Services Committee.

Carried 6/0

10.3.2 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 MARCH 2009

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Pattrick
Manager Corporate Services
Attachment Financial Statement
Proposed Meeting Date: 21-Apr-2009
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 **Error! Unknown document property name.9**, to Council.

BACKGROUND

The Financial Statements are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

The Operating Statement on page 2 of the Financial Statements shows a favourable variance between the actual and budgeted YTD operating surplus of \$211,085 as at 31 March 2009. Operating Revenue is ahead of budget by \$31,087 (.4%). Operating Expenditure is \$14,507 (.2%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 31 March 2009 is shown on pages 7-8.

The Capital Works Program is listed on pages 23 - 25 and shows total expenditure of \$3,851,056 compared to YTD budget of \$8,026,602. The reason for the significant difference is the delay with the library.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

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

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Miller, seconded Cr Utting

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information, as per attachment W&C S 10.3.1, for the period ending 31 March 2009, as submitted to the 21 April 2009 meeting of the Works and Corporate Services Committee.

Carried 6/0

10.3.3 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 31 MARCH 2009

File No: SUB/150 & SUB/151
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Pattrick
Manager Corporate Services
Attachment Financial Statement
Proposed Meeting Date: 21-Apr-2009
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 31 March 2009 to Council.

BACKGROUND

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

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 18 of the Financial Statements shows that \$1,214,640.60 was invested as at 31 March, 2009.

Reserve Funds make up \$1,206,227.34 of the total invested and are restricted funds. Approximately 78% of the funds are invested with the National Australia Bank, 22% with BankWest.

The Schedule of Loans on page 19 shows a balance of \$548,711.12 as at 31 March, 2009. There is \$495,960.94 included in this balance that relates to self supporting loans.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

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

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Miller, seconded Cr Utting

That Council receive the Schedule of Investments and Schedule of Loans, as per attachment W&C S 10.3.1, for the period ending 31 March 2009, as submitted to the 21 April 2009 meeting of the Works and Corporate Services Committee.

Carried 6/0

10.3.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD ENDING 31 MARCH 2009

File No: SUB/145
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Pattrick
Manager Corporate Services
Attachment Financial Statement
Proposed Meeting Date: 21-Apr-2009
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 31 March 2009 to Council.

BACKGROUND

The Property and Sundry Debtors Reports are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on pages 20-21 of the Financial Statements shows a balance of \$107,972.06 of which \$12,291.87 relates to the current month. The balance of aged debt greater than 30 days stood at \$95,680.19 of which \$82,023.83 relates to pensioner rebates that are being reconciled by the Senior Finance Officer.

Property Debtors are shown in the Rates and Charges analysis on page 22 of the Financial Statements and show a balance of \$391,027.01. Of this amount \$222,519.55 and \$63,983.41 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 \$163,476 in 2009 compared to \$173,745 last year.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Miller, seconded Cr Utting

That Council:

1. **Receive and endorse the Property Debtors Report, as per attachment W&C S 10.3.1, for the period ending 31 March 2009; and**
2. **The Sundry Debtors Report for the period ending 31 March 2009 as submitted to the 21 April 2009 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

Nil

13 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 8.05pm.

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