

TOWN OF COTTESLOE



FULL COUNCIL MEETING

MINUTES

**ORDINARY MEETING OF COUNCIL
HELD IN THE
COUNCIL CHAMBER, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, MONDAY, 22 AUGUST, 2005**

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 7.02 pm.

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**Elected Members In Attendance**

Cr Daniel Cunningham
Cr Arthur Furlong
Cr Peter Jeanes
Cr Bryan Miller
Cr Ian Woodhill
Cr Patricia Carmichael
Cr Jo Dawkins
Cr Jack Walsh
Cr John Utting
Mayor Kevin Morgan
Cr Victor Strzina

Officers in Attendance

Mr Stephen Tindale	Chief Executive Officer
Mr Alan Lamb	Manager Corporate Services
Mr Andrew Jackson	Manager Development Services
Ms Jodie Peers	Executive Assistant

Apologies

Mr Geoff Trigg	Manager Engineering Services
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Leave of Absence (previously approved)

Nil

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Cunningham, seconded Cr Strzina

That Cr Woodhill's application for a leave of absence for the September Committee and Council meetings be granted.

Carried 11/0

Moved Cr Cunningham, seconded Cr Strzina

That Mayor Morgan's application for a leave of absence from 25 September to 2 October be granted.

Carried 11/0

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Dawkins, seconded Cr Walsh

The Minutes of the Ordinary Meeting of Council held on Monday, 25 July, 2005 be confirmed.

Carried 11/0

Moved Cr Dawkins, seconded Cr Walsh

The Minutes of the Special Meeting of Council held on Monday, 1 August, 2005 be confirmed.

Carried 11/0

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Mayor presented a plaque to Mr Bill Robertson, as a token of appreciation for his service to Cottesloe and the great contributions that he made to Council during his time as a Councillor.

8 PUBLIC STATEMENT TIME

Nil

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

10 REPORTS OF COMMITTEES AND OFFICERS**11 DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 15 AUGUST 2005****11.1 PLANNING****11.1.1 NO 48 (LOT 45) MARGARET STREET - NEW TWO STOREY RESIDENCE**

File No:	No 48 (Lot 45) Margaret Street
Author:	Mr James Atkinson
Author Disclosure of Interest:	Nil
Attachments:	Location plan Plans Correspondence from applicant Submission (1) Response to submission by applicant Photos
Report Date:	9 August, 2005
Senior Officer:	Mr Andrew Jackson
Property Owner:	Mrs Jodie McIntosh
Applicant:	Ian Brackenridge
Date of Application:	9 August, 2005
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	420m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for a new two storey residence at the abovementioned property address.

Given the following assessment, it is recommended that the application be APPROVED subject to conditions.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2.
- Residential Design Codes.
- Town of Cottesloe Local Fencing Law.

POLICY IMPLICATIONS

- Building Heights Policy No 005

HERITAGE LISTING

- N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
Clause 5.1.1 (c)	Wall Height – 6.0m	6.3m
Council resolution 28 th October 2002	6.0m setback	2.1-5.7m

Town Planning Scheme Policy/Policies

Policy	Required	Provided
No.005 – Building Height	Wall Height - 6.0m	6.3m

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No.2 - Streetscape Requirements	Front setback – 6.0m	2.1-5.7m	Clause 3.2.1 – P1
No.9 - Design for Climate	Solar access for adjoining property – 25%	42.6%	Clause 3.9.1 P1

STRATEGIC IMPLICATIONS

- N/A

FINANCIAL IMPLICATIONS

- N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

- N/A.

ADVERTISING OF PROPOSAL

The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2. The advertising consisted of a letter to the adjoining property owner.

Submissions

There was 1 letter sent out. 1 submission was received, which was an objection. Details of the submission are set out below (in summary regarding Town Planning matters, refer attachments for a full copy of the letter):

46 Margaret Street

- *Overshadowing – the proposed building overshadows 42.5%.*
- *The windows on the south side of the building do not comply with the R-Codes.*
- *The front setback to Margaret Street does not comply with the required 6.0m.*
- *The undercroft floor level must comply with the Town Planning Scheme.*

The applicant was given time to respond to the objection. They provided the following (in summary, refer attachments for full copy of the letter):

- *The applicants noted that the requirement for overshadowing a neighbouring property in an R20 area is 25%. This figure was derived from a minimum lot size of 440m², being an R20 allotment. In this case the neighbour property is only 218m², and is therefore contended that the use of the Code on a site which is 50% below the required R20 minimum is unrealistic and inappropriate. They also noted that the shadow falls on the roof of the neighbouring house and that it would appear that overshadowing requirements have been relaxed at numbers 44 and 42 Margaret Street. Further to this, the applicant provided photographs showing that the north facing windows are of a high-light construction and already under shadow from the eaves of the property, and that the shadow created complies with the Performance Criteria of the R-Codes.*
- *The south side windows will be high-light style with a sill height of 1.72m.*
- *Council has been requested to approve a modification to the required setbacks due to the triangular nature of the site.*
- *No comment on the undercroft, except to say that the basement is underground.*

STAFF COMMENTBuilding Height

Clause 5.1.1 (c) the Town Planning Scheme No.2 (TPS2) states the following:

“For the purpose of measuring 'storey' and hence 'building height', Council shall generally follow the following formula, except in particular cases where natural ground forms indicate that a variation is warranted provided that the amenity of neighbouring areas is not unreasonably diminished.

The maximum building height shall be measured from the natural ground level at the centre of the site as determined by Council to the crown of the roof and shall be -

- | | |
|----------------------|----------------------------------|
| <i>Single Storey</i> | <i>- Roof Height: 6.0 metres</i> |
| <i>Two Storey</i> | <i>- Wall Height: 6.0 metres</i> |
| | <i>- Roof Height: 8.5 metres</i> |

- Subsequent Storeys - Wall Height: 6.0 metres plus; 3.0 metres per storey
- Roof Height: 8.5 metres plus; 3.0 metres per storey*

Variations may be permitted in the case of extension to existing buildings.”

For the purpose of height controls the Natural Ground Level (NGL) at the centre of the site was determined at AHD 13.5m.

The proposed wall height is AHD 19.80m, being 300mm over the 6.0m height limit.

The subject land slopes approximately 1.9m from south to north. It is not considered that the level of the site warrants a variation to the maximum wall height prescribed in the Town Planning Scheme. It is therefore recommended that the applicant be required to submit amended plans showing the wall height of the proposed development being lowered to comply with the height restrictions under Clause 5.1.1 of TPS2.

Setbacks

The proposed front setback to Margaret Street ranges from 2.1m to 5.7m. Council resolved at its full meeting on 28th October 2002:

“(1) When assessing applications for Development Approval, Council will:

- (a) Generally insist on:*
 - (i) A 6.0m setback for residential developments in the District, which does not include averaging.”*

The R-Codes also prescribe a minimum 6.0m front setback in an R20 coded area.

In assessing this application it is important to note the unique site constraints that have resulted in the variations being sought. The subject lot is triangular in shape with the bulk of the developable land being confined to the southern portion of the site. Further to this, the site is bound by Margaret Street to the west, Ozone Parade to the east and an adjoining residence to the south. There are no northern neighbours. The neighbouring property is a single storey dwelling on a very small lot (218m²) which is setback 7.5m from its front boundary.

The issue before Council is whether the proposed setback variations are warranted and whether they will negatively affect the neighbouring property and the streetscape of the general area.

It should be noted that if a 6.0m setback was imposed the developability of the site would be dramatically reduced, to a point where a reasonable house would be hard to produce. It is also noted that the existing house, to be demolished, already projects into the street setback and the proposed building will be no further forward than the existing setback line.

Where a development does not comply with the Acceptable Development Standards of the R-Codes, Performance Criteria may be applied as follows:

“Buildings set back an appropriate distance to ensue they:

- *Contribute to the desired streetscape;*
- *Provide adequate privacy and open space for dwellings; and*
- *Allow safety clearances for easements for essential services.”*

The existing streetscape conditions have a varied affect on the street. No.44 Margaret Street (two storey dwelling) has a front setback of approximately 6.0m, No.46 (neighbour, single storey dwelling) has a setback of 7.5m and the existing building on No.48 Margaret has a setback of between 2.2m and 7.0m. The proposed building has staggered setbacks to reduce the effects of building design on the street. Further to this, the portion of building closest to the adjoining neighbour (Bedroom 3) is setback 5.7m. As the attached plans show, the central design of the new dwelling follows the location of the existing building to be demolished.

Given the special site characteristic's, being the triangular shape of the block and there only being one neighbour, it would appear reasonable that front setbacks may be varied in this case. It is therefore recommended that the setbacks be approved as per the attached plans

Overshadowing

Design Element No.9 of the Residential Design Codes states:

“Notwithstanding the boundary setbacks in Element 3, development in Climatic Zones 4, 5 and 6 of the State shall be so designed that its shadow cast at midday, 21st June onto any other adjoining property does not exceed the following limits:

- *On adjoining properties coded R25 and lower – 25% of the site area;*
- *....*

Note: In this context “site area” refers to the surface of the adjoining lot without regard for any building on it but taking into account its natural ground levels.”

The proposed building casts a shadow over 42.6% of the adjoining property. Given the non-compliance with the Acceptable Development Standards, the following Performance Criteria can be applied.

“Development designed with regard for solar access for neighbouring properties taking account the potential to overshadow:

- *Outdoor living areas;*
- *Major openings to habitable rooms;*
- *Solar heating devices; or*
- *Balconies or verandas.”*

It is noted that the shadow cast by the proposed building does not fall over outdoor living areas, solar heating devices or balconies or verandas. It does however fall over two high-light style windows, one larger window and the neighbours clothes drying area on the side (northern) wall and a single window on the front (western) wall (refer photographs in attachments). The three side windows correlate to the neighbour's lounge room, reading room and kitchen respectively, and the front window the lounge. These rooms are considered habitable rooms under the definitions of the R-Codes. The question therefore is whether the windows are considered major openings.

The R-Codes describe a Major Opening as:

“A window, door or other opening in the exterior wall of a habitable room that provides substantial external means of light or view for that room or space, but does not include an opening or openings that:

- In aggregate do not exceed one square metre in any such wall, (provided that adjoining or contiguous windows at the junction of two walls forming an internal angle of 90 degrees or less shall be aggregated); or*
- Are glazed in an obscure material and are not openable: or*
- Have a sill height not less than 1.6m above floor level.”*

Two of the three side windows are a minimum 1.6m above floor level and are therefore not considered major openings. The third window, to the kitchen, is larger and although not strictly considered a major opening under the requirements of the R-Codes, does provide essential sunlight to the kitchen.

It should be noted that the wide eaves at No.46 would most likely already cover three of the four windows in shade, and half of the fourth (kitchen window). The front window is considered a major opening. It is noted that this window is already partially in shade from a medium-sized evergreen tree, however, the future of vegetation is not guaranteed while the effect of building shadow is.

The issue before Council is whether the shade created by the proposed building adversely affects the neighbouring property, and whether the two subject windows require protection. Further to this, the modifications required to ensure the two windows are less affected will require some building redesign.

In addition to the above, the southern setback of the proposed building complies with the requirements of the R-Codes. It should be noted, that given the small size of the neighbouring lot, and the architectural design of the proposed building, any increase in the side setback would have little to no effect on overshadowing without a complete re-design.

While under the Acceptable Development Standards of the R-Codes the proposed building exceeds the shadow limit, when assessed under the Performance Criteria the application complies except for two windows, being the kitchen window (north east corner) and the front window.

Therefore, in order to reduce overshadowing to these two windows, the building design will require modification. It is recommended that the application be approved subject to revised plans being submitted showing a reduction in the amount of overshadowing to habitable room windows to the satisfaction of the Manager, Development Services.

Front Screen Wall

The application proposes a solid front fence for approximately half the length of Margaret Street and a full solid wall along the entire length of Ozone Parade. The remaining portion of Margaret Street will be 50% open aspect as per Council's requirements. Council's Fencing Local Law States (in summary):

- That the fence be of an open aspect design;*
-

- *Lower portion of infill may be solid to a height of 900mm;*
- *The remainder of the infill panel above 900mm shall be 50% open aspect...;*
- *Columns, piers and posts not higher than 2.1m, and not to exceed 600mm x 600mm in depth and breadth and shall not be closer than 1.8m from adjoining piers.”*

As previously mentioned the subject site is triangular in shape. This has resulted in a 44.398m front boundary, which under the guidelines of Council's Fencing Local Law would need to be 50% open aspect. Further to this, the first 6.0m of the secondary street, being Ozone Parade, would also need to be 50% open aspect. Given the unique profile of the lot, the architectural design has resulted in the bulk of the residence being in the south of the lot with the outdoor areas being in the north, or 'pointy' end. A swimming pool is proposed in this northern area as well.

As the plans show, the shape of the lot is unlike most normal corner lots, in that its triangular nature leaves the 'pointy' end visually exposed to two streets at close distance. Given the applicant's intention to use this portion of land as the main outdoor area it seems reasonable to grant a variation to front fence regulations to allow a solid screen wall for a portion of the front boundary to provide visual privacy. If an open aspect fence was enforced the applicant would lose any private outdoor space.

It is therefore recommended that the fence be approved in its current form.

CONCLUSION

Given the above assessment it is recommended that the proposed new two storey residence be approved subject to the following conditions:

- Revised plans being submitted showing a reduction in the wall height to 6.0m being AHD 19.50m.
- Revised plans being submitted showing a reduction in the amount of overshadowing to habitable room windows on the neighbouring property to the satisfaction of the Manager, Development Services.

VOTING

Simple Majority

COMMITTEE COMMENT

Due to the unusual triangular shape of the block and small adjoining property to the south, Committee were of the opinion that no matter what sort of development is proposed for this site it will always overshadow the neighbouring property considerably.

Committee moved to delete condition (m)(ii) from the recommendation. Note that condition (m)(i) becomes (m).

OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the New Two Storey Residence at No 48 (Lot 45) Margaret Street, Cottesloe in accordance with the plans submitted on 29th June 2005, subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
 - (e) That the existing redundant crossover in Margaret Street is removed, and the verge, kerb and all surfaces made good at the Applicant's expense.
 - (f) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
 - (g) Air conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (h) The applicant complying with the Town of Cottesloe – Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
 - (i) The spa pump and filter are to be located as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
 - (j) Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property on which the swimming pool is located and disposed of into adequate soakwells.

- (k) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
- (l) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.
- (m) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (i) The wall height of the proposed development being modified to comply with the requirements of Clause 5.1.1 of the Town Planning Scheme Text, being 6.0m (AHD 19.50m).
 - (ii) Revised plans being submitted showing a reduction in the amount of overshadowing to habitable room windows on the neighbouring property to the south to the satisfaction of the Manager, Development Services.

(2) Advise the submitters of this decision.

11.1.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Woodhill, seconded Cr Carmichael

That Council:

- (1) **GRANT its Approval to Commence Development for the New Two Storey Residence at No 48 (Lot 45) Margaret Street, Cottesloe in accordance with the plans submitted on 29th June 2005, subject to the following conditions:**
 - (a) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.**
 - (b) **Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
 - (c) **The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.**
 - (d) **The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.**
 - (e) **That the existing redundant crossover in Margaret Street is removed, and the verge, kerb and all surfaces made good at the Applicant's expense.**

- (f) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
 - (g) Air conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (h) The applicant complying with the Town of Cottesloe – Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
 - (i) The spa pump and filter are to be located as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
 - (j) Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property on which the swimming pool is located and disposed of into adequate soakwells.
 - (k) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
 - (l) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.
 - (m) Revised plans being submitted for approval by the Manager, Development Services, showing the wall height of the proposed development being modified to comply with the requirements of Clause 5.1.1 of the Town Planning Scheme Text, being 6.0m (AHD 19.50m).
- (2) Advise the submitters of this decision.

Carried 11/0

11.1.2 NO. 242 (LOT 3) MARINE PARADE – UPPER LEVEL ADDITION TO DWELLING

File No: 242 Marine Parade
Author: Mr Andrew Jackson
Author Disclosure of Interest: Nil
Attachments: Location plan
Previous report
Correspondence from applicant
Plans
Report Date: 8 August 2005
Senior Officer: Mr Stephen Tindale
Property Owner: Mrs M A Lynton-Lorato
Applicant: Lawrence Scanlan Architects
Date of Application: 13 July 2005
Zoning: Residential
Use: P - a use that is permitted under this Scheme
Density: R20
Lot Area: 364m²
M.R.S. Reservation: N/A

INTRODUCTION

- In June 2005 Council considered a report that reviewed the aspect of shadow associated with this proposal. The report summarised the background and presented further assessment. The report concluded that a condition to delete the subject gables could be removed. Council's resolution was that the condition be retained.
- The architect, on behalf of the applicant, maintains that the subject condition in all fairness ought to be removed and has re-applied in order to provide additional explanation and justification.
- This report presents and assesses the new material further to the previous report, which should be referred to.

ATTACHMENTS

- Letter from architect to Councillors dated 23 June 2005.
- 27 June 2005 report.
- Application letter from architect dated 14 July 2005.
- Application plans, including additional information showing little difference due to the gables – attention is drawn to plans A-06 and A-07.

PREVIOUS ASSESSMENT

- The previous report found that the amount of shadow could be reduced only marginally by removal of the gables. It also recognised the constrained nature of

the lots in the area and suggested that the relevant R Codes provisions be applied in the context of the existing situation.

- The architect submitted that the proposal is a reasonable design and that a degree of overshadowing is inevitable, and has pointed out the absence of any proposal for the objector's vacant lot next door.
- Overall it was concluded that the proposal with the gables was acceptable.

CONSULTATION

- The application was again advertised to neighbours, but unlike before no submission was received.
- Previously, due weight has been given to the objection from the owner to the south, although it is noted that the objector has not attended any Committee or Council meetings to elaborate on the matter.
- While the standard advertising letter advises that no submission may be taken as no objection, in this case it may be that the objector simply has nothing more to add.
- While the previous objection is acknowledged, it was considered to be not readily sustained without any firm development proposal and having regard to the constraints of the pattern of lots and development in the locality.

FURTHER ASSESSMENT

- While the intent of the solar access provisions of the R Codes is recognised, the shadow standards are compromised by existing developments and subdivision layouts, and even new dwellings in new subdivisions can find it necessary to seek relaxation on a performance basis.
- In this respect the R Codes in the explanatory test note the limitations and variables associated with overshadowing, while the performance criteria describe the principle to be weighed-up but not necessarily followed absolutely.
- In the subject case, the architect has demonstrated that hardly any difference can be made by altering the design and that the cast of shadow, although greater than the current percentage measure, would cover much the same position and not affect the balance of the lot.

CONCLUSION

- The additional material provided by the architect reinforces the officer finding that the shadow environment means that it is very difficult to achieve the desirable standard of the R Codes.
- The previous assessment emphasised that only single storey development would minimise shadow, yet two storeys is the norm here given the small, narrow lots and the primary objective of orientation to take advantage of the western ocean views.
- Hence it is considered that the subject condition essentially restricts the proposal compared to the established development and shadow regime.
- On this basis and taking into account the further information and assessment, approval including deletion of the subject condition is recommended.

VOTING

Simple majority

As the recommendation of the committee required a change to a Council decision made in June, 2005 the Mayor sought support for the change on a show of hands. At least one third of those present supported the change as required by regulation 10(1)(b) of the Local Government (Administration) regulations.

11.1.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council:

- (1) GRANT consent for the proposed rear, upper-level addition at No. 242 (Lot 3) Marine Parade, Cottesloe, as shown on the revised plans received on the 13 July 2005, subject to the following conditions:**
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.**
 - (b) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.**
 - (c) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
 - (d) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
- (2) Advise the submitter of this decision.**

Carried 6/5

11.1.3 NO 345 (LOT 41) MARMION STREET - NEW TWO STOREY HOUSE

File No:	No 345 (Lot 41) Marmion Street
Author:	Mr James Atkinson
Author Disclosure of Interest:	Nil
Attachments:	Location plan Correspondence from applicant Plans
Report Date:	8 August, 2005
Senior Officer:	Mr Andrew Jackson
Property Owner:	David Griffiths
Applicant:	Honest Holdings Pty Ltd
Date of Application:	26 May 2005
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	642m²
M.R.S. Reservation:	N/A

SUMMARY

The application was previously approved with conditions at the July 2005 round of Council meetings. Since that decision the applicant has negotiated with the adjoining neighbours and supplied Council with amended plans addressing the conditions of approval. The amended plans do not specifically address all the issues required by Council and as such the plans require re-approval.

Given the following assessment, the recommendation is to APPROVE the application subject to conditions.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- N/A.

HERITAGE LISTING

- N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No.3 – Boundary			
South Lower Whole	1.5m	1.0-1.8	Clause 3.3.1 – P1

STRATEGIC IMPLICATIONS

- N/A.

FINANCIAL IMPLICATIONS

- N/A.

CONSULTATION

REFERRAL

Internal

- N/A.

External

- N/A.

ADVERTISING OF PROPOSAL

The applicant met with the affected neighbour at 343 Marmion Street to discuss the amended plans. The neighbour has signed off on the changes.

STAFF COMMENT

As previously noted the application was approved subject to Conditions at the July 2005 round of Council meetings. Amended plans have been lodged addressing the Conditions imposed by Council, being the subject of this application. In their support the applicant has provided a letter of justification for their proposed changes (refer attached), which primarily address the required changes and modifications resulting from Council's decision.

Apart from the standard conditions, the following were imposed by Council at its July 2005 meetings:

- (a) *the Finished Floor Level of the entire building being lowered 570mm to AHD 10.4m.*
- (b) *the wall height being further lowered to 5.8m (being AHD 16.2m) and the roof ridge being further lowered to AHD 18.7m.*
- (c) *the setback of the southern wall to the first floor being increased to 2.5m.*
- (d) *the screens on the northern and southern sides of the rear, upper-level balcony being a minimum of 1.65m high measured from the Finished Floor Level (FFL) of the balcony.*
- (e) *the southern ground floor being setback 1.5m.*

The primary intent of the conditions was to alleviate the affect of overshadowing on the southern neighbour's outdoor habitable areas. In addressing these conditions the applicant seeks minor variations that are still in keeping with the original intent of the conditions.

The amended plans have addressed this issue as follows.

Condition (a)

The aim of this condition was to lower the overall wall height to address the issue of overshadowing. The amended plans propose to reduce the FFL of the rear half of the building by stepping it down from the front to AHD 10.4m as required. The front half of the building has been lowered to AHD 10.743m. The rear portion of the building was creating the overshadow issue by covering the neighbouring property's outdoor living area and entrances to habitable rooms. By stepping down the rear of the building the effect of overshadowing is reduced. The result is effectively the same as the original condition and is therefore supported by Planning Staff.

Condition (b)

The wall height has been amended as required. The applicant seeks to retain the original roof height of AHD 18.9m. This height complies with Council's building height regulations and will not have any adverse affect on overshadowing. The adjoining neighbour (south) has also agreed to this change. This variation from the original condition is supported by Planning Staff.

Condition (c)

The applicant has increased the first floor setback to the southern boundary in accordance with the original condition.

Condition (d)

The applicant has screened the balcony to 1.65m in accordance with the original condition.

Condition (e)

The section of wall to the garage and laundry/kitchen has a proposed setback of 1.0m. This does not comply with the Acceptable Development Standards of the R-Codes, however, the southern neighbour has agreed to the setback variation and therefore Planning Staff support the 1.0m setback.

CONCLUSION

It is recommended that the application be approved as per the amended plans which satisfactorily address the amenity concern of the neighbour while not exceeding scheme requirements.

VOTING

Simple Majority

11.1.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

- (1) That Council GRANT its Approval to Commence Development for the New two storey house at No 345 (Lot 41) Marmion Street, Cottesloe in accordance with the plans submitted on 2nd August 2005 and subsequent plans submitted on 26 May 2005, subject to the following conditions:
- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (e) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
 - (f) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
 - (g) The applicant complying with the Town Of Cottesloe – Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
- (2) Advise the submitters of this decision.

Carried 11/0

11.1.4 NO 6 (LOT 216) STANHOPE STREET - PROPOSED INCREASED BUILDING HEIGHT OF THE PREVIOUSLY APPROVED TWO-STOREY SINGLE RESIDENCE

File No:	No 6 Stanhope Street
Author:	Lilia Palermo
Author Disclosure of Interest:	Nil
Attachments:	Location plan Correspondence from Architect Submissions (2) Plans
Report Date:	11 August, 2005
Senior Officer:	Andrew Jackson
Property Owner:	Mr & Mrs Aitken
Applicant:	K.A. Aitken
Date of Application:	11 July 2005
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	759m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application to increase building height of the previously approved two-storey single residence at No 6 Stanhope Street.

Given the assessment that has been undertaken, the recommendation is to refuse the application for amended building heights. The previously granted planning approval is still current and the applicants can commence development as per the previously approved plans.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Building Heights Policy No 005

HERITAGE LISTING

- State Register of Heritage Places N/A
 - TPS No 2 N/A
 - Town Planning Scheme Policy No 12 N/A
 - Draft Heritage Strategy Report N/A
 - Municipal Inventory N/A
 - National Trust N/A
-

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
5.1.1 – Measurement of Building Heights	Wall height 6.0m – RL 26.4m	Wall Height 6.202m – RL 26.602m
5.1.1 – Measurement of Building Heights	Roof Ridge Height – 8.5m – RL 28.9m	Roof Ridge height – 8.672m – RL 29.072m

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2 and Residential Design Codes.

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

There were 5 letters sent out. There were 2 submissions received, of which 1 was an objection. (Please see the letter of objection in the Attachments)

BACKGROUND

The application for a two-storey residence was previously considered by Council several times. The latest approval for minor amendments to the previously approved plans was granted under Delegated Authority by the Manager of Development services on the 6th May 2005.

The original Planning Approval granted for a two storey residence on the subject property on 14 May 2004 contained the following specific conditions:

Revised plans being submitted to the Manager Development Services showing:

- (i) The wall height being reduced to a height of RL 26.4:*
- (ii) The roof ridge level being reduced to a height of RL 28.9*

The applicant subsequently submitted an application proposing the following two amended options, due to a difficulty in achieving the required driveway gradient:

- Option A: increasing the wall and roof ridge height of the building above the statutory height limits specified by the Planning Approval conditions;
- Option B: complying with the statutory height limits for wall and roof ridge height and moving the building back 4.0m.

The amended proposal submitted to Council on the 15th September 2004, incorporated the following:

- Lowering the wall height of the building on the eastern side by 330mm, this would make it comply with the statutory wall height requirement of 24.4RL;
- Seeking a variation to the wall height for the rest of the building, which would remain at 26.73 RL (330mm over the TPS 2 requirement);

The plans dated 15th September were considered by Council at its October 2004 round of meeting and the following decision was made:

That Council:

- (1) Determines the natural ground level at the centre of the site to be 20.4 RL for the purposes of Clause 5.1.1 of the Town Planning Scheme text*
- (2) REFUSE its Approval to Commence Development for the Two –Storey Residence Plus basement at No 6 (Lot 216) Stanhope Street, Cottesloe in accordance with the application submitted on 2nd August 2004 and additional plans received on 13th September 2004 as:*
 - (a) the proposed development exceeds the maximum wall height permitted under the Clause 5.1.1 (c) of the Town Planning Scheme text;*
 - (b) the Council is of the opinion that the natural ground forms on the subject property do not warrant a variation; and*
 - (c) the amenity of the adjoining property would be adversely affected due to increased wall height, which would be exacerbated due to the lower ground levels on the eastern side boundary.*
- (3) Advise the submitters of Council's decision.*

The current application is to increase the ground and the first floor finished floor levels by 2 brick courses (172 mm).

STAFF COMMENT

The main reason for requesting amended levels is the difficulty in achieving adequate driveway gradient, as stated by the applicant (see letters from Paul Meschiati and Associates and Mr and Mrs Aitken in the attachments).

Increasing the finished floor levels of the ground floor and the upper floor by 2 courses would also result in the overall building wall height increase to RL 26.602m (202mm higher than the required height under the Clause 5.1.1 (c)) and the roof ridge height to RL 29.072m (172mm higher than the required roof ridge height).

The following comment was received from the Council's Engineering Department regarding driveway gradient:

The current Australian Standard AS/NZS 2890.1: 2004 specifies a maximum gradient of domestic driveways being 1 in 4 (25%) (Please see an extract from the Australian Standard in the attachments).

The previously approved plans have an adequate driveway gradient in accordance with the current Australian Standard.

Therefore the applicant's justification for increased building heights due to the approved driveway gradient being not in accordance with the Australian Standard is not correct and could not be accepted as an argument.

The applicants have chosen to pursue a design of a two-storey residence with an undercroft garage on a property where the footpath in front of the property is higher than the centre of the site, which is not the best situation for this type of design.

The applicant quoted Clause 3.7.1 P1 - Building heights of the RDC, which is not relevant in this case as the Town of Cottesloe Town Planning Scheme No 2 contains statutory height restrictions in the scheme text, which would prevail over the height requirements in the RDC.

Clause 5.1.1 (c) gives Council discretion to allow variations to the statutory wall and roof height limits if Council determines that the topography of the land warrants a variation, provided that the amenity of neighbouring areas is not unreasonably diminished.

It is considered that the topography of the site does not warrant a variation to the heights limits under the TPS2 in this case.

The owners of 8 Stanhope Street are of the opinion that the amenity of their property would be affected.

The levels on the eastern side on the subject property are approximately 1.0m lower than the western side according to the Site Survey Plan supplied by the applicant. Therefore the wall height increase would be further exacerbated due to the difference in levels as seen from the adjoining property to the east.

In addition to the proposal exceeding statutory height requirements the proposal would not comply with the requirements under the Local Planning Policy – 005 – “Building Heights”.

Due to the lower natural ground level on the eastern side, the proposed development results in excessive wall height aspect towards the adjoining property to the east.

It is recommended that the proposal to increase wall height to RL 26.602m and the roof ridge height to RL 29.072m be refused.

CONCLUSION

It is recommended that the application received on 11th July 2005 be refused as the proposal does not comply with the statutory height limits for wall height and roof ridge height under the TPS 2 Clause 5.1.1 (c).

It is considered that the topography of the site does not warrant a variation to the statutory height limits under the Scheme and the amenity of the adjoining property would be affected due to the increased wall height.

VOTING

Simple Majority

11.1.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Woodhill

That Council:

- (1) Determines the natural ground level at the centre of the site to be 20.4 RL for the purposes of Clause 5.1.1 of the Town Planning Scheme text**
- (2) REFUSE its Approval to Commence Development for the Two Storey Residence Plus Basement at No 6 (Lot 216) Stanhope Street, Cottesloe, in accordance with the plans submitted on 11th July 2005 as:**
 - (a) The proposed development exceeds the maximum wall and roof ridge height permitted under Clause 5.1.1 (c) of Town Planning Scheme No. 2;
 - (b) The Council is of the opinion that the natural ground forms on the subject property do not warrant a variation;
 - (c) The amenity of the adjoining property would be adversely affected due to increased wall height, which would be exacerbated due to the lower ground levels on the eastern side boundary; and
 - (d) The plans previously granted planning approved by Council on the 6th May 2005 show an adequate driveway gradient in accordance with the current Australian Standard and therefore the justification provided by the applicant based on non-compliance with the driveway gradient requirement could not be used as an argument.
- (3) Advise the submitters of Council’s decision.**

Carried 11/0

11.1.5 NO 8 (LOT 3) GEORGE STREET – ADDITIONS AND ALTERATIONS

File No:	No 8 (Lot 3) George Street
Author:	Mr James Atkinson
Author Disclosure of Interest:	Nil
Attachments:	Location plan Report from applicant Plans - Existing & Proposed
Report Date:	5 August, 2005
Senior Officer:	Mr Andrew Jackson
Property Owner:	Mr R.L Washer
Applicant:	Bernard Seeber Architects Pty Ltd
Date of Application:	5 August, 2005
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	576m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for alterations and additions to an existing residence, consisting of a new front fence, swimming pool, new stairs, new garage and a bathroom. The section of the application regarding the front fence requires Council's decision as it does not comply with Cottesloe's Fencing Local Law. The existing carport has also been brought forward and converted to a garage, resulting in it being deemed non-compliant with Councils Policy No.003 – Garages and Carports in Front Setback Areas.

Given the following assessment it is recommended that the application be APPROVED subject to conditions.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2.
- Town of Cottesloe Local Fencing Law.

POLICY IMPLICATIONS

- No.003 – Garages and Carports in the Front Setback Areas.

HERITAGE LISTING

N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Local Laws

Law	Required	Provided
Fencing Local Law	Solid wall no higher than 900mm	Solid wall up to 1800mm in part

Town Planning Scheme Policy

Policy	Required	Provided
No.003 - Garages and Carports in Front Setback Areas	4.5m	1.2m

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

The application was advertised as per Town of Cottesloe Town Planning Scheme No 2. The advertising consisted of letter to adjoining property owners

Submissions

There were 5 letters sent out. No submissions were received.

STAFF COMMENTGarage Setback

It is proposed that the existing carport be moved forward to allow for extra storage space, and new walls, roof and door be constructed. The existing carport is setback 4.7m from the front boundary, the proposed setback is 1.2m. The Town of Cottesloe Policy No. 3 - Garages & Carports In Front Setback Areas states that all parking structures should generally be setback 6.0m from the street frontage, however, Council may permit variations to the required setbacks in certain circumstances, as below:

- *A garage or carport may, with the approval of Council, be constructed up to 4.5 metres from a primary street alignment where vehicles are parked at right angles to the street alignment and 1.5 metres where vehicles are parked parallel to the street alignment.*

- *A carport may, with the approval of Council, be constructed up to the street alignment.*

The Residential Design Codes (R-Codes) define a carport as “a roofed structure designed to accommodate one or more vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable.” And a garage as: “Any roofed structure, other than a carport, designed to accommodate one or more motor vehicles”.

In this regard the proposed structure can be considered a garage, not a carport, and thus a front setback of 4.5m would be necessary.

The garage design is not supported by Planning Staff in its current form.

It should be noted that there are a number of setback variations along George Street, most notably, the adjoining property (No.6) having a garage built up to the street alignment. Given George Street is a short and narrow local street with a built-up character, setbacks for buildings and garages/carports have been relaxed in the past. A number of dwellings on the eastern side of the street actually have double frontage with access from both George Street and Curtin Avenue. This has resulted in garages at the rear being close to the street (George) alignment. The applicant provided written comments supporting their proposal on similar grounds (refer attached letter).

Notwithstanding this, Council’s policy for garages and carports is specific on its grounds for variations to setback requirements, where it allows a 4.5m setback for cars parked at right angles to the street and 1.5 where parked parallel. Given this, it is recommended that the garage be either setback 4.5m from the street alignment, in accordance with Council’s Policy, or the structure be redesigned to comply with the requirements for a carport, whereby the reduced setback could be supported.

Front Fence

It is proposed that the existing low, open aspect fence be replaced by a new solid wall. The wall is to be 1.8m high, constructed of rendered masonry with aluminium lattice in parts. As the attached plans indicate, the wall does not comply with Council’s Fencing Local Law, where any front fence needs to be 50% open aspect with any lower infill portions of the wall being a maximum of 900mm from natural ground level (NGL). The proposed wall has solid infill panels of between 1.2m and 1.8m from NGL.

The applicant provided written support for the proposed fence (as attached) stating that (in part):

- *The boundary wall has been designed to provide visual privacy.*
- *George Street conditions are unique given the history of development resulting in variation in setback and street-front resolution.*
- *Several existing street-front works in the immediate locale include solutions that vary from Council’s Local Fencing Law and Residential Design Codes.*

There are a number of setback and front fence variations along the street, however, historical decisions should not necessarily provide justification for further variations,

particularly as some building works may have been completed before the introduction of current Local Laws and Policies. The streetscape of George Street would be diminished by the approval of a screen wall, particularly in association with the proposed garage. Notwithstanding this, the intent of Cottesloe's Fencing Local Law is to provide a permeable streetscape through open aspect design criteria. Solid structures such as screen walls do not contribute to the intent of the Local Law particularly in association with garages to the boundary.

It is therefore recommended that the proposed solid fence be amended to comply with Council's Fencing Local Law.

CONCLUSION

It is recommended that the application be approved subject to the following:

- The garage being setback 4.5m from the front boundary in accordance with Council's Garage/Carport Policy, or the garage being modified to a carport (in accordance with Council's requirements) and approved in its current location.
- The front screen wall be modified to comply with the requirements of Council's Local Fencing Law.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

That Council GRANT its Approval to Commence Development for Alterations and Additions at No 8 (Lot 3) George Street, Cottesloe in accordance with the plans submitted on 29th June 2005, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
- (2) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (3) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (5) The applicant complying with the Town Of Cottesloe – Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.

- (6) The spa pump and filter are to be located as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
- (7) Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property on which the swimming pool is located and disposed of into adequate soakwells.
- (8) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
- (9) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.
- (10) Revised plans being submitted for approval by the Manager, Development Services showing:
 - (a) The garage being modified in accordance with the following:
 - (i) The garage being setback 4.5m from the front boundary, or
 - (ii) The garage being redesigned to comply with the requirements of a 'Carport', as defined in the residential Design Codes, and approved in its proposed location.
 - (b) The front fence being modified to comply with the requirements of Councils Fencing Local Law, in that it be 50% open aspect.

AMENDMENT

Moved Cr Furlong, seconded Cr Stzina

That 10(b) be amended to read:

- (b) The front fence being modified to comply with the requirements of Councils Fencing Local Law, in that it be 50% open aspect except for the minor section in front of the swimming pool.

Carried 8/3

11.1.5 COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Jeanes

That Council GRANT its Approval to Commence Development for Alterations and Additions at No 8 (Lot 3) George Street, Cottesloe in accordance with the plans submitted on 29th June 2005, subject to the following conditions:

- (1) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.**

- (2) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
- (3) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
- (5) The applicant complying with the Town Of Cottesloe – Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.**
- (6) The spa pump and filter are to be located as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.**
- (7) Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property on which the swimming pool is located and disposed of into adequate soakwells.**
- (8) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.**
- (9) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.**
- (10) Revised plans being submitted for approval by the Manager, Development Services showing:**
 - (a) The garage being modified in accordance with the following:**
 - (i) The garage being setback 4.5m from the front boundary, or**
 - (ii) The garage being redesigned to comply with the requirements of a 'Carport', as defined in the residential Design Codes, and approved in its proposed location.**
 - (b) The front fence being modified to comply with the requirements of Councils Fencing Local Law, in that it be 50% open aspect except for the minor section in front of the swimming pool.**

Carried 10/1

11.1.6 42 JOHN STREET – REMOVAL OF PINE TREES – FOLLOW-UP REPORT

File No:	42 John Street
Author:	Mr Andrew Jackson
Author Disclosure of Interest:	Nil
Attachments:	Location plan Letter from owner and arboricultural report Previous report
Report Date:	8 August 2005
Senior Officer:	Mr Stephen Tindale

INTRODUCTION

- In July Council considered a status report on the partial removal of two Pine trees from this heritage-listed property.
- The resolution was as follows:

That Council:

1. *Note this status report and defer a decision on any remedial or prosecution action, pending receipt of an arboricultural report from the owner, advice from the Heritage Council, and/or a further officer report on the matter at the August round of meetings.*
 2. *Authorise the administration to write to the owner:*
 - (i) *advising of this interim decision;*
 - (ii) *reiterating that no continued or additional tree removal should occur without the written consent of Council;*
 - (iii) *inviting the owner to suggest suitable rectification of the matter; and*
 - (iv) *inviting the owner to enter into a deed of agreement with Council to abide by the Scheme requirements for Council consents and approvals.*
- The purpose of this report is to advise of progress on the matter and recommend an outcome.

STATUTORY ENVIRONMENT

- TPS2
- Heritage Act

POLICY IMPLICATIONS

- Aside from the Scheme (and the State Register of Heritage Places), the property is listed in Council's MHI, which is a significant policy instrument.
- The tree removal goes against the spirit and intent of that listing.

STRATEGIC IMPLICATIONS

- This matter relates to the protection of heritage places as classified by Council or other authorities, as well as the administration of TPS2.

FINANCIAL IMPLICATIONS

- Compliance action by staff is a resource cost to Council.
- Prosecution action by solicitors for Council would generate legal costs, which may be recoverable.

FURTHER INFORMATION & ASSESSMENT**Arboricultural report**

- The arboricultural report is constrained by being after the event whereby evidence is limited.
- The report appears thorough and indicates that the health and safety of the trees was compromised, which may have warranted removal in any case.
- The report is assessed as a reasonable basis on which to decide the fate of the trees, and had it been provided before the event would most likely have been relied upon, weighed against the overall amenity and heritage considerations.
- It concludes that the subject two trees should be removed.
- It also concludes that a subject third tree should remain, with which the owner agrees.

HCWA advice

- Liaison with the Heritage Council of WA has occurred but its advice is likely to take a while longer.
- However, the HCWA has verbally advised that it is supportive in-principle of Council's stance and action given the heritage situation and past unauthorised tree removal.

Response from owner

- Follow-up liaison with the owner has occurred regarding the letter of Council's July decision.
- The owner has verbally advised that he would like to help resolve the matter and intends to respond in writing regarding points (2) (ii) to (iv) of Council's decision (not yet received).

Options for action

- As mentioned previously, the question arises as to what, if any, alternative remedy might be considered:
 - Tree replacement may be an option (of suitable species and location).
 - Further control over trees on the property by way of a restrictive covenant may be an option.
 - Further control over trees on the property by way of a deed of agreement with the owner may be an option, together with a notification on title – clause 6.4 of the Scheme provides for such agreements in respect of such heritage matters.
 - Tree replacement in the same locations would be problematic and there is no easy or quick way to replicate the character of Pine trees.
 - While the Scheme provisions should stand to protect the place, including trees, given the two successive incidents of non-compliance, some reinforcing mechanism appears warranted.
 - Prosecution would be consistent with the Scheme provisions -and may encourage future compliance, but would seem heavy-handed given the current awareness and cooperation of the owner.
-

VOTING

Simple majority

11.1.6 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council authorise the administration to write to the owner:

- (1) Consenting to completion of the removal of the subject second Pine tree;
- (2) Confirming that the subject third Pine tree is to be retained intact;
- (3) Reinforcing that no further tree removal now or in the future should occur without the written consent of Council; and
- (4) As an alternative to prosecution, requesting the owner to enter into a deed of agreement with Council to abide by the Scheme requirements for Council consents and approvals, with the applicant bearing the cost of the deed being drafted by Council's solicitors and registered.

Carried 11/0

12 WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 16 AUGUST 2005

Items withdrawn for further discussion and dealt with in this order: 12.1.1 – 12.1.6, 12.2.1, 12.2.5, 12.2.9, 12.3.3.

Items adopted enbloc following the above: 12.1.7, 12.1.8, 12.2.2, 12.2.3, 12.2.4, 12.2.6 – 12.2.8, 12.2.10, 12.3.1, 12.3.2, 12.3.4.

12.1 ADMINISTRATION

12.1.1 PROCOTT INCORPORATED - AGREEMENT RELATING TO SPECIFIED AREA RATES

File No: X5.1
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 10 August, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to place the common seal of the Town of Cottesloe on an agreement relating to specified area rates.

STATUTORY ENVIRONMENT

Section 6.37 of the *Local Government Act 1995* applies:

6.37. *Specified area rates*

- (1) *A local government may impose a specified area rate on rateable land within a portion of its district for the purpose of meeting the cost of the provision by it of a specific work, service or facility if the local government considers that the ratepayers or residents within that area —*
 - (a) *have benefited or will benefit from;*
 - (b) *have access to or will have access to; or*
 - (c) *have contributed or will contribute to the need for, that work, service or facility.*
 - (2) *A local government is required to —*
 - (a) *use the money from a specified area rate for the purpose for which the rate is imposed in the financial year in which the rate is imposed; or*
 - (b) *to place it in a reserve account established under section 6.11 for that purpose.*
 - (3) *Where money has been placed in a reserve account under subsection (2)(b), the local government is not to —*
 - (a) *change the purpose of the reserve account; or*
 - (b) *use the money in the reserve account for a purpose other than the service for which the specified area rate was imposed, and section 6.11(2), (3) and (4) do not apply to such a reserve account.*
 - (4) *A local government may only use the money raised from a specified area rate*
-

- (a) *to meet the cost of providing the specific work, service or facility for which the rate was imposed; or*
 - (b) *to repay money borrowed for anything referred to in paragraph (a) and interest on that money.*
- (5) *If a local government receives more money than it requires from a specified area rate on any land or if the money received from the rate is no longer required for the work, service or facility the local government —*
- (a) *may, and if so requested by the owner of the land is required to, make a refund to that owner which is proportionate to the contributions received by the local government; or*
 - (b) *is required to allow a credit of an amount proportionate to the contribution received by the local government in relation to the land on which the rate was imposed against future liabilities for rates or service charges in respect of that land.*

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

One of the strategic objectives of Council is to:

Define, enhance and preserve the following precincts: Marine Parade (commercial and residential); Napoleon Street and Town centre; Heritage; Recreational and Residential.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

In May 2004 Council made the following resolutions;

That Council

1. *Give "in principle" support to the imposition of a specified area rate for the Town Centre Zone as defined by Town Planning Scheme No.2.*
2. *Support the appointment of Mayor Rowell and Cr Cunningham to a sub-committee to be formed by the Cottesloe Business Association to work out an appropriate rate and budget for the coming year to be presented to the June Council meeting for discussion and possible recommendation through to Council's budget-setting meetings; and*
3. *That subject to the adoption of a specified area rate, no money be transferred from the Town of Cottesloe to any service agency until the following has occurred:*
 - (i) *A license agreement has been put in place between the Town of Cottesloe and the Cottesloe Business Association that has the complete support of the Cottesloe Town Council and the majority of traders from Cottesloe as determined at a special meeting of the traders.*
 - (ii) *An incorporated body (service agency) has been set up with the powers to be agreed to by the above-mentioned groups who will administer the*

funds as laid down in the license agreement and the constitution of the incorporated body.

At a special Council meeting held on 1st July 2004 it was resolved

That Council, in its 2004/05 Budget and for the purposes of area promotion, include the raising of a specified area rate of 1.5 cents in the dollar on the Gross Rental Valuations of all of the rateable land bounded by Forrest Street, Stirling Highway, the railway line, Brixton Street and Railway Street as shown in Appendix 1 of Town Planning Scheme Number 2 and as the Town Zone Development Policy Plan, except for lots 50 and 61 and any other property in the specified area that is used solely for residential purposes.

At the ordinary meeting of Council held in February 2005 a draft agreement between the Town of Cottesloe and ProCott Incorporated relating to specified area rate monies was presented to Council.

At the February Council meeting it was resolved

- (1) *That Council support the Agreement Relating to Specified Area Rate Monies (as amended by Council at this Meeting) subject to:*
 - (a) *the date shown at Clause 3.5 being changed from 1 September to 15 October,*
 - (b) *the CEO being satisfied with any minor changes proposed by the special meeting of traders, if any, and*
 - (c) *the receipt of written advice from Watts & Woodhouse that the interests of Council are sufficiently protected by the agreement as amended;*
- (2) *That the Mayor and CEO be authorised to sign the Agreement Relating to Specified Area Rate Monies subject to verifying the incorporation of ProCott Incorporated; and*
- (3) *That specified area rate monies for the 2004/05 financial year be disbursed to ProCott Incorporated, once the agreement has been executed.*

A copy of the latest draft of the agreement is attached together with a copy of the *Certificate of Incorporation* of ProCott Incorporated.

CONSULTATION

In accordance with the February resolution of Council further advice has been taken from ProCott Incorporated and Watts & Woodhouse on suggested minor changes to agreement.

STAFF COMMENT

Given the passage of time and changes in the elected membership of Council, it is felt that prudence demands that Council be fully informed of the details of the agreement that is about to be entered into.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

12.1.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Carmichael

That Council:

- (1) Authorise the Mayor and CEO to sign and seal the *Agreement Relating to Specified Area Rate Monies* between the Town of Cottesloe and ProCott Incorporated; and**
- (2) That specified area rate monies for the 2004/05 financial year be disbursed to ProCott Incorporated once the agreement has been executed.**

Carried 11/0

12.1.2 BARCHETTA - REVIEW OF RENTAL

File No: E2.8
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 19 July, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

Recommendations are made to:

1. Maintain the current rental arrangements for the Barchetta until such time as they are due for review in July 2007 under the terms of the lease agreement.
2. Prepare and execute a deed of agreement which permits rather than prohibits the sale of alcoholic beverages or refreshments on or from the premises.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

At its June 2005 meeting Council passed the following resolutions:

That Council:

- (1) Support the application for a restaurant liquor licence for Barchetta to permit the sale of alcohol to persons over 18 years of age for consumption "ancillary" to a meal on the licensed premises, subject to:
 - (a) the proprietor demonstrating there is sufficient storage area for the alcohol to be stored on the site;
 - (b) satisfactory completion of any outstanding health works;
 - (c) alcohol is not to be served to patrons after 11.00pm on any day;
 - (d) the lease being amended to allow the restaurant liquor licence subject to agreement on a rent review; and
 - (e) BYO remaining available as an option to restaurant patrons.
-

- (f) Specifically limit the licensed area to that area covered by the lease agreement and excluding the adjacent designated outdoor dining area.

At the time of considering the matter at committee level, there was some debate as to whether that which was being proposed was in contravention of original tender conditions. Specifically, would Beachfront Enterprises as the lessee be receiving an economic benefit not contemplated at the time of originally going to tender?

After reviewing the file, it is now apparent that while the extension of the liquor license is not an issue in terms of compliance with the original tender process, any change in rental arrangements may be.

Liquor License

While it was intended that the café remain alcohol free, it was never made a condition of the original tender. In February 2001, Council therefore agreed to the operation of the proposed new North Cott Café on a 'BYO' liquor basis without voiding, as it were, the original tender conditions.

In September 2001 the Western Australian Planning Commission granted its approval for the development which included the following condition:

The restaurant component of the building is to be used for restaurant purposes only, meaning a premises where the predominant use is the sale and consumption of food and drinks and where seating is provided for patrons, and where the consumption of alcohol is limited to that permitted in a premises licensed as a "restaurant" under the Liquor Licensing Act 1988.

In other words, there is nothing that effectively constrains Council from supporting the extension of the liquor license **other** than clause 16.1 of the lease agreement which provides in part that:

The Lessee must ... not sell or advertise for sale, alcoholic beverages or refreshments or any tobacco related products on or from the Premises...

Clause 52 of the lease agreement provides that:

This Document may be varied only by deed executed by the parties.

If Council's June 2005 resolution is to be followed through, then clause 16.1 can only be varied by a deed executed by the parties.

Rental Arrangements

In March 2000 a licensed valuer furnished an opinion to the then CEO on the rental structure contained within the proposed lease agreement between the Town of Cottesloe and Beachfront Enterprises.

The opinion was based on a market rental value of \$55,000 and a scheme whereby the actual rental was \$20,000 for the first five years and market value thereafter. The financial analysis of the rent scenario assumed a development cost of \$200,000.

In summary, the valuer's opinion was that the proposed rental arrangement was very attractive to the Town of Cottesloe and worthy of serious consideration.

Some time later Council agreed to the extension of the café's dining area to include the balcony area. Lease negotiations then became somewhat convoluted as an attempt was made to increase the rent in order to recognise the additional floor space and associated increase in potential income accruing to the lessee.

However, as the original tender spoke to an initial five year ground rent proposal, followed by a market value rental scheme, Council was asked to reassess its position because it appeared to be outside the original tender requirements.

In February 2001, Council therefore endorsed legal advice given by Freehills which was to simplify the rental arrangements for the North Cott Café in order to remain consistent with the intent of the original tender.

This meant a:

- CPI indexed ground rent only for the first five years; and
- Full market rental thereafter, in accordance with the agreed formula, including a component for the building balcony area.

In other words if Council is to remain consistent with its own tender requirements and its February 2001 decision, the initial ground rent lease arrangement for the first five years should stand irrespective of any changes in market rental values driven by, say, increases in floor space or liquor licensing arrangements.

CONSULTATION

Nil.

STAFF COMMENT

The current lease agreement will need to be varied by deed if liquor licensing arrangements are to be varied. This would not be inconsistent with the original tender provisions.

However a change in the rental arrangements would be inconsistent with the original tender provisions and Council's February 2001 decision and is therefore not supported.

In July 2007 the rent from the lease of the Barchetta will change from a ground rent to a full market rent. It is felt that Council should wait until then to recoup its share of economic gain arising from the change in liquor licensing arrangements

For the benefit of newly elected members, a confidential extract from a 2002 report to Council is attached. It shows that the Town of Cottesloe is obtaining a significant long term gain from current rental arrangements.

VOTING

Simple Majority

COMMITTEE COMMENT

Discussion was held in relation to:

- the capacity for a rent increase;
- concern that the take-away kiosk does not seem to be operating, as stated in the lease;
- guarantee of BYO alcohol;
- the tables in the alfresco area are located too close to the stairs;
- the damage that is being done to the dunes, due to people taking shortcuts to the toilets; and
- the storage of bins outside the premises.

OFFICER RECOMMENDATION

That Council:

- (1) Maintain the current rental arrangements for the Barchetta until such time as they are due for review in July 2007 under the terms of the lease agreement; and
- (2) Prepare and execute a deed of agreement which permits rather than prohibits the sale of alcoholic beverages or refreshments on or from the premises.

COMMITTEE RECOMMENDATION

That Council:

- (1) Maintain the current rental arrangements for the Barchetta until such time as they are due for review in July, 2007 under the terms of the lease agreement; and
- (2) Prepare for Council's further consideration a deed of agreement:
 - (a) which permits rather than prohibits the sale of alcoholic beverages or refreshments on or from the premises;
 - (b) guarantees BYO alcohol; and
 - (c) sets out minimum opening hours of the take-away kiosk.

AMENDMENT

Moved Cr Strzina, seconded Cr Cunningham

That:

- (1) Council maintain the current rental arrangements for the Barchetta until such time as they are due for review in July, 2007 under the terms of the lease agreement; and
- (2) Administration prepare for Council's further consideration a deed of agreement:
 - (a) which permits rather than prohibits the sale of alcoholic beverages or refreshments on or from the premises;
 - (b) guarantees BYO alcohol; and
 - (c) sets out minimum opening hours of the take-away kiosk.

Carried 7/4

12.1.2 COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That:

- (1) Council maintain the current rental arrangements for the Barchetta until such time as they are due for review in July, 2007 under the terms of the lease agreement; and**
- (2) Administration prepare for Council's further consideration a deed of agreement:**
 - (a) which permits rather than prohibits the sale of alcoholic beverages or refreshments on or from the premises;**
 - (b) guarantees BYO alcohol; and**
 - (c) sets out minimum opening hours of the take-away kiosk.**

Carried 7/4

12.1.3 BEACHES - PROPOSED GRAVITY H2O GAMES EVENTS

File No: C2.1
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 10 August, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to put before Council an application from Gravity H2O Games to hold kiteboarding events at Cottesloe Beach and an area of beach between Beach and Princes Streets in October 2005 as back up venues for events being held on the Swan River. The recommendation is that the application be approved subject to compliance with Council's Beach Policy, relevant laws and direction of the CEO.

STATUTORY ENVIRONMENT

Council's Beach and Beach Reserves Local Law applies. Among other things, the Local Law provides Council with some controls over what is done in the water for a distance of 200 metres seaward from the low water mark.

Clause 11 of the Local Law provides as follows:

11. ***Functions, Organised Sport and Other Activities***

In order to manage the Defined Area, written permission from Council is required prior to holding any Function.

Clause 6.9 provides that:

6.9 *An authorised person may set aside specified areas in which bathing is prohibited by the placement of notices, flags or such indicators as are from time to time provided or required by the council*

Clause 6.11 provides that:

6.11 *Surfboarding is not permitted north of the Cottesloe Beach Groyne except between 1 April and 30 September, each year, and is entirely prohibited at all times in the following areas:*

- (a) *the area bounded by the north side of the Cottesloe Beach Groyne and an imaginary line between the western end of the groyne and a point on the shoreline one hundred metres north of the Cottesloe Beach Groyne;*
- (b) *Eric Street Pool and Vera View Beach;*

but these restrictions may be varied at the discretion of an authorised person

POLICY IMPLICATIONS

Council's Beach Policy applies generally and (I) specifically and the latter is as follows:

(I) Significant Beach Events**(i) Subject to**

- *the provisions of the Beaches and Beach Reserves Local Law,*
- *consideration of how timing, location and activities may affect other beach users and residents,*
- *using discretion to ensure that the prime usage of Cottesloe and North Cottesloe beaches remains passive recreation, and*
- *the payment of the fee as set out in Council's List of Fees and Charges,*

the CEO may approve applications for significant beach events without reference to Council in the following circumstances.

(ii) Only one significant beach event per month to be approved without specific referral to Council.**(iii) Significant events with any commercial or profit making goals will not be approved by the CEO in the first instance. At the CEO's absolute discretion, applications for such events may be referred to Council for approval which may or may not be granted by the Council.****(iv) Beach event organisers are required to submit evidence to the CEO's satisfaction that:**

- *An appropriate public liability insurance is in force.*
 - *A suitable risk management plan has been prepared.*
 - *Safety measures are in place, which are appropriate for the event. An aquatic safety plan is considered an appropriate safety measure for significant events with more than 3000 attendees.*
 - *All relevant statutory requirements have been met (eg health, traffic, safety regulations).*
 - *The Town of Cottesloe is indemnified against all claims arising from the event.*
 - *A strategy is in place to clean up after the event.*
 - *Noise limits from any equipment will not exceed statutory levels.*
-

- *Public access to facilities will not be impeded.*
 - *Relevant emergency authorities have been informed of the event.*
- (v) *Beach event organisers are required to observe the directions of authorised Council officers throughout any event.*

The Policy defines a significant beach event as follows:

“significant beach event” *means an event which involves one or more agencies and which will result in more than 50 people, or any form of structure, being on the beachfront area (including the Marine Parade public areas). For clarification, events such as the Sea Dragon Festival, Rottnest Channel Swim and sporting tournaments are included in this definition. Cottesloe and North Cottesloe Surf Life Saving Club’s surf life saving activities are not considered to be significant events for the purposes of this policy.*

The CEO has already approved one event for October (the Surf Life Saving WA Ocean Endurance event).

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council has set no fees for such events as yet however staff are working on a draft for presentation to Council in the next few months. There will be some costs associated with dealing with the application and Ranger patrols on the event days however these costs are difficult to determine at this stage and are covered within budget provisions.

BACKGROUND

Organisers of the Gravity H2O Games seek to use Cottesloe beaches as a back up venue (required in case there is not enough wind) for kiteboarding events they are staging on the Swan River near McCallum Park. Similar events were held last year on the beach just south of Cottesloe’s southern boundary. The event has some commercial sponsorship and is underwritten by Events Corp.

The proposal is for an area of beach and water immediately north of the south Cottesloe groyne and Cottesloe main beach, and adjacent waters, to be used by exclusively by officials and competitors for kiteboarding competitions from Wednesday 5 October through to Sunday 10 October (operation plan and location maps attached). The operation will involve a caravan and some tents west of Marine Parade, a roped off section of beach for a launch area and marker buoys in the water

to delineate the competition zone. Everything is portable and so will move from location to location and not be set up till just before an event starts and be pulled down once the event ends. The program provides for a decision to be made at 9am each day on which location is to be used (dependant on wind) and competition does not start before noon.

The organisers have prepared comprehensive plans that include risk management, emergency response and the like and Surf Life Saving WA will be providing a jet ski rescue team and first aid officer.

The Cottesloe Surf Life Saving Club Manager was made aware of the application and proposed use of Cottesloe Main Beach and said the Club would have no difficulties with the competition being held there.

CONSULTATION

The author has consulted with the applicant the Cottesloe Surf Life Saving Club Manager, Council Rangers and Council's EHO.

STAFF COMMENT

It is expected that there would be little impact for events held near the south Cottesloe groyne as this area is not well used. Similarly, it is expected that unless the days are really warm numbers at Cottesloe main Beach would be low especially after the sea breeze comes in. The organisers expect to have up to 200 spectators, 32 competitors, 8 crew and 8 people involved in other associated activities. The event is to be filmed for international distribution and this will be the main focus of any events that may be held on Cottesloe Main Beach.

The recommendation is for approval subject to the applicant complying with:

- Part (l) of Councils Beaches Policy – this deals with significant beach events.
- All relevant legislation – include the Town's Local Law
- Directions of the CEO – the events may not come under the provisions of the Health (Public Building) Regulations 1992 but there may be a need for facilities such as portable toilets at the south Cottesloe groyne location where there are no facilities. It is expected that the Town's EHO would be involved in assessing any needs.

VOTING

Simple majority

COMMITTEE COMMENT

The committee agreed that the Australian flags will be flown from the flag poles at the Indiana Tea House during the event.

A filming fee of \$260 per day is to be charged, as per the Council fees and charges.

It was noted that the organisers are to be made aware of public safety issues in relation to the possibility of the public using the swimming beach during the duration of the event.

OFFICER RECOMMENDATION

That Council approve the application from Gravity H2O Games for Cottesloe Main Beach and the beach north of the south Cottesloe groyne to be used as a backup venue for kiteboarding competitions between 5 October and 9 October, 2005 subject to compliance with the Significant Beach Events section of Council's *Beach* Policy, relevant laws and directions of the Chief Executive Officer.

12.1.3 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council:

- (1) Approve the application from Gravity H2O Games for Cottesloe Main Beach and the beach north of the south Cottesloe groyne to be used as a backup venue for kiteboarding competitions between 5 October and 9 October, 2005 subject to compliance with the Significant Beach Events section of Council's *Beach* Policy, relevant laws and directions of the Chief Executive Officer;**
- (2) Arrange for the Australian flags to be flown from the flag poles at Indiana Tea House during the event; and**
- (3) Advise the organisers of the Gravity H2O Games of the requirement to pay filming fees.**

Carried 9/2

12.1.4 COTTESLOE CIVIC CENTRE - NEW YEARS EVE EVENT

File No: X7.2.2
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 10 August, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to put before Council an application from DG Global Productions on behalf of Mustard Catering to hold an event in the Civic Centre Grounds this New Year's Eve with a recommendation that it be approved.

STATUTORY ENVIRONMENT

Open air concert venues are to be assessed for safety compliance and issued with a Certificate of Approval in accordance with the *Health (Public Building) Regulations, 1992*.

An application for a Regulation 18 event is required pursuant to the *Environmental Protection (Noise) Regulations, 1997*.

Where alcohol is to be served, the *Liquor Act, 1988* requires that the promoter hold an approved liquor licence for the venue.

Where food is to be served the construction, food preparation, storage and handling must comply with the *Health (Food Hygiene) Regulations, 1993*.

Where fireworks are proposed, approval under the *Explosives and Dangerous Goods Act, 1961* is required from the Department of Industry & Resources.

POLICY IMPLICATIONS

Council's *Civic Centre Hall Bookings* policy has application but its provisions with respect to noise and the like are superseded by the statutory requirements associated with holding an event.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council's List of Fees and Charges provides for an application fee of \$500, a fee of \$7,000 to \$10,000 for the event day/night, a bond of \$3,000 and a set up and breakdown fee of \$350 per day.

BACKGROUND

Mustard Catering have engaged an events organisation (DG Global Productions) to assist with its proposed event at the Civic Centre for this New Year's Eve. The proposal is for an event, to be called Soundwaves, targeted at the 25+ age group to be held on the upper lawn area commencing at 6pm on 31 December, 2005 and

concluding at 2am on 1 January, 2006 and the numbers attending will be limited to 3,000.

The application provides that the event will have bands playing from 6pm till 10.30pm approximately then "International DJ's" till 2am and that the music will be mainly "Funky dance" and fireworks at midnight. The intention is to have 35 security staff depending on ticket sales, portable toilets etc to meet relevant requirements. The upper lawn area is intended to be used for the main function with the lower lawn area used as a "chill out"/ food vending area. Alcohol will be sold and the application indicates that 90% of attendances will relate to pre sold tickets and 10% to ticket sales at the gate.

CONSULTATION

The event organisers have discussed the proposed event with Council's Environmental Health Officer with respect to requirements for holding such events.

STAFF COMMENT

It is noted that for the fireworks intended for midnight the applicant will be required to obtain Department of Industry & Resources approval and would not be permitted to have these within the Civic Centre Grounds. The event organisers are, it is understood, in discussions with the Cottesloe Tennis Club with regard to this.

VOTING

Simple majority

COMMITTEE COMMENT

Cr Utting raised concern that this type of event encourages excessive drinking and noise in a residential area and would like to ensure that community consultation is undertaken. He also suggested that the bar be closed at an earlier time, such as 11.30pm.

The Environmental Health Officer stated that it is a Regulation 18 event and will be run in accordance with regulations. All residents within the noise profile will be notified of the event.

The Mayor stated that Council could be going down the wrong path in offering youth events on New Years Eve. His preference is for an event of a more subdued nature.

OFFICER & COMMITTEE RECOMMENDATION

That Council

- (1) Supports the application submitted by GD Global on behalf of the promoter, Mustard Catering, for a concert at the Cottesloe Civic Centre on New Years Eve 2005 for up to 3,000 people subject to the following conditions:
 - (a) compliance with the *Health (Public Building) Regulations, 1992* and the issue of a Certificate of Accommodation prior to the event;
 - (b) approval of a Regulation 18 event by the Chief Executive Officer;

- (c) approval of food and liquor service arrangements by the Environmental Health Officer;
- (d) satisfactory provision of information and completion of all items outlined in the Town's Event Application and Approval checklist;
- (e) approval from Department of Industry & Resources for any proposed fireworks display;
- (f) fireworks being located such that there is no adverse impact on buildings or vegetation within the Civic Centre Grounds or any buildings or residences in the vicinity.
- (g) the permitted duration of the concert being from 6.00pm to 2am with music to cease no later than 2.00am;
- (h) bars closing at 1.30am or half an hour prior to the music ceasing, if that is an earlier time;
- (i) setting up and cleaning up of the Civic Centre grounds to the satisfaction of the Environmental Health Officer;
- (j) compliance with any other direction of the Chief Executive Officer; and
- (k) full payment of the relevant fee and bond at least 60 days prior to the event.

AMENDMENT

Moved Cr Utting, seconded Cr Strzina

That this item be referred to the New Year's Eve Planning Committee for their comment.

The amendment was withdrawn after consideration of the information provided by the CEO.

COUNCIL COMMENTS

Discussion was held in relation to the suitability of this type of event being encouraged in Cottesloe.

The CEO advised Council that the New Year's Eve Planning Committee's primary role is to consider the resources required for New Year's Eve in Cottesloe. The Cottesloe Police would expect the event organiser to have their own security at the Civic Centre.

It was the feeling of some Councillors that the youth should not be ignored and the provision of an event for them to attend is a positive action. There is no history of adverse functions being held at the Civic Centre.

AMENDMENT

Moved Cr Cunningham, seconded Cr Dawkins

That Council refer this item to the New Year's Eve Planning Committee for their comment on the function and another report to be put to Council in September.

Carried 7/4

12.1.4 COUNCIL RESOLUTION

Moved Cr Cunningham, seconded Cr Dawkins

That Council refer this item to the New Year's Eve Planning Committee for their comment on the function and another report to be put to Council in September.

Carried 7/4

12.1.5 'BY THE SEA' - PROPOSED OUTDOOR CONCERT

File No: X7.2
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 10 August, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

Mellen Events have written to Council regarding a proposal to stage an outdoor concert "*By the Sea*" in February/March of each year at Harvey Field.

A recommendation is made to provide in-principle support for a proposed concert in early 2006.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

A broader-ranging policy and fee structure for public events on Town of Cottesloe property is currently being developed for Council's consideration.

Based on that policy, a commercial event with 5,000 to 10,000 attendees will be charged a fee of \$8,000 to \$12,000 in addition to other statutory and regulatory costs.

BACKGROUND

A copy of correspondence received from Mellen Events is attached which is self-explanatory. For reasons of commercial confidentiality, the name of the act has been blacked out but is known to the author of this report. For the time being, the act might best be described as being a bit more sophisticated than the "Beach Boys".

CONSULTATION

The Cottesloe Rugby Club is the primary user of Harvey Field. The author of this report has been in contact with the Cottesloe Rugby Club (Milton Hunt) to ascertain any concerns that the club may have with such an event.

Milton Hunt has indicated that just so long as the ground is kept in "good nick", they are quite comfortable with the proposal. Indeed they are very grateful for the very high standard of the ground this season and appreciate the Town of Cottesloe's efforts in this regard. While the club will have training underway at that time of the proposed concert, the club is amenable to working around the requirements of the event organisers.

Mr Brad Mellen of Mellen Events will be attending the Works & Corporate Services Committee meeting to answer any questions that elected members may have.

STAFF COMMENT

Council staff have acquired some expertise in ensuring that the common good is protected when large-scale public events are conducted in Cottesloe. Properly managed (and there is nothing to suggest that it will not be properly managed) the event should add value to Cottesloe as a cultural event destination.

VOTING

Simple Majority

COMMITTEE COMMENT

The committee discussed the proposal with Mr Mellen in particular issues such as location (the possibility of holding the event on the Sea View Golf Course grounds), parking and traffic management, sound/noise management and grounds damage management/repair.

OFFICER RECOMMENDATION

That Council provide in-principle support for a proposed concert in early 2006 on Harvey Field and delegate authority to the CEO to negotiate arrangements for same.

COUNCIL COMMENT

Cr Utting noted the lack of community consultation that is undertaken in relation to events and concerts being held or proposed to be held in Cottesloe. He also noted his concern over allowing car parking on Cottesloe oval.

Cr Walsh asked the CEO to note the steep slope on the west side of Harvey Field, in relation to it being a possible public safety hazard.

12.1.5 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council provide in-principle support for a proposed concert in early 2006 and delegate authority to the CEO to negotiate arrangements for same subject to Council ratification of fees and the location for the event.

Carried 10/1

**12.1.6 TOWN CENTRE CARPARKS ON RAILWAY RESERVE LAND - PTA LEASE
1735**

File No: C12.17
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 9 August, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to put before Council the recent rent increase on Public Transport Authority controlled reserve land in Railway Street and Brixton Street leased by Council for the purposes of carparking with a recommendation that consideration be given to the lease be terminated and that political pressure be enlisted to support the recent rent increase being held pending relevant Council studies.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The annual rental on the lease was \$300 since 1979 and was increased to \$11,250 as from 1 July 2005. The 2005/06 budget includes provision for payment of \$300.

BACKGROUND

In 1979 Council entered into a lease with the Western Australian Government Railways Commission (WAGRC) for the lease of 1751m² of railway reserve land on the east side of the Perth to Fremantle railway line (1305m² next to Railway Street immediately north of Jarrad Street (Railway Street carpark) and 446m² next to Brixton Street south of Jarrad Street (Brixton Street carpark) (PTA Lease 1735). The lease was for a period of twelve months commencing 1 March 1979 and the original rent was \$156 per annum. The lease provides that the land is to be used as a parking area. It also provides for rent reviews "from time to time" and for notice of increases to be given "up to ninety (90) days after the said review date". The lease continues at the end of the initial one year term until "determined by three month's notice in writing given at any time by either party".

It is unclear who provided parking infrastructure in the first instance, however the Town has maintained and managed the carpark since 1979. The rental was increased to \$300 per annum sometime before 1995. In 1995, WAGRC's agent notified the Town that the rent had been increased from \$300 to \$6,128.50 per annum which sparked a flurry of correspondence including representations to the

local Member of Parliament, Ministers and the like. This resulted in the Town being advised that the Commissioner for Railways had agreed to hold the rent review for twelve months pending a proposed upgrade of railway stations and precincts in the area that included plans for better parking and pedestrian facilities for Cottesloe. The plan was for WAGRC to consult with local traders and the Town of Cottesloe to ensure local needs were fully understood. WAGRC representatives addressed a Council committee and liaised with Council officers with respect to a strategic land use and parking plan study for Cottesloe Station that it was to undertake and fund. Correspondence dated December 1996 indicates that the study had not commenced and that a draft consultant brief had been developed and put to Council's administration for comment. Comment continued in relation to this into the early part of 1997 but the files contain nothing after this. A recent enquiry with WAGRC revealed that its proposed study did not go ahead. Whilst the rent increase issue was resolved with WAGRC in 1996 its agent was billing at the higher rate till 1997.

More recently, the property managing agent wrote to the Town of Cottesloe on 15 July, 2005 advising that the annual rent has increased from \$300 to \$11,250 (plus GST) as from 1 July, 2005 noting that the Perth Transport Authority's (PTA) valuer had assessed that a full market rental was warranted for the following reasons:

- The Town of Cottesloe has placed a two hour parking limit on the premises thus not catering for PTA's park'n'ride patrons that require all day parking to commute by train.
- The carpark is clearly used by persons visiting the nearby retail shops.

They noted that the PTA will now hold this new rental fixed for the next 24 months.

Council's administration wrote to the property manager challenging the revised rent and short notice and suggesting that the rent review be held pending the Town's review of its land holdings in Station Street which may be developed to provide more parking. It also noted that the lease contained no clause which impede Council's ability to impose restrictions or that the facilities should be managed and maintained for rail passenger usage. Their response confirmed PTA's decision to apply a commercial rental of \$11,250 per annum effective 1 July 2005 (a copy of both letters attached). The second last dot point of the letter reads as follows:

- *The Town of Cottesloe has had the benefit of a non-commercial rental for approximately 9 years based on achieving a planning outcome for this area, which has not happened. Unfortunately a further planning study cannot continue to justify the existing rental.*

This relates to the 1995 rent hike attempt that was put on hold following political pressure. Council was advised at time that the WAGRC was planning to conduct a study, as mentioned earlier in this report, but did not do so. Therefore it was the WAGRC not Council that did not meet its proposed planning outcome for the area.

It is not clear when parking restrictions for the two carparks were introduced by Council however they have been in place for a number of years.

The Railway Street carpark is marked out for 29 ordinary carparking bays on its western side and 11 on the east side. It has 2 taxi bays and 2 loading bays plus a truck bading bay (approximately 40m long). Plans of the carpark and leased area show that the leased area terminates at the southernmost driveway and approximately 6 car bays are located outside the leased area on a portion of the Railway Reserve near Jarrad Street. Parking in the ordinary car bays is restricted to 2 hours, 8am to 6pm Monday to Friday and 8am to 1pm Saturdays.

The Brixton Street carpark is sealed and marked out for 24 car bays, 5 of which are restricted to 1 hour, 8am to 6pm, Monday to Friday.

Rangers report that approximately 30 vehicles are booked per month in these carparks and that patrols take approximately 12 hours per month. This results in a net revenue of in the order of less than \$3,000 per annum from which the Town has to maintain the carparks, pay rent etc (estimate to be in the order of \$5,000 per annum). This is a relatively low number of infringements indicating that the time limits are appropriate (Rangers report that most infringements relate to the loading and taxi bays).

CONSULTATION

The author has spoken and corresponded with the property managing agent, a representative of WAGRC, and Council staff.

STAFF COMMENT

The carparks are important (especially the Railway Street carpark) to the town centre and its retail operations both in terms of providing customer parking and loading bays.

The parking limits imposed in both carparks work well in terms of meeting the demand of the retail area in that relatively few users tend to park longer than the times allowed. If the two hour restriction in the Railway Street carpark were to be removed it may well provide a park'n'ride opportunity for rail patrons but it would also be used by employees from the commercial area and it is expected that a significant number of bays would be taken up by all day parkers leaving less parking for shoppers and the like using the commercial area. The current restrictions were imposed in order to better meet short term parking requirements close to the retail area with all day parkers being moved to areas further away such as the Brixton Street carpark (19 of the 24 bays unrestricted) and the Railway Street carpark adjacent to Forrest Street (no restrictions).

The proposed rent hike makes the cost of providing shopper carparking high. No income is derived from the carparks in question other than from infringements. The cost of managing parking appears to take up a significant amount of infringement income. No separate costings are kept for individual carparks however using rule of thumb rates the annual maintenance cost for the two areas is in the order of \$5,000.

Council has a number of options with respect to the rent hike which include the following:

- 1) Accept the new rental figure noting that the lease arrangement could be terminated at anytime with three months notice from PTA.

- 2) Remove parking restrictions on the basis of the rental going back to \$300 per annum and be faced with insufficient short term parking close to the retail area.
- 3) Take the matter up at a political level as was done in 1995.
- 4) Give notice of intent to terminate the lease. WAGRC has given verbal indication that they would take the facility over and remove restrictions and the loading bays.

Option 1) is not recommended as a long term solution due to the relatively high cost. It may however be acceptable in the short term pending development of more parking solutions with the Town Centre Revitalisation Study.

Option 2) might result in the rent staying at \$300 per annum but would leave Council with the maintenance costs and no real benefit in terms of providing short term parking.

Option 3) worked in 1995 and may well work again but would take up the Town's resources in fighting the rent hike. It is noted that last time the WAGRC was to conduct a study of the Cottesloe Station area that included removal of the level crossing, etc and an execution of parking/land use requirements. Council and the community were to be included so that the Town's needs might also be met presumably with a better and longer term solution than to rent pieces of railway land on the basis of three months notice of termination. This study was not commenced however Council is now looking at its options for uses of land in Station Street and has embarked on a town centre study. These should address current and future parking needs for the area and could make the railway leased carpark redundant for the Town's purposes and so it appears logical for the rent increase to be held for at least 12 months pending completion of these initiatives.

Option 4) appeals given the approach and stance of the other parties. Effectively it would result in the PTA having to field complaints from the retail area for the loss of customer parking and loading bays and reduce Council's carpark management and maintenance costs. In the longer term Council's town centre study and review of its Station Street land options should meet all parking needs.

It is recommended that PTA be advised that Council is prepared to terminate the lease on the basis of the rent increase and that representations be made to the local Member of Parliament and the Minister seeking assistance in having the rent increase put on hold pending Council's town centre study (which was part funded by a State grant of \$20,000 indicating the Government's support for this important forward planning).

VOTING

Simple majority

COMMITTEE COMMENT

The committee agreed that a letter be written to the Cottesloe Business Association advising of the situation and suggesting the possibility of retailers contributing to the cost of the carpark, as it is predominantly used by their staff and customers.

Discussion was held in relation to point (1) terminating the lease; it was decided that the Public Transport Authority would be advised of Council's consideration of terminating the lease and the implications of such an approach.

It was agreed that it is important that the options be considered within the town centre study.

Cr Strzina suggested that a statement be made in relation to Council's provision of the Cott CAT in the letters to the Minister and the local Member of Parliament.

OFFICER RECOMMENDATION

That Council

- (1) Advise the Public Transport Authority that given the recent rent increase the Town of Cottesloe seeks the termination of PTA Lease 1735; and
- (2) Write to the Minister and local Member of Parliament seeking support to have the rent increase put on hold pending the completion of Council's Town Centre study and its implementation with respect to Station Street land that could be used to provide increased parking facilities.

COMMITTEE RECOMMENDATION

That Council:

- (1) Advise the Public Transport Authority that given the recent rent increase the Town of Cottesloe is considering the termination of PTA Lease 1735.
- (2) Advise the Public Transport Authority of the implications of such a termination of the lease.
- (3) Write to the Minister and local Member of Parliament seeking support to have the rent increase put on hold pending the completion of Council's Town Centre study and its implementation with respect to Station Street land that could be used to provide increased parking facilities.
- (4) Write to the Cottesloe Business Association advising of the situation and suggesting the possibility of paid parking or a levy on businesses if the lease is to be continued at the higher rent level.

AMENDMENT

Moved Cr Cunningham, seconded Cr Strzina

That (2) be amended to read:

- (2) Advise the Public Transport Authority of the implications of such a termination of the lease and of a substantial rent increase.

Lost 0/11

AMENDMENT

Moved Cr Dawkins, seconded Cr Miller

That (4) be amended to read:

- (4) Write to the Cottesloe Business Association advising of the situation.

Carried 6/5

12.1.6 COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Advise the Public Transport Authority that given the recent rent increase the Town of Cottesloe is considering the termination of PTA Lease 1735.**
- (2) Advise the Public Transport Authority of the implications of such a termination of the lease.**
- (3) Write to the Minister and local Member of Parliament seeking support to have the rent increase put on hold pending the completion of Council's Town Centre study and its implementation with respect to Station Street land that could be used to provide increased parking facilities.**
- (4) Write to the Cottesloe Business Association advising of the situation.**

Carried 11/0

12.1.7 DEFENCE RESERVIST LEAVE - DRAFT POLICY

File No: X4.11
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 10 August, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to adopt a *Defence Reservist Leave* policy

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Two of the management objectives under Council's Strategic Plan are:

- Staff enjoy working at the town of Cottesloe in an environment where they can reach their full potential,
- Staff think, plan, communicate and act like a winning team.

FINANCIAL IMPLICATIONS

Nil at this point in time as there are no staff involved with the Australian Defence Reserves.

BACKGROUND

A copy of correspondence recently received from the Western Australian Local Government Association is attached which provides background information.

CONSULTATION

Under Council's *Community Consultation* policy any draft policy would ordinarily be put out for public comment by way of:

- an advertisement in the *Post* and on Council's web page,
- a newsletter,
- advice to SOS as the local ratepayer group, and
- a media release.

STAFF COMMENT

Aside from the national interest being better served, the adoption of the policy will assist in the attainment of two of Council's management objectives namely that:

- Staff enjoy working at the town of Cottesloe in an environment where they can reach their full potential,
- Staff think, plan, communicate and act like a winning team.

While Council's *Community Consultation* policy would ordinarily apply to the development and adoption of any new policy, it is felt that as the intended policy is more of a staffing or administrative nature and that therefore the *Community Consultation* policy should not apply in this instance.

In other words, Council is asked to adopt the policy without reference to the community.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

12.1.7 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council adopt the following *Defence Reservist Leave* policy:

DEFENCE RESERVIST LEAVE

OBJECTIVE

To ensure that members of the Australian Defence Reserve Service employed by the Town of Cottesloe are able to access a reasonable amount of leave for that purpose.

PRINCIPALS

It is recognised that the Australian Defence Reserves are an important part of our national defence strategy and that support to the Australian Defence Reserves is essential to their continued effectiveness. This policy applies to all employees who are reservists and undertake training and/or military service with the Australian Defence Forces.

ISSUES

3.1 **The *Defence Reserve Service (Protection) Act 2001* (the Act) provides that:**

- "Defence Service" means service in a part of the Reserves and includes training.
- Reserve service may be continuous full-time defence service or other defence service (e.g. short periods of defence reserve service which may include training), and must not prejudicially affect employees' entitlements or other conditions of employment.

- The Act does not invoke any obligation on employers to pay the Reservists' remuneration in respect of the civilian employment whilst absent on defence service or to provide make-up pay in circumstances where the Defence Force pay is lower than employees' public sector pay.
- Any entitlements relating to Reserve service (including training) and/or military service contained in industrial awards or agreements will continue to apply, subject to them satisfying the provisions of the Act.
- There is no scope for employers to ask employees to limit the number of training courses per year or to take less reserve service leave as this is in breach of the Act. Section 17 of the Act draws no distinction between essential and non-essential training or service and specifically contemplates a reservist "volunteer(ing)" for service or training.
- There is no discretion under the Act for employers to refuse requests for reserve service or training leave, irrespective of inconvenience to the employer or the non-essential nature of the leave. Employers are only entitled to verify that the leave request relates to the actual reserve service or training.

3.2 **Employer Support Payment Scheme**

In 2001, the Commonwealth Government introduced legislation to enhance and encourage Reserve personnel. One of the key features of the new Reserve legislation has been the introduction of the Employer Support Payment (ESP). This payment is available employers who release Reservists for more than 2 weeks per year.

The Scheme involves payment of an amount equivalent to the Average Weekly full-time Ordinary Time Earnings (AWOTE) as calculated by the Australian Bureau of Statistics, and is as recognition of the costs and/or disruption to employers caused as a consequence of releasing a reservist for a period of continuous Defence service.

Service that is considered under the Employer Support Payment is:

- Ordinary Reserve Service, and
- Voluntary continuous full-time service, if the relevant Service Chief (that is the Chief of Navy, Army or Air Force) of their delegates have designated the service as protected service.

Under the Scheme an employer is eligible to receive the ESP once a Reservist has completed 14 days continuous Reserve service in any financial year. The qualifying period can be undertaken as a single period or as multiple periods of continuous Defence service, as long as each period of continuous Defence service is a minimum of five consecutive days.

Further details of the operation of the Australian Defence Force Reserves Employer Support Payment (ESP) Scheme can be obtained from the

Defence Reserve Support Council on 1800 803 485 or their website www.defence.gov.au/reserves.

POLICY

- 4.1 Employees applying for Defence Reservist Leave are required to provide evidence from the Defence Force of the extent of the leave requirement.
- 4.2 Employees wishing to take Defence Reservist Leave are to provide reasonable notification to the Organisation. Generally this should be three months prior to the period of leave required.
- 4.3 At the discretion of the Chief Executive Officer, paid leave may be granted to employees who are members of the Defence Forces Reserves for the purpose of participating in training camps, or equivalent continuous duty. This leave will be in addition to the use of annual leave entitlements, however employees electing not to use annual or long service leave credits for defence service and/or military service shall be granted leave without pay.
- 4.4 Leave for Reservists is typically 4 weeks (20 working days or 28 calendar days) leave each year although an additional 2 weeks leave to allow for a Reservists' attendance at recruit/initial employment training will be granted where required.
- 4.5 Where the Employer agrees to make payment for Defence Reservist Leave it will be paid on the basis of the difference between the employee's normal weekly salary (calculated on the same basis as annual leave provisions) and the remuneration received from the Armed Services. Should the amount received from the Armed Services be greater than the normal weekly salary, no additional payments will be made by the Organisation. Superannuation contributions will be based on the employee's normal weekly salary.
- 4.6 "Continuous full-time defence service" (excluding any time taken on annual or long service leave), will not count for annual leave or sick leave, as the employee's contract is temporarily suspended. These entitlements will accrue with the relevant Defence Force during the period of service. For periods of defence service other than continuous full-time defence service, employees' entitlements will continue to accrue with their employer.
- 4.7 Full time military service will count as service for long service leave purposes.
- 4.8 Unpaid Leave will be treated as leave without pay.
- 4.9 The period of military service will count as service for increment progression and increments falling due whilst the employee is absent should be processed as normal.
- 4.10 An employee's contract is suspended whilst undertaking continuous full-time defence service. In order to preserve employment entitlements, an employee must apply to resume duty as soon as reasonably practicable and not more than 30 days after the completion of the period of military service.

- 4.11 Staff taking Defence Reservist Leave are required to pay normal rental during their absence should they have access to employee housing.
- 4.12 The Employer will keep Reservist employees who are undertaking peacetime training or deployment informed of critical developments in the workplace e.g. organisational change, salary related matters (enterprise or workplace agreement negotiations).

RESPONSIBILITY

The CEO is required to approve Defence Reservist Leave and ensure that appropriate documentation is supplied by the employee.

RESOLUTION NO: 12.1.7
ADOPTION: August, 2005
REVIEW: August, 2013

Carried 11/0

12.1.8 THE AGED PERSONS SUPPORT SERVICE - AMENDMENT TO CONSTITUTION

File No: C16.7
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 11 August, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The Aged Persons Support Service (TAPSS) seeks Council approval of its proposed amendment to its constitution.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Aged Persons Support Service (TAPSS) has requested that the member Council's (Towns of Cottesloe, Claremont and Mosman Park and the Shire of Peppermint Grove) approve the alteration of clause 7(A) of their constitution which states:

"Officer Bearers shall continue in office until completion of each annual general meeting and then retire from office, subject to a maximum two successive years in the case of the chairman."

The change proposed by TAPSS is as follows:

"Officer Bearers shall continue in office until completion of each annual general meeting and then retire from office, subject to a maximum three successive years in the case of the chairman."

In accordance with the TAPSS constitution clause 18(e) any change shall come into effect upon the unanimous approval of the Council's and of the Attorney General if required and after proper registration under the associations incorporation act.

This amendment was put to a special general meeting of TAPSS members on Tuesday, 19 July, 2005 and was carried with a unanimous majority.

CONSULTATION

None other than with other Council's involved and the TAPSS Management Committee.

STAFF COMMENT

It is understood that this change has been proposed to enable the current chairperson, Ms Vi Galatis, to remain in office.

Ms Galatis has been significantly involved with the restructure of TAPSS and it would be detrimental to this ongoing process if a new chairman was introduced at this point.

VOTING

Simple majority

COMMITTEE COMMENT

Nil

12.1.8 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council approve the proposal put forward by The Aged Persons Support Service (TAPSS) to alter clause 7 (a) of their constitution to read as follows:

“Officer Bearers shall continue in office until completion of each annual general meeting and then retire from office, subject to a maximum three successive years in the case of the chairman.”

Carried 11/0

12.2 ENGINEERING

12.2.1 APPLICATION FOR PURCHASE OF RIGHT OF WAY, PEARSE STREET, COTTESLOE

File No: E13. 1.58
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 10 August, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The owner of 46 Pearse Street has made an application to the Department of Land Information (DLI) for the purchase of the western remaining portion of Right of Way (ROW) No. 58, which is a dead end ROW running north from Pearse Street, between No's. 46 and 48.

DLI have forwarded the application to Department of Planning & Infrastructure (DPI) Land Asset Management Services who have directed it to Council for consideration.

There is a 15cm wide 'spite' strip running along the west side of the ROW which effectively and legally cuts No. 46 (lot 34) off from a frontage to the ROW.

This report recommends that Council reject the application and that the ROW remain open.

STATUTORY ENVIRONMENT

Section 52 of the *Land Administration Act, 1997* (LAA) and Section 167A of the *Transfer of Land Act, 1893* (TLA) applies to this Crown land ROW.

POLICY IMPLICATIONS

Council's *Rights of Way/Laneways* policy applies to this matter, particularly Policy item No. 11:

RIGHTS OF WAY / LANEWAYS

OBJECTIVES

1. To provide a safe environment and trafficable surface for residents to access their properties while managing risk to the public and the Town of Cottesloe.
 2. To establish a procedure for the progressive upgrading of all public Rights of Way and Laneways, by paving and drainage, using all available sources of funding.
 3. To establish a procedure for private developments and subdivisions to contribute to the upgrading of public Rights of Way and Laneways, where those developments impact on those routes.
 4. To establish a procedure for sections of private laneways to become Crown land, including land held by Council as private property and used by the public as access.
-

PRINCIPLES

1. To recognise that the Rights of Way/Laneway network provides valuable access to residential and commercial properties.
2. To recognise that aesthetic improvements occur in street frontages when garages and carports are accessed from Rights of Way and Laneways.
3. To ensure that the costs of improvements to ROW's/Laneway are funded by developers and sub dividers, if such improvements are required to service such developments.
4. To recognise that the ROW/Laneway network is of benefit to the whole community and that the Town of Cottesloe should contribute towards upgrading, if landowners wish to contribute towards ROW or Laneway upgrading.
5. To recognise that any ROW or Laneway used by the general public should be Crown Land vested in Council for the purpose of public access, maintained by Council through the normal annual budgeted maintenance programs.
6. To discourage motorists from using laneways as de-facto streets or using laneways as shortcuts.

ISSUES

1. When compared with similar Local Government Authorities in the metropolitan area, the Town of Cottesloe has a high proportion of its ROW's and Laneways in a poor to undeveloped condition.
2. A large proportion of ROW's and Laneways in the Town of Cottesloe are privately owned by the Town, with the remaining sections being either Crown land or privately owned by various individuals or companies.
3. ROW's and Laneways are being progressively built, piecemeal, due to conditions placed on developments and subdivisions, with no long term aim of this construction. Such construction has not included a requirement to connect the built section to a built street or existing built Laneway or ROW.
4. ROW's and laneways often contain Service Authorities infrastructure eg deep sewers, water supply pipes, as well as Council installed drainage systems. Machine access is required at all times to maintain and service this infrastructure, regardless of ownership.
5. The mixture of Crown control, private ownership and Council ownership of ROW's and Laneways has created confusion in the past for staff trying to maintain these accesses while trying not to expend Council funds on privately owned sections.
6. The amount of privately owned laneway sections (by Council and individuals) requires a lot of control regarding actions, filing, knowledge of ownership etc, which could be greatly simplified by their surrender to the Crown.
7. Past completion of various short sections of ROW and Laneway construction by various contractors organized by various developers to meet development conditions have left Council with varying levels, construction standards and quality standards of these sections throughout the Town area. This will inevitably result in a variety of maintenance problems as ROW and Laneway use grows.

8. Many of the past approved laneway constructed sections have been to a 100mm thick, un-reinforced concrete standard. With vehicle weights increasing and the use of heavy machinery by Service Authorities to service their infrastructure in laneways, it is also inevitable that Council will be involved in expensive repairs to cracked and damaged concrete laneway sections. Therefore Laneway surfacing should be based on flexible rather than inflexible pavements.

POLICY

1. Council's attitude towards the status of Rights of Way/Laneways is that all such accesses should be Crown land, where they are used by the general public rather than for a specific restricted property access function.
 2. Any sections of Rights of Way/Laneways owned by the Town of Cottesloe will be surrendered to the Crown under processes included in the Local Government Act. Any such sections owned by ratepayers of the Town of Cottesloe, which become available to Council for little or no cost, will also be surrendered to the Crown for Crown land.
 3. When a Right of Way or Laneway is required for primary access to a new development the developer will upgrade by paving, kerbing and drainage, the Right of Way or Laneway from the nearest built gazetted road or existing built laneway to the furthestmost lot boundary, to the satisfaction of the Manager Engineering Services.
 4. The developer may elect to have the Laneway upgrading works done by the Town of Cottesloe or by a Contractor.
 - (a) If the Town is to undertake the works, payment of the full estimated value of the works must be received by the Town before works commence.
 - (b) If the developer employs contractors, a supervision and inspection fee is to be charged, in accord with Section 6.16 of the Local Government Act 1995.
 5. The design of the Right of Way or Laneway must recognise the need to minimise vehicle speeds and maximise safety and security.
 6. When a Right of Way is required for primary or secondary access from an existing property redevelopment, it is conditional (Town Planning) upon the developer to contribute an amount equivalent to 50% of the costs to construct a portion of standard ROW 4m x 20m in area.
 - (a) Where a charge has been applied, as condition of development for the upgrade of a ROW, the money is to be placed in a Reserve Account established under Section 6.11 of the Local Government Act, for the specific purpose of ROW upgrade.
 7. Notwithstanding averaging requirements for developments under the residential codes for rear setbacks and fencing specifications in Council's fencing local laws, there shall be a minimum building setback for carports and garages, to allow a minimum turning circle of six (6) metres, measured from the far side laneway boundary to the closest part of the structure, for each car bay, carport and garage designed at 90° to the laneway or Right of Way.
 8. Fees and charges for contribution to works, supervision and inspection will be determined annually by Council in accordance with the provisions of Section 6.16 of the Local Government Act 1995.
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9. In situations where new developments or redevelopments are not factors in laneway upgrading and the condition of particular laneways has created concern regarding unsafe conditions for drivers and pedestrians, an increased public liability risk and ongoing maintenance requirements, the following shall apply regarding upgrading:
- (a) A construction program of ROW's and Laneways will be determined by priority on the basis of vehicle and pedestrian usage, existing surface condition, drainage problems and condition of private fencing.
 - (b) The design of the ROW/Laneway will recognise the need to minimise vehicle speeds and maximise safety and security.
 - (c) All fences abutting ROW's and Laneways shall be constructed and maintained in accordance with Council's fencing Local Laws.
 - (d) The funds available for ROW/Laneway upgrading per budget year shall be total of:
 - (i) The equivalent of the total of minimum rates levied on privately owned ROW/Laneway sections per financial year; plus
 - (ii) Contributions received through the development process as covered under point #6, ie the contents of the Reserve Account for this purpose; plus
 - (iii) An amount determined by Council in each budget document, to be made available from Council funds for ROW/Laneway upgrading and construction.
 - (e) Where adjacent landowners wish to contribute to the cost of construction of a ROW/Laneway or section thereof, the project will be given priority over all other such works, subject to the following:
 - (i) The application shall contain confirmation by landowners of their request for the upgrading and the amount each is willing to contribute.
 - (ii) It will be the responsibility of the applicants to collect the contributions and deliver all monies to the Council.
 - (iii) A minimum of 50% of the total cost of the work, estimated by the Council's Manager Engineering Services will be required prior to acceptance of any application. If the ROW/Laneway or section thereof already includes work previously required to be done in the preceding five years then expenditure involved will be treated as contributions, in order to assess priorities and make up the minimum of 50%.
 - (iv) Work will not commence until the full amount of the contribution has been received by the Council.
 - (v) The programming and design of the work will be at the sole discretion of the Council.
 - (vi) Applications will be approved in the order in which the full amount of the contribution is received by the Council and will be subject to the availability of funds to meet the Council's contribution through budget allocations each year.
10. The higher the percentage of cost of laneway upgrading to be provided by private property owner contribution, the higher the priority of project acceptance from Council, apart from the need to allow for funding to
-

remove public liability risks and unsafe conditions on any other ROW or Laneway.

11. **As a general rule it is Council policy to keep laneways open, even if un-constructed. Applications for closure are to be considered by Council.**
12. The widths of ROW's/Laneways, the need for truncations on 90° bends, 'Tee' junctions and outlets of laneways onto gazetted roads, and set back requirements from laneways are issues dealt with in other Council documents.
13. Naming of Laneways is not supported as this may create problems of residents requesting the normal services of a street eg access for emergency vehicles, postal services, refuse collection and street numbering.

However, the installation of metal plates at each end of Laneways/ROW's showing the ROW number is supported.

RESOLUTION NO:	12.2.5
ADOPTION:	December, 2004
REVIEW:	December, 2012

STRATEGIC IMPLICATIONS

Council's Strategic Plan deals with this type of matter:

Governance – Consistency: All decisions made are consistent with relevant statutes, Council policy and the aims of this plan.

Management – Statutory Compliance: All procedures and decisions comply with external and internal statutes.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The matter of closure of this ROW has been before Council in 1999 where the then Manager Development Services, Mr Stephen Sullivan provided a report with a formal result of the Council refusing to close the ROW. The 15cm 'spite' strip, as existing, stops any legal use of the ROW by the owners of No. 46 (lot 34) Pearse Street and No. 9 (lot 33) Webb Street.

This 'spite' strip runs north/south from the north side of Pearse Street through to the south side boundary of Jarrad Street, including across the road reserves of Webb Street and Rosser Street. This strip would have been created when the 'super block' subdivision occurred to prevent properties on the west side of the strip making use of the ROW's created on the east side at the cost of the east side owner. Any closure possibility of the ROW would require the removal of the 'spite' strip (now belonging to Council).

Any ownership as requested by the owner of No. 46 would also depend on all other possible owners (lot 79 Pearse Street, lot 53 Webb Street and lot 33 Webb Street if the 'spite' strip was removed) not requiring partial ownership and agreeing to the closure.

CONSULTATION

No consultation has taken place with other affected landowners on this matter.

STAFF COMMENT

There is a need to remove the 'spite' strips across the widths of the road reserves of Webb Street and Rosser Street.

The removal of the 'spite' strip between Pearse Street and Webb Street would appear to go against the original developer's reasons for its creation in the first place.

The process of closure, if agreed to, would include informing the other three possible affected owners and general advertising of the closure intention. It would also involve staff in a lot of administration with no return to Council.

Council's policy on Rights of Way/Laneways also states that Council will try to keep ROW's/Laneways open for future use.

Given Council's decision in 1999 to refuse closure and the further complication of the 'spite' strip not giving legal access to the ROW from lot 34 (No. 46) Pearse Street, it is recommended that closure continue to be refused.

VOTING

Simple Majority

COMMITTEE COMMENT

The committee agreed that there are subdivision implications in relation to this item and that it is to be referred to the Development Services Committee for their consideration and recommendation.

OFFICER RECOMMENDATION

That Council:

- (1) Refuse to proceed with the closure of the western portion of ROW No. 58 on the west side of lot 79 Pearse Street, Cottesloe;
- (2) Proceed to close the 15cm (0.15m) wide 'spite' strip across the widths of the road reserves of Webb Street and Rosser Street, with the closed area becoming part of the Crown land road reserves; and
- (3) Inform the Department of Planning & Infrastructure and the original applicant (the owner of lot 34 Pearse Street) of Council's decision in this matter.

12.2.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council refer the matter to the Development Services Committee for consideration and recommendation.

Carried 11/0

12.2.2 STREET LIGHTING - MARINE PARADE, NORTH COTTESLOE

File No: E16. 3
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 8 August, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

At its July, 2005 meeting Council resolved to refer a received petition to the Works & Corporate Services Committee. The petition stated:

"We the undersigned request that the Council consider upgrading the current street lighting system on Marine Parade, North Cottesloe, for the following reasons:

1. The current system is unsuitable as residents find the glare and overspill from the streetlights to be extremely invasive. The considerable overflow of light onto houses makes sleeping difficult and illuminates living and bedroom areas to the street, causing potential security and privacy issues.
2. The provision of bright 'highway/freeway' style lighting encourages motorists to use excessive speed along this section of Marine Parade.

This item reports on Town of Cottesloe street lights, particularly Marine Parade and recommends that Western Power be requested to quote for light shades on the affected street lights and that staff obtain quotes for a street light study, to be considered in the 2006/07 budget.

STATUTORY ENVIRONMENT

Apart from a small number of street lights owned by the Town of Cottesloe in the town centre, all street lights in the town are owned by Western Power. The town pays Western Power for all power used within the light system, for the installation, removal or modification of street lights and for any changes to power inlets into Council controlled properties. All maintenance e.g. the fixing of inoperative lights, is funded by the town under a maintenance agreement with Western Power.

Only Western Power can change any street lighting system within the Town of Cottesloe, with the system having to meet all Western Power and Australian Standards for street lighting.

However, the type of lights, location, style and colour of lights and light poles and other non-safety issues have some flexibility.

POLICY IMPLICATIONS

Council has no policy referring to street lighting.

STRATEGIC IMPLICATIONS

The most applicable provisions within Council's Strategic Plan are:

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 – Sustainability: Promote the use of sustainable materials, energy and resource conservation and green open space.

Council's *Sustainable Development Plan* also covers street lighting:

- NE 5.5: Provide better lighting by investigating bollard and solar lighting options.
- CW 2.3 Improve lighting on footpaths, carparks and other public areas, investigate solar power and bollards option.

FINANCIAL IMPLICATIONS

There is no funding for any major changes to Council's street lighting system or for consultant fees for a study into this matter. Maintenance allocations could cover minor shielding on a few lights, if required.

BACKGROUND

Virtually all of the 700 street lights in the Town of Cottesloe are owned by Western Power. These lights are mercury vapour or high pressure sodium with the wattage being between 80w and 250w apart from 2 x 400 watt lights.

The 80w and 125w lights would be on residential streets, with the higher level wattage being used at sites requiring better lighting i.e. intersections, near car parking areas etc.

Approximately 185 lights are 150w or 250w in power, for use on the most significant roads i.e. Curtin Avenue, Marine Parade and the Cottesloe side of Stirling Highway.

These roads carry in excess of 2000 vehicles per day and several of them much higher than that figure. Street lights in the Town of Cottesloe have been basically unchanged since 2000, when the underground power program was completed. This is also true for the north end of Marine Parade, the site for the petition/request for lighting changes.

CONSULTATION

No Council initiated consultation has occurred on this matter. The received petition lists 12 properties with signatures, requesting street light changes.

STAFF COMMENT

The petition is from properties on the north end of Marine Parade, from the north end of Little Marine Parade to approximately eight properties south of the North Street intersection.

Marine Parade is Council's most used road, after Stirling Highway and Curtin Avenue. Eric Street is as busy for the eastern end.

With its very heavy use for beach access, parking and access to hotels, restaurants etc, there is a heavy pedestrian/vehicle interface, with substantial use of the dual use path by cyclists and pedestrians. There is no residential access on the west side and the east side combines residential, commercial, vehicle parking and recreational use.

A number of points raised in the letter/petition are open to debate.

- The type of lighting in Marine Parade has been there for at least five years.
- It is questionable whether better lighting encourages faster speeds. (The worst speed problem known of in Cottesloe is in Broome Street, with much lower lighting levels).
- No comments are known of for the extensive residential frontage to Marine Parade at the southern end, regarding inappropriate street lighting.
- Staff have acknowledged that the lights cover the road and the east side footpath, not the western dual use path.
- The EPA staff are not street lighting experts. Western Power staff are.

With regards to the included consultant comments on street lighting it is suggested that consultant report is required, then a brief should be first created for a study and selected consultants asked to quote, based on the brief.

What is acknowledged, regarding the Town of Cottesloe street lighting is:

- The lighting does not conform to the levels required under Australian Standards.
- The existing mercury vapour and high pressure sodium lamps are old technology, not meeting the energy efficiency of other lamp types, with the mercury and sodium content becoming more difficult to dispose of.
- There have been a number of complaints about the lack of lighting in residential streets.
- There is no lighting for the majority of the dual use path on the west side of Marine Parade.
- To remove glare from existing street lights in Marine Parade into private properties, the measures range from partial shades over a portion of the light, change to the light fixture, individual pole and light change or replacement of the lighting system for the residential section of Marine Parade.
- Any expenditure on capital works regarding changes to a significant section of street lighting should first require a study of the problem area by a consultant experienced in lighting studies for local government streets.
- Previous coronial reports on accidental deaths on roads or streets, at night, have underlined the requirement for local government authorities to light streets to Australian standards.

VOTING

Simple Majority

COMMITTEE COMMENT

The committee discussed the general lighting within Cottesloe and it was agreed that a study into the street and footpath lighting be undertaken.

The Environmental Health Officer advised that a community safety survey will shortly be held and one of the questions relates to lighting.

A letter is to be sent to Western Power and the Office of Energy in relation to assistance for light upgrading, considering that the Town of Cottesloe was one of the original Councils involved in the underground power program.

OFFICER RECOMMENDATION

That Council:

- (1) Request Western Power to provide a cost estimate to install shades or shields on street lights in Marine Parade from the north end of Little Marine Parade to North Street;
- (2) Develop a 'brief' on the requirement for a consultant study into the deficiencies of street lighting in the Town of Cottesloe, for consideration by Council prior to obtaining quotations for that study, to be considered for funding in the 2006/07 budget; and
- (3) Thank all signatories of the received petition, including an explanation of Council's decision in this matter.

12.2.2 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Request Western Power to provide a cost estimate to install shades or shields on street lights in Marine Parade from the north end of Little Marine Parade to North Street;**
- (2) Develop a 'brief' on the requirement for a consultant study into the deficiencies of street and footpath lighting in the Town of Cottesloe, for consideration by Council prior to obtaining quotations for that study, to be considered for funding in the 2006/07 budget; and**
- (3) Thank all signatories of the received petition, including an explanation of Council's decision in this matter.**

Carried 11/0

12.2.3 REQUEST FOR THE REMOVAL OF TAMARISK TREES IN GORDON STREET, COTTESLOE

File No: E17.10.40 & E17. 5
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 5 August, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

At its June, 2005 meeting, Council resolved:

That Council:

Provide a copy of the arboricultural report to all affected landowners fronting Gordon Street for the section along which the Tamarisk trees grow, with a request for their comments on the three options provided; and

Reconsider this matter when any comments provided from affected Gordon Street residents are available, in the July meeting.

The public consultation period for this matter has closed, with three comments being received. This report recommends the removal of the 12 Tamarisk trees involved and their replacement with Peppermint trees.

STATUTORY ENVIRONMENT

Council has the vested responsibility under the *Local Government Act* of care, control and maintenance of the road reserve. This includes all street trees and the area of the verge, including crossovers.

POLICY IMPLICATIONS

Council adopted a new *Street Tree* policy in February, 2005 which states:

OBJECTIVE:

To recognise the environmental and aesthetic contribution that street trees make to the continuing development and presentation of streetscapes, by:

- selecting, planting and maintaining street trees, which enhance both existing and future streetscapes;
- creating a setting in sympathy with the function and appearance of the adjacent land uses, a safe and comfortable pedestrian environment, and cater for vehicular traffic;
- promoting the use of indigenous vegetation, including trees, on road reserves, to extend the habitat of native birds and animals in urban areas.

PRINCIPLE:

Street trees should be established on every street and road in the Town of Cottesloe, with one tree fronting every property, supported by proper systems of protection, watering, pruning and processes for species selection.

ISSUES:

- A balance is required between the Norfolk Island Pine tree as the Cottesloe 'Icon' tree and other tree species.
 - Many existing tree species in Cottesloe were poorly chosen in the past and these mature trees are providing a variety of problems.
-

- The large range of street verge widths, up to 15 metres wide requires flexibility in species choice and planting locations to achieve the one tree per property aim.
- Ratepayers and residents vary in their attitudes to street trees and individual trees may suffer damage or die from 'unknown causes' in areas where they cause problems to houses and properties.
- Street trees can be a major source of public liability concerns due to root damage of drainage, paths, kerbing and crossovers on the verge and a variety of problems in private property.
- Supporting street trees on every verge is an expensive task, requiring substantial annual budget support. Normal maintenance costs are ongoing and the cost of damage caused by street trees in major storms can be very high.

POLICY:

The Town of Cottesloe has demonstrated, in past years, its commitment to the amenity and visual image of the Town's streetscape by the introduction and maintenance of street trees.

This commitment will continue with the maintenance of existing trees and the establishment of new trees, based on the following conditions and requirements:

1. The Norfolk Island Pine tree is the icon or symbol of Cottesloe and shall be preserved.
2. The Town of Cottesloe shall aim at planting and maintaining one street tree per property frontage.
3. All individual street tree planting will be undertaken by Council staff. All other planting on verges, other than a lawn, will require a submission to the Town of Cottesloe for approval.
4. Tree pruning shall be aimed at producing a full canopy typical of the species, while still addressing legal obligations and the preservation of public safety. Major pruning may require the Manager Engineering Services to seek professional advice.
5. Tree removals must be seen as a last resort, used for dead and/or dangerous trees. The Manager Engineering Services must give approval for any tree removal.

The following reasons do not justify tree removals:

- tree litter/leaf fall ("messy:" tree),
 - restoration of a view,
 - alternative species requested by resident,
 - a desire to re-landscape,
 - house alterations requiring crossover relocation,
 - shading of lawns, pools,
 - swimming pool installation – root or falling leaf problems,
 - perception that tree may fall in a storm.
6. A proposal to remove or replace multiple street trees in one street shall require an expert's report, public consultation and consideration by Council.
 7. For development or building approvals, plans and drawings submitted must include the locations of all street trees on abutting road verges for the consideration of the effects of such land or building changes on these street trees.
 8. A person or company identified as having damaged or removed a street tree(s) without Council approval, shall be required to provide full compensation to Council for all costs associated with the re-establishment of an advanced tree of that same species together with an assessed value determined by the Manager Engineering Services for the loss of amenity/aesthetic value of that tree(s).
 9. The Town of Cottesloe will maintain a street tree species list of the most suitable tree species for the different soil and micro climate areas of the town, plus species determined as being unacceptable as street trees.

Such undesirable species would exhibit the following characteristics:

- intolerance to drought or low watering conditions;
- self pruning of larger limbs;
- suckering or adventitious growth patterns;
- roots that cause damage to paths, roads, buildings, pipelines;
- susceptibility to insect and pathogen infestation;

- aggressive self seeding; and
- unacceptable toxicity.

STRATEGIC IMPLICATIONS

The most applicable section of the Strategic Plan is:

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.

FINANCIAL IMPLICATIONS

Approximately \$8,000 to remove the 12 trees involved and their replacement with Peppermint trees. This cost can be funded from street tree maintenance allocations within the 2005/06 budget.

BACKGROUND

This matter was brought to Council's attention in its June, 2005 meeting, where a letter from the owners of 109 and 111 Eric Street was discussed. This letter requested the removal of all 12 Tamarisk trees from Gordon Street.

The specialist arboricultural report gave three options, ranging from heavy pruning and removal of two trees through to total removal and replacement with WA Weeping Peppermint trees.

Council resolved to seek the comments of the affected landowners/residents and provide them with a copy of the report.

CONSULTATION

Four properties were directly affected plus two properties which had a main view down Gordon Street to Eric Street. All six were notified.

All six properties fully or partially affected by Tamarisk trees in Gordon Street were notified and received a copy of the specialist report.

Of the six letters sent out, only four properties have Tamarisk trees on their verges. Three of these four have responded requesting that option three be followed, ie the total removal of the 12 Tamarisk trees and their replacement with Weeping Peppermint trees.

STAFF COMMENT

In the long term, with the current ongoing need for pruning, adjustment of footpath slabs and clean up of the heavy litter dropped by this type, the lowest cost will be to replace these trees with Weeping Peppermint trees.

There is also demonstrated solid support for this action.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

12.2.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Have all Tamarisk trees in Gordon Street removed and replaced with Weeping Peppermint trees; and
- (2) Inform all affected residents of Council's decision.

Carried 11/0

12.2.4 FIVE YEAR DEVELOPMENT PLAN - STREETScape AND ROAD FURNITURE

File No: E17. 8
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 8 August, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

At its June, 2005 meeting, Council resolved to:

Adopt the Five Year Development Plan for Streetscape and Road Furniture in-principal; and

Make the plan available for public comment, with any proposed modifications being recommended for final adoption by Council at its August, 2005 meeting.

This report recommends the adoption of this *Five Year Development Plan – Streetscape and Road Furniture* by Council for application in the next draft budget document, after no comments were received from the community consultation process.

STATUTORY ENVIRONMENT

There is no specific legislation relevant to this report.

POLICY IMPLICATIONS

Council's policy relating to this matter is its Streetscape Policy and Manual, adopted in 1999.

STRATEGIC IMPLICATIONS

The most appropriate provision is under:

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.

FINANCIAL IMPLICATIONS

The most appropriate provision is under:

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.

BACKGROUND

This draft five year plan was advertised in the local newspaper and placed on Council's web page. No comments or queries were received from ratepayers or residents.

CONSULTATION

This item is a report on the results of the consultation period for this matter, with no comments being received.

STAFF COMMENT

This matter is non-controversial and is aimed at improving the presentation of footpaths and high use pedestrian areas by the planned replacement or upgrading of streetscape and road furniture such as bollards, seating, rubbish bins, tree guards, grates and special area lighting.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

12.2.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council adopt the *Five Year Development Plan for Streetscape and Road Furniture*, for use in the current and future budget expenditures within that purpose.

Carried 11/0

12.2.5 TENDER NO. 88: SUPPLY OF SKID STEER/MINI LOADER

File No: E 1. 2. 1
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 9 August, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

In its 2005/06 budget allocations, Council has provided for the replacement of the Fermec tractor/loader. Options were considered for this replacement and tenders were called for a skid steer loader, with attachments or a mini loader of a similar size.

Tenders were required for this purchase because of the expectation that the total deal would be in excess of \$50,000.

This item provides details on the tenders received and recommends the purchase of a Caterpillar 226BAC Skid Steer Loader from Westrac plus the sale of the trade-in Fermec tractor/loader to Oz-Tek Agencies.

STATUTORY ENVIRONMENT

The Local Government Act 1995 (Functions & General) part 4, sub-section 11 applies to this matter:

“Tenders are to be publicly invited according to the requirements of this Part before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$50,000 unless sub-regulation (2) states otherwise.”

Sub-regulation (2) does not apply in this case.

POLICY IMPLICATIONS

Council's policy on purchasing applies to this subject.

PURCHASING**OBJECTIVE**

Provide guidance to Council officers when purchasing goods or services.

PRINCIPAL

General authority to purchase is provided by the adopted annual budget. Purchases not provided for in the budget must be authorised in advance by an absolute majority of Council (Section 6.8 Local Government Act 1995), unless authorised in advance by the Mayor in an emergency.

Sustainable development is a focus of both the Council and the community and forms the basis of Council's Strategic Plan. Therefore, the Town of Cottesloe will base procurement decisions on the principle of 'value for money' over the life cycle of products and sustainability rather than 'lowest cost'.

ISSUES

While every effort should be made to obtain the lowest price, it is not always appropriate to make purchasing decisions based solely on price. Expenditure policies and practices should:

- ensure that expenditure is cost effective;
- promote ethical behaviour;
- seek value for money over the life cycle of the product;
- promote open competition between suppliers; and
- encourage regional cooperation.

POLICY**Sustainability**

Procurement decisions will have due regard for and give preference, where the price is no more than 5% more than other suppliers, where:

- (1) the purchase supports a local business,
- (2) the product is Australian made;
- (3) the supplier is an Australian company; and
- (4) goods and service suppliers can demonstrate, or it can otherwise be determined, that prospective purchases are environmentally and socially responsible in aspects including, but not limited to:
 - (a) production, packaging and distribution.
 - (b) use - preference shall be given to items that are aesthetic and emit less pollutants, noise and odour.
 - (c) content – preference shall be given to products made of recycled materials.
 - (d) disposal options - products that can be refurbished, reused, recycled or reclaimed shall be given priority in that order.
 - (e) eco-labelling - e.g. energy efficiency ratings.
 - (f) product life – preference shall be given to products that are able to sustain more wear and tear.

Price will not necessarily be the determining factor and all purchases should be based on value for money over the life cycle of the product.

Tendering and Group Purchases

All purchases will be made in accordance with relevant legislation including, but not limited to, the provisions of the Local Government Act and Local Government (Functions and General) Regulations.

Where practicable, use should be made of the services of the WALGA's Council Purchasing Service and other such group schemes that local governments may access.

Quotations

In cases where there is no requirement to call tenders and where the services of WALGA's Council Purchasing Services, or a similar group purchasing scheme that Council may access, is not used, then quotations should be obtained. It is recognised that there will be instances where quotations will not be practical due

to the value or unique nature of the products to be supplied. However it is expected that at least two quotes will be obtained for most purchases.

A quotations register will be maintained for the purpose of recording goods or services to be procured, the quotations obtained, the supplier selected and the reason for selection.

RESOLUTION NO: 11.1.3

ADOPTION: April, 2003

REVIEW: April, 2011

(Replaces P25, 28/10/96)

STRATEGIC IMPLICATIONS

Areas applying from Council's Strategic Plan are:

Governance – Long Term Vision: Decisions are made based on the best available advice in the long term interests of the whole community.

Management – Statutory Compliance: All procedures and decisions comply with external and internal statutes.

District Development – Asset Management – Appropriate Planning: Produce and implement a realistic five year plan for the maintenance of all major assets. (This machine is included for replacement on Year 1 of Council's Plant & Machinery Five Year Plan).

FINANCIAL IMPLICATIONS

Council has budgeted to expend \$75,000 on the new machine less \$25,000 received from the trade-in of the existing Fermec tractor/loader, giving a changeover cost of \$50,000.

The recommended machine purchase is within this budget allocation.

BACKGROUND

The Fermec tractor/loader and the 'Boss' Beach Cleaning Machine, combined as one operation, are the most expensive of Council's various machines, to operate and maintain. Part of this cost is the general age and condition of both machines. The beach cleaner is seven years old and the tractor 6 years. Both machines have had various major repairs and rebuilds. The beach cleaner, if retained, is proposed for replacement in 2006/07, with a trade-in value of \$10,000 and a new machine cost of \$50,000.

Because of the proposed changeover of the Fermec tractor in 2005/06, staff have investigated alternatives regarding the new machine type, the heavy-wear use of the tractor and beach cleaner in cleaning the beach sand several times a week and the possibility of having a contractor undertake all beach cleaning operations. If a contractor was engaged, then the 'Boss' Beach Cleaner could be sold, no new replacement beach cleaner would be required in 2006/07 and the Fermec tractor/loader replacement would not need to include a power take off/3 point linkage

capacity. A skid steer/mini loader alternative would then be seen as the most appropriate.

Staff investigated, with other coastal Councils, any existing contractors undertaking beach cleaning works. The Town of Nedlands use Oz-Tek Agencies to clean Swanbourne Beach. Oz-Tek Agencies have provided a cost schedule which is similar in cost to the annual cost of staff using the tractor/cleaner combination for the same work.

However, that contractor would have to upgrade in capacity to perform the extra works. Therefore, a tender has been received from Oz-Tek Agencies to purchase the trade-in Fermec tractor. In addition the tendered figure has included the purchase of the 'Boss' Beach Cleaner because the tractor without the beach cleaner would be of no use to this contractor.

For the purposes of comparison, the tractor purchase value has been put at the budgeted trade-in value (\$25,000) with \$10,000 being put to the beach cleaner purchase.

Apart from the private purchase offer for the tractor/loader, a total of 17 machines have been offered from 10 different companies. The 17 machines offered covered: 9 true skid steer type loaders, 3 'mini' articulated loaders, 3 small construction loaders and 2 telescopic load 'handlers'.

If a skid steer loader was purchased, a tandem trailer with loading ramps would be required, to be towed by Council's truck fleet.

In addition, several options were requested, as attachments to the skid steer loader to be costed within the tenders. These were: an air conditioned cabin, a 4 in 1 bucket, pallet forks, a road sweeper and steel or rubber tracks over the wheels (for beach use).

Whatever is chosen for purchase, the total package is proposed to be within the budget allocation.

CONSULTATION

No resident/ratepayer consultation would be required for this item. The tender was advertised in a locally available newspaper, on Council's web page and copies of the documentation were sent to all who requested copies.

STAFF COMMENT

Without the requirement to beach clean, the most useful form of loader for the Town of Cottesloe use is a skid steer loader. Depot staff agree that a beach cleaning contractor would be the most suitable application, thereby reducing machine maintenance and overtime costs.

The skid steer loader, with its various attachments would:

1. Save the cost of machine hire when a skid steer loader is used.
2. Allow for backfilling of new kerb lines and the removal of old kerbing during road upgrading.

3. Allow for street sweeping on particular locations, particularly for clean-up after storms and during street or drainage construction works.
4. For collection of pruning debris, stockpiles of debris from Norfolk Island pine trees and levelling operations for works on footpaths, landscaping and verge improvements.
5. Allow loading/unloading at the depot, of pallets, pipe sections, slabs and other materials.
6. For back blading/levelling on unsealed laneways.

A tandem trailer with loading ramps would allow all Council's trucks to move this unit to job sites, rather than permanently committing one truck to its movement.

On this basis, staff have concentrated on assessing all suitable skid steer type loaders.

The mini loaders, articulated construction loaders and the telescopic 'material handlers' were not pursued to test operating stage, mainly due to the high prices involved, plus the better applicability of the skid steer loader to Council's requirements.

Staff, after the consideration of all tendered information, arranged for demonstrations of five different 'short listed' skid steer loaders. These machines were operated by several depot based staff.

Staff have recommended the Caterpillar 226BAC Skid Steer loader, with a standard air conditioned ROPS/FOPS cabin plus (in conjunction with the standard GP bucket), 4 in 1 bucket and a road sweeping broom.

It is also recommended that the Fermec tractor/loader trade-in machine be sold to Oz-Tek Agencies with the 'Boss' Beach Cleaner for a total of \$35,000. If a trade-in situation is not required of Westrac, then that company has stated in writing that a \$2,000 discount would apply to a 'no trade-in' situation. It is noted that the inclusion of the 'Boss' Beach Cleaner sale in this report is separate to the sale of the tractor/loader, as covered in the tender.

The sale of the tractor/loader, as well as the 'Boss' Beach Cleaner, would yield Council the \$25,000 budget allowance for the trade-in machine plus an extra \$10,000 for the beach cleaner, which is additional to budget provisions. Staff will then arrange an agreement for contract cleaning of the beach sand.

The total cost of the Caterpillar 226BAC Skid Street loader, plus the road sweeping broom and the 4 in 1 bucket, is \$60,250, less \$25,000 as the changeover cost of the machine, less \$2,000 new machine cost reduction by Westrac due to a 'no trade-in' situation.

This allows \$16,750 to purchase a heavy tandem trailer, with ramps, to transport the skid steer loader on. The cost of this trailer will be less than \$11,000, which will mean the total 'package' will be below the budget allocation.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

OFFICER & COMMITTEE RECOMMENDATION

That Council:

- (1) Accept the tender lodged by Westrac for the purchase of a Caterpillar 226BAC Skid Steer loader, with a road sweeper and a 4 in 1 bucket as attachments, for a total cost of \$58,250, including a \$2,000 'no trade-in' discount;
- (2) Agree to sell the FERMEC 660B tractor/loader and the 'Boss' Beach Cleaner to Oz-Tek Agencies for a total of \$35,000;
- (3) Arrange a beach cleaning agreement with Oz-Tek Agencies prior to the sale of the tractor/loader and beach cleaning machine; and
- (4) Thank all tenderers for the work put into the submission of tenders.

COUNCIL COMMENT

Concern was raised in relation to contracting out the beach cleaning. Will the contract be of cost benefit to the town? No decision has been made by Council to lose self-sufficiency and the implications of this decision need to be seriously considered.

Cr Furlong was absent from the meeting 8.11pm – 8.12pm.

It was also noted that there is no timeline on the beach cleaning agreement.

AMENDMENT

Moved Cr Morgan, seconded Cr Strzina

That the item be deferred for the purpose of administration to report to Council on the matter of sub-contracting the beach cleaning.

Carried 10/1

12.2.5 COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That the item be deferred for the purpose of administration to report to Council on the matter of sub-contracting the beach cleaning.

Carried 10/1

12.2.6 TENDER NO. 89: PURCHASE OF FIVE TONNE TIP TRUCK

File No: E 1. 2. 2
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 8 August, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

Council has budgeted, in its 2005/06 budget, for the replacement of a five tonne Isuzu tip truck, with the expected expenditure of over \$50,000.

Tender regulations require the calling of tenders for any machine or service in excess of \$50,000 in value. Tenders have been called for this truck replacement and have now closed.

This report recommends that Council purchase a Hino Ranger Pro 6 Medium Chassis SE (FDIJPA) from WA Hino, including a \$27,000 high grade version pack for \$72,155 (with body) less trade-in of Council's Isuzu five tonne tip truck for \$45,500.

STATUTORY ENVIRONMENT

The Local Government Act 1995 (Functions & General) part 4, sub-section 11 applies to this matter:

"Tenders are to be publicly invited according to the requirements of this Part before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$50,000 unless sub-regulation (2) states otherwise."

Sub-regulation (2) does not apply in this case.

POLICY IMPLICATIONS

Council's policy on purchasing applies to this subject.

PURCHASING**OBJECTIVE**

Provide guidance to Council officers when purchasing goods or services.

PRINCIPAL

General authority to purchase is provided by the adopted annual budget. Purchases not provided for in the budget must be authorised in advance by an absolute majority of Council (Section 6.8 Local Government Act 1995), unless authorised in advance by the Mayor in an emergency.

Sustainable development is a focus of both the Council and the community and forms the basis of Council's Strategic Plan. Therefore, the Town of Cottesloe will base procurement decisions on the principle of 'value for money' over the life cycle of products and sustainability rather than 'lowest cost'.

ISSUES

While every effort should be made to obtain the lowest price, it is not always appropriate to make purchasing decisions based solely on price. Expenditure policies and practices should:

- ensure that expenditure is cost effective;
- promote ethical behaviour;
- seek value for money over the life cycle of the product;
- promote open competition between suppliers; and
- encourage regional cooperation.

POLICY**Sustainability**

Procurement decisions will have due regard for and give preference, where the price is no more than 5% more than other suppliers, where:

- (1) the purchase supports a local business,
- (2) the product is Australian made;
- (3) the supplier is an Australian company; and
- (4) goods and service suppliers can demonstrate, or it can otherwise be determined, that prospective purchases are environmentally and socially responsible in aspects including, but not limited to:
 - (a) production, packaging and distribution.
 - (b) use - preference shall be given to items that are aesthetic and emit less pollutants, noise and odour.
 - (c) content – preference shall be given to products made of recycled materials.
 - (d) disposal options - products that can be refurbished, reused, recycled or reclaimed shall be given priority in that order.
 - (e) eco-labelling - e.g. energy efficiency ratings.
 - (f) product life – preference shall be given to products that are able to sustain more wear and tear.

Price will not necessarily be the determining factor and all purchases should be based on value for money over the life cycle of the product.

Tendering and Group Purchases

All purchases will be made in accordance with relevant legislation including, but not limited to, the provisions of the Local Government Act and Local Government (Functions and General) Regulations.

Where practicable, use should be made of the services of the WALGA's Council Purchasing Service and other such group schemes that local governments may access.

Quotations

In cases where there is no requirement to call tenders and where the services of WALGA's Council Purchasing Services, or a similar group purchasing scheme that Council may access, is not used, then quotations should be obtained. It is recognised that there will be instances where quotations will not be practical due

to the value or unique nature of the products to be supplied. However it is expected that at least two quotes will be obtained for most purchases.

A quotations register will be maintained for the purpose of recording goods or services to be procured, the quotations obtained, the supplier selected and the reason for selection.

RESOLUTION NO: 11.1.3

ADOPTION: April, 2003

REVIEW: April, 2011

(Replaces P25, 28/10/96)

STRATEGIC IMPLICATIONS

Areas applying from Council's Strategic Plan are:

Governance – Long Term Vision: Decisions are made based on the best available advice in the long term interests of the whole community.

Management – Statutory Compliance: All procedures and decisions comply with external and internal statutes.

District Development – Asset Management – Appropriate Planning: Produce and implement a realistic five year plan for the maintenance of all major assets. (This machine is included for replacement on Year 1 of Council's Plant & Machinery Five Year Plan).

FINANCIAL IMPLICATIONS

Council has budgeted \$60,000 for the new truck, less \$20,000 as a trade in on the existing Isuzu five tonne tip truck.

All tenders received were under the changeover allocation of \$40,000.

BACKGROUND

A total of seven new trucks were tendered by four different companies plus an offer was received to purchase the trade-in Isuzu trip truck privately.

The private offer received and all of the trade-in values for the old truck were \$38,000 or above, compared to the allowance of \$20,000.

The new truck prices varied from \$58,200 to \$71,330 with the lower prices being for four cylinder rather than six cylinder machines.

CONSULTATION

No resident/ratepayer consultation would be required for this item. The tender was advertised in a locally available newspaper, on Council's web page and copies of the documentation were sent to all who requested copies.

STAFF COMMENT

Senior depot staff have agreed that a six cylinder truck would allow greater use and a larger range of work to be undertaken, in Cottesloe, with the machine. Of the four six cylinder trucks tendered, it was determined that the 'short list' for detailed consideration were the Hino Ranger PRO6 and the Isuzu Sitec 190. Both trucks were inspected and tested.

As a result of these tests and inspections, staff have recommended the purchase of a Hino Ranger Pro 6 five tonne trip truck, including the \$2,700 high grade option, which includes power shift, front air dam, 12 volt outlet, dome lamp, ABS brakes, ES easy start, central door locking and power windows.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

12.2.6 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Accept the tender lodged by WA Hino for a Hino Ranger PRO 6 five tonne trip truck, with the high grade version pack for a total cost of \$72,155 less trade-in value for Council's Isuzu five tonne tip truck for \$45,500, giving a changeover cost (ex GST) of \$26,655; and
- (2) Thank all unsuccessful tenderers for their efforts.

Carried 11/0

12.2.7 TENDER NO. 90: SUPPLY OF ROAD SWEEPING, GULLY EDUCION AND GROSS POLLUTION TANKS EDUCION

File No: E 1. 3. 2
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 9 August, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

A three year tender for the supply of road sweeping, gully eduction and gross pollution tank eduction has been advertised and has closed.

This report recommends that Town Property Maintenance be awarded this contract.

STATUTORY ENVIRONMENT

The Local Government Act requires that all purchases, including the supply of an ongoing service, where the total annual value is in excess of \$50,000 is to be the subject of a tender process. All tenders called must be resolved by a Council decision.

This legal requirement has been complied with.

POLICY IMPLICATIONS

Council's *Purchasing* policy applies to this tender:

PURCHASING**OBJECTIVE**

Provide guidance to Council officers when purchasing goods or services.

PRINCIPAL

General authority to purchase is provided by the adopted annual budget. Purchases not provided for in the budget must be authorised in advance by an absolute majority of Council (Section 6.8 Local Government Act 1995), unless authorised in advance by the Mayor in an emergency.

Sustainable development is a focus of both the Council and the community and forms the basis of Council's Strategic Plan. Therefore, the Town of Cottesloe will base procurement decisions on the principle of 'value for money' over the life cycle of products and sustainability rather than 'lowest cost'.

ISSUES

While every effort should be made to obtain the lowest price, it is not always appropriate to make purchasing decisions based solely on price. Expenditure policies and practices should:

- ensure that expenditure is cost effective;
 - promote ethical behaviour;
 - seek value for money over the life cycle of the product;
 - promote open competition between suppliers; and
-

- encourage regional cooperation.

POLICY

Sustainability

Procurement decisions will have due regard for and give preference, where the price is no more than 5% more than other suppliers, where:

- (1) the purchase supports a local business,
- (2) the product is Australian made;
- (3) the supplier is an Australian company; and
- (4) goods and service suppliers can demonstrate, or it can otherwise be determined, that prospective purchases are environmentally and socially responsible in aspects including, but not limited to:
 - (a) production, packaging and distribution.
 - (b) use - preference shall be given to items that are aesthetic and emit less pollutants, noise and odour.
 - (c) content – preference shall be given to products made of recycled materials.
 - (d) disposal options - products that can be refurbished, reused, recycled or reclaimed shall be given priority in that order.
 - (e) eco-labelling - e.g. energy efficiency ratings.
 - (f) product life – preference shall be given to products that are able to sustain more wear and tear.

Price will not necessarily be the determining factor and all purchases should be based on value for money over the life cycle of the product.

Tendering and Group Purchases

All purchases will be made in accordance with relevant legislation including, but not limited to, the provisions of the Local Government Act and Local Government (Functions and General) Regulations.

Where practicable, use should be made of the services of the WALGA's Council Purchasing Service and other such group schemes that local governments may access.

Quotations

In cases where there is no requirement to call tenders and where the services of WALGA's Council Purchasing Services, or a similar group purchasing scheme that Council may access, is not used, then quotations should be obtained. It is recognised that there will be instances where quotations will not be practical due to the value or unique nature of the products to be supplied. However it is expected that at least two quotes will be obtained for most purchases.

A quotations register will be maintained for the purpose of recording goods or services to be procured, the quotations obtained, the supplier selected and the reason for selection.

RESOLUTION NO: 11.1.3

ADOPTION: April, 2003

REVIEW: April, 2011 *(Replaces P25, 28/10/96)*

STRATEGIC IMPLICATIONS

There are no strategic implications relating to this tender.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

Road sweeping and gully educting can be done by the one company. The expenditure on road sweeping is approaching \$50,000 per year. This will continue to increase as public expectations increase and due to inflationary price rises.

Therefore a three year tender has been called for road sweeping and gully educting. It is possible for these two activities to be split, with each function going to a different company or the total contract being undertaken by one company.

The three year tender was called to reduce the effort and cost required for an annual tender as well as trying to promote a bulk discount factor in the tender prices received.

Three tenders were received for this service.

CONSULTATION

This is a tender process, with the required advertising aimed at potential suppliers of this service being undertaken. No public resident consultation is required.

STAFF COMMENT

Enquiries have been made regarding the tendering companies. All have been used in Cottesloe for various work in past years.

All tendering companies have been in the industry for some years and currently perform works for a number of local government authorities.

The main difference in the tenders received is cost per hour. No reasons have been found or are obvious to stop the acceptance of the lowest cost tender, from Town Property Maintenance for the full three year tender period, for both road sweeping and gully/gross pollution trap educting.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

12.2.7 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Accept the tender lodged by Town Property Maintenance for the supply of all road sweeping, gully educting and gross pollution trap educting services, at the tendered prices, within the Town of Cottesloe for a period of three years, commencing 1 September, 2005; and
- (2) Thank all unsuccessful tendering companies for their tenders.

Carried 11/0

12.2.8 TENDER NO. 91: SUPPLY OF ROAD PATCHING SERVICES

File No: E. 1. 3. 1
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 1 August, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

A three year tender for the supply of road patching services has been advertised and closed.

This report recommends that Claremont Asphalt be awarded this contract.

STATUTORY ENVIRONMENT

The Local Government Act 1995 (Functions & General) part 4, sub-section 11 applies to this matter:

“Tenders are to be publicly invited according to the requirements of this Part before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$50,000 unless sub-regulation (2) states otherwise.”

Sub-regulation (2) does not apply in this case.

POLICY IMPLICATIONS

Council’s policy on purchasing applies to this subject.

PURCHASING**OBJECTIVE**

Provide guidance to Council officers when purchasing goods or services.

PRINCIPAL

General authority to purchase is provided by the adopted annual budget. Purchases not provided for in the budget must be authorised in advance by an absolute majority of Council (Section 6.8 Local Government Act 1995), unless authorised in advance by the Mayor in an emergency.

Sustainable development is a focus of both the Council and the community and forms the basis of Council’s Strategic Plan. Therefore, the Town of Cottesloe will base procurement decisions on the principle of ‘value for money’ over the life cycle of products and sustainability rather than ‘lowest cost’.

ISSUES

While every effort should be made to obtain the lowest price, it is not always appropriate to make purchasing decisions based solely on price. Expenditure policies and practices should:

- ensure that expenditure is cost effective;
- promote ethical behaviour;

- seek value for money over the life cycle of the product;
- promote open competition between suppliers; and
- encourage regional cooperation.

POLICY

Sustainability

Procurement decisions will have due regard for and give preference, where the price is no more than 5% more than other suppliers, where:

- (1) the purchase supports a local business,
- (2) the product is Australian made;
- (3) the supplier is an Australian company; and
- (4) goods and service suppliers can demonstrate, or it can otherwise be determined, that prospective purchases are environmentally and socially responsible in aspects including, but not limited to:
 - (a) production, packaging and distribution.
 - (b) use - preference shall be given to items that are aesthetic and emit less pollutants, noise and odour.
 - (c) content – preference shall be given to products made of recycled materials.
 - (d) disposal options - products that can be refurbished, reused, recycled or reclaimed shall be given priority in that order.
 - (e) eco-labelling - e.g. energy efficiency ratings.
 - (f) product life – preference shall be given to products that are able to sustain more wear and tear.

Price will not necessarily be the determining factor and all purchases should be based on value for money over the life cycle of the product.

Tendering and Group Purchases

All purchases will be made in accordance with relevant legislation including, but not limited to, the provisions of the Local Government Act and Local Government (Functions and General) Regulations.

Where practicable, use should be made of the services of the WALGA's Council Purchasing Service and other such group schemes that local governments may access.

Quotations

In cases where there is no requirement to call tenders and where the services of WALGA's Council Purchasing Services, or a similar group purchasing scheme that Council may access, is not used, then quotations should be obtained. It is recognised that there will be instances where quotations will not be practical due to the value or unique nature of the products to be supplied. However it is expected that at least two quotes will be obtained for most purchases.

A quotations register will be maintained for the purpose of recording goods or services to be procured, the quotations obtained, the supplier selected and the reason for selection.

RESOLUTION NO: 11.1.3

ADOPTION: April, 2003

REVIEW: April, 2011

(Replaces P25, 28/10/96)

STRATEGIC IMPLICATIONS

Areas applying from Council's Strategic Plan are:

Governance – Long Term Vision: Decisions are made based on the best available advice in the long term interests of the whole community.

Management – Statutory Compliance: All procedures and decisions comply with external and internal statutes.

District Development – Asset Management – Appropriate Planning: Produce and implement a realistic five year plan for the maintenance of all major assets.

FINANCIAL IMPLICATIONS

Pothole patching on Council's streets and roads has always occurred. No extra financial implications apply to this tender.

BACKGROUND

The annual cost of patching of road and street surfaces has increased over the years, mainly due to increased public expectations, the CPI impact on the providers of this service and the aging nature of the road system which has resulted in more holes requiring patching.

The value of this service in 2005/06 and future years is expected to be over \$50,000, thus requiring a tender to be called for the service, rather than quotes being requested.

Due process has been followed, with a tender being advertised, including a specification of the works required. Three tenders were received for this service.

CONSULTATION

This is a tender process, with the required advertising aimed at potential suppliers of this service being undertaken. No public resident consultation is required.

STAFF COMMENT

The patching of sealed or asphalt roads and streets with an asphalt patching mix has been undertaken for many years within the Town of Cottesloe. It will continue to be required into the future. The value of annual patching is now approaching \$50,000, hence the tender being called.

Of the three tenders received, two provided their tendered rates in the format required in the tender specification. This format is required to allow the comparison of the prices tendered without bias.

The majority of patching work undertaken in recent years in Cottesloe have been by the two companies which have used the required format. These companies appear to also to have tendered the lowest prices.

The vast majority of work is undertaken in normal work hours, Monday to Friday. Any works undertaken, unless of an extreme, urgent nature, are made up of a number of locations to be patched as a program, rather than individual visits to attend to separate potholes. Therefore night and holiday/weekend works are rare.

The repair of surface holes on Curtin Avenue require extra effort, in terms of traffic control and the movement of the cold profiling machine. The two companies under consideration – Roads 2000 and Claremont Asphalt, have dealt with this requirement in different ways, as shown on the included table.

Claremont Asphalt have included the supply of traffic control signs on residential streets, the supply and installation of base/sub base material and any difference between 30mm and 50mm of asphalt depth all in the one price of \$50/m².

With regards to the Claremont Asphalt proposal, year 2 and year 3 cost increases are listed as 10% each year. This has been checked. There have been recent alarming increases in the cost of fuel and asphalt. If this continues or remains high then the 10% figure could be justified. However, if the fuel and asphalt prices drop back to the near normal CPI increases, the 10% would not be appropriate.

Claremont Asphalt, if chosen, would be required to justify the year 2 and year 3 cost increases, in regards to the actual percentage cost increase of the components of their product, as part of this tender.

Given the work undertaken by Claremont Asphalt in Cottesloe in recent years, their tendered prices and their local base of operations, their tender is preferred by staff, as being most advantageous to the Town of Cottesloe.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

12.2.8 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Accept the tender received from Claremont Asphalt for the supply of Road Patching Services, at the tendered rates, for a period of three years, commencing 1 September, 2005; and**
- (2) Thank all unsuccessful tenderers for their tender information.**

Carried 11/0

12.2.9 PROPOSED COTTESLOE WESTERN POWER SUB STATION UPGRADE

File No: E16. 2
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 9 August, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

Western Power officers have provided a staff briefing and plans showing proposals for the Western Power Sub-Station, on Curtin Avenue near the Jarrad Street intersection, to be upgraded from 66kV to 132kV capacity, with work commencing in 2006.

This report recommends that, as part of the Town Centre Study, this matter be a subject of urgent discussion, to debate the ramifications if the existing site is 'locked in' because of major investment in that site.

STATUTORY ENVIRONMENT

The existing electrical substation is on Crown land vested for that purpose. Western Power exists and operates under its own Act which provides full legal powers for their operations. It is allowed to install high tension power lines on allocated service alignments on Crown road reserves, which connect between electrical substations.

The possible removal of one Norfolk Island Pine tree on the road verge of Curtin Avenue requires discussion and resolution with Council.

POLICY IMPLICATIONS

There is no Council policy relating to this matter.

STRATEGIC IMPLICATIONS

The most applicable parts of Council's Strategic Plan relating to this item are:

Governance – Long Term Vision: Decisions are made based on the best available advice in the long term interests of the whole community.

Governance – Broad Representation: Council acknowledges the views and interests of all components of the community and strives to achieve a balanced and proactive position on issues which affect public, commercial and private sectors.

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

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

Over recent years, Main Roads WA and DPI have been slowly evolving plans for the eventual construction of a major road (below highway status) from Servetus Street through to North Fremantle.

The section through Cottesloe is based on the main possibility of this road being built very close to the western boundary of the railway reserve, for the majority of the alignment, with most of the existing Curtin Avenue becoming a series of residential streets.

The section north of Jarrad Street is confronted with the Western Power sub station reserve No. 25367, immediately on the west side of a 'Railway Purposes' reserve No. 3438. Immediately east of that reserve is the 40 metre wide railway reserve.

On the south side of Jarrad Street, a series of reserves exist between the railway reserve and the Curtin Avenue road reserve for 'Recreation', 'Railway Purposes', 'Police' and 'Railway'.

In various past reports, the location of the existing sub station infrastructure is commented on, with proposals ranging from relocation to another nearby site when it is time to upgrade to 132kV capacity – ideally at the same time as the new road is being built, upgrading of another sub station in the area and removal of this sub station or the new road being 'squeezed' into the remaining area on the west side of the railway line but east of the sub station site.

It has been stated that if the site is upgraded to 132kV then approximately \$30m would be needed to relocate it in future.

The proposed works involve a 3 metre high solid perimeter wall around the site, changes to high tension power lines into the site (which may involve the removal of one Norfolk Island Pine tree) and substantial upgrading of the sub station infrastructure.

Because of the growth of power use above the expected growth apparently (due to growth in air conditioning and other electrical appliances), works will have to commence in 2006 in order to be ready for 2008. This is several years earlier than expected.

CONSULTATION

No consultation has occurred on this matter.

STAFF COMMENT

Because debate and government commitment to the resolution of the issue of the proposed major road through Cottesloe has retreated over the past three years, no definite decisions have been made on this sub station site, other than by Western Power. Main Roads WA, PTA and DPI don't appear to have kept up with Western Power needs for the site, which does not include any option to relocate.

However, the growth of power use in Cottesloe and adjacent areas has pushed Western Power to speed up expenditure on this site to cope with power demands.

This matter also impacts on the current Town Centre Study because:

1. the future of the Curtin Avenue/new road alignment,
2. the possible plans for 'Transit Oriented Development' at the Cottesloe Station yard,
3. the future use of currently under-utilised PTA land, and
4. the possible changes to the Jarrad Street level crossing and/or a new subway type access from Railway Street to the 'old' Curtin Avenue under the rail reserve,

have a major possibility of impact on the town centre.

Therefore it is recommended that this matter be a point of discussion for the Town Centre Study, with Western Power planners being requested to be part of this debate, along with Main Roads WA, DPI and PTA officers.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

12.2.9 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council resolve to have this matter directed to the Town Centre Study by the Manager Development Services, to ensure that there is full State Government departmental understanding of the ramifications (including MRWA, DPI and PTA) of this Western Power proposal.

Carried 11/0

12.2.10 VERGE GREEN AND BULK WASTE COLLECTION

File No: D15.4
Author: Ms Ruth Levett
Author Disclosure of Interest: Nil
Report Date: 5 August, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to propose that tenders be invited for the following verge green and bulk waste collection service for two (2) years from January 2006 to December 2007:

- (a) four (4) annual green waste collections conducted quarterly;
- (b) two (2) annual bulk waste collections conducted simultaneously with two green waste collection services; and
- (c) the current district division of three (3) areas as shown on the attached map be maintained.

STATUTORY ENVIRONMENT

There is a requirement to publicly invite tenders in accordance with the following provisions:

- (1) The Local Government Act 1995 (Section 3.57) provides that where a Local Government intends to tender for another party to supply goods or services, it is required to invite tenders before entering into a contract.
- (2) The Local Government (Functions and General) Regulations 1996 (Section 11) provide that tenders are to be publicly invited before entering into a contract for the supply of goods and services if it is anticipated that service will be worth more than \$50,000.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Current budget allocation of \$80,000 for Verge Green and Bulk Waste Collection.

BACKGROUND

The verge green and bulk waste collection service currently consists of:

- four (4) annual green waste collections conducted quarterly; and
- two (2) annual bulk waste collections conducted simultaneously with two green waste collection services.

The service is conducted by B & N Waste and community feedback in relation to the service has been extremely positive with a number of residents personally expressing their appreciation of the quality of service and helpful attitude of the contractors.

CONSULTATION

Nil.

STAFF COMMENT

Green waste is collected from the verge and disposed of at Brockway Transfer Station. Prunings are placed in bundles and small cuttings and grass clippings are placed in the green waste bags. Green waste is processed into wood chip mulch using a tub grinder and is collected by a contractor to be used as stabilizing mulch on major road construction projects.

Bulk waste is also collected from the verge and disposed of at Brockway Transfer Station. Metals are collected separately and taken to Sims Metal for recycling. Council receives a rate per tonne of metal disposed of.

The level of community satisfaction has been higher for the green and bulk waste collection throughout this two year period, 2004 – 2005. The previous problems with the time taken to complete the service have been resolved and it is therefore recommended that the existing three areas be maintained. Materials are placed out correctly on the verge resulting in less follow up time required by the administration and a cleaner, rubbish free environment.

The brochures delivered to households have been reviewed and this may have contributed in part to the change in the way materials are placed out for collection. Additional information about the waste service is contained within the brochure.

The method of collection of the green and bulk waste has been considered previously. The two options considered were collection by hand using side load vehicles and collection by bobcat using rear load vehicles.

Past experience using bobcats has resulted in damage to verges and reticulation systems and consequently to disputes over the responsibility for repairs and the quality of repairs. This option is more expensive and will result in some damage to verges but may minimise the time material is out on the verges. From a safety perspective it reduces the risk of injury due to manual handling but increases the risk of road accidents as the truck is loaded from the rear.

Manual loading into the side of the truck does not result in any damage to verges and generally results in a tidier environment as the operators clean up as they go. However, there is a higher risk of injury due to manual handling but loading from the side reduces the risk of road accidents. It is recommended that Council consider the two collection options in the tender.

The only other minor change proposed in the tender is to include a requirement to separate a number of plastic items for recycling. These items can be deposited at Council's depot for collection. The cost of collecting the plastics is free and a rate per tonne is paid to Council for the materials.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

12.2.10 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Invite tenders for the Green and Bulk Waste Collection Service for a period of two years to commencing in January, 2006 to 30 December, 2007;
- (2) Provide a Green and Bulk Waste Verge Collection Service to residential properties for 2006/2007 consisting of:
 - (a) **four (4) green waste collections conducted quarterly;**
 - (b) **two (2) bulk waste collections conducted simultaneously with two green waste collection services; and**
- (3) Support the current district division of three (3) areas as shown on the attached map.

Carried 11/0

12.3 FINANCE**12.3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 JULY, 2005**

File No: C7.4
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 31 July, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 July, 2005, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Financial Statements are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

The Financial Report for July includes a new statement (page 8 and 9), the Statement of Financial Activity, which is required under Regulation 34 of the Local Government (Financial Management) Regulations 1996 as amended 31 March 2005. This statement is similar to the Rate Setting Statement used in the Budget and takes all operating revenue and expenses, includes capital expenditure and revenue and adjusts for non cash items to arrive at a cash position that is net of restricted funds. This statement may show the information according to nature and type, by program or by business unit. This first report shows the information by program and so is very similar to the Rate setting Statement and the Financial Report includes a Nature and Type report.

The new requirement includes the need to report on significant variances which has been the practice in this area of the report rather than as a note to the Financial

Statements. Variances between the year to date budget and year to date actual in the operating area appear to relate to actual income and expenditure occurring at a different time to what was predicted in the budget. It will be noted that there is no depreciation in the year to date column (toward the bottom of page 8), this is due to depreciation not being run for July due to other pressures at this time of the year. This will be rectified for the August accounts. Another variance that warrants an explanation is the Net Current Assets July 1 B/Fwd where the actual is shown as \$733,615 against the budgeted figure of \$62,780. The actual figure is the net of current assets less current liabilities but has not been adjusted for restricted funds or provisions for staff leave as has the budget figure. Once adjusted for these the correct year to date actual is \$359,991. There are a number of accruals yet to be taken to account for 2004/05 which will reduce this figure however at this stage it is apparent that the actual surplus for that year will be higher than the forecast in the 2005/06 budget.

VOTING

Simple Majority

COMMITTEE COMMENT

The Manager Corporate Services tabled an amended report and financial management report for the period ending 31st July, 2005.

12.3.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 July, 2005, as submitted to the August meeting of the Works and Corporate Services Committee.

Carried 11/0

12.3.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 31 JULY, 2005

File No: C12 and C13
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 31 July, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 31 July, 2005, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

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

CONSULTATION

Nil

STAFF COMMENT

The Schedule of investments on page 37 of the Financial Statements shows that \$1,118,493.19 was invested as at 31 July 2005. Of this 688,301.18 was reserved and so restricted funds. Approximately 25% of the funds were invested with the national Bank, 57% with Home Building Society and 19% with Bankwest.

The Schedule of Loans on page 38 shows a balance of \$414,123.98 as at 31 July, 2005, \$201,492.46 of this relates to Self Supporting loans.

VOTING

Simple majority

COMMITTEE COMMENT

Nil

12.3.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 31 July, 2005, as submitted to the August meeting of the Works and Corporate Services Committee.

Carried 11/0

12.3.3 ACCOUNTS FOR THE PERIOD ENDING 31 JULY, 2005

File No: C7.8
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 31 July, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 31 July, 2005, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The List of Accounts is presented monthly.

CONSULTATION

Nil

STAFF COMMENT

Significant payments included in the list of accounts commencing on page 30 of the Financial Statements, brought to Council's attention include:

- \$16,390.84 to PSU for annual maintenance support of computer system.
- \$24,566.30 to Team Electrical Services Pty Ltd for electrical works at the Napier Street carpark.
- \$10,781.27 and \$10,960.36 to WA Local Government Super Plan for employee superannuation contributions for May.
- \$110,023.96 and \$24,390.86 to Town of Mosman Park for road and drainage works.
- \$36,298.63 to Trum Pty Ltd for rubbish collection services.
- \$18,372.80 to Municipal Insurance Broking Service for insurance premiums.
- \$22,121.66 to Municipal Property Scheme for first of two instalments on the property insurance premium.
- \$32,581.58 to Shacks Holden for purchase of a motor vehicle.
- \$51,443.40 and \$50,599.53 for payroll for May.

VOTING

Simple majority

COMMITTEE COMMENT

Nil

12.3.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council receive the List of Accounts for the period ending 31 July, 2005, as submitted to the August meeting of the Works and Corporate Services Committee.

Carried 11/0

**12.3.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD
ENDING 31 JULY, 2005**

File No: C7.9
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Period Ending: 31 July, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 31 July, 2005, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Property and Sundry Debtors Reports are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors report on pages 35 and 36 of the Financial Statements shows a balance of \$264,979.75 of which \$141,612.32 relates to the current month (\$132,738.90 relates to a road works grant recoup). Approximately \$67,000 of the prior month's outstandings relates to senior rebate claims that have been taken to account but not yet billed or previously rejected. State Treasury will be billed for these in September.

The Property Debtors on page 34 show a balance of \$6,004,971.57.

VOTING

Simple majority

COMMITTEE COMMENT

Nil

12.3.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Receive and endorse the Property Debtors Report for the period ending 31 July, 2005; and**
- (2) Receive the Sundry Debtors Report for the period ending 31 July, 2005.**

Carried 11/0

12.4 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING

12.4.1 APPOINTMENT TO WORKS & CORPORATE SERVICES COMMITTEE

Moved Mayor Morgan, seconded Cr Utting

That Cr Carmichael be appointed as a member of the Works & Corporate Services Committee.

Carried by Absolute Majority 10/0

13 STRATEGIC PLANNING COMMITTEE MEETING HELD ON 17 AUGUST 2005**13.1 GENERAL****13.1.1 2005/2006 STRATEGIC ACTION PLANS**

File No: X12.4
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 12 August, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to adopt proposed actions for inclusion in the draft Action Plan for 2005/2006.

BACKGROUND

At its June 2005 meeting Council adopted the following recommendations from the Strategic Planning Committee meeting held on 31 May 2005:

That Council:

- (1) *Supports the following key priority strategies and requests staff to document and implement appropriate actions for inclusion in the draft Action Plan for 2005/2006 to be referred to a special meeting of this committee prior to a recommendation going to Council:*

Goal 1 Corporate Governance

- 1.7 Customer service*

Goal 2 Community Enrichment

- 2.3 Promote the community's use of the Civic Centre*
2.4 Community safety.

Goal 3 Environmental Management

- 3.4 Natural Asset Management Plan.*
3.6 Greenhouse Gas Action Plan
3.7 Water Resources Management Plan

Goal 4 Infrastructure

- 4.3 Transmission lines.*
4.4 Upgrade Right of Ways report.
4.5 Improve public toilet provision.
4.6 Develop Asset Management Plan.

- (2) *Supports the following outstanding current strategies and relevant actions for inclusion in the Action Plan for 2005/2006:*

Goal 1 Corporate Governance

- 1.5 Desktop audit of surveys/reports/policies.*
- 1.6 Examine the utilisation of Council's assets and rationalise where socially and commercially appropriate.*

Goal 2 Community Enrichment

- 2.1 Promote a safe and secure community.*

Goal 4 Infrastructure

- 4.2 Enhance Streetscape.*

- (3) *Refer the following outstanding current strategies and relevant actions to the Development Services Committee for action:*

Goal 3 Environmental Management

- 3.1 Progress TPS 3.*
- 3.2 Preserve our built heritage.*
- 3.3 Develop Town Planning Scheme Streetscape Policy to address new Residential Design Codes and review existing Town Planning Scheme policies.*
- 3.5 Protect and enhance development of icon sites.*

Attached to this report is a list of draft actions for inclusion in the Action Plan for 2005/2006.

Feedback is required from the committee on the draft actions before they are put to Council for formal adoption.

CONSULTATION

N/A.

STAFF COMMENT

It has been assumed that the key priority strategy of "Community Safety" (item 2.4) is an inadvertent repeat of the existing "Promote a Safe and Secure Community" (item 2.1).

If the assumption is incorrect, then elected members are asked to consider in advance of the meeting the distinctions that should be made between the two items and any associated actions.

It should also be noted that many of the actions associated with the preparation and adoption of a new town planning scheme are missing or incomplete. While Council's June resolution sees these matters being referred to the Development Services

Committee, a subsequent Council resolution has now placed the development of a new town planning scheme directly in the hands of full Council rather than the committee system.

A revised programme for the development of a new town planning scheme is currently being drafted with the intention of putting it directly to the August meeting of Council.

Subject to its adoption, it is intended that the Action Plan for 2005/2006 be automatically updated with the actions associated with the preparation of a new town planning scheme.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council:

- (1) Adopt the proposed actions, as amended by the Strategic Planning Committee, for inclusion in the Action Plan for 2005/2006.
- (2) Automatically incorporate actions associated with the preparation of a new town planning scheme into the Action Plan subject to their adoption at the August meeting of Council.

COMMITTEE COMMENT

The committee felt that the option of converting fleet vehicles from petrol to gas should be kept under active consideration.

COMMITTEE RECOMMENDATION

That Council:

- (1) Adopt the proposed Action Plan for 2005/2006 with the inclusion of the following action under item 3.6.4 of the plan:

Monitor comparative pricing between petrol and LPG vehicles.
- (2) Automatically incorporate actions associated with the preparation of a new town planning scheme into the Action Plan subject to their adoption at the August meeting of Council.

AMENDMENT

Moved Mayor Morgan, seconded Cr Carmichael

Add a new strategy, as follows:

- (3) Develop a long term financial plan for Council of at least 15 years.

Carried 10/1

13.1.1 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Carmichael

That Council:

- (1) Adopt the proposed Action Plan for 2005/2006 with the inclusion of the following action under item 3.6.4 of the plan:

Monitor comparative pricing between petrol and LPG vehicles;

- (2) Automatically incorporate actions associated with the preparation of a new town planning scheme into the Action Plan subject to their adoption at the August meeting of Council; and

- (3) **Develop a long term financial plan for Council of at least 15 years.**

Carried 11/0

13.1.2 CEO'S PERFORMANCE REVIEW

Moved Mayor Morgan, seconded Cr Strzina

That Council close the meeting for the consideration of items 13.1.2 & 13.1.3 on the grounds they relate to a matter affecting an employee and a contract extend into, or which may be entered into by the Town of Cottesloe.

Carried 11/0

File No:	X9.12
Author:	Mr Stephen Tindale
Author Disclosure of Interest:	The author has an indirect financial interest in the matter insofar as levels of performance may relate to levels of remuneration.
Report Date:	11 August, 2005
Senior Officer:	Mr Stephen Tindale

SUMMARY

A recommendation is made to adopt new performance criteria for the CEO.

BACKGROUND

At the July meeting of Council it was resolved:

That the Key Result Areas for the period 2005-2006 be drafted by the Chief Executive Officer and external facilitator, in consultation with the Council Review Committee.

In discussions with the Mayor it was put that the agreed Key Result Areas for 2004/2005 were not particularly helpful to elected members in gauging the CEO's performance levels for the period under review.

As a result of those discussions, enquiries have been made of the Town of Albany and a copy of their performance and personal development review documentation for the CEO has been obtained.

A copy of the criteria, adapted for the Town of Cottesloe, appears as an attachment.

CONSULTATION

Consultation has occurred with the Mayor and Mr John Phillips of the Western Australian Local Government Association.

STAFF COMMENT

The Town of Albany documentation has six distinct parts to it namely:

1. An assessment of the degree to which **position objectives** have been obtained.
 2. An assessment of the degree to which **key result areas** have been obtained.
 3. An assessment of the degree to which general managerial **performance criteria** have been obtained.
 4. A summary of **executive manager feedback**.
-

5. A review of **training and development activities**.
6. An **overall performance assessment**.

It can be seen that the documentation goes well beyond the Town of Cottesloe's own performance assessment process for the CEO.

As is the case with any assessment process, there are arguments for and against increasing the complexity of the CEO's performance review process.

The Case for the Status Quo

Currently there is a strong focus on the attainment of key result areas at Cottesloe.

In Cottesloe's case this currently excludes an examination of the attainment of position objectives, general managerial performance criteria and executive manager feedback as undertaken at the City of Albany.

The Cottesloe arrangement means that strategic objectives are generally being obtained much quicker than might ordinarily be the case.

This arises simply because the time and resources of the CEO are finite. If performance objectives are broadened, then it follows that the application of the CEO's time and resources must also be broadened. In such circumstances it is unrealistic to expect that there will be high standard of performance across all areas - all things being equal. In other words, the emphasis may shift from a strategic approach to Council business to a more generalist approach.

A broader coverage of local government business may also mean that any latent capacity of the CEO to deal with issues of the day is also diminished. An example of the flexibility that currently exists occurred in December 2004 when the CEO was able to closely check the work of the relieving town planner and had a heavy say in the construction of agenda items relating to the Cottesloe Beach Hotel development application. Had this not occurred, the report to Council on the matter would have lacked real substance and indeed would have had to have been held off until the New Year.

In other words, broadening the performance review criteria of the CEO may limit his capacity to be actively involved in resolving unexpected issues of the day in a timely manner **as well as** delivering key strategic objectives.

The current focus on key strategic objectives has also been visited on Council's executive managers. Their remuneration is currently based on prevailing industry standards. Remuneration over and above industry standards rests entirely on the attainment of Council's strategic objectives.

The connection between performance and reward is therefore quite a simple one and while some staff have actively sought to broaden their own performance criteria, it has been resisted because the prevailing view is that results rather than process is what counts.

The Case for Change

The participation of elected members in actively contributing to the CEO evaluation process has been somewhat ordinary over the past two years. On average only six of eleven elected members have completed evaluation forms and even fewer have provided meaningful comments.

Some of the comments have also been at odds with what has actually transpired. In this regard, there is much to be said for the CEO completing a self-assessment first and despatching same to all elected members before they complete their own assessments of the CEO.

The lack of strong response to the evaluation process may be reflecting a general satisfaction with the CEO's performance or it may be reflecting dissatisfaction with the evaluation document and perhaps, an inability to come to grips with what is being asked of the elected member concerning the CEO's performance.

The proposed performance and personal development review documentation undoubtedly stimulates greater thought concerning the CEO's performance.

It facilitates a deeper analysis of organisational inputs (i.e. how resources are managed) as opposed to the current focus on organisational outputs (i.e. the delivery of strategic objectives or key result areas).

Provided the attainment of strategic objectives remains the primary focus, there is nothing to be lost by broadening the scope of the performance review.

The advice from John Phillips at WALGA (and any human resource manager for that matter) is that key result areas should be limited to those areas which are within the direct control of the CEO and should be limited in number (3 to 6 depending on complexity). Obviously this is a critical issue if the performance objectives of the CEO are to be broadened.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

As discussed above, a shift in emphasis may delay the attainment of strategic objectives as other management areas are given greater priority.

FINANCIAL IMPLICATIONS

Nil.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council adopt the new performance criteria for the CEO.

COMMITTEE COMMENT

Nil

OFFICER & COMMITTEE RECOMMENDATION

That Council adopt the new performance criteria for the CEO subject to the inclusion of the following Key Result Area:

- Completion of the draft town planning scheme by the end of December 2005 to a stage whereby Council can seek permission to advertise.

AMENDMENT

Moved Mayor Morgan, seconded Cr Strzina

That the bullet point have the following added to the end:

... by the Minister's deadline.

Carried 11/0

13.1.2 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That Council adopt the new performance criteria for the CEO subject to the inclusion of the following Key Result Area:

- **Completion of the draft town planning scheme by the end of December 2005 to a stage whereby Council can seek permission to advertise by the Minister's deadline.**

Carried 11/0

13.1.3 CEO'S REMUNERATION

File No: X9.12
Author: Mr Stephen Tindale
Author Disclosure of Interest: The author has a direct financial interest in the matter.
Report Date: 11 August, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to increase the remuneration of the CEO in line with prevailing industry standards with the increase to take effect as of 1 July 2005.

STATUTORY ENVIRONMENT

Clause 5.2 of the CEO's contract provides the following;

5.2 Salary (Cash Component)

- 5.2.1 *The Council must, before the expiration of each year during the Term, review the Remuneration Package taking account of:*
- (a) *the total remuneration of CEOs holding positions similar to the Position of local governments in Western Australia of similar size to Cottesloe; and*
 - (b) *the Council's policy of review from time to time which shall be based on performance, productivity and such other matters as the Council reasonably considers relevant, but there is no obligation on the Council to increase the Remuneration.*

The relevant section of the Local Government Act reads, in part, as follows:

5.23. Meetings generally open to the public

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
 - (a) *all council meetings; and*
 - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
 - (a) *a matter affecting an employee or employees;*
 - (b) *the personal affairs of any person;*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;...*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

BACKGROUND

At the February 2005 meeting of Council it was resolved:

That Council engage WALGA's Workplace Relations Service to manage the performance and remuneration review process for the CEO (working with Council's Strategic Planning Committee) and prepare a report for Council's consideration.

A report was subsequently prepared and presented to the July meeting of Council where it was resolved that:

The Review Committee obtain data in relation to Chief Executive Officer remuneration relativities, particularly as they relate to local governments in Perth's western suburbs. The Review Committee to make recommendations to Council on an increase to Mr Tindale's remuneration, in accordance with clause 5.2 of the contract of employment.

Attached to this report is a comparison of the salary packages of CEO's in the western suburbs.

The attachment also includes a comparison of CEO salary packages based on the ten local governments closest to Cottesloe in terms of population size. The data comes from a survey undertaken by the WA Local Government Association earlier this year and has been updated where changes are known to have occurred in the intervening period.

CONSULTATION

Nil.

STAFF COMMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil

OFFICER RECOMMENDATION

That Council:

- (1) Close the meeting for the consideration of this agenda item on the grounds that it relates to a matter affecting an employee and a contract entered into, or which may be entered into by the Town of Cottesloe.
- (2) Adopt the recommendation of the Review Committee to increase the CEO’s remuneration package by an amount of \$..... (amount to be determined by the committee) to take effect as of 1 July 2005.

COMMITTEE RECOMMENDATION

That Council:

- (1) Close the meeting for the consideration of this agenda item on the grounds that it relates to a matter affecting an employee and a contract entered into, or which may be entered into by the Town of Cottesloe.
- (2) Increase the CEO’s remuneration package by an amount of \$7,000 (with a minimum amount of \$2,000 being directed into benefits) to take effect as of 1 July 2005.

AMENDMENT

Moved Mayor Morgan, seconded Cr Strzina

Delete (1) from the Committee Recommendation.

Carried 11/0

13.1.3 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That Council increase the CEO’s remuneration package by an amount of \$7,000 (with a minimum amount of \$2,000 being directed into benefits) to take effect as of 1 July 2005.

Carried 9/2

The vote was recorded:

<i>For:</i>	<i>Against:</i>
<i>Mayor Morgan</i>	<i>Cr Utting</i>
<i>Cr Carmichael</i>	<i>Cr Walsh</i>
<i>Cr Cunningham</i>	
<i>Cr Dawkins</i>	
<i>Cr Furlong</i>	
<i>Cr Jeanes</i>	
<i>Cr Mille</i>	
<i>Cr Strzina</i>	
<i>Cr Woodhill</i>	

14 AUDIT COMMITTEE MEETING HELD ON 18 AUGUST 2005**14.1.1 AUDIT SERVICES**

File No: C 7.2
Author: Mr Alan Lamb
Author Disclosure of Interest: Nil
Report Date: 15 August, 2005
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to deal with Council's June resolution in respect to this committee, to meet with Council's current auditor, to recommend to Council a process for selecting an auditor and a scope for the audit.

STATUTORY ENVIRONMENT

Part 7 of the Local Government Act deals with Audits and Division 1A deals with Audit Committees:

7.1A. Audit committee

(1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.

(2) The members of the audit committee of a local government are to be appointed by the local government and at least 3 of the members, and the majority of the members, are to be council members.*

** Absolute majority required.*

(3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.

(4) An employee is not to be a member of an audit committee.

7.1B. Delegation of some powers and duties to audit committees

(1) Despite section 5.16, the only powers and duties that a local government may delegate to its audit committee are any of its powers and duties under this Part other than this power of delegation.*

** Absolute majority required.*

(2) A delegation to an audit committee is not subject to section 5.17.

7.1C. Decisions of audit committees

Despite section 5.20, a decision of an audit committee is to be made by a simple majority.

Division 2 deals with the appointment of Auditors and

7.2. Audit

The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by the local government.

7.3. Appointment of auditors

(1) A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint a person, on the recommendation of the audit committee, to be its auditor.*

** Absolute majority required.*

(2) The local government may appoint one or more persons as its auditor.

(3) The local government's auditor is to be a person who is

(a) a registered company auditor; or

(b) an approved auditor.

7.4. Disqualified person not to be auditor

(1) A person may not be appointed as a local government's auditor if that person is a disqualified person.

(2) In this section

}disqualified person~ means a person who

(a) is a councillor or an employee of the local government;

(b) is a person who is in debt for more than the prescribed amount to the local government for a period of more than 35 days after

(i) in the case of that part of the debt which is for a rate or service charge under Part 6, the date the rate notice was issued; or

(ii) in the case of that part of the debt which is not for a rate or service charge, the date an account was rendered to the person by the local government;

(c) is an employee of, or a member of the governing body of, an entity of a kind prescribed for the purposes of this paragraph; or

(d) is a member of a class of persons prescribed for the purposes of this subsection.

The Minister may approve a person who, immediately before the commencement of this Act

(a) was a registered local government auditor within the meaning of that term in Part XXVII of the Local Government Act 1960 5 as in force before that commencement; and

(b) was the auditor of a local government,

as an approved auditor for the purposes of this Act.

7.6. Term of office of auditor

(1) The appointment of a local government's auditor is to have effect in respect of the audit of the accounts and annual financial report of the local government for a term of not more than 5 financial years, but an auditor is eligible for re-appointment.

(2) The appointment of an auditor of a local government ceases to have effect if

- (a) his or her registration as a registered company auditor is cancelled;*
- (b) his or her approval as an approved auditor is withdrawn;*
- (c) he or she dies;*
- (d) the auditor ceases to be qualified to hold office as auditor or becomes a disqualified person;*
- (e) the auditor resigns by notice in writing addressed to the local government; or*
- (f) the appointment is terminated by the local government by notice in writing.*

(3) Where

- (a) the registration of a local government's auditor as a registered company auditor is suspended; or*
- (b) a local government's auditor becomes unable or unwilling to carry out all or part of his or her duties,*

the local government is to appoint a person to conduct the audit or to complete that part of the audit which remains to be conducted, as the case requires.*

** Absolute majority required.*

7.7. Executive Director may appoint auditor

If by 30 November in any year a local government has not appointed an auditor the Executive Director may appoint

- (a) a qualified person; or*

- (b) in default of an appointment under paragraph (a), the Auditor General,*

to be the auditor of the local government's accounts and annual financial report for the relevant financial year.

7.8. Terms of appointment of auditors

(1) Subject to this Part and to any regulations, the appointment of a person as auditor of a local government is to be made by agreement in writing on such terms and conditions, including the remuneration and expenses of the person to be appointed, as are agreed between that person and the local government.

(2) The remuneration and expenses payable to the auditor of a local government (whether appointed by the local government or by the Executive Director under section 7.7) are payable by the local government.

A copy of the Department of Local Government and Regional Planning's Local Government Operational Guidelines "Audit Committees in Local Government."

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

Council's resolution from June 2005 is as follows:

That Council:

- (1) *Request the Audit Committee to develop a process to be used to select and appoint a person to be an auditor for the Town and progress this with a view to providing Council with a recommendation, prior to November 30 2005, on a person to be appointed as the Town's auditor for a term.*
- (2) *Request the Audit Committee to recommend a scope of audits and engagement terms, noting the desire for Council to hold its annual electors meetings in November each year and so the need for the audit to be completed, and the audit report delivered, by the end of September.*
- (3) *Request the Audit Committee to meet with the Town's current auditors, or their representatives, with regard to the 2004/05 audit and over see this function.*

CONSULTATION

Council's Current Auditor's firm was contacted to arrange for his attendance. The author also contacted neighbouring Councils and the Department of Local Government and Regional Development for contact details of auditors used by Local Governments.

STAFF COMMENT

Taking each of part of Council's resolution in turn:

- (1) The following schedule lists details of prospective auditors.

<u>COUNCIL</u>	<u>AUDITOR</u>	<u>COMPANY CONTACT DETAILS</u>
Cottesloe	Greg LeGuier	Grant Thornton, GPO Box P1213 Perth 6844, 9481 1448
Nedlands	Tony Macri	Barret & Partners - DFK PO Box 398 Vic Park 6979 9470 4848 (from 04/05 year, used to have Grant Thornton)
Claremont	Brad McVeigh	BDO, level 8 256 St Georges Tce Perth 6805 9360 4200
Peppermint Grove	Greg LeGuier	Grant Thornton, GPO Box P1213 Perth 6844, 9481 1448
Mosman Park	Tony Macri	Barret & Partners - DFK PO Box 398 Vic Park 6979 9470 4848 Haynes Norton 16 Lakeside Corporate, 24 Parkland Rd Osborne Park 6017, 9444 3400
Other, info from DLGRD	David Tomasi	
Other, info from DLGRD	Tony Bevan	Horwarth (WA), 128 Hay Street Subiaco 6008, 9380 8400

The list was compiled as a result of a survey of nearby councils and a phone call to the Department of Local Government and Regional Development (DLGRD). It is suggest that the process be as follows:

1. Quotations be called for from each of the five auditors listed (there is no requirement to call tenders where the expected cost in less than \$50,000).

2. The Audit Committee review the quotes and recommend an Auditor to Council.
 3. in line with past practices, the term of the agreement be three years (can be up to five and the agreements can be renewed)
- (2) With regard to the scope of the audit, the following is the DLGRD's model minimum standard audit specification modified to incorporate the need for audits reports to be with Council by the end of September each year, setting a time range for the interim audit and other minor changes and it is recommended that this Committee recommend to Council that it adopt these specifications:

AUDIT SPECIFICATIONS

1. Introduction

This document is provided for the assistance of auditors who wish to apply for the role of auditor with the Town of Cottesloe

Auditors are required to address all of the matters outlined in the specification.

Auditors who submit an application may be asked to provide further information and/or make a presentation to the Audit Committee.

2. Objectives of the Audit

To provide an independent audit opinion of the accounts and annual financial reports of the local government for each financial year covered by the term of the audit appointment.

3. Term of the Audit Appointment

For the financial years commencing 1 July 2005. through to 30 June 2008 (three years).

4. Scope of the Audit

The auditor is to –

4.1 Carry out such work as is necessary to form an opinion as to whether–

- (a) the accounts are properly kept; and
- (b) the annual financial report:
 - (i) is prepared in accordance with the financial records; and
 - (ii) represents fairly the results of the operations of the local government and the financial position of the local government at 30 June in accordance with the Australian Accounting Standards, the Local Government Act 1995 (as amended), the Local Government (financial Management) Regulations 1996 (as amended) and other mandatory professional reporting requirements.

4.2 Give an opinion in his or her audit report on –

- (a) the financial position of the local government; and

(b) the results of the operation of the local government.

4.3 Include in his or her audit report

- (a) any material matters that indicate significant adverse trends in the financial position or the financial management practices of the local government;
- (b) any matters indicating non-compliance with financial management requirements of the Act, Regulations and any other written law.

4.4 Amendments to Scope of the Audit

The Auditor to liaise with Council's Audit Committee in relation to the conduct of each audit and the Committee may increase the scope of the audit under terms agreed to by the Auditor.

5. Audit Methodology and Approach

- (a) The auditor is required to comply with the requirements of section 7.9 of the Local Government Act 1995 and the Local Government (Audit) Regulations 1996.
- (b) An audit is to be carried out in accordance with "Auditing Standards" and "Audit Guidance Statements" adopted from time to time by the Australian Society of Certified Practising Accountants and the Institute of Chartered Accountants in Australia.
- (c) The auditor is to provide the local government with a general outline of his/her methodology
- (d) The auditor is to provide the local government with a plan for the audit including:
 - timing of interim audit visits (visits should be in the period February to April);
 - final audit visit. (should be in September with the final audit to be completed and the audit report delivered to the Town by 30 September each year unless Council's Audit Committee seeks to make alternative arrangements.);
 - timing of the legislative requirement to meet with the local government and whether that meeting will be in person or by some other means; and
 - the method to be used to communicate with, and provide advice and information to, the local government.
- (e) The auditor is required to produce an audit report as required by section 7.9 of the Local Government Act 1995 and, if considered appropriate by the auditor, a management report.

6. Critical Matters to be Audited

The auditor is to include in his or her application the extent to which the critical matters outlined below will be audited so as to form an opinion on the manner in which they have been maintained.

- (1) Revenue
 - Rates Revenue
 - Government Grants
 - User pays revenue
 - Profit on sale of non-current assets
-

- Other income
- (2) Expenditure
- Salary and wage costs
 - Depreciation
 - Materials and contract expenditure
 - Loss on sale of non-current assets
 - Insurances
 - Bad debts
 - Other expenditure
- (3) Current Assets
- Bank and short term investments
 - Receivable and prepayments
 - Inventory
- (4) Non-Current Assets
- Property, plant , furniture and equipment
 - Infrastructure and depreciation
 - Other receivables
- (5) Liabilities (current and non-current)
- Creditors and accruals
 - Loan borrowings including new loans raised
 - Provision for annual and long service leave entitlements
- (6) Reserve Funds
- (7) Contingent Liabilities
- (8) Capital Commitments
- (9) Accounting Policies and Notes to the Financial Statements
- (10) Cash Flow Statement
- (11) The financial ratios required by the Local Government (Financial Management) Regulations 1996

7. Hours, Fees and Expenditure

The auditor is to provide:

- Estimate of the time to be spent on the audit.
- Fees for completing the audit in accordance with this specification.
- Nominated auditor(s) and registered company audit number(s)
- Experience of the nominated auditors in completing local government audits.

The auditor is to provide a fee for any additional audit requested by Council.

8. Terms

Conditions to be noted by auditors

The auditor shall not subcontract to a third party.

The auditor shall not, and has no right to, assign the audit contract to third parties.

The auditor shall not be engaged by the local government to undertake any financial consultancy with the local government that requires the preparation of financial information that will be the subject of the annual audit.

The auditor shall confirm that he or she has, and will maintain during the duration of the audit term, professional indemnity insurance covering the legal liability arising out of any neglect, default, error, or omission.

Termination of Appointment

The appointment as auditor is terminated if:

- (a) the auditor ceases to be a registered company auditor;
- (b) the auditor ceased to be an approved auditor under Section 7.5 of the Local Government Act 1995
- (c) the auditor is a disqualified person under Section 7.4(2) of the Local Government Act 1995;
- (d) the auditor resigns by notice in writing to council;
- (e) Council serves notice in writing to the auditor terminating the appointment.

- (3) Mr Greg LeGuier Council's Auditor has arranged to be at this Committee meeting.

VOTING

Simple majority

OFFICER & COMMITTEE RECOMMENDATION

That Council:

- (1) Request the Audit Committee to:
 - (a) Obtain quotations from each of the five auditors listed in the Committee's minutes for 18 August, 2005, plus any other suitably qualified auditor the Committee may choose to seek a quotation from. The term of the audit agreement to be from 1 July, 2005 to 31 June, 2008; and
 - (b) Review quotes received and recommend an Auditor to Council; and
- (2) Adopt the following audit specifications;

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For the financial years commencing 1 July 2005. through to 30 June 2008 (three years)

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- (d) the auditor resigns by notice in writing to council;
- (e) Council serves notice in writing to the auditor terminating the appointment.

AMENDMENT

Moved Cr Cunningham, seconded Cr Strzina

That (1)(a) be amended to read:

- (a) Obtain quotations from each of the five auditors listed in the Committee's minutes for 18 August, 2005 plus advertise for other suitably qualified auditors. The term of the audit agreement to be from 1 July, 2005 to 31 June, 2008; and

Lost 7/4

14.1.1 COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

(1) Request the Audit Committee to:

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- (d) the auditor resigns by notice in writing to council;
- (e) Council serves notice in writing to the auditor terminating the appointment.

Carried 11/0

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

Nil

16 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**16.1 SCHEME REVIEW – PROGRAM FOR COMPLETION OF DRAFT TPS3**

File No:	Review of TPS2
Author:	Mr Andrew Jackson
Author Disclosure of Interest:	Nil
Report Date:	18 August 2005
Senior Officer:	Mr Stephen Tindale

INTRODUCTION

Council at its Special Meeting on 1 August, 2005 resolved as follows:

- (1) Agree to meet with the Minister in mid-August, to further discuss the beachfront planning issues as well as the Scheme Review situation.
- (2) Write to the Minister accordingly and advising that:
 - (a) Council has received legal advice suggesting that the notice to expedite the Scheme Review may be ineffective at law.
 - (b) Council will, subject to having sufficient time to do so, conduct a local community deliberative forum with advice from the Department for Planning and Infrastructure, that examines the planning issues facing the Cottesloe beachfront, towards addressing those issues in proposed Town Planning Scheme No. 3.
 - (c) Town planning schemes are vital instruments for detailed local area planning, that should be properly constructed and involve appropriate community consultation.
 - (d) Given Council's range of completed and current studies towards the Scheme Review, including the Beachfront Development Objectives, Site Investigations and Design Guidelines, Hotel Zone review, Parking Strategy, Precinct Community Forums, the proposed Local Deliberative Community Forum and the Town Centre Study, Council requires more time to properly consolidate the draft scheme ready for consent to advertise, and a period to the end of March 2006 is requested for this purpose.
- (3) Should Council have to abide by the timeline set by the Minister for Planning and Infrastructure to submit proposed Town Planning Scheme No. 3 by 17 December, 2005 for consent to advertise, request the Administration to report back to the August, 2005 meeting of Council on the budget, resource, meeting and other requirements necessary to achieve that target.

- (4) Agree to the need for a series of special meetings to achieve the above timeline, and agree that these be special meetings of full Council to consider the proposed Scheme.

This report updates Council on the above and presents a program to take the draft Scheme to the consent to advertise stage.

MEETING WITH MINISTER

A deputation met with the Minister on 17 August, 2005 and two matters were discussed:

Timeline for draft Scheme

The Minister advised that she would be prepared to extend the 17 December, 2005 target date to the end of February, 2006 (which is Tuesday 28th), and it is anticipated that the Minister will confirm this in writing shortly.

Deliberative Forum

The Minister explained that she saw the forthcoming sub-regional community workshop for the draft Perth Coastal Planning Strategy (PCPS), which is being prepared for the Western Australian Planning Commission (WAPC), as a precursor to a Council-run local deliberative forum about the Cottesloe beachfront. The former would inform the latter and the Department of Planning and Infrastructure (DPI) is available to assist Council in designing the local forum.

EFFECT OF TIMELINE

Although Council's resolution above requested a further report in the event of the 17 December, 2005 timeline, this report has been prepared to progress the matter.

Based on the 28 February, 2006 target the prospective timeline and main steps are set out in the table below.

<i>Month</i>	<i>Week (M-F)</i>	<i>Main Step</i>	<i>Specific Dates</i>
Aug 05	4	Council adopts timeline and program.	22 Aug 05
	4	Officers commence implementation.	23 Aug
	4	Appoint part-time planner to assist MDS.	
	5	Liaise with all consultants on all studies to schedule presentations and reports.	
	5	Town Centre Study Workshop.	Sat 27 Aug
Sept stream 1	1	Appoint consultants for Deliberative Forum.	
	2	Plan Deliberative Forum.	
	3	Liaise with DPI on Deliberative Forum.	
	4	Refine Deliberative Forum.	
	5	Council endorses Deliberative Forum.	
Sept stream 2	1-5	Present study reports to Council for decisions on content of draft Scheme: <ul style="list-style-type: none"> • Site Investigations and Design Guidelines. 	

		<ul style="list-style-type: none"> • OBH site. • Hotel Zone. • Foreshore Centre Zone residential density. • Parking Strategy. <p><i>(Note: all relate to Deliberative Forum.)</i></p>	
Oct stream 1	1&2	Publicise and organise Deliberative Forum.	
	2&3	Organise for Deliberative Forum.	
	4&5	Prepare for Deliberative Forum.	
	5	Participate in PCPS workshop.	Wed 26 Oct <i>(tbc; night).</i>
Oct stream 2	1-5	Present study reports to Council for decisions on content of draft Scheme: <ul style="list-style-type: none"> • Precincts Forums. • Town Centre Study. • Depot site. • Heritage Review. • Other. 	
Nov	1	Deliberative Forum. <i>(Note: soon after PCPS workshop.)</i>	Sat 5
	2	Report on PCPS and Deliberative Forum.	
	3	Make decisions on relevant aspects for inclusion in draft Scheme.	
	4&5	Consolidate draft Scheme based on all Council decisions so far.	
Dec	1-5	Advertise draft Scheme for public comment.	
Jan 06	1&2	Compile submissions.	
	3	Assess and prepare report on submissions.	
	4&5	Make decisions on submissions, including modifications to draft Scheme.	
Feb	2	Present to Council completed draft Scheme, as modified, for adoption for consent to advertise.	
	3&4	Compile official documentation – Local Planning Strategy, Scheme Text and Map.	
	5	Lodge with WAPC.	28 Feb 06
Mar	1	Liaise with WAPC and Minister on processing and ongoing dialogue.	
	1	Inform community of progress, content and outlook.	

The critical implications are:

Deliberative Forum

- This would entail substantial time to research, design, organise, conduct and report on.
- It would have to be held soon after the PCPS workshop, which may maintain that interest and impetus but may also confuse or tire the community.

- Consultants would be needed to undertake the project, for independence, expertise and resources.

Bearing in mind Council's resolution above regarding sufficient time, the alternatives are:

- Don't have a Deliberative Forum.
- Hold it during the official advertising period.
- Rely on all the existing and current regional and local coastal information and initiatives to inform the height and other beachfront aspects for determination in the draft and final Scheme by Council, the WAPC and Minister.
- Structure a dialogue between Council, the WAPC and Minister on the beachfront aspects as the means to address them in the draft and final Scheme.

Community Consultation

Three options are identified in this regard:

Informal consultation:

- Council may still wish to informally consult the community on the draft Scheme, for public comment and any modification prior to adoption and lodgement for consent to advertise.
- A one-month, intensive, community consultation phase could occur in December 2005, but that timing would not be ideal, as the community, Councillors, staff and consultants would be preoccupied with the festive and holiday season.
- Note that even if the target date was the end of March 2006 as sought by Council, holding community consultation in January would similarly be seen as less that satisfactory timing.
- Given all the other tasks and their sequence, would not be feasible or meaningful to schedule a month of informal consultation before December.
- Consultants would be needed to undertake this concentrated task, including carrying out the advertising arrangements and collating and reporting on the submissions.

Focus Groups:

- A variation would be a series of Focus Groups facilitated by consultants with Council and officers, drawing on the Precinct Forums and past community participation. This would not involve submissions, which is the chief purpose of the official advertising period, but would gain useful input from the community in completing the draft Scheme.

Official advertising:

- Alternatively, Council could choose that, having consulted the community through a range of forums, and undertaken a number of studies, its role is to make decisions on what the draft Scheme should contain.
- This would look to the official public advertising period of three months (minimum) as the place and time to inform the community of the adopted draft Scheme and to conduct any special advertising or additional consultation as Council sees fit.

- In this respect, Council has expressed concern at the risk of losing control of the draft Scheme once it is submitted for advertising consent, and is aware of how some councils have had such experience in the case of town planning scheme amendments.
- While the WAPC and Minister do have significant powers in the scheme-making process, there are distinctions between scheme amendments and scheme reviews that should maintain the ability of Council and the community to influence the content of the Scheme.
- Whereas proposed amendments are often specific to a site or subject, the impact of the outcome tend to be localised or particular.
- Because proposed schemes cover a whole district and affect the wider community, the responsibility, role and local knowledge of the council and the interests and attitudes of the community in formulating, debating and finalising a scheme are recognised by the determining authorities.
- Moreover, in terms of the remainder of the statutory process, there are a number of major steps involved where councils can exercise control over the form and content of a scheme.
- This includes community consultation during the official advertising period, consideration of submissions, modifying the draft scheme, adopting it for advertising consent, liaison with the WAPC and Minister, responding to the requirements of the WAPC and Minister, any further advertising, submissions or modifications, and adoption for final approval.

Documentation

- The draft Scheme Text and Scheme Map will need to be modified as Council makes decisions on the content for consent to advertise.
- There is limited scope to have any legal check on the Scheme Text, although that is more important in the final approval phase – at the official advertising phase the community is likely to be mainly concerned about zoning, density, development standards, etc rather than the precise wording of provisions.
- The Local Planning Strategy and any other supporting documentation will also require review.
- Preparation of policies supplementing the draft Scheme is not critical to the official advertising phase. These may be progressed during that time and informed by submissions. Under the final Scheme they will have to undergo the statutory policy-making process which itself involves consultation. However, if Council sees any policy as vital then officers and consultants would be required to attend to that.
- Compilation, checking and reproduction of all the documentation will be a key task.

Special Meetings

- Council has agreed to special meetings of full Council to expedite the draft Scheme, which will entail weekly or fortnightly meetings.
- This would include during January, when Council is normally in recess.
- The aim of the meetings would be to make firm decisions on the content of the draft Scheme.

- The meetings would include presentations by consultants on the studies completed, as a basis for decisions (or any more work required leading up to adoption of the draft Scheme).

Resource Implications

Support for Manager Development Services:

- To project-manage this phase of the Scheme Review, including the consultancy services, the MDS will need another pair of hands.
- The opportunity exists to engage part-time an experienced statutory and project town planner working under the direct supervision of the MDS for three days per week.
- The responsibilities would include administration, liaison, coordination, documentation, records keeping, research, report writing, etc.
- The duration would be six months, from September 2005 to end February 2006.

Planning support for Development Services:

- A town planning consultant is available to provide back-up support to the MDS and Planning Officers in the day to day processing of planning applications, to maintain levels of service to customers and Council.
- This locum service would be at an hourly rate as called upon.

Administrative support for Scheme Review:

- This can be drawn from Development Services, including the part-time planner, and from the consultants in performing their tasks, but extra support may be required from time to time from Council's other administrative staff or from contract agencies.

Accommodation, equipment and materials

- The part-time planner can be accommodated and use an existing computer by rotating with other part-time staff and work-stations.
- Administration, consultation, documentation and records will increase consumption of materials for correspondence, mapping, copying, binding, presentations, displays, and so on.

Budget Implications

- Based on the above outline, conservative estimates of those additional costs to complete the draft Scheme are as follows.
- This expenditure is unbudgeted.
- Allowing for unknowns that may emerge, as well as the extra demands upon consultants, realistically this estimate could exceed \$50,000.

Requirement	Terms	\$ Estimate
Consultants	Round-off current studies	3,000
	Deliberative Forum	10,000
	or Focus Groups	5,000
Part-time planner	3 days per week for 6 months	22,000
Locum planner	½ day per week for 6 months	5,000

Administration	Occasional	2,500
Consumables	Various	2,500
Total		40,000-45,000

MEETINGS SCHEDULE

- The following table lists potentially available dates for the special meetings.
- This appeared in the previous report, but January and February have been added.

Month	DSC	Works	Council	Strategic	Special – available days
Aug 05	15	16	22	29	M1-Th5, M8-Th12, W17-Th19, Tu23-Th26, Tu30-Th2 (= 16 days)
Sept	19	20	27(Tues)	-	M5-Th9, M12-Th16, W21-Th23, W28-Th30 (= 12 days)
Oct	17	18	24	31	M3-Th7, M10-Th14, W19-Th21, Tu25-Th28, Tu1-Th4 (= 16 days)
Nov	21	22	28	-	M7-Th11, M14-Th18, W23-Th25, Tu29-Th2 (= 13 days)
Dec	5	6	12	-	W7-Th10, Tu13-Th16 (= 5 days)
Jan 06	-	-	-	-	M2-Th5, M9-Th12, M16-Th19, M23-Th26, M30-Th2 (=20 days)
Feb	13	14	20	-	M6-Th9, Tu14-Th16; then compile. (=7 days)

CONCLUSION

- The timeline is ambitious and tight.
- Quick actions, streamlined reporting and decisiveness will be called for.
- There is little room for departures or contingencies.
- The Deliberative Forum and informal advertising steps occupy considerable time and resources, which could otherwise be used on the study, reporting, determination and documentation steps.
- As with most schemes, there will probably be some loose ends, which can be attended to during the official advertising period in terms of engaging with the community, further consideration by Council, interaction with the WAPC and Minister, and ultimately Council can make its own submission on the Scheme.
- The Deliberative Forum would be of value to Council in reconciling the local and regional coastal aspects, and the Minister is in favour of this exercise, whereas the informal advertising is not essential and could be dealt with by the official advertising period.

- An informal advertising step during December would not be the best timing and the time gained by not having it would be well-spent on all the other tasks.
- There are costs associated with the program, over and above the current budget. These costs are relatively economical and are justified to advance the Scheme Review and achieve the target date.
- Overall, it is concluded that the revised 28 February 2006 target can be met despite the loss of a month, and that not having an informal community consultation step would assist (although that is not the sole reason for recommending such).

OFFICER RECOMMENDATION

That Council, in consideration of how to progress the draft Scheme to lodgement for consent to advertise:

- (1) Agrees to the 28 February, 2006 target date proposed by the Minister.
- (2) Pursues the Deliberative Forum as outlined in this report.
- (3) Writes to the Minister confirming the above two points.
- (4) Chooses not to conduct an informal community consultation phase prior to completing the draft Scheme and instead relies on comprehensive community consultation during the official advertising period.
- (5) Agrees to the additional resource and estimated expenditure requirements identified as necessary to achieve the target date, including the appointment of consultants and contract staff.

AMENDMENT

Moved Mayor Morgan, seconded Cr Walsh

Amend (4) to read:

- (4) Conduct an informal community consultation phase prior to completing the draft Scheme and administration to report to full Council on resourcing this phase and budgeting process to do so.

Carried 11/0

COUNCIL COMMENT

The Manager Development Services provided an overview of his report.

It was suggested that the community be kept informed, in advance, of Council's timeline, when they can expect a public consultation period and why the schedule is so tight.

The Mayor advised that Minister MacTiernan will be conducting regional deliberative forums, at which a draft coastal policy will be considered, including maximum height limits. This is an opportunity for Cottesloe to differentiate itself.

Cr Woodhill left the meeting at 8.55pm.

Cr Walsh requested that Councillors be provided a briefing paper from the meeting held with the Minister.

Cr Woodhill returned to the meeting at 8.57pm.

16.1 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council, in consideration of how to progress the draft Scheme to lodgement for consent to advertise:

- (1) Agrees to the 28 February, 2006 target date proposed by the Minister.**
- (2) Pursues the Deliberative Forum as outlined in this report.**
- (3) Writes to the Minister confirming the above two points.**
- (4) Conduct an informal community consultation phase prior to completing the draft Scheme and administration to report to full Council on resourcing this phase and budgeting process to do so.**
- (5) Agrees to the additional resource and estimated expenditure requirements identified as necessary to achieve the target date, including the appointment of consultants and contract staff.**

Carried 11/0

17 MEETING CLOSURE

The Mayor announced the closure of the meeting at 9.15pm.

CONFIRMED: MAYOR DATE:/...../.....