

TOWN OF COTTESLOE



WORKS AND CORPORATE SERVICES COMMITTEE

MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, TUESDAY, 22 MAY 2012

CARL ASKEW
Chief Executive Officer

20 June 2012

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

The Presiding Officer announced the meeting opened at 7:02 PM.

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

Cr Rob Rowell	Presiding Member
Mayor Kevin Morgan	
Cr Greg Boland	
Cr Victor Strzina	
Cr Sally Pyvis	

Officers Present

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

Gallery

Members of the public (11)
Media (1)

Apologies

Nil

Officer Apologies

Darrell Monteiro	Principal Environmental Health Officer
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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

Marjorie Hutchinson, 37 Congdon Street, Cottesloe, Item 10.2.1, Request for Fig Tree Removal, 37 Congdon Street, Cottesloe. Mrs Hutchinson addressed Committee and stated that she was an elderly woman, who was not 100%

mobile. Mrs Hutchison continued by outlining the difficulties she was facing with the large Morton Bag Fig Tree that was outside her property, including the many berries that were dropping onto the footpath and driveway. Mrs Hutchinson advised that on previous occasions, she had slipped as a result of the Fig Tree debris, and was fearful that she or one of her elderly friends may slip in the future, fall and be injured. Mrs Hutchison further advised that she had picked up a brochure on Legal Aid that related to tree matters such as encroaching roots that posed a danger to people or property, and stated that Local Governments had powers to take action and highlighted the irony that the tree in questions was actually owned by Council. Mrs Hutchison requested that the two Fig Trees referred to in the officer report be removed.

Cathy Campbell, 12 Kathleen Street, Cottesloe, Item 10.2.1, Request for Fig Tree Removal, 37 Congdon Street, Cottesloe. Mrs Campbell addressed Committee and advised that she was the daughter of Mr and Mrs Hutchison, the residents of 37 Congdon Street. Mrs Campbell stated that the Fig Tree outside 37 Condon Street was hazardous due to the berries that are constantly dropped on the footpath and the tree roots that are growing out of the ground near the driveway, that present a tripping hazard for people exiting their vehicles. Mrs Campbell referred to the photos she had submitted to Council for consideration, that highlight the Fig Tree debris and hazardous roots, and advised that in the past they had not contacted Council to complain about the issue, but had been informed by their neighbours that they had previously contacted Council regarding the Fig Tree near their property. Mrs Campbell advised that they are concerned with the streetscape and like having tree lined streets, but in her opinion, the Fig Trees are not suitable in this instance as street trees. Mrs Campbell concluded by stating that in her opinion, residents of Congdon Street are not benefiting from the tree canopy or streetscape, as they cannot plant any grass etc under the trees and would like to have another more suitable tree species replace the current Fig Trees.

Joanne Svanberg, 71 John Street, Cottesloe, Item 10.2.2, Upgrading of Laneway ROW 32B & Closure Request. Mrs Svanberg addressed Committee and advised that she had been a resident of Cottesloe for 20 years and hoped that in this instance, common sense would prevail over the issue of the placement of her fence. Mrs Svanberg stated that the issue of the fence had caused her much stress and if she was required to removed the fence, it would financially burden her family. Mrs Svanberg advised that she was not previously aware of her neighbours intentions to build a garage or of their requested height concession.

Colin Svanberg, 71 John Street, Cottesloe, Item 10.2.2, Upgrading of Laneway ROW 32B & Closure Request. Mr Svanberg addressed Committee and stated that the issue of fence lines and property boundaries could put a huge burden on all landowners in Cottesloe. Mr Svanberg stated that he would be required to obtain a loan for \$20,000 if he had to move the fence. Mr Svanberg advised that if the White's were correct, and it was found that his fence was outside the correct property boundary and he was required to move his fence line, the eaves of his property would be outside the fence line. Mr Svanberg questioned whether he would then be required to move his eaves as well, or if Council would be ok with people driving under his eaves.

Elise Svanberg, 71 John Street, Cottesloe, Item 10.2.2, Upgrading of Laneway ROW 32B & Closure Request. Elise addressed Committee and stated she was the daughter of Colin and Joanne Svanberg and had lived in Cottesloe all of her life. Elise spoke of fighting and ill feelings between neighbours and her hope that the situation could be resolved, so that she could continue to talk to and play with her neighbours. Elise suggested that as a compromise, instead of \$1,000 being spent on another survey, the money be used to move the asbestos fence to where the original pickets were.

Meagan White, 217 Marmion Street, Cottesloe, Item 10.2.2, Upgrading of Laneway ROW 32B & Closure Request. Mrs White addressed Committee and advised that she was an architect and owner of 217 Marmion Street who specialised in retaining older and heritage properties and cited the Art Deco property opposite the John Street cafe as one of her recent projects. Mrs White stated that she was undertaking a modest extension, including a garage to the south side of her property. Mrs White commented that she was committed to improving the quality of the housing in Cottesloe, and believed that using the lane to access her garage was a better option than having a larger crossover out the front of her property. Mrs White advised that she had tried to discuss the matter of the fence lines with her neighbours, but was not successful. Mrs White stated that initially she had been working off previous surveys, and had paid for a new survey of the property to take place, as it became apparent that the fence was not on the correct alignment. Mrs White advised that she had moved her garage back 1 metre and still did not have sufficient turning space due to the narrow laneway.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Strzina, seconded Cr Pyvis

[Minutes April 17 2012 Works and Corporate Services Committee.doc](#)

AMENDMENT

Moved Cr Boland, seconded Cr Strzina

Cr Boland advised of an amendment to the minutes in relation to Item 10.2.3 Request for Expansion of Grant Marine Park and Road Closure (page 26). The amendment, highlighted in bold, is as follows;

*Cr Boland advised that he would be voting in favour of the officer recommendation and commented that previously Council had looked into identifying road treatments for this section of road. Cr Boland highlighted that the section of road in question adds connectivity to the neighbouring streets. **and in his opinion, the requested road closure would present some difficulty accessing Gladstone Street, particularly for emergency vehicles in relation to the proposed opening up of Gadsden Street to Car Park No 2.***

Cr Boland further stated that in his opinion, he did not believe Council was looking to spend \$80,000 on this project in light of recent budget discussions and cited fairness to other residents as a potential issue to consider in light of the request.

Carried 5/0

The Minutes of the Ordinary meeting of the Works And Corporate Services Committee, held on 17 April 2012, as amended, be confirmed.

Carried 5/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

For the benefit of the members of the public present, the Presiding Member determined to consider items 10.2.1 Request for Fig Tree Removal, 37 Congdon Street, Cottesloe and 10.2.2 Upgrading of Laneway ROW 32B & Closure Request, first, then returned to the published order of the agenda.

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 30 April 2012
- 10.3.3 List of Accounts Paid For the Month of April 2012
- 10.3.4 Schedule of Investments and Loans as at 30 April 2012
- 10.3.5 Property and Sundry Debtors Report as at 30 April 2012

10 REPORTS OF COMMITTEES AND OFFICERS**10.1 ADMINISTRATION****10.1.1 BULK AND GREEN WASTE COLLECTIONS SERVICES TENDER**

File No: SUB/1348
Attachments: [Confidential Memo](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Darrell Monteiro
Principal Environmental Health Officer

Proposed Meeting Date: 22 May 2012
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to accept the tender from B & N Waste for bulk and green waste collection services from 1 July 2012 to 30 June 2013.

BACKGROUND

The Town of Cottesloe outsources the services for collection of bulk and green waste from residential premises within the Town, as this is the most cost-effective and efficient way of providing these services. The cost of the service is over \$100,000 per annum, which is the threshold at which tenders must be called. As such a Request for Tender document (RFT) was compiled and tenders invited in March 2012, closing on 10 April 2012.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

FINANCIAL IMPLICATIONS

The tender price is within the amount included in the draft budget for this item.

SUSTAINABILITY IMPLICATIONS

These waste collection contribute to sustainability.

CONSULTATION

The Tender was advertised in the West Australian on 17 March 2012, which was effective with 12 companies requesting the tender documents and four companies submitting tenders.

STAFF COMMENT

All four tenders received, were eligible. Complying tenders were received from:

- B & N Waste
- D & M Waste
- KRS Contracting
- Alvito Pty Ltd

Complying tenders were assessed against the criteria within the request for tender documents, being:

Demonstrated experience supplying similar services	25%
Skills and experience of key personnel	25%
Demonstrated understanding of the methodology	25%
Demonstrated understanding of plant requirements	25%

The four complying tenders were separated by a range of two points on the assessment scale, with the lowest score being 88 points and the recommended tenderer receiving the highest of 90 points out of 100.

The total score was then weighted against the price quoted to provide a ranking with the successful tenderer offering the best value for money. The most economical option was also provided by the recommended tenderer.

An assessment matrix has been supplied as a confidential attachment, as it contains information about the applicants that could be considered commercially sensitive. All tenderers will be advised in writing of the outcome of the tender process, including their assessed score and how it compared to the eventual contract recipient. If required, a more detailed explanation of their score will be provided to them.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Mayor Morgan

THAT Council accept the Tender from B & N Waste for Bulk and Green Waste Collection Services from 1 July 2012 to 30 June 2013 at an estimated annual cost of \$111,435 plus GST.

Carried 5/0

Cr Strzina declared an impartiality interest in Item 10.1.2 due to being Council's representative on the WMRC and 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.

10.1.2 WESTERN METROPOLITAN REGIONAL COUNCIL (WMRC) PROPOSAL FOR CITY OF NEDLANDS

File No: SUB/378
Attachments: [Proposal for City of Nedlands to join WMRC](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Darrell Monteiro
Principal Environmental Health Officer
Proposed Meeting Date: 12 May 2012
Author Disclosure of Interest Nil

SUMMARY

All western suburbs councils (with the exception of the City of Nedlands) are members of the Western Metropolitan Regional Council (WMRC), which currently provides waste management services at the Brockway Waste Transfer Station as well as waste education services.

The WMRC has been working for many years to encourage the City of Nedlands to join the WMRC, which is a key action of the WMRC's Strategic Plan. Following the October 2011 local government elections, Nedlands requested a proposal from the WMRC for Nedlands' membership. The WMRC Council has endorsed the proposal presented as attachment 1 to this report.

Key elements of the proposal are:

- Nedlands to enter into a Waste Delivery Agreement for access to DiCOM on identical terms to the current member councils.
- Nedlands to potentially make a financial contribution to the WMRC's equity. The range and timing of the financial contribution is to be negotiated.
- Nedlands to participate in and have a vote at the WMRC meetings, including the opportunity to participate in all WMRC committees.

Key Implications

- Having Nedlands as a member of the WMRC enables stronger regional projects to be developed.
- The negotiations with Nedlands may lead to legal costs being incurred, in particular for the amendment of the Establishment Agreement. The WMRC will cover these costs.
- If required, an independent valuation of the WMRC may be required and would cost in the order of \$50,000. The WMRC has not considered how this cost might be attributed.

BACKGROUND

The Town of Cottesloe is a member of the WMRC. The WMRC member Councils, are: Town of Claremont, Town of Cottesloe, Town of Mosman Park, Shire of Peppermint Grove and City of Subiaco. The WMRC operates the Waste Transfer Station at Brockway Road in Shenton Park, as well as provides waste education services on behalf of the members.

The WMRC was formed in 1989 from a predecessor organisation, the Refuse Disposal Zone which ran the Brockway Tip. The City of Nedlands was a member of the Zone and resolved at its meeting on 6 April 1989 to withdraw from the Zone upon closure of the Brockway Tip at the end of 1990. Nedlands did not join the WMRC. On withdrawing from the Zone, Nedlands also withdrew its proportion of the Zone's equity. Nedlands has not joined the WMRC since, and disposes of its waste at a range of sites. Currently Nedlands uses the Brockway Waste Transfer Station.

Since 2002 and after much discussion the attached proposal was developed by the WMRC administration and considered by the WMRC Council on 8 March 2012 after review by the WMRC's Strategic Review Committee on 14 February 2012. The Strategic Review Committee is comprised of member council Chief Executive Officers. Suggestions made at committee are incorporated into the proposal.

For Nedlands to become a member of the WMRC, the WMRC Establishment Agreement needs to be amended. At its meeting on 12 December 2011, it was resolved that:

Council endorse the development of an amendment to the Western Metropolitan Regional Council Establishment Agreement to allow it to undertake projects related to regional environmental sustainability, with the proposed amended Establishment Agreement to come back to Council for consideration and approval.

The WMRC proposes to add Nedlands' membership to the above endorsed process for amending its Establishment Agreement.

The WMRC proposal to Nedlands presents benefits of membership, broadly categorised as:

- Creating a shared regional vision;
- Participation in innovative waste management; and
- Financial savings.

The shared regional vision pertains to the WMRC and its waste management activities for the region, but also expanded services that might be provided under an amended Establishment Agreement.

The proposal also explains that Nedlands may make a financial contribution to join, and would also have a number of additional stipulations before membership could be approved. The financial contribution is likely to be the most challenging point of the negotiation. As negotiations progress, it is likely that an independent valuation of the WMRC will be required by either the WMRC, the member councils or the City of Nedlands to support the proposed contribution.

Valuations of regional councils have been completed recently by PriceWaterhouseCoopers and Deloitte. An independent valuation might cost up to \$50,000.

It is not essential that Nedlands makes any financial contribution. In becoming a member, Nedlands is required to cover net liabilities on the basis of its population, and so would participate in the WMRC's governance irrespective of its ownership. The financial contribution only affects the equity held. A nil contribution means that Nedlands is not entitled to any of the WMRC assets in the event that the WMRC is wound up or Nedlands withdraws.

The proposal sets out a range of benefits of membership for Nedlands. There are also a range of benefits for the member councils. These can be summarised as:

- **Regional strengthening.** The WMRC is already a strong provider of waste disposal services, and could provide much more. Having all western suburbs councils as part of the WMRC enables more powerful regional projects, and deepens relationships for non-WMRC regional projects.
- **Waste supply.** Nedlands generates about 6,000 tonnes of waste suitable for DiCOM. As a member of the WMRC and committed to supplying waste to DiCOM, the member council waste would increase to about 22,000 tonnes of the 33,000 tonnes required. This reduces the need for the WMRC to source commercial waste to supply DiCOM.
- **Risk sharing.** Net liabilities of the WMRC are borne by member councils on the basis of their population. A larger population base would lead to the liabilities being more evenly shared across the region, leading to lower liabilities for each individual member.

Membership by Nedlands does also present some risks to the WMRC and the current member councils. The member councils have a long history of working together and with the WMRC. This history helps overcome misunderstandings that arise from time to time. A new member would disrupt this, and require more 'relationship management' from the WMRC.

In advancing the discussions, the WMRC can only be a facilitator. The current member councils must approve the membership of the City of Nedlands as Nedlands becomes a member through amendment of the WMRC Establishment Agreement. Accordingly, any proposal for membership will need the support of all member councils. The WMRC is therefore seeking resolutions from each member council endorsing the proposal.

The final step in the process will be for an Establishment Agreement, amended to include Nedlands as a member amongst other changes, to be endorsed by each of the member councils and Nedlands. This would ideally be done at the same time as changes to the WMRC Regional Purpose are considered.

The overall process is expected to take at least 12 months providing time to negotiate a new Establishment Agreement.

STRATEGIC IMPLICATIONS

Having the City of Nedlands as a member of the WMRC enables the WMRC to undertake stronger regional projects for the benefit of the western suburbs as a whole.

FINANCIAL IMPLICATIONS

The negotiations with the City of Nedlands may lead to legal costs being incurred, in particular for the amendment of the Establishment Agreement. The WMRC will run this process and cover its own costs. Any additional advice, including independent legal advice, sought by each member council will not be covered by the WMRC.

If required, an independent valuation of the WMRC might cost up to \$50,000. At this stage there has been no discussion on how this cost might be distributed.

SUSTAINABILITY IMPLICATIONS

Having the City of Nedlands as a member of the WMRC enables stronger regional sustainability projects to be developed.

CONSULTATION

Nil

STAFF COMMENT

The proposal by the WMRC may present potential benefits to the Town of Cottesloe and exploring the options is recommended.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Committee discussed whether the WMRC have the power to appoint the City of Nedlands as a member of the WMRC, or if each member Council has an opportunity to vote on the matter. The Chief Executive Officer advised that any amendment to the Establishment Agreement would be required to be presented to each member Council for consideration and endorsement and that any change must be unanimous. The Presiding Member requested that the CEO provide clarification on the matter prior to the next Council meeting.

Committee further discussed the need for the City of Nedlands to contribute to the equity of the WMRC if they are to become members and that this should be a condition of any endorsement by Council. Cr Strzina as Council's representative at WMRC made note to advise WMRC of this position and the CEO agreed to also notify the CEO of the WMRC.

OFFICER RECOMMENDATION

Moved Mayor Morgan, seconded Cr Rowell

THAT Council:

1. Endorse the WMRC negotiations with the City of Nedlands for membership;
2. Be presented with the final terms negotiated with the City of Nedlands for membership of the WMRC for consideration and approval; and
3. Be presented with the proposed amended Establishment Agreement for consideration and approval.

AMENDMENT**Moved Mayor Morgan, Seconded Cr Boland**

That a new point (4) be added to the recommendation that states “Notify the WMRC that Council is not prepared to amend the Establishment Agreement, unless the City of Nedlands make an equitable contribution to the WMRC.”

Carried 5/0

COMMITTEE RECOMMENDATION**THAT Council:**

1. Endorse the WMRC negotiations with the City of Nedlands for membership;
2. Be presented with the final terms negotiated with the City of Nedlands for membership of the WMRC for consideration and approval; and
3. Be presented with the proposed amended Establishment Agreement for consideration and approval.
4. Notify the WMRC that Council is not prepared to amend the Establishment Agreement, unless the City of Nedlands make an equitable contribution to the WMRC.

AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 5/0

10.1.3 LEASE AGREEMENT – SEAVIEW KINDERGARTEN

File No: SUB/122
Attachments: [Seaview Kindergarten Lease](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services

Proposed Meeting Date: 22 May 2012
Author Disclosure of Interest Nil

SUMMARY

A draft lease agreement for the Seaview Kindergarten building is being presented for Council's consideration.

BACKGROUND

The Seaview Kindergarten is a community kindergarten that operates from premises on Broome Street that are vested within the Town of Cottesloe.

At present there is no lease between the Town and Seaview Kindergarten. While there is no apparent desire by either party to end the use of the property by Seaview Kindergarten, there is a desire to enter into a lease to provide some certainty for the continued operation of the Kindergarten.

The land is vested in the Town for the purposes of a Kindergarten. If the Town were not to enter into a lease with Seaview Kindergarten, it would only be able to lease the land to another Kindergarten or use the land to provide a Kindergarten under the current vesting order. Alternatively, the Town could seek to have the vesting order changed.

Traditionally not for profit groups providing a community service within the Town are offered leases on a "peppercorn basis". A peppercorn lease involves the lessee (tenant) providing the smallest level of consideration required to make the lease binding, which is now \$1.00 per annum plus GST. The lessee benefits by not having to make lease payments, however in exchange for this they are usually required to undertake all maintenance of the premise including maintenance that the lessor (landlord) would be required to undertake under a commercial or residential lease.

STRATEGIC IMPLICATIONS

The property is already in use by Seaview Kindergarten. Entering into a lease agreement will provide certainty to both parties and guidance on which party is responsible for each part of the agreement.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

If the draft lease is approved and endorsed, the Town will forgo lease payments at a commercial rate. However the Town will benefit from the reduced expenditure in maintaining the building. Council may be requested, initially and from time to time, to provide funding assistance to Seaview Kindergarten to maintain or improve the premises, however Council will be under no obligation under the lease to provide such funding.

All outgoings for the premises will be the responsibility of the lessee.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

The draft lease has been reviewed by McLeods. They have suggested several small changes, which have been made.

A copy of the draft lease has been provided to the Seaview Kindergarten's management committee for their comment. Seaview Kindergarten provided several comments and asked for several changes to the agreement, which have been discussed and accommodated.

STAFF COMMENT

Peppercorn leases still represent an efficient agreement for both parties, so long as the maintenance is carried out by the lessee. The removal of the requirement for regular lease payments eases the pressure on cash flows for community organisations, while allowing them to make the most of their biggest asset, volunteer labour.

The danger for local governments in entering into peppercorn leases is the expectation that the lessor will still be responsible for certain maintenance normally provided under a normal commercial or residential lease situation. The whole purpose of a peppercorn lease is that the lessor gives up the income and in exchange the lessee provides ALL maintenance. If the lessor gives up the income but continues to provide the maintenance, it defeats the purpose of the peppercorn lease from the lessors point of view.

While it is not ideal for lessor Councils to provide the ongoing maintenance, it is quite common for Councils to have grants available for community groups to improve or repair community infrastructure – which can be used for maintaining or improving buildings on peppercorn leases. While this may initially seem inefficient and contradictory, it can be justified on the basis that groups that own their own buildings, and as such responsible for all maintenance, can access such grants. Further while it may seem inefficient initially, if the funding is only used for materials, with the labour component being either donated or provided by volunteers, it does represent a more

efficient use of funds than if Council carried out the maintenance itself – and hence had to pay for the labour component.

Representatives from Seaview Kindergarten Inc. have met with administration officers on several occasions in the past few months with a view to entering into a lease agreement with the Town. They have been provided with a copy of the draft lease and have provided comment.

While the Town is not obliged under the lease agreement to provide any funding for maintenance of the premises directly, Council, should it choose, can still provide funding for or undertake works at the premises. However any support provided is on a case by case basis and there would be no ongoing obligation under the lease agreement.

While this lease provides certainty to Seaview Kindergarten Inc. on a year by year basis, our current advice is that there would be little cost to them should they decide not to continue at this location. The lease is designed moreover to protect their interest from change of direction from Council, than to lock them into a financially onerous lease agreement.

VOTING

Absolute Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Boland, seconded Cr Strzina

THAT Council by Absolute Majority;

- 1. Authorise the Mayor and Chief Executive Officer to execute under Common Seal the attached lease agreement with Seaview Kindergarten Incorporated; and**
- 2. Send the lease to the Minister for Lands for endorsement, once it is executed by both parties.**

Carried 5/0

10.1.4 EXTENSION AND UPGRADE OF METEREYE SYSTEM

File No: SUB/994
Attachments: [Confidential Meter Eye CPT Proposal](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services
Proposed Meeting Date: 22 May 2012
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider a proposal from Car Parking Technologies (CPT), to extend and upgrade the MeterEye System.

BACKGROUND

The MeterEye system consists of a network of sensors that detect and record overstays. The Town first deployed the MeterEye system in January 2007 – with a trial installation in Napoleon Street. Based on the success of this trial, the network was expanded in 2008 to include the Number 1 and Number 2 carparks at Cottesloe Beach, as well as several other sites closer to the coast. In total, this expansion involved the deployment of 550 units.

The network has remained largely unchanged since 2008, with only minor repairs and upgrades implemented. In this same time, there have been a number of technological improvements, particularly in handheld computing and telecommunications. The past few years has also seen some of the equipment, particularly close to the coast, begin to fail as it ages – resulting in downtime for the network.

Overall the MeterEye product has been a success for the Town. It has greatly reduced the work involved in detecting overstays and in doing so, ensured that in areas where it is deployed, there is adequate turnover of parking.

When the stage 2 was implemented, there was also some consideration given to a further deployment at other sites within the Town, particularly the Town Centre. As such, proposals have been sought from Car Parking Technologies, who provide the MeterEye System, to expand our current network.

The agreement to provide the MeterEye system with Wilson Parking Technologies has recently expired. This contract provided both the MeterEye system and the Town's infringement management system EnforceIT. The cost of this contract was approximately \$6,500 per month – which included the cost of purchasing the MeterEye Units and infrastructure.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

The proposal makes provision for 195 new sensors which could be deployed throughout the Town Centre. The upfront cost is \$76,177 (\$390.65 per bay) or \$4,993.50 per month over 18 months (\$460.97 per bay).

There is also a maintenance charge of \$1.45 per month per bay for existing bays.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The MeterEye Network has proved effective at reducing the amount of time spent enforcing time restrictions on parking, while increasing turnover in these bays, as well as the likelihood of infringing drivers who overstay their time limit. On top of this, recent improvements to the RepNet program (which collates the data from the MeterEye Network) will add new functionality to the Town's Parking management.

Car Parking Technologies (CPT) who are the providers of the MeterEye system have made several improvements to the software that manages this system. The Town will be able to see in real time the number of bays in use and more detailed reports on overstays and usage will be able to be produced. This will assist in designing parking management regimes to maximise turnover of parking and assist in the design of parking layouts for all drivers. CPT are also working on a smartphone application that will integrate with the MeterEye network, which will allow people to see how many bays are left at a given carpark, in real time.

Given the recent changes to parking management at the Grove Shopping Centre, there will be increased pressure on parking in the Town Centre. At present Rangers are "chalking" tyres in this area, but this has obvious limitations. As train commuters and others park in the Town Centre for work reasons, the need to enforce time restrictions increases.

The proposal received from CPT includes all of the software upgrades to the back end systems, as well as the addition of 195 units. While the proposal has locations allotted for these units, they could in practice be deployed anywhere in the Townsite for this cost.

VOTING

Absolute Majority

COMMITTEE DISCUSSION

Committee discussed the potential location of the new sensors and asked whether the Jarrad Street car park near the boat shed would be an appropriate location, due to the turnover of the car park.

The Manager Corporate & Community Services advised that the CPT agreement is mainly to obtain the quotation estimate for the new sensors and software, and the final decision regarding the placement of the sensors around the Town can be decided after the agreement has been entered into. The Manager Corporate & Community Services further outlined the benefits of the new software and its capabilities to integrate with smart phone technology, to provide real time data regarding available car bays within the town.

Mayor Morgan suggested that a small sign could be installed in front of car parks, making use of the new meter eye technology to advise patrons of available car park bays.

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council:

- 1. Authorise the Chief Executive Officer to accept the proposal from Car Parking Technologies (attached) for the provision of additional MeterEye Units and software upgrades at a cost of \$76,177.50.**
- 2. Endorse the placement of these units in time restricted parking bays, within the area commonly known as the Cottesloe Town Centre**
- 3. Authorise a budget variation for the year ended 30 June 2012 as follows;**
 - Decrease Infrastructure Reserve: \$76,177.50**
 - Allocate funds to purchase MeterEye Network Expansion (Capital): \$76,177.50**

Carried 4/1

10.1.5 FINAL ADOPTION OF BEACHES AND BEACH RESERVES LOCAL LAW 2012

File No: CLL/4
Attachments: [Beaches and Beach Reserves Local Law 2012](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services
Proposed Meeting Date: 22 May 2012
Author Disclosure of Interest Nil

SUMMAR

The Beaches and Beach Reserve Local Law 2012 is being presented to Council and is recommended for final adoption.

BACKGROUND

At its meeting on 27 February 2012, Council resolved to advertise the draft of the Beaches and Beach Reserves Local Law 2012, and call for submissions on it. The closing date for submissions was set as the 23 April 2012.

In accordance with the Local Government Act, a copy of the draft local law was also supplied to the Minister for Local Government, for them to be able to provide feedback. The feedback received from the department did suggest that several changes were required, pointing to several minor drafting errors and sought to remind the Town of the procedure following adoption.

As required, the purpose and effect of the local law were recorded in the minutes of the 27 February 2012 meeting and have been repeated below;

The Purpose of the local law is to control usage and behaviour within the beach and beach reserves and to protect and conserve the beach reserves.

The Effect of this local law is to extend the control over the beach and beach reserves.

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) *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 State-wide 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 costs 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, 3/3/2012), as well as all of the requirements of a local public notice. This included advertising in local papers (The Post 3/3/2012) 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 included a change to the operative part of the local law at Clause 5.3 – where the department have provided wording for children using public facilities. It was also recommended that the clauses in Part 10 be removed and replaced with the statement that the “impounding of goods is covered by the Act and Regulations”. There were also drafting changes recommended through the document and the Town’s attention was brought to the use of “determination devices” (discussed below).

STAFF COMMENT

The primary purpose of the Beaches and Beach Reserves Local Law 2012, is to provide a means of managing behaviours at the beach to cater for the wider community. This coupled with the Beaches and Beach Reserves Operational

Guidelines provide a balanced view to law enforcement at the beach. In the main, people are expected to behave in a way that does not interfere with other people's quiet enjoyment of the beach and does not result in damage to the beach or infrastructure at the beach.

The Beaches and Beach Reserves Local Law 2012 has been developed through a consultative process with Council. There are significant differences with this proposed local law and previous proposed laws, and this version is drafted in a new format, which is now required.

As with all local laws, if Council makes the local law by adopting this draft by absolute majority, it will then be advertised in the Government Gazette – and come into operation 14 days after it is advertised. The Town will then give public notice of the Local Law, its commencement date and where copies of the local law can be obtained from. The Town will also be required to send a copy to the Minister for Local Government and the Joint Standing Committee on Delegated Legislation.

The final stage of the local laws adoption is its consideration by the Joint Standing Committee on Delegated Legislation (JSCDL). The JSCDL considers all delegated legislation including local laws. They essentially have two options available to them, one is to allow the delegated legislation, the other is to disallow it. If a motion of disallowance is not passed within the required timeframe, the delegated legislation is deemed to have been allowed.

While administration has gone to great lengths to ensure that the draft local law will be acceptable to the JSCDL, there is one area in particular that could cause concern with this local law – which is the use of determination clauses. A determination clause is essentially a clause in a local law, that gives the Council the power to make a determination that is not subject to further parliamentary review or avenue of appeal. The reason that the JSCDL object to such clauses, is that they can be used by local governments to give themselves powers that they may not have been intended to have under the *Local Government Act 1995*.

More often than not, a determination clause will give rise to a motion to disallow. At this point, the local government involved would be asked provide an undertaking to remove or modify the clause or the whole local law would be disallowed.

In some circumstances, determination clauses have been allowed by the JSCDL. These are limited to situations where local governments are making a determination on the use of local government property and other situations where the determination is required as a part of the local government fulfilling its obligations. However, in the Beaches and Beach Reserves Local Law 2012, there are several clauses that could be held to be determination clauses, being Clauses 3.1, 4.2 and 6.1. In these clauses it can be seen that the Town can make a determination that has no avenue for appeal or further consideration by a parliamentary body. The question will be whether such a determination is appropriate in the management of the local government property involved. If the JSCDL does decide that these clauses are inappropriate, then Council will need to consider whether or not alternative clauses can be drafted. These clauses appear similar to other clauses which have been allowed as a part of local government property local laws, but we will need to await the JSCDL determination.

VOTING

Absolute Majority Required (s3.12(4))

COMMITTEE DISCUSSION

Cr Pyvis questioned whether an amendment to section 4.3(2) needed to be made to allow surfing to take place in October if conditions are suitable, as currently dates are specified as being from 1 April – 30 September. The Manager Corporate & Community Services advised that Council under the proposed local law has discretionary powers to make such changes, and an amendment is not needed.

Committee discussed the Beaches and Beach Reserves Local Law in relation to Kite Surfers, and questioned whether there were any specific regulations that outlined where Kite Surfers were allowed. The Manager Corporate and Community Services referred to section 4.2 Beach Safety, which states that “The local government may set aside specific areas where all or any of the following things are prohibited” and lists “the use of bathing appliances or any particular kind of bathing appliance” as one of the potential prohibited items. The Manager Corporate & Community Services advised that Kite Surfing had not specifically been mentioned, as the Local Law was amended to be effective, regardless of what the trends are at the time (e.g. wind surfing, kite surfing etc).

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

THAT Council, by Absolute Majority:

1. In accordance with s3.12(4) of the Local Government Act 1995, ADOPT the Beaches and Beach Reserves 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.

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

That a new point (5) be created that states “Receive a report following gazettal of the local law, in relation to Section 4.2 and the regulation of Kite Surfers in Cottesloe”.

Carried 5/0

COMMITTEE RECOMMENDATION

THAT Council, by Absolute Majority:

1. In accordance with s3.12(4) of the Local Government Act 1995, **ADOPT** the Beaches and Beach Reserves 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.
5. Receive a report following gazettal of the local law, in relation to Section 4.2 and the regulation of Kite Surfers in Cottesloe.

AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 5/0

10.1.6 FINAL ADOPTION OF 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: 22 May 2012
Author Disclosure of Interest Nil

SUMMARY

The Standing Orders Local Law 2012 is being presented to Council and is recommended for final adoption.

BACKGROUND

At its meeting on 26 March 2012, Council resolved to advertise the draft of the Standing Orders Local Law 2012, and call for submissions on it. The closing date for submissions was set as the 14 May 2012.

In compiling the draft local law, a number of drafting changes were made, to ensure the local law complied with formatting requirements. Only two material changes to the operative parts of the local law were made before adopting for advertising, being:

- a) the removal of the requirement to stand while speaking; and
- b) making it an offence to record a meeting, or any part of it, without the permission of the Presiding Member.

In accordance with the Local Government Act, a copy of the draft local law was also supplied to the Minister for Local Government, for them to be able to provide feedback. The feedback received from the Minister's department did not suggest that any major changes were required, but moreover pointed to several minor drafting errors and sought to remind the Town of the procedure following adoption.

As required, the purpose and effect of the local law were recorded in the minutes of the 26 March 2012 meeting and have been repeated below;

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 Committee;
 - (b) the orderly conduct of meetings dealing with Council business;
 - (c) better understanding of the processes 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 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 place specified in the notice; and*

-
- (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3A) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*
- *Absolute majority required**
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice –*
 - (a) *stating the title of the local law;*
 - (b) *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, 31/03/2012), as well as all of the requirements of a local public notice. This included advertising in the local paper (The Post 31/3/2012) 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. Only one enquiry was received during the advertising period regarding this local law, and 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.

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, all of which were made to the draft local law before advertising.

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 some time.

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 common 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.

The only comment received during the submission period on this local law was from the Department of Local Government. They provided several drafting suggestions, all of which have been included in the final draft as presented.

If Council makes the Standing Orders Local Law 2012 by adopting it by absolute majority, it will then be advertised in the Government Gazette and become effective 14 days after it is advertised. The Town will be required to give local public notice of the new local law, and copies of it will be made available at the Civic Centre, the library and online.

The final stage is the consideration of the local law by the Joint Standing Committee on delegated legislation. This Committee considers all delegated legislation, which includes local laws made by any local government. The Committee considers the local law from two main points of view, being;

- (a) whether the local law is within the intended legislative power of the department or local government making the local law; and
- (b) whether there are any technical flaws in the local law, that may make it unenforceable.

While the Town's Officers have gone to great efforts to ensure the local law will be acceptable to the JSCDL, there is always the possibility that a clause or clauses will not be acceptable to them. If this occurs, the JSCDL will consider a "motion to disallow" – which if passed would effectively strike out the local law. When considering a motion to disallow, the JSCDL normally ask the local government involved to provide an undertaking to them that any problem clauses will be modified and not enforced until such a modification has been made. If such an undertaking is given, the local law is normally then allowed to proceed as normal.

VOTING

Absolute Majority Required (s3.12(4))

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Boland, seconded Cr Pyvis

THAT Council, by Absolute Majority:

1. In accordance with s3.12(4) of the Local Government Act 1995, **ADOPT** the Standing Orders 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

10.1.7 COMBINED COUNCILS AGREEMENT FOR TAPSS 2012

File No: SUB/204-02
Attachments: [TAPSS Combined Councils Agreement 2012](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services

Proposed Meeting Date: 22 May 2012
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider the Combined Councils Agreement for TAPSS and authorising the Chief Executive Officer and Mayor to execute the document on the Town's behalf.

BACKGROUND

TAPSS Inc., formerly "The Aged Persons Support Service Inc.", is a service agency that operates from the "Old Post Office" building in the Cottesloe town centre. Its primary objective is to provide support services for aged people, people living with a disability and their carers, which will assist these people to stay within their own homes as long as they wish and is practical. By all accounts TAPSS is well run and has enjoyed the support of the Town for a considerable time.

The Towns of Cottesloe, Claremont and Mosman Park, together with the Shire of Peppermint Grove, provide financial support for TAPSS. This support is largely to provide services that are not funded by either the State or Federal governments, but are of significant value to the local community. The funding provided is governed by the Combined Councils Agreement, which all 4 local governments, as well as TAPSS Inc are signatories to. The agreement has set out the requirements and expectations of TAPSS from the 4 local governments.

This agreement has now expired and the Combined Councils Committee has reviewed the document which is being put forward for all four local governments to consider.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 – 9.49A

FINANCIAL IMPLICATIONS

The cost of providing the support services through TAPSS is included in the operating budget.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

A draft of the Combined Councils Agreement has been given the Town's solicitors for comment. All of their suggestions have been incorporated into the final draft presented in this report.

The Combined Councils Committee has also considered the draft agreement and resolved at their meeting on 09 May 2012 to recommend it to the four member local governments for endorsement.

STAFF COMMENT

TAPSS Inc have provided a high quality service over a long time. The cost to Council for these services is minimal, compared to the service that is made available to local residents. The cooperation shown by the four local governments in the provision of this service is a demonstration of how such services can be offered collaboratively.

The Combined Council Committee has been in place in its current format for more than 6 years, the committee has not experienced any major problems.

The recommendations from the Town's solicitors were drafting changes and the suggestion that several new sections be inserted to provide a level of protection for the local governments in the unfortunate instance that TAPSS Inc. is subject to any legal action. These sections; 8. Indemnity, 9. Insurance, 10. Protection of People and Property, 11. Compliance with Legislation and 13. Assignments and Subcontractors, have been included in the final draft.

VOTING

Absolute Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Mayor Morgan

THAT Council, by absolute majority, authorise the Mayor and Chief Executive Officer to execute under Common Seal the Combined Councils Agreement on behalf of the Town of Cottesloe.

Carried 5/0

10.1.8 NATIVE TITLE CLAIMS AFFECTING PERTH METROPOLITAN AREA

File No: SUB/180
Attachments: [Confidential Attachment Letter Native Title Claims Affecting Perth Metropolitan Area](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services
Proposed Meeting Date: 22 May 2012
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider appointing legal representatives for a native title claim that affects the whole of the Perth Metropolitan area.

BACKGROUND

The Town has been contacted by its solicitors, McLeods, advising that there are two new native title claims that affect the Perth Metropolitan Area. These are the “Whadjuk” and the “Swan River People 2” claims, as outlined in the attached document. At present the Town has not appointed anyone to represent it in these two matters.

Native title is an issue that rarely affects metropolitan local governments, as native title has been extinguished on most lands in the metropolitan area. This is either through the land being privately owned or the inherent difficulties claimants have in showing the chain of use needed to establish a claim. However, when a claim is made over a particular lot that is still crown land, it is up to the respondent to show that native title has been extinguished.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Native Title Act 1993 (Cth)

FINANCIAL IMPLICATIONS

At this stage, it is not possible to calculate the exact cost of representation, as it will depend on how the claim progresses – however, it is anticipated that all of the costs will be able to be met from current and future operating budgets.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Town's solicitors will be acting on behalf of a number of local governments in these claims. At this point in time, there is very little likelihood that the Town will be an active respondent as the overwhelming majority of land in the Town is privately owned or significantly developed. However, it would be prudent to have representation to make sure the Town's interests are protected.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Cr Boland

THAT Council authorise the Chief Executive Officer to appoint McLeods Barristers and Solicitors as the Town's legal representatives in the Whadjuck and Swan River People 2 Native Title Claims.

Carried 5/0

10.2 ENGINEERING

10.2.1 REQUEST FOR FIG TREE REMOVAL, 37 CONGDON STREET, COTTESLOE

File No: PR51478
Attachments: [Copy of Letter Requesting Removal of Fig Tree 37 Congdon Street](#)
[Photos of Tree Litter 37 Congdon Street](#)
[Copy of Letter Requesting Fig Tree Removal 39 Congdon Street \(went to Council Feb2012\)](#)
[Plan of Site 37 and 39 Congdon Street](#)

Responsible Officer: Carl Askew
Chief Executive Officer

Author: Geoff Trigg
Manager Engineering Services

Proposed Meeting Date: 22 May 2012

Author Disclosure of Interest Nil

SUMMARY

An application has been received from the owners of 37 Congdon Street, Cottesloe, for the removal of one fig tree on the road verge, which affects their property because of the large volume of debris continually being dropped onto their property, footpath and crossover.

The recommendation is that Council:

1. Inform the applicant that the two fig trees fronting 37 and 39 Congdon Street will be removed and replaced with suitable native trees.
2. Thank the applicant for bringing this matter to Council's attention.

BACKGROUND

In February 2012, Council received a similar request from the owners of 39 Congdon Street, mentioning two fig trees, one of which was this tree. At the time, Council declined to remove those trees.

This tree will grow much larger, and is bounded by the public footpath, the street kerbing and a crossover. These assets are not yet being lifted by the tree roots. Fig trees are well known for their invasive root systems and the large amount of debris dropped.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council's Street Tree Policy applies.

STATUTORY ENVIRONMENT

There are no legal or statutory issues relating to where street trees must be planted and how they should be maintained, apart from the standard liability issues regarding potentially dangerous street trees in the public domain.

FINANCIAL IMPLICATIONS

This tree would cost approximately \$1,500 to remove.

SUSTAINABILITY IMPLICATIONS

Native species of suitable street trees planted in locations where the root systems can develop without being restricted or causing damage to infrastructure are of high value to a community's sustainability objectives. Unfortunately, these fig trees, like a number of Cottesloe street trees, are not suitable species to be planted in the existing locations, because of the size they will grow to and the probable damage from invasive tree roots in the future.

CONSULTATION

Nil

STAFF COMMENT

Council's Street Tree policy includes a list of reasons why street trees would normally not be removed. One of these reasons is for the tree litter / leaf fall (messy tree). The other secondary reasons – root invasion into private property, cracks in paths and driveways and the fear of slipping over on the squashed berries – are standard complaints about large fig trees.

At the February 2012 meeting, Council "acknowledged that in the future there would be a need for Council to re-consider this particular issue".

The age of the owners and visitors and thus the increased potential for injury is a factor in this consideration.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Boland referred to the Town's Street Tree Policy where it outlines reasons that do not justify tree removals, such as tree litter/leaf fall ("messy" tree) and alternative species requested by residents. Cr Boland also referred to section 4(6) of the policy where it states "A proposal to remove or replace multiple street trees in one street shall require an expert's report, public consultation and consideration by Council" and suggested that Council conduct public consultation on the matter, in line with the policy.

Committee discussed the February 2012 request to remove a Fig Tree from Congdon Street, where Council voted to retain the tree. Committee agreed that in the long term, Morton Bag Fig Trees are not an appropriate species due to the long term issues associated with the roots systems, potential size of the tree and the tree debris, however there was reluctance to remove two trees, as Cottesloe is known for

being a “leafy suburb” for a reason. As such Committee questioned whether one tree could be removed at a time to allow the replacement sapling time to grow, before the second tree was removed.

Mayor Morgan advised that he was in favour of public consultation regarding the proposed removal of the street trees from Congdon Street, to give the community an opportunity to have a say on the matter of whether one, two or none of the trees be removed. Committee also requested that Administration consider what assistance could be offered in relation to cleaning up of the debris created by the trees pending the outcome of the consultation.

OFFICER RECOMMENDATION

Moved Cr Strzina, seconded Cr Rowell

THAT Council:

1. Inform the applicant that the two fig trees fronting 37 and 39 Congdon Street will be removed and replaced with suitable native trees.
2. Thank the applicant for bringing this matter to Council’s attention.

Lost 0/5

NEW MOTION / COMMITTEE RECOMMENDATION

Moved Cr Boland, Seconded Mayor Morgan

THAT Council, in accordance with it’s Street Tree Policy, obtain an expert’s report and conduct public consultation in relation to the removal and replacement of either one or both of the fig trees fronting 37 and 39 Congdon Street, and report back to Council.

Carried 4/1

10.2.2 UPGRADING OF LANEWAY ROW 32B & CLOSURE REQUEST

File No: SUB/272
Attachments: [Copy of letter and attached sketch from owner of 71 John Street](#)
[Aerial Plan of ROW32B](#)
[Copy of letter and attachment from owners of 217 Marmion Street](#)
[Details of Development Application for 217 Marmion Street](#)

Responsible Officer: Carl Askew
Chief Executive Officer

Author: Geoff Trigg
Manager Engineering Services

Proposed Meeting Date: 22 May 2012

Author Disclosure of Interest Nil

SUMMARY

A development application has been approved for 217 Marmion Street, Cottesloe. The D.A. covers a new single garage accessed from the rear via a short section of ROW 32B, off the south side of John Street. An office will be built above the garage. The affected section of ROW 32B is to be sealed and drained as a condition of the D.A. The legal width is 2.72m, however the fence line on the west side of ROW 32B (the eastern boundary of N^o71 John Street) appears to be not on the correct alignment and reduces the laneway width by up to 0.4m.

The two affected owners (217 Marmion Street and 71 John Street) have not been able to agree on a realignment of the fence, to allow proper width access to the rear of 217 Marmion Street.

The owners of 71 John Street have requested Council to have the section of ROW 32B adjacent to the rear boundary of 217 Marmion Street temporarily closed for submissions to be gathered to be presented to Landgate.

The owners of 217 Marmion Street have requested that no closure be approved and that Council require the boundary fence on the east side of 71 John Street be installed on the correct alignment and that an independent licensed surveyor peg the laneway boundaries to give assurance to the owner of 71 John Street.

This report recommends that Council:

1. Arrange for a licensed surveyor to determine the legal alignment of property boundaries on each side of ROW 32B off John Street.
 2. Inform the owners of 217 Marmion Street and 71 John Street that:
 - a) Council will not approve any form of closure of a portion of ROW 32B; and
-

- b) Council will arrange a licensed survey of the laneway between their properties and if the results of that survey should show that the fence on the east side of 71 John Street obstructs or restricts the legal width of ROW 32B, then the fence will be required to be moved back onto the legal alignment within a particular time period.

BACKGROUND

The owners of 217 Marmion Street have had a surveyor peg their property boundary and establish the location of both sides of the affected section of ROW 32B. This pegging has indicated – that the western boundary line of the ROW is actually inside the existing asbestos and brick fence line. The three properties on the east side have existing fence lines set back from the legal alignment.

Therefore, with the laneway sealing condition, the full legal width cannot be achieved. Also, the available access width to the proposed garage approved for 217 Marmion Street is not sufficient for normal vehicle access and movement.

Staff have had discussions and one arranged meeting on site with owners from the two affected properties, but no agreement or compromise was achieved. It would appear that the alignment of the existing fences have been on their current alignment for many years. Any potential shift of the fence will have implications for the owner in terms of cost and potential consequential impacts upon other structures including side access, one mature tree and a pergola.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council's Rights of Way / Laneways Policy applies

STATUTORY ENVIRONMENT

Along with all other previously owned laneways by Council, this laneway is now Crown Land but vested in Council for administration and control.

The Local Government Act 1995, under section 3.25, states:

3.25 NOTICES REQUIRING CERTAIN THINGS TO BE DONE BY OWNER OR OCCUPIER OF LAND

(1) A local government may give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that —

(a) is prescribed in Schedule 3.1, Division 1; or

(b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2.

(2) Schedule 3.1 may be amended by regulations.

- (3) *If the notice is given to an occupier who is not the owner of the land, the owner is to be informed in writing that the notice was given.*
- (4) *A person who is given a notice under subsection (1) is not prevented from complying with it because of the terms on which the land is held.*
- (5) *A person who is given a notice under subsection (1) may apply to the State Administrative Tribunal for a review of the decision to give the notice.*
- (6) *A person who fails to comply with a notice under subsection (1) commits an offence.*

Under Schedule 3.1, Division 1, Part 14(1) and (2) Council has the power to require something to be done, in this case remove anything obstructing.

“Private thoroughfare” is mentioned and explained in Schedule 9.1, part 7(1).

Schedule 9.1 also covers under part 3, “Obstructing or encroaching on public thoroughfare”.

OBSTRUCTING OR ENCROACHING ON PUBLIC THOROUGHFARE

- (1) *Regulations may be made about the obstruction of public thoroughfares by things that —*
- (a) *have been placed on the thoroughfare; or*
 - (b) *have fallen from land or fallen from anything on land.*
- (2) *Regulations may be made to ensure that structures and plants do not encroach on a public thoroughfare.*

FINANCIAL IMPLICATIONS

The owner of 71 John Street has not accepted the accuracy of the survey pegging of the boundaries of ROW 32B. The owners of 217 Marmion Street arranged the pegging but, because of this non-acceptance of the result, have now requested Council arrange an independent licensed surveyor to formally peg the laneway boundaries.

The cost of this survey is estimated at \$1,000. No other cost to Council is anticipated.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

On site discussions have occurred with the two affected property owners. Other adjacent owners were contacted but do not wish to be involved.

STAFF COMMENT

The fence issue affecting the owners of 217 Marmion Street and 71 John Street has had a negative impact on the previously friendly relationship between the two

families. Discussions and meetings on site have not resolved the issue or established any compromise.

On the east side of the laneway, the legal boundary appears forward of the actual built fences. Any sealing could only go to the boundary, not the fence lines. On the west side, the legal boundary is inside the built fence line for most or all of the length. The front fence section is brick, followed by asbestos which is the section measured up to 0.4m out into the laneway opposite the development site approved for 217 Marmion Street.

The request by the owners of 71 John Street to close a part of the laneway, even temporarily, should not be considered. It is a public access way, currently used for access to residential properties. It will be used for construction machinery and materials delivery when site works commence at 217 Marmion Street.

The plans provided by the owners of 217 Marmion Street for their development show a wider than normal garage set back from the property boundary, to allow for the turn into the garage plus the ability to back out and drive forwards out of the laneway onto John Street.

This becomes difficult to impossible if the laneway west side fence remains off the suggested legal boundary alignment.

Originally, it was thought that Landgate would be involved in requiring the miss-aligned fence to be relocated but Council has the administrative responsibility for these public access laneways, identical to vested road reserves.

The use of powers given to Council in the Local Government Act 1995 as covered under "Statutory Environment" indicate that, if shown to be out of alignment, the fence line, acting as an obstruction in a public thoroughfare, could be dealt with by first having a notice served, under Section 3.25, to the owners of 71 John Street requiring the fencing obstruction to be removed or relocated.

It would be warranted for Council to arrange for a licensed surveyor to survey the laneway section to remove any doubt of the existence of an obstruction of the laneway width.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Committee discussed the issue of the brick wall at the entrance to ROW 32B near John Street, and advised that if the wall does not affect vehicle maneuverability or the turning circle, there would be negligible benefit, due to the high costs associated with moving the wall. Cr Strzina commented that he would be interested in obtaining the real costs of moving the fence to the boundary. The Manager Engineering Services provided an estimate of \$10,000.

Committee discussed the possibility of sharing the costs associated with moving the fence between the owners of the two affected properties or three ways between

Council and the owners of the two properties. The Manager Engineering Services advised that Committee would be setting a precedent as some of the back fences of properties fronting other streets could also be subject to similar claims. As a consequence of the discussion, Committee was of the view that as a compromise Council should meet the cost of the survey and the residents share the cost of the fence realignment if required.

OFFICER RECOMMENDATION

Moved Cr Strzina, seconded Cr Rowell

THAT Council:

1. Arrange for a licensed surveyor to determine the legal alignment of property boundaries on each side of ROW 32B off John Street.
2. Inform the owners of 217 Marmion Street and 71 John Street that:
 - a) Council will not approve any form of closure of a portion of ROW 32B; and
 - b) Council will arrange a licensed survey of the laneway between their properties and if the results of that survey should show that the fence on the east side of 71 John Street obstructs or restricts the legal width of ROW 32B, then the fence will be required to be moved back onto the legal alignment within a particular time period.

AMENDMENT 1

Moved Mayor Morgan, Seconded Cr Strzina

That point (2)(b) of the officer recommendation be amended to include the words "portion of asbestos" after the words "legal width of ROW 32B, then the" and the words "from the end of the brick wall to the end of the White's property boundary" be added after the word "fence".

Carried 5/0

AMENDMENT 2

Moved Mayor Morgan, Seconded Cr Strzina

That a new point (2)(c) be added to the officer recommendation that states "Inform the owners that the costs of the realignment of the asbestos fence should be met jointly by the owners of 217 Marmion Street and 71 John Street."

Carried 3/2

COMMITTEE RECOMMENDATION

THAT Council:

1. Arrange for a licensed surveyor to determine the legal alignment of property boundaries on each side of ROW 32B off John Street.
2. Inform the owners of 217 Marmion Street and 71 John Street that:
 - a) Council will not approve any form of closure of a portion of ROW 32B;
 - b) Council will arrange a licensed survey of the laneway between their properties and if the results of that survey should show that the fence on the east side of 71 John Street obstructs or restricts the

legal width of ROW 32B, then the portion of asbestos fence from the end of the brick wall to the end of the White's property boundary will be required to be moved back onto the legal alignment within a particular time period; and

- c) Inform the owners that the costs of the realignment of the asbestos fence should be met jointly by the owners of 217 Marmion Street and 71 John Street.

AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 4/1

**10.2.3 GROUP REQUEST FOR THE SEALING AND DRAINAGE OF ROW 1B,
BETWEEN OZONE PARADE AND NORTH STREET, COTTESLOE**

File No: SUB/241
Attachments: [Copy of Letter re ROW between Ozone Parade and North Street](#)
[Plan of Site ROW 1B](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 22 May 2012
Author Disclosure of Interest Nil

SUMMARY

A request has been received for the drainage and sealing of ROW 1B, from Ozone Parade and North Street, Cottesloe. The request has been signed by owners of four affected properties.

The recommendation is that Council:

1. Consider the inclusion of the length of ROW 1B in the next version of the 5 Year Laneway Program for sealing and drainage upgrading.
2. Inform the applicants of Councils decision.

BACKGROUND

Council has recently adopted its second 5 Year Plan for Laneway upgrading. That plan includes laneway sections in the worst condition with the most recorded complaints.

There are many laneways not in the 5 year list that need upgrading but cannot be fitted into the approx \$80,000 per year allocation for such works.

At present, this laneway has the northern end brick paved with the rest a sand surface.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

There is no mandatory or legal requirement for any laneway to be sealed and drained.

FINANCIAL IMPLICATIONS

The length of this laneway is 100m. A cost estimate to seal and drain this length by 3.4m wide is \$7,000. This cost is not included, at present, in any program or budget.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Only with the owner of 239 Broome Street, who has consulted with three other owners.

STAFF COMMENT

The two laneway upgrading projects in 2012/13 are for ROW's 50 and 51. These have experienced problems over many years and are a priority for early solution. This laneway, ROW 1B, is in need of upgrading, but no more so than the other works listed in the 5 year program. In February 2013, the next version of the 5 year plan will be received by Council for consideration. Staff will consider this laneway for inclusion, as well as a re-assessment of previously listed works.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Cr Rowell

THAT Council:

- 1. Consider the inclusion of the length of ROW 1B in the next version of the 5 Year Laneway Program for sealing and drainage upgrading.**
- 2. Inform the applicants of Councils decision.**

Carried 5/0

10.2.4 FUTURE PLANNING NEEDS FOR EXPANDED CYCLING FACILITIES AND FUNDING LEVELS

File No: SUB/707
Attachments: [Copy of Recent Newspaper Article Re Bike Paths](#)
[Copy Of 5 Year Cycling Facilities Plan Sections For Minor and Major Works](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 22 May 2012
Author Disclosure of Interest Nil

SUMMARY

At its February 2012 meeting, when adopting the new 5 Year Cycling Facilities Plan, Council resolved:

THAT Council:

1. Adopt the draft updated 5 Year Program for Cycling Facilities and include Year 1 of the program into the draft 2012/2013 budget document for funding consideration.
2. Receive a further report in relation to future planning needs for expanded cycling facilities and funding levels, once expenditure priorities are resolved by Council in regards to the foreshore development impacting on the foreshore dual use path and cyclists using Marine Parade.
3. Form a Working Group to review the Town of Cottesloe Bike Plan 2008-2013.
4. Move the "installation of the wheel ramp on Curtin Avenue footbridge near Pearse Street" listed in Year 5 of the Cycling Facilities Plan for consideration in the mid year budget review for 2011/12.

This report deals with item 2 of the resolution and recommends that Council:

1. In the 2013/2014 budget considerations, include a minimum of \$50,000 to commence a long term program to widen the Raia Roberts Dual Use Path to 3 meters and remove cycle conflict points.
2. Continue to lobby for the early installation of the missing section of the Principal Shared Path between Grant Street and the southern Cottesloe boundary.

BACKGROUND

Over a number of years, Council has had various cycling paths and facilities installed, based on the old regional bike plan priorities.

With the new Bike Plan adopted in 2008 and recognised by the then Department for Planning and Infrastructure, the priorities recommended in the plan become worthy of consideration for bicycle network annual grant funding. The Bike Plan must also be the basis of Council's budgeted works program to justify consideration for grant funding.

Therefore, the recommended minor priorities in the Bike Plan continue to from the basis of the 5 Year Program, with the five major projects being treated as individual projects involving high expenditure and controversial decisions yet to be made.

STRATEGIC IMPLICATIONS

The Town Cottesloe Future Plan 2006-2010 provides for bicycle use.

Objective 1 – Protect and enhance the lifestyle of residents and visitors.

Strategy 1.1 states “Develop an integrated transport strategy that includes park and ride, Cott Cat, Travelsmart, limited parking and the needs of pedestrians, cyclists and other non-vehicle traffic”; and in

Objective 3 – Enhance beach access and the foreshore.

Strategy 3.5 states “Improve bicycle and disabled access to beach facilities”.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

The updated 5 Year program was included in the previous budget as a standard inclusion. At various times, different improvements have been funded on an ‘as needed’ basis. The 5 major projects have substantial costs not included in any Council budget or program.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Occurred as part of the process to establish the new Bike Plan in 2008.

STAFF COMMENT

The 5 Year Program is based on the completion of the ‘Spot’ and Minor Route improvements listed in the 2008-2014 Local Bike Plan (P24), with an annual expenditure of \$15,000.

The request for a report on future planning needs for expanded cycling facilities and funding levels is seen as relating to the five major projects (listed on P28) which will require substantial funding and planning. Two of these projects are State

Government / MRWA responsibilities, i.e. the extension of the Principle Shared Path (PSP) along Curtin Avenue from Grant Street to Cottesloe's southern boundary and a new, wider bridge on Eric Street over the railway line for cyclists.

Until very recently, Council had been informed that no works would be undertaken on the Curtin Avenue PSP until the West Coast Highway eventual alignment through Cottesloe was decided. However, in a recent press release, the Transport Minister announced that \$20m would be made available to improve the major PSP routes in Perth, over the next 2 years. This included the route in Cottesloe south of Grant Street.

Of the three remaining major projects listed in the Bike Plan and adopted by Council, the widening of the Forrest Street footpath to become a dual use path from Curtin Avenue to Marine Parade was Council's priority in 2009 for a grant submission through Bikewest. Of the \$100,000 cost estimate, a grant of \$49,000 was approved. Council was not in a position to fund its \$51,000 to undertake the works. The grant offer was therefore not accepted. Councillor comments at the time were that Forrest Street would be too steep for cyclists. Staff have therefore not pursued that project any further.

The next project was to investigate the potential to reallocate road space on Marine Parade by removing a lane of parking to provide for pedestrians and cyclists. The loss of so many car parking bays, particularly in the summer months, would be controversial. Also, with the projected major changes relating to Marine Parade with the Foreshore Redevelopment Project, consideration of the needs of vehicle parking versus a cycling lane should be undertaken at that time and as part of that Plan.

The last of the five 'Major' improvements included in the plan is to widen the entire length of the foreshore dual use path, investigate solutions for conflict points and provide additional signage.

The dual use path, in sections, will be affected by the Foreshore Redevelopment Project, is affected by collapse or erosion of the supporting sand dune on the western side (e.g. North Cott Surf Life Saving Club and north of Grant Street) and has long sections where a widening would be possible. For the 4km length, the cost would be in excess of \$200,000 if no changes to the alignment occurred. With the need to completely relocate sections of the path, a cost of over \$300,000 would be expected. Less than 25% of this 4km would be affected by the future Foreshore Redevelopment.

Given Council's restricted available finance to dramatically increase expenditure for improved cycling facilities, and the probable controversy regarding the reduction of Marine Parade parking to convert parking bays to a cycle path, the idea of a longer program, over a number of years, to widen or relocate sections of the Marine Parade dual use path could be considered.

In addition, Council could continue to pressure the State Government to prioritise the Curtin Avenue PSP route for completion through Cottesloe during the two years recently announced for a cycle path funding boost.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Mayor Morgan

THAT Council:

1. In the 2013/2014 budget considerations, include a minimum of \$50,000 to commence a long term program to widen the Raia Roberts Dual Use Path to 3 meters and remove cycle conflict points.
2. Continue to lobby for the early installation of the missing section of the Principal Shared Path between Grant Street and the southern Cottesloe boundary.

Carried 5/0

10.2.5 REQUEST FOR THE REMOVAL OF 3 NEW ZEALAND CHRISTMAS TREES, 46 OZONE PARADE, COTTESLOE

File No: PR50770
Attachments: [Copy of letter re Street Tree Removal Ozone Parade](#)
[Photos of NZ Christmas Tree](#)
[Copy of Plan of Site Ozone Pde](#)
[Description of Tree Type](#)

Responsible Officer: Carl Askew
Chief Executive Officer

Author: Geoff Trigg
Manager Engineering Services

Proposed Meeting Date: 22 May 2012

Author Disclosure of Interest Nil

SUMMARY

Three New Zealand Christmas trees grow as verge trees in front of 46 Ozone Parade. The property owners have requested the removal of these trees and their replacement with WA Peppermint trees. The reasons for this request are the very aggressive root system of the species and their heavy use of water.

The recommendation is that Council agree to the owners of 46 Ozone Parade removing three New Zealand Christmas trees from the verge, with the owners to fund this removal and the planting of two new WA Peppermint trees as replacements.

BACKGROUND

These street trees are mature and are not breaking up kerbing or footpaths. Several of the same species have been removed over the last few years due to the tree dying, the tree being in the way of an approved crossover / entry or to a combination of damage and poor health.

A large development on the corner of Margaret Street and Ozone Street originally had a dying pine tree and two poor quality gum trees fronting the site which were removed. As part of the landscaping to be undertaken on the site, the verge planting will include WA Peppermint trees as street trees. All other gaps in this verge will be planted with the same species. Council no longer uses the New Zealand Christmas trees as a street tree because of the root issues.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council's Street Tree policy applies.

STATUTORY ENVIRONMENT

There are no legal or statutory issues relating to the planting of street trees or the choice of species for such planting.

FINANCIAL IMPLICATIONS

The removal of these trees would be by Council staff, at an estimated total cost of \$2,000, which is recommended to be met by the owners of 46 Ozone Parade.

SUSTAINABILITY IMPLICATIONS

The New Zealand Christmas Tree is not a native species of Australia and the most sustainable street tree type is normally a local native species such as the WA Peppermint tree.

CONSULTATION

Nil

STAFF COMMENT

There is a general push from residents on this section of Ozone Parade to have all of the New Zealand Christmas Trees replaced with WA Peppermint trees. The main reason is because of the extensive root system that spreads out to find moisture. With the existing gaps in the line of trees on this street section being planned to receive WA Peppermint trees as part of new landscaping efforts, the time is appropriate to allow the removal of these three New Zealand Christmas trees (one will need removal because of the crossover location), with the owners funding the removal plus installation of two new WA Peppermint trees.

VOTING

Simple Majority

COMMITTEE DISCUSSION

In light of the determination made in relation to item 10.2.1, Committee were of the opinion that a similar recommendation should be made.

OFFICER RECOMMENDATION

Moved Cr Rowell, seconded Mayor Morgan

THAT Council agree to the owners of 46 Ozone Parade removing three New Zealand Christmas trees from the verge, with the owners to fund this removal and the planting of two new WA Peppermint trees as replacements.

Lost 0/5

NEW MOTION / COMMITTEE RECOMMENDATION

Moved Mayor Morgan, Seconded Cr Rowell

THAT Council, in accordance with its Street Tree Policy, obtain an expert's report and conduct public consultation in relation to the removal and replacement of either one or all of the New Zealand Christmas Trees fronting 46 Ozone Parade, and report back to Council.

Carried 5/0

10.3 FINANCE

10.3.1 FINANCIAL MANAGEMENT REVIEW

File No: SUB/1215
Attachments: [Previously Circulated FMR report Town of Cottesloe Final 29 02 2012](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services
Proposed Meeting Date: 22 May 2012
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider the report compiled by the Town's Auditors, UHY Haynes Norton, on the Town's Financial Management Systems.

BACKGROUND

All local governments are required to undertake a review of their financial management systems at least once every 4 years. These reviews are to examine every aspect of the local government's financial management, to ensure that processes and procedures adequately identify the local government's financial position and performance, as well as ensuring that processes and procedures are such that the local government's policies are being followed.

This is highly specialised work that is often undertaken by a local government's auditors, in addition to the local government's normal audit requirements. In a regular financial year audit, auditors take samples of work to ensure that all financial transactions have basis in fact, and can be traced appropriately through all stages of the transaction. The auditors at this stage are not necessarily reviewing the effectiveness of the control procedures, although it goes without saying that if a deficiency is noticed, it will be reported.

The Financial Management Review (FMR) looks in great detail at the control procedures and ensures that they are sufficient to ensure the financial integrity of the local government. This is only done every three to four years, or as felt necessary.

In June 2010, one of the Town's employees was arrested and charged by the Corruption and Crime Commission (CCC). He was charged with multiple counts of misconduct in relation to the awarding of contracts. The level of deception involved would have made it very difficult for the misconduct to have been detected by ordinary accounting practices and controls. Further, the level of record keeping and financial control present assisted in the prosecution of this case.

It was felt prudent that immediately after the case was resolved, a thorough and independent review of the Town's financial management systems was undertaken, to ensure they are still operating to the highest possible level. As such, the Town's

Auditor was asked to undertake the Financial Management Review, earlier than required and with an expanded scope.

This review will ensure that the Town's systems are adequate, and will hopefully reassure the public that the Town is operating as efficiently as possible.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996 – 5(2)(c)

The CEO is to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

The Financial Management Report was considered by the Audit Committee on Monday 26 March 2012. The Audit Committee resolved to endorse the Officer Recommendation as follows:

That Council:

1. Accept the report from the Town's Auditor on the Financial Management Review.
2. Undertake that the recommendations contained within the review will be implemented as soon as possible.

STAFF COMMENT

The Town's Auditor has completed his work and provided the attached report. Overall the report provides that the Town's financial controls were adequate, however there are several areas that could be improved. A brief comment has been provided below on all of the recommendations and where appropriate how these recommendations will be implemented.

Rates debtors' reconciliations to be signed and dated by the preparer and reviewer

While these reconciliations are being prepared and have been accurate, they should be reviewed by someone who is senior to the person who prepared the report, and a person who is not involved in the rating processes in the normal course of business. As such either the Finance Manager or Manager Corporate and Community Services will review the reconciliation and endorse it as required. All reconciliations will be filed in date order.

Fees and Charges: Development application fee calculations be independently reviewed

During the course of their work the auditors found several discrepancies between the fee charged and the fee that should have been charged against the value of the development recorded in the system. All of these discrepancies were reviewed and it was found that in most cases, the discrepancy was caused by either;

- a) The previous year's fee was used (this only occurred close to the start of the financial year); and
- b) The Approval being sought was only a "re-approval" where the minimum fee is charged.

There was also an incident where a data entry error had caused the wrong valuation to be recorded in the system.

The easiest way to implement the auditor's recommendation would be to have the officer assessing the development application check that the fee has been raised correctly. This process is already in place for building license applications – that is the license is not issued unless the receipt is viewed by the building surveyor and deemed correct.

For clarity, a new field will be put into the system to allow for "re-approvals".

Purchasing; Purchase orders to be raised prior to goods or services being received

The purchasing of goods is an area that does need some retraining of staff. It has become accepted practice that in some instances it is acceptable to write out an order after the goods or services have been ordered. This is usually because the order is for small items that are needed urgently and the officer involved doesn't have an order book with them at the time. While most officers intend to write the order out as soon as they get back to their office, unfortunately, there are times where they become distracted and simply forget to write the order out.

To stop this practice, training will be provided to all staff that are able to order goods. During this training they will be reminded what purpose purchase orders serve and why they must be authorised BEFORE the order is made. Administration will also look at purchasing procedures to see if the ordering of some items can be streamlined, so that officers can comply without too greater burden.

Managers and approving officers will also be informed of their role in making sure purchase orders are completed appropriately – and what to do in instances where

orders aren't completed properly. It is believed that through training and management of orders, this issue can be addressed.

Purchasing; Quantities ordered and received be reconciled

The Auditors have raised a concern regarding the way "standing orders" or "part-deliveries" have been authorised for payment.

It has been accepted practice that when an invoice for a standing order or part-delivery is received, that the original purchase order is copied and placed with the invoice for payment authorization. With this practice there is a slight risk that either an order could be received twice (and authorised for payment) or that incorrect amounts could be received.

In future, invoices for standing orders or part-deliveries will be attached to the original order, along with the other invoices pertaining to that order for payment authorization. In this way, the officer authorising the payment will be able to see what has already been received and paid for.

Purchasing; Purchase Orders include date order raised

In some instances orders are signed where there is no date - this is usually done in error. Approving officers will be asked to ensure that all orders now have dates before the order is approved.

Purchasing; Details of quotations received be filed with Purchase Orders

There are requirements in the purchasing policy that require officers to obtain quotes for orders of a certain value. Until recently, the officers were filing these either themselves or ad-hoc in the filing system. In order to implement the Auditor's recommendation, officers will be instructed to file the quotes (scanned copy) in TRIM (Electronic Records Management System) under the notation Quote <insert company name> < order number>. In this way, a search will be able to quickly verify the quotes have been received and if necessary they can be viewed.

Purchasing; Staff be required to declare interests in suppliers

Staff are already required to declare any potential conflict of interest, including with suppliers as a part of the recruitment procedure. Indeed, part of the recent successful prosecution hinged on being able to show that staff are aware of the need to disclose any interest that they may have in a supplier that they are dealing with.

What the Auditor is suggesting here is in addition to the Town's existing requirements. A statement would be placed in each order to confirm that the person placing the order has no interest in the company with who the order is being placed. This will be investigated when order books are being reprinted or if the Town moves to an electronic purchasing system. The requirement to disclose interests will also be brought to the staff's attention during the training that will be implemented on purchasing.

The recommendation that staff be regularly required to sign a document stating that they have no interest in any of the Town's suppliers will be actioned.

Purchasing; Credit account with IGA

The Auditor's recommendation will be implemented immediately.

Wages and Salaries; Electronic filing of personnel data be performed in a timely manner

In February 2012, the Town completed the installation of the HR Module of the Authority Program. This module interacts with the payroll module to ensure that documentation is completed in a timely manner when a new employee starts with the Town. It also allows managers to review the information and ensure that it is up to date and correct.

Changes to employees' bank account details to be independently authorised

Forms and procedures are to be put in place. Random audits of account details from independent records will also be set in place.

The gross salaries and wages posted to the general ledger be reconciled to the payroll summary report

Currently the payroll clearing account is balanced after every pay run. The additional reconciliation will be set in place and reconciliations printed, signed and filed appropriately. This reconciliation will most likely be done quarterly.

Procedures be considered to enhance the timely completion and submission of time sheets

In the last few months several changes have been implemented in this regard. Firstly, the day pays are transferred has been pushed back one day, which allows greater processing time for payroll. This has resulted in far less timesheets being submitted "late". Secondly, the internal staff timesheets have been revised and modified to allow for easier completion.

More often than not, timesheets are late when then staff member is either on holidays or away when timesheets are due. Staff have been reminded during recent payroll training that it is their responsibility to ensure timesheets are submitted early if they are going to be absent on the day timesheets are due.

The Auditor also makes mention of the use of electronic time card systems. In order to cover the complexity of the time cards (recording job details and plant in use) the system would need a certain level of complexity, which costs. Further, given the nature of the work our outside crew undertake, and where it is done, any portable electronic device is likely to be damaged, lost or stolen.

A review of how time sheets are filled in and entered will be undertaken to ensure this is being done as efficiently as possible.

Cost Allocations: Supporting workings for allocation reviews be signed and dated by the preparer and reviewer

In order to be efficient some costs are paid for from a central source and then allocated to the correct project/job via a means of estimation. Measures such as work hours or percentages are used to allocate these types of costs. As can be imagined, these costs don't always occur uniformly and sometimes adjustments need to be made to ensure that there are no unallocated costs, or that costs are not over allocated.

These calculations will now be printed and reviewed by the Manager of Corporate & Community Services and filed appropriately.

Budget preparation process: A review undertaken to assess using the “Authority” system for budget preparation

Budget preparation is a particularly complex operation and involves input from nearly every staff member. At present Excel spreadsheets are completed by the staff members and forwarded to the finance team where they are compiled into the draft budget. Once the budget is adopted, the budget is then loaded to the system.

The risk here is that there can be data entry errors or calculation errors depending on how the spreadsheets are formatted. However, using the Authority budgeting system isn't without risk. Data entry errors can still occur, and it will make “re-calculating” the budget a more time consuming process.

A review will be undertaken after the completion of the 2012/2013 budget, and will include a thorough analysis of the budget preparation process.

Plan for the Future

The requirements for the Plan for the Future have changed and administration is in the process of developing plans that will comply with the new requirements. This process will be undertaken as soon as possible.

Registers: Annual returns to be completed in arrears and to contain all relevant dates.

A review of the register will be undertaken. All returns to be inspected against a checklist before they are accepted.

Registers: Review be undertaken to determine which staff are “designated employees” require to complete Primary and Annual returns

Review to be undertaken and advice sought from the Department of Local Government and WALGA.

Registers: No blank sections to be left on Primary and Annual Returns

All returns to be inspected against a checklist before they are accepted.

Other matters; Reconciliation of loan balances be signed and dated by the preparer and reviewer

While appropriate checks are in place, they are not being documented. This procedure will be amended to accommodate the recommendation.

Overall

The financial management procedures and practices of the Town are sufficient – however a number of minor improvements can be made. All of these improvements will be put in place during the remainder of this financial year and as such can be reviewed by the Auditor in the end of year audit.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Cr Rowell

THAT Council:

- 1. Accept the report from the Town's Auditor on the Financial Management Review.**
- 2. Undertake that the recommendations contained within the review will be implemented as soon as possible.**

Carried 5/0

**10.3.2 STATUTORY FINANCIAL REPORTS FOR THE PERIOD 1 JULY 2011 TO
30 APRIL 2012**

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 22 May 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 30th April 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 negative operating revenue of \$130,991 or 6%. Of this, \$119,395 relates to less income from parking revenue. Operating expenditure is \$426,064 or 4% less than year to date budget. Material variances are outlined on the Variance Analysis Report on pages 7 to 9 of the attached Financial Statements.

Capital expenditure is reported in detail on pages 21 to 25 of the Financial Statements and it should be noted that there are some projects which are either deferred in part or total, such as the Depot Upgrade and various other capital works items.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Mayor Morgan

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 30 April 2012, and as submitted to the 22 May 2012 meeting of the Works and Corporate Services Committee.

Carried 5/0

10.3.3 LIST OF ACCOUNTS PAID FOR THE MONTH OF APRIL 2012

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 22 May 2012
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the list of accounts paid for the month of April 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 April 2012 is included in the report on pages 10 to 14 of the attached Financial Statements. The following significant payments are brought to Council's attention;

- \$15,852.43 & \$33,121.95 to WA Local Government superannuation Fund for staff superannuation contributions.
 - \$22,633.57 to the Australian Taxation Office for the March 2012 Business Activity Statement.
 - \$104,305.51 to WA Treasury Corporation for loan repayments.
 - \$145,575.38 to the Shire of Peppermint Grove for Council's quarterly contribution to the library.
-

- \$17,748.61 to B & N Waste for green waste collection services.
- \$27,460.62 & \$10,827.32 to Western Metropolitan Regional Council for waste transfer fees.
- \$15,180.00 to Adams Coachlines for the Cottesloe cat bus shuttle service.
- \$59,843.09 to Transpacific Cleanaway for waste collection services.
- \$10,285.00 to Nu-Trac Rural Contracting for beach cleaning services.
- \$50,234.75 to WA Hino for the purchase of a new truck (\$95,234.75) less the truck traded in (\$45,000.00)
- \$72,182.78 & \$73,900.02 for fortnightly payroll services.
- \$150,000 & \$81,303 to National Australia Bank being transfers between accounts.
- \$19,000 to Westpac Bank being a transfer to reserve investments.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Mayor Morgan

THAT Council receive the list of accounts paid for the month of April 2012 as included in the attached Financial Statements, as submitted to the 22 may 2012 meeting of the Works and Corporate Services Committee.

Carried 5/0

10.3.4 SCHEDULES OF LOANS AND INVESTMENTS AS AT 30 APRIL 2012

File No: SUB/150 & SUB/151
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 22 May 2012
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Schedules of investments and Loans as at 30 April 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 17 of the attached Financial Statements shows that \$2,830,503.91 was invested as at 30 April 2012. Approximately 50% of these funds were invested with the Westpac Bank, 27% with National Australia Bank, 13% with Bankwest and 10% with the Commonwealth Bank of Australia.

The Schedule of Loans on page 18 of the attached Financial Statements shows a balance of \$6,208,229.62 as at 30 April 2012. Included in this balance is \$380,753.94 that relates to self supporting loans.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Mayor Morgan

THAT Council receive the Schedule of Investments and the Schedule of Loans as at 30 April 2012. These schedules are included in the attached Financial Statements as submitted to 22 May 2012 meeting of the Works and corporate Services Committee.

Carried 5/0

10.3.5 PROPERTY AND SUNDRY DEBTORS REPORTS AS AT 30 APRIL 2012

File No: SUB/145
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager

Proposed Meeting Date: 22 May 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 page 19 of the attached Financial Statements shows a balance of \$16,873.69 of which \$14,469.08 relates to the current month. The balance of aged debtors is \$2,404.61. It is to be noted that there has been a delay in raising both quarterly and general debtors due to the high turnover of staff in recent months. This will be rectified over the next couple of weeks.

The Rates and Charges Analysis on page 20 of the attached Financial Statements shows a total balance outstanding of \$343,391.44. Of this amount, \$191,913.09 and

\$62,476.23 are deferred rates and outstanding ESL respectively. The Statement of Financial Position on page 4 shows a balance of \$282,980 as compared to \$316,679 this time last year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Mayor Morgan

THAT Council receive the property and Sundry Debtors Reports as at 30 April 2012. These reports are included in the attached Financial Statements as submitted to the 22 May 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

Nil

13 MEETING CLOSURE

Prior to the closure of the meeting, the Mayor and CEO provided a brief update in relation to the meeting covered by WALGA this morning for all metropolitan Mayors in relation to the Association's response to the Metropolitan Local Government review Draft Findings.

The Presiding Member announced the closure of the meeting at 9:00 PM.

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