

TOWN OF COTTESLOE



WORKS AND CORPORATE SERVICES COMMITTEE

MINUTES

**MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, TUESDAY, 20 MARCH 2012**

CARL ASKEW
Chief Executive Officer

22 March 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 7.00PM.

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

Cr Rob Rowell	Presiding Member
Mayor Kevin Morgan	
Cr Greg Boland	Arrived 7.01PM
Cr Victor Strzina	
Cr Sally Pyvis	
Cr Peter Jeanes	Observer

Officers Present

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

Apologies

Nil

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 Strzina, seconded Mayor Morgan**[Minutes February 21 2012 Works and Corporate Services Committee.doc](#)

Committee endorsed the minutes, noting Cr Boland's amendment in bold below as follows:

Item 10.3.1 Six Monthly Budget Review for 2011/2012, P 76

*"Cr Boland made a declaration of impartiality **in relation to the Napier Street parking** as he is a member of the **adjacent** Cottesloe Tennis Club. He stated that there may be a perception that his impartiality on the matter may be affected and declared that he would consider the matter on its merits and vote accordingly."*

The Minutes of the Ordinary meeting of the Works And Corporate Services Committee, held on 21 February 2012 as amended be confirmed.

Carried 5/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

As Vince Fitzpatrick from the Cottesloe Rugby Union Football Club was present, the Presiding Member determined to consider agenda item 10.2.1 Proposal for New Lighting, Harvey Field and Cottesloe Oval, first and then considered the remaining items as per the published order of the agenda.

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

- 10.3.3 Statutory Financial Reports for the Period 1 July 2011 to 29 February 2012
- 10.3.4 List of Accounts Paid For the Month of February 2012
- 10.3.5 Schedule of Investments and Loans as at 29 February 2012
- 10.3.6 Property and Sundry Debtors Report as at 29 February 2012

10 REPORTS OF COMMITTEES AND OFFICERS

10.1 ADMINISTRATION

10.1.1 GROVE LIBRARY MISSION STATEMENT

File No: SUB/547
Attachments: [A Draft Library and Community Learning Centre Strategic Framework Final](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services
Proposed Meeting Date: 20 March 2012
Author Disclosure of Interest Nil

SUMMARY

The Grove Library Management committee has proposed a new mission statement for the library, which is being presented for Council's consideration.

BACKGROUND

The Town has entered into an agreement with the Town of Mosman Park and Shire of Peppermint Grove to provide a joint library service at the Grove Library. The day to day operations of the library are managed by the Library Manager, with oversight provided by the Library Management Committee.

The Library Management Committee comprises a member of each of the three participating councils. A senior staff member from each Council also attends the meeting (Manager of Corporate and Community Services from the Town) however they are non-voting. The Library Manager also attends these meetings.

At a recent Library Management Committee meeting, a strategic framework for the library was presented (see attached). In order for the document to have any authority, each Council would need to adopt it.

STRATEGIC IMPLICATIONS

This document would set the strategic direction of the Library and assist the Library Management Committee and the Library Manager in decision making.

While it affects Library operations, it would have no other impact on Council's operations.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil – the proposed mission statement was prepared using research that had previously been undertaken and within existing staff resources at the Grove Library.

SUSTAINABILITY IMPLICATIONS

Sustainability is listed as one of key aspects of The Groves “culture”. The library building itself has some of the most modern and environmentally sustainable systems available. While this provides for a sustainable building, the associated education and awareness programs provide further sustainability benefits.

CONSULTATION

The proposed mission statement was developed with reference to the research and community consultation undertaken during the design and construction phases of the Grove Library. This consultation was undertaken by Oakridge Communication Group.

The proposed mission statement has been endorsed at a meeting of the Library Management Committee.

STAFF COMMENT

This document was prepared with the assistance of Oakridge Communication Group who undertook the community consultation as a part of the library design and construction process. The statement seeks to address the expectations and aspirations raised during the community consultation process.

The mission statement will assist library staff when designing and evaluating new programs and when reviewing existing programs and infrastructure. This is particularly important given that the library provides services for three local government areas, each with their own strategic documents.

The Library Management Committee will continue to monitor the library’s performance, and if adopted, the proposed Mission Statement will provide a tool for assessing this performance.

If adopted, the proposed Mission Statement will also be regularly reviewed and updated as required. Any changes or updates will require a further resolution of Council in order to be adopted.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Cr Boland

THAT Council endorse the attached Draft Mission Statement for the Grove Library and Community Learning Centre.

Carried 5/0

10.1.2 STANDING ORDERS LOCAL LAW 2012

File No: CLL/5
Attachments: [Standing Orders 2012](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services

Proposed Meeting Date: 20 March 2012
Author Disclosure of Interest Nil

SUMMARY

The draft Standing Orders Local Law 2012 is being presented for Council's consideration.

BACKGROUND

The current Standing Orders Local Law was Gazetted in 1997. An amendment to the local law was made in 1999. That version of the local law was largely carried forward from previous Standing Orders Local Laws and by-laws, some of which predated the *Local Government Act 1995*.

Since the Gazetting of the current Standing Orders Local Law, the State Government has adopted the *Local Government (Rules of Conduct) Regulations 2007*, as well as several changes to the *Local Government Act 1995* and to the *Local Government (Administration) Regulations 1996*. These changes have had an impact on the day to day operations of local governments, including Council meetings.

There has also been a change in direction in regards to the way local laws reference Acts and Regulations. Previously it has been accepted practice to reproduce sections of Acts and Regulations within local laws. However this does create a problem where an Act or Regulation is subsequently amended – as there is then an inconsistency between the Act or Regulation and the local law. Instead, it is now required that where the Act or Regulations deal with a subject, that this is stated in the local law.

Drafting practices have also been changed in recent times. Some of these changes include, but are not limited to;

- Use of non-specific descriptors, such as Presiding Member in place of Mayor and Member in place of Councillor;
- Any references to the Council or the Town of Cottesloe in general are replaced with local government; and
- The use of numbered, single point sub-clauses in place of multipoint paragraphs in the operative parts of the local law.

When Council reviews a local law, it should ensure that it adheres to the latest standards and conventions. In order to achieve this, many minor amendments to the current local law were required. While the format and form of the local law may have

undergone some changes, all of the operative parts of the current local law have been preserved; except the requirement to stand while addressing the meeting, which has been removed.

The Purpose of the local law is to provide rules and guidelines which apply to the conduct of meetings of the Council and its Committees and to meetings of electors. All meetings are to be conducted in accordance with the Act, the Regulations and the Town's Standing Orders.

The Effect of this local law is to deliver;

- (a) better decision making by the Council and Committees;
- (b) the orderly conduct of meetings dealing with Council business
- (c) better understanding of the process of conducting meetings; and
- (d) the more efficient and effective use of time at meetings.

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, 3.6 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).*

3.6 Places Outside the District

- (1) *If the Governor's approval has been obtained, a local government may make a local law under this Act that applies outside its district.*
- (2) *A local government cannot, under subsection (1), make a local law that applies to –*
 - (a) *a part of the State that is in the district of another local government; or*
 - (b) *a part of the State to which a local law made by another local government concerning the same subject matter applies under this subsection.*
- (3) *The Governor may revoke any approval given under subsection (1) and, after that revocation, a local law made under the approval ceases to apply to the part of the State for which the approval was given.*
- (4) *The Minister is to cause notice of any revocation under subsection (3) to be published in the Gazette.*

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 is subject to extensive consultation requirements, as detailed below.

State-wide public notice

Council is required to advertise its intentions to make a local law in a state wide newspaper, as well as all of the requirements of a local public notice. This includes advertising in local papers and causing notices to be placed on all Council notice boards.

Copies of the local law will be available online, at the Council offices and Library.

Feedback will be sort by way of written submissions and notices will provide information on how these submissions can be made. The submission period cannot be less than 6 weeks.

Copy to the Minister

A copy of the draft local law will be sent to the Minister for Local Government, who will then forward it to the Department. The Department will provide comment on the local law which will address any drafting issues.

Further, the Standing Orders Local Law has been before Council once before. On that occasion no comments were received from members of the public. The changes required came about because of advice received from the Department of Local Government, suggesting drafting changes were required.

STAFF COMMENT

The primary purpose of the Standing Orders Local Law 2012 is to provide the guidelines for efficient and effective meetings of both Council and Committees.

While the format of the document may have changed, the operational parts of the old local law have been preserved, except the requirement to stand while addressing the Council meeting. This part was removed as Council has suspended this requirement at the start of every Council meeting for sometime.

There are two new inclusions in the Local Law, one being the prohibition of recording meetings without the approval of the presiding member and the formalisation of public statement time. The requirement for the presiding member's approval for the recording of meetings is a reasonably standard clause in Standing Orders Local Laws, and indeed the City of Perth, City of Wanneroo and City of Albany all have very similar clauses in their local laws. It could also be argued that it is not ethical to record a meeting using electronic devices without seeking the permission of the people you intend to record.

Council has allowed public statements at the beginning of Council and Committee meetings for some time. While Council is entitled to do this, providing for it in the Standing Orders also provides for controls to be included in the local law as well. The provisions in the local law formalise the existing conventions on public statement time.

Council currently has a high standard of meeting procedure and adheres to all of the requirements of the Act and Regulations. The draft Standing Orders Local Law 2012 seeks to modernise the existing local law, as well as making some minor changes to the standing orders, that have served Council so well in recent times.

The Standing Orders Local Law was advertised in August 2011. While no public submissions were received, feedback was received from the Department of Local Government suggesting drafting and formatting changes to the local law. Under the Act, a local government is required to re-advertise a local law, if it intends to adopt a local law that is materially different to the one that was initially advertised for public comment. While the purpose and intent of the local law has not changed, the number of drafting changes mean that it could be considered materially different to the local law that was advertised for comment. Given the expense involved in Gazetting a local law, it is recommended to restart the process, including public comment to avoid

any issues when the local law is sent to the Joint Standing Committee on Delegated Legislation.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Cr Rowell

THAT Council:

- 1. Note that a review of the Standing Orders Local Law No 1, 1997 has been undertaken;**
- 2. Cause state wide public notice to be given of the proposed Standing Orders Local Law 2012; and**
- 3. Set the date for the closure of submissions on the proposed Standing Orders Local Law 2012 to close as 14 May 2012.**

Carried 5/0

10.1.3 CARBON NEUTRAL EMISSIONS INVENTORY 2010-2011

File No: sub/1161
Attachments: [Town of Cottesloe Carbon Report 2009 2010 pdf](#)
[Town of Cottesloe Carbon Inventory Report 2010 2011.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Nikki Pursell
Sustainability Officer
Proposed Meeting Date: 20 March 2012
Author Disclosure of Interest Nil

SUMMARY

In February 2010 Council unanimously resolved to follow a four-step process to achieve carbon neutrality as soon as practical, and before 2015. On 21 June 2011, Council was presented with the baseline measurements of the Town's Carbon footprint along with a report entitled *The Town of Cottesloe's Carbon Inventory Report (June 2011)*. The document summarised the Town's greenhouse gas profile for the 2009-2010 financial year (the baseline year), concluding that the Town had a carbon footprint of 806 tonnes of carbon dioxide equivalent (CO_{2-e}). The development of this inventory marked the completion of Step 1 in the process to become Carbon Neutral.

The Town has a commitment to complete annual inventories to continually monitor its progress in reducing emissions. Annual inventories will be completed and presented to Council by May, the following year.

This report is to advise Council that an emissions inventory has been produced for the period July 2010 to June 2011 (*The Town of Cottesloe's Carbon Inventory Report 2010-2011*), and note the progress made in reducing the Town's Carbon footprint. The 2010-2011 inventory calculates the Town's emissions as 724 tonnes of CO_{2-e}, a reduction of 82 tonnes compared to the baseline year.

BACKGROUND

Carbon neutral means reducing our net greenhouse gas emissions to zero. The Town is currently following a four-step process to become a Carbon Neutral municipality, as follows:

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

In 2011, Step 1- measurement of the Town's greenhouse gas footprint was completed with the development of an inventory for the baseline year (2009-10).

Since then, emissions-related activities have been continually monitored. The Town is currently embarking on Step 2, and it is intended that a Greenhouse Gas Reduction Plan will be completed by July 2012. This document will set short and long-term emissions targets, highlight where reductions can occur and prioritise the most cost-effective measures to reduce the Town's emissions. Further updates on Step 2 will be provided to Council in July 2012.

Discussion of the 2010-11 inventory compared to the baseline year

The 2010-2011 inventory and report has been based upon the format and methodology of the 2009-2010 documents to allow for easy comparison. The 2010-2011 inventory calculated the Town's emissions as 724 tonnes of CO_{2-e}, a reduction of 82 tonnes compared to the baseline year.

The primary emissions-generating activities remain the same for both periods, with purchased electricity from streetlights remaining the number one emissions-generating activity for the Council, contributing 45% of emissions. Scope 2 emissions, particularly the purchasing of electricity for street lighting and for lighting, heating and cooling of the administration buildings contributes almost two thirds of total emissions. This would suggest that the greatest opportunity to reduce the Town's emissions is through improvements to street lighting and energy efficiency measures at the administration buildings.

The most significant change between 2010-2011 and the baseline inventory is emissions generated from waste, namely from construction and demolition. It is important to note that this is largely related to improvements in the way these emissions are calculated. This change has resulted in emissions from construction and demolition waste dropping from the second largest contribution to the Town's emission in 2009-2010, to the fourth largest in 2010-2011.

STRATEGIC IMPLICATIONS

Infrastructure

To maintain infrastructure and Council buildings in a sustainable way.

FINANCIAL IMPLICATIONS

Resource requirements for the development of a Greenhouse Gas Reduction Plan are in accordance with existing budgetary allocation.

This document will make recommendations regarding emissions reduction measures that may require capital investment in the future.

SUSTAINABILITY IMPLICATIONS

Purchasing

Buying local and supporting local produce

Throughout the process of becoming Carbon Neutral the Town employs local consultants and expertise where possible.

CONSULTATION

The development of the baseline and 2010-2011 Reports have been completed in consultation with Greensense Pty Ltd; the City of Fremantle's Sustainability Officer; and WALGA's Climate Change Coordinator.

STAFF COMMENT

The Town of Cottesloe's Carbon Inventory Report 2010-2011 demonstrates the Town's ongoing commitment to becoming a Carbon Neutral municipality. It is recommended that this report be published on the Town's website once approved for the purpose of transparency and improved community awareness.

The next step in becoming a Carbon Neutral municipality is the development of a Greenhouse Gas Reduction Plan. The Town is commissioning a consultant to assist in the development of this document, working closely with staff. It is intended that this Plan will be completed by July 2012.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Mayor Morgan

THAT Council:

- 1. Note the completion of the emissions Inventory and Report for 2010-2011 and the progress made in reducing the Town's emissions;**
- 2. Publish the emissions inventory and report for 2010 – 2011 on the Town's website.**

Carried 5/0

Mayor Morgan declared an interest in Item 10.1.4. He stated that there may be a perception that his impartiality on the matter may be affected and declared that he would consider the matter on its merits and vote accordingly.

10.1.4 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT CANBERRA 17 - 20 JUNE 2012

File No: SUB/97
Attachments: [Invitation 2012 ALGA NGA
2012 ALGA NGA Program](#)
Responsible Officer: Carl Askew
Author: Chief Executive Officer
Carl Askew
Chief Executive Officer
Proposed Meeting Date: 20 March 2012
Author Disclosure of Interest Nil

SUMMARY

Every year a National General Assembly (NGA) is arranged by the Australian Local Government Association (ALGA). This year's NGA theme is 'National Voice, Local Choice - Infrastructure, Planning, Services'.

The NGA will be held in Canberra from 17 – 20 June 2012.

This report recommends approval to attend the NGA by Mayor Kevin Morgan.

BACKGROUND

The National General Assembly for Local Government is the premier local government event bringing together more than 700 mayors, councillors and senior officers from councils across Australia to develop local government policy ideas, meet with key federal politicians and hear from renowned experts on the key issues affecting local government in Australia.

The three elements of the 2012 theme explores the key priorities and challenges facing local government and local communities and how local government can work with other levels of government.

- 'Infrastructure' allows delegates to focus on the local and community infrastructure provided by local government and seeks to develop innovative ideas for the provision of this infrastructure now as well as into the future,
- 'Planning' recognises the important role local government plays in planning for local communities It asks delegates to consider how best to provide this critical role and the impact It has on shaping the future of communities in Australia; and
- 'Services' refers to the wide range of services provided by local government and the need to ensure the delivery of these services caters to the needs and opportunities in Australia's diverse communities

The Prime Minister, Leader of the Opposition, Minister for Health and Leader of the Greens have been invited to address the 2012 NGA along with a number of keynote speakers who will also contribute to the program (attached).

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council's Conference Policy applies.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

The estimated cost of the conference attendance is approximately \$4,000. The 2011/2012 budget includes, under Conference and Training and Members Travelling, an allowance for this amount for the Mayor to attend such conference.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The National General Assembly for local government is the premier local government conference and as such it is appropriate for the Mayor to attend and represent the Town.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Strzina

THAT Council approve the attendance of the Mayor at the 2012 National General Assembly at the National Convention Centre – Canberra from 17 to 20 June 2012.

Carried 5/0

10.2 ENGINEERING

10.2.1 PROPOSAL FOR NEW LIGHTING, HARVEY FIELD AND COTTESLOE OVAL

File No: SUB/982
Attachments: [Cottesloe Rugby Club Submission](#)
[Email re RUFC Field Lighting](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 20 March 2012
Author Disclosure of Interest Nil

SUMMARY

The Cottesloe Rugby Club have had problems with the quality and standard of lighting covering Harvey Field and the Cottesloe Oval, for a number of years. The existing 9 light towers are situated on Council controlled land and not in good condition.

The Club have provided a submission regarding a third party – a large Telco organisation – installing four large light towers with one or more tower also being a mobile phone tower, at no cost to Council or the Club.

The recommendation is that Council:

1. Agree in principle to the proposal from the Cottesloe Rugby Club to proceed with discussions and planning to replace the lighting system on Harvey Field and the Cottesloe Oval on the basis of communications towers being installed in four locations by private companies doubling as oval lighting towers, to replace 9 existing light towers.
2. Require the Cottesloe Rugby Club to communicate with local affected residents regarding this proposal including consultation on potentially affected views and electromagnetic energy, with the results of such consultation to be provided to Council.

BACKGROUND

The existing 9 small light poles are not in good condition with one collapsing in recent years and another being replaced due to rust at the base. There is no allocation for the high level of funds needed to replace these light poles in Council's current or future budgets.

The Club has indicated that the applicable Australian Standard for this type of recreation lighting is not met by the existing lights.

With Rugby Club use and ongoing use by the Junior Football Club, there is a long term need for night lighting of these two ovals, to the required Australian standards for lighting levels and public safety.

STRATEGIC IMPLICATIONS

Council's Future Plan 2006-2010 has, as Objective 5, the aim to "Maintain infrastructure and Council buildings in a sustainable way". The oval lighting system is not sustainable for future use.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

There are no statutory or legal reasons for Council to undertake asset improvements. However, public safety and legal liability issues apply to the potential for oval lighting towers to fail due to structural degeneration.

FINANCIAL IMPLICATIONS

Council has no funding allocated to replace oval lighting systems. If the proposal is approved and the replacement is funded by a communications company, there will be no cost to Council.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

The Cottesloe Rugby Club has committed to consulting and informing local residents on the proposal.

STAFF COMMENT

The existing system of lighting over both ovals is old, does not meet modern standards and is starting to structurally fail due to age, rust etc. It is therefore becoming a risk to the public and players as well as not meeting user requirements. Replacement of 9 light poles / towers with four light towers at no cost to Council or the clubs appears to be a very good solution to the problem. The issue will probably hinge on local residents comments on whether their views will be interrupted with the proposed towers and the public discussion on the impact and level of radio frequency electromagnetic energy.

One additional benefit for the Cottesloe area would be improved mobile phone coverage from this proposal. With the intention of communications companies to improve coverage in the area, regardless as to whether this proposal is taken up, the need for a location for one or more towers will require consideration in the future.

VOTING

Simple Majority

COMMITTEE COMMENT

Cr Strzina commented that the Officers report, in his opinion, did not contain sufficient information regarding the location of the proposed light poles. Cr Strzina further commented that light poles of 24m height had the potential to affect the visual amenity of the area, and as such, suggested that perhaps a diagram illustrating how the light poles would look from both coast and street views should be provided. Committee further suggested that the light poles could be installed in line with existing trees, to ensure views are not obstructed.

Vince Fitzpatrick from the Cottesloe Rugby Club addressed Committee and advised that the proposed location of the light poles was still yet to be determined and that community consultation would be undertaken.

Committee questioned whether there was commercial signage or rental fees associated with the proposal. Cr Jeanes advised that other local authorities had received revenue (some of which is returned to local sporting clubs) from similar tower structures and suggested that officers look into the potential for a similar arrangement.

OFFICER RECOMMENDATION

Moved Cr Strzina, seconded Mayor Morgan

THAT Council:

1. Agree in principle to the proposal from the Cottesloe Rugby Club to proceed with discussions and planning to replace the lighting system on Harvey Field and the Cottesloe Oval on the basis of communications towers being installed in four locations by private companies doubling as oval lighting towers, to replace 9 existing light towers.
2. Require the Cottesloe Rugby Club to communicate with local affected residents regarding this proposal including consultation on potentially affected views and electromagnetic energy, with the results of such consultation to be provided to Council.

AMENDMENT 1

Moved Cr Pyvis, seconded Cr Strzina

Amend the recommendation by adding a new part (3) that states:

3. **“Require the Club to provide a site diagram and images of what the proposed towers will look like to the satisfaction of administration prior to undertaking community consultation.”**

Carried 5/0

AMENDMENT 2

Moved Cr Boland, seconded Cr Strzina

Amend the recommendation by adding a new part (4) that states:

4. "Receive from the Cottesloe Rugby Union Football Club advice in relation to the commercial arrangements for the installation of the lighting / communication poles."

Carried 5/0

COMMITTEE RECOMMENDATION

THAT Council:

1. Agree in principle to the proposal from the Cottesloe Rugby Club to proceed with discussions and planning to replace the lighting system on Harvey Field and the Cottesloe Oval on the basis of communications towers being installed in four locations by private companies doubling as oval lighting towers, to replace 9 existing light towers.
2. Require the Cottesloe Rugby Club to communicate with local affected residents regarding this proposal including consultation on potentially affected views and electromagnetic energy, with the results of such consultation to be provided to Council.
3. Require the Club to provide a site diagram and images of what the proposed towers will look like to the satisfaction of administration prior to undertaking community consultation.
4. Receive from the Cottesloe Rugby Union Football Club advice in relation to the commercial arrangements for the installation of the lighting / communication poles.

AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 5/0

10.3 FINANCE

10.3.1 BUDGET VARIATION - BUILDING LICENSE FEES

File No: SUB/1058
Attachments: [Attachment 1](#)
[Attachment 2](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services
Proposed Meeting Date: 20 March 2012
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider a new building license fee structure and levies on building permits, as a part of the implementation of the Building Act 2011.

BACKGROUND

On April 2, 2012, the *Building Act 2011* and its associated regulations will come into effect. This legislation changes many parts of the process for approving building licenses. One part that has been changed is the fee structure.

The fee structure that was adopted during the annual budget process will not comply with the new Building Act and its Regulations. In order to continue to issue building license and other construction permits as required, this will need to be updated.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Subdivision 2 — Fees and charges

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.
* *Absolute majority required.*
 - (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
-

- (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.
- * *Absolute majority required.*

6.18. Effect of other written laws

- (1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —
- (a) determine an amount that is inconsistent with the amount determined under the other written law; or
 - (b) charge a fee or charge in addition to the amount determined by or under the other written law.
- (2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

FINANCIAL IMPLICATIONS

The changes, if adopted, will affect the revenue raised from building licenses and other permits. As the fee differences will be subject to the value of the building that the permit refers to. To date, fees and charges for building permits have been lower than expected, some of which could be attributed to people waiting to submit their application until the new regime is in place.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The *Building Act 2011* and the associated Regulations have been proposed for implementation on three different occasions. On the previous occasions, the

implementation date has been delayed due to the various forms, fees and charges and staff have not been in place for implementation to occur.

There are many changes to the way building licenses and other construction permits can be issued. There is a separation of the issuing of permits and building certification, which has cleared the way for private certifiers to begin approving buildings.

One of the impacts of these changes is a change to the fee structure associated with the issuing of permits and building certification. This will require Council to reconsider the fee structure it adopted in the budget process for the 2011 and 2012 budget. Under the Local Government Act 1995 (6.18) it states that a local government can not determine to charge an amount that is different from the fee prescribed for that service in another written law and that a local government can not charge a fee in addition to a fee or charge prescribed in another written law. What section 6.18 does not provide is a mechanism to automatically adjust a fee or charge if the law that the fee or charge comes from changes. That is, our fees for building services do not automatically change when the Building Act 2011 commences, but that we also shouldn't charge a fee that is inconsistent with the new law.

Council is easily able to change its fees and charges during the year. All that is required is that Council needs to resolve by absolute majority to adopt the change, and then it is required to advertise the change and the date at which the new fee will apply. The notice required is local public notice which requires advertising in a newspaper that generally circulates within the district, a notice on the local governments notice boards and on notice boards at all of the local governments libraries. The notice period is 7 days.

VOTING

Absolute Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Cr Rowell

THAT Council:

- 1. Adopt the fees as described in Schedule 2 of the Building Regulations 2012, as noted in attachment 1, effective 02 April 2012;**
- 2. Adopt the levies for the Building Commission, effective 02 April 2012, as in attachment 2;**
- 3. Authorise the CEO to give local public notice of the new fees and charges.**

Carried 5/0

10.3.2 BUDGET VARIATION – IMPROVEMENTS OF PUBLIC TOILETS AT INDIANAS TEA HOUSE

File No: SUB/992
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services

Proposed Meeting Date: 20 March 2012
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider a budget variation, to provide for further improvements at Indiana's Tea House.

BACKGROUND

The Town of Cottesloe has been working with the management of Indiana's Tea House to improve the public toilets at this location for some time. While ITH have control of the toilets, the condition of the toilets reflects on the Town as most people consider public toilets a local government responsibility.

The Town of Cottesloe and ITH have spent \$80,000 already in the last two years to improve these facilities. Despite this, both the Town and ITH still receive complaints regarding the condition of the toilets. The majority of these complaints occur on weekends, particularly over summer, which is when demand for the facilities is at its highest.

One of the main sources of complaints regards odour caused by blocked toilets. During discussions with Council Officers, ITH management have suggested that there are plumbers attending these toilets on a daily basis over summer to unblock the toilets. This is putting considerable strain on ITH management, and is also resulting in complaints to both ITH and the Town.

ITH management have approached the Town for support with a solution that is designed to prevent the toilets blocking as often. The estimated cost of implementing the changes is \$12,000, of which Council is being asked to consider contributing 50% or \$6,000.

STRATEGIC IMPLICATIONS

Council is committed to improving the facilities at Cottesloe Beach.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* *Absolute majority required.*

FINANCIAL IMPLICATIONS

The requested expenditure is not budgeted in the 2011/2012 financial year and will require a budget amendment.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The toilets at ITH have been the subject of many complaints and subsequent reports over many years. Recent works have gone some way to addressing the issues there, but more work needs to be done. When there is a significant event at the beach, such as Sculptures by the Sea, or a hot summer's day, any public convenience is going to be challenged by the sheer number of people using the facilities.

What these works seek to do is to stop the toilets blocking as often, by allowing faster flushing and faster effluent flows. This should alleviate some of the build up of toilet paper and other rubbish that can create blockages.

While this is a positive step, officers are also working on other more permanent solutions to the toilet situation at Cottesloe Beach. This includes the proposal for additional toilets as outlined in the Foreshore Plan and providing temporary toilets during events such as those provided as part of Sculpture by the Sea. However these will take some time and will not resolve the day to day issues in the short term. The works that are being proposed can be implemented immediately and will reduce current problems until more permanent solutions can be in place.

VOTING

Absolute Majority

COMMITTEE COMMENT

Cr Pyvis commented that the public toilets at Indiana's were an ongoing issue that needed more than a bandaid solution.

Mayor Morgan spoke in favour of the officer recommendation and stated that this was not the long term solution to the problem, and that the long term solution was to build more public facilities, as per the Foreshore Redevelopment Plan, which would require considerable funds however, in the interim, this is part of the immediate solution.

Cr Boland stated that he was in agreement with Cr Pyvis and doubted whether the funds would improve the situation. Cr Boland stated that in his opinion, the best way forward would be to have the lease for the toilets relinquished through negotiations with Indiana's and returned to Council.

The Mayor confirmed that this was an inherited problem for Council and that Indiana's have been approached previously on this matter with no success. The best thing Indiana's have done recently is to place signs indicating who is responsible and who to contact if there is a problem at the toilets.

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council

- 1. Authorise the expenditure of \$6,000 for the upgrading of the toilets at Indiana Tea House, being 50% of the cost of this upgrade; and**
- 2. Authorise a transfer from the property reserve of \$6,000.**

Carried 4/1

10.3.3 STATUTORY FINANCIAL REPORTS FOR THE PERIOD 1 JULY 2011 TO 29 FEBRUARY 2012

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 20 March 2012
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present to Council the Statement of Financial Activity, the Operating Statements by Program and by Nature and Type, the Statement of Financial Position, and supporting financial information for the period 1st July 2011 to 29th February 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 Financial Statements shows a shortfall of operating revenue of \$45,468 as compared with year to date budget. The main factors contributing towards this shortfall are reduced revenues from parking and also from building and development as outlines on the variances report on pages 7 to 9 in the attached Financial Statements. Operating expenditure is \$112,384 or 2% less than year to date budget due mainly to timing differences.

The Capital Works Programme is itemised on pages 23 to 27 of the attached Financial Statements. Overall expenditure is \$366,719 or 30% less than anticipated at this time of year. There are certain capital works projects that are contingent on other developments, for example, the depot upgrade is contingent on the outcome of a possible shared depot site with a neighbouring Council. And the Disability and Irrigation budgets are contingent on the outcome of a grant application to upgrade the foreshore.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council receive the Statement of Financial Activity, the Operating Statements by Program and by Nature and Type, the Statement of Financial Position, and other supporting financial information as included in the attached Financial Statements for the period 1 July 2011 to 29 February 2012, and as submitted to the 20 March 2012 meeting of the Works and Corporate Services Committee.

Carried 5/0

10.3.4 LIST OF ACCOUNTS PAID FOR THE MONTH OF FEBRUARY 2012

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

Proposed Meeting Date: 20 March 2012
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the list of accounts paid for the month of February 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 February 2012 is included in the report on pages 10 to 16 of the attached Financial Statements. The following significant payments are brought to Council's attention;

- \$31,071.59 to WA Local Government Superannuation Plan for staff superannuation contributions.
 - \$21,444.87 to Cobblestone Concrete for footpath installation at various locations.
-

- \$18,619.00 to Fines Enforcement Registry being fees for unpaid infringements sent for recovery.
- \$12,408.85 to Synergy for street lighting charges.
- \$10,065.00 to Nu-Trac Rural Contracting for beach cleaning services.
- \$20,472.59, \$14,890.55 & \$10,194.56 to WMRC for waste disposal services
- \$38,544.00 to Claremont Asphalt for laneway construction.
- \$48,044.90 to Transpacific Cleanaway for waste collection/disposal services.
- \$11,047.50 to Adams Coachlines for the Cottesloe Cat bus service.
- \$25,789.35 to Surf Life Saving WA for the monthly surf life saving contract.
- \$26,829.26 to TAPSS Community care being Council's half yearly contribution to the TAPSS service.
- \$75,727.19, \$73,192.51 & \$74,066.16 for fortnightly payroll to Council staff.
- \$30,000.00 as a transfer to the Town's investment account.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council receive the List of Accounts Paid for February 2012 as included in the attached Financial Statements, as submitted to the 29 February 2012 meeting of the Works and Corporate Services Committee.

Carried 5/0

10.3.5 SCHEDULE OF INVESTMENTS AND LOANS AS AT 29 FEBRUARY 2012

File No: SUB/150 & SUB/151
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager

Proposed Meeting Date: 20 March 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 29th February 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 19 of the attached Financial Statements shows that \$3,889,369.47 was invested as at 29 February 2012. Approximately 36% of the funds are invested with the Westpac Bank, 23% with the Commonwealth Bank of Australia, 21% with Bankwest, with the remaining 20% invested with the National Australia Bank.

The Schedule of Loans on page 20 of the attached Financial Statements shows a balance of \$6,369,750.98 as at 29 February 2012. Included in the balance is \$401,392.76 that's relates to self supporting loans for community organisations.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council receive the Schedule of Investments and the Schedule of Loans as at 29 February 2012. These schedules are included in the attached Financial Statements as submitted to the 29 February 2012 meeting of the Works and Corporate Services Committee.

Carried 5/0

10.3.6 PROPERTY AND SUNDRY DEBTORS REPORT AS AT 29 FEBRUARY 2012

File No: SUB/145
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 20 March 2012
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports as at 29 February 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 Sundry Debtors Report on page 21 of the attached Financial Statements shows a balance of \$24,748.48 of which \$21,103.16 relates to the current month. These figures are understated by an amount of \$14,213.34 which relates to pensioner rebates received without a debtor i.e. an unallocated receipt.

Property Debtors are shown in the Rates and Charges Analysis on page 22 of the attached Financial Statements and shows a balance of \$1,054,760.57. Of this

\$194,193.50 and \$384,906.40 are deferred rates and outstanding emergency services levies respectively. As can be seen on the Statement of Financial Position on pages 4 & 5 of the attached Financial Statements, rates as a current asset are \$1,071,580 as compared to \$921,842 this time last year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council receive the Property and Sundry Debtors Reports as at 29 February 2012, as included in the attached Financial Statements, at the meeting of the Works and Corporate Services Committee on 20 March 2012.

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

Nil

13 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 7.30PM.

CONFIRMED: _____ *PRESIDING MEMBER DATE:* / /