

TOWN OF COTTESLOE



WORKS AND CORPORATE SERVICES COMMITTEE

MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, TUESDAY, 19 JUNE 2012

CARL ASKEW
Chief Executive Officer

30 July 2012

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 Rob Rowell	Presiding Member
Cr Greg Boland	
Cr Victor Strzina	
Cr Sally Pyvis	
Cr Peter Jeanes	Deputy Member

Officers Present

Carl Askew	Chief Executive Officer
Mat Humfrey	Manager Corporate & Community Services
Christy Watterson	Administration & Governance Officer

Gallery

Members of the public (1)
Media (1)

Apologies

Mayor Kevin Morgan

Officer Apologies

Geoff Trigg	Manager Engineering Services
Louis Prospero	Acting Manager Engineering Services

Leave of Absence (previously approved)

Nil

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Roger Fitzhardinge – 42 Grant Street, Cottesloe - Item 10.1.1 Play Equipment on Road Verges. Mr Fitzhardinge addressed Committee and commented that he was aware of the resident petition on this issue and whilst not a signatory to it, would be willing to do so if asked as he supported the issue. He advised that he was a former Principal of the Claremont Primary School. Mr Fitzhardinge reflected back on his own childhood where he had freedom to play and interact with neighbours of varying ages and cited activities such as

street cricket matches and playing in cubby houses on road verges as part of his own upbringing and where the verge was considered an extension of people's property. Mr Fitzhardinge stated that in his opinion, today's children are often restricted and "wrapped in cottonwool" and that as a Principal, with the support of parents, he encouraged children to climb trees to assist with their growth and learning. He also commented that current insurance considerations to eliminate risk are also reducing children's adventure play. Mr Fitzhardinge advised that although tree climbing is not an activity supported by the Education Department, his records show no injuries. Mr Fitzhardinge concluded by stating his hope that the community benefit of allowing creativity and versatility to play on the street verges would override the small associated risks.

5 PUBLIC STATEMENT TIME

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

AMENDMENT

Moved Cr Strzina, Seconded Cr Boland

Cr Boland advised an amendment to the minutes in relation to Item 10.2.5 *Request for the Removal of 3 New Zealand Christmas Trees, 46 Ozone Parade, Cottesloe (page 51)*. Cr Boland advised that he had not moved the Officer Recommendation, and Cr Rowell confirmed that he had moved the item.

Carried 5/0

Moved Cr Strzina, Seconded Cr Boland

[Minutes May 22 2012 Works and Corporate Services Committee.doc](#)

The Minutes of the Ordinary meeting of the Works And Corporate Services Committee, held on 22 May 2012, as amended, be confirmed.

Carried 5/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

9.1 PETITION – PLAY EQUIPMENT ON VERGES

A petition for Play Equipment on Verges was presented at the Committee Meeting by Councillor Boland. 16 people signed this petition, of which 14 of those signatures are residents of Cottesloe and 2 are residents from the surrounding neighbourhoods. During the meeting Mr Fitzhardinge added his signature to the petition. The petition stated "*We the undersigned implore the Town of Cottesloe to help build a child friendly neighbourhood and a stronger community by changing the Town of Cottesloe Policy for residential verges to allow play equipment on residential verges*".

In accordance with Council Standing Orders Local Law Section 9 – Petitions, Cr Boland presented the petition to Committee.

COMMITTEE RECOMMENDATION

Moved Cr Boland, seconded Cr Rowell

THAT Committee accept the petition in relation to Play Equipment on Verges and in accordance with Standing Orders 9.4(d) be dealt with by the full Council in relation to item 10.1.1 Play Equipment on Road Verges.

Carried 5/0

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

- 10.3.2 Statutory Financial Reports for the Period 1 July 2011 to 31 May 2012
- 10.3.3 List of Accounts Paid For the Month of May 2012
- 10.3.4 Schedule of Investments and Loans as at 31 May 2012
- 10.3.5 Property and Sundry Debtors Report as at 31 May 2012

10 REPORTS OF COMMITTEES AND OFFICERS

10.1 ADMINISTRATION

10.1.1 PLAY EQUIPMENT ON ROAD VERGES

File No: SUB/240
Attachments: [Petition](#)
[Residential Verges Policy](#)
[Confidential Legal Advice Play Equipment On Verges](#)
[Confidential Email from LGIS Liability](#)

Responsible Officer: Carl Askew
Chief Executive Officer

Author: Mat Humfrey
Manager Corporate Services

Proposed Meeting Date: 19 June 2012

Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider its position on the placement of play equipment and other structures on Council owned or controlled thoroughfares, with reference to a petition that was presented to the May 2012 Ordinary Council meeting.

BACKGROUND

The Town undertakes inspections of verges within the district, and as part of those inspections will note structures or obstructions that have been placed on verges without authorisation. When such items are found, the adjacent property owner is written to and asked to remove the obstruction or relocate it behind their property line within a given timeframe, usually 14 days. If this request is not complied with, generally the Town will then undertake the required works and that is the end of the matter.

Recently, there have been suggestions in both the local and state-wide media that local governments should allow play equipment to remain on street verges, as it creates more of a family atmosphere in these streets. This together with the timing of the latest inspections has created some concern within the community and requests for residents to keep equipment that they have placed on the verge, including the petition presented at the May 2012 meeting.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Residential Verges Policies – currently states;

(h) The construction of tree houses, tree swings and the installation of play structures is not considered appropriate within the road reserve due to safety issues.

This policy is due for review. If Council were to resolve a different position to what is stated in the policy, then the policy should be amended to reflect that view.

STATUTORY ENVIRONMENT

Activities On Thoroughfares & Trading In Thoroughfares & Public Places Local Law 2001

Local Government (Uniform Local Provisions) Regulations 1996

Local Government Act 1995

FINANCIAL IMPLICATIONS

Dependant upon the determination of Council, there may be additional costs associated with inspections and or preparation of legal agreements.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

McLeods
LGIS (JLT)

STAFF COMMENT

In considering this issue, staff have researched it from many points of view, from the individual resident who wants to retain the play equipment, through to the legal liability of the Town. This is a complex issue, and one that should be handled carefully.

The first consideration, as always, is public safety. Unauthorised structures pose two immediate concerns, being the question of whether they comply with the relevant Australian Standards and secondly, have they been placed in a way that presents a danger to either the users of the equipment, or other users of the thoroughfare.

The Australian Standards for public playground equipment are extensive and very prescriptive. They examine everything from load ratings to pinch-points and sharp edges. Most domestic play equipment is built to a slightly different standard, as it is assumed that the equipment will only be used by those people for whom it is intended. Public playground equipment is built to a higher standard, as it must be expected that it could be used by people for whom it was not designed, ie adults.

The dangers presented to other users of the thoroughfare are often entirely unintended – and can result from people thinking they are securing their equipment. Common examples are the use of star pickets to secure items to the ground, or ropes or tie-downs to secure equipment to other objects, such as trees or walls. While these might be placed safely for the users of the play equipment, they can be quite dangerous to pedestrians, cyclists and road users. A rope that is strung between

equipment and a tree is safe enough during the day, but becomes a dangerous trip hazard to pedestrians and/or cyclists at night time.

No matter what action Council chooses to take in respect to this issue, a regime of regular inspection will need to continue. The Town has a duty of care to all users of its thoroughfares, and any identified hazards will need to be removed.

The question of liability, and indeed the risk of the Town being involved in a claim for damages, has been the centre of this discussion. Provided below is a brief outline of the issues involved, but it must be remembered that every civil action is different and determined on the facts of the specific case involved. It is not possible in a report of this nature to give absolute answers to all questions of liability.

When considering the risk involved in civil matters, there are two main factors that are considered, firstly being the likelihood of an action being brought against the Town and secondly, the impact or size of any damages awarded should that action be successful. Obviously a situation that is highly likely and will result in large damages being awarded is the highest risk, with a situation that is unlikely with only minor damages being the lowest risk. An additional consideration that should always be made is whether or not these risks are able to be mitigated by holding appropriate insurances.

History tells us that the number claims for damages as a result of play equipment on verges is not high and there have been very few cases of such claims in recent times. The question is whether this lack of appropriate examples is because local governments have been active in removing such items, or whether it's because this is a low risk activity.

The other part of the risk consideration is the impact that such a claim could have. Obviously, if someone were to be seriously injured, the compensation that they could be awarded if the Town was found to be negligent in its duties can be large. This is why the Town has programs in place to regularly inspect all public playground equipment as well as it's thoroughfares to ensure that its duty to the public has been fulfilled.

The Town has also received notification from its insurers that in the event the Town was subject to an action as a result of private play equipment being allowed to remain "unapproved" within its thoroughfares, it could be a claim that is denied or result in the cancellation of the Town's policies. The reasoning behind such advice is that if the Town allows equipment to remain that it normally would require to be removed, then it hasn't taken every reasonable step to mitigate its exposure. Whether or not a claim could be denied on these grounds would be subject to legal proceedings and the outcome is not clear. It is clear though that such an action could result in the cancellation of the policy.

With the insurance situation in mind, simply allowing the equipment or obstructions to remain is not recommended. If play equipment or other structures are to remain in a thoroughfare, then they must be approved. To be approved two conditions should be satisfied, which are;

1. That the equipment as installed complies to all of the relevant standards; and

2. The owner of the equipment takes out and maintains adequate public liability insurance for that equipment.

Under the *Local Government (Uniform Local Provisions) Regulations 1996*, it is an offence to undertake any unauthorised works in a public thoroughfare. The Regulations also allow local governments to require the owners of any authorised structure to take out and maintain adequate insurance, and it is an offence not to do so.

This being said, the Town would still need to regularly inspect the equipment and to see proof of insurance on a regular basis. This would place an administrative burden on the Town, although it would not be significant.

The last issue in considering this matter is how likely is it that the owners of this play equipment are going to be able to comply with the relevant standards or be able to gain insurance. As stated previously, public play equipment has a higher standard required than private play equipment simply because it is assumed that access to private play equipment can be controlled. As soon as equipment is in a public area, this assumption doesn't hold, so the equipment must be built and maintained to a higher standard.

The insurance issue is more complex. Most domestic insurance policies only cover liability within the property boundary. They may use words like "to the edge of the thoroughfare" which people may take as the road, but in reality, it actually means to the property boundary, not the curb line. Public liability insurance for structures in a public place can be prohibitively expensive and contain many conditions that could see the policy rendered void in the event of a claim. When the Town sights a Certificate of Currency, we are only going to see that there is an insurance policy that is current, we will not necessarily see, or be able to check all of the terms and conditions for that policy. The problem of course is that we may only find out that the insurance policy doesn't cover certain things after a claim is denied.

The Town has, for many years, pursued a path of action that has required people to contain their private play equipment on their own property. This policy has been pursued both to protect the Town from any action that may arise, but also to provide other users of the thoroughfare with a safe environment. While the Council could pursue a path that allows the approval of such equipment, the approval process and the requirement for insurance will provide major obstacles for most people wishing to place a piece of retail play equipment on a verge.

While the recommendation is to continue with the current policy of asking adjoining land owners to remove such obstructions or relocate them within their property as and when the Town becomes aware of them – if Council were to choose to allow the play equipment to remain, as a minimum it should ensure that each structure has been *approved* by the Town and that as a part of that approval;

- a) the equipment must comply with the relevant Australian Standards for public play equipment; and
- b) the adjacent land owner who places the equipment there takes out and maintains an appropriate level of insurance cover for that play equipment.

Council should also amend its Residential Verges Policy to reflect the new position.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Rowell advised Committee that he had been the first President of the Local Government Insurance Board, and in his opinion it would be hard for Council to absolve its responsibility with regard to play equipment on street verges. Cr Rowell agreed with the sentiments of Mr Fitzhardinge regarding restrictions placed on children today, but stressed that it would be difficult for Council to have a defence if there is an injury as a result of play equipment on a street verge that is known to Council. Cr Rowell commented that even if a resident were to obtain Public Liability Insurance for the play equipment on their verge, in the event of an injury, it is likely that the Town would be pursued for compensation, as today unfortunately litigation is more popular.

Committee discussed the requirements placed on Council owned play equipment with regard to annual checks and compliance with Australian Standards, and it was agreed that if Council allowed play equipment on street verges, the equipment would be need to be subject to similar requirements.

Cr Boland advised that he would vote against the Officer Recommendation and would like a less *risk averse* position, where Council adopt a regime to support residents obtaining Public Liability Insurance for play equipment on their verges. Cr Boland advised that he can understand the legal opinion, however it is obvious that the Community favour a more relaxed approach to play equipment on verges.

Cr Pyvis advised that she was in favour of trialling play equipment on verges, with owners taking responsibility and accepting liability.

Cr Strzina questioned whether residents taking out their own Public Liability Insurance would solve Councils liability issue. Cr Rowell responded by advising in his opinion the verges are still Council responsibility and if someone is injured, it is likely that they would join the local council for compensation. Cr Strzina advised that he was in support of play equipment on verges, but was concerned with regard to what Council could potentially be opened up to. Cr Rowell cited precedents that occurred in Bassendean and Port Hedland, where the local governments were liable.

Cr Jeanes suggested that a system be put in place where landowners make an application to have play equipment on their street verge, neighbouring residents are advised of the application, as part of the approval criteria insurance certificates are required to be provided and annual inspections of the equipment be conducted to ensure the equipment is suitable. Cr Jeanes further stated that all associated costs be passed back to the applicant.

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

THAT Council continue to require all unauthorised structures be removed from public thoroughfares in accordance with Council's Residential Verges Policy and the *Local Government (Uniform Local Provisions) Regulations 1996*.

Lost 2/3

NEW MOTION / COMMITTEE RECOMMENDATION**Moved Cr Boland, seconded Cr Pyvis**

THAT Council,

- 1. Consider allowing play equipment to remain on street verges, subject to each structure receiving Council approval, with the following conditions;**
 - a. The adjacent landowner, at their expense, have the equipment certified as complying to the relevant Australian Standards by a suitably qualified consultant or engineer;**
 - b. The adjacent landowner, at their expense, take out and maintain Public Liability insurance that indemnifies the Town and the landowner from any action that results from the placement or maintenance of the play equipment; and**
 - c. Notify adjacent neighbours of any application for play equipment to be placed on the verge.**
- 2. Undertake a review of its Residential Verges Policy accordingly.**

Carried 3/2

10.1.2 REVIEW OF THE GRANT STREET PARKING RESTRICTIONS

File No: SUB/457
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services
Proposed Meeting Date: 19 June 2012
Author Disclosure of Interest Nil

SUMMARY

A review of the parking restrictions for the Grant Street median strip is being presented for Council's consideration.

BACKGROUND

Council considered the issue of parking on the Grant Street median strip on five occasions in 2011. The issue was sparked by a sudden increase in commuter parking on the median strip, due to the closure of other 'free' parking elsewhere on the train line. This sudden increase in parking resulted in damage to the grass on the median strip, which caused dust and other problems for adjacent residents.

The first time Council considered the issue, the question was whether or not Council should pursue constructing a purpose built car park on the median strip to accommodate the commuters and alleviate the dust issues. Council resolved to consult with adjacent residents and reconsider the issue.

The consultation showed that the overwhelming majority of residents were against the construction of a carpark, and instead favoured parking restrictions designed to prevent commuter parking. In the May meeting, Council resolved to implement a trial of 3 hour parking restrictions on the affected part of the Grant Street median strip. At the conclusion of the trial period, a second trial was undertaken whereby a permit parking zone was established on the Grant Street median strip between Curtin Avenue and Marmion Street.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

The implementation of the permit parking zone was undertaken after detailed consultation with adjacent residents.

STAFF COMMENT

Since the issue was first raised over a year ago, there have been several developments in this area. The one that has had the most impact is the construction of a free car park adjacent to the Cottesloe Train Station, which seems to be attracting a number of commuters.

The trial has been successful with 47 infringements being issued in the 6 months from 1 November 2011 to 30 April 2012. Of these, 12 were withdrawn on appeal where residents or their guests had not displayed their permits for a valid reason. Parking on the Grant Street median strip has been reduced to residents only, and rangers continue to patrol the area regularly.

One of the concerns raised was that making the Grant Street median strip a permit parking area would simply push commuter parking onto side streets. On the surrounding streets only 2 infringements have been issued and rangers are still patrolling this area to ensure that parking is not becoming an issue. The opening of the new car park seems to have absorbed many of the commuters that would otherwise have parked in this area.

It is recommended to leave the current parking restrictions in place. The reason for this is that if parking this close to the train station were to become freely available again, it would only be a matter of time before the parking issues returned. If the permit zone is left in place and the area regularly patrolled, the parking should remain available for residents and their guests.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Rowell advised that since the introduction of the Permit Parking Zone on Grant Street, some people were parking on Railway Street, as well as the new parking at Cottesloe station. Cr Jeanes questioned whether the parking restriction days could be amended to allow unrestricted parking on a Saturday. Committee discussed the effectiveness of the current Permit Parking Zone and were hesitant to make any further changes, as residents and commuters are now familiar with the requirements.

OFFICER RECOMMENDATION

Moved Cr Strzina, seconded Cr Rowell

THAT Council leave the Permit Parking Zone on the Grant Street median strip, between Curtin Avenue and Marmion Street, in place until further notice.

AMENDMENT

Moved Cr Jeanes, seconded _____

That the parking restrictions on Grant Street be amended to allow unrestricted parking on Saturday's.

MOTION LAPSED DUE TO WANT OF A SECONDER

OFFICER & COMMITTEE RECOMMENDATION

THAT Council leave the Permit Parking Zone on the Grant Street median strip, between Curtin Avenue and Marmion Street, in place until further notice.

THE SUBSTANTIVE MOTION WAS PUT

Carried 4/1

10.1.3 FINAL ADOPTION OF DOGS AMENDMENT LOCAL LAW 2012

File No: CLL/9
Attachments: [Dogs Amendment Local Law 2012](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services
Proposed Meeting Date: 19 June 2012
Author Disclosure of Interest Nil

SUMMARY

The *Dogs Amendment Local Law 2012* is being presented to Council and is recommended for final adoption.

BACKGROUND

In June 2011, Council adopted the *Town of Cottesloe Dogs Local Law 2011*. It was subsequently published in the Government Gazette in July and forwarded to the Joint Standing Committee on Delegated Legislation (JSCDL) for their consideration.

During the JSCDL process, several drafting issues were raised, as well as the duplication of parts of the *Dog Act 1976* in three subclauses. In allowing the local law, the JSCDL required that the Town give an undertaking that several amendments to the local law be made and that the affected sections of the local law not be enforced until the amendments were completed.

The *Dogs Amendment Local Law 2012* was compiled to make these amendments and was presented to Council in April 2012 for advertising. The six week submission period has now been completed and the *Dogs Amendment Local Law 2012* is being put forward for final consideration.

The Purpose: An amended local law that complies with the undertaking given to Joint Standing Committee on Delegated Legislation.

The Effect: To implement the undertakings that were provided to the Joint Standing Committee on Delegated Legislation, that clarify certain issues within the *Dogs Local Law 2011*.

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Section 3.5 and 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 summarised in the notice*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any pace 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) *summarising the purpose and effect of the local law (specifying the date 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 1996 provides the following:

3. Notice of purpose and effect of the 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 including in the agenda for that meeting; and*

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

FINANCIAL IMPLICATIONS

The primary cost associated with the review and making of local laws are officer time and advertising costs. All of the costs associated with the making of this local law are allowed for in the current operating budget.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

The Draft local law has been subject to the extensive consultation requirements, as detailed below.

State-wide public notice

Council advertised its intentions to make a local law in a state wide newspaper (The West, 28/4/2012), as well as all of the requirements of a local public notice. This included advertising in local papers (The Post 28/04/2012) and causing notices to be placed on all Council notice boards.

Copies of the draft local law were available online, at the Council offices and Library.

Feedback was sought by way of written submissions and notices provided information on how these submissions were to be made. The submission period was 6 weeks. No public submissions were received.

Copy to the Minister

A copy of the draft local law was sent to the Minister for Local Government, who then forwarded it to the Department. The Department provided comments on the draft local law which have been addressed in the final draft as presented in this report. These changes were minor drafting issues only, no change was made to the operative parts of the local law.

STAFF COMMENT

This local law has been drafted to address issues raised by the Joint Standing Committee on Delegated Legislation (JSCDL) which considered the *Town of Cottesloe Dogs Local Law 2011* in October last year. Primarily the issues raised were to do with drafting issues or duplicating State legislation. Council resolved in November 2011 to give an undertaking to the JSCDL to make these amendments and not to enforce the parts of the local law covered by these amendments until this was done.

VOTING

Absolute Majority (s3.12(4))

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Boland, seconded Cr Strzina

THAT Council, by Absolute Majority;

1. In accordance with s3.12(4) of the *Local Government Act 1995*, **ADOPT the *Dogs Amendment Local Law 2012* as presented;**
2. In accordance with s3.12(5), **PUBLISH the local law in the Government Gazette and SEND a copy to the Minister for Local Government;**
3. **After Gazettal, in accordance with s3.12(6), GIVE local public notice:**
 - a) **Stating the title of the local law;**

- b) **Summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and**
 - c) **Advising that copies of the local law may be inspected or obtained from the Town Administration and website.**
4. **Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 7 November 2005, PROVIDE a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and the Chief Executive Officer to the WA Parliamentary Joint Standing Committee on Delegated Legislation.**

Carried 5/0

10.1.4 UNIFORM POLICY

File No: POL/70
Attachments: [Uniform Policy](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services
Proposed Meeting Date: 19 June 2012
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider changes to the Town's Uniform Policy following a recent review of the costs and benefits of this policy.

BACKGROUND

During negotiations for the Town's Enterprise Bargaining Agreement, the Town's Uniform Policy was included within the EBA as a part of the officer's remuneration. The policy made provision for staff to either acquire uniforms from one of the two preferred uniform suppliers of WALGA, or alternatively on a reimbursement basis from purchases through Myer's Corporate Wear Range.

A recent review showed that a vast majority of staff were purchasing their clothing through the Myer Corporate Wear Range due to issues with the uniform suppliers. The issues centred mostly on the time taken for clothing ordered through the uniform suppliers to be delivered, the cost of the clothing and the inability for staff to select the clothes and try them on before they purchased the clothing.

The Myer Corporate Range is diverse and carries no logos or identifying marks to suggest it is a part of that range.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

A change is being recommended to the Uniforms – Office Staff Policy.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Altering the Uniform Policy from the provision of clothing to the payment of an allowance as part of the normal pay cycle will reduce the Town's Fringe Benefits Tax exposure.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Staff have been consulted on the potential change. All of the staff who returned a survey (more than 80% of office staff) supported the recommended change.

STAFF COMMENT

The provision of staff uniforms was seen as a tangible benefit several years ago, when the uniform suppliers were price competitive with retail suppliers and there were no Fringe Benefits Tax implications for the Town. Since this time the range offered, the cost of the uniforms and issues with delivery and seeing clothing before purchasing have meant that the uniforms no longer are of a greater benefit to staff or the Town.

Given that the benefit is contained with the Town's Enterprise Bargaining Agreement, it can't simply be set aside. Any benefit can be altered or changed, so long as it has the support of the majority of staff.

The change being recommended is to remove the options of purchasing clothing through the uniform suppliers or via reimbursement if purchasing Myer Corporate wear and instead paying a "uniform allowance" in two instalments during the financial year. Staff would still be required to wear appropriate clothing as contained in the requirements of the Employee Handbook.

The Town will benefit from this change with a reduced Fringe Benefits Tax exposure, less administration time taken with the monitoring and payment of the benefit – while staff will gain from having more flexibility in where and how they purchase their corporate clothing. The payments made to staff in this way will be subject to income tax.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Cr Rowell

THAT Council adopt the amended policy "Uniforms – Office Staff" as attached.

Carried 5/0

10.1.5 GOVERNMENT SUSTAINABILITY CONFERENCE 2012

File No: SUB/83
Attachments: [Conference Information](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services
Proposed Meeting Date: 19 June 2012
Author Disclosure of Interest: Nil

SUMMARY

For the last 6 years, the Local Government Sustainable Development Conference has been held around Australia to inform Local Government representatives and staff on relevant issues regarding sustainability and sustainable development. This year the conference, now revamped and called the Government Sustainability Conference, will be held in Melbourne. The focus of the conference is on ingraining environmentally sustainable policies and practises within government organisations and communities and will include presentations from over 20 national and international speakers. Also included in the conference is a 'Public Sector Clean Energy Forum'. These are relevant topics and issues for the Town and the core business of the Sustainability Officer role.

The two day conference will be held in Melbourne on the 18th and 19th of September 2012. This report recommends Council endorse the Sustainability Officer's attendance.

BACKGROUND

The Local Government Sustainability Conference is Australia's peak environmental conference for the public sector and the only major event that specifically caters for Sustainability Officers in Local Government.

The program, held over two days at Sebel Albert Park, Melbourne, will cover many relevant topics including:

- Embedding a culture of environmental sustainability within a government organisation.
- Implementing leading-edge climate change strategies that encourage reduced emissions and prepare a government organisation for the risks posed by climate change.
- Community engagement in environmental initiatives.
- Encouraging sustainability in public sector infrastructure and the built environment.
- Efficient water management practices and waste minimisation.
- Green purchasing and procurement.
- Policy and regulation adherence.

Additionally, workshops will include:

- Carbon accounting in the Public Sector – A workshop presented by National Centre for Sustainability, Swinburne University.
- Barriers and drivers to embedding sustainability in your government organisation - Workshop presented by Local Government Association of NSW and Shires Association of NSW.

This national conference will provide attendees with the means to network and discuss environmental best practice with experts and the nation's public sector sustainability leaders.

STRATEGIC IMPLICATIONS

Fosters staff knowledge and skills.

Supports Council's long term sustainability outlook.

POLICY IMPLICATIONS

Council's *Conferences Policy* applies.

Policy Extract:

Employees who wish to attend a conference/ seminar/ training shall complete a Request for Training Application form and submit it to the Chief Executive Officer through their Supervisor.

When funding for a conference/ seminar/ training is not provided in the budget, authorisation must be sought through the Works and Corporate Services Committee. Attendance at any interstate or international conference must be the subject of an application to be considered by the Chief Executive Officer and referred to the Works and Corporate Services Committee for recommendation to Council.

The following expenses for approved conferences/ seminars/ training will be met by Council:

- (a) Registration fees;
- (b) Return fares and other necessary transport expenses;
- (c) Reasonable accommodation and living expenses.

Where possible expenses are to be prepaid. All expenditure is to be accounted for prior to reimbursement.

FINANCIAL IMPLICATIONS

The estimated cost of registration, accommodation, meals and travel for the congress is \$1,800 and can be met by the Sustainability budget for training and conferences in 2012/13. Early bird registration is available until July 2012 and will be utilised if approval is granted. The total cost is comparatively economical for a conference of this calibre.

STAFF COMMENT

The sustainability field is dynamic and rapidly expanding. It is vital for practitioners in this field to keep abreast of current research, best practice and information sources. One of most effective ways to achieve this is through attendance at conferences and

seminars, particularly if delivered by high quality, practicing experts working in the industry, both here and overseas.

The opportunity to attend an international-standard conference targeted at sustainability practitioners is an excellent form of professional development.

For staff from small local governments such as Cottesloe it is also a welcome way to avoid becoming too isolated or insular by gaining exposure to the bigger picture both internationally and nationally.

The Town of Cottesloe has committed to achieve Carbon Neutrality, reduce its water consumption and lead the community by example in climate change action, sustainable procurement and waste minimisation. Exposure to broad industry knowledge, up-to-date approaches and best practice methodologies in these fields will strongly assist the Sustainability Officer in the role. In addition, the opportunity to “swap notes”, make contacts and develop a network of colleagues and resources at an event such as this ensures the officer is well connected to the sustainability fraternity.

The Sustainability Officer is committed to the role and is motivated to maintain and enhance her professional knowledge and experience. Both she and the Town would gain from attendance at the conference. For these reasons the request for approval is supported.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Boland

THAT Council APPROVE the attendance of the Sustainability Officer at the Local Government Sustainability Conference 2012 in Melbourne on September 18 and 19 2012, and request that a report on the conference be provided within two months of attending the event.

Carried 5/0

10.2 ENGINEERING

10.2.1 NORTH STREET / WEST COAST HIGHWAY LEFT TURN LANE EXTENSION

File No: SUB/486
Attachments: [City of Nedlands Letter](#)
[Plans of Options for Left Turn Lane Extension](#)
[Aerial Photo of Affected Area](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 19 June 2012
Author Disclosure of Interest Nil

SUMMARY

The City of Nedlands has requested the Town of Cottesloe's approval *in principle* to create an extension of the existing left turning lane on North Street, at West Coast Highway, to address the traffic problems experienced through the Swanbourne area. There are three options regarding this proposal. The City of Nedlands would fund the works, in 2012/2013.

The recommendation is that Council:

1. Gives approval *in principle* to the City of Nedlands for the extension of the left turn lane of North Street onto West Coast Highway during the 2012/2013 financial year.
2. Gives support *in principle* to the North Street widening required for the increased left turn lane capacity to include an impact on the south side of North Street, in the Town of Cottesloe, with the requirements that impact on verge trees be kept to a minimum and that public consultation takes place with all potentially affected properties.

BACKGROUND

North Street is the boundary street between the City of Nedlands and the Town of Cottesloe, with the street centre line being the boundary.

The current works of resurfacing North Street has been a joint exercise between the two municipalities, with the eastern end of the work ending at approximately the start of the proposed left turn lane extension.

It has become obvious in recent years that the traffic lined up on North Street, wanting to turn left into West Coast Highway, has steadily increased, particularly at the peak times around 8.00am and 5.00pm. Vehicles are driving over the north side

kerb line and the section built and marked for two lanes has been informally extended by increased vehicle use.

This proposal is aimed at creating a lengthened section of left turn lane which will also allow a lengthened 'through' lane from North Street across the highway or for a right turn.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

The City of Nedlands will have to obtain Main Roads WA approval for the extra line marking and signage required for this work. This will include approval of the design. Main Roads WA is the only authority with the power to approve such line marking and signage.

FINANCIAL IMPLICATIONS

The City of Nedlands will fund all works involved with this proposal, including survey, design, construction, lighting and any impact on services.

SUSTAINABILITY IMPLICATIONS

One or two street trees will have to be removed, depending on the design option chosen, either from the north or the south side of North Street.

CONSULTATION

Apart from this contact from the City of Nedlands, no other consultation has occurred.

STAFF COMMENT

The problem is obvious to anyone using North Street trying to get onto West Coast Highway around 8.00am and 5.00pm. The solution is to increase the holding capacity of the left turn lane and with it, the through / right turn lane. The City of Nedlands will fund all works and arrange the construction.

The issue is which side is to be affected. The three options are:

- Option 1 - all works on the north (Nedlands) side;
- Option 2 - all works on the south (Cottesloe) side; or
- Option 3 - partial widening on both sides.

Option 3, with almost double the cost, up to 5 street trees lost and drainage pits on both sides being affected, would be the easiest option to discount.

There is a fourth option - Do nothing. With Nedlands funding the work and the obviousness of improvements being urgently required, this option should also be discounted.

Option 1 on the Nedlands side, affects 7 property accesses compared to Option 2 on the south side affecting 2 accesses. The majority of services are also on the Nedlands street verge, along with one street light required to be relocated.

In regards to street trees, the northern option removes 2 trees, with the southern option removing one tree. There is a potential of two more trees to be impacted upon, on the south side, depending on final exact surveys.

Given the heavy use made of this intersection by vehicles originating from Cottesloe and the lesser impact of on the south side verge (Option 2) when compared with Option 1 (north side), this proposal is worthy of support, dependant on the minimum amount of tree removals from the verge. At this stage, the works are proposed mid 2012/2013 if the City of Nedlands budget process permits.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Committee discussed the three options presented in the letter from the City of Nedlands and agreed that option 2 did not entirely solve the issue of people turning right onto West Coast Highway, which in turn holds up traffic wanting to either turn left or go straight on. Committee discussed options to promote traffic flow that included use of the sump land on the corner of West Coast Highway and North Street to create a slip road and requesting that Main Roads consider revising the traffic light sequencing and/or include a right turn green arrow.

Committee agreed that it could be beneficial to receive a presentation from Engineers from the City of Nedlands to discuss other possibilities for the road works, as the current three proposed options may not solve the traffic congestion problems.

OFFICER RECOMMENDATION

Moved Cr Boland, seconded Cr Rowell

THAT Council:

1. Gives approval *in principle* to the City of Nedlands for the extension of the left turn lane of North Street onto West Coast Highway during the 2012/2013 financial year.
2. Gives support *in principle* to the North Street widening required for the increased left turn lane capacity to include an impact on the south side of North Street, in the Town of Cottesloe, with the requirements that impact on verge trees be kept to a minimum and that public consultation takes place with all potentially affected properties.

Lost 0/5

NEW MOTION / COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Cr Boland

THAT Council defer the matter and request a presentation from officers from the City of Nedlands to discuss other possibilities for this traffic management issue.

Carried 5/0

10.3 FINANCE

10.3.1 MATERIAL VARIANCES FOR STATEMENTS OF FINANCIAL ACTIVITY

File No: SUB/1209
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services

Proposed Meeting Date: 19 June 2012
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider its level of materiality for statements of financial activity.

BACKGROUND

Under the Australian Accounting Standards an item is considered material if its omission or mis-statement could influence the decisions of the users of a financial report. An item may be material because of its size, nature or both.

Under the *Local Government (Financial Management) Regulations 1996* local governments are required to set their level of materiality for their Statements of Financial Activity every financial year. The materiality referred to is for the difference between the budgeted amount for an item and the actual income or expenditure that occurs.

Council is being asked to consider its level of materiality for the preparation of the 2011/2012 Statements of Financial Activity.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996 (r34(5)).

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

In a local government context, setting a level of materiality sets the level at which any variance to budgeted expenditure must be reported on both the financial statements, as well as a separate list of material variances. While it may be tempting to list every variance, this could result in information overload – and may in fact mean that important information is missed. By only including the significant items on the variance list (i.e. the items that are material) Council is more likely to be aware of and able to act on any items of importance.

The Town has had a level of materiality set at 15% for some time. What this means in a reporting sense is that any budget line item where actual expenditure varies from budgeted expenditure by 15% or more, it must be listed in a report called “Material Variances” as well as included in the Statements of Financial Activity.

This level is still thought to be appropriate as it eliminates any small variances caused by estimation or rounding, while still being low enough for Council to be aware of any trends that may be occurring in income or expenditure.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Jeanes

THAT Council in accordance with the *Local Government (Financial Management) Regulations 1996* set the level of material variance for the 2011 / 2012 financial year at 15%.

Carried 5/0

**10.3.2 STATUTORY FINANCIAL REPORTS FOR THE PERIOD 1 JULY 2011 TO
31 MAY 2012**

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 19 June 2012
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present to Council the Statement of Financial Activity and Operating Statements by Program and by Nature and Type, the Statement of Financial Position, and other supporting financial information for the period 1 July 2011 to 31 May 2012 as included in the attached Financial Statements.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Statement of Financial Activity on page 1 of the attached Financial Statements shows favourable operating revenue of \$28,801. Operating expenditure is \$297,236 or 3% less than year to date budget with all material variances itemised on the Variance Analysis Report on pages 7 to 10 of the attached Financial Statements. Capital expenditure is reported in detail on pages 28 to 32 of the attached Financial Statements.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Cr Boland

THAT Council receive the Statement of Financial Activity, Operating Statements by Program and by Nature and Type, Statement of Financial Position, and other supporting financial information as included in the attached Financial Statements for the period 1 July 2011 to 31 May 2012, and as submitted to the 19 June 2012 meeting of the Works and Corporate Committee.

Carried 5/0

10.3.3 LIST OF ACCOUNTS PAID FOR THE MONTH OF MAY 2012

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 19 June 2012
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the List of Accounts Paid for the month of May 2012, as included in the attached Financial Statements, to Council.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The list of Accounts paid in May 2012 is included in the attached Financial Statements on pages 11 to 18. The following significant payments are brought to Council's attention;

- \$22,762.15 & \$13,989.10 to Synergy for street lighting and power to various other locations.
 - \$30,615.69, \$13,783.54 & \$13,991.40 to WA Local Government Superannuation Plan for staff superannuation contributions.
 - \$26,644.55 & 14,204.74 to Cobblestone Concrete for footpath installation.
 - \$29,274.47 to BCITF for levy contributions collected by Council.
 - \$25,789.35 to WA Surf Life Saving WA for the monthly life saving contract.
-

- \$16,924.60 to Digital Mapping Solutions for Graffiti Management Software.
- \$11,932.80 to OceanIT for IT services.
- \$11,261.01 & \$ 17,821.83 to WMRC for waste disposal services.
- \$47,324.91 to Transpacific Cleanaway for waste disposal services.
- \$11,935.00 to Civica Pty Ltd for licence fees.
- \$109,113.67 to FESA for the fourth quarter ESL payment.
- \$121,000.00 & \$300,000.00 to Council's investment account.
- \$77,363.01 & \$76,275.68 for fortnightly staff payroll.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Cr Boland

THAT Council receive the List of Accounts Paid for the month of May 2012 as included in the attached Financial Statements, as submitted to the 19 June 2012 meeting of the Works and Corporate Committee.

Carried 5/0

10.3.4 SCHEDULES OF INVESTMENTS AND LOANS AS AT 31 MAY 2012

File No: SUB/150 & SUB/151
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 19 June 2012
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Schedule of Investments and the Schedule of Loans as at 31 May 2012, as included in the attached Financial Statements, to Council.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 21 of the attached Financial Statements shows that \$2,264,735.86 was invested as at 31 May 2012. Approximately 42% of the funds were invested with Westpac Bank, 34% with National Australia Bank, 13% with the Commonwealth Bank of Australia, and the remaining 11% with Bankwest. Council has been able to invest funds for longer periods of time due to certain projects being undertaken later in the year than anticipated. This along with greater than anticipated transfers to reserves has resulted in increased revenue from interest earnings than budgeted as can be seen on page 3 in the Operating Statement by Nature and Type.

The Schedule of Loans on page 22 of the attached Financial Statements shows a balance of \$6,208,229.62 as at 31 May 2012. Included in this balance is \$380,753.94 that relates to self supporting loans.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Cr Boland

THAT Council receive the Schedule of Investments and the Schedule of Loans as at 31 May 2012. These schedules are included in the attached Financial Statements as submitted to 19 June 2012 meeting of the Works and Corporate Services Committee.

Carried 5/0

10.3.5 PROPERTY AND SUNDRY DEBTORS REPORTS AS AT 31 MAY 2012

File No: SUB/145
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 19 June 2012
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports as included in the attached Financial Statements, to Council.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on pages 23 to 26 of the attached Financial Statements shows a balance of \$98,798.36 of which \$97,791.36 relates to the current month. The balance of aged debtors is \$1,006.50.

The Rates and Charges Analysis on page 27 of the attached Financial Statements shows a balance outstanding of \$357,232.26. Of this amount \$191,913.09 and \$57,091.94 are deferred rates and outstanding emergency services levies respectively. The Statement of Financial Position on page 4 shows a rates outstanding figure of \$260,065 as compared to \$64,753 this time last year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Cr Boland

THAT Council receive the Property and Sundry Debtors Reports as at 31 May 2012. These reports are included in the attached Financial Statements as submitted to the 19 June 2012 meeting of the Works and Corporate Services Committee.

Carried 5/0

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

The following late item was tabled by the Chief Executive Officer and requested to be considered as an item of urgent business.

Moved Cr Rowell, seconded Cr Jeanes

THAT the Adoption of 2012/2013 Budget - June 2012 report be considered as Urgent Business.

Carried 5/0

12.1.1 ADOPTION OF 2012/2013 BUDGET

File No: SUB/1359
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services
Attachments: [2012/2013 Budget](#)
Proposed Meeting Date: 19 June 2012
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider its budget for 2012/2013.

BACKGROUND

Council is required under the *Local Government Act 1995* to adopt a budget for each financial year between 1 June and 31 August. The must be in the prescribed format and set expenditure levels and type for the financial year.

STRATEGIC IMPLICATIONS

The budget sets out how funds will be allocated to all projects during the financial year, including strategic projects. In the 2012/2013 budget there is also an allocation for a Community Perceptions Survey, which is the first step towards a new Community Strategic Plan.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 (s6.2)

6.2. Local government to prepare annual budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.
** Absolute majority required.*
- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
- (a) the expenditure by the local government;
 - (b) the revenue and income, independent of general rates, of the local government; and
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
- (4) The annual budget is to incorporate —
- (a) particulars of the estimated expenditure proposed to be incurred by the local government;
 - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
 - (i) the amount it is estimated will be yielded by the general rate; and
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
 - (c) the fees and charges proposed to be imposed by the local government;
 - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
 - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
 - (g) such other matters as are prescribed.
- (5) Regulations may provide for —
- (a) the form of the annual budget;
 - (b) the contents of the annual budget; and
 - (c) the information to be contained in or to accompany the annual budget.

Local Government (Financial Management) Regulations 1996

Regulations 22 to 33 contain the requirements for the form of the budget document and the information to be contained within it.

FINANCIAL IMPLICATIONS

The budget allocates the Town's financial resources for the financial year ending 30 June 2013.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Public

Council is required to advertise its intention to raise a differential rate and to allow for public submissions on that differential rate. The differential rate was advertised on 30 May 2012 and no comments on the differential rate were received.

Council also called for applications from community groups for its donations program. A table summarising the applications received and the recommended donation can be seen on page 37 of the budget document.

Council

Three Council workshops have been conducted on all aspects of the budget. These workshops provided a forum whereby Council could be informed of budget trends and issues, as well as the chance for Council to provide feedback on the draft budget.

STAFF COMMENT

The process of compiling the 2012/2013 budget started in February 2012, with Council adopting its 5 year asset management plans. The plans form the basis of the "capital" section of the budget. In April 2012, the prior year operating budget was examined and efficiencies sought. From this, the information contained in the mid-year budget review and the 5 year plan, the first draft budget was compiled.

Several workshops have been held to provide a chance for feedback on the contents of the budget, budget priorities as well as expenditure and revenue levels. This feedback provides the basis for the final draft of the budget which is presented for consideration.

Council is required to advertise its intention to raise a differential rate, and allow time for public submissions on the proposed differential rate. The required notices were placed in May and the public consultation has closed. There were no submissions received on the proposed differential rate.

The 2012/2013 budget is a responsible budget that will continue to allow Council to achieve things, while not placing undue pressure on ratepayers, either now or in the future. The Town's reserves are healthy and will give the Council the flexibility to take on larger projects without being restricted by funding arrangements. There are also a number of capital works projects within the budget that represent an improvement to or upgrade of the Town's assets.

VOTING

Absolute Majority

OFFICER RECOMMENDATION**Moved Cr Rowell, seconded Cr Boland**

THAT Council:

1. ADOPT the Budget for the year ended 30 June 2013, as attached, including:
 - a) Adopting the Statement of Cashflows for the year ended 30 June 2013;
 - b) Adopting the Rate Setting Statement for the year ended 30 June 2013;
 - c) Endorsing the Statement of Comprehensive Income (by Nature and Type) showing expenditure of \$10,597,922 and revenue of \$10,128,294 for year ended 30 June 2013;
 - d) Endorsing Note 6 – Statement of Reserves for the year ended 30 June 2013;
 - e) Endorsing Note 7 – Net Current Assets as at 30 June 2012; and
 - f) Adopting the Fees and Charges for the year ended 30 June 2013.
2. ADOPT the rates (as per Section 6.32 of the Local Government Act 1995)
 - a) Differential General Rates
Impose rates in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June 2013 as follows:
 - i) GRV – Residential Improved (RI) – 6.1811 cents in the dollar
 - ii) GRV – Residential Vacant (RV) – 6.1811 cents in the dollar
 - iii) GRV – Commercial Improved (CI) – 6.1811 cents in the dollar
 - iv) GRV – Commercial Town (CT) – 7.2585 cents in the dollar
 - v) GRV – Industrial (II) – 6.1811 cents in the dollar
 - b) Minimum Rate
Impose a minimum rate of \$934.00 for the financial year ended 30 June 2013.
 - c) Refuse Collection
Include in the rate charge for residential properties:
 - i) a once per week service of a 120 litre mobile garbage bin (MGB) for general household rubbish
 - ii) a once per fortnight service of a 240 litre MGB for recyclable household rubbishApply the following charges to residential properties for additional services (per annum GST inclusive):
 - i) General Rubbish – each additional service per week (120 litre MGB) - \$325.00
 - ii) Recycling – each additional service per fortnight (240 litre MGB) – freeApply the following charges to commercial properties (per annum GST inclusive).
 - i) General Rubbish – each service per week (240 litre MGB) - \$325.00
 - ii) Recycling – one service per fortnight (240 litre MGB) - \$135.00

- iii) Recycling – one service per week (240 litre MGB) - \$270.00
 - d) Administration Charge – Local Government Act 1995 – S6.45(3)
Impose an administration charge of \$18.00 where a payment of a rate or service charge is made by instalments, except that eligible pensioners will be excluded from paying the charge.
 - e) Interest on Outstanding Rates and Charges – Local Government Act 1995 – S6.51.
Apply an interest rate of 7% per annum to rates and service charges levied in the year ended 30 June 2013 which remain unpaid after they become due and payable and where no election has been made to pay the rate or service charge by instalments.
 - f) Rates Instalment Payment Option
Adopt the following rate instalment plans
 - i) Option 1
To pay the total amount of rates and charges included on the rate notice in full by the 35th day after issue.
 - ii) Option 2
To pay by four instalments, as detailed on the rate notices with the following anticipated dates:

First Instalment	28 August 2012
Second Instalment	30 October 2012
Third Instalment	8 January 2013
Fourth Instalment	12 March 2013
- After the due date for the first instalment, accounts paid by instalment will have an interest rate of 2% applied to the outstanding balance until the account is paid in full or the due date for an instalment lapses. At that point the rates will become due and payable and interest of 11% will be applied to the outstanding balance at that time.
- 3. ADOPT a rate of interest on money owing – Local Government Act 1995 – S6.13.
That Council apply an interest rate of 7% per annum to any amount not paid within 25 days of the date of the issue of the account.
 - 4. ADOPT a Telecommunications Allowance – Local Government Act 1995 – S5.99A.
That Council adopt a Telecommunications Allowance of \$1,600 for elected members.
 - 5. ADOPT Members Attendance Fees – Local Government Act 1995 – S5.99
That Council set an annual meeting attendance fee of \$6,000 for Council members and \$14,000 for the Mayor.
 - 6. ADOPT the Mayoral Allowance – Local Government Act 1995 – S5.98 and S5.98A.
That Council set a Mayoral Allowance of \$7,500.
-

7. ADOPT the Deputy Mayoral Allowance – Local Government Act 1995 – S5.98 and S5.98A.

That Council set a Deputy Mayoral Allowance of \$1,250.

AMENDMENT

Moved Cr Strzina, seconded _____

That part (5) of the recommendation be amended to replace “\$6,000” with “\$5,000” with regard to the meeting attendance fee.

MOTION LAPSED DUE TO WANT OF A SECONDER

OFFICER & COMMITTEE RECOMMENDATION

THAT Council:

1. **ADOPT the Budget for the year ended 30 June 2013, as attached, including:**
 - a) **Adopting the Statement of Cashflows for the year ended 30 June 2013;**
 - b) **Adopting the Rate Setting Statement for the year ended 30 June 2013;**
 - c) **Endorsing the Statement of Comprehensive Income (by Nature and Type) showing expenditure of \$10,597,922 and revenue of \$10,128,294 for year ended 30 June 2013;**
 - d) **Endorsing Note 6 – Statement of Reserves for the year ended 30 June 2013;**
 - e) **Endorsing Note 7 – Net Current Assets as at 30 June 2012; and**
 - f) **Adopting the Fees and Charges for the year ended 30 June 2013.**
2. **ADOPT the rates (as per Section 6.32 of the Local Government Act 1995)**
 - a) **Differential General Rates**

Impose rates in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June 2013 as follows:

 - i) **GRV – Residential Improved (RI) – 6.1811 cents in the dollar**
 - ii) **GRV – Residential Vacant (RV) – 6.1811 cents in the dollar**
 - iii) **GRV – Commercial Improved (CI) – 6.1811 cents in the dollar**
 - iv) **GRV – Commercial Town (CT) – 7.2585 cents in the dollar**
 - v) **GRV – Industrial (II) – 6.1811 cents in the dollar**
 - b) **Minimum Rate**

Impose a minimum rate of \$934.00 for the financial year ended 30 June 2013.
 - c) **Refuse Collection**

Include in the rate charge for residential properties:

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

Apply the following charges to residential properties for additional services (per annum GST inclusive):

- iii) General Rubbish – each additional service per week (120 litre MGB) - \$325.00
- iv) Recycling – each additional service per fortnight (240 litre MGB) – free

Apply the following charges to commercial properties (per annum GST inclusive).

- iv) General Rubbish – each service per week (240 litre MGB) - \$325.00
 - v) Recycling – one service per fortnight (240 litre MGB) - \$135.00
 - vi) Recycling – one service per week (240 litre MGB) - \$270.00
- d) Administration Charge – Local Government Act 1995 – S6.45(3)

Impose an administration charge of \$18.00 where a payment of a rate or service charge is made by instalments, except that eligible pensioners will be excluded from paying the charge.

- e) Interest on Outstanding Rates and Charges – Local Government Act 1995 – S6.51.

Apply an interest rate of 7% per annum to rates and service charges levied in the year ended 30 June 2013 which remain unpaid after they become due and payable and where no election has been made to pay the rate or service charge by instalments.

- f) Rates Instalment Payment Option

Adopt the following rate instalment plans

- iii) Option 1

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

- iv) Option 2

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

First Instalment	28 August 2012
Second Instalment	30 October 2012
Third Instalment	8 January 2013
Fourth Instalment	12 March 2013

After the due date for the first instalment, accounts paid by instalment will have an interest rate of 2% applied to the outstanding balance until the account is paid in full or the due date for an instalment lapses. At that point the rates will become due and payable and interest of 11% will be applied to the outstanding balance at that time.

3. **ADOPT a rate of interest on money owing – Local Government Act 1995 – S6.13.**

That Council apply an interest rate of 7% per annum to any amount not paid within 25 days of the date of the issue of the account.

4. **ADOPT a Telecommunications Allowance – Local Government Act 1995 – S5.99A.**

That Council adopt a Telecommunications Allowance of \$1,600 for elected members.

5. **ADOPT Members Attendance Fees – Local Government Act 1995 – S5.99**
That Council set an annual meeting attendance fee of \$6,000 for Council members and \$14,000 for the Mayor.

6. **ADOPT the Mayoral Allowance – Local Government Act 1995 – S5.98 and S5.98A.**

That Council set a Mayoral Allowance of \$7,500.

7. **ADOPT the Deputy Mayoral Allowance – Local Government Act 1995 – S5.98 and S5.98A.**

That Council set a Deputy Mayoral Allowance of \$1,250.

THE SUBSTANTIVE MOTION WAS PUT

Carried 5/0

13 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 8.06 PM.

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