

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

ORDINARY MEETING OF COUNCIL
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
7.00 PM, Monday, 04 November, 2013

CARL ASKEW
Chief Executive Officer

6 November 2013

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 7:00 PM.

2 DISCLAIMER

The Presiding Member drew attention to the town's disclaimer.

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

4 PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

4.2 PUBLIC QUESTIONS

Nil

5 PUBLIC STATEMENT TIME

Mr Dougal Mclay, 4 Warnham Road, Cottesloe – Re. Noise Issue at the Cottesloe Beach Hotel

Mr McLay referred to the ongoing issue of noise and made the following statements.

Previous research by Hocking Heritage Architects identified problems with patrons of Cottesloe Beach Hotel since 1978, including drunkenness, loitering, noise and bad language. The majority of complaints seemed to refer to use of the Beer Garden. That shows complaints have been ongoing for 35 years. Mr McLay believed this must include a record for residents' complaints. He hoped the new Council would be able to do something about it.

Mr McLay's second point involved meetings with Cottesloe Beach Hotel representatives, including conciliation and negotiation relating to Section 117 of the Liquor Control Act. Mr McLay indicated he was having trouble understanding what was being advised by the hotel management. He has asked direct questions but still can't figure it out. Mr McLay intended to record the next meeting so he can work out what is being said. Unfortunately, when he set up another meeting it did not proceed and he's had no answer to calls.

Mr McLay referred to the Ordinary Minutes of Council of 27 May 2013 on page 3 regarding answers to questions he previously asked about achieving compliance with the environmental noise requirements. On 19 October 2013 the Town's Principal Environmental Health Officer measured noise coming from the hotel. The results show that despite the acoustic works there is no significant noise reduction. Mr McLay noted that the hotel still needs to

conduct its own noise testing. He requested that Council act strongly to reduce the noise or it will be another 35 years of complaints.

The Mayor acknowledged Mr McLay's concerns, noting that this is an ongoing issue and took his statements on notice at this stage, for the Administration to consider a response in due course.

Mr Alan Wall, 283 Marmion Street, Cottesloe– Re. 10.3.2 Proposal for Expansion of Cottesloe Tennis Club

Mr Wall represented the Tennis Club as a significant local community organisation and explained that their request for expansion will enable the Club to respond to increased demand, especially for night tennis. The Club sees this as a logical and strategic part of their future as a premier facility. Mr Wall acknowledged the support from Council's officers and stated that the Club is keen to work with Council for mutual benefit, including development of the hard court facilities and the interface with John Black Dune Park. Mr Wall indicated that he was happy to answer questions.

6 ATTENDANCE

Present

Mayor Jo Dawkins
Cr Peter Jeanes
Cr Jack Walsh
Cr Helen Burke
Cr Jay Birnbrauer
Cr Philip Angers
Cr Katrina Downes
Cr Sally Pyvis
Cr Robert Rowell

Officers Present

Mr Carl Askew	Chief Executive Officer
Mr Mat Humfrey	Manager Corporate & Community Services
Mr Geoff Trigg	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Mrs Lydia Giles	Executive Officer

6.1 APOLOGIES

Nil

Officer Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Nil

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 DECLARATION OF INTERESTS

Mayor Dawkins declared an impartiality interest in item 10.3.2 Proposal for Expansion of Cottesloe Tennis Club, as she is a member of the Tennis Club.

Cr Downes declared an impartiality interest in item 10.3.2 Proposal for Expansion of Cottesloe Tennis Club, as she is a member of the Tennis Club.

Cr Downes declared a Proximity interest in item 10.4.3 Structural Repairs Required to Sea View Golf Club Building, as she lives opposite Sea View Golf Course.

Cr Walsh declared an impartiality interest in item 10.4.3 Structural Repairs Required to Sea View Golf Club Building, as he is a member of the Sea View Golf Club.

Cr Downes declared an impartiality interest in item 10.4.4 Application for Fireworks 13 December 2013, as her children attend North Cottesloe Primary School.

8 CONFIRMATION OF MINUTES

Moved Cr Rowell, seconded Cr Jeanes

[Minutes September 23 2013 Council.DOCX](#)

The Minutes of the Ordinary meeting of Council held on Monday, 23 September, 2013 be confirmed.

Carried 9/0

Moved Cr Angers, seconded Cr Rowell

[Minutes October 21 2013 Council.DOCX](#)

The Minutes of the Special meeting of Council held on Monday, 21 October, 2013 be confirmed.

Carried 9/0

9 PRESENTATIONS**9.1 PETITIONS**

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

For the benefit of the members of public present, the Presiding Member determined to consider: Item 10.3.2 from the Development Services Committee was withdrawn for consideration. The remaining items were dealt with 'En Bloc'.

From the Works & Corporate Services Committee items 10.4.3 and 10.4.4, were withdrawn for consideration. The remaining items were dealt with 'En Bloc'.

The confidential item 13.1.1 was considered behind closed doors at the end of the meeting.

10 REPORTS**10.1 REPORTS OF OFFICERS**

Nil

10.2 REPORTS OF COMMITTEES**10.3 DEVELOPMENT SERVICES COMMITTEE MINUTES - 28 OCTOBER 2013****10.3.1 NO. 10 (STRATA LOT 2) VERA STREET – NEW TWO STOREY DWELLING**

File Ref:	2767
Attachments:	Aerial Site Plans Property Photos Streetscape
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Ronald Boswell Planning Officer
Proposed Meeting Date:	28 October 2013
Author Disclosure of Interest:	Nil
Property Owner:	Ronald and Robyn Creagh
Applicant:	Coastview Australia Pty Ltd
Date of Application:	17 September 2013
Zoning:	Residential R35
Use:	P - A use that is permitted under this Scheme
Lot Area:	300m²
M.R.S. Reservation:	Not applicable

SUMMARY

This application is seeking the following variations to Council's Town Planning Scheme (TPS 2), the Residential Design Codes (RDC) and Council's Policy/Resolution:

- Front setback
- Side setbacks
- Boundary Wall

Each of these aspects is discussed in this report and refers to plans received on 20 September 2013.

Given the assessment that has been undertaken, the recommendation is to approve the application.

PROPOSAL

This application is for a two storey dwelling that will replace an existing two storey dwelling. The new dwelling will incorporate a double garage, entry hall, staircase,

study, powder room, laundry, kitchen and living areas (indoor/outdoor) at ground level, and three bedrooms, two toilets and an upper living area to the first floor.

STATUTORY ENVIRONMENT

- Town Planning Scheme No. 2
- Residential Design Codes

POLICY IMPLICATIONS

Garage and Dwelling in Front Setback Area (Council Policy/Resolution)

HERITAGE LISTING

Not applicable.

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Council Policy/Resolution

	Permitted	Proposed
Streetscape	6m front setback (Council resolution 28/10/02).	3.22m

Residential Design Codes

Design Element	Acceptable development	Proposed	Design principles
5.1.3-Lot boundary setback	<ul style="list-style-type: none"> • 1.5m, 1.7 • Max 3.5m, average of 3m 	<ul style="list-style-type: none"> • 1.1m, 1.5m • 3.15m 	Clause 5.1.3 – P3.1 and P3.2

ADVERTISING OF PROPOSAL

The application was advertised and consisted of a letter to five adjoining property owners. Advertising closed on 16 October 2013 and there were no submissions.

BACKGROUND

An initial assessment of the application revealed two areas of non-compliance with Council requirements, including the dwelling being proposed forward of the 6m setback and variation to side boundary setback requirements.

The application has been supported by written justification from the applicant who is seeking concessions against Council Policy/Resolution and the Residential Design Codes.

OFFICER'S COMMENT

The following technical assessment is made in respect of the proposed development:

Front Setback

In 2002 Council resolved to generally require a 6m front setback for residential development which does not include averaging (for the preservation of streetscape, view corridors and amenity) regardless of the density coding. The acceptable development standards of the RDC require a minimum 4m front setback from a primary street in a Residential R35 zone. A reduced setback may correspond with the average of the setback of existing dwellings on each side of the proposed dwelling. In this instance the two storey dwelling shall be setback further than the adjoining properties to the east and west sides.

The existing dwelling currently has a reduced setback to the garage of 1m into the front setback area, i.e. 5m setback.

The proposed double garage on the eastern side of the lot is setback 3.22m from the front boundary. The remainder of the ground floor is setback 6.7m from the front boundary. This dwelling achieves a 4.96m average front setback therefore making it compliant with the acceptable development standards of the RDC. The site shall remain R35 when LPS No. 3 becomes active which will allow front setbacks of a minimum 2m, average 4m, under the acceptable development standards of the RDC. The first floor has a balcony to the master bedroom that maintains an equal setback to the garage. The rest of the first floor is setback 6.64m. This will reduce the bulk and scale of the upper floor as viewed from the street.

Side and Rear Setback

The proposed ground floor alfresco has a setback of 1.1m from the northern boundary, in lieu of a 1.5m setback required under the acceptable development standards of the RDC. The upper floor (stairs/sitting room/bathroom) has a setback of 1.5m from the western boundary, in lieu of a 1.7m setback required. Under the acceptable development standards of the RDC, this variation can be considered under Design Principles, which state:

Buildings set back from street boundaries an appropriate distance to ensure they:

- *contribute to, and are consistent with, an established streetscape;*
- *provide adequate privacy and open space for dwellings;*
- *accommodate site planning requirements such as parking, landscape and utilities; and*
- *allow safety clearances for easements for essential service corridors.*

The proposed variations are relatively minor and compensate for a small, narrow lot. The proposed setback variation will not have any significant impact on direct northern sun and ventilation to the dwelling or the adjoining property on the western side or appurtenant to open spaces. Only one high-level window and one obscure glazed window will be located on this elevation and shall assist in protecting privacy.

Boundary Wall

The proposed dwelling includes a parapet wall on the eastern boundary. The parapet wall is single storey with a length of 7.87m and height of 3.15m from NGL. The existing dwelling has a parapet wall in the same location that is 6m long. The length of the parapet wall complies with the RDC, although is over the average height by 0.15m which is marginal and should be supported by Council.

CONCLUSION

The proposed two storey dwelling can be supported as it represents acceptable variation under Council's policy pertaining to garages and buildings in the front setback area, and the side and rear setback variations being sought. It satisfies the relevant performance criteria of the RDC and should be supported by Council. Furthermore, no submissions have been received from adjoining owners. The development is fully compliant with the building height requirements of TPS 2.

In summary, the existing dwelling fits in with the pattern of reduced setbacks on the subdivided small lots along Vera and Albion Streets, being developments which Council has approved. The new dwelling essentially replaces the current one and maintains this streetscape arrangement, including with the dwellings either side. The overall degree of variation sought is relatively minor (whereas small lot dwelling designs can tend to seek quite significant variations) and does not affect neighbouring properties.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Birnbrauer

THAT Council GRANT its approval to Commence Development for the proposed Two Storey Dwelling at 10 (Strata Lot 2) Vera Street, Cottesloe, in accordance with the plans received on 20 September 2013, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.**
- (2) The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (3) All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.**

- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (5) Air-conditioning plant and equipment shall be located closer to the dwelling than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that sound levels do not exceed those specified in the Environment Protection (Noise) Regulations 1997.
- (6) The finish and colour of the boundary wall facing the neighbour shall be to the satisfaction of the Manager Development Services.
- (7) A separate application for a new crossover meeting Council's specifications shall be submitted for approval by the Manager Engineering Services or an authorised officer.

Advice Notes:

- (1) The owner/applicant is responsible for ensuring that all boundaries shown on the approved plans are correct and that the proposed development is constructed entirely with the owner's property.
- (2) The owner/applicant is responsible to apply to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development. Please note that proper and accurate scaled, dimensioned and annotated construction plans are required for that purpose, not hand-drawn plans.
- (3) The owner/applicant is reminded of their obligation under the Strata Titles Act which may require the consent from the adjoining strata owners and/or Strata Company before commencing any work on site. This is separate from the planning approval process.

Carried 9/0

Mayor Dawkins declared an impartiality interest in item 10.3.2 Proposal for Expansion of Cottesloe Tennis Club, as she is a member of the Tennis Club, and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider the matter on its merits and vote accordingly.

Cr Downes declared an impartiality interest in item 10.3.2 Proposal for Expansion of Cottesloe Tennis Club, as she is a member of the Tennis Club, and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider the matter on its merits and vote accordingly.

10.3.2 PROPOSAL FOR EXPANSION OF COTTESLOE TENNIS CLUB

File Ref: PR52897
Attachments: [Aerial](#)
[Foreshore Redevelopment Plan](#)
[Tennis Club Submission](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services
Proposed Meeting Date: 28 October 2013
Author Disclosure of Interest Nil

SUMMARY

This report presents a proposal by Cottesloe Tennis Club (CTC) to expand its site, seeking in-principle support from Council as a prelude to initiating the formal procedures involved.

CTC has provided the attached outline and indicative plan accordingly.

The opportunity exists to consider the proposal in the context of the entire open space along Napier Street and progressive improvements to the public domain, with each project adding value to the amenity and landscape of the area.

BACKGROUND

The CTC occupies Crown land reserved for recreation which is vested in the Town, who lease the site to the Club (for a 21 year period, with six years elapsed). In planning terms the land is Metropolitan Region Scheme Parks & Recreation Reservation (ie *Regional Open Space*), together with John Black Dune Park (JBDP) and Car Park No. 2 (CP2).

A range of land use and development controls relate to the locality, including the Town's Foreshore Redevelopment Plan (FRP), Natural Areas Management Plan (NAMP), proposed Local Planning Scheme No. 3 (LPS3) and additional parking provision.

The CTC proposal invites consideration of a coordinated approach to the upgrading of the overall area.

STRATEGIC IMPLICATIONS

- Relates to planning and development of open space, recreational facilities, parking stations and the public domain, in connection with the FRP.

POLICY IMPLICATIONS

- Relates to management of assets, open space and parking.

STATUTORY ENVIRONMENT

- Local Government Act
- Land Administration Act
- Metropolitan Region Scheme

FINANCIAL IMPLICATIONS

- In due course CTC may approach the Town for funding assistance to then be considered.
- Planning and upgrading JBDP would involve costs for a landscape architect, community consultation and implementation, to be drawn from current and future budgets.
- Extending CP2 would require funding from future budgets.

SUSTAINABILITY IMPLICATIONS

- Open space and public domain design and works should be conscious of sustainability principles and measures.

CONSULTATION

- To be conducted by CTC and the Town pursuant to more detailed planning and a formal DA for this proposal.
- Concept plans for JBDP and CP2 to involve community consultation in due course.

STAFF COMMENT**Cottesloe Foreshore Redevelopment Plan**

The FRP arose from the Enquiry by Design and subsequent deliberations involving the Town's Foreshore Working Group. Following consideration Council has adopted a final version as a broad guide to progressive improvement of the public domain. Projects have ensued, including the disability access path (virtually completed) and intended public toilets/change-rooms (concept plans). The Plan informs ongoing more detailed planning and proposals, including the future of the Napier Street open space containing CP2, JBDP and CTC.

CTC proposal

The CTC originated in the 1930s and is a key community recreational resource. The Club has a 500-strong membership ranging from children to seniors. Tennis

continues to be a popular and growing sport, with increasing demand for access to courts and hours of availability. There is a trend towards hard courts for reduced maintenance and water consumption.

Recently CTC has undertaken its Strategic Plan Review, copy attached, covering membership, finance and governance, and facilities and planning. In accordance with the Club's outlook, physical expansion of the site for additional courts is proposed, to increase capacity and rationalise the supply of hard versus grass courts.

Specifically, CTC requests Council's agreement to extend the lease boundary some 18m to the west into JBDP, to accommodate additional courts and provide a landscape buffer. The precise form of the extension (ie level of courts, degree of retaining wall, landscape buffer, fencing) remains to be designed in liaison with the Town, leading to a DA for planning approval.

The funding arrangement is yet to be determined, pending detailed design and approvals. CTC is likely to approach Tennis Australia, Tennis West and the Department of Sport and Recreation in this regard. CTC might also request Council to contribute.

John Black Dune Park

This is a natural re-growth sandy "park" named after a former Mayor. Although recognised as a green space it is not formally landscaped or used and is not an attractive or hospitable place. The Park would be reduced by expansion of CTC and CP2.

The Cottesloe Natural Areas Management Plan identifies the Park as in need of improvement and a priority for works:

John Black Dune Park is a modified stable dune occurring between the car park and tennis club on the north side of Napier Street. The area was extensively cleared in the 1960s and retains only small sections of remnant vegetation at its north east and south east corners. The remainder of the open area is dominated by Victorian Tea Tree and understorey weeds. The Town has indicated the possibility of expanding the adjacent car park into the western section of this reserve. Currently John Black Dune Park does not experience any community ownership and is a source of antisocial behaviour and safety concerns. The highly degraded state and lack of native vegetation makes this park to be more suitably classified as potential natural area (PNA) rather than an existing natural area (ENA), as its management will require establishing native vegetation, rather than enhancing bushland condition. The unique position and large compact shape of this public open space provides much opportunity for public education, interpretation and demonstration, such as planting local species that are aesthetic and are bird and butterfly attracting.

It would be prudent to engage a landscape architect to design a concept plan to upgrade the JBDP into a useable and attractive environment.

The FRP also envisages upgrading of the JBDP as follows:

This area needs to be properly developed rather than continuing in its current form. Development of the car park on the western side will present the opportunity to turn this area into an excellent example of natural coastal habitat. It will require the installation of an east/west and north/south path (perhaps an elevated boardwalk), appropriate lighting and a number of interpretive stations to educate the community about dunal habitats. The north/south path must have a clear line of sight to ensure adequate surveillance. It is also very important that additional natural species are planted to help with the overall restoration of the park.

Car Park No. 2

This is the largest beachfront car park, which is well-used and fills to capacity at peak times (hot weather and events) but is otherwise only partially occupied or quite empty. The FRP envisages concentration of parking at CP2 and upgrading as follows:

The most important strategy in re-developing the foreshore is the centralisation of parking. This will involve the removal of Car Park No. 1 and most of the embayment parking along Marine Parade. This at-grade parking area will provide approximately 430 car bays. Shade from large-canopied trees will be required. These trees will also have to be suitable for the coastal context. The new centralised car park should be set back from Marine Parade. This set back area should be well landscaped to lessen the visual impact of the car park.

The Town has prepared a concept plan, attached, for possible extension of the CP2 into JBDDP to add approximately 100 bays. This work is not budgeted or programmed at this stage, but could be implemented depending on parking demand and changes determined for JBDDP or CTC.

Napier Street car parking

In 2012 the Town constructed an area of brown asphalt car parking off Napier Street to serve CTC, with border landscaping. Currently the Town is constructing additional brown asphalt verge parking alongside the Civic Centre and further west on both sides of Napier Street, for general public purposes. This will increase parking serving the beachfront, Civic Centre and CTC, and compensate for the reduction of Car Park No. 1 envisaged by the FRP.

Local Planning Strategy

The Local Planning Strategy is a forerunner to Local Planning Scheme No. 3 and in outlining the general zoning strategy includes the following statement:

Regional Reserve - Marine Parade (north side):

The Western Australian Planning Commission has advised Council that part of the land reserved for regional Parks and Recreation, located between Napier Street and Gadsden Street, and occupied by a public car park, has potential for future development. The Commission has indicated the possibility of linking the existing 'activity areas' to the north and south of the area with additional foreshore activity development. In this regard, the Council intends to participate with the Commission and other relevant State Government authorities in a study of the area, as follows:

- *identification of a boundary within which to carry out the study;*
- *identify the terms of reference of the study;*
- *ensure that the study recognises the existence of nearby residential areas and the need to protect their amenity; and*
- *ensure that the study recognises any other matters relevant to the locality.*

This reflects refinements made to the Strategy after the Enquiry by Design and was intended to flag the longer term possibility of an active frontage to CP2. At the time the draft FRP envisaged a decked car park and potential short-stay accommodation in this locality, subject to future planning. At present there is no imperative or commitment to initiate such a study, which would be undertaken if and when required, as at this stage the land remains Regional Open Space.

Process

Broadly, the process to determine expansion of the CTC site with an indicative timeline is as follows:

- Town reports to Council for in-principle support to concept proposal – 4 November 2013.
- Town and CTC prepare development application (DA) – November 2013.
- Town undertakes community consultation.
- Council considers and makes recommendation on DA – late 2013 / early 2014.
- Town refers DA to Western Australian Planning Commission (WAPC) for determination – early 2014.
- WAPC approves DA, conditional on lease boundary extension – March 2014.
- Town and CTC attend to lease boundary adjustment, via Landgate and Minister for Lands – by mid 2014.
- CTC applies for Building Permit, which Town issues upon lease boundary adjustment – by mid 2014.
- Construction works may commence within DA approval period of typically two years.

In summary, the conceptual and consultation phase will firm-up the proposal and gauge community response prior to Council being asked to initiate a formal DA and follow-through with the lease adjustment.

CONCLUSION

The proposal to expand the CTC site has merit, being one of the Town's key sports clubs. This is best considered in the context of planning for the Napier Street Regional Open Space also containing JBPD and CP2. On this basis Council can coordinate overall changes and improvements, then individual projects may proceed subject to approvals, funding and works.

COMMITTEE COMMENT

Committee considered that the Tennis Club proposal could be progressed on its own merit at this stage, while planning and expenditure on John Black Dune Park, Car Park No. 2 and the Foreshore Redevelopment Plan should be further considered before choosing courses of action to address those areas. The Manager Development Services explained that the report aimed to give Council an overview of

planning for the locality so far and that the various planning and improvement activities Council has put in train could continue to be progressed in their own right with overall coordination.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Officer Recommendation

Moved Cr Jeanes, seconded Mayor Dawkins

THAT Council:

1. Supports in-principle the proposal for expansion of the Cottesloe Tennis Club site as outlined in this report, subject to suitable community consultation and the necessary planning approval, lease boundary adjustment and building permit.
2. Requests staff to engage a landscape architect to prepare a concept plan to upgrade John Black Dune Park and Car Park No. 2, for Council consideration of approval, funding and works, taking into account the proposal to expand the Tennis Club, the concept plan to extend Car Park No. 2, the Cottesloe Natural Areas Management Plan and the Cottesloe Foreshore Redevelopment Plan.
3. Supports extension of the Bryan Way footpath to Marine Parade to provide continuous pedestrian access, and landscaping at the northern end of Car Park No. 2, to buffer residential properties from the car park and enhance visual amenity.
4. Requests staff to devise appropriate community consultation in relation to the proposals, concept plans and planning applications involved.

AMENDMENT

Moved Cr Jeanes, seconded Cr Birnbrauer

That parts 2, 3 and 4 of the recommendation be deleted.

Carried 6/1

COMMITTEE RECOMMENDATION

Moved Cr Jeanes, seconded Cr Angers

THAT Council:

1. Supports in-principle the proposal for expansion of the Cottesloe Tennis Club site as outlined in this report, subject to suitable community consultation and the necessary planning approval, lease boundary adjustment and building permit.

AMENDMENT

Moved Cr Birnbrauer, seconded Cr Downes

That a new point 2 be added to read “That Council reaffirm its commitment to maintain as much of John Black Dune Park as a reserve for community use, as expressed in the Natural Areas Management Plan”.

Carried 9/0

AMENDMENT

Moved Cr Rowell, seconded Cr _____

That after word ‘consultation’ in item 1, these words be added: “Foreshore Redevelopment Plan, and...”

THE MOTION LAPSED FOR WANT OF A SECONDER

COUNCIL RESOLUTION

THAT Council:

1. Supports in-principle the proposal for expansion of the Cottesloe Tennis Club site as outlined in this report, subject to suitable community consultation and the necessary planning approval, lease boundary adjustment and building permit.
2. Reaffirm its commitment to maintain as much of John Black Dune Park as possible as a reserve for community use, as expressed in the Natural Areas Management Plan.

Carried 9/0

THE AMENDED SUBSTANTIVE MOTION WAS PUT

**10.4 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 29
OCTOBER 2013****10.4.1 WASTE COLLECTION AND PROCESSING SERVICES CONTRACT**

File Ref: SUB/1490
Attachments: [CONFIDENTIAL Evaluation Table for Waste Collection Contract](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Darrell Monteiro
Principal Environmental Health Officer
Proposed Meeting Date: 29 October 2013
Author Disclosure of Interest: Nil

SUMMARY

The initial five year term of the Town of Cottesloe's Waste Collection and Processing Contract with Cleanaway ends on 28 November 2013. The services of this contract include collection of all residential, commercial and public waste and collection and processing of residential and commercial recyclables.

The West Australian Local Government Association (WALGA) has a preferred supplier system which the Town can access for the purchase of goods and services. As a consequence of this supplier agreement, the Town received two quotes for a new waste contract which includes fortnightly greens collections and processing.

After an evaluation process (copy attached), it was determined that the quote provided by Perthwaste/Green Recycling (Perthwaste) is the most competitive and beneficial to Council. Accordingly, Council is being requested to authorise the Mayor and CEO to sign and affix the Town's common seal to a two year contract with Perthwaste. The new contract is scheduled to commence on 29 November 2013.

BACKGROUND

In October 2008, Council signed a five year contract with Cleanaway for waste collection and processing until 28 November 2013. Following the initial period, the Town had the option of extending the contract (in its current form) for another five years. However, due to the intended introduction of the three bin system and also pending amalgamations, this was not considered the preferred option.

Using the West Australian Local Government Association (WALGA) preferred supplier list, four companies were requested to quote on all waste collection and processing services for the Town based on a two (2) year contract with the option of an extension for up to 12 months.

The Town received two quotes including one from the current contractor, Cleanaway. The officer evaluation revealed that both companies met the qualitative criteria and therefore the final recommendation also had regard to the price schedule. Perthwaste provided a more competitive and comprehensive quote. The evaluation of the two quotes has been provided as a confidential attachment to this report.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation. The value of the contract is approximately \$545,000 for the first year with a CPI equivalent increase for the second year of the contract.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The quote provided by Perthwaste is considered to be the most competitive and beneficial to Council. If successful, in addition to the existing waste and recycling services, Perthwaste will also be collecting and processing the Town's fortnightly greens in-house for a fixed price. This is attractive for the Town as it removes the uncertainty of penalties for contamination rates and also ensures maximum possible waste diversion from landfill.

Perthwaste is also currently contracted by and has references from the Town's of Cambridge, Claremont and Mosman Park, the Shire of Peppermint Grove and the City of Nedlands. Therefore, a new two year contract based on the quote provided by Perthwaste is supported and recommended for endorsement.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Burke

THAT Council authorise the Mayor and CEO to sign and affix the Town of Cottesloe common seal to the Waste Collection and Processing Services Contract with Perthwaste/Green Recycling for an initial period of two years commencing on 29 November 2013.

Carried 9/0

10.4.2 CHANGES TO JOINT LIBRARY FUNDING ARRANGEMENTS

File Ref: SUB/546
Attachments: [Minutes of the Library Management Committee](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate & Community Services
Proposed Meeting Date: 29 October 2013
Author Disclosure of Interest: Nil

SUMMARY

At the Library Management meeting on 11 September 2013, it was resolved to forward a request from the Town of Mosman Park to alter the funding arrangements for the Library to all member councils for consideration. The purpose of this report is to present the request to Council for its consideration.

BACKGROUND

The current funding arrangement for the Library is outlined in the *Project Management and Construction Agreement*, which has been endorsed by all member Councils. The agreement provides that the “ownership” of the Library and Community Centre, is proportional to the populations of each of the member local governments, and this level of equity is reported in our Statement of Financial Position. The agreement defines the Library “as including the Community Learning Centre” in the document (definitions on page 2) as well as stating that the funding of the Library is on the basis of a proportion of the population – as shown in the latest Census.

The current percentages are:

Town of Cottesloe:	42.89%
Town of Mosman Park:	48.49%
Shire of Peppermint Grove:	8.62%

If no change is made to the funding agreement, these percentages will remain in place until the results of the next census are published in 2016.

STRATEGIC IMPLICATIONS

Nil – as the operations of the Library are not intended to be changed at this stage, simply who funds them.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

If the change proposed by the Town of Mosman Park were to be implemented the Town of Cottesloe would save \$35,138 in the first year and the Town of Mosman Park would save \$55,728, with the \$90,865 collectively saved, being paid for by the Shire of Peppermint Grove.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

As there are no changes proposed to the Library's operations, there are no perceived sustainability implications.

CONSULTATION

Library Management Committee

STAFF COMMENT

The proposal as put by the Town of Mosman Park is to alter the funding of the library as follows:

1. *Contribution to Library income, to cover resident related expenditure, on an agreed official population basis.*
2. *Contribution to Library income, to cover non-resident related expenditure, calculable via an agreed basis, on even share basis.*
3. *Contribution to community centre income on an even share basis.*

For the last financial year, 75% of Library memberships were for residents of the member councils, with the remaining 25% being from non-member Councils. As per the *Library Board (Registered Public Libraries) Regulations 1985*, there are no restrictions on memberships for non residents, just as residents of any of the member Councils can be members at libraries in other local government areas. If the funding arrangements as proposed by the Town of Mosman Park were implemented using the 75%/25% split, with the even basis being one third each, the Town of Cottesloe would save \$35,138, the Town of Mosman Park would save \$55,728, however these savings would be directly funded by the Shire of Peppermint Grove, who would need to contribute an additional \$90,865.

There are number of factors to consider in the proposed changes to the Library funding arrangements. While it may be tempting at first to simply change the funding agreement to save the \$35,138 (on this year's figures) using memberships as a way to allocate funding does have its drawbacks. Firstly, memberships, and percentages thereof, are not stable, difficult to audit and can be managed. There are also discrepancies in how many memberships there are in each household (i.e. some households would share a card) and differences in usage and borrowing habits of members.

Another potential way to apportion the resident and non-resident costs would be on a percentage of borrowings. However, these statistics are again not stable, can be managed and can be difficult to audit. Further, borrowings are not reflective of other costs met by the Library, such as the local history collection, online services, information evenings or simply using the facilities at the Library.

It's believed that these reasons shaped the initial agreement and hence a proportion of populations was seen as the fairest was to apportion costs. Populations, as calculated by the Census only change every 5 years, are definitive and easily verified. They are not able to be manipulated or managed in anyway, and are calculated in a consistent fashion across the member Councils.

There are other factors that come into the fairness debate as well. One such argument, as put forward at the Library Management Committee meeting is that if each Council were to have their own library, chances are that Cottesloe and Mosman Parks Libraries would be larger, with access to more resources, and hence would draw a larger portion of non-resident members. Further as the Shire of Peppermint Grove only has borders with the two Towns, the non-resident members (who predominantly come from Claremont, Nedlands and North Fremantle) would be more likely to use the Towns' Libraries, as they would be closer.

Another factor to consider is the impact on the respective budgets that this change would have. If the entire cost or saving were to be funded by rates or result in reduced rates, the Town of Cottesloe would reduce its rates by 0.42%, the Town of Mosman Park would reduce its rates by 0.75%, whereas the Shire of Peppermint Grove would need to increase its rates by 3.56% - simply to cover the additional costs.

As the only point being discussed in this proposal is a change in the way costs are apportioned, it is not envisaged that the changes will in anyway effect the library's operation.

The recommendation provided below is based on;

1. The proposed change will introduce a level of uncertainty with the apportionment of costs, meaning that actual cost increases for each member Council could vary each year more than the cost increase the library services;
2. The system, as it stands, reflects most closely the cost that would be in place if each Council ran its own library; and
3. If this library was a part of a single Council, the cost allocated to each resident would be a function of the percentage of their rateable value, not a function of which suburb they lived in. Hence the population method is the method that most closely resembles this apportionment level.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Burke

THAT Council informs the Shire of Peppermint Grove, that it does not support any change to current method of apportioning costs for The Grove Library and Community Centre.

Carried 9/0

Cr Downes declared an Proximity interest in item 10.4.3 Structural Repairs Required to Sea View Golf Club Building, as she lives opposite the Sea View Golf Course, and as a consequence she left the room at 7:30pm.

Cr Walsh declared an impartiality interest in item 10.4.3 Structural Repairs Required to Sea View Golf Club Building, as he is a member of the Sea View Golf Club , and as a consequence there may be a perception that his impartiality may be affected and declared that he would consider the matter on its merits and vote accordingly.

10.4.3 STRUCTURAL REPAIRS REQUIRED TO SEA VIEW GOLF CLUB BUILDING

File Ref: PR51210-01
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services
Proposed Meeting Date: 29 October 2013
Author Disclosure of Interest: Nil

SUMMARY

This report informs Council of concrete cancer and other deterioration affecting the Sea View Golf Club (SVGC) building and recommends arrangements for repairs involving the Town and the Club.

Sea View Golf Club is Crown reserve land vested in the Town and the Club is lessee at a peppercorn rental. Repairs to the building as a priority are important in terms of use, safety, amenity and asset management.

BACKGROUND

Earlier this year the Principal Building Surveyor upon inspection of the Club building advised of the extent of concrete deterioration, and some other building fabric. The Town obtained a structural observation report from an engineer which details the deterioration. In summary, this concluded that:

- The building has suffered from exposure to the coastal elements and appears to have had little maintenance over time.
- The concrete cancer should be repaired as soon as possible to ensure structural soundness.
- The timber sleeper retaining wall should be replaced with a proper alternative.
- The steel patio and verandah should be replaced to avoid water damage.
- The asbestos lean-to roof should be removed and replaced with alternative material.

The Club has planning approval to add a deck and toilets to the building, but the need for prior repairs has put this on hold. The repairs are also relevant to any future proposed alterations or additions to the building.

The Town has obtained three quotes from concrete repairers in order to gauge the likely cost and method of repairs, ranging between \$90,000; \$109,224; and \$293,400. For this major repair work the Town should obtain additional quotes in order to compare costs, methods and credentials.

If the cost of repairs is under \$100,000, a contractor can be selected from quotes. If the cost is over \$100,000, a tender process is required. For the Town to contribute funds, a Budget amendment would be required, involving an absolute majority decision of Council.

STRATEGIC IMPLICATIONS

- The SVGC course is State heritage listed.
- The Club premises form part of the social heritage value although the building has little heritage value architecturally.
- The golf course/building is a key community recreational asset for the Town.

POLICY IMPLICATIONS

- Relates to asset management and recreational resources.

STATUTORY ENVIRONMENT

- Local Government Act
- Land Administration Act
- Lease agreement between SVGC and the Town of Cottesloe:

10.1 Maintenance of the Golf Course

The Lessee must maintain the Golf Course in a tidy and good condition including but not limited to:

(c) maintaining the structure of the Building in a safe and sound condition and in a proper state of decoration both internally and externally.

FINANCIAL IMPLICATIONS

- Unforeseen expenditure – for the Town to contribute, Reserve funds or a budget amendment would be required.
- The Club currently services a loan from the Town for reticulation equipment that runs until October 2023.

CONSULTATION

- This matter does not involve public consultation.
- The Club's Board intends to consult its members in anticipation of Council's consideration.

STAFF COMMENT

Liaison with Club

The Town has corresponded and met with the Club to address the situation, as follows:

- On 24 July 2013 the Town wrote to the Club outlining the matter for consideration of responsibilities, costs and rectification.
- The Town and Club's executive officers met on 1 and 16 August 2013.
- A letter from the Club received on 3 September 2013 advised that the Board acknowledged the shared liability for the cost of repairs and had committed \$10,000 to the works. The Club also advised it would provide information on the Club's finances demonstrating its limited capacity to contribute capital funds.
- On 1 October 2013 the Town wrote to the Club noting the offer and advising of the intent to report to the Works & Corporate Services Committee on 29 October 2013, then Council on 4 November 2013. Further, the letter suggested an option of equal cost sharing of the repair cost (estimated to be at least \$90,000) whereby the Club may wish to consider funding its portion by extending the term of its current loan from the Town; that is, based on existing repayments the Club's share of \$45,000 would result in four additional payments, extending the life of the loan until October 2026.
- On 18 October 2013 the Club replied that the Board would consider doubling its cash contribution to \$20,000, but is not positioned to contribute more, especially as it is wholly carrying the \$380,000 cost of reticulation repairs, by way of a loan from the Town. The Club also seeks repairs as soon as possible, so that it can add the approved deck to the building.

Town's position

The Club building was originally funded by the Club. Maintaining the building in good condition is fundamental to continuation of the Club, without which it could not function.

Today the Town is custodian of the Club building by virtue of the golf course Crown reserve vesting. As such the building is listed as one of the Town's assets. It is also a Public Building, which the Town regulates in terms of maximum number of persons and public health/safety inspections (i.e. toilets, kitchen, emergency exits, etc). Because the building is leased to the Club on a peppercorn basis, the Town does not manage or maintain it directly and has not budgeted for any repairs to the building. This reflects the fact that the Club is private rather than public, whereby the Town is not obliged to fund its administration or upkeep. Further, any lease payments that would normally be expected are foregone, and in exchange there is an expectation that the building will be maintained.

The Town has provided the Club with a copy of the structural engineer's report (which was paid for by the Town). The Club is intending to undertake works on an approved deck and toilets at an estimated cost of \$75,000 however these works are on hold until the building related issues are resolved.

Club's position

The Club is aware of the building deterioration, and in 2011 obtained an indicative quote of \$71,000 for concrete repairs; but apparently has not drawn the matter to the Town's attention.

The Club is financially constrained, with most of its income spent on the operation and maintenance of the course. Whilst under the lease the Club is responsible to maintain the structure of the building, the Club has not seen this as including structural works and has not budgeted for such. The Club is conscious of the need to be financially sustainable and like many clubs is exploring how to respond to that challenge.

The Club also has a duty of care to its members in relation to the golf course and building.

Funding options

A range of funding options have been identified as follows:

1. Club funds total cost of all repairs – by way of its capital; a loan extension from the Town; and/or a special levy of its members
2. Club contributes \$20,000 (or more) and Town funds balance – latter by way of a loan extension to the Club and/or from its reserves.
3. Club and Town fund half each – i.e. with no extended loan repayments.
4. Town funds total cost of all repairs.

As the Town has little, if any, direct liability for maintenance of the building and that responsibility falls to the Club under the lease, the Club could be expected to plan for and carry all maintenance works and costs on an ongoing basis. It is acknowledged, however, that the Club, like many other community groups, is financially constrained. At the same time the Town has an indirect interest in the future of the golf course/premises as an open space and recreational resource, with landscape, heritage and community values.

CONCLUSION

The premises are essential to continuation of the golf course and both the Club and the Town and have an interest in ensuring building maintenance and public safety. The concrete repairs represent a priority and a major cost. The other repairs are minor and much cheaper, while still important.

The estimated cost of repairs is a fraction of the partial reconstruction or total replacement cost of the building.

Although the Town has no overriding obligation to partially or wholly fund the building repairs, in this instance an equal cost-sharing arrangement to raise the initial funds, with the Town's prefunded amount to be repaid by the Club via a loan extension from the Town, would facilitate the repairs.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Rowell expressed concern that the Club had not informed Council about its building's structural issues earlier. Cr Jeanes echoed the sentiments of Cr Rowell. Cr Rowell commented that he believes the repairs are the responsibility of the Club however, the Club is a Council asset and therefore the Town should consider providing financial assistance. Cr Rowell suggested that the amount SVGC would be required to pay could be added to their existing loan with the Town.

Mayor Dawkins questioned the variation in the quotes for repairs and noted the officer's intention to seek additional quotes for the repair work.

Committee discussed the value of the Club and open space to the community with many members of the public accessing the golf club grounds and that it is in the residents' interests to maintain the golf course. Cr Pyvis suggested that the Club could consider imposing a levy on its members in order to raise funds for the repairs.

Cr Rowell then queried how long the Town had known about the structural issues and Manager Engineering Services advised that earlier this year the SVGC submitted a building application for a deck extension. When the Principal Building Surveyor conducted an inspection of the site, the extent of the concrete deterioration was discovered.

With the President of SVCG, and the Club's Treasurer, in attendance. Cr Rowell summarised the Committee's discussion to date and invited comments from them. Mr Gallagher advised that several years ago, the Club undertook a review of its finances to identify cash flow items. One potential revenue stream identified was to make better use of the Club House and use the facility for functions. Mr Gallagher advised the function room had recently been refurbished and a functions supervisor appointed. The next step was to build a deck, which resulted in the aforementioned inspection by the Principal Building Surveyor. Mr Gallagher added that the Club wants to fully cooperate with the Town and the Club supports the officer recommendation.

Cr Jeanes asked the club if they had imposed a levy on its members in order to raise funds for the deck. Mr Gallagher confirmed that, a levy was imposed on members in order to raise funds. Mr Gallagher added that the levy resulted in the loss of some members from the Club and therefore he believes the club has a limited capacity to introduce another levy. Mr Gallagher commented that he has ensured the club undertakes strict financial reporting which the Club does, including regular reporting to the Town and the servicing of an existing loan for an upgrade to their reticulation systems.

Cr Jeanes commented that overall he was happy with the officer recommendation but was concerned that the exact amount required to undertake the repairs was not yet confirmed.

OFFICER RECOMMENDATION

Moved Cr Jeanes, seconded Cr Angers

THAT Council:

1. Advises Sea View Golf Club that it will agree to equal cost-sharing of the concrete repairs, and other repairs, identified in the Structural Observation Report, on the basis of the current loan from the Town to the Club being extended for a duration covering agreed repayment installments.
2. Requests officers to obtain further quotes for the concrete repairs, and other repairs, identified in the Structural Observation Report, and arrange those repairs individually where under \$100,000 each, in consultation with Sea View Golf Club.
3. Requests officers, based on the costs determined for all of the repairs, to formalise the loan extension with Sea View Golf Club and report to Council for the allocation of funds, from existing budget reserves or future Budget, for its contribution to the total cost.
4. Advises Sea View Golf Club that the club building and other buildings, structures, plant and equipment are required to be well-maintained by the Club in perpetuity, whereby pursuant to the lease from the Town the Club should undertake regular inspections, maintenance works and planned expenditure funded by the Club accordingly.

AMENDMENT

Moved Mayor Dawkins, seconded Cr Jeanes

That the officer recommendation be amended in point one to include the words "in principle" and therefore read:

"Advises Sea View Golf Club that it will agree in principle to equal cost-sharing of the concrete repairs, and other repairs, identified in the Structural Observation Report, on the basis of the current loan from the Town to the Club being extended for a duration covering agreed repayment installments."

That the words "and arrange those repairs individually where under \$100,000 each" be removed from point two of the officer recommendation to read:

"Requests officers to obtain further quotes for the concrete repairs, and other repairs, identified in the Structural Observation Report, in consultation with Sea View Golf Club."

Carried 6/0

COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Jeanes

THAT Council:

1. Advises Sea View Golf Club that it will agree in principle to equal cost-sharing of the concrete repairs, and other repairs, identified in the Structural Observation Report, on the basis of the current loan from the Town to the Club being extended for a duration covering agreed repayment installments.
2. Requests officers to obtain further quotes for the concrete repairs, and other repairs, identified in the Structural Observation Report, in consultation with Sea View Golf Club.
3. Requests officers, based on the costs determined for all of the repairs, to formalise the loan extension with Sea View Golf Club and report to Council for the allocation of funds, from existing budget reserves or future Budget, for its contribution to the total cost.
4. Advises Sea View Golf Club that the club building and other buildings, structures, plant and equipment are required to be well-maintained by the Club in perpetuity, whereby pursuant to the lease from the Town the Club should undertake regular inspections, maintenance works and planned expenditure funded by the Club accordingly.

AMENDMENT

Moved Cr Pyvis, seconded Cr Birnbrauer

That a new item 5 be added to read: "Through Cottesloe CoastCare, have an ongoing input into land management of Sea View Golf Club.

Lost 2/6

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Jeanes

THAT Council:

1. Advises Sea View Golf Club that it will agree in principle to equal cost-sharing of the concrete repairs, and other repairs, identified in the Structural Observation Report, on the basis of the current loan from the Town to the Club being extended for a duration covering agreed repayment installments.
2. Requests officers to obtain further quotes for the concrete repairs, and other repairs, identified in the Structural Observation Report, in consultation with Sea View Golf Club.
3. Requests officers, based on the costs determined for all of the repairs, to formalise the loan extension with Sea View Golf Club and report to Council for the allocation of funds, from existing budget reserves or future Budget, for its contribution to the total cost.
4. Advises Sea View Golf Club that the club building and other buildings, structures, plant and equipment are required to be well-maintained by the Club in perpetuity, whereby pursuant to the lease from the Town the Club should undertake regular inspections, maintenance works and planned expenditure funded by the Club accordingly.

Carried 6/2

THE SUBSTANTIVE MOTION WAS PUT

Cr Downes returned to the Chambers at 7:47pm

Cr Downes declared an impartiality interest in item 10.4.4 Application for Fireworks 13 December 2013, as her children attend North Cottesloe Primary School, and as a consequence there may be a perception that her impartiality may be affected and declared that she would consider the matter on its merits and vote accordingly.

10.4.4 APPLICATION FOR FIREWORKS 13 DECEMBER 2013

File Ref: SUB/1464
Attachments: [Minimal Clearance Distances For Aerial Fireworks](#)
[Map of Site](#)
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Sherilee Macready
Community Development Officer
Proposed Meeting Date: 29 October 2013
Author Disclosure of Interest: Nil

SUMMARY

An application has been received for a Fireworks Event to be held on Friday 13 December 2013 at 8.15pm for ten minutes duration at North Cottesloe Primary School, between Eric and Greenham Street. The event is part of a centenary celebratory function to be held at North Cottesloe Primary School, 100 Eric Street, Cottesloe.

BACKGROUND

The current request has been submitted by the licensed fireworks contractor, Kim Gamble, for the oval at North Cottesloe Primary School. The event is part of the celebratory function as part of North Cottesloe Primary School's centenary year. According to the contractor, the fireworks will be set up on the North Cottesloe Primary School oval, therefore requiring additional safety measures which will be provided by two security guards and four spotters. Further measures will also be taken to secure the area with signs and a roped off access points, including a barrier 60 metres from the firing point.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Fireworks Policy: (Resolution No: 10.5.1, Adopted: November, 2012)

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

According to the Fireworks Policy the main issues to be considered by Council when approving a fireworks event are:

- potential damage to sand dune vegetations caused by spectators and fireworks;
- litter management and disposal;
- adverse noises for adjacent residents and nesting birds; and
- public liability protection for the Town of Cottesloe.

Mr Gamble has stated the following:

- the display would not affect any sand dune vegetation because the event is located on North Cottesloe Primary School property;
- all litter will be collected completely;
- noise will be limited due to the size of the aerial shells being 60mm in diameter and comprising only 10 in number. In addition, low level type ground fireworks will be used;
- The duration will be 10 minutes, and due to the open area of the fireworks, the noise factor will be minimal;
- Public Notice of the Fireworks event will be carried out by letter drop to all surrounding residents within 1km of the Fireworks site; and
- A certificate of currency for \$10m for public liability insurance will be provided to the satisfaction of the CEO prior to the event.

Section 7 of the Government of Western Australia, Department of Mines and Petroleum Firework Event Notice shows the various departments which must be notified by organisers regarding the firework event. These are:

- Department of Planning and Infrastructure (Marine Safety Branch)
- Local Volunteer Marine Rescue
- Local Police
- Department of Fire and Emergency Services

Additionally a cadastral map has been attached showing a 50m radius from the event site, in accordance with type of fireworks listed in the application to the department of Mines and Petroleum. The standard supporting the 50m radius is listed in the first row of the table attached.

The Firework Policy states that applications are to be accompanied by a map or aerial photograph setting out the site of the Fireworks and showing a 200m and 500m radius from the event site, which has been outlined in the attached map.

The Firework Policy also states that, 'Applications will not be approved for events within 500m of a Sensitive Place, or for hours outside Restricted Times, or for events beginning later than 8.30pm'. The event is scheduled to take place between 8.15pm to 8.25pm and appears to be 500m from the nearest sensitive place.

In considering this matter Council has a number of options including:

1. Approve as requested
2. Approve with conditions
3. Not approve

As the application is not completely consistent with the guidelines contained within the Fireworks Policy, officers cannot recommend approval. However as the policy serves only as a guide to Council decisions, Council has the ability to set the policy aside where it believes it is in the best interests of the community to do so.

If Council were to approve the fireworks on Friday 13 December 2013 it would be prudent to attach the following conditions to such an approval:

- Duration of fireworks display is not to exceed 10 minutes;
- That all litter will be collected completely;
- Applicant to pay for notice in local newspaper notifying residents of the Fireworks event a minimum of 10 days prior to the event;
- Notification of the fireworks event by a letterbox drop to all surrounding residents within 200m of the Fireworks site a minimum of 10 days prior to the event;
- Submission of an acceptable plan detailing how the affected area is to be kept clear and safe;
- Subject to relevant Department of Mines and Petroleum and other permits being obtained and copies being provided to the Town; and
- Public liability insurance to cover the fireworks event for no less than \$10 million to be provided to the Chief Executive Officer prior to the event.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Rowell stated that he was supported of the application and Committee was supportive of the request subject to a number of conditions hence the alternate motion. Cr Pyvis asked if, given the time of year, members of the fire service would be present at the event. Manager Corporate and Community Services advised that the permit to hold a fireworks event is issued by the Department of Mines and Petroleum and one of their conditions is that the Department of Fire and Emergency Services is made aware of the event.

OFFICER RECOMMENDATION

THAT Council:

1. Not approve the application for fireworks at 8.15pm on Friday 13 December 2013.
2. Advise the applicant of Council's decision accordingly.

Lapsed for want of a mover/seconded

COMMITTEE & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Jeanes

THAT Council:

1. **Approve the application for fireworks at 8.15pm on Friday 13 December 2013, subject to the following conditions:**
 - a) **Duration of fireworks display is not to exceed 10 minutes;**
 - b) **That all litter will be collected completely;**
 - c) **Applicant to pay for notice in local newspaper notifying residents of the Fireworks event a minimum of 10 days prior to the event;**
 - d) **Notification of the fireworks event by a letterbox drop to all surrounding residents within 200m of the Fireworks site a minimum of 10 days prior to the event;**
 - e) **Submission of an acceptable plan detailing how the affected area is to be kept clear and safe;**
 - f) **Subject to relevant Department of Mines and Petroleum and other permits being obtained and copies being provided to the Town; and**
 - g) **Public liability insurance to cover the fireworks event for no less than \$10 million to be provided to the Chief Executive Officer prior to the event.**
2. Advise the applicant of Council's decision accordingly.

Carried 8/1

10.4.5 HBF ROTTNEST CHANNEL SWIM - 2014

File Ref: SUB/1684
Attachments: [Event Application](#)
[Event Map](#)
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Sherilee Macready
Community Development Officer
Proposed Meeting Date: 29 October 2013
Author Disclosure of Interest: Nil

SUMMARY

The Rottnest Channel Swim Association Inc. is seeking Council's approval to host the 2014 HBF Rottnest Channel Swim from Cottesloe Beach on Saturday 22 February 2014.

BACKGROUND

The HBF Rottnest Channel Swim is an annual event, commencing from Cottesloe Beach to Rottnest Island, with approximately 2400 swimmers participating, 850 of which are expected to depart from Cottesloe at 5.45am.

Last year's event was successfully held on Saturday 23 February, again reaching its maximum participation capacity.

The first wave of solo swimmers will be leaving Cottesloe at 5.45am and the last wave of team swimmers expected to leave the beach by 7.45am. The event has four participation categories for competitors, which are: Solo; Duo; Team (of 4); and Charity Challenge (teams of 4), with entries opening on the 4 of November 2013.

The 2014 event finishes at Thomson Bay, Rottnest Island, and the race distance is 19.7km.

The age requirement for the 2014 HBF Rottnest Channel Swim is a minimum of 14 years of age (on the day of the event), in accordance with the FINA rules for open water swimming (OWS 1.2).

Organisers will provide extra toilets and bins to cater for the expected number of patrons attending the event. Suitable parking arrangements to cater for the expected patrons will be investigated.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Beach Policy – This event appears to be in compliance with the Town of Cottesloe's Beach Policy.

STATUTORY ENVIRONMENT

Beaches and Beach Reserves Local Law 2012 has provisions for the maintenance and management of the beaches and beach reserves.

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Adequate arrangements are made for rubbish collection and removal, including the provision for recycling.

CONSULTATION

Nil

STAFF COMMENT

Due to the history of this event and the success of the organisers in previous years, the officer recommendation is to approve this application.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Burke

THAT Council approve the application to hold the 2014 HBF Rottnest Channel Swim on Saturday 22 February 2014, from 5.45am to 7.45am, subject to the following conditions:

1. Adequate arrangements for rubbish removal and collection, including the provision for recycling.
2. Compliance with the Environmental Protection (Noise) Regulations 1997.
3. Compliance with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*.
4. Appropriate Public Liability Insurance, with cover no less than 10 million dollars.
5. Compliance with the Town's Beaches and Beaches Reserves Local Law 2012.
6. Class the event as "Charitable" and charge no fee for the event.
7. Administration to investigate suitable parking and traffic management arrangements for this event.

Carried 9/0

**10.4.6 COTTESLOE CIVIC CENTRE - LIMESTONE WALL RECONSTRUCTION
AND TREE REMOVAL**

File Ref: SUB/123
Attachments: [Photographs of the Wall](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 29 October 2013
Author Disclosure of Interest: Nil

SUMMARY

For the 2013/2014 financial year, the main project being planned for the Civic Centre Grounds Restoration is the reconstruction of a 20 metre section of the limestone wall on the edge of De Bernales Walk.

The restoration works on this section of wall cannot be undertaken without the removal of one large Norfolk Island pine tree immediately behind the wall.

The recommendation is that Council;

1. Obtain approval from the State Heritage Office for the removal of one large Norfolk Island pine tree from the edge of the limestone retaining wall beside De Bernales Walk.
2. Once approval for the tree removal is obtained, undertake the tree removal and commence arrangements for the demolition and proper replacement and restoration of the appropriate section of limestone wall.

BACKGROUND

There is an approved budget of \$220,000 in the 2013/2014 financial year for Civic Centre Grounds Restoration. The priority work for this year is the reconstruction of approximately 20m of leaning and poor condition limestone retaining wall on the north side of De Bernales Walk. This particular section was poorly restored in the 1980's or early 1990's. Also, the nearby Norfolk Island pine tree with its trunk approximately 1.2m away from the top of the 2.5m high wall, has a root ball against the wall. As the tree grows, the pressure on the wall is increasing and the wall is both degenerating and leaning towards the path.

With the tragic collapse of a wall in Melbourne in the past year, local government authorities have been requested to inspect the condition of high or retaining walls under their control and take any required action to ensure they are made safe.

This section of wall, after inspection of all Civic Centre walls, is seen to be of most concern. To remove the wall section for reconstruction the very large Norfolk Island pine tree hard up against the wall could not be retained.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Public liability is the major concern. If Council has doubts on the condition of a high retaining wall, adjacent to a public walkway, and does not ensure the public safety of the wall and walkway, there is a liability and financial risk to Council.

FINANCIAL IMPLICATIONS

The current budget allocation for the Civic Centre Grounds Restoration is sufficient to cover the proposed works.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

A new Norfolk Island pine tree would be planted further away from the wall to replace the removed tree. The sustainability of public safety is the main issue in this case.

CONSULTATION

Staff have consulted limestone wall contractors and experienced tree experts. An application is proposed to the State Heritage Office regarding the tree removal.

STAFF COMMENT

The issue is relatively simple. This section of wall, which forms part of a public walkway, is in poor condition and can only get worse. It cannot safely be replaced with a safe structure unless the tree is removed. The tree has caused the majority of the wall deterioration and the tree can only get larger and have a bigger negative impact on the condition of the wall.

The weight and wind loading of the tree makes the idea of using anchor cables to restrain any movement while the wall is demolished and rebuilt unfeasible. No known root barrier or container could be used to restrain the root system of such a large mature tree.

These factors make the restoration of long term safety to this part of the wall a priority in the expenditure of the current budget allocation.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Burke

THAT Council:

1. Obtain approval from the State Heritage Office for the removal of one large Norfolk Island pine tree from the edge of the limestone retaining wall beside De Bernales Walk.
2. Once approval for the tree removal is obtained, undertake the tree removal and commence arrangements for the demolition and proper replacement and restoration of the appropriate section of limestone wall.

Carried 9/0

10.4.7 TENDER FOR THE SUPPLY AND LAYING OF ASPHALTIC CONCRETE

File Ref: SUB/600
Attachments: [CONFIDENTIAL Precip of Costing Details Taken From Received Tenders](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 29 October 2013
Author Disclosure of Interest: Nil

SUMMARY

The Town of Claremont has advertised a tender for the supply and laying of all road and car park asphaltic concrete (hotmix) for a period to June 2015, on behalf of the local authorities of Cottesloe, Claremont, Mosman Park, Peppermint Grove, Subiaco and Cambridge. This follows the completion of the previous three year contract at the end of June 2013.

The recommendation is that Council:

1. Accept the tender prices submitted by Roads 2000 for the supply and laying of construction and rehabilitation asphaltic concrete, plus ancillary services, for the period to the end of June 2015, with a possible one year extension, commencing November 2013.
2. Inform all companies not successful with this contract of Council's decision, with thanks for the work put into their tender.

BACKGROUND

In 2010, the Town of Cottesloe arranged for the three year asphaltic concrete tender on behalf of the majority on the western suburbs councils, in order to achieve bulk purchase benefits for all participants. This time, the Town of Claremont has managed the process. A three year contract period is normally sought to facilitate long term planning of pricing for project and to reduce the effort in administering the tender process. This year the contract period ends at the end of June 2015, plus a possible one year extension, due to the possibility of a new City Council created by amalgamation requiring a change to the process or contactor.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council's Purchasing Policy applies.

STATUTORY ENVIRONMENT

The Local Government Act 1995 requires all purchases in excess of \$100,000 per year be subject to a tender process. This has been achieved through a regional tender undertaken on behalf of all WESROC Councils, apart from the City of Nedlands.

FINANCIAL IMPLICATIONS

The Town of Cottesloe uses approximately 1000 tonnes of asphaltic concrete a year at \$150 to \$200 per tonne. Any major change in the cost per tonne can have a substantial impact of road construction and maintenance costs.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Other WESROC Councils and asphalt supply companies.

STAFF COMMENT

A total of six (6) tenders were received. Engineering staff from the six affected Councils attended several meetings to refine the tender specification then work through the tenders received.

Of the six tenders, one was non-compliant with the tender specifications and one dealt only with the profiling part of the tender i.e. the removal of old asphalt areas prior to the provision of the new asphalt layer.

The remaining tenders from Roads 2000, Asphaltech, Super Civil and Downer were analysed under the headings of Capacity, Demonstrated Understanding of the Required Tasks, Demonstrated Experience in Completing Similar Projects, Environmental Impacts and Price.

On that basis, the tender lodged from Roads 2000 was judged as the most advantageous to the six local authorities involved.

Roads 2000 has been Council's Asphalt contractor for the past 12 years. The tendered costs for the most used types of asphalt for Cottesloe represent a 22% average cost increase from the original previous average prices adopted three years ago, in 2010, for the most applicable tonnages used on typical Council jobs.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Burke

THAT Council:

- 1. Accept the tender prices submitted by Roads 2000 for the supply and laying of construction and rehabilitation asphaltic concrete, plus ancillary services, for the period to the end of June 2015, with a possible one year extension, commencing November 2013.**
- 2. Inform all companies not successful with this contract of Council's decision, with thanks for the work put into their tender.**

Carried 9/0

**10.4.8 STATUTORY FINANCIAL REPORTS FOR THE PERIOD 1 JULY 2013 TO
30 SEPTEMBER 2013**

File Ref: SUB/137
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 29 October 2013
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present the Statutory Financial Statements and other supporting financial information to Council for the period 1 July 2013 to 30 September 2013.

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 allocations.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Statement of Financial Activity on page 1 of the attached Financial Statements shows favourable operating revenue of \$184,893 or 25% as compared to the year to date budget. Operating Expenditure is \$745,296 or 26% less than year to date budget, of this amount, \$520,192 relates to depreciation charges yet to be posted. This will be rectified as soon as the Financial Statements for the year ended 30 June 2013 are signed off by Council's auditors. All material variances are outlined on the Variance Analysis Report on pages 7 to 10 of the attached Financial Statements.

Capital expenditure is reported in detail on pages 26 to 29 of the attached Financial Statements.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Burke

THAT Council receive the Statutory Financial Statements including other supporting financial information as submitted to the 29 October 2013 meeting of the Works and Corporate Services Committee.

Carried 9/0

10.4.9 SCHEDULES OF INVESTMENTS AND LOANS AS AT 30 SEPTEMBER 2013

File Ref: SUB/150 & SUB/151
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 29 October 2013
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present the Schedule of investments and the Schedule of Loans as at 30 September 2013, as included in the attached Financial Statements, to Council.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 21 of the attached Financial Statements shows that approximately 36% of the invested funds are with the National Australia Bank, 26% with Bankwest, 22% with Commonwealth Bank and the remaining 16% with Westpac Bank.

The Schedule of Loans on page 22 of the attached Financial Statements shows a balance of \$5,793,188.04 as at 30 September 2013. Included in this balance is \$337,611.36 that relates to self supporting loans.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Burke

THAT Council receive the Schedule of Investments and the Schedule of Loans as at 30 September 2013. These schedules are included in the attached Financial Statements as submitted to the 29 October 2013 meeting of the Works and Corporate Services Committee.

Carried 9/0

10.4.10 LIST OF ACCOUNTS FOR THE MONTH OF SEPTEMBER 2013

File Ref: SUB/137
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 29 October 2013
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present the list of accounts paid for the month of September 2013, 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 September 2013 is included in the report on pages 11 to 17 of the attached Financial Statements. The following significant payments are brought to Council's attention:-

- \$85,899.50 to Macfield Construction Pty Ltd for construction works at the new disability footpath at the foreshore
 - \$224,801.73 to WA Treasury Corporation for a loan repayment
 - \$45,968.85 to Transpacific Cleanaway for waste collection services
 - \$365,633.87 to the Department of Fire and Emergency Services for Council's first thirty per cent contribution towards emergency services
 - \$750,000.00 to the Commonwealth Bank of Australia being a new term deposit
-

- \$750,000.00 to Bankwest being a new term deposit
- \$500,000.00 to National Australia Bank being a new term deposit
- \$150,000 to National Australia Bank being a transfer to Council's investment account
- \$82,345.74 & \$78,847.32 being payments to the Town's staff for fortnightly payroll.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Burke

THAT Council receive the list of accounts paid for the month of September 2013 as included in the attached Financial Statements, as submitted to the 29 October 2013 meeting of the Works and Corporate Services Committee.

Carried 9/0

10.4.11 RATES AND SUNDRY DEBTORS AS AT 30 SEPTEMBER 2013

File Ref: SUB/145
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 29 October 2013
Author Disclosure of Interest: Nil

SUMMARY

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

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on pages 23 and 24 of the attached Financial Statements shows a total balance outstanding of \$196,927.63 of which \$157,372.21 relates to the current period. The balance of aged debtors is \$39,555.42.

The Rates and Charges Analysis on page 25 of the attached Financial Statements shows a total balance outstanding of \$3,238,198.71 of which \$177,114.03 and \$494,505.19 relates to deferred rates and outstanding emergency services levies respectively. The Statement of Financial Position on page 4 of the attached Financial Statements shows total rates outstanding as a current asset of \$3,466,089 as compared to \$3,477,200 to the same period last year. The deferred rates balance is \$177,114 as compared to \$205,420 this time last year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Burke

THAT Council receive the Rates and Charges Analysis Report and Sundry Debtors Report as at 30 September 2013. This information is presented in the attached Financial Statements as submitted to the 29 October 2013 meeting of the Works and Corporate Services Committee.

Carried 9/0

11 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:

12.1 ELECTED MEMBERS

Nil

12.2 OFFICERS

Nil

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

MOTION FOR BEHIND CLOSED DOORS

Moved Cr Downes, seconded Cr Rowell

In accordance with Standing Orders 15.10 "That the Council meets behind closed doors – Effect of Motion" (LG Act s5.23(2)) that Council discuss the confidential report behind closed doors.

Carried 9/0

Members of the public and media were requested to leave the meeting at 7:55PM

13.1.1 CONSIDERATION OF OFFER TO PURCHASE 2B NAILSWORTH STREET

File Ref: SUB/1689
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate & Community Services

Proposed Meeting Date: 04 November 2013
Author Disclosure of Interest Nil

SUMMARY

This report examines Council's options for progressing the sale of the former depot site

BACKGROUND

Refer to the confidential report attached.

STRATEGIC IMPLICATIONS

Refer to the confidential report attached.

POLICY IMPLICATIONS

Refer to the confidential report attached

STATUTORY ENVIRONMENT

Local Government Act 1995 – s5.23 – Closing a meeting to the public.

(2)(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter being discussed at the meeting;

(e) a matter if disclosed, would reveal –

- (i) a trade secret;
- (ii) information that has a commercial value to a person; or
- (iii) information about the business, professional, commercial or financial affairs of a person

Where the trade secret of information is held by, or is about a person other than the local government.

FINANCIAL IMPLICATIONS

Refer to the confidential report attached.

SUSTAINABILITY IMPLICATIONS

Refer to the confidential report attached.

CONSULTATION

Refer to the confidential report attached.

STAFF COMMENT

As the content of the report contains information that meets the conditions set in the Local Government Act s5.23(2) (c) and (e), it is recommended that the meeting be closed to the public while considering this item.

VOTING

Simple Majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Rowell

THAT Council

1. **Decline the offer received to purchase the former depot site at 2B Nailsworth Street Cottesloe;**
2. **Authorise the Chief Executive Officer to request tenders for the sale of the former depot site.**

Carried 9/0

MOTION FOR BEHIND CLOSED DOORS

Moved Cr Downes, seconded Cr Angers

“In accordance with Standing Orders 15.10 that the meeting be re-opened to members of the public and media”

Carried 9/0

Members of the public and media returned to the meeting at 7:58 pm.

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

The Mayor read aloud the Council resolution for item 13.1.1 to the public:

That Council:

- 1. Decline the offer received to purchase the former depot site at 2B Nailsworth Street Cottesloe;**
- 2. Authorise the Chief Executive Officer to request tenders for the sale of the former depot site.**

Carried 9/0

14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 7:58 PM.

CONFIRMED MINUTES OF 4 November 2013 PAGES 1 – 53 INCLUSIVE.

PRESIDING MEMBER:
POSITION:

.....

DATE: / /