

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

ORDINARY MEETING OF COUNCIL
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
7.00 PM, Monday, 22 October, 2012

29 October 2012

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 7:02 PM.

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- The Mayor stated that he will endeavour to remain on Council business while undertaking his role as Mayor; however, there are times when issues will crossover, but he will be acting in council's best interest as he can see it from his role.
- He announced that this Wednesday the Robson report will be released by Premier Colin Barnett and Minister John Castrilli. The Mayor will attend this meeting with the CEO, and he stated that he expected to see harsh recommendations from Mr Robson. He predicted that it will be followed up by an offer that we cannot refuse and for the next 12 months the Council will be asked to consider voluntary amalgamation (G4) or otherwise it could end up in worse position. He stated that his primary concern is to ensure that the community is consulted.
- The Mayor stated that he has put his hand up for election to offer the public options at the Ballot box at the State level. No matter what position we are in, I believe that our best interest lies moving toward the greater Perth Authority. Whatever position is put forward it should not be done with force but through the power of persuasion and encouragement.
- He also stated that Town of Mosman Park is going to consider their committee recommendation tomorrow night, to end negotiations over sharing a depot facility. He believed it is scandalous that Council's cannot cooperate on sharing the use of a Crown reserve for the same use.

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

Nil

4.2 PUBLIC QUESTIONS**5 PUBLIC STATEMENT TIME**

Mr Jonathan Strauss, Bernard Seeber Pty Ltd, 152 High Street, Fremantle –
Re. Item 10.4.1: No.80 Railway Street - "WANSLEA" - Conservation Works,
Alterations and Additions

Mr Strauss represent the National Trust of Australia and he stated that he is present at tonight's Council Meeting in order to answer any questions that might arise in regards to the proposed development application.

6 ATTENDANCE

Elected Members

Mayor Kevin Morgan	Presiding Member
Cr Jack Walsh	
Cr Greg Boland	
Cr Katrina Downes	
Cr Yvonne Hart	
Cr Sally Pyvis	
Cr Vic Strzina	
Cr Rob Rowell	
Cr Peter Jeanes	

Officers

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

6.1 APOLOGIES

Nil

Officer Apologies

Mr Carl Askew	Chief Executive Officer
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6.2 APPROVED LEAVE OF ABSENCE

Nil

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 DECLARATION OF INTERESTS

Nil

8 CONFIRMATION OF MINUTES

Moved Cr Boland, seconded Cr Walsh

A correction was advised by Cr Boland in relation to Minutes of September 24, 2012 item 110.3.1 (No. 2 Deane Street – Two - Storey Dwelling with Undercroft Garage, Roof-Space Level and Elevated Pool on page 11) in the officer recommendation, bullet point two, that an 's' be added after the word 'requirement'.

Carried 9/0

Moved Cr Boland, seconded Mayor Morgan

[Minutes September 24 2012 Council.DOC](#)

The Minutes of the Ordinary meeting of Council held on Monday, 24 September, 2012 be confirmed subject to the above correction be made to the Minutes.

Carried 9/0

9 PRESENTATIONS**9.1 PETITIONS**

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

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

OFFICER REPORT

10.1.1 Annual Performance Review 2012 and Key Result Areas (KRA's) for The CEO

The following Items from Development Services Committee Were Dealt with 'En Bloc'

10.4.1 No.80 Railway Street - "Wanslea" - Conservation Works, Alterations And Additions

10.4.2 Chamberlain Street (South Of Eric Street) - Proposed Parking Restrictions

The following Items From Works & Corporate Services Committee were withdrawn for consideration.

- 10.5.2 2013 Havaianas Thong Challenge
- 10.5.3 Celebration of The Motorcar
- 10.5.7 North Street / West Coast Highway Intersection - City Of Nedlands State Blackspot Submission

The Remainder of the Officer Reports from Works & Corporate Services Committee Were Dealt with 'En Bloc'.

- 10.5.1 Government Sustainability Conference 2012 a Findings Report
- 10.5.4 Ordinary Election - Appointment Of State Electoral Commissioner as Returning Officer for Postal Vote Elections
- 10.5.5 General Electors Meeting & Acceptance of 2011/2012 Annual Report
- 10.5.6 Town of Cottesloe Existing Depot Site - Business Plan
- 10.5.8 Statutory Financial Reports for the Period 1 July 2012 to 30 September 2012
- 10.5.9 List of Accounts Paid For the Month of September 2012
- 10.5.10 Schedules of Investments and Loans as at 30 September 2012
- 10.5.11 Property and Sundry Reports as at 30 September 2012

10 REPORTS**10.1 REPORTS OF OFFICERS****10.2 CHIEF EXECUTIVE OFFICER****10.2.1 ANNUAL PERFORMANCE REVIEW 2012 AND KEY RESULT AREAS (KRA'S) FOR THE CEO**

File No:	PER/94
Attachments:	Confidential – CEO Annual Performance Review Report 2012
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Carl Askew Chief Executive Officer
Proposed Meeting Date:	22 October 2012
Author Disclosure of Interest	The CEO declared an interest in this matter as it directly relates to his contract of employment.

SUMMARY

This report recommends that Council note and endorses the recommendations of the CEO's Contract and Performance Review Panel as per the attached "confidential" report.

BACKGROUND

Council engaged the services of Mr John Phillips (Executive Manager) WALGA Workplace Business Solutions, to facilitate the 2012 CEO performance and remuneration review process. The Review Panel is appointed by Council and is comprised of the Mayor, Deputy Mayor (Cr Walsh), the chairman of the Works & Corporate Services Committee (Cr Rowell) the Deputy Chairman of the Development Services Committee (Cr Jeanes).

The appraisal process included the use of a questionnaire based on agreed Personal Attributes and Behaviours and Key Result Areas (KRA's) adopted by Council in December 2011. All Elected members were provided with an assessment questionnaire and an opportunity to meet individually with Mr Phillips in order to provide feedback on Mr. Askew's performance. Mr. Askew also provided a detailed self assessment report. Ratings and comments were aggregated, summarised and presented in Mr Phillips' 'feedback report' for use at the formal appraisal meeting of the Review Panel on 15 October 2012.

STRATEGIC IMPLICATIONS

The achievement of Council's Future Plan and strategic priorities are directly related to the performance of the CEO.

POLICY IMPLICATIONS

None Known.

STATUTORY ENVIRONMENT

Local Government Act 1995.

The Review is to be conducted in accordance with sections 5.38 and 5.39(3) (b) and Regulation 18D of the Local Government Act 1995, which requires that:

- *The performance of the CEO be reviewed at least once a year;*
- *The CEO will have a written contract of employment, which shall include performance criteria for the purpose of conducting a review. and,*
- *A Local Government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.*

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;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or

- (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.
- (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.

FINANCIAL IMPLICATIONS

Any proposed increase in salary will have an impact on Council's budget. Provision has been made in the Council budget for performance related pay increases.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

- CEO's Contract and Performance Review Panel
- Mr John Phillips (Executive Manager) Workplace Business Solutions WALGA
- All Elected Members

STAFF COMMENT

Nil

VOTING

Simple Majority

OFFICER COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Downes

THAT Council;

- 1. Receive the attached Performance Review report and endorse the overall rating of "Satisfactory - meeting the performance requirements of the position of Chief Executive Officer of the Town of Cottesloe".**
- 2. Conduct the next review of the CEO's performance by December 2013**
- 3. Adopt the attached Key Result Areas for the January to December 2013 appraisal period as drafted by the Panel and Mr Askew.**
- 4. Request the facilitator provide a Remuneration Report for consideration by Council at its November 2012 meeting.**
- 5. Request the facilitator draft a contract of employment for consideration and discussion of a further contract for the CEO by Council at its November 2012 meeting.**

Carried 9/0

10.3 REPORTS OF COMMITTEES**10.4 DEVELOPMENT SERVICES COMMITTEE MINUTES - 15 OCTOBER 2012****10.4.1 NO.80 RAILWAY STREET - "WANSLEA" - CONSERVATION WORKS, ALTERATIONS AND ADDITIONS**

File No:	2515
Attachments:	Wanslea Report Oct 12.pdf Wanslea photos Oct 12.pdf Wanslea site plans Oct 12.pdf
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Ed Drewett Senior Planning Officer
Proposed Meeting Date:	15 October 2012
Author Disclosure of Interest:	Nil
Property Owner:	National Trust of Australia & Department of Education
Applicant:	Bernard Seeber Pty Ltd
Date of Application:	18 September 2012
Zoning:	Residential R20/R30
Use:	AA - A use that is not permitted unless special approval is granted by the Council
Lot Area:	7430m²
M.R.S. Reservation:	Not applicable.

SUMMARY

On 25 July 2011 Council considered an application for alterations and additions on the "Wanslea" site and resolved to:

GRANT its Approval to Commence Development for the proposed conservation works and alterations and additions at 80 Railway Street, Cottesloe, as per the revised plans dated 6 June 2011, subject to conditions.

This previous approval has recently expired and the applicant has submitted a new planning application, with modifications, to enable works to commence.

A summary of the main changes proposed are:

- Widening the access road from Railway Street to Carpark 1 to allow 2-way traffic;
- Upgrading the pedestrian accessway along the main driveway;
- Enlarging and modifying Carpark 1 from 13 bays to 20 bays (additional 7 bays);
- Upgrading the existing Army Building to accommodate an Early Childhood Centre (for Department of Education);
- Two-storey addition to existing staff quarters;
- Disability access ramps;
- Alterations/renovation of existing outbuildings;

- Single-storey/two-storey hall, meeting room & kitchen;
- Fire tanks and associated pump room near Railway Street entrance.

Each of these points is discussed in this report.

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

BACKGROUND

The site has been used by community groups continuously since the establishment of the Wanslea orphanage in 1905. At present the site is owned by the National Trust of Australia and occupied by the Cottesloe Wellness Centre, which accommodates a variety of cancer support groups.

There are three main buildings and several small outbuildings on the site. The oldest and largest is the two-storey brick and iron former orphanage, which dates from 1905. Other significant structures include the two-storey brick staff quarters (1958) in the centre and the weatherboard/iron Army buildings in the south east corner of the site (constructed 1940-43). The buildings on the Wanslea site are structurally sound but are in need of urgent conservation works.

STRATEGIC IMPLICATIONS

Conservation of the heritage place and expansion/improvement of the premises for community-related purposes are consistent with Council's objectives and policies for the built and social environments in Cottesloe.

FINANCIAL IMPLICATIONS

No direct cost to council.

STATUTORY ENVIRONMENT

- Town Planning Scheme No 2 (TPS 2)
- Heritage of Western Australia Act 1990
- Municipal Heritage Inventory

LAND USE

The existing/proposed uses include:

- Retention of offices for the Cancer Support Group;
- Counselling/meeting rooms;
- Public yoga, reiki in existing outbuilding;
- A new community hall to facilitate existing needs of the Cancer Support Association (ie: for seminars, meetings, teaching, instruction etc - facilities would also be available to all tenants, the general community and the Primary School);
- Change of occupancy of the old Army Building from Cottesloe Childcare to Department of Education – Early Childhood Centre.

The previous report to Council examined the existing and proposed uses on the site and categorised these activities as either 'Consulting Rooms or Professional Offices'. Both of these are AA uses, which may be permitted with special approval of Council.

The previous report also considered the uses under the definitions in proposed Local Planning Scheme No 3 and advised that the operation of the Cottesloe Wellness Centre/ Cottesloe Playgroup/ Cottesloe Child Care Centre would fall under the categories of "Community Purposes" and "Family Day Care". These land uses are listed as discretionary uses under the LPS 3 Zoning Table and are thus supportable by Council. The report also stated that overall the existing and intended uses are essentially consistent with the range of institutional, educational civic and community uses typically permitted on local reserves or public property.

The yoga/reiki is a new use which could be categorised as a Health Studio under TPS 2, albeit on a much smaller scale than that normally associated with such a use. However, it would probably be more appropriate to consider this use as ancillary to the predominant uses on the site. Either way, the Council has discretion to approve them under TPS 2 and proposed LPS 3.

HERITAGE LISTING

The Wanslea site occurs on the State Register of Heritage Places. In addition, the site is listed with the National Trust (who is also the owner) and is a Category 1 place on the Town's Municipal Inventory.

The site is vested in the National Trust by virtue of a management order. As the NT acts under delegated authority from the HCWA, it has not been necessary to refer the application to the HCWA for comment although they have been advised by the Trust.

The property is classified in the MHI as Category 1, which is defined as: *Highest level of protection appropriate. Included in the State Register of Heritage Places. Provide maximum encouragement to the owner to conserve the significance of the place. Photographically record the place.*

The MHI description of the place is: *Independent Order of Odd Fellows (IOOF) Orphans' Home. Historic, architectural and social significance.*

The conservation works are to be undertaken by the Trust, in conjunction with the Department of Education, and can be relied upon as being acceptable, consistent with its charter, expertise and practices in this field.

CONSULTATION

As previously, the application was advertised by the Town in accordance with TPS 2. The advertising consisted of a letter to 14 adjoining property owners. Some neighbours viewed the plans.

No submissions were received.

PLANNING COMMENT

The following assessment is made in respect to this application and refers to plans received 18 September 2012.

Changes to access road

The existing access road between Railway Street and Carpark One is to be upgraded and widened to create a two-way access (approx. 5.5m in width). This will have little impact on the existing site and is supported by the Manager Engineering Services. It will improve traffic flow and safety.

Upgrading pedestrian access

A separate pathway will be provided on the southern side of the access road between Railway Street and Carpark One to provide defined and safer pedestrian entry to the site.

Alterations to Carpark One

The existing carparking area in front of Wanslea is to be redesigned and enlarged to accommodate a total of 20 bays. This will provide an additional 7 carbays more than the existing parking area and will assist in meeting demand from the existing and proposed uses on the site. Traffic circulation will also be improved.

Upgrading of former Army Buildings

This single-storey building is on the south-east side of the Wanslea Building and has been used by the Cottesloe Childcare Centre. It is now proposed to be used by the Department of Education as an Early Childhood Centre following the relocation of the Cottesloe Childcare Centre to the former kindergarden site in Marmion Street.

The existing building will accommodate 3 classrooms, a staff office, kitchen and stores. Both internal and external conservation works will be carried out, including re-decking the southern verandah, new and replacement balustrades, provision of a new timber verandah on the northern side (replacing an enclosed nursery), external timber weatherboard cladding and various alterations to external windows and doors.

The overall floorspace will remain largely unchanged and the proposed use is similar to that existing and may be approved by Council. Although there are no specific parking requirements under TPS 2 the proposed additional 7 car bays in Carpark One and the widening of the main access is expected to satisfactorily accommodate the proposed use. Additional public car-parking is also available on the opposite side of Railway Street.

Two-storey addition to Staff Quarters

This building will continue to be used as offices and includes a new 2-storey addition that is similar in size, location and height to that previously approved by Council.

The main changes proposed are:

- The total floor area has marginally increased by approximately 8m²;
- The roof has been changed from pitched to skillion which has marginally reduced its overall height to approximately 7m above NGL;
- An external ramp has been added for improved access to Carpark 2;
- The addition has been modified to align it with the north-eastern side of the existing building thereby increasing its distance from the nearest northern boundary by approximately 2m to 19m at its closest point.

It is considered that these are relatively minor changes to the plans already approved and as additional parking was previously waived by Council it is not considered necessary to require additional parking for this proposal, and as 7 additional car bays will be available on site. The proposed juxtaposition of the addition to the existing building, its external finish in vertical shiplap with timber-framed windows and a low-pitched steel roof should enhance the appearance of the existing building and hence the amenity of neighbouring properties.

Disability access ramp/stairs

A concrete ramp and stairs are proposed on the northern side of the staff quarters to provide access to existing Carpark 2. It will be approximately 11m in length and is necessary to take account of the topography. A small ramp is also proposed from Outbuilding 2.

Outbuilding 1

This small outbuilding is approximately 33m² in area and will be retained and conserved to accommodate group or family counselling sessions. A 10.6m² toilet will be added over a portion of the previously approved deck area on the eastern side for the occupants, well-setback from the nearest boundary. The proposed modifications and use can be approved by Council and will be ancillary to the main support uses on the site.

Outbuilding 2

This small outbuilding is approximately 36m² and will be retained and conserved to and be used for recreational activities such as yoga and riki or for small group or family counselling. A 6.5m² detached toilet will be added over a portion of the previously approved deck area on the northern side for the occupants and this will be setback between 1.1m to 1.5m from the adjoining boundary. The proposed modifications and use can be approved by Council and will be ancillary to the main support uses on the site.

Outbuilding 3

This outbuilding superscedes a larger two-storey building that was previously approved by Council for offices and a meeting space next to the main Wanslea building.

The new proposal comprises of a 237m², predominantly single-storey building on the eastern side of the Wanslea building for use as a hall by the Cancer Support Association (also to be shared by the other tenants, the primary school and general

community for activities including seminars, meetings, teaching and instruction and activities that previously took place in the former Army building). A 37m² lower floor will be constructed under a portion of the new building where the topography naturally slopes down towards the Wanslea building and this will be used as a meeting room and will largely not be visible from outside the site.

The new building will be approximately 5m in height above NGL, measured from a datum directly beneath the proposed addition (which was the method previously used for determining heights on the site). This is well below the standard building heights generally permitted under TPS 2 and, due to the topography of the site will only appear between approximately 4.5m to 5m in height when seen from the nearest boundary on the eastern side. It will be setback approximately 2.3m from the adjoining ROW but due to its single-storey appearance on the elevation and the considerate use of external materials matching that to be used on the former Army building (ie: vertical shiplap cladding), it is unlikely to have any significant visual impact on adjoining properties in Mann Street, which back onto the existing ROW and generally have high, solid brick, rear boundary walls.

Service infrastructure

The service infrastructure is proposed to be located near the Railway Street entry in a similar location to that previously approved by Council. The services include water tanks, pumps and electricity supply as before, but will now be fully enclosed in a concrete structure, ranging in height from approximately 2.8m to 4.7m along its northern elevation, and setback 1.7m from the boundary. The majority of the structure will not be visible from major openings on the adjoining property but due to its prominent location a condition requiring the aesthetic treatment of materials, screening and finishing is recommended, consistent with the previous planning approval.

Landscaping

Existing trees and vegetation of significance generally contribute to the heritage value of the Wanslea site. However, where trees have had to be removed they have each been assessed by an Arboriculturist and the National Trust regarding their heritage impact. Pruning and shaping of remaining trees is being kept to a minimal and all works are being carried out by either a qualified Tree Surgeon Contractor or Arboriculturist. The applicant has advised that a detailed landscaping plan will be submitted for the site and a landscaping condition is therefore recommended.

CONCLUSION

The proposal is similar to that previously approved by Council and will facilitate the conservation, enhancement and expansion of the existing and proposed uses on the site. The proposed buildings and uses are relatively modest and unlikely to significantly affect the amenity of neighbours - this being reinforced by the absence of any public submissions on the proposal. Conservation of the heritage buildings and upgrading of the old outbuildings will also be beneficial.

An additional 7 car bays will be provided on the site, whereas none were previously required by Council, and it is anticipated that this will be adequate for the various new uses proposed on the site.

The proposal will facilitate important rationalisation of existing uses within the Town and may be seen as an outstanding opportunity for Council to support the community.

Similar conditions to that previously approved is recommended.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee queried liaison with the HCWA and the MDS explained that the National Trust as custodian has delegated authority from the HCWA to manage the place, subject to conferring with the HCWA on proposals. Committee also asked about the chosen roof forms and materials involved and the architect outlined the design approach taken to the blend of old and new.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Strzina

That Council GRANT its Approval to Commence Development for the proposed conservation works and alterations and additions at 80 Railway Street, Cottesloe, as per the plans dated 18 September 2012, subject to the following conditions:

- 1. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.**
- 2. The external profile of the development as shown of the approved plans shall not be changed, whether by addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.**
- 3. Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged into the street reserve, right-of-way or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings for a building licence.**
- 4. Air-conditioning plant and equipment shall be located closer to the proposed buildings than the adjoining buildings, and housed or treated to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*.**
- 5. Any future proposed change of use on the site shall require a separate planning approval by the Town.**
- 6. Signage does not form part of this approval and any future proposed signage shall require a separate planning approval by the Town.**

7. The proposed services upgrade and infrastructure near the Railway Street entrance to the property shall be designed, constructed, finished and screened with aesthetically suitable materials and vegetation to the satisfaction of the Manager Development Services, and full details are required to be provided as part of the building licence application.

8. A detailed landscaping plan shall be submitted to the satisfaction of the Manager Development Services prior to commencement of building works.

Carried 9/0

**10.4.2 CHAMBERLAIN STREET (SOUTH OF ERIC STREET) - PROPOSED
PARKING RESTRICTIONS**

File No: Sub/434
Attachments: [Parking restrictions Oct 12.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 15 October 2012
Author Disclosure of Interest Nil

SUMMARY

This report recommends that parking restrictions be imposed along Chamberlain Street, south of Eric Street, following complaints by residents regarding significant use of the street by visitors to the recently upgraded Eric Street shopping centre.

Under the Parking Local Law Council's approval to parking management measures is required. Additional future parking changes may also be reported to Council, subject to further analysis.

BACKGROUND

Concerns from residents regarding the increased use of local streets by visitors to the Eric Street shopping centre have emerged since the redevelopment of the shops was completed. There has been some settling-in period and works affecting the basement parking area have only just been finished.

The Town has restricted parking on the eastern side of the shops in Chamberlain Street (north of Eric Street) to a loading zone from Monday to Saturday, 7am to 6pm, in order to restrict deliveries to reasonable daytime hours and minimise noise or disturbance to nearby residents, while ensuring that there are adequate bays available for delivery vehicles. However, this has resulted in more cars being parked in Chamberlain Street, south of Eric Street, which currently has unrestricted parking.

The Town has received both verbal and written complaints in respect to the parking situation in Chamberlain Street south and has invited comment from the 6 adjoining properties. The Town has also liaised with the proprietors of Cimbalino cafe and the IGA supermarket regarding on-going parking and noise issues associated with their businesses, and again after a settling-in period a number of improvements have been agreed to.

A range of responses have been received and discussed with the Manager Engineering Services and Senior Ranger. While residents tend to have their individual ideas or preferences, the Town's officers are experienced in parking management measures and the roads are public, albeit in a residential area.

STRATEGIC IMPLICATIONS

Effective parking management relates to a functional local shopping centre as well as to neighbourhood amenity.

POLICY IMPLICATIONS

Nil.

STATUTORY ENVIRONMENT

The Local Government Act and Council's Parking Local Law apply. The Local Law is made under the Act and clause 1.8 provides as follows:

Powers of Local Government

The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistent with the provisions of this Local Law.

FINANCIAL IMPLICATIONS

The cost of signage associated with the proposed restrictions will be met from current budget provisions.

CONSULTATION RESPONSES

The Schedule and comments below outlines the responses received following consultation with residents in the vicinity of Chamberlain Street south:

RESPONSES FROM:	SUGGESTED OPTIONS:			
	Do nothing	<i>No stopping zone along the western side of Chamberlain Street and restrict parking on the eastern side to 1 hour from 8am to 6pm, 7 days a week.</i>	<i>No stopping zone along the eastern side of Chamberlain Street and restrict parking on the western side to 1 hour from 8am to 6pm, 7 days a week.</i>	Other suggestions.
1 Chamberlain Street	Yes			Restrict parking to 2-3hrs each day. Retain adequate residents' visitor parking.
2 Chamberlain Street	No response.			
3A Chamberlain Street		No	No	Have parking restrictions similar to John Street permit

				area.
39 Eric Street	No	No	No	Issue 2 x parking permits to residents. Designate street for permit parking only.
2 Clarendon Street	No			Prefers 2hr parking on eastern side (provides reasonable time for gym/café users). Have <i>No Stopping</i> zone on western side.

Helen Bunning, 43 Eric Street

- Have parking available on one side of Chamberlain Street with permit parking on the other.
- A ban on general parking is rather unrealistic with the changes to the shopping centre.
- Shopkeepers should use the parking below the shopping centre as coffee shop patrons and shoppers will not be parking all day.
- These issues should have been anticipated earlier by Council.

Len & Rhoda Weir, 4 Chamberlain Street (verbal response only)

- Allow parking on one side of road only, probably eastern side to avoid future dwelling development lot.
- Needs parking situation improved.
- Open to idea of permit parking.

STAFF COMMENT

The Town has been observing the parking situation around the Eric Street Shopping Centre for several months following some complaints from nearby residents. As mentioned the construction works have created parking disruption until recently; however, it is also apparent that the new café and improved shops are attracting more customers.

From monitoring by the Town it is clear that the parking situation in Chamberlain Street south has worsened following renovation of the shopping centre, although the various uses are all permitted under TPS2. Three new bays were added to the Eric Street parking area and three of these were limited to 10 minutes. Also, new bike racks were installed, motorcycle bays designated and large signs displayed advising of the rearranged loading zone parking.

It is observed that cars often park on both sides of Chamberlain Street south, constraining access for residents. Up to 10 cars at any one time occupy this section of the street, apparently coinciding with gym sessions at the shopping centre, or attributed to café patrons and even some centre staff.

In addition, some parking difficulties have arisen in Chamberlain Street north and extended to Florence Street; although parking is already partially restricted in this area by virtue of the loading bays and *no parking* opposite. As indicated the Town is liaising with key shopping centre tenants in this regard and the situation covers delivery, worker and customer parking needs and behaviour so is more complex. It is also fair to say that Chamberlain Street north was a pre-existing situation, with the revised parking arrangements largely adapted to and a reasonable degree of tolerance of the mixed commercial/residential activity.

For the southern portion of Chamberlain Street at this stage, while there is not unanimous agreement on a preferred solution, there is a general consensus that the introduction of a Permit Zone for both the east and west sides of the street would probably be satisfactory for both residents and shopping centre visitors.

The suggested restriction would allow up to 2hr parking from 7am to 6pm, 7 days a week, with resident permit holders being exempt. Each household would be provided with resident and visitor parking permits in accordance with Council's Parking Local Law, and a trial period of 6 months is recommended to enable monitoring then review for continuation or change.

CONCLUSION

In response to complaints received and suggestions made by residents adjoining Chamberlain Street south of Eric Street, and following consultation it is recommended that a Permit Zone be introduced for a trial period of 6 months.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee acknowledged the need for parking management and agreed to the suggested solution for this section of Chamberlain Street, while noting advice from officers that Chamberlain Street north of Eric Street is a different parking and delivery regime which officers are also monitoring.

OFFICER RECOMMENDATION

Moved Cr Walsh, seconded Cr Downes

THAT Council approves of a Permit Parking Zone in Chamberlain Street, south of Eric Street, on a 6 month trial basis and that affected owners/residents be notified accordingly.

AMENDMENT

Moved Cr Walsh, seconded Cr Boland

That "2hr parking from 7am to 6pm, 7days a week" be included in the recommendation.

Carried 6/0

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Strzina

THAT Council approves of a 2 hour parking restriction from 7am to 6pm, 7 days a week, and of a Resident Permit Parking Zone, for Chamberlain Street south of Eric Street, on a 6 month trial basis, and that affected owners/residents be notified accordingly.

Carried 9/0

**10.5 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 16
OCTOBER 2012****10.5.1 GOVERNMENT SUSTAINABILITY CONFERENCE 2012 A FINDINGS
REPORT**

File No: SUB/83
Responsible Officer: Andrew Jackson
Manager Development Services
Author: Nikki Pursell
Sustainability Officer

Proposed Meeting Date: 15 October 2012
Author Disclosure of Interest: Nil

SUMMARY

In June 2012 Council approved the Sustainability Officer's attendance at the Government Sustainability Conference 2012. This is an annual conference for sustainability practitioners, this year held in Melbourne. The focus of the conference was on ingraining environmentally sustainable policies and practices within government organizations and included presentations from over 20 national and international speakers.

This report outlines some of the relevant findings from the conference.

BACKGROUND

The Sustainability Officer's attendance at this year's conference was approved on 19 June 2012 as per the following:

THAT Council APPROVE the attendance of the Sustainability Officer at the Government Sustainability Conference 2012 in Melbourne on September 18 and 19 2012, and request that a report on the conference be provided within two months of attending the event.

FINANCIAL IMPLICATIONS

With a total cost of \$1,700 the conference represented good value for money and a great opportunity to gain a vast amount of information in a short amount of time.

SUSTAINABILITY IMPLICATIONS

Interstate flights have a considerable environmental impact. In this case, the officer included 'carbon offsetting' in the cost of the flight, in order to reduce the impact of travel. While interstate travel is not ideal from a sustainability point of view, being a small local government, the benefits gained from an opportunity such as this are considered to outweigh the impact. The broad wealth of knowledge and experience in other states is invaluable to sustainability officers in Western Australia, and particularly so for the role at the Town of Cottesloe, which can be isolated from the industry.

STAFF COMMENT

The conference was a very worthwhile experience and provided a number of ideas and practical project examples which could be applied at the Town of Cottesloe.

Over the two days, 23 presentations were heard from speakers from various backgrounds, including Local, State and Federal Government employees with success stories from all levels; consultants with valuable experience and knowledge to share; and Industry representatives with exciting new technology.

These speakers covered the following themes:

- Driving sustainability in government;
- Sustainable government infrastructure;
- Community engagement;
- Clean energy in the Public Sector;
- Embedding sustainability actions in your organization; and
- Responding to the carbon price.

As well as presentations, a trade show showcased products and services relevant to the sustainability industry. The conference also provided ample opportunities to network with other staff from all around Australia.

Some of the key findings from relevant topics at the conference included:

- **Critical success factors for embedding sustainability into government organizations.** A number of speakers discussed their experience and lessons learnt from driving sustainability in different organizations. Some of the key factors to success include: understanding your drivers (for example, is the main motivation to save money? Set an example? Improve efficiency?); high level commitment from Council and upper management; clear responsibilities and adequate resources; and staff engagement. One of the key points in this discussion was the need for sustainability leadership from the top of an organization. This encourages staff to feel that sustainable behaviour is the social norm. Furthermore, it is important to incorporate sustainability into high level policies/strategic plans to ensure that it is implemented across all sections of the organisation, and not just perceived as a “green issue” to be dealt with by the Sustainability Officer.
- **Green buildings & infrastructure.** The technology and rating systems of “green” Government infrastructure (NABERS; Green Star) was a topic covered in many presentations. An interesting point conveyed was that buildings with a high “green star” rating (for example incorporating grey water reuse, tri-generation (simultaneous generation of electricity and useful heating and cooling), waste minimisation measures, ‘greenwalls’, to name a few), adds financial value to the asset. There is evidence to suggest that these features are not just appealing from a sustainability point of view, but can attract higher sales prices and rent returns.
- **Lessons learnt by Carbon Neutral Councils.** Of particular relevance to Cottesloe was the many lessons learnt by other local governments who have

taken the journey to become carbon neutral. For example, Moreland City Council, Victoria became Carbon Neutral this year, starting out with a Carbon Management Strategy. The Council undertook a number of audits to highlight emissions savings activities and then adopted technological upgrades, including voltage optimization; LED lighting; solar tubes for natural lighting; and an electrical vehicle trial. Finally they produce a complimentary "Offset Policy" to guide their purchases, before finally achieving zero net emissions. An interesting part of this process was that they initiated the project by employing an in-house data manager to review utility bills and accounts. This resulted in \$140,000 worth of savings from duplicate bill payments, etc. The City of Yarra, Victoria, also became Carbon Neutral this year. Along with their target of zero net emissions by 2012, they aimed to reduce energy use by 30% by 2012 and by 50% by 2015. Interestingly they also set renewable energy targets, such that they would produce or purchase 10% of energy from local low carbon suppliers by 2012 and 25% by 2015. The Council has taken a multi-pronged approach to realising their emission reductions targets. Their "Adaptive Asset Policy" encourages investment in anything with a payback period of less than 10years. Furthermore they have dedicated a full time officer position to Greenhouse gas accounting to assist in data management. Both of these Councils demonstrate that the management of emissions data can be performed much like financial accounting, as long as adequate systems and resources are in place.

- **New ideas & technology.** The conference was a great opportunity to see what Councils are doing in the Eastern States. It was interesting to note that there are a number of ways that they are ahead of WA Councils. For example, 1. voltage optimization. This is technology that allows efficient voltage and reduces energy wastage. A number of Victorian Councils have successfully installed this technology, reducing their electricity costs and Greenhouse gas emissions. This was a recommendation of our GHG Reduction Plan 2012 and should be investigated at Cottesloe; 2. The use of clean energy. There were many examples of energy production through tri-generation. While these were not relevant to Cottesloe (we don't have an adequate heat source), many Councils and Government buildings are looking towards alternative energy production. This is great encouragement as we install our solar power system at the Civic Centre this year.
- **Final thought.** It became apparent that there are many different approaches to achieving sustainability in an organization. Opinions differed in regard to focusing on the "low hanging fruit" (the easy, cheaper options such as energy efficient lighting), versus large scale meaningful projects (such as complete building retrofits). This was an interesting discussion, confirming that there is no one route to sustainability, rather practitioners need to "just jump in" and begin the process.

Conclusion

The Sustainability Officer found the conference highly informative and greatly appreciates the opportunity provided by Council to attend.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council note this report on the Government Sustainability Conference 2012.

Carried 9/0

10.5.2 2013 HAVAIANAS THONG CHALLENGE

File No: SUB/550-02
Attachments: [Havaianas Thong Challenge Event Application 2013](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Sherilee Macready
Community Development Officer
Proposed Meeting Date: 16 October 2012
Author Disclosure of Interest Nil

SUMMARY

Havaianas Thong Challenge is a National event held on Australia Day each year. The 2013 event will be the 9th. Cottesloe has been involved in this event for the last three years.

This report recommends that Council support the event on Saturday 26 January 2013.

BACKGROUND

The event invites participants to take part in the “Havaianas Thong Challenge” which is a world record attempt for the largest chain of people floating out on the water on inflatable lilos. Participants are required to register either prior to the event or on the day at the beach. As part of the registration process, each participant receives an inflatable Havaianas Thong Lilo, to float on during the record challenge.

Registration fees are;

- Pre-event online registration - \$25
- On the day registration - \$30

(\$10 for every participant is donated to the Cottesloe Surf Life Saving Club / Nippers)

To address safety of registered participants, organisers have included coloured coded arm bands to indicate their swimming competency:

- Red – Novice
- Orange – Intermediate
- Green - Advanced

In 2012 the thong Challenge obtained a record number of participants nationally (over 8,000). Events were held at Bondi Beach (NSW), Torquay (VIC), Mooloolaba (QLD), Glenelg (SA) and Cottesloe (WA), which places Cottesloe as one of Australia’s most iconic beaches.

The event adds value to the community in the following ways:

- Providing generous contribution to the local SLSC and Nippers association;
- Creates a structured, well organized event at Cottesloe Beach;

- Promotes Cottesloe as a family friendly environment to celebrate Australia Day together;
- Advocates Cottesloe's focus on safety with continual water safety and "alcohol prohibited" messages being promoted throughout the event;
- Provides entertainment and activities for all age groups on the day; and
- Supports local businesses by attracting people to the area.

Organisers of the event, Urban Media, have introduced risk control measures including water safety plans and on hand first aid. The water area will also be "roped off" to avoid other members of the public who are celebrating Australia Day from clashing with the event.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Beach Policy – this event is in compliance with the Town of Cottesloe's Beach Policy.

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Below are the fees associated with Public Events / Multiple Area Events for over 500 people, as per the Town's Schedule of Fees and Charges for the year ending 30 June 2013.

Commercial (<1000 people)	\$3,000 per day
Commercial (>1000 ~ 2000 people)	\$6,000 per day
Commercial (<2000 ~3000 people)	\$10,000 per day

(GST applies unless there is a valid exemption)

The event organisers have indicated that they are anticipating between 2000 – 2200 paid participants. Given the organisers are contributing \$10 per participant to the Cottesloe Surf Life Saving Club, it is recommended that Council charge a fee \$6,000 (+ GST) for this Commercial event.

In 2012 event organisers were charged a fee of \$3,000 (+ GST).

SUSTAINABILITY IMPLICATIONS

Organisers have confirmed that the plastic Lilos are not recyclable.

CONSULTATION

Officers contacted the Cottesloe Surf Club to obtain feedback on previous year's events. It was advised, that the 2012 event was overall a positive experience for the club.

The club expressed their positive experience of having full support and cooperation, from partnerships with the Town of Cottesloe Rangers, Cottesloe police, and Water

police, particularly during the event. In addition, the club advised they secured 70 trained life savers to provide additional water safety on Cottesloe Beach during the event, and were pleased to report that no required water rescues took place during the event.

A minor concern raised was the lack of shaded areas on the beach itself for patrons of the event, as temperatures reached 38C. The club recommended the provision for increased shaded areas on the beach itself, for the 2013 event, be considered to address this issue.

In addition, the club recalled some negative publicity at the time of the 2012 event, with respect to the lack of parking for patrons attending the event. The club recommended provision for additional parking, and perhaps an increase in shuttle buses for patrons to and from the event, be considered.

This event was also considered by the Public Events Committee at its 18 September 2012 meeting. Committee discussed the commercial event fee of \$6,000 in comparison to previous years events. Committee discussed previous Havaianas events and agreed that reducing the signage at the event would be recommended to Council.

STAFF COMMENT

Event organisers have requested that Council approve the presence of the "Havaianas Australia Day Thong Challenge Shop" that will carry Havaianas merchandise such as thongs and beach umbrellas. The sale of this merchandise would compete with local traders and potentially create more advertising, waste, and rubbish on the beach and as such is not supported.

The event organizers have provided examples of signage that will be utilized during the event. Given concerns raised over promotional signage after the last event, it is recommended that signage be limited to only directional and safety signage, with the request for tear drops and large banners to be declined.

In previous years, event organizers have not provided additional toilet facilities. Given the number of complaints received regarding the inadequacy of the public toilet facilities during peak periods, it is recommended that event organizers be required to supply 7 female and 5 male portable toilets to cater for the 2000+ participants.

Concerns have been previously raised over the noise associated with the DJ and announcements during the event and officers will notify the organizers of their responsibility to comply with the Environmental Protection (Noise) Regulations 1997.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Pyvis advised that she would not be voting in favour of the officer recommendation and cited concerns over the fact that the plastic inflatable Lilos provided to all participants in the Havaianas event, are not recyclable. Cr Strzina

commented that the event is fun for the community and questioned the possibility that people attending the 2013 event may reuse their Lilos from previous years.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Strzina

THAT Council approve the application to hold the Havaianas Thong Challenge at Cottesloe Beach on Saturday, 26th January from 5:00am to 5:00pm with the following conditions:

- 1. Adequate arrangements are made for rubbish collection and removal, including provision for recycling.**
- 2. Compliance with the Environmental Protection (Noise) Regulations 1997.**
- 3. Compliance with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the Health (Public Buildings) Regulations 1992.**
- 4. All fees are paid prior to the event, including fees to cover additional costs of cleaning the public toilets and ranger services (if required).**
- 5. Class the event as a commercial event and charge the fee of \$6,000 (+GST) and a bond of \$2,000.**
- 6. Provision of 'certificates of currency' to certify that organizers have adequate public liability and event insurance.**
- 7. That signage is limited to only directional and safety signage, with the request for tear drops and large banners to be declined.**
- 8. The request for a "Havianas Australia Day Thong Challenge Shop" is declined.**
- 9. Organizers supply 7 female and 5 male portable toilets to cater for the 2000+ participants.**
- 10. In the event that the 7 day forecast indicates that the maximum temperature for the day of the event will exceed 35 degrees, additional shade structures are permitted with a total area less than 100 square metres, subject to arrangements for these being to the satisfaction of the Chief Executive Officer.**

AMENDMENT

Moved Cr Walsh, seconded Cr Jeanes

That item 8 of the recommendation be deleted.

Lost 4/5

AMENDMENT

Moved Cr Jeanes, seconded Cr Rowell

That item 7 of the recommendation be deleted.

Lost 4/5

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

THAT Council approve the application to hold the Havaianas Thong Challenge at Cottesloe Beach on Saturday, 26th January from 5:00am to 5:00pm with the following conditions:

- 1. Adequate arrangements are made for rubbish collection and removal, including provision for recycling.**
- 2. Compliance with the Environmental Protection (Noise) Regulations 1997.**
- 3. Compliance with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the Health (Public Buildings) Regulations 1992.**
- 4. All fees are paid prior to the event, including fees to cover additional costs of cleaning the public toilets and ranger services (if required).**
- 5. Class the event as a commercial event and charge the fee of \$6,000 (+GST) and a bond of \$2,000.**
- 6. Provision of 'certificates of currency' to certify that organizers have adequate public liability and event insurance.**
- 7. That signage is limited to only directional and safety signage, with the request for tear drops and large banners to be declined.**
- 8. The request for a "Havianas Australia Day Thong Challenge Shop" is declined.**
- 9. Organizers supply 7 female and 5 male portable toilets to cater for the 2000+ participants.**
- 10. In the event that the 7 day forecast indicates that the maximum temperature for the day of the event will exceed 35 degrees, additional shade structures are permitted with a total area less than 100 square metres, subject to arrangements for these being to the satisfaction of the Chief Executive Officer.**

THE SUBSTANTIVE MOTION WAS PUT

Carried 8/1

10.5.3 CELEBRATION OF THE MOTORCAR

File No: Sub/550-02
Attachments: [Event Application Celebration of the Motorcar](#)
[Event Map Celebration of the Motorcar](#)
[Napier Street Event Entrance Banner](#)

Responsible Officer: Carl Askew
Chief Executive Officer

Author: Sherilee Macready
Community Development Officer

Proposed Meeting Date: 16 October 2012

Author Disclosure of Interest Nil

SUMMARY

An application has been received for an event, known as the Celebration of the Motorcar. This is an elite motoring exhibition event that was previously held annually, from 1993 to until 2003.

This report recommends that Council approve the application for this event to be held on Sunday 16 December 2012 at the Cottesloe Civic Centre, between 10.30am and 3.30pm.

BACKGROUND

The event invites members of the public to view an exhibition of Perth's classic, vintage and prestige cars in the grounds of the Cottesloe Civic Centre. The specific location of the exhibition will be on the Main Lawn and Lower Lawn as shown on the attached map.

The primary aim of the event is to raise funds and profile for the organisers chosen charity, Kalparrin. Kalparrin is a not-for-profit organisation coordinated by Parents of Children with Disabilities Inc., located at Princess Margaret Hospital, and is available to support any family member or carer of a child with a disability or special need. Kalparrin's purpose is to make a positive difference to the lives of families and carers of children with special needs through the provision of practical and emotional support. Service providers in the disability sector also use Kalparrin as a trusted information and research service.

General public event admittance fees are as follows;

- Adults admission - \$20
- Children admission - \$10

100% of admission fees are donated to the organiser's chosen charity organisation, Kalparrin.

The original event was created and organised by Paul Blank of Automotive Events Management. The inaugural event, held in 1993, won the West Australian Motoring Event of the Year award. After five successful years of the event held at Cottesloe

Civic Centre, demand was such that the event moved to a larger venue at the Claremont Teachers College. The event was held at the teacher's college until 2003.

Automotive Events Management is looking to resurrect the event in its original location at the Cottesloe Civic Centre grounds.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Event Classification Policy

STATUTORY ENVIRONMENT

Environmental Protection (Noise) Regulations 1997

FINANCIAL IMPLICATIONS

Below we have outlined the fees associated with Public Events / Multiple Area Events for over 500 people, as per the Town's Schedule of Fees and Charges for the year ending 30th June 2013.

Charity	Nil	
Community (<1000 people)		\$550 per day
Community (>1000 ~ <3000 people)		\$1,100 per day
Commercial (<1000 people)		\$3,000 per day
Commercial (>1000 ~ <2000 people)		\$6,000 per day
Commercial (<2000 ~ <3000 people)		\$10,000 per day

The event organisers have indicated that they are anticipating approximately 2000 paid participants – which would attract a fee of \$6,000.

However, the organisers are contributing 100% of the admission fees collected to their chosen charity, namely Kalparrin, which supports activities at Princess Margaret Hospital. As such it is recommended that Council classify this event at a charitable event – which has no fees.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications with this event.

CONSULTATION

The Principal Environmental Health Officer had raised concerns with regards to noise levels, in particular any noise before 9.00am on a Sunday morning, close to residential areas. In order to limit the impact on neighbours, no activity will take place in the Secret Garden, and noise limits will be put in place for activities on the Western Lawn.

However it is still recommended that neighbouring properties be advised the event will be taking place (if approved) and provide a mechanism for them to provide feedback if required.

STAFF COMMENT

This event represents a new opportunity for the Town, to increase the use of the Cottesloe Civic Centre, with events of an appropriate level. It is likely to draw some interest from local residents, who will appreciate the type and value of the cars that will be on display.

Event organisers have advised officers that event signage will be at a minimum and will consist primarily of directional signage. Event signage consists of one 'Celebration of the Motorcar' banner, and specific car trade display signage, which will be restricted to individual car sites. With the focus of the event being the cars themselves, advertising will be kept to an absolute minimum.

Event organizers have also advised officers that materials used to "rope off" areas used to house display cars, will leave as little impact as possible on the lawn areas of the Main and Lower Lawn. The Town's ground staff will be available to assist with marking out the grounds prior to the event, to minimize damage to lawn areas and reticulation systems.

On the morning of the event, display cars will enter the Main Lawn and Lower Lawn on before 9am. Event organisers will be required to keep the noise associated with this to a minimum. Cars will not be running during the day which will assist in keeping noise levels to an acceptable level. Cars will come in the northern entry and leave from the gate close to the War Memorial Hall, keeping all traffic moving in one direction. Support vehicles will need to be parked offsite – with the most appropriate venue being Harvey Field.

The Cars will leave the Civic Centre between 3.30pm and 5.00pm, with all activity ceased for the evening by 5.30pm. This again should minimise noise impacts on nearby residents.

During the event there will be no movement of display cars.

The event is open to the public between 10.30am and 3.30pm.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Rowell queried what measures would be in place to protect the Civic Centre Lawn and reticulation systems. The Manager Engineering Services advised that the sprinklers would be marked out and protected and that the organisers would be required to rectify any damage.

Assurance was also sought to confirm that 100% of the proceeds will support the named charity. Administration to follow up after the event.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Strzina

THAT Council approve the application to hold the Celebration of the Motorcar at Cottesloe Civic Centre on Sunday, 16th December from 10:30am to 3:30pm with the following conditions:

1. Adequate arrangements are made for rubbish collection and removal, including provision for recycling.
2. Compliance with the Environmental Protection (Noise) Regulations 1997.
3. Compliance with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the Health (Public Buildings) Regulations 1992.
4. All fees are paid prior to the event, including fees to cover additional costs of cleaning the public toilets and ranger services (if required).
5. Class the event as a charity event and charge no fees.
6. Provision of 'certificates of currency' to certify that organizers have adequate public liability and event insurance, to the satisfaction of the Chief Executive Officer, prior to the event.
7. Provision of an 'event management plan' and 'risk assessment document', to the satisfaction of the Chief Executive Officer, prior to the event.
8. Organizers supply 4 female and 2 male portable toilets to cater for the expected number of participants.
9. That support vehicles are parked at Harvey Field and not in public parking areas.
10. No activity at the Civic Centre before 9.00am or after 6.00pm.

AMENDMENT

Moved Cr Hart, seconded Mayor Morgan

That a new item 11 be added to say: "That the event be classed as commercial and charge the fee of \$6,000 plus GST and a bond of \$2,000".

Lost 1/8

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

THAT Council approve the application to hold the Celebration of the Motorcar at Cottesloe Civic Centre on Sunday, 16th December from 10:30am to 3:30pm with the following conditions:

- 1. Adequate arrangements are made for rubbish collection and removal, including provision for recycling.**
- 2. Compliance with the Environmental Protection (Noise) Regulations 1997.**
- 3. Compliance with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the Health (Public Buildings) Regulations 1992.**
- 4. All fees are paid prior to the event, including fees to cover additional costs of cleaning the public toilets and ranger services (if required).**
- 5. Class the event as a charity event and charge no fees.**
- 6. Provision of 'certificates of currency' to certify that organizers have adequate public liability and event insurance, to the satisfaction of the Chief Executive Officer, prior to the event.**
- 7. Provision of an 'event management plan' and 'risk assessment document', to the satisfaction of the Chief Executive Officer, prior to the event.**
- 8. Organizers supply 4 female and 2 male portable toilets to cater for the expected number of participants.**
- 9. That support vehicles are parked at Harvey Field and not in public parking areas.**
- 10. No activity at the Civic Centre before 9.00am or after 6.00pm.**

THE SUBSTANTIVE MOTION WAS PUT

Carried 8/1

10.5.4 ORDINARY ELECTION - APPOINTMENT OF STATE ELECTORAL COMMISSIONER AS RETURNING OFFICER FOR POSTAL VOTE ELECTIONS

File No: SUB/1121
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer
Proposed Meeting Date: 16 October 2012
Author Disclosure of Interest Nil

SUMMARY

A recommendation is made to declare, in accordance with section 4.20(4) of the *Local Government Act, 1995*, the Electoral Commissioner to be responsible for the conduct of the 2013 ordinary elections together with any other elections or polls which may also be required and to decide, in accordance with section 4.61(2) of the *Local Government Act, 1995*, that the method of conducting the election will be as a postal election.

BACKGROUND

To assist in budget preparations the WA Electoral Commission has provided Council with an estimate for the next scheduled ordinary elections, planned for 19 October 2013.

The current procedure required by the *Local Government Act, 1995* is that the Electoral Commissioner's written agreement is to be obtained before the vote is taken. To facilitate the process, the letter received by the Town from the Electoral Commissioner can be taken as agreement to be responsible for the conduct of the ordinary elections in 2013 for the Town of Cottesloe, together with any other elections or polls that may also be required.

STRATEGIC IMPLICATIONS

The following section of the Town of Cottesloe Future Plan applies:

Section 4: Underpinning sustainability principles

- (3) *Good Governance: Leadership, transparency, accountability, probity, proper management, effective services, equitable access to services, commitment to partnership working and organisational capacity building.*

Council acknowledges the views and interest of all components of the community and strives to achieve a balanced and proactive position on issues which affect public, commercial and private sectors.

To the extent that postal elections encourage broader participation in local government elections, postal elections can be seen as strengthening the

acknowledgement that Council gives to "... the views and interest of all components of the community."

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act, 1995 – Sections 4.20(4) and 4.61(2) which read as follows:

4.20 CEO to be returning officer unless other arrangements are made

(1) *Subject to this section the CEO is the returning officer of a local government for each election.*

(2) *A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint* a person other than the CEO to be the returning officer of the local government for an election.*

*** Absolute majority required**

(3) An appointment under subsection (2) has no effect if it is made after the 80th day before election day.

(4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election.

*** Special majority required**

(5) A declaration under subsection (4) has no effect if it is made after the 80th day before election day.

(6) A declaration made under subsection (4) on or before the 80th day before election day cannot be rescinded after that 80th day.

4.61 Choice of methods of conducting the election

(1) The election can be conducted as a -

“postal election” which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or

“voting in person election” which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted, or delivered, in accordance with regulations.

(2) The local government may decide* to conduct the election as a postal election

*** Special majority required**

(3) A decision under subsection (2) has no effect if it is made after the 80th day before election day.

(4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.

(5) *A decision made under subsection (2) on or before the 80th day before election day cannot be rescinded after that 80th day.*

(6) *For the purposes of this Act, the poll for an election is to be regarded as having been held on election day even though the election is conducted as a postal election.*

(7) *Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election.*

FINANCIAL IMPLICATIONS

The estimated cost for the 2013 election is \$27,000 including GST, which has been based on the following assumptions:

- 5,500 electors;
- response rate of approximately 45%;
- 5 vacancies; and
- count to be conducted at the premises of the Town of Cottesloe.

Costs not incorporated in the estimate include:

- non-statutory advertising (i.e. additional advertisements in community newspapers and promotional advertising);
- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns; and
- one local government staff member to work in the polling place on election day.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

Given that Council's previous election was held via postal elections and voter turnout was increased, this method of voting is recommended for the 2013 Ordinary Elections.

VOTING

Absolute Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council:

1. **Declare, in accordance with section 4.20(4) of the Local Government Act, 1995, the Electoral Commissioner to be responsible for the conduct of the 2013 ordinary elections together with any other elections or polls which may also be required; and**
2. **Decide, in accordance with section 4.61(2) of the Local Government Act, 1995, that the method of conducting the election will be as a postal election.**

Carried 9/0

10.5.5 GENERAL ELECTORS MEETING & ACCEPTANCE OF 2011/2012 ANNUAL REPORT

File No: SUB/19
Attachments: [Annual Report 2011 2012](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer
Proposed Meeting Date: 16 October 2012
Author Disclosure of Interest Nil

SUMMARY

A recommendation is made to accept the Annual Report for the 2011/12 financial year and to hold the General Electors Meeting on Wednesday, 5 December 2012.

BACKGROUND

The Annual Report (see attached) is made up of a number of reports including those of the Mayor and CEO, an overview of the plan for the future, the annual financial statements, the auditor's report and other statutory and prescribed reports and information. The last General Meeting of Electors was held on Wednesday, 30 November 2011. Subject to Council's acceptance of the Annual Report, the proposed date for the electors meeting is Wednesday, 5 December 2012.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

The relevant sections of the *Local Government Act 1995* read as follows:

5.27. Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

5.29. Convening electors' meetings

- (1) *The CEO is to convene an electors' meeting by giving -
 - (a) at least 14 days' local public notice; and*

(b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.

(2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

5.53. Annual reports

(1) The local government is to prepare an annual report for each financial year.

(2) The annual report is to contain -

(a) a report from the mayor or president;

(b) a report from the CEO;

[(c), (d) deleted]

(e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;

(f) the financial report for the financial year;

(g) such information as may be prescribed in relation to the payments made to employees;

(h) the auditor's report for the financial year;

(ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;

(hb) details of entries made under section 5.121 during the financial year in the register of complaints, including -

(i) the number of complaints recorded in the register of complaints;

(ii) how the recorded complaints were dealt with; and

(iii) any other details that the regulations may require; and

(i) such other information as may be prescribed.

5.54. Acceptance of annual reports

(1) Subject to subsection (2), the annual report for a financial year is to be accepted by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

(2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Regulations 15 and 19B of the *Local Government (Administration) Regulations, 1996* require that:

15. Matters for discussion at general electors' meetings s. 5.27(3)

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

19B. Annual report to contain information on payments to employees s.5.53(2)(g)

For the purposes of section 5.53(2)(g) the annual report of a local government for a financial year is to contain the following information -

- (a) the number of employees of the local government entitled to an annual salary of \$100 000 or more;*
- (b) the number of those employees with an annual salary entitlement that falls within each band of \$10 000 over \$100 000.*

FINANCIAL IMPLICATIONS

The cost to produce, print and distribute the Annual Report and report summary is approximately \$8,000 and is accommodated within the 2012/13 Budget.

SUSTAINABILITY IMPLICATIONS

The Annual Report summary is printed on recycled paper.

CONSULTATION

Nil

STAFF COMMENT

The proposed date for the Annual General meeting of Electors of 5 December 2012 is the most suitable in terms of ensuring that the Annual Report summary (the small, coloured version of the Annual Report) is distributed to all households in advance of the meeting.

VOTING

Absolute Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council:

1. **Accept the Annual Report for the 2011/12 Financial Year, and**
2. **Call for the Annual General Meeting of Electors to be held in the War Memorial Town Hall, Cottesloe Civic Centre, on Wednesday, 5 December 2012 commencing at 7.00pm.**

Carried 9/0

10.5.6 TOWN OF COTTESLOE EXISTING DEPOT SITE - BUSINESS PLAN

File No: SUB/962
Responsible Officer: Carl Askew
Chief Executive Officer
Attachments Business Plan
Submissions
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 16 October 2012
Author Disclosure of Interest Nil

SUMMARY

At its August 2012 meeting, Council resolved to endorse a Business Plan for the sale of the existing depot site for advertising in line with section 3.59 of the Local Government Act 1995.

Advertising of that plan is completed and this report presents the results of that advertising.

The recommendation is that Council:

1. Note that the Business Plan has been advertised in accordance with section 3.59 of the Local Government Act 1995.
2. Note the receipt of submissions relating to the need for expanded provisions to implement and control both the sale and development of the depot site.
3. Advise the submitters of the ongoing and uncompleted Council deliberations on these requested expanded provisions.
4. Ensure that residents, especially those adjacent to the existing depot site are kept informed of Council decisions on this matter.
5. Ensure that the points raised in the submissions are addressed within the forthcoming report on the proper planning process dealing with the sale and development of the depot site.

BACKGROUND

The Town has been actively investigating its options for a works depot for some time.

The reasons for this include;

- 1) To remove a light industrial use from a high quality residential area;
- 2) The freeing up of funds embodied in holding this land; and
- 3) To resolve a number of Occupational Health and Safety issues, as well as environmental issues associated with the works depot.

The Town has previously advertised a business plan for this proposed land transaction. The Act is not clear on how long a business plan remains in effect. There

is some suggestion that the business plan would only be current for the financial year in which it has been advertised. Council therefore endorsed that Business Plan being re-advertised.

STRATEGIC IMPLICATIONS

If the depot site were to be sold, it would result in a significant amount of funds being available for strategic projects, such as works on the foreshore or other public infrastructure. It can also be applied to increasing reserves, paying down debt and/or investing in alternative revenue streams for Council.

POLICY IMPLICATIONS

Sale of Assets with Realisable value
Sale of Council Property

STATUTORY ENVIRONMENT

Local Government Act 1995

3.59. Commercial enterprises by local governments

(1) In this section —

acquire has a meaning that accords with the meaning of *dispose*;
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

land transaction means an agreement, or several agreements for a common purpose, under which a local government is to —

- (a) acquire or dispose of an interest in land; or
- (b) develop land;

major land transaction means a land transaction other than an exempt land transaction if the total value of —

- (a) the consideration under the transaction; and
- (b) anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed for the purposes of this definition;

major trading undertaking means a trading undertaking that —

- (a) in the last completed financial year, involved; or
- (b) in the current financial year or the financial year after the current financial year, is likely to involve, expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

trading undertaking means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of *land transaction*.

(2) Before it —

- (a) commences a major trading undertaking;
- (b) enters into a major land transaction; or

- (c) enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a business plan.
- (3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —
- (a) its expected effect on the provision of facilities and services by the local government;
 - (b) its expected effect on other persons providing facilities and services in the district;
 - (c) its expected financial effect on the local government;
 - (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56;
 - (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
 - (f) any other matter prescribed for the purposes of this subsection.
- (4) The local government is to —
- (a) give Statewide public notice stating that —
 - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;
 - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
- and
- (b) make a copy of the business plan available for public inspection in accordance with the notice.
- (5) After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.
- *Absolute Majority required*
- (5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.
- (6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.
- (7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.

- (8) A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.
- (9) A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.
- (10) For the purposes of this section, regulations may —
- (a) prescribe any land transaction to be an exempt land transaction;
 - (b) prescribe any trading undertaking to be an exempt trading undertaking.

Local Government (Functions and General) Regulations 1996

8A. Amount prescribed for major land transactions; exempt land transactions prescribed (Act s. 3.59)

- (1) The amount prescribed for the purposes of the definition of *major land transaction* in section 3.59(1) of the Act is —
- (a) if the land transaction is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of —
 - (i) \$10 000 000; or
 - (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year;
 - or
 - (b) if the land transaction is entered into by any other local government, the amount that is the lesser of —
 - (i) \$2 000 000; or
 - (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.
- (2) A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if —
- (a) the total value of —
 - (i) the consideration under the transaction; and
 - (ii) anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed under subregulation (1); and

- (b) the Minister has, in writing, declared the transaction to be an exempt transaction because the Minister is satisfied that the amount by which the total value exceeds the amount prescribed under subregulation (1) is not significant taking into account —
- (i) the total value of the transaction; or
 - (ii) variations throughout the State in the value of land.

[Regulation 8A inserted in Gazette 27 Sep 2011 p. 3844.]

FINANCIAL IMPLICATIONS

If the depot site were to be sold it would generate a significant windfall amount for the Town.

SUSTAINABILITY IMPLICATIONS

The removal of an industrial use from an urban area will have a positive effect on that area. The sale of the site would result in its remediation, with any contaminants removed and disposed of properly and a redevelopment.

CONSULTATION

The Business Plan as attached has been advertised for comment, with comments closing on 12 October 2012. The advertising and notices comply with all of the requirements of both state and local public notices as described in the Local Government Act 1995.

STAFF COMMENT

The advertised comment period ends on 12th October 2012, which is after this agenda closed for printing. To date, 19 submissions have been received. Two of these submissions deal with the expectation that the Business Plan was to be a much bigger document, dealing with zoning, the design of any new subdivision, access, density, amenity, parking, public open space etc. This had never been the purpose of this type of Business Plan. The content of the Plan was designed to meet the requirements of sections 3.59 of the Local Government Act 1995 and 8A of the Local Government (Functions and General) Regulations 1996 Act.

These provisions only cover commercial enterprises by local governments and the amount prescribed for major land transactions. In regards to the much broader decision making on how the site might be sold, what conditions Council may place on the sale, public advertising / consultation provisions, potential Structure Plan creation and development expectations, a separate process is being followed by Council to address these important issues.

Council has already been working through this planning process with two workshops in the last few months, plus a number of agenda items discussed by Council over several years. It is intended that a further workshop will be organised so that councillors can explore various courses of action from the many options available. Residents in the area of the existing depot will be consulted regarding Councils preferred position.

Fifteen submissions are duplicates and request that “the Business Plan be amended to specifically state that a Statutory Activity Centre Structure Plan will be prepared and lodged with the WA Planning Commission prior to the commencement of the Depot Sale process”. The forthcoming report to be considered by Council on the proper planning process for the disposal of the depot site will take account of the content of these submissions.

One submission queries how vehicles will access the site once developed. There is also one submission that deals with the cost / benefit analysis of moving to a new site, a variety of comments relating to the proper planning process for the site and the possibility of a community reference group to assist Council with any sale / development of the site. Again, the content of this submission can be addressed within the planning report regarding proper process on the disposal of the site and its redevelopment.

The statutory requirement for the document advertised by Council had to be called a Business Plan to meet the applicable legislation, however it was never intended to equate to a commercial ‘catch all’ of details dealing with the proposed site. Through a number of staff reports and workshops on this matter, Council has considered a large range of aspects, dealing with Councils ongoing strategic requirement to relocate its depot operations, sell or redevelop for sale the existing site, and invest the income into a range of improved infrastructure and services within the town.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Rowell stated that there was nothing in the plan that discussed the next step in the process. The Manager Engineering Services advised Committee that the document was called a “Business Plan” to comply with legislative requirements. The CEO advised that a further report will be presented to Council in November, that addresses the issues raised by the community feedback, such as subdivision planning.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council:

- 1. Note that the Business Plan has been advertised in accordance with section 3.59 of the Local Government Act 1995.**
- 2. Note the receipt of submissions relating to the need for expanded provisions to implement and control both the sale and development of the depot site.**
- 3. Advise the submitters of the ongoing and uncompleted Council deliberations on these requested expanded provisions.**
- 4. Ensure that residents, especially those adjacent to the existing depot site are kept informed of Council decisions on this matter.**

5. Ensure that the points raised in the submissions are addressed within the forthcoming report on the proper planning process dealing with the sale and development of the depot site.

Carried 9/0

10.5.7 NORTH STREET / WEST COAST HIGHWAY INTERSECTION - CITY OF NEDLANDS STATE BLACKSPOT SUBMISSION

File No: SUB/486
Attachments: [Copy of City of Nedlands Black Spot Submission](#)
[Copy of Town of Cottesloe Agenda Item June 2012](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 18 September 2012
Author Disclosure of Interest Nil

SUMMARY

The City of Nedlands has requested Council's agreement *in principle* to contribute 1/6th of the total cost of installing a left turn lane extension in North Street, at the West Coast Highway plus overhead mast arms on the highway, as part of a State Blackspot submission for 2013/2014.

The Officer Recommendation is that Council:

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

BACKGROUND

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

The submission also covers two overhead mast arms on the highway to provide very obvious signal information for traffic turning at the intersection. The Benefit Cost Ratio (BCR) submitted of 3.75 was very high (but reduced by the Auditor to 2.37 and still seen as sufficient for approval).

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

City of Nedlands.

STAFF COMMENT

The crash statistics, 28 over 5 years, show that there is a problem at this intersection. The proposed improvements of the North Street left turn lane changes and the two new overhead mast arms on West Coast Highway are aimed at the reasons for these crashes. The Main Roads WA Black Spot auditor has investigated the appropriateness of the solutions and the completed BCR of the solution.

The plan for an expanded left turn lane capacity in North Street has not as yet, been agreed to by this Council, particularly 'Option 3', which has a widening on the south or Cottesloe side of North Street. The lane expansion can still take place on the north or Nedlands side, without need of the Town of Cottesloe agreement, however that would remove more street trees and impact on more service alignments.

In regards to the potential provision of an additional phase on the North Street intersection lights to allow a right turn out of North Street, for traffic to head south on Curtin Avenue / West Coast Highway, Main Roads WA have advised:

- *“Main Roads would not consider any changes to the phasing of the traffic signals without video survey information (2 days) and a SIDRA analysis that provides evidence that the changes will be beneficial to the overall functioning of the intersection;*

- *The onus is on the Councils to provide the required evidence; and*
- *Any changes that are made must be paid for by the affected Local authorities.*

As previously advised, the cost of collecting the data is approximately \$15,000."

Without this study, no traffic light changes will be approved to create a separate right turn phase and Council's stand on this matter will not be tested on site to establish whether the separate light phase would be a solution to the issue.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Strzina

THAT Council:

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

AMENDMENT

Moved Cr Walsh, seconded _____

That item 3 of the recommendation be deleted.

THE MOTION LAPSED FOR WANT OF A SECONDER

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

THAT Council:

1. **Agree, in principle, to a contribution of up to \$24,167 towards a total estimated cost of \$145,000 for a State Black Spot submission for 2013/2014 by the City of Nedlands, for an expanded left turn lane exit from North Street onto West Coast Highway plus two overhead mast arms for traffic lights on West Coast Highway at this intersection.**

2. Inform the City of Nedlands of its 'in principle' support for this project on the condition that the Town of Cottesloe reserves its final response for the best solution for the location of the expanded North Street left turn lane being on the Cottesloe side of North Street dependent on Main Roads WA advice regarding the potential to have a separate right turn light phase for North Street traffic turning into West Coast Highway.
3. Inform the City of Nedlands that it is prepared to meet half the cost of the MRWA requirement for a video survey and a SIDRA analysis regarding a potential right turn out of North Street.

THE SUBSTANTIVE MOTION WAS PUT

Carried 8/1

10.5.8 STATUTORY FINANCIAL REPORTS FOR THE PERIOD 1 JULY 2012 TO 30 SEPTEMBER 2012

File No: SUB
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 16 October 2012
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present to Council the Statement of Financial Activity, the Operating Statements by Program and by Nature and Type, the Statement of Financial Position, and other supporting information for the period 1 July 2012 to 30 September 2012 as included in the attached Financial Statements.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocations.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Statement of Financial Activity on page 1 of the Financial Statements shows a favourable operating revenue of \$115,476. Operating expenditure is \$429,359 or 16% less than year to date budget, the main reason for this being that depreciation has not yet been posted for the 2012-13 year. Other material variances are outlined on the Variance Analysis Report on pages 7 to 9 of the attached Financial Statements.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

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

Carried 9/0

10.5.9 LIST OF ACCOUNTS PAID FOR THE MONTH OF SEPTEMBER 2012

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager

Proposed Meeting Date: 16 October 2012
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the list of accounts paid for the month of September 2012, as included in the attached Financial Statements, to Council.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocations.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The list of accounts paid in September 2012 is included in the report on pages 9 to 17 of the attached financial Statements. The following significant payments are brought to Council's attention;

- \$27,951.46 to TAPSS Community Care for the bi annual contribution towards the TAPSS service.
- \$224,801.73 to the WA Treasury Corporation for a loan repayment.
- \$45,654.74 to Transpacific Cleanaway for the monthly waste collection service.
- \$344,407.94 to FESA being instalment 1 of the emergency services levies.

- \$157,113.96 to the Shire of Peppermint Grove for the second quarter contribution to the Joint Library.
- \$470,000.00 to the Commonwealth Bank of Australia being a new term deposit
- \$475,000.00 to Bankwest being a new term deposit.
- \$480,000.00 & \$490,000.00 to Westpac Bank being new term deposits
- \$485,000.00 to the National Australia Bank being a new term deposit
- \$71,884.70 & \$74,103.70 to the Town of Cottesloe staff for fortnightly payroll

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council receive the List of Accounts Paid for the month of September 2012 as included in the attached Financial Statements, as submitted to the 16 October 2012 meeting of the Works and Corporate Services Committee.

Carried 9/0

**10.5.10 SCHEDULES OF INVESTMENTS AND LOANS AS AT 30
SEPTEMBER 2012**

File No: SUB/150 AND 151
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager

Proposed Meeting Date: 16 October 2012
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Schedule of Investments and the Schedule of Loans as at 30 September 2012, as included in the attached Financial Statements, to Council.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocations.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 19 of the attached Financial Statements shows that \$5,534,560.10 was invested as at 30 September 2012. Approximately 45% of the funds were invested with Westpac Bank, 28% with the National Australia Bank, 14% with the Commonwealth Bank of Australia and 13% with Bankwest.

The Schedule of Loans on page 20 of the attached Financial Statements shows a balance of \$6,135,459.79 as at 30 September 2012. Included in this balance is \$380,753.94 that relates to self supporting loans.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council receive the Schedule of Investments and the Schedule of Loans as at 30 September 2012. These schedules are included in the attached Financial Statements as submitted to the 16 October 2012 meeting of the Works and Corporate Services Committee.

Carried 9/0

10.5.11 PROPERTY AND SUNDRY REPORTS AS AT 30 SEPTEMBER 2012

File No: SUB/145
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager

Proposed Meeting Date: 16 October 2012
Author Disclosure of Interest Nil

SUMMARY

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

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on pages 21 and 22 of the attached Financial Statements shows a balance of \$125,079.61 of which \$98,942.83 relates to the current month. The balance of aged debtors is \$26,136.78.

The Rates and Charges Analysis on page 23 of the attached Financial Statements shows a total balance outstanding of \$3,130,321.24. Of this amount, \$205,419.76 and \$480,443.23 are deferred rates and outstanding emergency services levies respectively. The Statement of Financial Position on page 4 shows a balance of \$3,477,200 as compared to \$\$3,389,519 this time last year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council receive the Property and Sundry Debtors Reports as at 30 September 2012. These reports are included in the attached Financial Statements as submitted to the 16 October 2012 meeting of the Works and Corporate Services Committee.

Carried 9/0

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

Nil

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

12.1 ELECTED MEMBERS

- Cr Jeanes provided a personal explanation regarding his statement at the previous Council meeting that the Town lost a SAT appeal on a John Street proposal, as in fact the Town won at the SAT and the applicant subsequently amended the design.
- The matter of overflowing rubbish bins at the Town Centre (especially at Boatshed) and at the Beachfront were raised by several Elected Members and requested Administration to investigate the matter.

12.2 OFFICERS

Nil

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

Nil

14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 7:35 PM

CONFIRMED MINUTES OF 22 October 2012 PAGES 1 – 61 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: / /