

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING

MINUTES

**ORDINARY MEETING OF COUNCIL
HELD IN THE
COUNCIL CHAMBERS, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.05 PM, MONDAY, 15 DECEMBER, 2008**

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at 7.05pm.

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

Elected Members

Mayor Kevin Morgan
Cr Jay Birnbrauer
Cr Greg Boland
Cr Patricia Carmichael
Cr Dan Cunningham
Cr Jo Dawkins
Cr Bryan Miller
Cr Jack Walsh
Cr Ian Woodhill

Officers

Mr Laurie Vicary	Acting Chief Executive Officer
Mr Graham Patrick	Manager Corporate Services
Mr Geoff Trigg	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Krystal Shenton	Executive Assistant
Georgina Cooper	Administration Assistant

Apologies

Nil

Officer Apologies

Nil

Leave of Absence (previously approved)

Cr Victor Strzina
Cr John Utting

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PUBLIC STATEMENT TIME

Mary Jane Ward, 6 Haining Ave – Item 11.1.1No. 8 (Lot 6) Haining Avenue – Two Grouped Dwellings.

We haven't seen any amended plans for this application and request that a viewing of them take place. How can comments be made when the plans are not available? The driveway and garage is not within streetscape. The bottom residents of Haining Ave have commented that the streetscape is already destroyed and do not agree with this proposal.

Steve Ward, 6 Haining Ave – Item 11.1.1. 8 (Lot 6) Haining Avenue – Two Grouped Dwellings.

The streetscape will be impacted by this proposal. And as yet, we haven't been given any access to the proposal, we have been kept in the dark.

Gabrielle Gill, 63 Eric Street – Item 11.1. 8 (Lot 6) Haining Avenue – Two Grouped Dwellings.

Spoke to council last week about this being a privacy issue. In the future there must be guidelines in the new scheme to address process to preserve privacy in properties. Put yourself in my shoes no body wants to live without privacy. We need something so that I don't look into their life or them into mine. This application doesn't comply with the "R" Code. The strip goes across one of the two windows and a request would be for both windows.

Michael Patroni, 10 High Street – 11.1.1 8 (Lot 6) Haining Avenue – Two Grouped Dwellings.

Condition K – would like to speak to the original submission for the garage. The recently submitted drawings in the last committee meeting assist the screening and privacy issues. When we designed the house, we looked to deal with the streetscape, we did two smaller houses, that looked like one, to avoid two side by side roller doors, one at 90 degrees, one facing the street to make it look like one house. We looked at the garage and carport policy and pushed one closer to the street, enabling us to minimise the impact on the neighbour to east and north side of the property.

Geoff McMahon, 13/86 Marine Parade, - Item 12.2.4 Federal Government Regional and Local Community Infrastructure Program 2008/09

Read Aloud by the Mayor

Please do not spend up to \$200,000 for temporary repairs to the cancer ridden concrete pylon, put the money to better use around the area.

Bruce Gaston, Dalkeith – letter – Item 12.2.4 Federal Government Regional and Local Community Infrastructure Program 2008/09

Read aloud by the Mayor

It was with deeply sad feelings I read in the 13th December 2008 issue of the 'Post'. You cannot be serious. The pylon is Cottesloe and is known worldwide. My personal attachment to the pylon is from its birth in 1930's. I have, over 70 years, shared my regular ocean swims with – both summer and winter with that pylon...

Ruth Harms, 31 Elizabeth Street – Item 12.2.4 Federal Government Regional and Local Community Infrastructure Program 2008/09

Here to plead the cause of the beach pylon. We destroy too much in our area. Bring to note it's on the list of heritage places; a permanent entry into the State Heritage register. It may be a bit of cement bobbing around, but it's totally unique. I lived in Cottesloe most of my life, I have jumped off it as a child. Has anyone approached the Minister for Tourism? It's iconic and so is Cottesloe. Forget about the money, think about the future.

The Mayor in answer mentioned that the Council has made all of the approaches for funding to the appropriate areas. If there were funds available we would have found them.

Richard Olson Cottesloe Surf Life saving Club – Item 12.2.4 Federal Government Regional and Local Community Infrastructure Program 2008/09

Agree with the recommendation as put today, we concur with everything said in favour of the Beach Pylon tonight. We think it would be money well spent. As members of the club we feel it is a part of our beach. We would be happy to talk about our idea of funding raising. We are sure there is money to be found. We are in our 100th year, we have already listed the pylon as a logo, it would be nice to have it still around.

The Mayor responded that the Council are hoping to get to the fundraising stage. The lack of clambering at the door tonight, says to me, that people don't think we are crazy enough to pull it down.

Voula Nelson, 204 Marine Parade – Item 14 Urgent Business

Here to seek approval to use lawn area for Beaches Café on Mondays and Tuesdays. Currently have the same area from Wednesday to Sunday. A letter of approval was sought and received by the body Corporate. We hope that the Council looks at it kindly – we have spent a lot of time and money on it.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Mayor Morgan, seconded Cr Woodhill

That Cr Utting request for leave of absence from the December 2008 round of meetings be granted.

Carried 9/0

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Mayor, seconded Cr Woodhill

The Minutes of the Ordinary Council meeting of held on 24 November 2008 be confirmed, subject to the change of item 6, page 6: Applications for Leave of Absence stating that Cr Strzina was granted leave, not Cr Birnbrauer.

Carried 9/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- The Mayor thanked Andrew Jackson for all the hard work and effort that went into the Enquiry by Design project.
- The Mayor thanked Laurie for his efforts as the Acting Chief Executive Officer in between permanent CEO's.
- The Mayor mentioned that the responsibility of the Beach Pylon rested with the Council tonight.

8.1 SUSPENSION OF STANDING ORDER 12.1 – MEMBERS TO RISE

Moved Mayor Morgan, seconded Cr Dawkins

BACKGROUND

At the September 2006 meeting of Council it was agreed that the suspension of Standing Order 12.1 be listed as a standard agenda item for each Council and Committee meeting.

Standing Orders 12.1 and 21.5 read as follows:

Members to Rise

Every member of the council wishing to speak shall indicate by show of hands or other method agreed upon by the council. When invited by the mayor to speak, members shall rise and address the council through the mayor, provided that any member of the council unable conveniently to stand by reason of sickness or disability shall be permitted to sit while speaking.

Suspension of Standing Orders

- (a) The mover of a motion to suspend any standing order or orders shall state the clause or clauses of the standing order or orders to be suspended.
- (b) A motion to suspend, temporarily, any one or more of the standing orders regulating the proceedings and business of the council must be seconded, but the motion need not be presented in writing.

COUNCIL RESOLUTION

That Council suspend the operation of Standing Order 12.1 which requires members of Council to rise when invited by the Mayor to speak.

Carried 9/0

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

10 AUDIT COMMITTEE MEETING HELD ON 9 DECEMBER 2008

10.1 AUDIT COMMITTEE REPORT RECOMMENDATION

The Mayor declared that this item would be dealt with at the end of the meeting.

Moved Cr Carmichael, seconded Cr Woodhill

That UHY HainesNorton be offered a 3 year extension as auditors for the Town of Cottesloe.

Absolute Majority Carried 8/0

11 DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 8 DECEMBER 2008**11.1 PLANNING****11.1.1 No. 8 (Lot 6) HAINING AVENUE - TWO GROUPED DWELLINGS**

File No:	1527
Attachments:	Location Plan Submissions (3) Correspondence from Applicant Photo Plans
Author:	Ed Drewett Senior Planning Officer
Responsible Officer:	Laurie Vicary Acting Chief Executive Officer
Proposed Meeting Date:	8-Dec-2008
Author Disclosure of Interest	Nil
Property Owner	C Beros & M Kimber
Applicant	Spaceagency Architects
Date of Application	6 August 2008 (Amended 25 November 2008)
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	903m²
M.R.S. Reservation:	N/A

SUMMARY

This site is located on the northern side of Haining Avenue and comprises two lots on a survey strata plan that were conditionally approved on 17 June 2008 by the Western Australian Planning Commission (WAPC). Planning approval for demolition of the existing dwelling was subsequently issued under delegated authority on 23 July 2008 to satisfy a condition of the WAPC's approval.

The development application currently submitted is seeking a setback variation to the front and western boundaries. However, given the assessment that has been undertaken, the recommendation is to conditionally approve the application.

PROPOSAL

The application is for two, 2-storey grouped dwellings on a survey strata plan.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2
- Residential Design Codes

POLICY IMPLICATIONS

- Garages and Carports in the Front Setback Area

Policy No 003

HERITAGE LISTING

Municipal Inventory – Category 3 (Existing building has approval to be demolished following decision to approve subdivision by WAPC)

DRAFT PLANNING SCHEME No 3

No changes are proposed to the zoning of this lot.

APPLICATION ASSESSMENT**AREAS OF NON-COMPLIANCE****Town Planning Scheme Policy/Policies**

Policy	Required	Provided
Garages and Carports in Front Setback Areas	6m (may be reduced to 1.5m where vehicles are parked parallel to the street alignment and relevant criteria are satisfied)	1.5m

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
6.2 – Streetscape	Garages setback 4.5m from the primary street or setback 3m where vehicles are parked parallel to the street alignment	1.5m	Clause 6.2.3 – P3
6.3 – Boundary setback requirements	2.7m setback from pergola to western boundary (including total length of wall)	1.44m (2.22m to roof)	Clause 6.3.1 – P1

STRATEGIC IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A

CONSULTATION**REFERRAL****INTERNAL**

- Building
- Works

EXTERNAL

N/A

ADVERTISING OF PROPOSAL

The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2. The advertising consisted of a letter to 5 adjoining property owners. 3 submissions were received.

The main points raised in the submissions are summarised as follows:

Steve and Jane Ward, 6 Haining Avenue

- The proposed location of the eastern garage and relocation of trees will not conform with the streetscape;

Martin Welsh, 10 Haining Avenue

- Overlooking issues with garden roof/garage and outlook from dining area;
- Retention of boundary trees;
- Privacy concern due to height of decking on eastern boundary and from upper floor windows on eastern elevation;
- Location of proposed garage in front setback - all the houses on Haining Avenue are setback considerably with no front fences. The average home is setback 6m. There is a certain streetscape to Haining Avenue and if a house in the middle of the street is built forward, this streetscape will be spoilt. We built our house in 2006 and set the house back 6m to maintain a level of consistency in the street.

Gabrielle Gill, 63 Eric Street

- The properties share a common wall giving the appearance from our property of one dwelling;
- The proposed residences appear to use the full width of the block thus causing significant loss of privacy;
- The impact of bulk, scale and form on our living areas would be visually overpowering and reduce amenity to our backyard;
- The second storey ceiling to floor, clear glass, full length and width windows of both properties will look directly into indoor and outdoor areas and have an over-towering effect on our property;
- The proximity of the existing dwelling at 10 Haining Avenue already creates a problem due to light from an upper floor window at night;

BACKGROUND

With regard to heritage, in 2001 Council removed the existing dwelling from Town Planning Scheme Policy No. 12 and the building was downgraded from a Category 2 listing in the Town's Municipal Inventory to a Category 3 listing thereby reducing its heritage significance and allowing normal development standards to apply.

On 17 June 2008 the Western Australian Planning Commission granted conditional approval for two lots on a survey strata plan each with individual street frontages, which necessitated the demolition of the existing dwelling. Planning approval for demolition was subsequently issued on 23 July 2008 subject to a full photographic and documented record of the existing dwelling both internally and externally which was then provided by the applicant.

Following an assessment of the development application, detailed discussions between Council staff and the applicant have taken place in an attempt to address the Town's concerns regarding building height (due to height of a proposed skylight), the front setback, garage setback, setbacks to the eastern and western boundaries, a boundary (dividing) wall, fill, visual privacy, development on proposed common property and addressing the concerns of neighbours.

The Town subsequently received a letter and amended plans on 25 November 2008 from the applicant (see attached) which addresses most of the initial concerns but does not satisfy all of Council's requirements.

STAFF COMMENT

The following comments are made regarding the application and revised plans received 25 November 2008.

Building height

The heights of both proposed dwellings comply with Town Planning Scheme No 2 (TPS 2) and the Residential Design Codes (RD Codes) following the deletion of a proposed skylight from Residence 1. The height of the proposed roof is now 6.68m (RL: 17.84) above the natural ground level determined at the centre of each dwelling (RL: 11.16). This is 0.32m below the maximum height permitted.

Minor incursion into street setback area

A 1m x 3.5m balcony addition is proposed above the garage to Residence 1. This intrudes 1m into Council's preferred 6m front setback (Council Resolution 28/10/02). Its length has been reduced so as not to exceed 20% of the frontage of the proposed strata lot and it now complies with the acceptable development standards of the Residential Design Codes (RD Codes - Clause 6.2.2). As it is a relatively small open-sided, unroofed balcony it is not considered that it will detract from the streetscape and it provides articulation to the proposed upper floor and therefore is supported.

Setbacks to side boundaries

A minimum 2.7m setback is required from the support posts of the proposed pergola for Residence 2 to the western boundary, taking into account the total length of the

proposed dwelling and the requirement of the RD Codes to take the nearest higher value for all intermediate height and length values rather than extrapolating a more exact setback calculation based on the actual length and height of the pergola.

A reduced setback of 1.447m from the pergola posts to the western boundary is proposed. However, the roof of the pergola is to be setback 2.228m from the western boundary which far exceeds the normal 0.75m setback to eaves that is permitted under the RD Codes.

The visual impact of the structure will not be that significant on the adjoining property due to a difference in ground levels of up to 1.2m and because, allowing for the height of a standard 1.8m high boundary fence, the height of the pergola when viewed from the neighbouring property will effectively be only 4.035m where the level difference is greatest. This has been demonstrated by the applicant in cross-section B-B (see attached).

The original submitted plans showed the supports located on the western boundary which potentially would have much more significant impact on the adjoining property. However, the revised plans are a preferred option and can be supported under performance criteria of the Codes which state (Clause 6.3.1):

Buildings set back from boundaries other than street boundaries so as to:

- *provide adequate direct sun and ventilation to the building;*
- *ensure adequate direct sun and ventilation being available to adjoining properties;*
- *provide adequate direct sun to the building and appurtenant open spaces;*
- *assist with protection of access to direct sun for adjoining properties;*
- *assist in ameliorating the impacts of building bulk on adjoining properties; and*
- *assist in protecting privacy between adjoining properties.*

In this case, the proposed pergola will be adjoining a garage and driveway to HN 6 Haining Avenue and will not have a significant effect on sun or ventilation to that property or appurtenant open spaces. Also due to the level differences between the two properties, together with the proposed 2.228m setback to the roof of the pergola and the open-sided appearance of the structure, its building bulk will not be that significant. In addition, no specific objection was raised to the location of the pergola by the neighbour during advertising.

The setback to the eastern boundary has been amended to comply with the RD Codes.

Fill

This is compliant with the acceptable development standards of the RD Codes.

Visual Privacy

The location of the windows to bedroom 4 in both units has been amended to comply with the visual privacy requirements of the RD Codes. The windows to the master

bedrooms to the northern boundary also comply with the acceptable development standards of the RD Codes. No accessible balconies are proposed from these bedrooms.

Boundary (dividing) wall

A proposed 3m high dividing wall at the rear of the two dwellings has been setback 1m from the northern boundary to comply with the RD Codes. A standard height dividing wall/fence is proposed to the boundary which will not impact on the adjoining property.

Front setback to garage

The proposed double garage to Unit 1 has been designed parallel to the street with a 1.5m setback from the front boundary.

Council's Policy for 'Garages and Carports in Front Setback Area (Policy TPSP 003) generally requires garages to be setback behind the 6m front setback line. However, the policy does also allow for garages to be constructed with a reduced setback of 1.5m where vehicles are parked parallel to the street alignment and having regard to:

- *The relevant objectives of the RD Codes;*
- *The effect of such variation on the amenity of any adjoining lot;*
- *The existing and potential future use and development of any adjoining lots, and;*
- *Existing setbacks from the street alignment in the immediate locality, in the case of the setback from the principal street alignment.*

The Acceptable Development standards of the RD Codes (Clause 6.2.3 – A3.5) permit garages to be setback 3m where vehicles are parked parallel to the street.

Any further reduction to this setback would need to be considered under the relevant performance criteria which states:

The setting back of carports and garages so as not to detract from the streetscape or appearance of dwellings, or obstruct views of dwellings from the street and vice versa.

The explanatory guidelines of the RD Codes further address the setback to garages and state inter alia:

Garages are not acceptable unless they can be accommodated without obstruction to views between street and house at ground level. Such exceptions are likely to be rare...

In the case of complete redevelopment of a site in an established streetscape, any garage or carport accessed from the street should be set back in accordance with the general building setback unless:

- *the area, dimensions or shape of the site make this unfeasible; or*

- *there is an established, consistent, pattern of carports within the setback area.*

In this case, the approved survey strata lot for Residence 1 is irregular in shape and has a 4m sewer easement at the rear preventing the dwelling from being located over this area. Some variation to the general building setback for the proposed garage would therefore not be unreasonable.

However, although the applicant has amended the original plans of the garage to indicate an 'open grille' appearance fronting the street rather than a solid wall, and has agreed to leave the existing street trees in-situ and add additional landscaping in front of the proposed garage, the proposed 1.5m reduced front setback is likely to have a significant visual impact on the streetscape.

Currently, there are no other garages or carports located in the front setback to Haining Avenue and most newer garages are integrated into the houses with an upper floor extending over the full width of the garage which reduces the visual impact of the garages on the streetscape. The garage pertaining to 12 Haining Avenue does have a reduced setback but this is to its secondary street boundary as the dwelling is a corner property and is orientated towards Charles Street.

A compromise situation would be to require the proposed garage to be setback a minimum 3m from the front boundary if parallel to the street alignment as this would comply with the acceptable development standards of the RD Codes and would still achieve a 6m average front setback. Alternatively, the applicant could be required to re-orientate the garage perpendicular to the street and setback a minimum 4.5m in accordance with the acceptable development standards of the RD Codes. This would reduce the amount of paved area required for a driveway and therefore potentially have less visual impact on the streetscape. A carport option was also initially discussed with the applicant as this would allow a clear and unobstructed view of the dwelling and potentially have least visual impact on the streetscape even if it were to be located in the front setback, but the applicant advised that this was not an option they wanted to pursue.

All these alternatives would provide good articulation to the frontage of the development whilst having less visual impact on the streetscape than the current proposal and allowing some compromise due to the irregular shape of the strata lot and the sewer easement at the rear.

It is therefore suggested that the applicant be required to further amend the front setback to the garage to conform to one of the abovementioned suggestions.

Comments from neighbours

The amended plans and accompanying letter from the applicant received 25 November 2008 addresses the concerns raised by the adjoining owners. In brief these issues are also discussed below:

- *Need for relocation of trees or removal of trees along eastern boundary*
– No trees are proposed to be relocated on the verge or removed along the eastern boundary;

- *Overlooking issues/visual privacy* – The revised plans comply with the visual privacy requirements of the RD Codes;
- *Location of garage in front setback and impact on streetscape* – This matter has been addressed in detail in this report;
- *Bulk, scale and form of the proposed development impacting on the property to the rear* – The revised plans comply with the acceptable development standards of the RD Codes in respect to the rear boundary.

Development on common property

The current approved strata plan conflicts with the development proposal as it would necessitate the proposed garage to Residence 1 to be built on common property. However, the applicant has advised that the owner will be seeking to revise the current WAPC approval to reflect the development proposal. There would be no objection in principle to supporting this revised strata plan providing it complied with the RD Codes and WAPC policies for subdivision.

CONCLUSION

The applicant has attempted to address Town Planning Scheme No 2 and the RD Codes and, on balance, it is considered that the amended plans have merit and should largely be supported. Notwithstanding this, further design revisions are considered necessary for proposed Residence 1 to ensure that the location of the double garage in the front setback area does not detract from the amenity of the surrounds and streetscape.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

- (1) That Council GRANT its Approval to Commence Development for two grouped dwellings at No 8 (Lot 6) Haining Avenue, Cottesloe, in accordance with the plans submitted on 25 November, 2008, subject to the following conditions:
 - (a) All construction work shall be carried out in accordance with the environmental protection (noise) regulations 1997, regulation 13 - construction sites.
 - (b) Stormwater runoff from the driveways or any other paved portion of the site shall not be discharged onto the street reserve or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings for a building licence.
 - (c) The external profile of the development as shown on the approved plans shall not be changed whether by the addition of any service plant, fitting, fixture or otherwise except with the written consent of council.
 - (d) The applicant applying to the Town of Cottesloe for approval to construct the crossovers, in accordance with council specifications, as approved by the manager engineering services or an authorised officer.

- (e) The existing redundant crossover being removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the manager engineering services.
 - (f) Air-conditioning plant and equipment shall be located closer to the proposed dwellings than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the environmental protection (noise) regulations 1997.
 - (g) Any fencing to the site within the front setback area shall be of an open - aspect design in accordance with council's fencing local law and the subject of a separate application to council.
 - (h) That the area depicted as 'common property' on the approved survey strata plan be deleted to allow for the design of the proposed dwellings, to the satisfaction of the western Australian planning commission.
 - (i) The applicant complying with the Town of Cottesloe policies and procedures for street trees (February 2005) where the development requires the protection or pruning of existing street trees.
 - (j) The proposed crossovers being located to ensure the retention of the existing street trees and the works supervisor determining the distance that the crossovers shall be located away from the base of the trees.
 - (k) At building licence stage, revised plans being submitted to show the proposed garage to residence 1 being setback from the front boundary either:
 - (i) A minimum 3m, if parallel to the street alignment; or
 - (ii) A minimum 4.5m, if perpendicular to the street alignment;
 - (iii) And the final design and location of the proposed garage being to the satisfaction of the manager development services.
 - (l) The area between the proposed garage, if located parallel to the street alignment, and the front boundary being landscaped to the satisfaction of the manager development services.
- (2) Advise submitters of Council's resolution.

AMENDMENT

Moved Cr Walsh, seconded Cr Cunningham

That the condition (m) as put forward by the Manager, Development Services be added to the Recommendation as follows:

- (m) *At building licence stage revised plans shall be submitted to the satisfaction of the Manager Development Services demonstrating the provision of adequate privacy screening to the upper-level bedroom windows on the northern*

elevation of each of the two dwellings, which screening shall extend from the finished floor level to a minimum height of 1.6m.

Carried 6/3

AMENDMENT

Moved Cr Boland, seconded Cr Birnbrauer

That

- (1) Condition (h) to be deleted.
- (2) The following words to be included at the beginning of Condition (K):
Subject to the WAPC approving a revised survey strata plan which allows for the building of the proposed garage to Residence 1 on the area currently shown as "common property" on the approved survey strata plan...

Reason: Concerned about condition (h); building on Common Property.

Carried 7/2

AMENDMENT

Moved Cr Boland, seconded Cr Birnbrauer

The following advise note to be added to the end of the recommendation:

"The applications are advised that Council has a strong preference for the current absence of front fencing in Haining Avenue as that contributes greatly to the amenity of Haining Avenue.

Lost 5/4

COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Birnbrauer

That:

- (1) **Council GRANT its Approval to Commence Development for two grouped dwellings at No 8 (Lot 6) Haining Avenue, Cottesloe, in accordance with the plans submitted on 25 November, 2008, subject to the following conditions:**
 - (a) **All construction work shall be carried out in accordance with the environmental protection (noise) regulations 1997, regulation 13 - construction sites.**
 - (b) **Stormwater runoff from the driveways or any other paved portion of the site shall not be discharged onto the street reserve or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings for a building licence.**

- (c) The external profile of the development as shown on the approved plans shall not be changed whether by the addition of any service plant, fitting, fixture or otherwise except with the written consent of council.
- (d) The applicant applying to the Town of Cottesloe for approval to construct the crossovers, in accordance with council specifications, as approved by the manager engineering services or an authorised officer.
- (e) The existing redundant crossover being removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the manager engineering services.
- (f) Air-conditioning plant and equipment shall be located closer to the proposed dwellings than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the environmental protection (noise) regulations 1997.
- (g) Any fencing to the site within the front setback area shall be of an open - aspect design in accordance with council's fencing local law and the subject of a separate application to council.
- (h) The applicant complying with the Town of Cottesloe policies and procedures for street trees (February 2005) where the development requires the protection or pruning of existing street trees.
- (i) The proposed crossovers being located to ensure the retention of the existing street trees and the works supervisor determining the distance that the crossovers shall be located away from the base of the trees.
- (j) Subject to the WAPC approving a revised survey strata plan which allows for the building of the proposed garage to residence 1 on the area currently shown as "common property" on the approved survey strata plan. At building licence stage, revised plans being submitted to show the proposed garage to residence 1 being setback from the front boundary either:
 - (i) A minimum 3m, if parallel to the street alignment; or
 - (ii) A minimum 4.5m, if perpendicular to the street alignment;And the final design and location of the proposed garage being to the satisfaction of the manager development services.
- (k) The area between the proposed garage, if located parallel to the street alignment, and the front boundary being landscaped to the satisfaction of the manager development services.

- (l) At building licence stage revised plans shall be submitted to the satisfaction of the Manager Development Services demonstrating the provision of adequate privacy screening to the upper-level bedroom windows on the northern elevation of each of the two dwellings, which screening shall extend from the finished floor level to a minimum height of 1.6m.
- (2) Advise submitters of Council's resolution.

Carried 9/0

**11.1.2 DELEGATION OF POWERS FOR DETERMINATION OF PLANNING APPLICATIONS
DURING THE 2008-2009 HOLIDAY PERIOD RECESS OF COUNCIL**

File No: Sub/39
Responsible Officer: Laurie Vicary
Acting Chief Executive Officer
Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 15-Dec-2008
Author Disclosure of Interest Nil

SUMMARY

A recommendation is made to delegate authority to the Manager Development Services, Acting Chief Executive Officer and incoming Chief Executive Officer (from 5 January 2009) to make determinations on those applications for planning consent that are assessed during the period from Tuesday 16 December 2008 to Friday 30 January 2009 while the Council is in recess.

BACKGROUND

The following resolution was passed by Council at its December 2007 meeting:

That Council:

- (1) In addition to the existing delegated authority for determination of applications for Planning Consent and subject to (2) below, hereby further delegates to the Manager Development Services, the Acting Chief Executive Officer and the incoming Chief Executive Officer, under Clause 7.10.1 of Town Planning Scheme No. 2, authority to determine those applications for Planning Consent that are beyond their current delegated powers, for the period from Tuesday 18 December 2007 to Friday 1 February 2008.*
- (2) The exercise of those powers referred to in (1) is granted subject to:*
 - (a) The relevant officer discussing those applications that fall within the extended powers of delegated authority with the Chairperson of the Development Services Committee or the Deputy, prior to a decision being made on the applications; and*
 - (b) A list of items to be dealt with under this delegation being identified and included in the weekly list of Delegated Authority Items that is:*
 - (i) circulated on a weekly basis to all Councillors; and*
 - (ii) subject to the current call-in arrangements for Delegated Authority Items.*

CONSULTATION

Nil

STAFF COMMENT

It is requested that the Manager Development Services, Acting Chief Executive Officer and incoming Chief Executive Officer be granted additional delegated authority to determine applications beyond their current delegated powers, in consultation with the Development Services Committee Chairperson or Deputy, during the December and January recess of Council.

In practice this arrangement works well and ensures that the processing of applications is not unduly delayed (as there is a right of appeal after 60 days). Also, during the recess period there are usually fewer applications and any significant or problematic ones can be identified for referral to Development Services Committee and Council from February onwards.

This special delegation is only useful if the Chair and/or Deputy are available during the holiday period.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

Town of Cottesloe Town Planning Scheme No. 2
Residential Design Codes
Fencing and Signage Local Laws

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Dawkins

That:

- (1) In addition to the existing delegated authority for determination of applications for Planning Consent and subject to (2) below, hereby further delegates to the Manager Development Services, the Acting Chief Executive Officer and the incoming Chief Executive Officer (from 5 January 2009), under Clause 7.10.1 of Town Planning Scheme No. 2, authority to determine those applications for Planning Consent that are beyond their current delegated powers, for the period from Tuesday 16 December 2008 to Friday 30 January 2009.**

- (2) The exercise of those powers referred to in (1) is granted subject to:
- (a) The relevant officer discussion those applications that fall within the extending powers of delegated authority with the Chairperson of the Development Services Committee or the Deputy, prior to a decision being made on the applications; and
 - (b) A list of items to be dealt with under this delegation being identified and included in the weekly list of Delegated Authority Items that is:
 - (i) circulated on a weekly basis to all Councillors; and
 - (ii) subject to the current call-in arrangements for Delegated Authority Items.

Carried en bloc 9/0

11.1.3 PROPOSED LOCAL PLANNING SCHEME NO. 3 - PRELIMINARY REPORT ON SUBMISSIONS

File No: SUB/721 & SUB/334
Responsible Officer: Laurie Vicary
Acting Chief Executive Officer
Author: Delia Neglie/Andrew Jackson
Projects Planning Officer
Proposed Meeting Date: 8-Dec-2008
Author Disclosure of Interest Nil

PURPOSE OF REPORT

- This report presents, as a preliminary step, various schedules and summaries of the submissions received on proposed Local Planning Scheme No. 3 (LPS3) when it was officially advertised for public inspection / comment earlier this year.
- This material is provided for Council's information and general discussion at this stage, but not for any specific determination of the submissions, which require further analysis and reporting / recommendations, as explained below.
- The material appraises Council of the scope and substance of the submissions, for an overall appreciation of the responses received and the aspects upon which Council will need to deliberate.
- To convey the complexion of the submissions they have been categorised and summarised in a range of ways so that some of the main aspects can be accessed and absorbed – most of this data is contained in an accompanying computer disc rather than printed at this point.
- The report also presents the necessary procedure and indicative timing to complete Council's dealings with the submissions as part of the overall scheme review process.
- A recommendation is made regarding Council's approach to the task.
- The report and attachments / disc are therefore a prelude to and background reading for Council's detailed consideration of the submissions and possible modifications to the proposed Scheme, to occur in early 2009.

POLICY IMPLICATIONS

Nil at this time, however, LPS3 provides for planning policies in the normal manner, which are to be created in conjunction with the Scheme.

STRATEGIC IMPLICATIONS

The Scheme, which includes the Local Planning Strategy, is in itself a key strategic instrument to shape and manage the future of the district.

STATUTORY REQUIREMENTS

- The *Planning & Development Act 2005* contains overarching provisions governing the review of local planning schemes.
- The *Town Planning Regulations 1967 (as amended)* set out the procedures which must be followed by local government, the Western Australian Planning

Commission (WAPC) and the Minister for Planning & Infrastructure (Minister) when reviewing local planning schemes.

FINANCIAL IMPLICATIONS

Processing the submissions so far has been covered by staff costs plus contract assistance, and more expenditure on contractors / consultants may be required in the ongoing work to address the submissions.

BACKGROUND**Formulation of Proposed Scheme**

- Proposed LPS3 has been several years in the making and Council has undertaken extensive community consultation in formulating and finalising the scheme proposals.
- In March and April 2005, this consultation included a series of Precinct Forums and a Town Centre Study.
- In December 2005, Council carried out a final round of community consultation on the draft scheme, including a mail-out, website, displays, open days and structured feedback form.
- In addition, Council undertook a number of studies by consultants to inform the draft scheme, including a parking review, heritage review and beachfront development guidelines.
- The draft scheme was also subject to considerable legal review.
- In February 2006 the proposed Scheme was lodged with the WAPC for consent to advertise and liaison ensued with the Department for Planning and Infrastructure (DPI), WAPC and Minister towards that end.

Statutory Advertising of Proposed Scheme

- In August 2007, Council received from the WAPC conditional approval by the Minister to advertise proposed LPS3.
- Settlement of various modifications required by the WAPC / Minister followed, culminating in the Scheme being advertised as directed for three months, which commenced on 11 April 2008 (a notice as required was placed in the Government Gazette by the WAPC on this date).
- The advertising approval was subject to Council:
 - 11.2 Writing directly to owners of those lots proposed to be rezoned from Foreshore Centre to either Restricted Foreshore Centre or Residential and advising of the differences between the current and proposed zones, and inviting comment thereon.
 - 11.3 Formally inviting public comment on residential densities and building heights in respect of the Residential zone.
 - 11.4 Ensuring that all relevant authorities or bodies are made aware of the draft scheme and invited to comment.
 - 11.5 Taking appropriate steps to ensure that owners and occupants of land in the Town are made aware of the draft scheme and invited to comment.
- In addition, in December 2007, as a result of representations by Council, the Minister's further approval to advertise the proposed Scheme was subject to an Enquiry by Design (EbD) process to address some outstanding matters in relation to particular areas – below refers.

- In accordance with these approvals, on 11 April 2008, the following letters were sent out:
 - 11.6 24 letters to community groups.
 - 11.7 13 letters to government authorities.
 - 11.8 4 letters to adjoining local authorities.
 - 11.9 55 letters to landowners of land zoned Foreshore Centre under TPS2 and proposed to be changed to Residential R60 under LPS3.
 - 11.10 60 letters to landowners of land zoned Foreshore Centre under TPS2 and proposed to be changed to Restricted Foreshore Centre R60 under LPS3.
- On 18 April 2008, the following letters were sent out:
 - 11.11 540 letters to absentee landowners.
 - 11.12 4754 letters to ratepayers and occupiers.
- On 11 April 2008, a notice of the Scheme advertising period was published in the Post community newspaper, displays of the Scheme were placed at the Council Office and the Library, and notices were placed on the noticeboards outside the Council Office and in Napoleon Street.
- On 3 June 2008, further information was sent to all ratepayers and occupiers, comprising an A3 copy of the Scheme Map and a summary list of differences between existing Town Planning Scheme No. 2 (TPS2) and proposed LPS3.
- On 17 June 2008, another letter was sent to landowners on Stirling Highway between Clive Road and Eric Street in order to clarify the Scheme proposals.

STATUTORY NEXT STEPS**Actions by Council**

- Under the Regulations, Council is required to consider the submissions within six months from the close of advertising or such longer period as is approved by the WAPC, and in respect of each submission shall consider whether the Scheme should be modified accordingly or whether that submission should be rejected.
- After considering all of the submissions, Council is required to pass a resolution to adopt the Scheme, with or without modifications, or that it does not wish to proceed with the Scheme.
- Within 28 days of the resolution, Council is to forward the Scheme documents to the WAPC with:
 - 11.13 A Schedule of Submissions – to include names and addresses; descriptions of properties; the submissions or a summary thereof; and maps, plans, etc as necessary or as may be required by the WAPC.
 - 11.14 Recommendations regarding each submission.
 - 11.15 Particulars of modifications recommended.
 - 11.16 A copy of the Council resolution.
 - 11.17 If Council wishes not to proceed with the Scheme, a summary of reasons why.

Actions by WAPC & Minister

- After considering Council's deliberations on the submissions, the WAPC is to submit its recommendations on them and any modifications to the Minister.

- If particular recommended modifications are considered by the Minister to be *substantial*, Council is to advertise them for as long as directed, then within three months to:
 - Consider any submissions received.
 - Make recommendations to the WAPC in respect of each submission.
 - Forward the submissions and recommendations to the WAPC.
- The WAPC is to examine the submissions and forward its recommendations to the Minister, who is to:
- Approve the Scheme or require further modifications, whereupon within 42 days of being notified by the WAPC of the Minister's decision, Council is to comply with the modifications and/or forward three copies of the Scheme to the WAPC for the Minister's final approval; or
 - Refuse to approve the Scheme, whereupon Council is to notify each submitter of the refusal.
- Lastly, the approved Scheme is to be endorsed by the WAPC and Minister then gazetted and advertised as finally approved, whereupon it commences operation and TPS2 ceases.

OVERVIEW OF SUBMISSIONS

Submissions Received

- A total of 553 submissions were received.
- Most were received by the due date, although some arrived later, but these have still been included.
- Submissions are required to be on the prescribed Form 4, but despite the form being provided and emphasised, some 6% were received without a form; however, these have still been included (and where possible a form has been obtained).
- As required by the Regulations, receipt of each submission has been acknowledged in writing.

Statistical Analysis

- A statistical analysis of the submissions in terms of their number, nature and origin has been undertaken to gain an appreciation of their characterisation; which is attached and indicates:
 - 11.18 37% of the submissions are standardised regarding the beachfront; 20% of which are from owners / residents, 16.5% from Cottesloe and 80% were from outside Cottesloe.
 - 11.19 63% of the submissions are individual (although they include depot site pro-forma letters); 90% of which are from owners / residents, 84% from Cottesloe and 16% from outside Cottesloe.
- *For Councillor use this statistical analysis is contained in the computer disc accompanying this report.*

Standardised Submissions

- It is apparent that 206 of the submissions are more or less standardised, given the large amount of pro-forma letters, and there are 20 types of standard letters following four basic pro-formas, as follows:

- 11.20 Two pro-formas are regarding the conceptual proposal for the Seapines / Lido site. One consists of only a paragraph endorsing that proposal, and there are 20 such letters. The other comprises the bulk of these submissions, with 154 consisting of about 12 variations of a detailed letter, reflecting the submission made by planning consultants on behalf of the landowners. One version of this was sent in by 106 submitters. Other versions entail singular variations or were sent in by groups of 6-10 submitters.
- 11.21 The third pro-forma comprises 29 submissions with 7 main variations (and a few minor variations) and is broader in its comments regarding beachfront built form, but specific about Clauses 5.13 and 5.3.5 of the Scheme. It appears that people were given a sheet of notes which some attached but most paraphrased or altered.
- 11.22 The fourth pro-forma includes 3 submissions and links the need for more height to meeting the aims of the Scheme.

Individual Submissions

- There are 347 individual submissions of a general / diverse nature, the subject of which includes but is not limited to:
 - 11.23 Beachfront sites, including submissions from landowners or consultants.
 - 11.24 The EbD, including requesting invitation / involvement and comment regarding purpose / process.
 - 11.25 Beachfront issues, including but not limited to height, plot ratio, short-stay accommodation, density, environmental issues, access, car parking, and character.
 - 11.26 Residential height.
 - 11.27 Residential density generally.
 - 11.28 Residential density for particular properties / areas.
 - 11.29 The Town Centre, including Curtin Avenue and the railway lands (Development Zone E).
 - 11.30 The depot site (although most of these were pro-forma letters).
 - 11.31 The Wearne Hostel and WAIDE sites, including from the owners / operators and community.
 - 11.32 Government authorities including the Heritage Council of WA, Main Roads WA, Water Corporation and Tourism WA.
 - 11.33

Schedule of Submissions

- A Schedule of Submissions has been prepared as required by the Regulations, which lists the details of each submitter plus the subject matter and a summary of each submission.
- A recommendation on each submission is to be added following future officer assessment / reporting and Council consideration.
- The Schedule is the master document on the submissions and is attached for Council's perusal / reference at this juncture.
- Due to the large size of the schedule it is arranged in two parts: A – Details of Submitters (name, address, etc), and B – Content of Submissions (subject and summary).

- For ease of reading, these parts printed on A3 sheets (*as provided for Councillor use*) may be placed side-by-side (A on the left and B on the right) for a continuous flow of information across the columns and down the rows, including turning over the pages.
- *For Councillor use this main schedule is contained in the computer disc accompanying this report.*

Extract Schedules

- For accessibility of information, several extracts of the Schedule of Submission have been prepared as working tools, including:
 - 11.34 An extract schedule of the 157 individual submissions regarding the beachfront generally.
 - 11.35 An extract schedule of the 72 individual submissions regarding the CBH and OBH sites specifically.
 - 11.36 An extract schedule of the 58 individual submissions regarding the Town Centre, Railway Lands and Curtin Avenue.
 - 11.37 An extract schedule of the 3 individual submissions regarding the Foreshore Vision.
- These extracts consolidate the submissions on their topics for an overview of the comments made.
- *For Councillor use these extract schedules are contained in the computer disc accompanying this report.*

Compiled Summaries

- Also for accessibility of information, three compiled summaries of submissions have been prepared as working tools for the first three abovementioned extract schedules, including:
 - The beachfront.
 - The CBH and OBH sites.
 - The Town Centre, Railway Lands and Curtin Avenue.
- These summaries condense the comments made on their topics for a snapshot of the submissions.
- *For Councillor use these compiled summaries are contained in the computer disc accompanying this report.*

Enquiry by Design

- As advertised, proposed LPS3 required an EbD process to produce: firstly, Building Design Controls for Special Control Area 2 covering the Cottesloe Beach Hotel and Ocean Beach Hotel sites (also having regard to the creation of a concept plan for the public domain foreshore); and secondly: a preliminary Structure Plan / Design Guidelines for Development Zone E (ie the railway lands, taking into account planning for future Curtin Avenue and the Town Centre).
- The EbD is being conducted during November and December 2008, the outputs of which are intended to involve additional public advertising and consideration of submissions, leading to recommended outcomes to be incorporated, with or without modification, into LPS3.

- Whilst on the one hand the EbD is a relatively discreet exercise to focus on defined areas and aspects in order to round-out the proposed Scheme, on the other hand there is likely to be some interplay between the submissions and the EbD findings.
- Although it is not the role of the EbD to consider or determine the submissions per se, which falls to Council, the submissions may have a bearing on the EbD deliberations and the EbD may have an influence on the assessment of the submissions.
- Hence it is logical and desirable to ensure that any interrelationships are explored and the conclusions are correlated between the overall submissions and the EbD outcomes.

Timeframe to Consider Submissions

- The initial six month period for Council's consideration of the submissions ends on 16 January, when Council is in recess.
- Previously, the intent was to carry out the EbD during the Scheme advertising period and to undertake additional advertising of the resultant proposals, yet a timeframe for completion of the exercise was not prescribed and would most likely have taken longer, in parallel with consideration of the Scheme submissions.
- Owing to the extended dominance of the major EbD process throughout 2008 and into 2009, more time is required for officers and Council to devote to a detailed and comprehensive examination and determination of Council's recommendations on all of the submissions.
- This additional time is necessary to progress the submissions phase in its own right, and as explained could be brought-together with completion of the EbD process – the aim should be to advance consideration of all the submissions and to ensure that the solutions are coordinated.
- Therefore, it is recommended that the WAPC be requested to grant an extension of time for Council's consideration of the Scheme submissions until 16 April 2009, bearing in mind the EbD process / advertising and further advertising of any substantial modifications.
- Also, Council would need to be prepared to have briefing sessions, workshops and special meetings to satisfy this activity and timeframe.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

That Council:

- (1) Note this report and information on the submissions received regarding proposed Local Planning Scheme No. 3.
- (2) Request that the Western Australian Planning Commission, in accordance with Regulation 17(1), agrees to an extension of time to 16 April 2009 for Council to respond on the submissions received regarding the Scheme, together with consideration of progress of the Enquiry by Design process.

- (3) Agree to briefing sessions, workshops and special meetings to achieve this target.

AMENDMENT

Moved Cr Walsh, seconded Cr Birnbrauer

That condition (2) be amended to change the date 16 April 2009 to 16 March 2009 as per Manager, Development Services recommendation:

- (2) Request that the Western Australian Planning Commission, in accordance with Regulation 17(1), agrees to an extension of time to 16 March 2009 for Council to respond on the submissions received regarding the Scheme, together with consideration of progress of the Enquiry by Design process.

And further, that Council request that the extension of time be granted under delegation and confirmed before the Christmas break, so that a program for consideration of the submissions and for progress of the associated EbD process can be put in place.

Carried 9/0

AMENDMENT

Moved Cr Walsh, seconded Cr Dawkins

That Item 3 removes the word "workshops".

Carried 9/0

AMENDMENT

Moved Cr Walsh, seconded Cr Carmichael

That a new Item 4 state the following: "duly consider previous submissions/poll results received during the formulation of LPS 3"

Carried 6/3

The Mayor requested the vote be recorded:

For the motion: Mayor Morgan, Cr Birnbrauer, Cr Boland, Cr Carmichael,
Cr Walsh and Cr Woodhill

Against the motion: Cr Cunningham, Cr Dawkins and Cr Miller

COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Birnbrauer

That Council:

- (1) Note this report and information on the submissions received regarding proposed Local Planning Scheme No. 3.**
- (2) Request that the Western Australian Planning Commission, in accordance with Regulation 17(1), agrees to an extension of time to 16 March 2009 for Council to respond on the submissions received regarding the Scheme, together with consideration of progress of the Enquiry by Design process.**

And further, that Council request that the extension of time be granted under delegation and confirmed before the Christmas break, so that a program for consideration of the submissions and for progress of the associated EbD process can be put in place.

- (3) Agree to briefing sessions and special meetings to achieve this target.**
- (4) Duly consider previous submissions/poll results received during the formulation of LPS 3**

Carried 9/0

Manager, Development Services left the meeting at 8.51pm

12 WORKS AND CORPORATE SERVICES MEETING HELD ON 9 DECEMBER 2008**12.1 ADMINISTRATION****12.1.1 MEETING DATES FOR 2009**

File No: Sub/383
Responsible Officer: Laurie Vicary
Acting Chief Executive Officer
Author: Laurie Vicary
Acting Chief Executive Officer

Proposed Meeting Date: 9-Dec-2008
Author Disclosure of Interest Nil

SUMMARY

A resolution is required to set Council and Committee Meetings for 2009.

BACKGROUND

Nil.

CONSULTATION

Nil.

STAFF COMMENT

The proposed changes to the Anzac Day and Queen's Birthday meeting dates means that Council business can be attended to prior to Anzac Day and the Queen's Birthday.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

Regulation 12 of the Local Government (Administration) Regulations applies:

Public Notice of Council or Committee meetings –s.5.25(g):

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and*
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.**
 - (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub-regulation (1).*
-

SUSTAINABILITY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Woodhill

That Council adopt the following meeting dates for 2009:

- (1) Observe a recess in January 2009, with no ordinary meeting of Council;
- (2) Advertise the ordinary Council meeting dates for 2009 as the fourth Monday in the month commencing at 7.00 pm with the following exceptions:-

January	No meeting
February	Monday 23 rd
March	Monday 23 rd
April	Tuesday 28 th - Change due to Anzac Day
May	Monday 25 th
June	Monday 22 nd
July	Monday 27 th
August	Monday 24 th
September	Tuesday 29 th - Change due to Queens Birthday
October	Monday 26 th
November	Monday 23 rd
December	Monday 14 th - To avoid proximity to Christmas

- (3) Advertise the Development Services Committee meeting dates for 2009 as the third Monday in the month commencing at 6.00 pm with the following exceptions:-

January	No meeting
February	Monday 16 th
March	Monday 16 th
April	Monday 20 th
May	Monday 18 th
June	Monday 15 th
July	Monday 20 th
August	Monday 17 th
September	Monday 21 st
October	Monday 19 th
November	Monday 16 th
December	Monday 7 th - To avoid proximity to Christmas

- (4) Advertise the Works & Corporate Services Committee meeting dates for 2009 as being held on the day after the Development Services Committee meeting commencing at 7.00 pm

January	No meeting
February	Tuesday 17 th
March	Tuesday 17 th
April	Tuesday 21 st
May	Tuesday 19 th
June	Tuesday 16 th
July	Tuesday 21 st
August	Tuesday 18 th
September	Tuesday 22 nd
October	Tuesday 20 th
November	Tuesday 17 th
December	Tuesday 8 th - To avoid proximity to Christmas; and

- (5) Advertise the Strategic Planning Committee meeting dates for 2009 being held on the day after the Works & Corporate Services Committee meeting in the months of March, May, July, September & November commencing at 6.00 pm as:-

March	Wednesday 18 th
May	Wednesday 20 th
July	Wednesday 22 nd
September	Wednesday 23 rd
November	Wednesday 18 th

- (6) And the required notice of the dates be published.

Carried en bloc 9/0

12.1.2 USE OF COMMON SEAL

File No: SUB/179
Responsible Officer: Laurie Vicary
Acting Chief Executive Officer
Author: Laurie Vicary
Acting Chief Executive Officer

Proposed Meeting Date: 9-Dec-2008
Author Disclosure of Interest Nil

SUMMARY

To authorise the use of the Common Seal on the Waste and Recycling Collection Contract that was awarded to Transpacific Cleanaway Pty Ltd by decision of the Council on 27 October 2008.

BACKGROUND

The decision of the Council to Award the contract should have included reference to the requirement to affix the seal to the contract document.

CONSULTATION

Nil.

STAFF COMMENT

The Standing Orders Local Law are not clear on the use of the seal and this report is therefore based on the past experience of the author. However, the Local Law does prohibit the use of the Common Seal by the Chief Executive Officer without the express authority of the Council.

The use of the seal and whether there should be reference to signing by the Mayor and the Chief Executive Officer is a matter that should be addressed before the new Standing Orders are finalised.

It is a matter that will need to be taken into account when amendments to the Local Government Act are next promulgated.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Woodhill

That the use of the Common Seal of the Town of Cottesloe signed in the presence of the Mayor and Chief Executive Officer on the Waste and Recycling collection contract with Transpacific Cleanaway Pty Ltd be authorised.

Carried en bloc 9/0

12.1.3 TOWN OF COTTESLOE - FUTURE PLAN REVIEW

File No: sub/108
Attachments: [Local Government Act - Section 5.56](#)
[Administration Regulation 19c & 19d](#)
Responsible Officer: Laurie Vicary
Acting Chief Executive Officer
Author: Krystal Shenton
Executive Assistant
Proposed Meeting Date: 9-Dec-2008
Author Disclosure of Interest Nil

SUMMARY

The Future Plan for the Town of Cottesloe 2006 to 2010 was due for its first review in November 2008. Council staff recommends that:

The Future Plan for the Town of Cottesloe 2006 to 2010 be postponed for review in the March 2009 Council Meeting.

BACKGROUND

The Future Plan for the Town of Cottesloe 2006 to 2010 was finalised and adopted by Council in June 2007. At that time two review dates for the Future Plan were set, so that the document would return to Council. The first of those review dates was set at November 2008. This review has not yet taken place due to a turnover of the responsible staff.

CONSULTATION

Nil

STAFF COMMENT

It is desirable to complete the review when the new CEO (Carl Askew) has commenced duties and has had a chance to gain 'background' information.

POLICY IMPLICATIONS

Not known.

STRATEGIC IMPLICATIONS

The Future Plan has obvious strategic implications.

STATUTORY REQUIREMENTS

The Local Government Act (Section 5.56) and the Administration Regulations (19c and 19d). Copies of the legislation are attached.

SUSTAINABILITY IMPLICATIONS

The Future Plan addresses Sustainability.

FINANCIAL IMPLICATIONS

Adoption of the Future Plan will inevitably require expenditure.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Woodhill

That the review of the future plan for the Town of Cottesloe be deferred for consideration at the March 2009 meeting of the Council.

Carried en bloc 9/0

12.1.4 LIBRARY PROJECT STEERING COMMITTEE

File No: SUB/168-01
Responsible Officer: Laurie Vicary
Acting Chief Executive Officer
Author: Graham Pattrick
Manager Corporate Services

Proposed Meeting Date: 9-Dec-2008
Author Disclosure of Interest Nil

SUMMARY

A recommendation is made to accept this report.

BACKGROUND

There have been ongoing significant developments with the Library Project Steering Committee. As only two Councillors and the Manager Corporate & Community Services attend the Library Project Steering Committee meetings, the CEO determined that it would be beneficial to provide full information to all Councillors on a regular basis to the Works and Services Committee and Council.

CONSULTATION

Nil.

STAFF COMMENT

The following provides a summary of the discussions from the last Library Project Steering Committee held on Wednesday, 26 November at 3pm:

Tenders

The meeting was informed that 18 sets of tender documents were collected by builders. Of these 9 tenders were received. A report from the Tender Evaluation Committee was tabled on the progress to date:

Tenders:

- 9 received
- 2 non compliant
- 3 companies failed to supply sufficient information to score enough points in the evaluation process to be short listed
- 2 tenders were high and subsequently eliminated from the short list
- 2 tenders remain on the short list and under consideration.

The Tender Evaluation Committee is making contact with the preferred tenderer and attempting to negotiate on bringing the price down.

Land title update

The CEO of the Shire of Peppermint Grove confirmed that the issue is currently in front of parliament. It is required to stay there for 15 sitting days. If during this time it

has no negative comments then it will be passed. During the public comment period the only comments received by the Minister's office were positive.

The 15 sitting days will not be achieved during the current parliamentary session and it is anticipated the issue will be approved in Parliament in March 2009.

Council legal agreement

The legal agreement has been drafted and is with the Shire of Peppermint Grove's lawyers. Mayor Morgan stressed the importance of receiving this information prior to the December round of meetings.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Woodhill

That Council accept the report.

Carried en bloc 9/0

12.1.5 RANGERS AUTHORITY

File No: SUB/541
Responsible Officer: Laurie Vicary
Author: Acting Chief Executive Officer
Graham Pattrick
Manager Corporate Services

Proposed Meeting Date: 9-Dec-2008
Author Disclosure of Interest Nil

SUMMARY

A recommendation has been made that Council endorse the appointment of all Rangers in accordance with legislative requirements.

BACKGROUND

The Town has recently employed Casual Rangers to cope with the summer period. It is a requirement for them to be authorised by Council. We also need to update the current Ranger authorisation.

CONSULTATION

Nil.

STAFF COMMENT

The Manager of Corporate and Community Services presents this item to ensure compliance with various legislation for the appointment of new Ranger staff. It was considered an opportune time to update the authorisation of our permanent Rangers at the same time.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

- Local Government Act 1995 – Sections 9.11; 9.13; 9.15; 9.16; 9.39.
- Bushfires Act – Fire Control Officer
- Litter Act
- Dog Act
- Control of Vehicles (off-road) Act
- Local Laws relating to:
 - 12.2 Parking Facilities;
 - 12.3 Local Government Property;
 - 12.4 Dogs;
 - 12.5 Beach & Beach reserves No.3;

- 12.6 Special Events;
- 12.7 Activities on Thoroughfares and Trading in Thoroughfares and Public Places

SUSTAINABILITY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Woodhill

That Council approve the authorisation of the following Ranger staff in accordance with legislative requirements:

- **Neil Ferridge; Ernie Polis; Alexandra Salter; Anthony Fiorenza; Mark Lawson; Joseph Sidoti and Daniel Sharples.**

Carried en bloc 9/0

12.2 ENGINEERING**12.2.1 COTTESLOE BEACH - PUBLIC TOILETS - INDIANA TEAHOUSE**

File No: sub/207
Responsible Officer: Laurie Vicary
Acting Chief Executive Officer
Author: Laurie Vicary
Acting Chief Executive Officer

Proposed Meeting Date: 9-Dec-2008
Author Disclosure of Interest Nil

SUMMARY

To direct staff to ensure the toilets under the Indiana Teahouse are maintained to an appropriate standard.

BACKGROUND

The Mayor received a complaint regarding what could be described as the more than unsatisfactory condition of the toilets underneath the Teahouse. He requested the matter be brought to the attention of the Council by way of a report.

Responsibility for cleaning the toilets rests with the Lessee of the Indiana Teahouse as a condition of the lease agreement.

It is understood there have been complaints regarding the appearance and cleanliness of the toilets in the past and arrangements were made for inspections by the Rangers each day. Problems were reported to the Teahouse Management and further inspections followed to ensure the necessary cleaning had been completed. The need for the reintroduction of that system for this summer had been overlooked.

CONSULTATION

The need for consultation has yet to be resolved. Inspections of the toilets by the CEO and the Principal Environmental Health Officer did not reveal problems that could not be expected in a public toilet that appears to be in need of serious renovation.

Reports by the Rangers between the time of writing this report and the Committee Meeting may provide a better insight to the problem.

STAFF COMMENT

The author is of the opinion that this is a matter that should be resolved by better supervision by the Council staff to ensure the appropriate standards are maintained. The procedure for regular inspections by the Rangers was overlooked at the beginning of this summer and while that may not have eliminated the complaints received by the Mayor, it would have ensured the problem would have been corrected reasonably quickly.

Along with other seasonal activities we need to establish a system that ensures that measures that been successful in the past are not overlooked. This should not be a difficult problem.

One of the Rangers has suggested that members of the public who are not satisfied with the standard of the cleanliness should telephone the complaint to the people responsible for the cleaning. A sign showing the appropriate phone numbers could be placed in the toilets/showers.

POLICY IMPLICATIONS

None known.

STRATEGIC IMPLICATIONS

If ensuring tourism flourishes is a strategy, then, this matter must be addressed. One significant cause of problems with the toilets arises where they are used by foreign tourists who cover the toilet seat with paper before use and do nothing with the paper when they are finished. The Lessee of the Teahouse should be aware of the occasional influx of tourists and manage the cleaning accordingly.

STATUTORY REQUIREMENTS

The Health Act requires public toilets to be properly maintained.

Whilst not statutory in the sense of an Act, Regulation or Local Law, the Lease agreement is the direct link to management of the toilets.

SUSTAINABILITY IMPLICATIONS

Ongoing maintenance is required to ensure the building continues in a useable state.

FINANCIAL IMPLICATIONS

It should not be necessary for our Rangers to check the toilets. That is a cost the Council should not have to bear in light of the lease conditions.

Council should consider upgrading the toilets and showers to a reasonable standard so they appear to be acceptable when clean. This may encourage users to be more respectful of the facility.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That:

1. The Lessee of the Indiana teahouse (Cottesloe beach bathing pavilion) be instructed to clean the toilets and change rooms at least twice a day or more frequently if required.

2. The acting CEO meet with the Lessee of the above named premises to discuss and agree on an appropriate cleaning regime.
3. The acting CEO inspects the toilets and change rooms and direct the lessee with regard to items listed on the maintenance schedule that require attention and nominate a time consistent with the maintenance schedule for compliance of any such tasks.
4. The acting CEO arrange for intermittent inspections of the premises to ensure that directions given to the lessee are adopted.

COMMITTEE

The Mayor advised the Committee that the matter of cleaning the public toilets has previously been adequately resolved by Council and the recommendation by the Acting Executive Officer was unnecessary. The Committee therefore did not deal with the Officer's recommendation.

COUNCIL

The CEO advised that the Principal Environmental Health Officer is presently on leave, therefore, he would deal with the matter administratively.

Council Resolution, May 2008.

Require the lessee, in conformity with clause 15.1 of the lease, to repair and maintain the toilets and immediate surrounds in good, clean and tenable repair, order and condition to the satisfaction of the Environmental Health Officer with a minimum of a three times per day clean during the period from November 1st to March 31st and at least a once a day clean at all other times.

12.2.2 DRAFT PLAYGROUND EQUIPMENT DONATION POLICY

File No: SUB/240
Attachments: [Draft Playground Equipment Donation Policy](#)
Responsible Officer: Laurie Vicary
Acting Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 9-Dec-2008
Author Disclosure of Interest Nil

SUMMARY

At its meeting in October 2008, Council resolved to advertise, for public comment, the draft Playground Equipment Donation Policy with the results to be considered by Council at its December 2008 meeting. The public comment period has closed and this report provides the results of this effort, with a recommendation that:

THE NEW DRAFT POLICY "DRAFT PLAYGROUND EQUIPMENT DONATION" BE ADOPTED AND INCLUDED IN COUNCIL'S POLICY MANUAL.

BACKGROUND

This proposed policy originated from the May 2008 Council meeting when the proposed was considered to make available to local community organisations any redundant playground equipment where replacement items are being installed. This may allow local playgroups and other organisations to provide play equipment at a lower cost.

The draft policy was adopted by Council at its October 2008 meeting for the purpose of public consultation.

CONSULTATION

This report provides the results of the public consultation for a new proposed policy.

STAFF COMMENT

No comments have been received from the public during the consultation period on this draft policy. It is anticipated that there will not be many organisations which will be interested in this subject, due to its specialised nature.

POLICY IMPLICATIONS

This report proposes a new policy.

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Woodhill

That the new draft policy “Draft Playground Equipment Donation” be adopted and included in Council’s Policy Manual.

Carried en bloc 9/0

12.2.3 DRAFT REVISED RESIDENTIAL VERGES POLICY

File No: SUB/474
Attachments: [Draft Residential Verges Policy Submissions \(6\)](#)
Responsible Officer: Laurie Vicary
Acting Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 9-Dec-2008
Author Disclosure of Interest Nil

SUMMARY

At its October 2008 meeting Council resolved to advertise for public comment the draft Revised Residential Verges Policy, particularly for the proposed changes relating to vegetable gardens on road verges. The results were to be considered at the December meeting of Council. The public comment period has now closed and this report is the result of that effort with the following recommendation:

"That the draft revised Residential Verge Policy be adopted and included in Council's policy manual and all persons who provided comments be informed of Council's decision."

BACKGROUND

Council adopted the current *Residential Verges* policy in 2004 which basically allows the establishment of level reticulated lawns without a permit or any staff involvement. Anything other than a flat lawn requires an application so that the proposed treatment can be checked by staff. The main reasons for this process is to ensure public safety is retained and extreme treatments are rejected e.g. walls, depressions, rocks, bollards, dangerous or unsuitable plants e.g. cactus, toxic plants, invasive root systems etc.

In past years, a number of vegetable gardens have been discovered on road verges. The owners have not requested approval prior to digging up the verge. These gardens have been removed when requested to do so by staff.

No existing local government policy approving and giving control conditions for verge vegetable and herb gardens has been found by staff to provide a basis for the revised Residential Verges Policy.

CONSULTATION

The report provides the results of a public consultation process for this new/modified policy.

STAFF COMMENT

Six comments have received regarding the policy. The main points raised in the received comments are as follows:

1. If an inspection fee and a bond for potential damage to be done to road/path/damage/street tree damage would kill the ideal of planting vegetables and herbs on verges.
2. If there is vacant land controlled by Council in Cottesloe it should be set aside for a dedicated community garden.
3. Flower planting on verges doesn't attract an inspection fee or bond – why should vegetables and herbs?
4. The policy does encourage the planting of native vegetation to reduce the use of bore water and mains water. This will not happen if vegetables are planted.
5. Herbs planted around street trees would act as companion plants, to the benefit of the trees.
6. On wide verges, native shrub plantings should be allowed to exceed 1.5m high, the distance from the kerb to plants should be more than 2m, while the distance from the boundary is less important.
7. Too many restrictions for planting native species on verges will not achieve the aim of reducing verge reticulation.
8. Reticulating grass on verges is unproductive and water hungry. Vegetable planting should not be discouraged with costly approval processes.
9. Council should encourage verge vegetable gardens and provide helpful information and guidelines, with no inspections costs for such gardens.
10. Cottesloe Coastcare fully supports the encouragement of local native species on verges and to replace lawns. There are many garden 'escapee' species which become established in our bushland and dunes. Declared weeds must not be planted on verges but there is a larger list of plants which should be avoided.

With regards to the above comments, the following applies:

1. An inspection fee is proposed to ensure that the intended works on the verge do not endanger the owner in regards to obvious services or infrastructure on or under the verge and to protect Council's infrastructure, including street trees, drainage pits, kerbs and footpaths. Discussions onsite with the applicant could solve a number of initial problems or remove unknown dangers.

With regards to a bond there is potential for public infrastructure on or beside a verge to be damaged by a vegetable garden installation, tilling, staking etc. There is also a potential for a verge to be left in poor condition due to abandoned efforts for a garden. The bond would be kept in reserve and only used if the owner refused to rectify any damage.

Such inspection fees and bonds already apply to housing development and for builders using the verge in front of developments.

2. A site was suggested for a community garden in the original report to Council in September 2008 however this suggestion was not proceeded with.
3. Flower planting on verges does not normally involve ongoing tilling or digging up of large surface areas or the use of stakes for crops such as tomatoes. Deep root crops will require a higher level of fertilisers, including phosphates, plus deeper digging closer to underground services.
4. It is agreed that vegetables will require much heavier watering and fertilising than native vegetation. This heavier fertilising would go against Council's efforts to reduce the flow of nitrates and phosphates into the aquifer.
5. Street trees have grown very well in Cottesloe for over 100 years, without the need for 'companion plants'.
6. Native vegetation on wide verges is restricted to 1.5m high to allow for concerns voiced in the community against thick tree and shrub growth which allows for people hiding in such vegetation. Vehicles backing out onto crossovers also need adequate views down paths and adjacent verges before backing onto road edges. Low and medium species are therefore promoted.
7. It is agreed that too many restrictions will endanger the target of having local reticulated lawns converted to native vegetation. However, compared with flat lawn, a native species verge requires more consideration regarding chosen species, location and protection of the public.
8. Reticulated lawn verges certainly use a lot of bore or 'mains' water. So do vegetable and herb gardens. Native species on verges will dramatically reduce water use and also promote native 'green' belts for the promotion of local species, bird life etc.
9. Council in recent years has concentrated on the reduction of the use of bore water on large lawn areas and its replacement with native species. The general public have the total liberty to have large, productive vegetable/herb gardens on their private properties.
10. Council has worked for many years with Cottesloe Coastcare including the recent creation of the Natural Areas Management Plan. 'Escapee' species from private properties have included seeds blown from seeding vegetables and herbs into native vegetation areas. Lawn areas take similar amounts of reticulation water to vegetable gardens but are at least easier to control in terms of seeding or escaping into native areas.

It is expected that, if the policy approving verge vegetable gardens proceeds, it will not generate a widespread growth of such areas. However, the policy needs to create controls to cover potential 'extreme' cases and give clear direction to staff.

The road verge is part of road reserves which are areas of crown land vested in Council. Council can therefore be liable for damage and injury for activities on the verge. An obvious and clear control system is therefore needed, which will require modification as new uses or trends spread. Vegetable herb gardens are just the most recent trends requiring a policy change.

It may be that the very high land value in Cottesloe is leading towards the verge being used for vegetable gardens to allow more valuable use of private front or back yards. Council must ensure that such a trend does not create a further demand for staff time to deal with the issues created as well as increasing potential liability exposure.

POLICY IMPLICATIONS

Council's existing Residential Verges policy applies until any revised version is adopted by Council.

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

Under the *Local Government Act 1995*, Council has vested power over road reserves within the Town of Cottesloe other than MRWA controlled highways. This includes the control of road reserves, where responsibility for the care, control and management rests with the Town of Cottesloe. This applies to all local governments in the state.

Council's local law on "Activities on Thoroughfares and Trading in Thoroughfares and Public Places" also applies in regards to establishing and enforcing Council's control of road reserves.

SUSTAINABILITY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

An inspection fee would remove the cost to Council of staff having to inspect and report on applications for vegetable / herb gardens on verges. A bond charged at the time of approval would ensure the Council did not carry the cost of restoring any verge from an abandoned garden and the replacement of any verge tree killed or damaged due to digging through root systems.

Damage to service authority installations and/or injury to residents from such damage on the verge remains an unknown regarding a liability exposure risk.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That the draft revised Residential Verge policy be adopted and included in Council's policy manual and all persons who provided comments be informed of Council's decision.

COMMITTEE RECOMMENDATION

Moved Cr Miller, seconded Cr Woodhill

That the draft revised Residential Verge policy be as amended be adopted and included in Council's policy manual and all persons who provided comments be informed of Council's decision and a copy of this amended policy be available at the Council Meeting.

Cr Carmichael left the meeting at 9.05pm

Cr Carmichael returned to the meeting at 9.08pm

AMENDMENT

Moved Mayor Morgan, seconded Cr Birnbrauer

In the draft policy, under the Fees / Bonds section delete the first paragraph that references the Inspection Fee

Carried 7/2

AMENDMENT

Moved Mayor Morgan, seconded Cr Birnbrauer

In the draft policy, delete references to fees or bonds

Lost 6/3

The Mayor requested the vote be recorded:

For the motion: Mayor Kevin Morgan, Cr Jay Birnbrauer and Cr Greg Boland

Against the motion: Cr Patricia Carmichael, Cr Dan Cunningham, Cr Jo Dawkins, Cr Bryan Miller, Cr Jack Walsh, Cr Ian Woodhill

AMENDMENT

Moved Mayor Morgan, seconded Cr Miller

That the newly amended draft policy be advertised a second time, with changes, for community consultation.

Carried 7/2

AMENDMENT

Moved Mayor Morgan, seconded Cr Woodhill

In the draft policy, that the below references to "indigenous species" be deleted.

1. Page 131, section (1), sub-section (7) "*To encourage the use of indigenous species*";
2. Page 133, delete the "*Species Selection*" paragraph;
3. Page 131, section (2), sub-section (4), the third line, "*particularly use of indigenous species*".

Reason: Woody, native vegetation can be as hazardous and unsightly as vegetable gardens.

Lost 2/7

AMENDMENT

Moved Cr Birnbrauer

In the draft policy, page 132, add a sub-section (i) to state *"Installation of mains or bore water reticulation systems are not approved"*.

Lapsed, no seconder

PROCEDURAL MOTION

Moved Cr Birnbrauer, seconded Cr Dawkins

That the amendment regarding bonds be resubmitted (*Standing Order 16.6*)

Carried 5/4

AMENDMENT

Moved Cr Birnbrauer, seconded Cr Dawkins

In the draft policy, delete all references to *Bonds*.

Carried 6/3

The Mayor requested the vote be recorded:

For the motion: Mayor Kevin Morgan, Cr Patricia Carmichael, Cr Jo Dawkins, Cr Bryan Miller, Cr Jay Birnbrauer and Cr Greg Boland

Against the motion: Cr Dan Cunningham, Cr Jack Walsh, and Cr Ian Woodhill

AMENDMENT

Moved Cr Birnbrauer, seconded Cr Dawkins

In the draft policy, replace all reference to *"herb/vegetable and verge developments"* with *"verge treatments"*.

Carried 6/3

THE SUBSTANTIVE MOTION WAS PUT

Carried 6/3

COUNCIL RESOLUTION

That the draft Residential Verge policy as amended in the 15 December 2008 Council Meeting be re-advertised for public consultation and the matter brought back to Council for decision and those residents who made previous comments be informed of Council's decision.

12.2.4 FEDERAL GOVERNMENT REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM 2008/09

File No: SUB/763
Attachments: [Media Release](#)
[Guidelines Regional & Local Community Infrastructure Program](#)
Submission (1)
Responsible Officer: Laurie Vicary
Acting Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 9-Dec-2008
Author Disclosure of Interest Nil

SUMMARY

The Federal Government has recent announced the creation of the Regional and Local Community Infrastructure Program 2008/09, which will provide a one-off grant of \$122,000 to the Town of Cottesloe for community infrastructure projects. The funding comes with conditions and the report provides alternative projects which would meet all conditions, with a recommendation:

1. *That the \$122,000 Federal Government Regional and Local Community Infrastructure Program 2008/09 grant be allocated to the purpose of*
2. *That the Chief Executive Officer or Acting Chief Executive Officer be given approval to sign an agreement on behalf of the Town of Cottesloe, and apply the Council seal 'if necessary', for the receipt of this grant.*

BACKGROUND

The grant of \$122,000 is the Town of Cottesloe 'share' of \$250 million allocated to all Australian local government authorities by the Federal Government. The purpose of the grant is to stimulate the local economy as part of the Australian approach to the global economic crisis.

CONSULTATION

Nil.

STAFF COMMENT

The \$122,000 grant allocation for the Town of Cottesloe is 'out of the blue' with no inclusion of its income or expenditure in the current budget. Council's details on what areas the funds are proposed to be spent must be with the Federal Government by 30 January 2009, with expenditure completed by 30 September 2009.

An agreement to the grant expenditure must be signed before one payment of 100% of the funds is provided. Funding is not provided for ongoing costs eg operational

costs and maintenance, any form of transport infrastructure e.g. roads or related expenditure for Roads to Recovery or Black Spot programs.

To be able to be started and completed by September 2009, any project that will require a lengthy process of survey, design, Council presentation, public consultation or State Government approval (e.g. WAPC) will dramatically reduce the capacity to meet the completion date requirement.

On that basis the following projects are suggested for consideration for expenditure of \$122,000:

1. Limestone retaining wall repairs, Cottesloe Foreshore. Over many years the limestone walls around the Indiana Tea House and on the southern terraces have degenerated and have suffered a variety of vandalism and damage. There is a substantial need for a variety of sections to be either repaired or replaced. This work could be undertaken on short notice.
2. Playgrounds: Council has an ongoing 5 Year Improvements program for its playgrounds to upgrade playground units and install shade sails. \$122,000 would speed up this work and distribute the funds throughout the Town area.
3. Cottesloe Beach Pylon: Council has agreed to fund a maximum of \$50,000 from a reserve account to 'save' the pylon. Lottery West have approved another \$50,000. The State Government has so far declined to provide the additional \$50,000 required for this project. Council may wish to spend \$50,000 of this federal grant on the pylon project.
4. Cyclepaths: Council has recently adopted a new Cycle Plan. There are a variety of works covered in that plan which were to be covered in a draft 5 year plan to be provided to Council in February 2009. Council may wish to undertake \$122,000 of cycle related works in the next 6-8 months, with those works as listed in the Cycle Plan not including major works requiring extensive design, consultation and approval time periods.
5. Climate Change Study: One major gap in the climate change study's predictions was the lack of information on where underlying rock exists along the Cottesloe foreshore. A below ground radar study to provide this information would allow efforts on potential future protection works to concentrate on the deep sand/no rock areas along the Cottesloe coast line.
6. Traffic Management Plan: A 5 year program is to be provided to Council in February 2009 for traffic management and speed control installations in Cottesloe based on the recently adopted Traffic Management Plan. Council may wish to commence early installation of priority works with the new federal grant.
7. Footpaths: Council has an ongoing footpath slab replacement with in-situ concrete programme throughout Cottesloe. This new grant could be used to speed up this program.

All of these projects will require significant Council funding in the future. The \$122,000 Federal grant would allow each of the above listed projects to be substantially progressed or completed.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

STATUTORY REQUIREMENTS

The Regional and Community Infrastructure Program (RLCIP) will be administered by the Federal Department of Infrastructure, Transport, Regional Development and Local Government. Mandatory reporting and audit requirements have yet to be received. Funds received and spent will have to comply with federal conditions of expenditure of the \$122,000 allocation.

SUSTAINABILITY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The \$122,000 grant income and expenditure was not included in the 2008/09 budget. The project details are required by the Federal Government by 30 January 2009. All funding must be expended by 30 September 2009.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That:

- (1) The \$122,000 federal government regional and local community infrastructure program 2008/09 grant be allocated to the purpose of
- (2) The Chief Executive Officer or Acting Chief Executive Officer be given approval to sign an agreement on behalf of the Town of Cottesloe and apply the Council seal if necessary, for the receipt of this grant.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Dawkins

That:

- (1) The \$122,000 Federal Government Regional and Local Community Infrastructure Program 2008/09 grant be allocated to the purpose of Phase 1 Beach Pylon Refurbishment.**
- (2) The Chief Executive Officer or Acting Chief Executive Officer be given approval to sign an agreement on behalf of the Town of Cottesloe and apply the Council seal if necessary, for the receipt of this grant.**

Carried 7/2

The Mayor requested the vote be recorded:

For the motion:	Mayor Morgan, Cr Birnbrauer, Cr Carmichael, Cr Woodhill; Cr Cunningham, Cr Dawkins and Cr Miller
Against the motion:	Cr Boland and Cr Walsh

12.3 FINANCE**12.3.1 CHANGE IN ENERGY SUPPLY CONTRACT FOR COTTESLOE CIVIC CENTRE**

File No: SUB/104
Responsible Officer: Laurie Vicary
Acting Chief Executive Officer
Author: Jade Hankin
Sustainability Officer

Proposed Meeting Date: 9-Dec-2008
Author Disclosure of Interest Nil

SUMMARY

This report outlines the costs involved in reviewing and establishing an energy ('electricity') contract for the Cottesloe Civic Centre.

It is recommended that council approve provision of the energy contract between the Town of Cottesloe, Landfill Gas and Power Pty Ltd and CoZero and accept costs outlined.

BACKGROUND

At the start of 2008 an energy procurement project was initiated by WALGA. This was to meet a range of objectives for local governments across W.A. These included:

- **Price Aggregation:** The ability to access supply rates for electricity that are based on the whole of sector spend, therefore inclusive of a volume predicated discount.
- **Contractual Assurance:** The availability of a consistent and robust set of terms and conditions to support the contract and minimise any potential for dispute, particularly over the requirements of the service provider to deliver maintenance and support.
- **Reporting:** Access to facilities and tools that can assist Local Government to understand their spend pattern and how to leverage best value out of the contract through option selection and usage.
- **Environmental:** The availability of accredited renewable energy options to the extent that the market is able to supply.
- **Policy/Advocacy:** The ability to leverage off the strength of collective contract spend to represent issues such as deregulation of metered supplies and market contestability.

- **Administrative efficiency:** Saving WALGA members the cost and risk of managing the tender process, avoiding duplication, and centralising aspects of contract management for the benefit of the sector.
- **Compliance:** Under the Local Government (Functions and General) Regulations, 1996, Local Governments are required to independently tender for their energy needs on contestable sites if their annual expenditure exceeds \$100,000.00. The Preferred Supplier Arrangement would satisfy a tender exemption listed in the regulations.

WALGA analysed current energy arrangements and provided a number of options for councils to take advantage of.

Town of Cottesloe Civic Centre Current Energy Supplier

The Town of Cottesloe currently powers the Civic Centre through the company Landfill Gas and Power Pty Ltd (LGP). Energy is purchased of which 75% is from renewable sources. Energy consumption is approximately 160 MWh p/yr which amounts to approximately \$22,000 p/yr.

This electricity sourced from LGP has until recently, been accredited for inclusion in the Town of Cottesloe's reporting for the International Council for Local Environmental Initiatives (ICLEI) Cities for Climate Protection (CCP) Program. The ICLEI CCP program assists local governments and their community in reducing greenhouse gas emissions and impacts on the environment through capacity building, target and milestone setting and the completion of actions.

Recently however, ICLEI requirements have changed and due to the fact LGP on-sells the Renewable Energy Credits (REC's) it receives for providing this energy, the Town can no longer use them as an accredited supplier.

To enable the reporting of renewable energy in our ICLEI CCP measures report, the Town of Cottesloe must purchase REC's that are not on-sold in the commercial marketplace. They must be surrendered, to be deemed contributing to renewable energy production.

Due to these changes, alternative options for a renewable energy supplier that met the accreditation requirements of ICLEI and the strategic and policy objectives of the Town of Cottesloe have been investigated.

Preferred Energy Supplier

CoZero is a company based in Sydney who provide a range of environmental products. They have provided a range of quotes for the provision of a green energy supply. This includes the option of accredited 'Green Power'. Green Power is a trademark product for renewable energy produced in Australia. Through purchasing Green Power, the Town of Cottesloe would be purchasing electricity generated from the Alinta wind farm in Geraldton.

The preferred option for energy supply at the Cottesloe Civic Centre (based on estimate consumption of 160MWh per/yr) is as follows:

- Obtain regular 'black' power component from Landfill Gas and Power. This will amount to approximately \$ 21,000 per /yr.
- Obtain 100% accredited 'Green Power' from CoZero paid on a monthly basis, which amounts to approximately \$8,900 per/yr.
- Begin the contract in December 2008 for a 2 year period, after which time it will be reviewed.

Partnership Arrangement

Due to the Town of Cottesloe sourcing regular power from LGP, with the 'Green' component sourced from CoZero, a system will be established where one invoice will be issued combining both costs. This will make the agreement very clear and reduce processing times.

CONSULTATION

Consultation has occurred between the Sustainability Officer and various energy suppliers including CoZero. Through discussions and obtaining quotes, it has been determined CoZero and LGP combined provides the most cost effective energy supply option in conjunction with meeting the Town of Cottesloe's requirements under the ICLEI CCP program. Remaining with the Town's current supplier, LGP, for a component of the energy supply enables the contract to be established more efficiently and reduces costs.

STAFF COMMENT

Due to the WALGA energy procurement project and the need for the Town of Cottesloe to continue to source renewable energy from an accredited means to meet ICLEI requirements, the provisions provided by Landfill Gas and Power and CoZero are a suitable option.

It is important to lock in a contract to secure costs for maintaining this service.

Increasing the renewable energy component of the Civic Centre from 75% to 100% also provides an opportunity for council to promote its sustainability values and enhance awareness of renewable energy in the community, encouraging similar behaviour changes.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Establishing this contract meets the Town of Cottesloe's strategic sustainability objectives as outlined under Section 4 of the *Future Plan*. It promotes the use of renewable energy over energy produced from traditional coal burning methods, which reduces greenhouse gas emissions and the contribution to global warming.

It is sensible for future financial planning to address these issues now, in a proactive manner when costs are manageable and future planning and preparation can be done, rather than at a later date. In the future we are only likely to move into a more carbon constrained economy.

STATUTORY REQUIREMENTS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

To implement this contract an increase of ~\$8000 per annum is required, above current supplier costs. However, this increases the renewable energy component powering the Civic Centre to 100% from 75%. This is the best price offer ensuring the Town of Cottesloe continues to meet its ICLEI requirements by utilising an accredited green power supplier.

An additional ~\$4,500 for the remainder of this financial year is required to implement this, that hasn't been allocated in the 2008/2009 budget.

A two year contract should be approved which can then be reviewed after this time. Costs over the next two years will only rise by a minimal amount under the contract arrangement.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Woodhill

- (1) **That the provision of an energy contract between the Town of Cottesloe, Landfill Gas and Power Pty Ltd and CoZero be adopted for the anticipated annual cost of \$30,000.**
- (2) **That \$4,500 be allocated to implement a green power contract with CoZero for the remainder of the 2008/2009 financial year.**

Carried en bloc 9/0

12.3.2 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 NOVEMBER 2008

File No: SUB/137
Attachments: [Financial Statements](#)
Responsible Officer: Laurie Vicary
Acting Chief Executive Officer
Author: Graham Pattrick
Manager Corporate Services

Proposed Meeting Date: 9-Dec-2008
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 November, 2008, to Council.

BACKGROUND

The Financial Statements are presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

The Operating Statement on page 2 of the Financial Statements shows a favourable variance between the actual and budgeted YTD operating surplus of \$288,983 as at 30 November 2008. Operating Revenue is ahead of budget by \$36,623 (1%). Operating Expenditure is \$163,280 (5%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 30 November 2008 is shown on pages 7-8.

The Capital Works Program is listed on pages 20 & 21 and shows total expenditure of \$1,951,087 compared to YTD budget of \$3,136,773.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

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

SUSTAINABILITY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Woodhill

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 November, 2008, as submitted to the 9 December, 2008, meeting of the Works and Corporate Services Committee.

Carried en bloc 9/0

12.3.3 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 30 NOVEMBER 2008

File No: SUB/150 & SUB/151
Responsible Officer: Laurie Vicary
Acting Chief Executive Officer
Author: Graham Pattrick
Manager Corporate Services
Proposed Meeting Date: 9-Dec-2008
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 30 November 2008 to Council.

BACKGROUND

The Schedule of Investments and Schedule of Loans are presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

The Schedule of Investments on page 15 of the Financial Statements shows that \$3,582,533.50 was invested as at 30 November, 2008

Reserve Funds make up \$2,444,385.74 of the total invested and are restricted funds. Approximately 43% of the funds are invested with the National Australia Bank, 18% with Bank of Queensland, 8% with Commonwealth Bank and 8% with BankWest.

The Schedule of Loans on page 16 shows a balance of \$591,191.38 as at 30 November, 2008. There is \$513,263.86 included in this balance that relates to self supporting loans.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

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

SUSTAINABILITY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Woodhill

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 30 November, 2008, as submitted to the 9 December, 2008 meeting of the Works and Corporate Services Committee.

Carried en bloc 9/0

12.3.4 ACCOUNTS FOR THE PERIOD ENDING 30 NOVEMBER 2008

File No: SUB/137
Responsible Officer: Laurie Vicary
Author: Acting Chief Executive Officer
Graham Pattrick
Manager Corporate Services

Proposed Meeting Date: 9-Dec-2008
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 30 November, 2008 to Council.

BACKGROUND

The List of Accounts is presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

The following significant payments are brought to your attention that are included in the list of accounts commencing on page 9 of the Financial Statements:

- \$16,733.31 to Cobblestone Concrete for footpath installation
- \$15,011.79 to WA Local Govt Super Fund for staff deductions
- \$13,542.71 to WA Local Govt Super Fund for staff deductions
- \$27,975.83 to BCITF for payment of levies collected
- \$14,205.00 to Byrnes & Associates for EbD
- \$106,488.56 to Wilson Technology for Meter Eye installation
- \$19,069.78 to New England Research for Report to WESROC
- \$26,096.40 to LGIS Liability for final premium instalment
- \$29,216.00 to LGIS Workcare for final premium instalment
- \$15,652.16 to Surf Life Saving WA for lifeguard contract for October 2008
- \$16,007.20 to Kerbing West for installation of kerbing
- \$435,207.27 to KMC for building progress claim 4
- \$21,840.50 to Claremont Asphalt for installation of soak pits
- \$11,748.00 to CEMEX for assorted soakwells
- \$26,760.25 to Brian Curtis for EbD consultancy
- \$24,193.40 to Claremont Asphalt for installation of soak pits
- \$35,573.72 to Melville Subaru for vehicle purchase
- \$18,003.46 to Town of Mosman Park for road construction costs
- \$20,754.73 to Wilson Technology for Meter Eye installation

- \$47,484.94 to Transpacific Cleanaway for domestic & commercial rubbish collection October 2008
- \$19,917.09 to Data#3 for Microsoft licensing costs
- \$131,158.43 for staff payroll

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

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

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Woodhill

That Council receive the List of Accounts for the period ending 30 November, 2008 as submitted to the 9 December, 2008 meeting of the Works and Corporate Services Committee.

Carried en bloc 9/0

12.3.5 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD ENDING 30 NOVEMBER, 2008

File No: SUB/145
Responsible Officer: Laurie Vicary
Acting Chief Executive Officer
Author: Graham Pattrick
Manager Corporate Services

Proposed Meeting Date: 9-Dec-2008
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 30 November, 2008 to Council.

BACKGROUND

The Property and Sundry Debtors Reports are presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

The Sundry Debtors Report on pages 17 to 18 of the Financial Statements shows a balance of \$182,388.19 of which \$77,380.08 relates to the current month. The balance of aged debt greater than 30 days stood at \$105,008.11 of which \$96,410.51 relates to pensioner rebates that are being reconciled by the Senior Finance Officer.

Property Debtors are shown in the Rates and Charges analysis on page 19 of the Financial Statements and show a balance of \$1,574,007.68. Of this amount \$234,163.85 and \$305,303.03 are deferred rates and outstanding ESL respectively. As can be seen on the Balance Sheet on page 4 of the Financial Statements, rates as a current asset are \$1,339,627 in 2008 compared to \$1,289,287 last year.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

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

SUSTAINABILITY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Woodhill

That Council:

- (1) Receive and endorse the property debtors report for the period ending 30 November, 2008; and**
- (2) Receive the sundry debtors report for the period ending 30 November, 2008.**

Carried en bloc 9/0

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

Nil

14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**BEACHES CAFÉ – 122 MARINE PARADE, COTTESLOE**

Further to the Public Statement by Voula Nelson of 204 Marine Parade in relation to the use of the lawn area for beaches café on Mondays and Tuesdays, Cr Carmichael requested that this matter be dealt with as Urgent Business. In support of the request an unsigned letter from the Body Corporate, Chevron, outlined their consent for the requested increase in hours of use.

Moved Cr Carmichael, seconded Cr Dawkins

That the matter be dealt with as Urgent Business.

Carried 9/0

COUNCIL RESOLUTION

Moved Cr Carmichael, seconded Cr Dawkins

That Beaches Café at 122 Marine Parade, Cottesloe, be granted the extension of trading hours on Monday and Tuesday, 8am to 6pm, to the grassed area of the café as per the terms and conditions of their licence subject to the sending in of a signed letter from the body corporate manager.

Carried 9/0

Cr Birnbrauer left the meeting at 9.50pm

The Mayor addressed Item 10.1

AUDIT COMMITTEE REPORT RECOMMENDATION**COUNCIL RESOLUTION**

Moved Cr Carmichael, seconded Cr Woodhill

That UHY HainesNorton be offered a 3 year extension as auditors for the Town of Cottesloe.

Absolute majority Carried 8/0

Cr Birnbrauer returned to the meeting at 9.54pm

THE FOLLOWING ITEMS WERE DEALT WITH ENBLOC:

11.1.2; 12.1.1 – 12.1.5; 12.2.2; 12.3.1 – 12.3.5

15 MEETING CLOSURE

The Mayor announced the closure of the meeting at 9:55pm

CONFIRMED: MAYOR DATE: / /