

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 9 SEPTEMBER 2010 AT 7:00 PM

	Page
1. DECLARATION OF MEETING	1
2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED).....	4
3. DISCLAIMER (READ ALOUD BY PRESIDING MEMBER).....	4
4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER).....	4
5. APOLOGIES AND LEAVE OF ABSENCE.....	4
6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
7 (OCM 09/09/2010) - PUBLIC QUESTION TIME.....	5
8. CONFIRMATION OF MINUTES	6
8.1 <u>(MINUTE NO 4343)</u> (OCM 09/09/2010) - ORDINARY COUNCIL MEETING - 12/08/2010	6
9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE	7
10 (OCM 09/09/2010) - DEPUTATIONS AND PETITIONS.....	7
11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (IF ADJOURNED)	7
12. DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER.....	7
13. COUNCIL MATTERS.....	7
13.1 <u>(MINUTE NO 4344)</u> (OCM 09/09/2010) - MINUTES OF THE AUDIT AND STRATEGIC FINANCE COMMITTEE MEETING - 25 AUGUST 2010 (FS/C/002) (S DOWNING).....	7
13.2 <u>(MINUTE NO 4345)</u> (OCM 09/09/2010) - PROPOSED AMENDMENT TO POLICY SC24 'COMMUNITY USE OF CITY OF COCKBURN CORPORATE LOGO' (S SEYMOUR-EYLES) (CR/P/003) (ATTACH)	9

13.3	<u>(MINUTE NO 4346)</u> (OCM 09/09/2010) - PROPOSED AMENDMENTS TO POLICY SC6 'COMMUNICATION AND INFORMATION DISSEMINATION' AND POLICY SC28 'PROPOSED AMENDMENT BY ELECTED MEMBERS TO RECOMMENDATIONS FOR COUNCIL MEETINGS' (CC/P/003) (S CAIN) (ATTACH)	10
13.4	<u>(MINUTE NO 4347)</u> (OCM 09/09/2010) - REVIEW OF CITY OF COCKBURN (LOCAL GOVERNMENT ACT) LOCAL LAWS 2000 (CC/P/099) (P WESTON) (ATTACH)	14
14.	PLANNING AND DEVELOPMENT DIVISION ISSUES.....	17
14.1	<u>(MINUTE NO 4348)</u> (OCM 09/09/2010) - OUTBUILDING LOCATION: LOT 605 (NO 45) WAUHOP CIRCLE, BEELIAR - OWNER/APPLICANT: MATTHEW TURNER (3318499) (P HIRST) (ATTACH)	17
15.	FINANCE AND CORPORATE SERVICES DIVISION ISSUES.....	20
15.1	<u>(MINUTE NO 4349)</u> (OCM 09/09/2010) - LIST OF CREDITORS PAID - JULY 2010 (FS/L/001) (N MAURICIO) (ATTACH)	20
15.2	<u>(MINUTE NO 4350)</u> (OCM 09/09/2010) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - JULY 2010 (FS/S/001) (N MAURICIO) (ATTACH).....	22
15.3	<u>(MINUTE NO 4351)</u> (OCM 09/09/2010) - PROPOSED AMENDMENTS VARIOUS DELEGATED AUTHORITIES (S DOWNING) (FS/P/003) (ATTACH).....	25
16.	ENGINEERING AND WORKS DIVISION ISSUES.....	27
17.	COMMUNITY SERVICES DIVISION ISSUES.....	27
17.1	<u>(MINUTE NO 4352)</u> (OCM 09/09/2010) - PROPOSED CALENDAR OF EVENTS FOR THE SUMMER OF FUN 2010/11 (S SEYMOUR-EYLES) (CR/F/008)	27
18.	EXECUTIVE DIVISION ISSUES.....	30
19.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	30
20.	NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING	30
21.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS	31
22.	(OCM 09/09/2010) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE.....	31

	Page
23. CONFIDENTIAL BUSINESS	31
<u>(MINUTE NO 4353)</u> (OCM 09/09/2010) - MEETING BEHIND CLOSED DOORS.....	31
<u>(MINUTE NO 4354)</u> (OCM 09/09/2010) - SUSPENSION OF STANDING ORDERS.....	31
<u>(MINUTE NO 4355)</u> (OCM 09/09/2010) - RESUMPTION OF STANDING ORDERS.....	32
23.1 <u>(MINUTE NO 4356)</u> (OCM 09/09/2010) - CHIEF EXECUTIVE OFFICER PERFORMANCE AND SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE - 25 AUGUST 2010 (P1192) (S CAIN) (ATTACH)	32
<u>(MINUTE NO 4357)</u> (OCM 09/09/2010) - MEETING OPEN TO THE PUBLIC.....	34
24 <u>(MINUTE NO 4358)</u> (OCM 09/09/2010) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)	34
25 (OCM 09/09/2010) - CLOSURE OF MEETING	35

CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 9 SEPTEMBER 2010 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mr K Allen	-	Deputy Mayor (Arr. 7.53 pm)
Ms H Attrill	-	Councillor
Mr I Whitfield	-	Councillor
Ms L Smith	-	Councillor
Mrs C Reeve-Fowkes	-	Councillor
Mr T Romano	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	Councillor

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Mrs B. Pinto	-	PA – Directors, Fin. & Corp. Serv./Admin. & Comm. Serv.
Mrs S. Seymour-Eyles	-	Acting Communications Manager

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00 pm.

The Presiding Member made the following announcements:

Public Meeting - Community Infrastructure Contributions Scheme

The City has scheduled a second community information session for 6.00 pm on Monday, 13 September 2010, at the Cockburn Youth Centre, 25 Wentworth Parade, Success, relating to the proposed Community Infrastructure Contributions Scheme.

A panel of experts will present on this issue and members of the community will be given the chance to ask questions.



Public Meeting - Naval Base Shacks

A Public Information evening has been scheduled for Monday, 25 October 2010 at 6.00pm, at the City of Cockburn Administration Building relating to the future management of the Naval Base Shacks.

The public comments period is also open and the closing date for submissions is no later than 4.00 pm, 12th November 2010.

Coolbellup Community Hub

The City's latest investment in community infrastructure, the Coolbellup Community Hub was officially opened on Wednesday 25 August 2010 amid a very large gathering of the community.

The one-stop shop range of services available from the Hub has added significant value to those living in the nearby suburbs and provides a further consolidation of the precinct in terms of being adjacent to the Len Packham Hall, the Coolbellup Learning Centre and the Coolbellup Community School.

Coogee Primary School – 'Certificate of Appreciation'

On Thursday, 2 September Ms Melissa Bolland, the City's Grants and Research Officer and Mayor Howlett attended an assembly at the Coogee Primary School where the Principal, Mr Warren Bell and the President of the P and C Association, Mrs Sam Palermo, presented the City with a 'Certificate of Appreciation' for its contribution to the sail shade covers placed over one of the school's playground areas.

It was pleasing to see other sponsors of the school project present and acknowledged, many of whom were parents or friends of the school community.

Hamilton District Council – Recognition of the Role of Chaplains in our Schools

Mayor Howlett, Pat Howlett and Cllr Sue Limbert, attended a function at the Hamilton Senior High School on Tuesday, 7 September held to acknowledge and thank the Chaplains for providing services to local schools under the umbrella of the Hamilton District Chaplaincy Council.

A 'Certificate of Appreciation' was presented to supporters of the chaplaincy programs in schools, including the City by Ms Donna McDonald , Principal, Hamilton Senior High School.

Fiona Stanley Hospital – Naming of Public Roads & Conservation Parks Ceremony

On Sunday, 29 August Mayor Howlett attended the naming of Public Roads and Conservation Parks Ceremony at the Fiona Stanley Hospital site where



the Deputy Premier and Minister for Health, Dr Kim Hames, MLC announced the names to be given to the 12 new roads and two conservation parks in the new hospital precinct.

The names chosen reflected eminent Western Australians from the health sector and Aboriginal names for local sites, medicinal plants and traditional healing methods, recognising the area's Aboriginal culture and its location on traditional Noongar land.

Reverend Sealin Garlett gave the 'Welcome to Country' address. A list of all the names and a brief synopsis of each have been provided on the notice board immediately outside the Council Chambers.

Perth Royal Show – Theme Country 'Croatia'

Croatia has been selected as the theme country for this year's Perth Royal Show and planning has been underway for the most part of this year.

A major exhibition of Croatian heritage and culture will be displayed in one of the main pavilions. Mayor Howlett encouraged everyone to visit this important event, given our sister city relationship with Split, Croatia.

Sister City Visit - Yueyang

The City is finalising plans to send a delegation to China in October this year to visit our Sister City, Yueyang and that would include attendance at the International Mission to China and associated Expos. The visit would be the second since the Sister City Agreement was signed in 1998.

A five member delegation visited the City of Cockburn in December 2009, their third visit to Cockburn. A further delegation from China is expected in December this year.

National Medal for Long Service to Emergency Services

Mr Leslie Woodcock, a member of the South Coogee Volunteer Bush Fire Brigade was recently awarded a National Medal for long service to emergency services (15 years).

At the same ceremony Mr Michael Ricci, also a member of the South Coogee Volunteer Bush Fire Brigade was awarded a National Medal for long service to emergency services (first clasp for 25 Years).

The City extends its congratulations to Messrs Woodcock and Ricci on achieving such a significant milestone and for their continued contributions to our community.



2010 WA Employer of the Year

The City of Cockburn was one of five finalists in the WA Employer of the Year Awards recently presented by the Minister for Training and Workforce Development.

Chevron took out the major award. However, the City received a special mention in recognition of its nomination amongst other finalists that included Rio Tinto and Burswood.

Urban Development Institute of Australia (WA) Award for Excellence

Landcorp and the City were a finalist in the Award for 'Masterplanned Development' for Harvest Lakes but the eventual winner was Port Bouvard Limited for their Port Bouvard Estate.

The City also received an acknowledgement from Landcorp and Alcock Brown-Neaves Group who won the 2010 UDIA (WA) Award for 'Medium Density development' for their Harvest Edge project.

TravelSmart Awards

The Chief Executive Officer advised the meeting that the City received a TravelSmart Award from the Acting Director General, Department of Transport in recognition and appreciation of its support for the TravelSmart Local Government Program.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.

3. DISCLAIMER (Read aloud by Presiding Member)

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)

Nil

5. APOLOGIES AND LEAVE OF ABSENCE

Nil

4



6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 09/09/2010) - PUBLIC QUESTION TIME

Ray Woodcock, Spearwood

Q1 When Mr Michael Coe attended the City to clarify matters on security, was Council charged for his attendance and if so, what was the cost?

A1 No, Council was not charged.

Q2 For Mr Michael Coe to attend the City, did the Office of Crime Prevention approach the City or did the City approach the Office of Crime Prevention?

A2 Council approached the Office of Crime Prevention for Mr Michael Coe to attend the City.

Q3 Now that the City does have a private security service, CoSafe within Cockburn, does the Security Personnel maintain a log sheet of their daily activities, if so, is a copy of each daily patrol provided to Council?

A3 Yes they do provide Council with a daily log sheet.

Q4 Is Council aware of a disturbance by a group using Phoenix Park Shopping Centre on Tuesday, 7 September 2010 at about 18.50 hrs?

A4 Not aware of this.

Q5 If CoSafe attended, do they record this in their daily log?

A5 Not aware of that but it will be checked.

Q6 Is it correct that there are some youths residing in a block of flats on the northern side of the Phoenix Shopping Centre car park?

A6 Not aware of that but it will be checked.

Q7 Does this Council support the comment made by Mayor, John Kelly of the City of Wanneroo as reported in the West Australian on Thursday, 2 September 2010, titled 'Local councils should be given more policing powers to deal with annoying offenders such as graffiti, anti-social behaviour, hooning and crime in the community'?

A7 While the matter has not been considered by Council, as it has not received any report from the City's officers, the Council is not in a position to make a comment at this point in time.



A response to the newspaper article will be provided to you in writing.

John Cunnai, Chairperson of the Spearwood Community Association

Presented a petition of 455 signatures on the Revised Developer Contribution Plan.

Q1 In April this year a meeting was convened attended by officers of Council, Shopping Centre Managers and John Cunnai in regards to shopping trolleys. Since then there has been no response to the community in regard to this. What has happened in regards to these trolleys? There has been no signage erected anywhere. What is the status of this issue?

A1 The question will be taken on notice and responded to in writing.

Santo Pasqua, Bibra Lake

Q1 As a central ward resident, Mr Pasqua asked whether Clr O'Brien is resigning as she has threatened to and stated to do in the Press at the last Council meeting? If not, why not, as I have no confidence in her as a Councillor?

A1 At this point in time the matter rests solely with Clr O'Brien, as we have not received a written letter of resignation. So therefore Clr O'Brien is still a Councillor of this City.

8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 4343) (OCM 09/09/2010) - ORDINARY COUNCIL MEETING - 12/08/2010

RECOMMENDATION

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday, 12 August 2010, as a true and accurate record.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that that the recommendation be adopted.

CARRIED 8/0



9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10 (OCM 09/09/2010) - DEPUTATIONS AND PETITIONS

Clr Limbert presented a petition of some 55 signatures from residents of Okra Court, Anka Gardens and Minga Court, Munster to campaign for footpaths to be constructed on these roads.

11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (If adjourned)

Nil

12. DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER

Nil

13. COUNCIL MATTERS

NOTE: AT THIS POINT IN THE MEETING, THE TIME BEING 7.25 PM THE FOLLOWING ITEMS WERE CARRIED BY AN “EN BLOC” RESOLUTION OF COUNCIL:

13.1	14.1	15.1
13.2		15.2

13.1 (MINUTE NO 4344) (OCM 09/09/2010) - MINUTES OF THE AUDIT AND STRATEGIC FINANCE COMMITTEE MEETING - 25 AUGUST 2010 (FS/C/002) (S DOWNING)

RECOMMENDATION

That Council receive the Minutes of the Audit and Strategic Finance Committee Meeting held on Wednesday, 25 August 2010, as attached to the Agenda and the recommendations contained therein be adopted.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0



Background

A meeting of the Audit and Strategic Finance Committee was conducted on 25 August 2010.

Submission

To receive the Minutes of the Audit and Strategic Finance Committee and adopt its recommendation.

Report

The Audit and Strategic Finance Committee received and considered the following items:

- (1) Timetable for the Audit of the 2009/10 Financial Statements
- (2) Outstanding Internal Audit Projects
- (3) Interim External Audit
- (4) Annual Performance Review of Monetary and Non-Monetary Investments

Strategic Plan/Policy Implications

Governance Excellence

- To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way.

Budget/Financial Implications

As contained in the Minutes.

Legal Implications

As contained in the Minutes.

Community Consultation

N/A

Attachment(s)

Minutes of the Audit and Strategic Finance Committee Meeting held on 25 August 2010.



Advice to Proponent(s)/Submissioners

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

13.2 (MINUTE NO 4345) (OCM 09/09/2010) - PROPOSED AMENDMENT TO POLICY SC24 'COMMUNITY USE OF CITY OF COCKBURN CORPORATE LOGO' (S SEYMOUR-EYLES) (CR/P/003) (ATTACH)

RECOMMENDATION

That Council adopt proposed amendment to Policy SC24 'Community Use of City of Cockburn Corporate Logo, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

Background

In 1998, Council adopted a "Corporate Identity Logo" as an additional marketing tool to the City of Cockburn Crest. The logo featured a distinctive "wave" which was formed into "C's" to identify Cockburn City Council.

The purpose of this Policy was to apply principles on community usage of the logo by organisations external to the City of Cockburn. The logo was updated to better reflect the City in 2008.

Submission

N/A

Report

The original Policy encouraged the use of the City's logo (with caveats) by local community organisations for any promotional purposes.

The City would now encourage community organisations to use their own branding/logos and only support the use of the City's logo where



an organisation has secured financial or in-kind support from the City and the agreement between the City and that organisation requires the City's logo to be used. This revised wording has been incorporated within the attached proposed revised Policy.

The Policy also needs updating to include the current logo.

Strategic Plan/Policy Implications

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Proposed amended Policy SC24 'Community Use of the City of Cockburn Corporate Logo'.

Advice to Proponent(s)/Submissioners

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

- 13.3 **(MINUTE NO 4346)** (OCM 09/09/2010) - PROPOSED AMENDMENTS TO POLICY SC6 'COMMUNICATION AND INFORMATION DISSEMMINATION' AND POLICY SC28 'PROPOSED AMENDMENT BY ELECTED MEMBERS TO RECOMMENDATIONS FOR COUNCIL MEETINGS' (CC/P/003) (S CAIN) (ATTACH)

RECOMMENDATION

That Council adopt proposed amendments to Policy SC6 'Communication and Information Disemmination' and Policy SC28 'Proposed Amendments by Elected Members to Recommendations for



Council Meetings', as attached to the Agenda.

COUNCIL DECISION

MOVED Cllr C Reeve-Fowkes SECONDED Cllr L Smith that Council amend Policy SC6 and SC28 as follows:

- (1) Policy SC6 "Communication and Information Dissemination" – by amending Page 7 of the document titled "Agenda Forums and Other Information Seminars" under the heading "Alternative Recommendations", by deleting the opening sentence and including the following in its place:

"As 'alternatives' are provided by 10.00am on the day of the Council Meeting, a list is compiled of the alternatives and circulated around the Chamber table, time permitting, and made available should Elected Members wish to read them prior to the meeting."

- (2) Policy SC28 Clause 2 by deleting the recommended words "by 4.00pm on the day prior to the Council Meeting": and substituting the following "by 10.00am on the day of the Council Meeting, and by 4.00pm on the day prior to the Council Meeting, where possible, to assist in the administration of this process".

CARRIED 6/2

Reason for Decision

While it is appreciated that administrative bottlenecks can occur under the current process, Elected Members should not be compromised by time constraints which would affect their capacity to propose alternative motions on the day of the meeting. Accordingly, it is suggested that Elected Members be encouraged to submit alternatives by 4.00 pm on the day prior to the Council Meeting, however, the current cut off time of 10.00 am on the day of the meeting remains.

Background

Policies SC6 and SC28 govern the manner in which Elected Members are able to promote an alternative recommendation to that contained in the Agenda, for consideration by their colleagues at the next Council meeting. Since these policies were adopted in 2000 and 2003 respectively, they have had minor amendments reflecting the need to refine their operation.



Submission

N/A

Report

The process of making a decision by Council follows a sequence of Agenda construction by the staff, briefing to Elected Members by senior staff, formulation of alternative recommendations by Elected Members, consideration of matters at the Council meeting, publication of the minutes of the meeting and finally confirmation of the minutes of that meeting at the subsequent Council meeting.

In all of these steps there is a considerable amount of administration required, particularly with the finalisation of the alternative recommendations from Elected Members. The City's current practice has the agenda briefing occur on the Thursday evening the week prior to the Council meeting, with Elected Members allowed until 10.00 am on the day of the Council meeting to submit written alternatives for distribution to their colleagues.

This process doesn't prohibit any Elected Member from withdrawing an item for discussion at the Council meeting, even if it has not been the subject of a written alternative prior to this time. The process, however, should allow for timely passage of information between Elected Members prior to the meeting, so that all are aware of the intent of the alternative and can spend some time considering this prior to the matter being debated.

To allow this system to work properly Elected Members are encouraged to submit their alternative recommendations as soon as practical following the Agenda Briefing. The need for timeliness is aided by Council's practice of considering an item with multiple alternative recommendations on a 'first submitted - first debated' basis.

The process does not require the exact or final wording of the alternative to be provided at the first submission, but it does require sufficient details to enable the text to be properly drafted by a staff member.

The construction of alternative recommendations can be a time consuming process, with several versions of a recommendation produced by the staff before the final wording is agreed to by the Elected Member. This process is mostly transacted by email and telephone conversation. The City's executive staff are those mostly responsible for the drafting of alternatives and on the day of the Council meeting they are also responsible for the provision of answers to any written questions submitted by members of the public, which can also be submitted until 10.00 am on the day of the Council meeting..



The current cut-off time for provision of alternative recommendations, has a number of problems:

- The time taken for final versions of the alternative to be constructed has meant that the agenda 'running sheet' for the meeting is not being produced until Elected Members are at dinner immediately prior to the meeting. This is contrary to the procedure whereby the alternative summary is expected to be available by 5.30pm on the day of the meeting.
- There is often little time available for an Elected Member to access senior staff on the meeting day, as priority has to be given to finalising the alternative recommendations and public questions. This outcome hampers Elected Members who may be seeking staff feedback on the alternatives, as the opportunity to discuss the matter may not be forthcoming.
- Submission of alternatives immediately prior to the cut-off time, means some Elected Members are not seeing draft alternatives with attached reasons for their recommendation until the time of the meeting.
- The effect of this on the Administration Staff means that they may not get any rest break during the day, which is in contravention to their industrial awards.

To overcome these concerns the amendment seeks to bring forward the cut off time for alternatives to 4.00pm the day prior to the Council meeting. As all alternatives have to be logged with the Chief Executive Officer's Personal Assistant, this will allow time to assign the draft item to the appropriate staff member for priority action the following morning. It will also allow advice to be sent to Elected Members on the night prior to the meeting, which is a time many Elected Members are checking their email accounts for daily information.

Strategic Plan/Policy Implications

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A



Attachment(s)

1. Proposed amended Policy SC6 'Communication and Information Dissemination'.
2. Proposed amended Policy SC28 'Proposed Amendments by Elected Members to Recommendation for Council Meeting'.

Advice to Proponent(s)/Submissioners

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

13.4 (MINUTE NO 4347) (OCM 09/09/2010) - REVIEW OF CITY OF COCKBURN (LOCAL GOVERNMENT ACT) LOCAL LAWS 2000 (CC/P/099) (P WESTON) (ATTACH)

RECOMMENDATION

That Council pursuant to Section 3.12(4) of the Local Government Act, 1995, adopt the City of Cockburn (Local Government Act) Amendment Local Law, 2010, as attached to the Agenda.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Cllr C Reeve-Fowkes that the recommendation be adopted subject to the following amendments:

- (1) in the "ARRANGEMENT" (Index) under "PART 1 - PRELIMINARY" insert the words "1.3 Principal Local Laws" between numbers "1.2 and 1.4";
- (2) delete the words "Police Service of Western Australia" on Page 4 and insert the words "Western Australia Police";
- (3) delete the words "section 2.34" and "section 2.36" where they appear on page 22 and insert the words "section 2.56" and "section 2.58" respectively;
- (4) delete the symbols "(k)" to "(ak)" where they appear on pages 26 and 27 and insert the symbols "(j)" to "(aj)" respectively;
- (5) delete the symbols "(k)" and "(l)" on page 56 and insert the symbols "(i)" and "(j)" respectively; and



- (6) delete the words “De Marchi Park” under Schedule 1 on page 84 and insert the words “Bassett Reserve”.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Reason for Decision

A number of minor amendments are required to correctly format the final document. In addition, the Reserve referred to as 'De Marchi Park' has been renamed 'Bassett Reserve'.

Background

Pursuant to Section 3.16(1) of the *Local Government Act 1995* a local government authority must conduct a periodic review of its local laws every eight (8) years to determine whether or not it considers that any local law be repealed or amended.

Pursuant to Section 3.16(4) when Council has considered the report the local government may determine whether or not it considers that the local law should be repealed or amended by way of an absolute majority.

In accordance with Section 3.12(3) of the *Local Government Act 1995* and Council resolution of 10 June 2010 (Minute No 4273) Statewide public notice was given in the 'West Australian' newspaper on 23 June 2010 stating that;

1. The City of Cockburn proposed to amend its local laws.
2. A copy of the proposed amendments may be inspected or obtained from places specified in the Statewide notice.
3. Submissions about the proposed amendments may be made to the City of Cockburn before the day specified in the notice, being a day that is not less than six (6) weeks after the notice was given, that being 6 August 2010.

Submission

N/A

Report

The Statewide notice appeared in the *West Australian* newspaper on 23 June 2010 giving notice of Council's intention to amend the City of Cockburn's (Local Government Act) Local Laws 2010 with inspection



or copies obtainable from the City of Cockburn Administration Office and at the Spearwood, Coolbellup, and Success Public Libraries during office hours.

Submissions were to be made by 6 August 2010.

No submissions were received. However, advice was received from the Department of Local Government that the amendment could be 'modernised' by deleting reference to 'Council' as the head of power and substituting 'local government'. The reason for this is that the corporate body is the City of Cockburn and it is preferable that this distinction be articulated in legal documentation such as Local Laws, whereas the word 'Council' more readily describes the collective group of Elected Members who meet to determine the business of Council. Accordingly, these suggested amendments have been made throughout the proposed document submitted for consideration.

Therefore, it is now proposed that Council resolve to adopt the proposed City of Cockburn (Local Government Act) Local Laws 2010, as attached to this Agenda.

The purpose of the Local Law, as proposed, is to ensure compliance with the review provisions of the Act. The primary effect is to amend the Street Numbering provisions of the Local Laws contained in Part 9, Division 5 of the Local Laws, in addition to 'modernising' some terminology, as proposed by the Department of Local Government.

Strategic Plan/Policy Implications

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.
- To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way.

Budget/Financial Implications

N/A

Legal Implications

Section 3.16 of the Local Government Act refers.

Community Consultation

Advertisement of the proposed amendments was placed in a Statewide public notice, dated 23 June 2010.



Attachment(s)

Proposed amended City of Cockburn (Local Government Act) Amendment Local Law, 2010.

Advice to Proponent(s)/Submissioners

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

**14.1 (MINUTE NO 4348) (OCM 09/09/2010) - OUTBUILDING
LOCATION: LOT 605 (NO 45) WAUHOP CIRCLE, BEELIAR -
OWNER/APPLICANT: MATTHEW TURNER (3318499) (P HIRST)
(ATTACH)**

RECOMMENDATION

That Council:

- (1) grant approval for an outbuilding at Lot 605 (No. 45) Wauhopp Circle Beeliar, in accordance with the approved plan and subject to the following conditions:-
 1. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
 2. No construction related activities causing noise and/or inconvenience to neighbours being undertaken after 7.00 p.m. or before 7.00 a.m., Monday to Saturday, and not at all on Sunday or Public Holidays; and
- (2) advise the applicant of Council's decision accordingly.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0



Background

Zoning:	MRS: Urban
	TPS3: Residential R20
Land use:	Single House (Outbuilding)
Lot size:	635 m ²
Use class:	P

The subject site contains an existing single dwelling with covered patio and car port.

The proposal does not comply with the City's Policy APD18 'Outbuildings' with regard to the maximum wall height. Applications for outbuildings which are not in accordance with this policy require full Council determination.

Submission

The applicant seeks approval to construct an outbuilding with an area of 41 m², a wall height of 2.85 metres (in lieu of 2.4 metres considered acceptable as per Council Policy), and a ridge height of 3.39 m. The applicant has provided justification for this departure from Council Policy, (see attachment) which is summarised as being required "to provide for the secure storage for a camper and boat".

Report

Policy Framework

The subject land is zoned 'residential' with an associated density of R20 under the provisions of the City of Cockburn Town Planning Scheme No. 3 (TPS No. 3). In accordance with the requirements of TPS No. 3, the Council has the discretion to either approve (with or without conditions) or to refuse the application.

The proposed development has been assessed against the standards and provisions of TPS No. 3, Clause 6.10.10 of the *Residential Design Codes (R-Codes)*, and Council Policy APD 18 'Outbuildings'.

The subject development conflicts with the Acceptable Development provisions of this Policy Framework as the maximum wall height of the proposed outbuilding is 2.85 m. This is in conflict with Council Policy APD18 and Clause 6.10.1 of the R-Codes, which restrict the maximum wall height for outbuildings in the subject zone to 2.4 metres.

Comment

In respect to the proposed variation to the maximum wall height outlined in Policy APD18, it is noted that the Policy incorporates a



provision to increase maximum wall heights by a further 10% i.e. a wall height of 2.64 metres is considered acceptable. In the case of the subject proposal, the maximum wall height is 2.85 metres. While the proposed wall height represents a variation to Council Policy, relaxation of height restrictions in the case of this development is considered to be acceptable, as the proposed structure will not have a significant impact on the amenity of the locality, nor that of adjoining property owners based on the following:

- The existing dwelling provides adequate screening of the proposed outbuilding; therefore, the outbuilding will not be visible from the street or public spaces.
- All adjoining property owners have been informed of the proposed development and have not expressed any concerns or objections.
- With the exception of wall height, the proposed outbuilding complies with all of the requirements of both State and Local Planning Policy.
- Surrounding development will not be adversely affected by overshadowing, loss of views, or access to daylight and a result of the development.

APD18 indicates that outbuildings which do not conform to the policy requirements may be approved by Council following consideration of the *proposed use of the outbuilding, visual amenity, impact on the natural landscape and streetscape and any other matter determined relevant.*

In this case the proposed outbuilding is to be used on a domestic scale only for the storage of recreational equipment. The proposed development will not have a negative impact on the amenity of adjoining property owners, the locality, the natural landscape or the streetscape; as such it is considered to be consistent with the intent of Policy APD18, and conditional approval is therefore recommended.

Strategic Plan/Policy Implications

Demographic Planning

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.
- To ensure development will enhance the levels of amenity currently enjoyed by the community.

Governance Excellence

- To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way.



Transport Optimisation

- To achieve provision of an effective public transport system that provides maximum amenity, connectivity and integration for the community.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Two (2) adjoining landowners were consulted with in respect of this proposal, in response to which two written statements of non objection were received.

The application was referred to the Public Transport Authority for comments as the subject property abuts a railway reserve, no comments/ recommendations were received.

Attachment(s)

1. Site Plan
2. Elevation Plan
3. Justification

Advice to Proponent(s)/Submissioners

The applicant has been advised that this matter is to be considered at the 9 September 2010 Council Meeting.

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 4349) (OCM 09/09/2010) - LIST OF CREDITORS PAID - JULY 2010 (FS/L/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for July 2010, as attached to the Agenda.



COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

Background

It is a requirement of the Local Government (Financial Management) Regulations 1996, that a List of Creditors be compiled each month and provided to Council.

Submission

N/A

Report

The list of accounts for August 2009 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

Strategic Plan/Policy Implications

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – July 2010.



Advice to Proponent(s)/Submissioners

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

15.2 (MINUTE NO 4350) (OCM 09/09/2010) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - JULY 2010 (FS/S/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council receive the Statement of Financial Activity and associated reports for July 2010, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

Background

Regulations 1996 prescribes that a local government is to prepare each month a Statement of Financial Activity.

Regulation 34(2) requires the Statement of Financial Activity to be accompanied by documents containing:-

- (a) details of the composition of the closing net current assets (less restricted and committed assets);
- (b) explanations for each material variance identified between YTD budgets and actuals; and
- (c) any other supporting information considered relevant by the local government.

Regulation 34(4)(a) prescribes that the Statement of Financial Activity and accompanying documents be presented to Council within 2 months after the end of the month to which the statement relates.

The regulations require the information reported in the statement to be shown either by nature and type, statutory program or business unit.



The City has chosen to report the information according to its organisational business structure, as well as by nature and type.

Financial Management Regulation 34(5) requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details. To this end, Council has adopted a materiality threshold variance of \$100,000 for the 2009/10 financial year.

Submission

N/A

Report

With this being the first month of a new financial year, it is generally too early to determine any trends in financial performance. The City's closing funds of \$66.1M are \$2.6M ahead of the ytd budget mainly due to security levy revenue of \$1.6M being recognised in July but cash flowed in the budget for August. Also, the levying of the annual rates has produced an additional \$585k against the forecast. Revenue from the waste levy and the recovery park are collectively \$615k ahead of ytd budget.

The City's operating expenditure is showing a favourable variance of \$1.2M, which is also contributing to the overall positive result. Although most business units are in positive territory, Financial Services is showing a material deficit for the month of \$799k. This is primarily due to the early processing of insurance premiums that had been cash flowed for August. Details of material variances within each Business Unit are shown in the Variance Analysis section of the report.

In stark contrast to the normal trend of capital expenditure lagging ytd budget targets, July is showing an over spend of \$985k. However, this is due to the majority of cash flows for capital projects having been allocated to the month of June 2011. Cash flows will be recalibrated in due course.

Council's cash and investment holdings total (including restricted items) of \$60.5M at the end of July is quite healthy considering rates payments haven't impacted the bank in any great way as yet. \$41.6M represents the City's cash reserves, with another \$5.5M being restricted purpose cash. The cash and investment balance is set to seasonally rise over the coming months to close to \$100M, providing ideal opportunity to benefit from the currently high term deposit rates on offer

Council's cash reserves have grown due to the recent addition of three new reserves, namely POS cash in lieu (\$2.7M), Cockburn Super Clinic (\$3.3M) and Waste Collection Levy (\$0.5M).



Description of Graphs and Charts

There is a bar graph tracking Business Unit operating expenditure against budget. This provides a very quick view of how the different units are tracking and the comparative size of their budgets.

The Capital Expenditure graph tracks the ytd capital spend against the budget. It also includes an additional trend line for the total of ytd actual expenditure and committed orders. This gives a better indication of how the capital budget is being exhausted, rather than just purely actual cost alone.

A liquidity graph shows the level of Council's net current position (adjusted for restricted assets) and trends this against previous years. This gives a good indication of Council's capacity to meet its financial commitments over the course of the year.

Council's overall cash and investments position is provided in a line graph with a comparison against the ytd budget and the previous year's position at the same time.

Pie charts included show the break up of actual operating income and expenditure by nature and type and the make-up of Council's current assets and liabilities (comprising the net current position).

Strategic Plan/Policy Implications

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

Material variances identified of a permanent nature (i.e. not due to timing issues) may impact on Council's final budget position (depending upon the nature of the item). These will be assessed and considered for inclusion in the mid-year budget review.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Statements of Financial Activity and associated Reports - July 2010.



Advice to Proponent(s)/Submissioners

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

15.3 (MINUTE NO 4351) (OCM 09/09/2010) - PROPOSED AMENDMENTS VARIOUS DELEGATED AUTHORITIES (S DOWNING) (FS/P/003) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the following proposed amendments to the Delegated Authority Register:
 - ◆ LGAFCS1 'Local Government Act, 1995 – Advertising Proposed Differential Rates';
 - ◆ LGAFCS4 'Local Government Act, 1995 – Payments From Municipal and Trust Funds';
 - ◆ LGAFCS5 'Local Government Act, 1995 – Recovery of Rates and Service Charges – Leased Properties';
 - ◆ LGAFCS8 'Corporate Credit Cards';
 - ◆ AFCS2 'Leasing of Council Controlled Land';
 - ◆ AFCS7 'Use of Cab Charge Vouchers';
 - ◆ SFCS1 'Investments'; and
- (2) update the Delegated Authorities Register accordingly.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr H Attrill SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0



Background

To review the Delegated Authority Register pertaining to delegations provided to the position of Manager, Finance.

Submission

N/A

Report

The proposed amendments as outlined above were provided to the position of Manager, Finance. As this position no longer exists, these delegations now fall under the position of Manager, Management Accounting and Budgeting. Therefore, it was appropriate for these delegations to be reviewed and amended accordingly.

Strategic Plan/Policy Implications

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Proposed amended Delegated Authorities as follows:

1. LGAFCS1 'Local Government Act, 1995 – Advertising Proposed Differential Rates';
2. LGAFCS4 'Local Government Act, 1995 – Payments From Municipal and Trust Funds';
3. LGAFCS5 'Local Government Act, 1995 – Recovery of Rates and Service Charges – Leased Properties';
4. LGAFCS8 'Corporate Credit Cards';
5. AFCS2 'Leasing of Council Controlled Land';
6. AFCS7 'Use of Cab Charge Vouchers';
7. SFCS1 'Investments';



Advice to Proponent(s)/Submissioners

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

Nil

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 4352) (OCM 09/09/2010) - PROPOSED CALENDAR OF EVENTS FOR THE SUMMER OF FUN 2010/11 (S SEYMOUR-EYLES) (CR/F/008)

RECOMMENDATION

That Council adopt the Calendar for the Summer of Fun Events for 2010/11, as detailed in the report.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr C Reeve-Fowkes that Council:

- (1) adopt the Calendar for the Summer of Fun Events for 2010/11, as attached to the Agenda; and
- (2) appoint a Summer of Fun Working Group to include the City's Events Staff and invite interested Elected Members to represent each Ward.

CARRIED 8/0

Reason for Decision

It was the Council's wish that Elected Members have some input into the nature of events for the Summer of Fun activities each year, and to also determine appropriate locations for such events. It was suggested a working group be formed with one Elected representative from each Ward.



Background

Council at its Meeting of 11 August 2005 resolved to adopt a policy which provided for 1% of rates revenue to be allocated for summer events. It was further resolved that a report would be prepared for consideration by Council that identified the events proposed for the forthcoming year.

Submission

N/A

Report

To ensure that venues and acts can be booked and that 40,000 Summer of Fun calendars can be printed and distributed in time for the first event on the calendar (Teddy Bear's Picnic), Council is required to determine the nature of events for the forthcoming Summer of Fun activities early in the financial year. Proposed venues are also shown in the table below.

Event	Date	Venue	Performance
Teddy Bears Picnic	27/10/10	Manning Park, Hamilton Hill	Assorted
Seniors Ball	5 or 6/11/10	Spearwood Dalmatinac Club, Spearwood	Assorted
Concert One	8/1/11	Dixon Reserve, Hamilton Hill	ACDC Tribute
Concert Two	29/1/11	Beeliar Reserve, Beeliar	The Lone Rangers Country Band
Concert Three	12/2/11	Success Regional Sport and Community Facility (final check on availability to be confirmed)	Ultimate Tribute
Regional Concert	5/3/11	Manning Park, Hamilton Hill	Current provisional still negotiating on cost and availability: <ul style="list-style-type: none"> ◆ Human Nature; or ◆ Thirsty Merc; or ◆ Vanessa Amarossi; or ◆ Kate Cebrano; or ◆ John Farnham
Coogee Beach Festival	20/3/11	Coogee Beach Reserve, Coogee	Assorted
Seniors Ball Two	16/4/11	Spearwood Dalmatinac Club, Spearwood	Assorted



The City's Events' Team has booked all acts (except for the regional concert) to ensure they are locked in and can therefore be promoted in the Summer of Fun Calendar which is printed in September and sent out to all residents. These will be confirmed and the Calendar sent to print once Council approval is secured. The recommended act for Central Ward (Beeliar Reserve) was chosen to provide some variety from the mainstream 'Cover' bands which will feature at the other venues. In addition, the annual Christmas concert organised by the Beeliar Residents' Group usually features a pop music style band.

Regional Concert

It should be noted that higher calibre artists, which the City aims to book for the regional concert at Manning Park will not commit so early due to scheduling issues. This tends to work in the City's favour, as feature artists may be out of our reach financially to start with, but if the City can secure them at the end of a tour, it is possible, with negotiation, to obtain such artists at a substantially reduced cost. By early September, a preferred choice will have been made, but at the time of submitting this recommendation, Officers are still in negotiation.

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

- To foster a sense of community spirit within the district generally and neighbourhoods in particular.
- To facilitate and provide an optimum range of community services and events.
- To deliver our services and to manage resources in a way that is cost effective without compromising quality.

Budget/Financial Implications

Project	Description	Budget 2010/11
EXPENDITURE		
9021	Promotion - Summer of Events	45,000.00
9307	Teddy Bears Picnic-WA Child Week	12,000.00
9363	Coogee Beach Party (Cockburn Festival)	45,000.00
9470	Regional Concert - Manning Park	192,000.00
9476	Community Events Days (Summer Concerts)	90,000.00
9492	Seniors Ball	20,000.00
		404,000.00



Legal Implications

N/A

Community Consultation

The KPI Customer Satisfaction Survey 2010 undertaken by Catalyse reported that 82% of residents were familiar with City of Cockburn festival, events; 86% said they were satisfied and 48% extremely satisfied.

The research showed there is greatest interest in popular artists and bands, hits from past decades, tribute bands and local artists and bands.

The research showed that Manning Park is the most popular location and the reserves which have been chosen as venues this year are based on those which were most popular with residents. Also Beeliar, was chosen to maintain balance in the geography of venues as it is sometime since an event was held in this suburb.

Attachment(s)

2010 Customer Perception Survey – Catalyse; Presentation Slides - Events

Advice to Proponent(s)/Submissioners

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

20. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

Nil



21. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS

Nil

22 (OCM 09/09/2010) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Clr Oliver requested that a report be prepared, for Council consideration, on the restriction and location of lunch bars within industrial areas and Policies to be created to cover this and other matters.

DIRECTOR – ADMINISTRATION & COMMUNITY SERVICES, DIRECTOR – FINANCE & CORPORATE SERVICES, DIRECTOR – PLANNING & DEVELOPMENT, DIRECTOR – ENGINEERING & WORKS AND ACTING MANAGER, COMMUNICATIONS LEFT THE MEETING AT 7.46 PM AND DID NOT RETURN

23. CONFIDENTIAL BUSINESS

(MINUTE NO 4353) (OCM 09/09/2010) - MEETING BEHIND CLOSED DOORS

COUNCIL DECISION

MOVED Clr T Romano SECONDED Clr H Attrill that pursuant to Section 5.23(2)(a) of the Local Government Act 1995, Council proceed behind closed doors, the time being 7.46 pm, to consider Item 23.1.

CARRIED 8/0

DEPUTY MAYOR ALLEN JOINED THE MEETING AT THIS POINT THE TIME BEING 7.53 PM.

(MINUTE NO 4354) (OCM 09/09/2010) - SUSPENSION OF STANDING ORDERS

COUNCIL DECISION

MOVED Clr T Romano SECONDED Deputy Mayor K Allen that Standing Orders be suspended temporarily, the time being 7.57 pm.

CARRIED 9/0



(MINUTE NO 4355) (OCM 09/09/2010) - RESUMPTION OF STANDING ORDERS

COUNCIL DECISION

MOVED Cllr I Whitfield SECONDED Cllr S Limbert that Standing Orders be resumed the time being 8.41 pm.

CARRIED 9/0

23.1 (MINUTE NO 4356) (OCM 09/09/2010) - CHIEF EXECUTIVE OFFICER PERFORMANCE AND SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE - 25 AUGUST 2010 (P1192) (S CAIN) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee dated 25 August 2010, as attached to the Agenda under separate confidential cover, and adopts the recommendations contained therein.

COUNCIL DECISION

MOVED Cllr T Romano SECONDED Cllr V Oliver that:

- (1) the recommendation be adopted; and
- (2) Cllr O'Brien be removed from the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee.

MOTION WITHDRAWN

MOVED Deputy Mayor K Allen SECONDED Cllr S Limbert that:

- (1) the Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee dated 25 August 2010, as attached to the Agenda under separate confidential cover, and adopts the recommendations contained therein, be received; and
- (2) legal advice be provided to the Committee on the management of conflict of interest and its obligations to the employee about the provision of safe place of work.

CARRIED 9/0



Reason for Decision

After some discussion it was determined that legal advice be sought in regard to the management of conflict of interest so that all Elected Members are aware of what their obligations are under the Local Government Act. Council was also of the view that employees are provided with a safe work environment and in instances where there is unacceptable behaviour, proper course of action needs to be taken and addressed.

Background

The Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee met on 25 August 2010. The minutes of that meeting are required to be presented to Council and its recommendations considered by Council.

Submission

The minutes of the Committee meeting are attached to the Agenda. Items dealt with at the Committee meeting form the basis of the Minutes.

Report

The Committee recommendations are now presented for consideration by Council and, if accepted, are endorsed as the decisions of Council. Any Elected Member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders.

Strategic Plan/Policy Implications**Governance Excellence**

- To maintain a professional, well-trained and healthy workforce that is responsive to the community's needs.

Budget/Financial Implications

Committee Minutes refer.

Legal Implications

Committee Minutes refer.

Community Consultation

N/A



Attachment(s)

Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee - 25 August 2010, are provided to the Elected Members under separate confidential cover.

Advice to Proponent(s)/Submissioners

The CEO and Senior Staff have been advised that this item will be considered at 9 September 2010 OCM.

Implications of Section 3.18(3) Local Government Act, 1995

Committee Minutes refer.

(MINUTE NO 4357) (OCM 09/09/2010) - MEETING OPEN TO THE PUBLIC

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Deputy Mayor K Allen that the meeting be opened to the public the time being 8.46 pm.

CARRIED 9/0

THE PRESIDING MEMBER ADVISED THE PUBLIC OF THE DECISION OF COUNCIL WHILST BEHIND CLOSED DOORS

24 (MINUTE NO 4358) (OCM 09/09/2010) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

That Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are:-

- (1) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (2) not duplicated, to an extent Council considers inappropriate, services or facilities as provided by the Commonwealth, the State or any other body or person, whether public or private; and
- (3) managed efficiently and effectively.



COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Deputy Mayor K Allen that the recommendation be adopted.

CARRIED 9/0

25 (OCM 09/09/2010) - CLOSURE OF MEETING

8:50 pm

CONFIRMATION OF MINUTES

I, (Presiding Member) declare that these minutes have been confirmed as a true and accurate record of the meeting.

Signed: Date:/...../.....

