

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

ORDINARY MEETING OF COUNCIL
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
7.00 PM, Monday, 22 April, 2013

CARL ASKEW
Chief Executive Officer

2 May 2013

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 7:05 PM.

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Mayor referred to the ongoing matter of Local Government reform and the recent invitation from the Mayor of Mosman Park for elected members to meet this Wednesday at the Shire of Peppermint Grove to discuss. The Mayor referred to his recent stand at the State election and a 7.30pm report in which the Premier, Local Government Minister and Liberal Party have committed themselves to a position of no forced amalgamations. There was therefore no need to respond to *scare mongering* by some about potential changes and amalgamations, and there was now an opportunity to rationally debate the merits of voluntary reform and resource sharing. It is now incumbent upon the State to demonstrate that the benefits of mergers outweigh the costs. His personal view was that reports such as from Professor Dollery which support the view that forced mergers do not work and highlights the possible benefits of a small scale merger (G4) would have too high a cost, whereas there can be similar if not greater benefits to the community from regional cooperation. Before the debate on amalgamation was introduced by the State government WESROC was pushing for regional cooperation initiatives across the G7. The Councils of the western suburbs need to return to this concept and process rather than individual empire building. This would allow for the retention of individual Council decision making for local issues but deliver services on a region wide basis. There is also a need to maintain the integrity of the Dadour poll provisions and the Mayor hoped that the State government does not "water down" these provisions in order to achieve other objectives in relation to Council mergers, as this would make a mockery of their intent and remove community self determination. The focus now needs to be on persuasion based upon the benefits of mergers.

The Mayor offered his congratulations to the Cottesloe Tennis Club for another successful year. The Men won the top division in the State league again and the women have returned themselves to the top league. By all account it was a *nail-biting* finish.

There have been some recent issues raised regarding the parking arrangements at Jarrad street besides the Harvey Field oval and golf course and the Mayor commented to the members of the public present that whilst some new signage has been installed that particular area is under review by staff and he referred to the recent advice provided by the CEO. For those who are concerned, the staff are now reviewing the verge parking on the south side of Jarrad Street west of Broome street, from the eastern boundary of the golf course.

The Mayor advised that the Cottesloe RSL ANZAC day service will commence at 6:45am outside that southern gates of the Civic Centre and advised of his apologies for not being there. He also thanked the Deputy Mayor in advance for representing Council.

Finally the Mayor advised that he has been invited, along with other western suburbs Mayors and CEO's, to meet with the newly appointed Minister for Local Government at WALGA's head office in May 2013. The Mayor referred to recent statements made by the WALGA President and in particular his apparent position which has supported a reduction in the number of Councils via forced amalgamations and his concern that this will cause conflict with WALGA members and bring WALGA's name into disrepute. The Mayor hoped that the President will continue to support all members and WALGA's resolved position of no forced amalgamations as well as the Dadour provisions contained within the LG Act and that a *watered-down* position in relation to them is not advocated or supported.

4 PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

Ms Rebecca Coghlan, 37 Bulimba Road, Nedlands – Re. Parking Issue at Jarrad Street, near Cottesloe Magpies Pavillion.

- Q1. Why the recently erected signs. Is a clamp down on parking necessary?
- Q2. What is the real risk of a golf ball hitting cars/drivers closer to the corner Broome/Jarrad (i.e. south west)?
- Q3. Why requirement for signs right along to the corner?
- Q4. What has taken so long to erect signs?

The Mayor responded that he was aware of this matter and had spoken to the CEO about it. He referred to the memo that had been circulated to elected members and explained that the signs had been recently installed to reinforce the road makings however, based upon his observations, the signs had been incorrectly placed adjacent to the oval and as a consequence the administration was undertaking a review of the parking in that area.

The Mayor indicated to Ms Coghlan that he agreed that parking had always been restricted close to the golf course boundaries and that parking on the roadway did create safety concerns but that parking on the verge to drop off kids for footy or to watch the game had always been allowed. The Mayor sympathised with Ms Coghlan and indicated that there had been no changes to parking in this area brought before Council. He reiterated that a review was underway and that the matter would be addressed quickly.

Ms Coghlan stated that she also believed that this raised another issue of safety and parking near a public golf course, including the fact that this was an unfenced golf course on an A class reserve which was open to the public to walk through, as well as having other sporting areas alongside. The Mayor advised that this matter had been previously debated by Council and the community numerous times. He thanked Ms Coghlan for raising it again.

Mr Dougal McLay, 6/4 Warnham Road, Cottesloe – Re. Cottesloe Beach Hotel

- Q1. Do the Cottesloe Beach Hotel ("CBH") acoustic attenuation plans as submitted provide sufficient detail to enable a proper assessment of whether the attenuation works are adequate to reduce CBH noise levels to below EPA limits;
- Q2. If the answer to question 1 is yes, how does Council know that the acoustic attenuation plans are sufficient to enable a proper assessment.
- Q3. Does the council know if the CBH representative is prepared to meet and collaborate with residents to ensure that noise reduction measures are properly implemented to below EPA limits;
- Q4. Could Council make collaboration and agreement with residents a requirement of the approval process;
- Q5. Will council be engaging a suitably qualified and experienced acoustic engineer to report to residents and council on whether the CBH attenuation works will be sufficient to reduce CBH noise levels to below EPA limits;
- Q6. Could Council make the engaging of a suitably qualified and experienced acoustic engineer to report on the adequacy of the proposed acoustic attenuation works a requirement of the approval process;
- Q7. Could Council please require CBH to provide elevation drawings of the attenuation works which show the attenuation measures;
- Q8. Advice from council as to the acoustic attenuation qualifications and experience of Alan Ross of McDonald Jones Architects.
- Q9. Could Jack Walsh please explain, if he was quoted correctly in the Post on 20 April 2013, what he means by "ructions", "financial ructions" and the "financial ructions that they (CBH) are going through".
- Q10. Has the noise meter apparently purchased by council for \$15,000 been used yet to measure noise from CBH? If not, why not?
- Q11. Could Mr Askew explain, subject to him being correctly quoted in the Post on 20 April 2013, what relevance is background noise as it relates to noise being emitted from CBH and could he please have the correctness of his explanation verified by a properly qualified and experienced acoustic engineer;
- Q12. Could Mr Askew explain what the Council will do if the "proposed acoustic treatments" do not reduce noise to levels within EPA limits;
- Q13. On what basis did council unanimously approve the attenuation plans;

Q14. How long does the public have to provide feed-back to CBH and Council on the proposed attenuation works and will any notice be taken of the public's feedback?

Additional questions from Jim Bennett, 6 Warnham Road, Cottesloe

Q1. There has been no reply to any written correspondence with Council/Councillors. Why not ?

Q2. Properties 20.6m apart – 6 Warnham and Cottesloe Pub?

Q3. Why would the proposed noise attenuation works considered relatively minor, especially when considering public outcry, and therefore not advertised to adjoining property owners (see page 7 of the Ordinary Council Meeting Agenda – 22 April 2013).

A: The Mayor acknowledged receipt of the questions from Mr McLay and, given their detailed and specific nature, agreed to take the questions on notice with the CEO to prepare a written reply.

5 PUBLIC STATEMENT TIME

Mr Dougal McLay, 6/4 Warnham Road, Cottesloe – Re. Cottesloe Beach Hotel

Mr Mclay referred to the committee meeting last week before council and referred to page 7 of the agenda. He stated his concerns that the proposed works to the CBH hotel had been considered , according to the officer reports, as relatively minor and as such not advertised to the adjoining property owners. He stated that he would have preferred to have been advised by the Town as opposed to finding out about these changes through the Post Newspaper.

The Mayor acknowledged the ongoing issues related to the CBH and the more recent noise problems and physical changes to the beach club. He reiterated that Council had worked very hard over a long period of time to address these issues and referred to the positive work of the CBH to address the anti-social behaviour of some patrons. He acknowledged that it is very difficult to reduce the conversation noise created by 800 people, especially when there is background music as well. He acknowledged that the CBH management had acted quickly to identify and address the community concerns, whilst acknowledging that the hotel had been in operation in Cottesloe for many decades. In his opinion we need to wait and see if the proposed changes work in terms of reducing noise and that Council was there to represent the both residents and the best interests of Cottesloe.

Mr McLay requested that he be kept informed of any updates in relation to changes and improvements at the hotel. The Mayor responded that the Town meets regularly with the hotels and that staff will keep him in the loop as much as they can, subject to any privacy requirements that have to be respected. Mr McLay asked how long it might take for a response to his questions and the CEO advised that staff will work on getting the response to Mr McLay within a week.

Ms Jennifer Hunt – 15A Salisbury Street, Cottesloe – Re. North Street/West Coast Highway Intersection – City of Nedlands Blackspot Submission & Intersection Assessment

Ms Hunt referred to a road layout plan that she brought to assist with her statement. She stated that she is a long time resident of Salisbury Street and she was concerned about the proposed solutions for North Street. Specifically Ms Hunt referred to the risks attached to the right turning traffic and the impact on the left turn pocket.

The Mayor responded that Council shared her view and when the matter was brought before it earlier this issue was identified. As a consequence a further study was undertaken with Council and the City Nedlands jointly engaging a consultant to analyse the intersection. Mr Trigg confirmed that the results of the study were advised to Council as part of the current report and the professional advice has been that making changes to the right turn sequencing would not address the issue of the left turn pocket. Mr Trigg further advised that the traffic management study was required by Main Roads, who are the approval authority for any changes to the road layout and intersection, including traffic signalling and phasing of turns.

Ms Hunt responded that her view is still the same and that in fact the left turn traffic is not the problem but rather the left turn problem is exacerbated by the difficulties of traffic wanting to either turn right or go straight on and the potential for consequential accidents to occur. The Mayor thanked Ms Hunt for her submission and reiterated that, in his opinion, part of the problem being experienced on North Street has been created from Curtin Avenue not being upgraded. This in turn encourages commuters to travel through Cottesloe to North Street as an “alternative” to Curtin Avenue in order to avoid traffic hold ups and lights.

Mr Rob Thomas, 9/99 Forrest Street, Cottesloe – Re. Station Street Sump Site Car Park Proposal

Mr Thomas thanked the council for allowing him to speak and he circulated to elected members a statement summarising his concerns. He referred to the community consultation forum on Tuesday evening and specifically highlighted his concerns related to laneway access from the proposed car park by vehicles and pedestrians. He was particularly concerned about people parking in the new car park and using the laneway to access the medical centre. Mr Thomas referred to the existing fencing and creeper and requested that Council consider retaining it as a barrier between the car park and laneway with the only exit from the car park being onto Station Street.

Mr Thomas also requested that Council give consideration to having a barrier or a screen running down the sides of the carpark, except on Station Street. The Mayor thanked Mr Thomas for his comments and suggestions and alerted councillors that there was a memo and proposed officer amendment in relation to this matter.

Mr Colin Svanberg, 71 John Street, Cottesloe – Re. Notice of Motion – Amendment to Council Resolution Re: Town of Cottesloe Communication with Mr and Mrs Svanberg

Mr Svanberg stated that, before he spoke to item 11.1 on the agenda, he was seeking the following apologies, which he has asked for previously:

- from Cr Rowell as the presiding member at the Works and Corporate Services Committee in May 2012 and his comments that the fence at 71 John Street had been moved so that people could walk up and down the side path. This was an insult to the reputation of Arthur Venturas who was one of Perth's top builders and who erected the fence 60 years ago.
- from Cr Strzina, who should apologise to Mr Svanberg's wife for referring to comments in one of her emails as *childish and stupid* when she was referring to shade cloth smashing against the windows above her daughter's room while she was asleep.
- from the Mayor for using words such as *extortion* and *terrorist* at last month's Council meeting during the debate on Cr Rowell's excommunication motion, which he believed to be unnecessary and which was, in his opinion, childish and stupid.
- from Cr Rowell for publicly humiliating Mr Svanberg's name and naming two other people who are outstanding citizens of the Cottesloe community.

Mr Svanberg then asked that the apologies be made before he moved on.

The Mayor responded that all Councillors have had prior opportunity to consider Mr Svanberg's issues and that he did not believe that any apologies would be forthcoming. He also clarified what he said at the last meeting in that he didn't use the word *terrorist* as reported in the newspaper. He instead used the word 'terrorism' but did not refer to Mr Svanberg as a 'terrorist'. The Mayor then referred to Mr Svanberg's email on New Years Eve in which Mr Svanberg stated his intention to write an email per day to Council as a form of retribution for what has happened to him. The Mayor also commented that this was not a good approach and that whilst he was trying to make a point it became swamped amongst the many other mediocre points, so that it does not get spotted. From his perspective the issues raised by Mr Svanberg have been looked at by officers and no concerns have been identified or supported. The Mayor closed by stating that there will not be an apology forthcoming and so Mr Svanberg should choose to either continue or sit down.

Mr Svanberg left the chambers.

Mr David Simenson, 16 Princess Street, Cottesloe – Re. Notice of Motion – Amendment to Council Resolution Re: Town of Cottesloe Communication with Mr and Mrs Svanberg

Mr Simenson spoke to the Notice of Motion tabled by Cr Rowell on 25 March 2013 at the Ordinary Council Meeting.

He acknowledged that his name had been removed from the motion but not until after 30-40 minutes of debate. Mr Simenson sincerely thanked council members for voting to remove his name from the motion and thanked the councillors who initiated the discussion. Mr Simenson also wished to thank the Post Newspapers for bringing to his attention the Notice of Motion as put forward by Cr Rowell.

Mr Simenson referred to the content of the Notice of Motion and advised Council as follows:

1. He was not associated with the three reports to council, which took significant staff time and included the cost of laneway site survey and legal advice. This was a dishonest statement.
2. He was not associated with the inquiry of Council administration from the Ombudsmen. This was a dishonest statement.
3. He was not associated with the inquiry to Council administration from the Freedom of Information Commissioner. This was a dishonest statement.
4. He was not associated with the inquiry with council administration from Lands Department. This was a dishonest statement.
5. In the motion preamble it states: "in addition there has been and continues to be a substantial number of emails and letters and meetings". These were not from Mr Simenson. This was another dishonest statement
6. The motion also stated that this situation continues to take up significant officers time. This was not caused by himself. This was another dishonest statement.
7. The motion further states; "overall there have been meetings, sites visits, and liaison monitoring of the whites development and for sending over 100 emails and letters with an estimated cost of \$20,000 of officers' time". This was another dishonest statement.

Mr Simenson stated that he believed the urgent notice of motion as proposed by Cr Rowell, including the untruths and the time taken in debate before his name was removed from the motion, was most unbecoming of a councillor of the Town of Cottesloe. Mr Simenson indicated that he held no malice toward Cr Rowell who, in his opinion, had unfortunately made a series of mistakes in his statement. Mr Simenson asked the Mayor to suspend the councillor until he made a formal written apology. Mr Simenson then thanked the council for their indulgence.

6 ATTENDANCE

Present

Mayor Kevin Morgan
Cr Jack Walsh
Cr Katrina Downes
Cr Yvonne Hart
Cr Sally Pyvis
Cr Peter Jeanes
Cr Robert Rowell
Cr Victor Strzina

Officers Present

Mr Carl Askew
Mr Mat Humfrey
Mr Geoff Trigg
Mr Andrew Jackson
Mrs Lydia Giles

Chief Executive Officer
Manager Corporate & Community Services
Manager Engineering Services
Manager Development Services
Executive Officer

6.1 APOLOGIES

Nil

Officer Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Cr Greg Boland

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Strzina, seconded Mayor Morgan

That Cr Strzina request for leave of absence from the June round of meetings be granted.

Carried 8/0

7 DECLARATION OF INTERESTS

Cr Rowell declared a Proximity interest in Item 10.4.7 due to living opposite Jasper Green Reserves.

8 CONFIRMATION OF MINUTES

Moved Cr Strzina, seconded Cr Hart

[Minutes March 25 2013 Council.DOCX](#)

The Minutes of the Ordinary meeting of Council held on Monday, 25 March, 2013 be confirmed.

Carried 8/0

9 PRESENTATIONS**9.1 PETITIONS**

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

For the benefit of the members of public present, the Presiding Member determined to consider the following items first:

Notice of Motion - Amendment to council resolution Re: Town of Cottesloe communication with Mr and Mrs Svanberg.

From the Development Services Committee items 10.3.1 and 10.3.2 were withdrawn for consideration.

From the Works & Corporate Services Committee items 10.4.3, 10.4.4, 10.4.7 and 10.4.8 were withdrawn for consideration.

The remainder of the Reports from the Works & Corporate Services Committee Item number 10.4.1, 10.4.2, 10.4.5, 10.4.6 and 10.4.9 to 10.4.14 were dealt with 'En Bloc'.

10 REPORTS**10.1 REPORTS OF OFFICERS**

Nil

10.2 REPORTS OF COMMITTEES**10.3 DEVELOPMENT SERVICES COMMITTEE MINUTES - 15 APRIL 2013****10.3.1 NO. 104 MARINE PARADE (COTTESLOE BEACH HOTEL) - ACOUSTIC ATTENUATION WORKS TO REAR OUTDOOR DINING/BAR AREA**

File Ref: 2635
Attachments: [104 Marine Parade Plans](#)
[104 Marine Parade Photographs](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 15 April 2013
Author Disclosure of Interest: Nil
Property Owner: Garrett Hotels 2010 Pty Ltd & Primary Securities P/L
Applicant: McDonald Jones Architects
Date of Application: 26 March 2013
Zoning: Hotel
Use: P - A use that is permitted under this Scheme
Lot Area: 3337.9m²
M.R.S. Reservation: Not applicable

SUMMARY

This application has been “called-in” following its inclusion on the weekly delegation list.

The proposal includes acoustic works to the rear outdoor bar/dining area (former beer garden) that have been designed to ameliorate noise.

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

PROPOSAL

The applicant has described the following improvements which correspond to details shown on the submitted plans, all with the intent of providing better acoustic management and noise attenuation:

1. Warnham Road – rear glazing
 - Provide additional clear glazing over existing brick fence in aluminium frames with steel structural supports;
-

- Install aluminium sheet infill to gates and increase gate height with clear glazing over;
 - Provide additional roofed areas over rear corner space and north-east terrace.
2. Dampalon cladding infill and glazing to north-facing screens
- Install inner Dampalon screen to existing cladding;
 - Supply and install 10mm clear glazing on sill tray behind metal vent screens.
3. Roof and ceiling over entry to V bar
- Install timber-framed alsynite roof and batten ceiling to link roof;
 - Modify steel support of stair over;
4. Acoustic structure south side of link roof
- Install screening structure and panels at high level over link roof.
5. Awning to function bar – kitchen
- Install additional timber-framed roof to link from function bar through to alfresco area;
 - Install acoustic attenuation under acoustic engineer's specification.
6. Additional glazing to John Street fenceline
- Install additional glazing over existing brick fence in aluminium frames;
 - Install steel structure to support additional glazing;
 - Install aluminium sheet infill to gates, gate height increased, clear glazing over;
 - Replace breezeway louvres in function space with fixed 10mm laminated frosted fixed glazing.
7. Dampalon cladding infill and glaze south facing screens
- Install inner Dampalon screening on to existing cladding;
 - Supply and install 10mm clear glazing on sill tray behind metal vent screens facing street.
8. Ceiling acoustic panel installation
- Install acoustic absorbent panels on ceiling to extent and specification of acoustic engineers.
9. Dampalon roof over canopies
- Install Dampalon roof over canopies with acoustic lining to beam faces to acoustic engineer's specification and extent.

STATUTORY ENVIRONMENT

- Town Planning Scheme No. 2
- Heritage of Western Australia Act 1990
- Proposed Local Planning Scheme No. 3

CONSULTATION

The proposed works are considered relatively minor and do not affect the approved uses in the rear courtyard area. They are consistent with the design and approval of the main development undertaken to recreate the former beer garden. As such, the application has not been advertised to adjoining property owners.

HERITAGE LISTING

- State Register of Heritage Places
- TPS 2 – Schedule 1 (façade only)
- Municipal Inventory (façade only)

PLANNING COMMENT

This application has been submitted in response to concerns raised by the Town following complaints received from adjoining neighbours regarding noise levels emitted from the rear outdoor dining/bar area (The Beach Club).

The proposed noise attenuation works are considered necessary and desirable given the existing patronage permissible at the venue (max. 840 patrons) and are based on the applicant's sound engineer's advice, following discussion with the Town's technical officer and Executive.

The proposed additions including Dampalon cladding to the ceiling and walls of the existing structures and additional glazing along the frontages to Warnham Road and John Street should have a noticeable effect on reducing existing noise levels without significantly affecting the visual appearance of the outdoor dining/bar area.

The proposed works are supported by the Town's Principal Environmental Health Officer subject to the applicant ensuring that the sound attenuation is sufficient to satisfy with the Environmental Protection (Noise) Regulations 1997.

The application has been referred to the State Heritage Office (HCWA) as the existing Hotel is included on the State Register of Heritage Places. However, with the previous design HCWA had no particular concerns and support for the current proposal is therefore anticipated shortly.

CONCLUSION

The proposed acoustic attenuation works are supported in view of the noise impacts that have been experienced since the opening of the Beach Club and at the rear of the hotel.

Conditional approval for the proposed additional works is recommended following approval by the HCWA.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee noted that noise was an issue and expressed support for the proposal to address the matter. Cr Boland supported this progress and commented that the

music seems loud. He also sought clarification regarding the additional roof portions and whether an acoustic consultant's report was submitted; as well as suggested that additional street trees may assist.

Mr Drewett explained the roof elements as shown on the plans. Mr Jackson explained that earlier acoustic reports had led to the application and advised that street trees would not really ameliorate noise although may enhance amenity – on Warnham Road the attractive ocean view out and existing parking bays would be affected by trees, but on John Street they could improve the streetscape.

OFFICER RECOMMENDATION

Moved Cr Strzina, seconded Cr Walsh

That Council authorise the Manager Development Services to issue formal approval of the application following receipt of written support from the State Heritage Office, with inclusion of the following conditions:

- (1) The external profile of the proposed 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 the Council and any approvals as required under the relevant heritage classification.
- (2) The Building Permit plans and supporting documentation shall be formulated to the satisfaction of the Manager Development Services and referred by the Town to the HCWA, if required, for review and advice prior to issue, in order to ensure that all works proposed are in accordance with the heritage requirements.
- (3) At Building Permit stage full details of all proposed materials, finishes and colours shall be formulated to the satisfaction of the Manager Development Services, and the HCWA if required.
- (4) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction sites.
- (5) Following completion of the works, noise levels shall be monitored by the applicant's acoustic engineer and the findings shall be reported to the Town demonstrating compliance with the Environmental Protection (Noise) Regulations 1997, to the satisfaction of the Manager Development Services.

Advice Note:

- (1) The applicant/owner is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development occurs entirely within the owner's property.

AMENDMENT

Moved Cr Walsh, seconded Cr Strzina

That the amended Officer Recommendation (given that support from the HCWA has been received) as tabled at the meeting be adopted.

Carried 5/0

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Strzina

THAT Council:

Grant its approval to commence development for the proposed acoustic attenuation works to the rear outdoor dining/bar area at 104 Marine Parade, Cottesloe (Cottesloe Beach Hotel), in accordance with the plans received 26 March 2013, subject to the following conditions:

- (1) The external profile of the proposed 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 the Council and any approvals as required under the relevant heritage classification.**
- (2) The Building Permit plans and supporting documentation shall be formulated to the satisfaction of the Manager Development Services.**
- (3) At Building Permit stage full details of all proposed materials, finishes and colours shall be formulated to the satisfaction of the Manager Development Services.**
- (4) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction sites.**
- (5) Following completion of the works, noise levels shall monitored by the applicant's acoustic engineer and the findings shall be reported to the Town demonstrating compliance with the Environmental Protection (Noise) Regulations 1997, to the satisfaction of the Manager Development Services.**

Advice Note:

- (1) The applicant/owner is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development occurs entirely within the owner's property.**

Carried 8/0

10.3.2 STATION STREET SUMP SITE CAR PARK PROPOSAL

File Ref: SUB/935
Attachments: [Plan](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 15 April 2013
Author Disclosure of Interest Nil

SUMMARY

This report presents the proposed car park design for conversion of the Station Street sump site prepared by Blackwell & Associates landscape architects.

It is recommended that Council endorse the attached plan as a basis for planning approval and construction of the car park.

BACKGROUND

In August 2012 Council considered an update report on planning for the Town Centre and in this respect resolved:

That Council request staff to:

- 1. Undertake detailed design and feasibility assessment, including land assembly and approval procedures, and report-back for Council endorsement to implement: (i) Conversion of the Station Street sump site into a surface car park for public shopper parking time-managed using Meter Eye;....*
- 2. Engage Blackwell & Associates to prepare a more detailed design for public domain improvements to Station Street based on the Town Centre Public Domain Infrastructure Improvement Plan and taking into account the sump site project.... This process is to include consultation with interested parties via the Town and reporting-back to Council for approval of works projects and funding.*

Officers have subsequently:

1. Engaged the above consultants accordingly.
 2. Facilitated and reviewed preliminary designs.
 3. Dealt with enquiries from interested adjacent property owners.
 4. Held a Council briefing session on 26 March 2013. This favoured Option 2 and gave direction to more detailed design and consultation for reporting in April.
 5. Arranged a forum with nearby property owners/residents, Procott representatives and available elected members scheduled 16 April 2013 to present and discuss the intended design and development.
-

Correspondingly, Council has received reports from the Manager Engineering Services to create the new drainage facility.

In September 2012 Council resolved to call a tender for this work, as well as to include local community consultation on a car park design/landscape plan.

In November 2012 Council awarded a tender and also resolved to: *Arrange for a design of the car park at the site, with emphasis on landscaping, closure of any access/egress with the north side rear lane and a solid barrier from sound on the sump north side boundary.* These aspects have been taken into account and discussed at the briefings.

STRATEGIC IMPLICATIONS

The new car park will address parking demand in the Town Centre whilst retaining and modernising the drainage function as well as preserving the option of a building development in the longer term.

POLICY IMPLICATIONS

None specifically

STATUTORY ENVIRONMENT

TPS2

FINANCIAL IMPLICATIONS

The car park is to be financed from existing reserve funds and is a relatively economical construction.

SUSTAINABILITY IMPLICATIONS

The combined drainage and car park purposes, plus improvement of the streetscape, will contribute to the overall sustainability of the Town Centre.

CONSULTATION

To date officers have responded to enquiries from a few property owners in Forrest Street abutting the lane and kept them informed about progress of the drainage works and car park proposal.

Given Council's commitment to the project and support in-principle of a preferred design, a briefing by staff and the consultants of surrounding residential and commercial property owners, together with Procott representatives and available elected members, is to be held on 16 April 2013. This will provide the opportunity to discuss the design, gain feedback for any refinements, and explain the implementation phase.

IMPLEMENTATION

The sump site comprises Nos 18, 20, 22, 24 and 26 Station Street. No. 18 is held in two parts, with the smaller rear portion being a Water Corporation Sewer Pump Station. The larger portion of No. 18, plus Nos 20, 22 and 24, are freehold lot owned by the Town. No. 26 is Crown Reserve 40348 vested in the Town for drainage purposes.

The overall project is being appropriately funded from the cash-in-lieu reserve fund. The drainage engineering works are underway and expected to be completed by the end of April. These have proceeded as drainage improvements consistent with the present and ongoing purpose of the land.

The car park design is for a fairly simple surface layout and construction involving bitumen, kerbing, landscaping, wall/fence treatments, signs and lighting and public art (eg mural, sculpture). There will be attention to detail in terms of ACROD bays, access ways and finishes. Meter Eyes are to be installed, a stock of which the Town has already purchased.

Planning-wise, because the proposed car park constitutes an additional use and entails development other than the drainage function, a planning approval is required, with the application to be prepared by officers and processed under delegation for approval during May. If any structure is involved then a building permit will also be required, with certification by an external consultant.

Under TPS2 the site is classified part local planning Public Purposes Reserve: WSD and part Metropolitan Region Scheme (MRS) Primary Regional Road (PRR) reservation for Stirling Highway. Under LPS3 the site is part Town Centre Zone (R100), which anticipated the car park and possible future redevelopment, and MRS PRR reservation. The Town will be the applicant and approving authority.

Due to the MRS reservation affecting the land, which is excessive, referral to MRWA is required for comment about the Stirling Highway situation – the current MRS Amendment proposes to substantially reduce the PRR reservation to avoid the site, with a widening requirement to the front of the BP service station site only.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee supported creation of a new car park and discussed some of the aspects, including the suggested shade sail, possible tree retention and size of car bays.

Mr Jackson explained that the indicative shade sail and infrastructure such as light poles and CCTV were notional only demonstrating what elements could be included. The Manager Engineering Services has advised that the underground drainage structure would limit footings for above-ground elements, whereby the design and location of any poles or other features would need to be examined more closely. Mr Jackson advised that the bays were a standard 2.5m wide by 5.5m long, and larger in corners or if ACROD, together with 6m wide aisles, which would be suitably functional. Officers and the consultants will determine the precise details as part of the staged construction of the car park elements, including the material, finishes and landscaping.

AMENDMENT

Moved Cr Boland, seconded _____

Cr Boland suggested it should be acknowledged in the recommendation that the Town is hosting a consultation evening regarding the Station Street Sump Site on Tuesday 16 April 2013.

Lost for want of a seconder

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Downes

THAT Council:

1. Endorse the proposed design for the creation of a public car park on the Station Street sump site.
2. Authorise the Manager Development Services to prepare and approve the necessary planning application and obtain any required building permit, prior to development.
3. Request the Manager Engineering Services to arrange for construction of the car park via contractors and Town staff as appropriate as soon as practical.

AMENDMENT

Moved Mayor Morgan, seconded Cr Yvonne Hart

That a new item 2 be added to the recommendation as follows and renumber the remaining items accordingly:

- “2. Request staff and the consultant to further examine the precise form and extent of boundary fencing treatments to the site prior to construction as a later element of the overall implementation of the car park development including considering the retention of the existing creeper and design treatment to keep pedestrians from using the laneway”.

Carried 8/0

AMENDMENT

Moved Cr Strzina, seconded Cr Rowell

That a new item 5 be added to the recommendation to read:

- ‘5. Increase the width of the parking bays from the Australian standard by between 10 and 15 centimetres’.

Carried 5/3

COUNCIL RESOLUTION

THAT Council:

- 1. Endorse the proposed design for the creation of a public car park on the Station Street sump site.**
- 2. Request staff and the consultant to further examine the precise form and extent of boundary fencing treatments to the site prior to construction as a later element of the overall implementation of the car park development including considering the retention of the existing creeper and design treatment to keep pedestrians from using the laneway”.**
- 3. Authorise the Manager Development Services to prepare and approve the necessary planning application and obtain any required building permit, prior to development.**
- 4. Request the Manager Engineering Services to arrange for construction of the car park via contractors and Town staff as appropriate as soon as practical.**
- 5. Increase the width of the parking bays from the Australian standard by between 10 and 15 centimetres”.**

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 7/1

10.3.3 OLD DEPOT SITE SUBDIVISION PROPOSAL AND DISPOSAL STRATEGY

File Ref: SUB/962
Attachments: [Concept Design Plan](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 15 April 2013
Author Disclosure of Interest: Nil

SUMMARY

This report presents the next phase of the former depot site project, comprising support for a subdivision design and disposal of the land for development in accordance with that plan.

Council is being requested to endorse: (i) the subdivision concept plan as a basis for seeking approval; and (ii) the intended disposal strategy for staff to implement.

BACKGROUND

Over recent months Council has endorsed relocation of the depot operations, demolition of the old site's infrastructure (nearing completion), proceeding with subdivision concept planning (including local consultation) and devising a disposal strategy to secure the income from sale of the site plus ensure the land is developed consistent with the preferred residential design.

The subdivision design and disposal strategy considerations have been addressed through a series of Council briefings. The planning consultants have refined the subdivision concept, including liaison with surrounding owners/residents, their representatives and the Department of Planning. Professional advice has been obtained regarding typical disposal methods and commercial arrangements, with a view to a tender process.

At the latest Council briefing on 10 April 2013 staff received feedback to:

- Present the subdivision design to the local community.
- Proceed with a subdivision application as a priority.
- Prepare a detailed disposal strategy entailing expressions of interest and tendering.
- Report further to Council as appropriate.

STRATEGIC IMPLICATIONS

Selling the redundant depot site to provide substantial income and achieve suitable infill residential development is one of Council's key aims, in order to generate funds for the district, supply housing lots and improve the amenity of the locality.

POLICY IMPLICATIONS

The project is in keeping with Council's strategic and procedural policy framework.

STATUTORY ENVIRONMENT

- Planning Act for subdivision process.
- Local Government Act for disposal process.

FINANCIAL IMPLICATIONS

To date the planning phase of the project has been funded from this financial year's Town Planning budget for consultancy services.

The implementation phase during the remainder of this financial year is anticipated to incur costs for consultants, site survey, legal advice/documentation, statutory fees, etc in the order of \$30-40,000. Council has already set aside funds for the project and indications are that sufficient monies remain to cover these costs during this financial year, with any balance able to be carried over. There may be some smaller remnant costs falling into next financial year which can be budgeted for.

SUSTAINABILITY IMPLICATIONS

Decommissioning of the old depot and clean up of the site, then residential redevelopment to support urban consolidation and enhance the area, as well as realisation of the asset value, is a significant step forward in overall sustainability for the environment and management of the district.

CONSULTATION

In advancing the project the Town has liaised with ratepayers making enquiries and has consulted surrounding residents via an initial forum held on 12 December 2012 with staff, the planning consultant and elected members.

The planning consultant in refining the subdivision concept has continued to liaise with representatives of the residents to keep them informed and gain feedback, which has indicated general support for the proposal.

A further forum with residents was held on 11 April 2013 to convey the preferred subdivision design and outline the next steps. There was discussion about the design, local traffic implications, site fill and dwelling construction, development guidelines, the disposal strategy and timetable. Some concern about current localised traffic aspects was raised in itself as well as having regard to the future subdivision; whereby staff have recommended separate action to examine this situation.

DISPOSAL STRATEGY

Given Council's consideration, planning design, consultation undertaken and advice obtained, the implementation phase of the project can now be commenced as follows:

1. **Subdivision application** prepared and lodged for WAPC approval – submitted at end of April with approval ideally in July 2013.
2. **Disposal mechanisms** put in place and **sale process initiated**, including Expression of Interest and Tender, whilst the subdivision approval is occurring – May/June 2013.
3. **Subdivision approval** obtained and **sale completed**, subject to administrative procedures and Council acceptance of Tender – July/August

2013. The contract would prevail thorough to finalisation of the land development.

The Town's solicitors have confirmed that conventional Tender document and contract methods can be applied to effect a sale conditional upon the approved subdivision being constructed. Standard provisions would cover deliverables, milestones, security, defaults, restrictions on title, and so on. It is desirable to strike a reasonable balance between certainty for the Town and an attractive/feasible proposition for a purchaser.

Design guidelines for development of the new housing lots will be incorporated into the subdivision and sale documents.

The recommendation below facilitates the implementation phase of the project.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee referred to the revised plan showing a vehicular lane link at the eastern end of proposed new access road into the subdivision, which was agreed to in discussion at the recent forum with residents.

Committee discussed a number of aspects, including: local traffic management and road/lane connections; the fill levels, amount and program; parking around the central open space, preferably for visitors rather than residents; ensuring sufficient lane access widths; the need for any footpaths; the desirability of retaining significant trees where possible; the land portions potentially to be sold to the two existing properties on Nailsworth Street; fencing; design guidelines including garaging; and naming of the new street and existing lanes.

Mr Jackson undertook that officers and the consultants would consider all of these aspects in refining the subdivision plan and preparing the design guidelines. He also drew attention to recommendation 4 to examine current traffic management aspects in any case.

OFFICER RECOMMENDATION

Moved Cr Strzina, seconded Cr Walsh

THAT Council:

1. Endorse the subdivision design for the former depot site showing central public open space, as attached to this report, and request staff to liaise with The Planning Group to prepare, lodge and monitor the subdivision application as a priority for approval at the earliest opportunity.
2. Request staff to liaise with The Planning Group to prepare Design Guidelines in relation to the subdivision plan, addressing development parameters for the individual lots and public domain urban design treatments, including the lanes; to be incorporated within the sale documents and contracts for the overall parcel and each lot.

3. Request staff to liaise with the Town's solicitors and planning consultants to prepare documentation for sale of the depot site, including Expression of Interest, Tender and contract papers as appropriate, to initiate the sale process during June 2013.
4. As a separate matter, request staff to examine existing traffic aspects affecting Nailsworth and Clarendon Streets and the associated lanes, including consultation with owners/residents, with a view to determining and implementing appropriate traffic management measures for the precinct.

AMENDMENT 1

Moved Cr Strzina, seconded Cr Downes

That the revised plan tabled at the meeting be adopted and amend the wording of recommendation 1 to include "as tabled at and considered by Committee".

Carried 5/0

AMENDMENT 2

Moved Cr Boland, seconded Cr Strzina

That a new point 5 be added to the resolution to read;

That the subdivision design considers the identification and retention where possible of existing significant trees within or adjacent to the site.

Carried 5/0

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Downes

THAT Council:

1. **Endorse the subdivision design for the former depot site, as tabled at and considered by Committee, showing central public open space, as attached to this report, and request staff to liaise with The Planning Group to prepare, lodge and monitor the subdivision application as a priority for approval at the earliest opportunity.**
2. **Request staff to liaise with The Planning Group to prepare Design Guidelines in relation to the subdivision plan, addressing development parameters for the individual lots and public domain urban design treatments, including the lanes; to be incorporated within the sale documents and contracts for the overall parcel and each lot.**
3. **Request staff to liaise with the Town's solicitors and planning consultants to prepare documentation for sale of the depot site, including Expression of Interest, Tender and contract papers as appropriate, to initiate the sale process during June 2013.**
4. **As a separate matter, request staff to examine existing traffic aspects affecting Nailsworth and Clarendon Streets and the associated lanes, including consultation with owners/residents, with a view to determining and implementing appropriate traffic management measures for the precinct.**

5. That the subdivision design considers the identification and retention where possible of existing significant trees within or adjacent to the site.

Carried 8/0

10.4 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 16 APRIL 2013**10.4.1 TOWN OF COTTESLOE SOLAR POWER PROJECT: UPDATE**

File Ref: SUB/1426
Responsible Officer: Andrew Jackson
Manager Development Services
Author: Nikki Pursell
Sustainability Officer

Proposed Meeting Date: 16 April 2013
Author Disclosure of Interest Nil

SUMMARY

In July 2012, Council recommended the installation of a 15kW solar power system at the Civic Centre as an important step in the Town's progress towards becoming carbon neutral. Seventy nine PV panels have now been installed on a north facing roof and have been generating electricity at the Civic Centre. The first electricity bill since installation has been received and demonstrates an encouraging reduction in electricity purchased. Comparing the total metered consumption for February 2013 with total metered consumption for the same time last year, there has been a 23% reduction in consumption. As the cost of electricity has increased over that period, there have been significant financial savings resulting from the installation of the system.

This report recommends that Council note the completion of the solar power project and the emissions and costs saved.

BACKGROUND

In February 2010 Council committed to become carbon neutral by 2015. This was to be achieved by following a four step process.

- Step 1: Measure the greenhouse gas (GHG) footprint.
- Step 2: Reduce emissions through the development of a GHG Reduction Plan.
- Step 3: Switch to energy sources that create less GHG emissions.
- Step 4: Offset all remaining emissions.

In July 2012 Council endorsed a GHG Reduction Plan as a part of step 2. This document set out the approach for the Town and recommended a number of emissions abatement actions. One of the recommendations was the installation of a solar power system at the Cottesloe Civic Centre. This was to reduce the amount of purchased electricity required at the Admin Building. As the Admin building was the Town's larger purchaser of electricity, this was seen as an important step in reducing the Town's emissions footprint and ongoing financial liability. At a size of 15kW, the system was to provide approximately one quarter of the electricity required for the building.

Following quotes from a number of suitable contractors, Enigin WA was appointed to provide and install the system. In January 2013 installation was complete. February

2013 is the first month the Town has been billed for purchased electricity. Receipt of this bill allows comparison of electricity usage in the same period last year and projected costs of electricity had the system not been installed.

Update on Project and Savings to Date

The following is a comparison of the consumption and costs of purchased electricity at the Civic Centre for February 2012 and February 2013.

- Total metered consumption (kWh) has decreased by 23%.
- The cost of electricity has increased by approximately 20%.
- The projected cost of electricity for the month at 2013 prices without solar panels was \$4728.
- The actual cost for the month at 2013 prices with solar panels is \$3204.
- This is a saving of \$1524 for the month of February, directly related to the installation of solar PV.

POLICY IMPLICATIONS

- Climate Change Policy

The proactive approach demonstrated by the Town with the installation of this solar power system will leave the Town better prepared to deal with climate change while actively reducing the Town's emissions.

FINANCIAL IMPLICATIONS

While the project required a significant outlay the long term savings as a result of reduced purchased electricity are evident. As per June 2012 Council recommendations, these annual savings will be added to a Sustainability Reserve to fund ongoing energy efficiency and emissions reduction actions in the future.

SUSTAINABILITY IMPLICATIONS

The project has positive ongoing sustainability implications by reducing Council related GHG emissions. It also strongly demonstrates to the community the Town's proactive approach to sustainability and encourages behaviour change at home.

STAFF COMMENT

The reduction in metered consumption and subsequent cost saving demonstrate the success of the project. Over the next year the solar panels are likely to save the Town a significant amount of money due to reduce electricity purchased. Furthermore this is a significant step in the carbon neutral journey with a likely saving of approximately 20 tonnes of Carbon Dioxide Equivalent per year as a result of the installation.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Rowell queried the original cost outlaid by Council for the solar panels and was advised that it was in the vicinity of \$42,000. He noted that if the project was to generate approximately \$1,500/month in revenue, the solar panels would recoup their costs in a matter of years. Cr Rowell further queried whether in future officers

could provide a cost benefit analysis when reporting on such investments. The Manager Corporate & Community Services (MCCS) advised that the payback is dependant on the amount of electricity used, and cited air-conditioning during summer months as a factor contributing to greater use for the warmer period. The MCCS further advised that Council would need to wait for a full year cycle before a cost benefit analysis, offsetting Council's consumption, could be undertaken. Cr Strzina commented that ideally Council would modulate its use, so as to offset its use during a period of high tariff and sell back to the grid during a low tariff period.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council note the completion of the solar power project and the emissions and costs saved.

Carried 8/0

10.4.2 TOWN OF COTTESLOE - MILESTONE FIVE ICLEI WATER CAMPAIGN

File Ref: SUB/552
Attachment: [Water Campaign Milestone 5 report June 2013](#)
Responsible Officer: Andrew Jackson
Manager Development Services
Author: Nikki Pursell
Sustainability Officer

Proposed Meeting Date: 16 April 2013
Author Disclosure of Interest Nil

SUMMARY

The Town of Cottesloe resolved to join the Water Campaign™ in December 2006 and in doing so committed to progress through the requirements of the program. This report is to inform Council that the Town has recently completed the fifth and final Milestone in the campaign and will be recognized at the next ICLEI recognition event.

BACKGROUND

The Water Campaign™ aims to improve water quality and promote water conservation at the local government level. The Water Campaign™ builds local government capacity to achieve tangible improvements in water management. There are currently 42 local governments in WA participating in the campaign, at different degrees of completion.

The Water Campaign provides a framework to address the management of water resources relating to both *water quality* and *water conservation*. This is further broken down into *Corporate* and *Community* water management. Therefore the objectives are:

Corporate: Improving water management within a council's own operations.

Community: Improving water management in residential and non-residential water use in the community.

The objectives of the Campaign are achieved by following a five step process. To complete each Milestone, water quality and water conservation objectives must be achieved for both Corporate and Community modules. The five Milestones are as follows:

- Milestone 1: Undertake a water consumption inventory and water quality checklist.
- Milestone 2: Establish a water consumption reduction goal and water quality improvement goal.
- Milestone 3: Develop and adopt a local action plan.
- Milestone 4: Implement policies and measures to work towards integrated water resource management.
- Milestone 5: Monitor and report on water consumption reductions and water quality improvements.

Since 2006, the Town of Cottesloe has been progressing through these 5 Milestones, for both corporate and community modules. A number of large scale projects have been completed, including the 'Aquifer recharge' project and 'Think Water' education campaign, which have contributed to the Town's achievements. With the completion of the Milestone 5 Re-inventory and Report (attached), the Town has completed all of the requirements of the ICLEI Water Campaign.

STRATEGIC IMPLICATIONS

Committing to and completing the ICLEI Water Campaign supports the Town's objective of maintain[ing] infrastructure and council buildings in a sustainable way. It demonstrates the Town's proactive approach to integrated water management and encourages residents and the general community to actively address their water consumption.

FINANCIAL IMPLICATIONS

Ongoing actions to reduce water consumption and protect water quality have been included in previous budgets. While the Town has now completed the 5 Milestones in the Campaign it is still committed to address long term sustainable water management. Costs of future actions will be considered as part of next budgetary process.

SUSTAINABILITY IMPLICATIONS

By joining the ICLEI Water Campaign the Town committed to address water usage and quality. The completion of the Milestones has demonstrated:

- Commitment on improving water use efficiency.
- Commitment to protect water catchments and aquatic systems.
- Commitment on the awareness and significance of water as being a limited resource.
- Commitment to protect and maintain coastal biodiversity and habitats.
- Commitment on conserving and protecting natural biodiversity.

CONSULTATION

Ongoing consultation has occurred throughout the project, including with ICLEI representatives, the Water Corporation, and internally with Engineering and works staff.

STAFF COMMENT

The achievement of Milestone 5 is a clear and recognised demonstration of the Town's commitment to water management and sustainability in general. A large degree of work went into each of the Milestones across a number of different sections of the organization. The structure of the Campaign ensured that implementation occurred and progress was monitored. The ICLEI team was of great assistance to officers and their help was greatly appreciated by staff.

While the campaign's official stages have now been complete, it is important that integrated water management continues to be a priority for the Town. Next steps include updating the Local Action Plan and the implementation of water savings measures. Many of these will require funding.

The Recognition breakfast scheduled for August is attended by both elected members and staff. This is a great opportunity for the Town to receive acknowledgement for the work undertaken and demonstrate to the community the Council's commitment to sustainability.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Committee discussed the achievement of the Town with regard to Milestone 5 of the ICLEI Water Campaign, with Councillor Boland stating that staff needed to be commended for achieving the final milestone.

Committee discussed the various native gardens in the Town, with Cr Boland advising that there are many excellent examples of native gardens in Cottesloe, citing the property at the corner of John Street and the property at the corner of Eric Street and Curtin Avenue.

The Manager Engineering Services advised Committee that the campaign was aimed at saving drinking water, with Councillor Boland stating that in his opinion, Council was heading in the right direction, as there are huge water problems in WA.

OFFICER RECOMMENDATION

Moved Cr Strzina, seconded Cr Boland

THAT Council:

1. Note the achievement of Milestone 5 of the ICLEI Water Campaign;
2. Note the attached Milestone 5 report detailing the progress to date; and
3. Send an invited or nominated representative of Council to the recognition breakfast in August 2013.

AMENDMENT

Moved Cr Rowell, seconded Cr Boland

That a new point 4 be added that reads "Congratulate staff for achieving Milestone 5 of the ICLEI Water Campaign".

Carried 4/0

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council:

1. **Note the achievement of Milestone 5 of the ICLEI Water Campaign;**
2. **Note the attached Milestone 5 report detailing the progress to date; and**
3. **Send an invited or nominated representative of Council to the recognition breakfast in August 2013.**
4. **Congratulate staff for achieving Milestone 5 of the ICLEI Water Campaign.**

Carried 8/0

10.4.3 LEASE AGREEMENT – BARCHETTA

File Ref: SUB/989
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate & Community Services

Proposed Meeting Date: 16 April 2013
Author Disclosure of Interest Nil

SUMMARY

A lease agreement extension for Simpco Investments Pty Ltd (here after Simpco) is being presented for Council's consideration and endorsement.

BACKGROUND

The Town originally entered into a lease agreement with Beachfront Enterprises Pty Ltd, for Reserve 28159. The original lease agreement had an 11 year term, commencing 25 July 2002, with two options for renewal for a further 5 year term in each case.

A variation to this lease was executed on 25 August 2009, between the Town, Beachfront Enterprises Pty Ltd and Simpco, providing Simpco with a lease hold agreement for Reserve 28159.

The original 11 year lease falls due on 25 July 2013, Simpco have approached the Town and advised their intention to exercise the first option, for a further 5 year extension.

STRATEGIC IMPLICATIONS

The property has been leased by Simpco (Barchetta restaurant) since 25 August 2009. Entering into a lease extension agreement will formalise the current arrangement going forward.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

As this is the lessee exercising their option, there is no capacity to vary the rent within the lease. The lease payments are included already in the normal operating budgets.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Comment was sought from McLeods Barristers and Solicitors, who have advised of Simpco's entitlement to an extension.

STAFF COMMENT

Ordinarily lease extensions, exercised under an option contained within a lease are purely an administrative matter, with the Chief Executive Officer able to sign the extension documents.

However, in this case the lessee has requested the extension be registered, as there were some complications with the registration of a transfer of the lease document. While this complication does not affect the lessor's rights under the lease, it would be beneficial for them to have the lease extension registered.

In order for a lease to be registered, the Registrar requires the document to be executed under common seal.

VOTING

Absolute Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council by Absolute Majority;

- 1. Authorise the Mayor and Chief Executive Officer to execute under Common Seal the lease extension with Simpco Investments Pty Ltd; and**
- 2. Send the lease to the Minister for Lands for endorsement, once it is executed by both parties.**

Carried 7/1

10.4.4 GROVE LIBRARY AND COMMUNITY CENTRE REVIEW

File Ref: SUB/547
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer

Proposed Meeting Date: 16 April 2013
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider participating in a review of the Grove Library and Community Centre operations and to nominate elected members to represent Council in that review.

BACKGROUND

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

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

The Town of Mosman Park has requested a review of the Grove Library and Community Centre. An initial meeting of the Library Management Committee plus some additional elected members and officers, considered the request, potential terms of reference and membership. Each Council is now being asked to formally consider the request.

STRATEGIC IMPLICATIONS

Library Services fulfil a range of community outcomes for partner Councils. These include indoor recreation, early childhood literacy, support for students, cultural enrichment, preserving community history, placemaking and community cohesion, personal development, and social and digital inclusion.

An optimum range of library services facilitates maximum return on investment in infrastructure and services. Major cost components of the library operations include staffing and facility operating costs. Avenues for revenue raising are limited by statute and community expectations.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

The Library Board of Western Australia Act and Regulations provides for the Library Board to oversee the establishment and ongoing development of public libraries. The Library Board through its agent the State Library of Western Australia provides both in subsidies (provision of some library stock) and networked services (state-wide catalogue and interlending service, including a courier service, and Better Beginning) to statewide library network.

The Library Act Regulations state that local governments may not charge for core library services such as membership or lending (Section 8). They also state effectively that any citizen of Western Australia may become a member of any public library in Western Australia (Section 5 (4)).

Each local government is also bound by a Framework Agreement negotiated between WALGA and the Library Board, setting out certain undertakings with regards to the provision of library services, including standards to be followed regarding such matters as opening hours, staffing, and range of services to be offered.

FINANCIAL IMPLICATIONS

The proposed review would be undertaken 'in-house' with the primary cost being elected member and staff time. If endorsed, the review is anticipated to start in May 2013 and conclude before the Council elections in October 2013.

STAFFING IMPLICATIONS

Staffing is a major expense for the Grove Library with approximately 9.8 FTE.

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

An initial meeting of the Library Management Committee with other Elected Members was held in March 2013 at the Shire of Peppermint Grove.

STAFF COMMENT

The Grove Library and Community Centre has been in operation in its new facilities since late 2010. It has taken some time to adjust to the new, modern facilities and a number of matters related to the operation of the building have been reported to Council previously.

In the previous three budget's the cost to operate the library facility has increased beyond Local Government Cost Index (LGCI) percentage increases. Subject to confirmation from the Library Management Committee, it is anticipated that the budget for 2013/14 will only require an increase in line with CPI or LGCI, approximately 3%.

At the meeting in March to consider the request from Town of Mosman Park it was suggested, prior to the facilitation of the budget for 2013/14, that a review of the facilities operations commence. The Town was represented by its LMC member Cr Jeanes, the CEO and Manager Corporate and Community Services. It was proposed at that meeting that the membership of the Review Group be broader than the Library Management Committee as the review should encompass the role and function of the Committee. It was also suggested that membership include the representative Mayor/President (or nominee) one other Elected Member and, one deputy Elected Members from each Council. In addition it should also include the CEO (or nominee) from each Council, as well as a number of officers from the Shire of Peppermint Grove with specific knowledge and expertise to contribute to the review, including the Library Manager. If endorsed, the initial meeting would be to confirm the Terms of Reference which has been proposed as;

- “To review all aspects of the Grove Centre – governance, operations, facilities management, structure, key systems, key agreements, finance and other matters as appropriate.
- To report findings, conclusions and recommendations to member Councils no later than the end of September 2013, but preferably earlier”.

Overall, it is the officers opinion that, since the relocation to its new facility, the library operations and services delivered to our community have been appreciated by those community and library members and are indicative of expectations for such a service. It is acknowledged that the cost of operating the library has increased significantly since the move from the “old” (much smaller) facilities and this was anticipated given the size of the new facilities. In addition there has been a number of building management issues in the preceding 2 years which could be considered “teething problems” with the development and installation of a substantial and complex, environmentally friendly facility. Most of these issues have now been resolved and the budget for 2013/14 is proposed to only increase by CPI or equivalent.

It is considered appropriate that, given the time elapsed since the relocation, that a review of operations be undertaken. The Library Management Committee is the appropriate body to lead and drive this review and, given the significance of the library as a joint Council facility and asset, with significant resource implications, it is reasonable for the respective CEOs to also be involved. However there appears to be no reason or justification why a review of the current Agreement and principles related to the library and its funding structures needs to be included in such a review.

It is therefore recommended that Council advise the Member Councils of the Grove Library and Community Centre that any review should be limited to and focus on the Grove’s operations and governance including budgets, facilities management, organisation structure and systems with all recommendations to be referred back to each member Council via the Library Management Committee.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Jeanes advised Committee that he had attended the initial meeting, together with the CEO and Manager Corporate and Community Services. Cr Jeanes expressed his

concerns that the library had grown from a small operation, to a large updated facility with cutting edge systems, and that in his opinion, some of the new systems were not working as efficiently as possible and needed review.

Cr Jeanes advised Committee that he believed the Library Review may require more than one member from the Town, and advised that the Town of Mosman Park had appointed their Mayor to attend. Cr Jeanes further advised that the Shire of Peppermint Grove President would also be attending the proposed meetings. Cr Jeanes stated that to be on equal footing with the other Councils, he would like to see the Mayor and himself (as Chair of the Library Management Committee) attend. The CEO suggested that Cr Pyvis be nominated as a deputy, as she is the current deputy to the Library Management Committee.

The CEO advised that he was aware of the concerns expressed at the initial meeting, however he did not see a need for any such review to undertake a complete revision of the current Agreement and funding structures.

OFFICER RECOMMENDATION

Moved Cr Jeanes, seconded Cr Strzina

THAT Council;

1. Advise the Town of Mosman Park and Shire of Peppermint Grove that the appropriate body to initiate and conduct a review of the Grove Library and Community Centre is the Library Management Committee, with the current member (Cr Jeanes) and deputy (Cr Pyvis) to represent Council, with support from the CEO and administration.
2. Advise the Library Member Councils that the Town is willing to participate in such a review provided that the Terms of References exclude changes to the current Agreement and funding structures and focus on the Grove's operations and governance including budgets, facilities management, organisation structure and systems, with all recommendations to be referred back to each member Council via the Library Management Committee.

AMENDMENT

Moved Cr Jeanes, seconded Cr Strzina

That the above officer recommendation be reworded as follows:

“THAT Council:

1. Nominates Mayor Morgan and Cr Jeanes to the Grove Library Review with Cr Pyvis as the deputy.
2. Believes that the current Agreement and funding structures should not be included in the reviews terms of reference and participates on that basis.”

Carried 4/0

COUNCIL DISCUSSION

Council discussed the report and recommendation, including the purpose of the requested review and the role of the Library Management Committee in that review. There was discussion in relation to the preliminary meeting and Cr Jeanes comments about the library operations, including the current state of the building maintenance,

and environmental systems. Mayor Morgan foreshadowed that if the Committee recommendation was not endorsed he would move the officer recommendation.

COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Strzina

THAT Council:

- 1. Nominates Mayor Morgan and Cr Jeanes to the Grove Library review with Cr Pyvis as the deputy.**
- 2. Believes that the current Agreement and funding structures should not be included in the review terms of reference and participates on that basis.**

Lost 2/6

The Mayor re-introduced the officer recommendation.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council;

- 1. Advise the Town of Mosman Park and Shire of Peppermint Grove that the appropriate body to initiate and conduct a review of the Grove Library and Community Centre is the Library Management Committee, with the current member (Cr Jeanes) and deputy (Cr Pyvis) to represent Council, with support from the CEO and administration.**
- 2. Advise the Library Member Councils that the Town is willing to participate in such a review provided that the Terms of References exclude changes to the current Agreement and funding structures and focus on the Grove's operations and governance including budgets, facilities management, organisation structure and systems, with all recommendations to be referred back to each member Council via the Library Management Committee.**

THE SUBSTANTIVE MOTION WAS PUT

Carried 6/2

10.4.5 POLICY REVIEW - STREET TREES

File Ref:	POL/50
Attachments:	Proposed Modified Street Trees Policy_MES Proposed Modified Street Trees Policy_Cr Hart Coastcare Submission Robert Powell comments on street tree policy in Cottesloe Sustainability Officer Submission Works Supervisor Submission
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Geoff Trigg Manager Engineering Services
Proposed Meeting Date:	16 April 2013
Author Disclosure of Interest	Nil

SUMMARY

This policy is due for review. It was presented at the February 2013 meeting and Council resolved to defer consideration of this matter until the March 2013 round of meetings. It was held over to this meeting in order to collate Councillor feedback.

The recommendation is that Council:

1. Adopt the modified Street Tree policy as proposed by the Manager Engineering Services.
2. Thank those who made comments on the Street Tree policy.
3. Make use of the additional species suggested by Cottesloe Coastcare to expand the range of species approved for street tree planting.

BACKGROUND

This policy was adopted by Council in 2005. It replaced a previous policy that was very long and complicated.

This policy has been referred to many times by staff and Council has considered a variety of issues relating to multiple street tree removals, damage to trees and issues relating to large unsuitable tree species planted many years ago, e.g. fig trees on narrow road verges.

STRATEGIC IMPLICATIONS

Within Cottesloe's strategic plan, the following provisions apply:

District Development – Environment – Council will promote community awareness of issues affecting the whole environment in relation to sustainability, cleanliness, greening, community safety and conservation.

District Development – Environment – Streetscape – Provision of clean, safe, sustainably managed streetscapes, with appropriate selections of trees and infrastructure, which are pedestrian-friendly and incorporate tidy verges.

District Development – Town Planning – preservation of nominated properties on the Municipal Inventory, verges, trees and the foreshore and dune system.

POLICY IMPLICATIONS

Review of existing policy.

STATUTORY ENVIRONMENT

All street and road verges in the Town of Cottesloe are vested in Council's control for care, control and maintenance. Council's Local Law on "Activities on Thoroughfares and Trading on Thoroughfares and Public Places" also provides extensive powers and control.

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Street trees provide a large component of the Town's 'green' nature and commitment to maximise the positive impact of mature trees on the environment.

CONSULTATION

This policy was advertised before being originally adopted by Council in 2005.

STAFF COMMENT

This policy review was put to Council in February 2013, with no original staff proposals for change. Council resolved to defer consideration until March 2013. During this time, Cottesloe Coastcare provided a submission on the policy, as has Council's Sustainability Officer. The Works Supervisor, has provided comments on the proposed additional species to be added to the group of species used as street trees.

Of the extra species suggested by Coastcare, only the Cheesewood has a query, in regards to the nature of its seed and its potential large size on a narrow verge.

Coastcare has referred to the work of Robert Powell. Notes are in the attachments covering his comments on a variety of species. It is not normal practice to include such notes into the body of a policy, which should be kept as simple as possible for an exact understanding. These notes can be added to the content used as a procedure by Depot staff, particularly regarding the comments on species applicability.

The majority of street tree issues relate to residential verges, often with one tree growing on a lawned verge area. The Natural Areas Management Plan (NAMP) deals with, obviously, natural areas. Such areas allow for a much greater spread of

species, with different priorities and the chance for support subsidiary species being established around any larger trees.

With regards to the points made by Council's Sustainability Officer, the following comments are made:

- The greater the variety of proven street tree species planted the greater the chances of the street tree asset list surviving a major disease outbreak. If very few different species are used, there is a greater threat from disease. The Norfolk Island Pine tree is iconic to Cottesloe but this species has been hit by disease in other parts of Australia.
- Due to the changing climate, increasing temperature and reducing rainfall the conditions in which the Norfolk Island Pine grows in Perth are becoming less supportive of that species.
- Council did adopt the NAMP which does support the replacement of the Norfolk Island Pine tree with more climate and site appropriate species, as the individual Norfolk Island Pine trees come to an end of life. However, so far, no changes have been implemented.
- A Register of Significant Trees will require an expert assessment, by a specialist consultant, with a budget allocation to fund that assessment. Such registers are being undertaken by other local government authorities, in the WESROC area.

Cr Hart has proposed a number of changes to the existing policy, plus additional efforts regarding street trees. The proposed policy changes are included in the attachments.

Comments relating to these changes are:

- If every street or road is to have street trees, will Council enforce that requirement, with trees to be planted the full length of Marine Parade, on Broome Street between Forrest Street and Jarrad Street and on other sections of street such as Princes Street from Avonmore Terrace to Marine Parade? This move would be controversial. Therefore, it is recommended that the word "should" be retained in regards to one tree per property frontage, or a list be kept on what verges will be exempt.
- Item 5 in 'Policy' – The idea that any unauthorised pruning will result in prosecution seems harsh. A small branch pruned by a resident to make a footpath safe or to stop a car being scratched shouldn't end up in court. It depends on the scale of the offence and the reasons for such work. This is not a Local Law and policies provide intentions and guidance for staff direction. "May" would be more applicable.
- Policy Item 5 – Last dot point: a number of species can cause serious health problems. Street trees have been removed in the past due to extreme cases. Japanese Pepper trees are acknowledged as being one species causing such issues. Removal is a last resort. If a family of residents or ratepayers are suffering due to health problems caused by a street tree, Council should be considerate of all causes of such problems.
- Policy Item 9 – Regardless of whether the list of undesirable species for street trees is included in the policy, staff would normally not assign tree species with proven problems to be planted on Cottesloe verges. The 'dot' points included in the existing policy would remain applicable, even if not included in the policy.

- Policy Item 10 – Two new street trees to be planted for every one removed would quickly fill up any gaps in street tree plantings. If Councillors provide staff with proposed areas for substantial verge street tree plantings then the concept may be viable. Marine Parade would be one street capable of carrying extensive street tree plantings.

In regards to the 'dot' points raised in Cr Hart's email, the following comments are made:

- In February 2011, Council paid \$10,000 for an audit of 536 Norfolk Island Pine trees, a cost of a bit over \$18/tree. It was a very simple audit and the new audit suggested would be more costly, if done by a quality tree expert. The trees audited were only pines and only on residential verges. Most were large in size, hence significant. Other large non pines were not included. A proper audit will be over \$25/tree. With at least 500 trees under Council control, the cost will be in excess of \$12,000. That would need a special budget allocation.
- The footpath replacement program is based on the worst condition paths being replaced first. For liability purposes that emphasis must remain. No connection is seen between street trees and whether a slab footpath gets replaced, unless the existing trees are damaging the paths.
- Council has no significant tree register and no legal power over any private trees apart for heritage listed trees. The first step would be to get Council to agree to create such a register for applicable street trees. Council still wouldn't have any powers over privately owned non heritage trees.
- There has to be a heritage reason to make all pine trees heritage listed. Many of the pines are only a few years old and, as yet, have no heritage merit, other than their species, which can be found in many towns in Australia.
- Right now only Council staff install, maintain and remove street trees. Having school children involved in planting expensive, heavy street tree containers at a particular time of a particular month is not supported. If correct growth is required they should be properly installed. Certainly school kids can be involved in native shrub plantings each year and that should continue. Council has a Sustainability Officer and she doesn't get involved with street trees. The most knowledgeable staff with the longest history of caring for street trees are based at the depot.
- Council would have to adopt a streetscape strategy and have a budget to make it happen. Without funds, the strategy would just be words. Such strategies exist elsewhere and they must be simple, affordable and easy to understand, with funding attached.

Apart from one section of Princes Street, the only other streets without street trees would be Marine Parade and part of Broome Street. There are a few gaps and each year more street trees are planted than those removed. If planted too close together they don't prosper. If planted too close to crossovers, paths, roads and fences they generate major problems in the future.

Two new trees for every one removed would not take long before that policy would give problems in finding space for ongoing plantings.

The existing policy has worked very well since adoption since 2005, compared to a very complex and lengthy previous version. A suggested modified version is included in the attachments.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Committee discussed the proposed amended Policy and considered written comments provided by both Cr Hart and Cr Pyvis. After careful consideration of the proposed amendments, Committee determined a final version of the updated Policy. In addition Cr Boland suggested that the Policy should include reference to the Natural Areas Management Plan, with Committee agreeing that an amendment to the "Objectives" of the policy should be made.

OFFICER RECOMMENDATION

Moved Cr Strzina, seconded Cr Rowell

THAT Council

1. Adopt the modified Street Tree policy as proposed by the Manager Engineering Services.
2. Thank those who made comments on the Street Tree policy.
3. Make use of the additional species suggested by Cottesloe Coastcare to expand the range of species approved for street tree planting.

AMENDMENT

Moved Cr Strzina, seconded Cr Boland

That the policy be amended:

1. To include the words "To be read in conjunction with the Natural Areas Management Plan", under "(1) Objective".
2. By deleting the words in (2) Principle "apart from any selection of street or road made exempt from this requirement".

Carried 4/0

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council:

1. **Adopt the modified Street Tree policy as proposed by the Manager Engineering Services, and as amended by the Works and Corporate Services Committee.**
2. **Thank those who made comments on the Street Tree policy.**
3. **Make use of the additional species suggested by Cottesloe Coastcare to expand the range of species approved for street tree planting.**

Carried 8/0

10.4.6 PLAN FOR REDEVELOPMENT OF THE VLAMINGH MEMORIAL SITE

File Ref: SUB/1497
Attachments: [Submissions Received Vlamingh Memorial Public Notice](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 16 April 2013
Author Disclosure of Interest Nil

SUMMARY

At its February 2013 meeting, Council discussed a letter from Cottesloe Coastcare which suggested a plan for the restoration of the Vlamingh Memorial was needed.

It was resolved:

“THAT Council:

- 1. Advertise its intention to consider the redesign of the Vlamingh Memorial and request community comment on the proposal;*
- 2. Request officers write to Cottesloe Coastcare, seeking their input in relation to this proposal; and*
- 3. If works are to be undertaken at this site, as a result of community comments received, that funding be considered for inclusion in the 2013/2014 budget.”*

The advertising of this proposal has ended and Cottesloe Coastcare has been asked for comments and input.

The recommendation is that Council:

1. Consider the inclusion of an allocation of \$8,000 in the 2013/14 budget for a consultant design of an improved Vlamingh Memorial; and
2. Inform those who submitted proposals of Council's decision on this matter, with thanks for their input.

BACKGROUND

The last time this memorial site was discussed by Council was in 2008, when public comments received rejected the idea considered by Council to relocate the memorial to a site at the Cottesloe Main Beach, the site most probable to have been the original landing site.

Since that time, only general maintenance has taken place. In the new draft 5 Year Footpath Replacement Program, the slab paths around the site are scheduled to be replaced with in-situ concrete in 2015/16. No other improvement works have been proposed for the actual monument.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

For Year 3 (2015/2016) the cost estimate for the 121m of concrete slab paths to be replaced with in-situ concrete is \$8,200.

Other works to replace the steps and refurbish the monument column and plaques could increase the total cost above \$20,000.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

This proposal for a memorial restoration and/or redesign has been advertised for comment and input. The received comments are included in the 'Attachments' to this report.

STAFF COMMENT

Only two submissions were received regarding the potential restoration of the Vlamingh Memorial site, one of which was from Cottesloe Coastcare.

The Coastcare submission proposes substantial change to the site, with paving and concrete being removed and a timber platform plus a boardwalk and additional planting being most of the renovation.

The second submission proposes the retention of the original form but with quality materials to replace deteriorated components. A new, large plaque showing Vlaming's role in the exploration party plus a representation in map form is also proposed.

The future development of the area immediately to the south, through the Leighton foreshore has no guaranteed start date or budget. Therefore a southern entrance path upgrade could be left until more is known of that project.

It is impossible to supply a cost estimate of a memorial redevelopment before a definite and accepted design plan is available. The final design could be minimal through to complete reconstruction. A cost estimate of \$8,000 has been seen as adequate for a consultant to deliver a design of a new memorial, based on the existing shape of earthworks and vertical memorial obelisk.

If a design, completed in 2013/14, requires a substantial expenditure for construction / installation in 2014/15, the project may attract grant funding from organisations such as Lotterywest.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Committee discussed the submissions received with regard to future improvements to the Vlamingh Memorial, and agreed that officers should thank all who provided submissions and pass their comments on to the consultant chosen to undertake the improvement.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council:

- 1. Consider the inclusion of an allocation of \$8,000 in the 2013/14 budget for a consultant design of an improved Vlamingh Memorial; and**
- 2. Inform those who submitted proposals of Council's decision on this matter, with thanks for their input.**

Carried 8/0

Cr Rowell declared a Proximity interest in Item 10.4.7 due to living opposite Jasper Green Reserves and left the meeting at 8.36pm.

10.4.7 REQUEST FOR ADULT EXERCISE EQUIPMENT, JASPER GREEN

File Ref: SUB/233
Attachments: [Fitness Equipment Information](#)
[Submission Received Jasper Green](#)
[Plan of proposed exercise equipment location](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 16 April 2013
Author Disclosure of Interest Nil

SUMMARY

A request for adult exercise equipment for Jasper Green was considered by Council at the February meeting. Council resolved to:

- 1. Letter drop all properties fronting Jasper Green, explaining the case for adult exercise equipment at the park and requesting comments by the end of March 2013;*
- 2. Reconsider this issue in April 2013, when the results of public consultation are available; and*
- 3. Request staff obtain accurate costing on a range of equipment, for discussion at the April meeting if Council resolves to consider such an installation.*

Letters requesting comments on the proposal were delivered to properties surrounding Jasper Green. The received comments are included in the attachments to this report.

The recommendation is that Council:

1. Install a small number of adult exercise items in Jasper Green, to a maximum cost of \$5,000, under trees, with consideration being given to a location chosen to minimise any generated noise, in the 2013/14 financial year.
2. Inform all residents submitting comments of Council's decision, and thank them for their involvement.

BACKGROUND

This equipment has not previously been requested. The only adult exercise equipment installed by Council has been at two locations on the west side of Marine Parade.

Jasper Green is already equipped with a range of assets for sporting and playground use.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

No funds have been budgeted in 2012/2013 for installation of this equipment. The 5 Year Programme does not include an allocation to these works. The estimated cost of installation would range between \$5,000 and \$20,000 depending on the scale and number of the items required. However the minimal scale and simple design of the items chosen would cost \$5,000, installed.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Letters were delivered to all properties adjacent to Jasper Green, requesting comments on the proposal. The time period for commenting on the proposal has closed.

STAFF COMMENT

Of the letters delivered to properties fronting Jasper Green, 8 replies were received, one was received because of a newspaper comment on the proposal plus the original letter requesting the installation. From the total of 10 submissions, 5 were in favour and 5 against.

The points raised against the proposal were:

- Already enough equipment on the park
- Possible increase in noise from fitness groups and 'boot camps' in the early hours
- Money better spent on a light near the playground/basketball court
- Opposed because it is believed the items will be installed near their house
- Problems already with lack of car parking space. This equipment will make parking in the adjacent narrow streets worse
- New equipment will be a negative impact on existing users
- New equipment will lead to demands for change rooms, showers and toilets
- New equipment should be installed at larger venues
- Jasper Green should not be a health club or fitness demonstration for businesses, individuals or groups of adults
- Exercising adults may take or harm a child

- Exit from Pennefather Lane onto Grant Street will be made even worse if exercise equipment is installed
- Equipment will be too close to private bedrooms near the street, particularly for early morning use

The points raised in favour of the proposal were:

- If it is to be installed it should be at the eastern end
- An outdoor exercise area would enhance the Green as a community facility
- A continued presence of people on the green enhances its safety
- The value of resource (Jasper Green) would be enhanced with equipment to make exercise fun
- This equipment would widen the Greens appeal to a greater cross section of the community
- Support the idea but keep the equipment away from residences, retain the site as a dog exercise area, place new equipment where it will not restrict existing use and create a system to deal with noise and illegal parking complaints
- Support the idea and keep the equipment simple, practical and low maintenance
- Consider a permanent table tennis installation on site
- Properly installed exercise equipment would stop mis-use of playground equipment for adult exercising

The main concerns with the proposal appear to be about potential noise generated by exercising adults affecting nearby homes, the lack of sufficient parking capacity at the park – particularly if extra attractions are added, plus the idea that the park already has a variety of facilities for a range of activities and it doesn't need any more.

The positives are that the exercise gear will enhance the park facility, widen its appeal to a greater part of the community, introduce more fun into exercise and reduce the potential for play equipment being mis-used by exercising adults.

Jasper Green is the largest Council controlled reserve for that area that would be suitable for adult exercise equipment. If it can't be 'fitted in' at this site, then no other 'east of the railway' site is seen to be suitable.

A simple selection of equipment, with no moving parts, such as sit up boards, a step up, a chin up bar, push up bars, an obstacle frame and an aerobic stepper would cost approximately \$5,000, installed. If kept simple and small scale, the items should not attract people to drive to the site for their use. Most use would be expected to come from existing park users.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Committee discussed the submissions received, with Cr Jeanes commenting that the addition of exercise equipment could result in additional parking in Grant Street. Cr Jeanes further commented that in his opinion, Jasper Green is too small and should be left as it is.

The Manager Engineering Services (MES) advised committee that the equipment is not intended for use by commercial exercise groups and mentioned that officers are in the process of preparing a draft policy for consideration by Council in relation to management and monitoring of such groups. The MES further advised that there is no other location east of the railway that would be suitable for such adult exercise equipment.

Cr Jeanes commented that he is not against adult exercise equipment, but he believed that there were more appropriate locations along the coast or at Harvey field.

OFFICER RECOMMENDATION

Moved Cr Boland, seconded Cr Strzina

THAT Council:

1. Install a small number of adult exercise items in Jasper Green, to a maximum cost of \$5,000, under trees, with consideration being given to a location chosen to minimise any generated noise, in the 2013/14 financial year.
2. Inform all residents submitting comments of Council's decision, and thank them for their involvement.

AMENDMENT

Moved Cr Strzina, seconded Cr Boland

That the officer recommendation be amended in point (1) to include the words "and to minimise obstructions to the existing use of the park".

Carried 2/1

COUNCIL DISCUSSION

Council discussed the report and considered the feedback from the community. There was also recognition of the proposed policy to be presented to Council next month in relation to formalised exercise groups operating in Cottesloe.

COMMITTEE & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Walsh

THAT Council:

1. **Install a small number of adult exercise items in Jasper Green, to a maximum cost of \$5,000, under trees, with consideration being given to a location chosen to minimise any generated noise and to minimise obstructions to the existing use of the park, in the 2013/14 financial year.**
2. **Inform all residents submitting comments of Council's decision, and thank them for their involvement.**

Carried 5/2

Cr Rowell returned to the meeting at 8.43pm and continued to present the minutes of the Works and Corporate Services Committee.

10.4.8 NORTH STREET / WEST COAST HIGHWAY INTERSECTION - CITY OF NEDLANDS BLACKSPOT SUBMISSION & INTERSECTION ASSESSMENT

File Ref: SUB/486
Attachments: [Revised Costs Estimates Only](#)
[Copy of Executive Summary by Opus Consultants for intersection SIDRA analysis](#)
[Council Report June 2012](#)
[Black Spot Application](#)

Responsible Officer: Carl Askew
Chief Executive Officer

Author: Geoff Trigg
Manager Engineering Services

Proposed Meeting Date: 16 April 2013

Author Disclosure of Interest Nil

SUMMARY

At its meeting in October 2012, after a request from the City of Nedlands for 1/6th cost contribution towards the extension of the left turn lane off North Street onto West Coast Highway, plus overhead mast arms on the highway, as part of a State Blackspot submission for 2013/2014, it was resolved:

“THAT Council:

- 1. Agree, in principle, to a contribution of up to \$24,167 towards a total estimated cost of \$145,000 for a State Black Spot submission for 2013/2014 by the City of Nedlands, for an expanded left turn lane exit from North Street onto West Coast Highway plus two overhead mast arms for traffic lights on West Coast Highway at this intersection.*
- 2. Inform the City of Nedlands of its ‘in principle’ support for this project on the condition that the Town of Cottesloe reserves its final response for the best solution for the location of the expanded North Street left turn lane being on the Cottesloe side of North Street dependent on Main Roads WA advice regarding the potential to have a separate right turn light phase for North Street traffic turning into West Coast Highway.*
- 3. Inform the City of Nedlands that it is prepared to meet half the cost of the MRWA requirement for a video survey and a SIDRA analysis regarding a potential right turn out of North Street.”*

The results of the video survey and SIDRA analysis have now become available and an extensive report has been supplied by OPUS Consultants through the City of Nedlands, regarding a potential right turn out of North Street.

The Officer Recommendation is that Council:

1. In order to minimise costs, impact on street trees in North Street and the potential to damage underground services, agrees to the option to install the widening to allow a 70m extension of the left turn lane onto West Coast Highway on the south side of North Street; and

2. Agree to fund 1/6th of the cost of this State Black Spot project - \$24,167, in the 2013/14 financial year.

BACKGROUND

Council received a presentation by City of Nedlands officers in 2012 regarding this proposal, particularly to extend the existing left turn lane out of North Street onto West Coast Highway. Councillors, at that presentation, indicated a preference for traffic light control changes to allow a separate right turn phase out of North Street. The Nedlands presentation discussed three options for the left turn lane improvements, with one option being a widening on the south side of North Street, within the Town of Cottesloe. The submission is for a State Black Spot funding, with 2/3rds of the funds coming from the grant and 1/3rd being shared between Nedlands and Cottesloe.

The submission also covers two overhead arms on the highway to provide very obvious signal information for traffic turning at the intersection.

The City of Nedlands commissioned OPUS Consultants to undertake the analysis of collected data regarding traffic movement at this intersection, by using the SIDRA computer analysis software program, as required by Main Roads WA.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Black Spot grant approvals, line marking, traffic control signage and changes to traffic lights at intersections all require Main Roads WA approval. Any works within the Town of Cottesloe will require Council's agreement, apart from any mast arms for highway signal changes.

FINANCIAL IMPLICATIONS

The project is subject to State Black Spot funding and Council is being requested to fund 1/6th of the total (\$24,167) of the estimated cost of \$145,000.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

City of Nedlands.

STAFF COMMENT

OPUS Consultants have undertaken the required video and SIDRA analysis on the West Coast Highway / North Street intersection in regards to the submitted MRWA

Black Spot grant application and this Council's requirement for consideration of a North Street separate right turn arrow for vehicles turning south onto the highway from North Street.

The intersection modelling confirmed that the intersection is at or over the design capacity. Even with a lot of 'green' time allowing the left turn lane to clear, this movement is often blocked by the through and right turn traffic.

Also, with the heavy left turn traffic stockpiling further down North Street, the through and right turn traffic is blocked from using the limited 'green' time available. Any extension of the left turn lane will improve the situation for all forms of stockpiled traffic at the intersection. The report suggests that the extension from 40m to 70m be further extended.

In regards to the possible right turn phase east out of North Street, benefits would exist for this 'leg' of the intersection if there was no opposing traffic from the eastern or Servetus Street side wanting to cross over into North Street.

The study also showed that, based on existing crash statistics, the creating of a North Street right turn phase would not improve road safety at the intersection. However, the extra cost of providing the changed traffic signals would reduce the benefit cost ratio and hence reduce the viability of the Black Spot submission.

The OPUS Consultants main recommendation is to pursue the extension of the left turn lane in North Street, and make the extension beyond the 70m length, if possible.

The study does not support a right turn North Street signal phase because it will not improve the intersection performance.

With the consultant's report now finalised in regards to the right turn phase for North Street, the question remains as to what side of North Street would carry the widening, north (Nedlands) or south side (Cottesloe).

The probable approval of the State Black Spot submission for the proposed works (only awaiting the ministers sign off) carries a total cost of \$145,000, with the Town of Cottesloe giving "in principal" support for a payment of 1/6th of this amount or \$24,167.

This estimated cost allows for \$30,000 for traffic signal changes (overhead masts) and \$115,000 for the left turn lane extension.

The City of Nedlands has had staff further analyse and inspect for service locations, underground pipe damage, street tree locations and crossover locations of the affected section of North Street, for both a 70m and a 100m length left turn lane extension. This inspection included both sides of North Street. A table showing the options, costs and tree losses is included in the attachments.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Committee discussed the importance of notifying residents of the impact the proposed works could have on their properties, with regard to potential loss of verge area, as such Cr Jeanes moved an amendment to notify residents.

OFFICER RECOMMENDATION

Moved Cr Strzina, seconded Cr Rowell

THAT Council:

1. In order to minimise costs, impact on street trees in North Street and the potential to damage underground services, agrees to the option to install the widening to allow a 70m extension of the left turn lane onto West Coast Highway on the south side of North Street; and
2. Agree to fund 1/6th of the cost of this State Black Spot project - \$24,167, in the 2013/14 financial year.

AMENDMENT

Moved Cr Jeanes, seconded Cr Rowell

That a new part (3) be added that reads "Notify residents of the potential impact on their properties, as a result of the extension of the left turn lane onto West Coast Highway".

Carried 4/0

COUNCIL DISCUSSION

The Mayor drew attention to the wording of the officer recommendation and proposed a re-wording for clarification purposes. In point 1 of the recommendation, he added the following words after the word 'widening' "on south side of the North Street", corrected the typo "70m" to "40m" and deleted the words after Highway.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council:

1. In order to minimise costs, impact on street trees in North Street and the potential to damage underground services, agrees to the option to install the widening on south side of the North Street to allow a 40m extension of the left turn lane onto West Coast Highway; and
2. Agree to fund 1/6th of the cost of this State Black Spot project - \$24,167, in the 2013/14 financial year.
3. Notify residents of the potential impact on their properties, as a result of the extension of the left turn lane onto West Coast Highway.

Lost 3/5

For: Cr Rowell, Cr Strzina and Cr Walsh

Against: Mayor Morgan, Cr Downes, Cr Pyvis, Cr Hart, and Cr Jeanes

10.4.9 2013 INTERNATIONAL PUBLIC WORKS CONFERENCE, DARWIN

File Ref:	SUB/1478
Attachments:	Policy Conferences Seminars and Training Conference Program
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Geoff Trigg Manager Engineering Services
Proposed Meeting Date:	16 April 2013
Author Disclosure of Interest	Subject relates to a conference, attendance by author.

SUMMARY

Every two years the Institute of Public Works Engineering Australia arranges an international conference in one of the Capital cities of Australia to deal with all aspects of local government engineering. Leading Australian and international engineering and local government presenters cover the latest innovations and solutions affecting the industry. The 2013 conference will be held in Darwin from 11-15 August 2013.

This report recommends that the Manager Engineering Services be approved to attend this conference.

BACKGROUND

IPWEA is a national association of local government and public works professional and technical staff from around Australia. It is in partnership with the Institution of Engineers, Australia for professional training, including conferences. The Darwin conference is the major national local government engineers event, occurring every two years and attracting a large variety of overseas representatives.

The program is attached. The main topics of presentation are:

- Skills shortage
- Environmental sustainability
- Asset management – various
- Water management / Water Sensitive Urban Design (WSUD)
- Water use and reuse
- Storm water management
- Managing safer roads
- Community engagement
- Water infrastructure
- The link between Engineers & Accountants
- Road pavement management
- Contract management
- Benchmarking
- Climate change
- Coastal Strategies

- Parks and Gardens
- Alternative Transport
- Flood Management
- Urban Delivery

A number of keynote speakers will also contribute to the program.

There are several 'streams' of papers being presented and the most applicable subjects would have to be chosen. The majority of the topics listed would apply to current aspects of engineering services in Cottesloe.

STRATEGIC IMPLICATIONS

A strong aspect of this conference is the development of a strategic understanding of the industry and aspects that may affect local government works projects at the local level.

POLICY IMPLICATIONS

Council's Conferences Policy Applies (see attachment)

STATUTORY ENVIRONMENT

The conference will include aspects of legislation and governmental department notes involving local government engineering.

FINANCIAL IMPLICATIONS

The estimated cost of registration, accommodation, meals and travel is \$4,300 (including 'early bird' savings). This amount can be met by the current budget for training and conference attendance for Engineering staff.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

One of the most important sources of current information and training for experienced local government Engineers is conferences and seminars, particularly if delivered by high quality, practicing engineers working in the industry, both in Australia and overseas.

In addition, new ideas are acquired from these presentations, as trends occurring throughout Australia become obvious and new ways of thinking or techniques are presented.

The opportunity to attend an international-standard conference targeted specifically at senior local government engineering officers working in the local government arena is an excellent form of professional development.

For staff from small local governments such as Cottesloe, it is also a welcome way to avoid becoming too isolated or insular by gaining exposure to the bigger picture both internationally and nationally.

The previous conference of this status was attended by the author in 2009.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council approve the attendance of the Manager Engineering Services at the IPWEA International Public Works Conference, in Darwin, Northern Territory, from 11-15 August 2013, with Council to receive a report within two months on the conference detailing applicable items for improving Cottesloe.

Carried 8/0

10.4.10 DIFFERENTIAL RATES

File Ref: POL/5
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate & Community Services

Proposed Meeting Date: 16 April 2013
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider adopting a differential rating structure, and to allow for Local Public Notice to be given of its intention to raise a differential rate.

BACKGROUND

Council has historically funded the group known as ProCott, through the imposition of a differential rate on commercial properties in the Cottesloe Town Centre. ProCott, through an agreement with the Town are required to submit plans on how these funds will be used in the development and promotion of commercial activity within the Town Centre. To date, no other differential rate has been charged.

Privately owned laneways present a unique risk to the Town of Cottesloe, in that they are designated public thoroughfares, that the Town has little to no control over the maintenance of, but could be shown to have some liability for, in the event of an accident or injury. The Town is able to issue orders for the removal of obstructions or certain other matters under the provisions of the Local Government Act 1995, but as it is essentially private land, the Town is not able to commit funds to the maintenance and up keep of the laneways.

Hence there is an increased potential risk that the Town could be in the situation where it faces legal action for an incident on laneways, over which it has little practical control. As such, there has been a suggestion that Council could consider imposing a differential general rate, in order to raise additional funds that could be set aside to guard against an increased risk.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

6.33. *Differential general rates*

(1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics —*

- (a) *the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005;*
or
 - (b) *a purpose for which the land is held or used as determined by the local government;*
or
 - (c) *whether or not the land is vacant land;*
or
 - (d) *any other characteristic or combination of characteristics prescribed.*
- (2) *Regulations may —*
- (a) *specify the characteristics under subsection (1) which a local government is to use; or*
 - (b) *limit the characteristics under subsection (1) which a local government is permitted to use.*
- (3) *In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*
- (4) *If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.*

Section 6.36 of the Local Government Act 1995 provides for the requirement to advertise the intention to raise a differential rate.

6.36. Local Government to Give Notice of Certain Rates

- (1) *Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35 (6) (c) a local government is to give local public notice of its intention to do so.*
- (2) *A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2 (1).*
[Section 6.2(1) requires a local government to adopt its budget by 31 August each year]
- (3) *A notice referred to in subsection (1) —*
 - (a) *may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;*
 - (b) *is to contain —*
 - (i) *details of each rate or minimum payment the local government intends to impose;*
 - (ii) *an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*
 - (iii) *any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed; and*

- (c) *is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*
- (4) *The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*

6.35. Minimum payment

- (1) *Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) *A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*
- (3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*
- (a) *50% of the total number of separately rated properties in the district; or*
- (b) *50% of the number of properties in each category referred to in subsection (6),*
on which a minimum payment is imposed.
- (4) *A minimum payment is not to be imposed on more than the prescribed percentage of —*
- (a) *the number of separately rated properties in the district; or*
- (b) *the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.*
- (5) *If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.*
- (6) *For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —*
- (a) *to land rated on gross rental value; and*
- (b) *to land rated on unimproved value; and*
- (c) *to each differential rating category where a differential general rate is imposed*

The Local Government (Financial Management Regulations) at Regulation 52A state;

52A. Characteristics prescribed for differential general rates (Act s. 6.33)

- (1) *In this regulation —*
- commencement day** *means the day on which the Local Government (Financial Management) Amendment Regulations (No. 2) 2012 regulation 5 comes into operation 1;*
- relevant district** *means a district that —*
- (a) *is declared to be a district by an order made under section 2.1(1)(a) on or after commencement day; or*
- (b) *has its boundaries changed by an order made under section 2.1(1)(b) on or after commencement day.*
- (2) *For the purposes of section 6.33(1)(d), the following characteristics are prescribed in relation to land in a relevant district, where not more than 5 years has elapsed since the district last became a relevant district —*
- (a) *whether or not the land is situated in a townsite as defined in the Land Administration Act 1997 section 3(1);*

(b) *whether or not the land is situated in a particular part of the district of the local government.*

[Regulation 52A inserted in Gazette 29 Jun 2012 p. 2953.]

FINANCIAL IMPLICATIONS

The adoption of the indicative differential rate for advertising is a part of adopting the 2013 and 2014 budget, which has significant financial implications for the Town.

The rate in the dollar recommended for advertising indicates a modest increase in rates. While Council is able to adopt the differential rate with modifications, it is generally accepted practice that the differential rate imposed should not be materially different from that which was advertised.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

A series of workshops will be held as a part of developing the 2013/2014 budget with staff and Councillors. These workshops will provide feedback that will allow for the development of the budget, although no decisions can be made at these workshops.

The level of increase in the differential rate has been discussed with representatives of Procott.

STAFF COMMENT

General Differential Rate

This is in effect the rate that applies to most of the rateable properties in the Town of Cottesloe. The advertised rate in the dollar represents a modest increase from the 2012/2013 financial year and continues a long run of modest, but sustainable rate increases.

Commercial Properties – Town Centre

This category comprises all rateable land in the Cottesloe Town Centre, that is zoned Commercial in the Town Planning Scheme. This rate in the dollar represents the general rate, plus the rate that is levied on behalf of ProCott, who use the funds in agreement with the Town, to promote and improve commercial activity within the Town Centre.

The differential rate is levied under the provisions of 6.33(1)(a).

Private Laneways

Under the provisions of section 6.33(1)(b) a local government may impose a differential rate based upon “a purpose for which the land is held or used as determined by the local government”. The use of land as private laneways presents a particular set of risks for the Town and as such, there has been much discussion about the imposition of a differential rate to allow for this risk.

However, at present the privately owned laneways within the Town are rated as “minimum rated properties”. This complicates matters as the Act is specific in that for each category of differentially rated properties, Council is required to set a minimum rate. When setting the minimum rate, it must be set such that no more than 50% of the properties in each category will be charged the minimum rate.

If a separate differential rate category was established to allow laneways to be rated differentially, no more than 50% of this new category could have the minimum rate imposed on it. Even with the doubling of the rate in the dollar, the minimum rate for this category would still have to be decreased to accommodate this requirement. In essence, creating a differential rate, even at twice the rate in the dollar, would reduce the amount of rates levied against some of these properties, thus rendering the intention of raising additional funds to guard against future risk redundant.

This matter will be further investigated by the Administration and options will be developed for Council’s consideration.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council advertise its intention to raise the following differential general rates and minimum rates for the 2013 and 2014 financial year;

Differential Rate Category	Rate in the \$
Differential General Rate (GRV)	0.06357
Differential Rate – Town Centre Commercial (GRV)	0.07475

With the minimum rate for both categories being \$971.

Carried 8/0

**10.4.11 STATUTORY FINANCIAL REPORTS FOR THE PERIOD 1 JULY
2012 TO 31 MARCH 2013**

File Ref: SUB/137
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager

Proposed Meeting Date: 16 April 2013
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present to Council the Statement of Financial Activity, the Operating Statements by Program and by Nature and Type, the Statement of Financial Position, and supporting financial information for the period 1 July 2012 to 31 March 2013 as included in the attached Financial Statements.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Statement of Financial Activity on page 1 of the attached Financial Statements shows favourable operating revenue of \$796,566 or 51% more than year to date budget. A complete variance analysis is provided on pages 7 to 11 of the attached Financial Statements. Operating expenditure is \$29,205 more than year to date budget. Capital expenditure is reported in detail on pages 27 to 30 of the attached Financial Statements.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council receive the Statement of Financial Activity, Operating Statements by Program and by Nature and Type, Statement of Financial Position, and other supporting financial information as included in the attached Financial Statements for the period 1 July 2012 to 31 March 2013, and as submitted to the 16 April 2013 meeting of the Works and Corporate Services Committee.

Carried 8/0

**10.4.12 SCHEDULE OF INVESTMENTS AND LOANS AS AT 31 MARCH
2013**

File Ref: SUB/150 & SUB 151
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager

Proposed Meeting Date: 16 April 2013
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Schedule of Investments and the Schedule of Loans as at 31 March 2013, as included in the attached Financial Statements, to Council.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 22 of the attached Financial Statements shows that \$4,328,348.60 was invested as at 31 March 2013. Approximately 37% of the funds are invested with Westpac Bank, 28% with the National Australia Bank, 18% with the Commonwealth Bank of Australia and 17% with Bankwest.

The Schedule of loans on page 23 of the attached Financial Statements shows a balance of \$5,882,636.22 as at 31 March 2013. Included in this balance is \$349,475.29 that relates to self supporting loans.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council receive the Schedule of Investments and the Schedule of Loans as at 31 March 2013, as included in the Attached Financial Statements, to Council.

Carried 8/0

10.4.13 LIST OF ACCOUNTS PAID FOR THE MONTH OF MARCH 2013

File Ref: SUB/137
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager

Proposed Meeting Date: 16 April 2013
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the List of Accounts Paid for the month of March 2013, as included in the attached Financial Statements, to Council.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The List of Accounts Paid in March 2013 is included in the report on pages 13 to 19 of the attached Financial Statements. The following significant payments are brought to Council's attention;

- \$26,992.10 & \$36,005.55 to Roads 2000 for road construction works
 - \$224,801.73 & \$124,082.01 to WA Treasury for loan repayments
 - \$47,707.24 to Transpacific Cleanaway for waste collection charges
 - \$341,314.24 to the Department of Fire and Emergency Services for Council's third quarter contributions of fesa levies
 - \$26,820.92 to Surf Life Saving WA for the surf lifesaving contract
 - \$44,000.00 to Sculpture By The Sea for sculpture acquisitions
-

- \$77,797.83 & \$75,915.93 to Town of Cottesloe staff for fortnightly payroll

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council receive the list of Accounts Paid for the month of March 2013 as included in the attached Financial Statements, as submitted to the 16 April 2013 meeting of the Works and Corporate Services Committee.

Carried 8/0

10.4.14 PROPERTY AND SUNDRY DEBTORS REPORTS AS AT 31 MARCH 2013

File Ref: SUB/145
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager

Proposed Meeting Date: 16 April 2013
Author Disclosure of Interest Nil

SUMMARY

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

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on pages 24 & 25 of the attached Financial Statements shows a balance outstanding of \$170,435.51 of which \$138,989.32 relates to the current month. The balance of aged debtors stood at \$31,446.19.

The Rates and Charges Analysis on page 26 of the attached Financial Statements shows a total balance outstanding of \$462,748.70. Of this amount, \$202,338.19 and \$80,766.47 are deferred rates and outstanding emergency service levies respectively. The Statement of Financial Position on page 4 shows a balance of \$503,299 as compared to \$260,065 this time last year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council receive the Property and Sundry Debtors Reports as at 31 March 2013. These reports are included in the attached Financial Statements as submitted to the 16 April 2013 meeting of the Works and Corporate Services Committee.

Carried 8/0

11 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 NOTICE OF MOTION – AMENDMENT TO COUNCIL RESOLUTION RE: TOWN OF COTTESLOE COMMUNICATION WITH MR AND MRS SVANBERG**

(As attached to the Agenda)

Mayor Morgan submitted a Notice of Motion to the CEO which states:

“That Council remove the reference to Mrs J Svanberg from its resolution of 25 March 2013”.

Reason for the motion:

On 25 March 2013 Council resolved as follows:

“That Council advise Mr C and Mrs J Svanberg that, apart from next month’s Council meeting, Council and Council staff will no longer entertain any debate or discussion or communication in relation to development at or use of 217 Marmion Street, Cottesloe, unless otherwise directed by the Department of Local Government, Ombudsman, or other appropriate Authority”.

In an email to Cr Rowell, Mayor and the CEO Mrs Svanberg has indicated, and the CEO has confirmed, that whilst Mrs Svanberg has written emails, signed joint letters and requested/attended meetings in relation to this matter, the overwhelming majority of communication has come from Mr Svanberg.

On that basis the Mayor indicated his support, and intention to move an amendment, for the removal of Mrs Svanberg’s name from the March 2013 resolution.

COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That Council remove the reference to Mrs J Svanberg from its resolution of 25 March 2013.

Carried 8/0

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:**12.1 ELECTED MEMBERS**

Nil

12.2 OFFICERS

Nil

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

Nil

14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 8:55 PM.

CONFIRMED MINUTES OF 2 May 2013 PAGES 1 – 74 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: / /