

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, 23 November, 2009**

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 7:00pm.

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

Elected Members

Mayor Kevin Morgan	Presiding Member
Cr Jack Walsh	
Cr Jay Birnbrauer	
Cr Rob Rowell	
Cr Greg Boland	
Cr Dan Cunningham	
Cr Jo Dawkins	
Cr Victor Strzina	
Cr Davina Goldthorpe	
Cr Patricia Carmichael	
Cr Ian Woodhill	

Officers

Mr Carl Askew	Chief Executive Officer
Mr Graham Pattrick	Manager Community & Corporate Services
Mr Geoff Trigg	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Ms Krystal Shenton	Executive Officer

Apologies

Nil

Officer Apologies

Nil

Leave of Absence (previously approved)

Nil

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PUBLIC STATEMENT TIME

Peter Sprivulis, 54B Marine Parade, Cottesloe – Item 12.1 Urgent Item - Shade Sails at the Beach Street Marine Parade Playground.

Mr Sprivulis spoke in relation to the installation of the shade sails and raised a number of concerns in relation to this matter. He stated that the proposed works were too large and out of scale for the area, in that they were too high and wide and negatively impacted on the amenity for local residents. He suggested that the Council reduce the height of the play equipment and therefore reduce the height of the shade sails. Mr Sprivulis made reference to the Australian standards for the height of playground equipment and also questioned the effectiveness of the UV protection provided by the sails due to their height. Mr Sprivulis also suggested that the area should be fenced off for the safety of the children, as the area is near the car park, busy pathway and the ocean. He requested that Council consider a motion to stop the shade sails being installed.

The Mayor advised Mr Sprivulis that although this matter was not on the Agenda for tonight's meeting, Council may deal with it as a matter of Urgent Business.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Woodhill, seconded Mayor Morgan

That Cr Woodhill's request for leave of absence from the December round of meetings be granted.

Carried 11/0

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Strzina, seconded Cr Walsh

[Minutes October 26 2009 Council.DOC](#)

The Minutes of the Ordinary meeting of Council held on Monday, 26 October, 2009 be confirmed.

Carried 11/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Mayor Morgan announced to the gallery that the Town would be holding its Annual General Meeting Wednesday of next week, the 2 December 2009.

8.1 SUSPENSION OF STANDING ORDER 12.1 – MEMBERS TO RISE

BACKGROUND

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

Standing Orders 12.1 and 21.5 read as follows:

Members to Rise

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

Suspension of Standing Orders

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

COUNCIL RESOLUTION

Moved Cr Strzina, seconded Cr Dawkins

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

Carried 11/0

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

For the benefit of the members of the public present the Mayor determined to considered the items in the following order:

12.1 Urgent Item – Shade Sails

Reports from Works & Corporate Services Committee were then dealt with in the following order:

10.1.2 Leave deferment update
10.1.3 Australia Day Awards
10.1.4 2010/11 State And Federal Blackspot Submissions
10.1.10 Town Of Cottesloe Private Laneways

The remainder of the items from the Works and Corporate Services Committee which were dealt with *en bloc*.

Council then dealt with the Strategic Planning Committee Item

10.2.1 Town Of Cottesloe - Action Plan Review

Followed by the Urgent Item

12.2 Joint Library For Cottesloe, Mosman Park And Peppermint Grove

10 REPORTS OF COMMITTEES**10.1 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 17 NOVEMBER 2009****10.1.1 APPOINTMENT OF THE ART ACQUISITION COMMITTEE**

File No: SUB/
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Janna Lockyer
Community & Events Support Officer

Proposed Meeting Date: 17-Nov-2009
Author Disclosure of Interest Nil

SUMMARY

This report recommends the appointment of the Mayor, Cr Dawkins, Art Curator Lee Holben and the CEO to the Town's Art Acquisition Panel.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council Policy ACAR Acquisition of Artworks applies.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Currently Council has an allocation of \$40,000 for the acquisition and installation of artworks purchased from the annual Sculpture by the Sea Exhibition.

CONSULTATION

Nil

STAFF COMMENT

Council Policy "Acquisition of Artworks" states'

4.1 Art Acquisition Panel

(a) Recommendations for the purchase of art works are to be made by an Art Acquisition Panel consisting of:

- the Mayor;
 - the CEO; and
 - two nominees of the Council with relevant experience in the acquisition of art works.
-

- (b) Committee members shall act in a voluntary capacity and be appointed for a maximum term of 2 years effective until the next ordinary local government elections.*
- (c) Members may be re-nominated to serve on the panel for a further term.*
- (d) The Mayor shall act as the Presiding Member of the panel and shall exercise a casting vote in the event of a tied vote.*

On 19 October 2009 Council finalised a number of appointments to Advisory and other occasional Committees however the Art Acquisition Panel appointment was unfortunately omitted.

This matter was discussed at the recent Events Committee meeting and as a consequence this report is presented.

The previous appointments to this Panel, in accordance with Council Policy, were the Mayor, CEO, Cr Dawkins and independent art advisor/curator Lee Holben.

It is recommended that the same panel continue to serve Council.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That Council appoint Mayor Morgan, Cr Dawkins, Art Curator Lee Holben and the CEO to the Town's Art Acquisition Panel for the period October 2009 to October 2011.

Carried 11/0

10.1.2 LEAVE DEFERMENT UPDATE

File No: POL/16
Attachments: [Leave Deferment Policy.pdf](#)
Responsible Officer: Carl Askew
Author: Chief Executive Officer
Graham Pattrick
Manager Corporate Services

Proposed Meeting Date: 17-Nov-2009
Author Disclosure of Interest Nil

SUMMARY

The Town of Cottesloe policy for Expenditure Variations has been reviewed by Council staff. This report recommends that Council adopt the policy.

BACKGROUND

A process of review and update for all Council policies has been implemented by the Administration and are being presented to Council as they are reviewed for endorsement.

CONSULTATION

Nil

STAFF COMMENT

This policy has been reviewed to ensure it is relevant to the Town of Cottesloe's current working environment. Deferment of leave is not a frequent requirement within this Council however this policy covers the options should this occur. No changes were required to be made to this policy.

POLICY IMPLICATIONS

Existing Policy - No change recommended.

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

That Council note the Leave Deferment Policy has been reviewed and maintain the policy as per attachment 10.1.2.

AMENDMENT

Moved Cr Boland, seconded Cr Strzina

Cr Boland circulated an amended policy document prior to the Council meeting with changes proposed for section (4) delegating responsibility to the Chief Executive Officer to manage staff deferment applications. The amended policy document was moved.

Carried 8/3

COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That Council accept the Leave Deferment Policy as amended by Council.

Carried 11/0

10.1.3 AUSTRALIA DAY AWARDS

File No: SUB/3
Attachments: [Citizen Award Nominations.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Janna Lockyer
Community & Events Support Officer

Proposed Meeting Date: 17-Nov-2009
Author Disclosure of Interest Nil

SUMMARY

At a recent meeting of the Events Committee there was discussion in relation to the Australia Awards and Citizenship Ceremony. The Committee recommended a change to the Australia Day Awards information Sheet and Young Citizen of the Year Nomination form and resolved:

“That Council:

- 1. Support the changes to the Information Sheet and Young Citizen of the Year Nomination form as attached.*
- 2. Endorse staff sending letters to all local Community Groups, Organisations and Sporting Clubs.*
- 3. Advertise for all nominations in the Post and Western Suburbs newspapers and the Town’s Cott News Page.*
- 4. Appoint the Events Committee members as the Australia Day Award selection panel with Cr Cunningham and Cr Strzina as deputies.*
- 5. Subject to confirmation, change the age restriction to 21 years of age for the Young Citizen of the Year award.”*

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

The Australia Day Awards Policy applies and needs to be amended to reflect the new prize for the Young Citizen of the Year Award.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

The Young Citizen of the Year Award prize is in the 2009/10 Council Budget.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Australia Day Award Policy has been recommended for change, aimed at attracting more nominations for the Young Citizen of the Year Award. The Town will also be requesting nominations from all local Community Groups, Organisations and Sporting Clubs.

In line with Council's previous resolution, the prize given to the Young Citizen of the Year from the Town of Cottesloe will be a scholarship for the Sail Training Ship Leeuwin and to the value of \$3,000. With this award Council is aiming to both support the Sail Training Ship Leeuwin, along with attracting more nominations from local Community Groups, Organisations and Sporting Clubs.

The recommended change in age restriction for the Young Citizen of the Year award by the Events Committee was designed to reflect the "youth" demographic and the prize was aimed at increasing the participation of more young people in local Community Groups, Organisations and Sporting Clubs.

VOTING

Simple Majority

COMMITTEE COMMENT

Cr Carmichael raised the issue of the age requirement being quite high for a 'young' citizen of the year. Cr Woodhill and Mayor Morgan were in agreement in lowering the age from 21 to 18.

Cr Rowell pointed out that due to limited numbers of applicants in the past that the Council should not restrict the age any further so as to maximise the applicants for the award.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That Council:

- 1. Support the changes to the Information Sheet and Young Citizen of the Year Nomination form as attached.**
- 2. Endorse staff sending letters all local Community Groups, Organisations and Sporting Clubs.**
- 3. Advertise for all nominations in the Post and Western Suburbs newspapers and the Town's Cott News Page.**
- 4. Appoint the Events Committee members as the Australia Day Award selection panel with Cr Cunningham and Cr Strzina as deputies.**
- 5. Subject to confirmation from the Australia Day Council, change the age restriction to 21 years of age for the Young Citizen of the Year award.**

Carried 11/0

10.1.4 2010/11 STATE AND FEDERAL BLACKSPOT SUBMISSIONS

File No: SUB/573
Attachments: [Blackspot intersections.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services

Proposed Meeting Date: 17-Nov-2009
Author Disclosure of Interest Nil

SUMMARY

Submissions for the 2010/11 State and Federal Blackspot grants closed on 17 July, 2009. Submissions for four locations were submitted on behalf of the Town of Cottesloe.

This report recommends that Council resolve to agree in principle that the 2010/2011 budget include up to one-third contributory funding for the following State Blackspot projects and that support will be given to the National Blackspot project on Curtin Avenue/Eric Street intersection, subject to these submissions being approved by Main Roads WA and the Minister for grant funding.

1. Eric Street/Curtin Avenue – Turning lane and signals upgrading.
2. Eric Street/Railway Street – Install roundabout pre-deflection.
3. Broome Street/Grant Street – Install roundabout pre-deflection.
4. Railway Street/Napoleon Street – Install speed reduction platforms, on Railway Street intersection approaches.

BACKGROUND

Every year, MRWA makes the data collected on crash statistics available to each local government for their immediate area. Requests are then made for funding submissions under the State and Federal Blackspot programs for solutions to the sites most affected by injuries and damage to property.

A specialist consultant then analyses the data provided and works with the Manager for Engineering Services to determine the sites most likely for success as well as the most applicable treatments.

The data collected is over a five year period and pre-computed costs are assigned to each type of accident to determine a total community cost of accidents occurring at each site. The cost of the proposed treatment is determined and a Benefit Cost Ratio (BCR) is then determined.

The higher the BCR, the better chance of the site crash solution being funded from the grant level available.

A high BCR may also indicate that the Federal Blackspot program may fund 100% of the treatment rather than two-thirds by the State program.

STRATEGIC IMPLICATIONS

The most applicable provision within the Cottesloe Future Plan 2006-2010 is under *Objective 1 – Protect and enhance the lifestyle of residents and visitors.*

Strategy 1.1 states “Develop an integrated transport strategy that includes park and ride, Cot Cat, Travel Smart, limited parking and the needs of pedestrians, cyclists and other non-vehicular traffic”. Blackspot and similar safety improvements would be part of this objective.

POLICY IMPLICATIONS

The only associated policy is the *Traffic Management* policy, adopted in 2002. The policy deals with road hierarchy, general overall objectives, the need to foster cycling, pedestrian activity and the use of public transport plus an elaborate series of intervention guidelines when complaints are received regarding potential dangerous sites.

STATUTORY ENVIRONMENT

Main Roads WA (MRWA) is responsible for all traffic control signs and line marking, including ‘Stop’, ‘Give Way’ and speed control signs. The Police Department enforces the law in relation to these lines and signs as well as driver compliance with all posted speed limits. Apart from West Coast Highway and Stirling Highway, all road reserves within the town are vested in the Town of Cottesloe. Therefore responsibility for all road surfaces, kerbing, installation and maintenance of traffic control devices and warning signs rests with the Town of Cottesloe.

Blackspot funding is available to assist local governments to install properly designed traffic treatments which will improve the safety of the built road system - particularly at proven accident sites.

FINANCIAL IMPLICATIONS

State Blackspot grants are approved on the basis of a \$2:\$1 State: Council contribution level. Federal Government Blackspot grants provide for 100% of the cost for each approved project.

All four projects have been submitted for State Blackspot funds, with one of these projects also being included for Federal funding.

The total estimated cost of all works is \$408,000 of which Council would contribute \$65,000 if all were approved.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

No public consultation has occurred on this matter. The submissions for Blackspot funding are based on the crash statistics for each site, the applicability of the solution and the benefit cost ratio of the solution.

STAFF COMMENT

Staff worked with the consultant to analyse the most accident prone sites, the types of accidents occurring and the most applicable solutions for a total of four different sites. Submissions were then developed for funding under the 2010/11 State and Federal Black Spot programs. These submissions were:

1. Eric Street/Curtin Avenue Intersection - Submission made due to crash statistics

<u>Accidents:</u>	68 over 5 years
<u>Benefit Cost Ratio:</u>	3.50
<u>Project Cost:</u>	\$213,000
	Submitted for National Blackspot
<u>Proposal:</u>	Lengthen RT lane – Curtin Avenue, Length LT lane plus Eric Street upgrade signals.

2. Eric Street/Railway Street - Submission made due to crash statistics

<u>Accidents:</u>	24 over 5 years, but roundabout installed within that 5 year period.
<u>Benefit Cost Ratio:</u>	2.81
<u>Project Cost:</u>	\$120,000
	Submitted for State and National Blackspot
<u>Proposal:</u>	Install pre-deflection curves on roundabout approaches on North and South legs. Upgrade lighting.

3. Broome Street/Grant Street - Submission made due to crash statistics

<u>Accidents:</u>	9 over 5 years
<u>Benefit Cost Ratio:</u>	2.26
<u>Project Cost:</u>	\$45,000
	Submitted for State Blackspot
<u>Proposal:</u>	Modify east and west approaches to install pre-deflection.

4. Railway Street/Napoleon Street - Submission made due to crash statistics

<u>Accidents:</u>	6 over 5 years
<u>Benefit Cost Ratio:</u>	4.47
<u>Project Cost:</u>	\$30,000
	Submitted for State Blackspot
<u>Proposal:</u>	Install speed platforms on Railway Street on both intersection approaches to slow vehicle speeds, for vehicle and pedestrian safety.

Of these four projects, the major works on the Curtin Avenue/Eric Street intersection – lengthening turning lanes, upgrading traffic signals to LED lights and installing an overhead advance warning light mast for vehicles crossing the Railway bridge – have been submitted only for National Blackspot funds.

The Eric Street/Railway Street project is unlikely to be funded, due to the lack of Blackspot funds and the point raised by Main Roads WA that part of the crash statistics used are from the time before the roundabout installation.

The Railway Street/Napoleon Street works are aimed at the ongoing issue of vehicles travelling too fast on Railway Street creating problems for cars trying to turn out of Napoleon Street and pedestrians trying to cross Railway Street.

The Broome Street/Grant Street roundabout has worked well in reducing accidents but more pre-deflection is needed on the approach lanes of Grant Street, to slow down cars driving East/West through the intersection.

Main Roads WA is still resolving the list of projects for approval to be put to the Minister for final signing off. Council will not be informed of successful project approvals until early 2010. Detailed design plans would not be commenced until Council resolves to include its funding for such projects in the next budget (2010/2011).

VOTING

Simple Majority

COMMITTEE COMMENT

Cr Woodhill asked through the chair of the Manager of Engineering Services, what will be occurring at the Grant Street and Broome Street intersection to prevent speeding vehicles in the intersection.

Manager of Engineering Services explained the intersection is to receive a larger pre-deflection into the roundabout.

Mayor Morgan asked the Manager of Engineering Services whether it is possible to have 'community' consultation earlier in the design process rather than just before works are to start, as this may cut down on the number of Black spot funding to be returned due to unhappy residents.

OFFICER RECOMMENDATION

That Council resolve to agree in principle that the 2010/2011 budget include up to one-third contributory funding for the following State Blackspot projects and that support will be given to the National Blackspot project on Curtin Avenue/Eric Street intersection, subject to these submissions being approved by Main Roads WA and the Minister for grant funding.

- 1. Eric Street/Curtin Avenue – Turning lane and signals upgrading.*
- 2. Eric Street/Railway Street – Install roundabout pre-deflection.*
- 3. Broome Street/Grant Street – Install roundabout pre-deflection.*
- 4. Railway Street/Napoleon Street – Install speed reduction platforms, on Railway Street intersection approaches.*

AMENDMENT

That the words "*and subject to the earliest possible consultation with adjoining land owners.*" be inserted after "*for grant funding*".

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That Council resolve to agree in principle that the 2010/2011 budget include up to one-third contributory funding for the following State Blackspot projects and that support will be given to the National Blackspot project on Curtin Avenue/Eric Street intersection, subject to these submissions being approved by Main Roads WA and the Minister, for grant funding and subject to the earliest possible consultation with adjoining land owners.

- 1. Eric Street/Curtin Avenue – Turning lane and signals upgrading.**
- 2. Eric Street/Railway Street – Install roundabout pre-deflection.**
- 3. Broome Street/Grant Street – Install roundabout pre-deflection.**
- 4. Railway Street/Napoleon Street – Install speed reduction platforms, on Railway Street intersection approaches.**

AMENDMENT

Moved Cr Birnbrauer, seconded Cr Boland

To delete from the Recommendation the following words "*and subject to the earliest possible consultation with adjoining land owners*"

Lost 10/1

The Substantive Motion was put

Carried 11/0

10.1.5 LANEWAYS/RIGHT OF WAYS WITHIN THE TOWN OF COTTESLOE

File No: SUB/260
Attachments: ROW Correspondence.pdf
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services

Proposed Meeting Date: 17-Nov-2009
Author Disclosure of Interest Nil

SUMMARY

At its meeting on the 24 August 2009, as a consequence of the Florence Street Adverse Possession claims, Council resolved to request the CEO to prepare a report on all known sites of potential adverse possession claims on all laneways within the Town of Cottesloe.

This is the requested report, with the recommendation that Council write to the property owners of properties encroaching into laneway/Right of Way numbers 6, 28B, 22, 64, 20 and 68 as proposed by the Manager Engineering Services, and take action to provide for continuing public access on laneways, and the removal of potential adverse possession claims, from laneways in the Town of Cottesloe.

BACKGROUND

Two Adverse Possession claims were lodged in July 2009 regarding properties fronting Florence Street claiming portions of the rear laneway. After extensive investigation by staff and legal advice, Council lodged caveats against both claims. These caveats were subsequently removed and both claims are now proceeding towards both laneway sections being permanently included in private properties.

A report was requested by Council on any laneway in Cottesloe where there might be a potential Adverse Possession claim in future. Adverse Possession is not possible for Crown land, but Council – owned laneways (fee simple) and laneways owned by individuals or companies can be affected by such claims.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council's Right of Way/Laneways policy applies.

STATUTORY ENVIRONMENT

Transfer of Land Act 1893, Section 222 and 223 apply and Local Government Act 1995, Section 5.23.

FINANCIAL IMPLICATIONS

The loss of 'fee simple' land value if a Council owned laneway has successful Adverse Possession claims lodged against it. The cost of demolition of fences and buildings is an unknown cost and is dependent on what reclamation of land is required.

The cost of legal representation and possible court action is also applicable and potentially significant if Council wishes to fight such claims in the future.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

Laneways have been inspected, with the following comments applicable:

Council owned

1. Right of Way 6 – This runs south from North Street, between Marmion Street and Lyons Street. At the rear of 347 Marmion Street there is a fenced storage area that encroaches the Right of Way by approx 0.40m. No approval.
2. Right of Way 28B(2) – This runs to the north east from Nailsworth Street along the north west boundary of Council's depot, along the side boundary of 4 Nailsworth Street. A wood shed has been built on the laneway at the rear of this property. Part of this laneway section is sealed to give access to a garage on No. 4, lot 10 Nailsworth Street. The rest is mostly uncleared.
3. Right of Way 22 – Runs north south parallel to and between Eric Street and Florence Street, east of Chamberlain Street. There is a dead end east/west section, approx half of which is unofficially closed and fenced into private properties. Council dealt with this in 2005, (see attachments), but did not decide to remove fences or take action due to letters received from four landowners which stated that the closures and fencing had been in place for over 30 years. Council wrote back stating it did not accept the fencing was legal and believed no 'adverse possession' applied.
4. Right of Way 28B (1) – This laneway is also on the boundary of Councils depot on the north east corner. It is well built in red brick paving, to provide what appears to be a private driveway to No. 9 and 11 Clarendon Street.

In 1997, a tennis court fence existed over this laneway as an extension to lot 6 Clarendon Street. The file shows a number of letters, part of which were legal advice from both 'sides' of the discussion (Council versus the property owners) regarding potential adverse possession claims. The apparent result was that no claim was finally lodged or approved.

In 2001 and 2002, discussions took place and a final agreement was approved for a brick paved access to be built on Councils Right of Way, at the private owners cost. That work was completed to Councils requirements and the

access currently exists, with a boat and trailer generally parked on the brick paved Right of Way, on the west end.

There is an acknowledgement, through permission being requested by the owners for the paving works, and both approval and conditions being spelt out by Councils Engineer at the time, that the Right of Way remained in Councils ownership.

5. Right of Way 20 – This Right of Way was the subject of the (eventually) two successful adverse possession claims dealt with by Council this year for properties fronting Florence Street. There are a number of potential claims from the south side of this Right of Way, with the majority of properties having fences and/or buildings within the three meter width of the southern Right of Way section. A survey plan and letters are attached covering the residents response to Councils 2005 request to move obstructions out of the laneway width. Now that two residents have been successful, it is possible that other adverse submission claims of a similar nature will be put through the Landgate process for a final inclusion of the extra widths onto private ownership titles.
6. Right of Way 64 – off Lillian Street: This is a Council owned laneway. A fenced area has been absorbed into 117A and 119 Curtin Avenue. The 2005 report mentioned this closure, but has no comment in 1992 or 1988.

Privately Owned

7. Right of Way 35 – the section of this Right of Way that starts from Barsden Street and runs east towards Curtin Avenue has been shortened by a section being fenced into the rear of 207 Curtin Avenue. This was identified in the 2005 Right of Way Report but appears not to have existed in the 1992 report.
8. Right of Way 42 – The north south section commencing from Alexandra Avenue extends a short distance north of the east/west section. Part of this extension appears to have been unofficially joined into 3 Hillside Avenue, the property of the laneway owner. This was noted in the 1988 Laneway report.
9. Right of Way 44 – As a spur of a laneway connecting from Alexandra Avenue to Parry Street. This spur was fenced into lot 2 (No. 130) prior to 1988, as noted in the 1988 Laneways report.

Crown

10. Right of Way 68 – This is a Crown land laneway. The 2005 inspection report notes that a fence encloses the most southern section onto lot 4. No adverse possession claim can be lodged for any Crown land.

In regards to the ten different cases listed above, a number of points can be made:

- With Right of Way 6, the land owner should be told to remove the storage structure built into the laneway, or it will be removed by Council staff. It is not approved and Council asserts its right to remove obstructions from the laneway.
- Right of Ways 42 and 44 are privately owned, with areas of both laneways being 'fenced into' private properties prior to 1988. There are no records of the

general public using these laneways, other than the owners. No action is recommended on these two sites.

- Right of Way 68 is Crown land. The affected landowner should be written to, with a statement that no adverse possession is possible on Crown land and the fence should be removed.
- Right of Way 28B (2)/4 Nailsworth Street – the future use for this Right of Way to allow rear access to the adjacent properties, via Nailsworth Street is possible. In order for Council to assert its ownership rights over this section of laneway, removal of the wood shed would be required. A letter requesting the owner to remove the shed from Councils' property would be the first step in the process.
- Right of Way 28B(1) – This laneway section has already been built to Council requirements, which demonstrated Councils ownership. However, a future redevelopment of the depot site might make use of this laneway for access, particularly if the depth of the old quarry is filled as part of a development.

The property owners using this laneway should be informed, as part of the depot redevelopment/sale proposal consultation, that the future extension of the laneway and additional public use may be required in future years.

- Right of Way 35 – This privately owned laneway has no recorded complaints regarding the short section/spur fenced into lot 47 (No. 205/207) Curtin Avenue. No action is proposed.
- Right of Way 22 – Letters were written to affected landowners in 2005 stating that Council doesn't accept that the fence lines were legal and therefore should be removed. Legal advice is already available, relating to the Florence Street case, that writing letters is not sufficient to break an adverse possession claim. Removing encroachments to retake possession of the land is required, or at least peaceable but effective entry of the land.

All four landowner responses to Councils original (in 2005) requirement that fences be moved back to the legal alignments strongly held the view that no change to the existing fenced closure had occurred in over 30 years.

There are no complaints on file regarding the lack of public access on this laneway. It was originally a through route back to Florence Street at the east end, but this was legally closed many years ago.

The proposal is that these owners be informed that the land status of this laneway section is Council ownership, and that until any status change occurs, no land sale, development or building plan should include this land as included into the private properties.

- Right of Way 64 – This Right of Way off Lillian Street is Council owned, with the last section at the southern end being fenced into 117A and 199 Curtin Avenue. The fence or gate appears not to have been in existence in 1992 but is mentioned in 2005 on the Laneway report. As a first step, the landowners

should be given a chance to remove the closure, prior to Council arranging to enter the site and remove any obstruction.

- Right of Way 20 – This is the same laneway in which the two recent Adverse Possession claims resulted in this report being prepared.

It may be that some of these properties currently having portions of the south side of this laneway fenced into their properties could have the same strength of claims to the two recent successful properties. Until the full evidence of long term control of the land became available via an Adverse Possession Claim, through Landgate, the land would legally continue to be owned by Council.

In summary it is recommended that all affected owners should be written to, with a statement that no Council approvals will be given to any development, including fencing, sheds, pools and houses etc. that are proposed for the laneway land. Any proposed land sales involving these properties would also not include any portion of the laneway.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina

That Council write to the property owners of properties encroaching into laneway/Right of Way numbers 6, 28B, 22, 64, 20 and 68 as proposed by the Manager Engineering Services, to take action and provide for continuing public access on laneways, and the removal of potential adverse possession claims, from laneways in the Town of Cottesloe.

MOTION FOR BEHIND CLOSED DOORS

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

RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina

That Council meet behind closed doors.

Carried 6/0

MOTION FOR BEHIND CLOSED DOORS

In accordance with Standing Orders 15.10 “That the Council meets behind closed doors – Effect of Motion” (LG Act s5.23) that Council re-open the meeting to the Public.

RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina

That Council move to re-open the meeting to the Public.

Carried 6/0

AMENDMENT

Moved Cr Boland, seconded Mayor Morgan

That the recommendation be separated into two parts. Part one to start at the words “*write to the...*” and part two to start at the words “*to take action...*”.

Carried 6/0

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That Council:

- 1. Write to the property owners of properties encroaching into laneway/Right of Way numbers 6, 28B, 22, 64, 20 and 68 as proposed by the Manager Engineering Services.**
- 2. Take action and provide for continuing public access on laneways, and the removal of potential adverse possession claims, from laneways in the Town of Cottesloe.**

Carried 11/0

10.1.6 MELBOURNE INTERNATIONAL PUBLIC WORKS CONFERENCE

File No: SUB/83
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services

Proposed Meeting Date: 17-Nov-2009
Author Disclosure of Interest Nil

SUMMARY

At its meeting in June 2009, Council resolved:

“That Council approve the attendance of the Manager Engineering Services at the IPWEA International Public Works Conference, as per attachment 10.2.1, in association with the 16th International Federation of Municipal Engineering Biannual World Congress, in Melbourne, Victoria, from 6th to 10th September, 2009 and Council to receive a report within two months on the conference detailing applicable items for improving Cottesloe.”

The conference was attended and this report provides information on applicable items relating to Cottesloe with a recommendation that Council receive the report from the Melbourne International Public Works Conference 2009.

BACKGROUND

IPWEA is a national association of local government and public works professional and technical staff from around Australia. IPWEA is in partnership with the Institution of Engineers, Australia for professional training, including conferences. The Melbourne conference was the fifteenth of its type and was the major national local government engineer’s event, occurring every two years and attracting a large variety of overseas representatives.

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

- Skills shortage
 - Environmental sustainability
 - Asset management – various
 - Water management
 - Water use and reuse
 - Storm water management
 - Managing safer roads
 - Community engagement
 - Water infrastructure
 - Bridges
 - Road pavement management
 - Contract management
 - Benchmarking
-

- Climate Change
- Coastal Strategies
- Parks and Gardens
- Alternative Transport
- Flood Management
- Urban Delivery

A number of keynote speakers contributed to the program.

There were several 'streams' of papers presented and the most applicable subjects were chosen.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council's *Conferences Policy* applies.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Allowance for conference attendance has been included in Council's 2009/2010 budget.

SUSTAINABILITY IMPLICATIONS

A number of the topics covered at the conference related to sustainability, climate change and the environment.

CONSULTATION

Nil

STAFF COMMENT

This conference was organised by the Institute of Public Works Engineers Australia and such conferences occur every two years, in different capital cities. The conference is organised in association with Engineers Australia. Every three years, the International Federation of municipal Engineering holds an international conference. This year it was combined with the Melbourne conference.

This resulted in a much wider mix of international delegates and presenters, particularly from England, Scotland, all Scandinavian countries, the USA, Canada and several African countries.

Three full days of presentations were experienced including several keynote addresses. This amounted to a total of 27 presentations attended.

The main 'streams' followed, regarding topics covered were:

- Climate Change
- Water Management

- Coastal Strategies
- Financial Management/Infrastructure
- Road Pavement Management
- Community Engagement.
- Flood Management
- Urban Renewal

The majority of presentations are available on a 'flash drive' provided by the conference.

Main applications to Cottesloe:

- **Catherine Chertudi – Water Management in the Western United States – Drought, Growth, Contamination, Conflict.**

This paper discussed states with little water, high growth rates and conflict over water priorities. Points noted include subsidies to remove reticulated lawn areas, landscape development codes, assigned water schedules, changes to agricultural practices etc. Collaboration rather than litigation is becoming more obvious for the future.

In future, with a drying Perth climate, lessons learnt in dry climate areas such as parts of the US could be useful in Perth, for water rationalisation.

- **David Digby – Sustainable Sports Fields & Water Crisis:**

This paper dealt with the City of Whitehouse in Victoria and its progressive conversion of 52 sports fields to dry weather type grasses, to save water. There has been substantial water saved but the grass condition has reduced from lush winter type grasses which need much more reticulation. This may well apply to active ovals in the Western Suburbs if Water Corporation continues to cut back on bore water licence amounts. Conversion of grass types is an option but it would require sports club acceptance of a lower standard surface.

- **Fangjun Li – Inter-Annual Variability and Trends of Storminess, Perth 1994 – 2008.**

This is a study completed by the author, as part of a DPI, WA, effort. It uses all available data to try to determine whether storm action is increasing for Perth, based on a 14 year time span of data. The result of the study was that a longer span of data was needed – 14 years was too short. Over 14 years, no trend was observed for more or less storms and hence their wave power and beach erosive damage.

This study provides useful information regarding the impact of climate change and storm damage to Cottesloe beaches.

- **P. Vere Cooper – Climate Change Implications and Adaption Strategies.**

This deals with CO² generation, the creation of atmospheric Brown Clouds (ABC) over high population areas, rising sea levels and increasing need for adaptation within society to cope with changing conditions.

A number of adaptation examples are included in the paper. The points are made that many overseas cities are minimising CO² generation and adapting to Climate Change and that Australia will be significantly affected by the relocation of people from Asia and Pacific Islands.

This issue has an impact on Cottesloe regarding CO² generation.

- **Jonas Sipailia – Community Water Harvesting – the Missing Element in Sustainability (USA)**

This paper presents details on products that take drainage water and store it for re-use, similar to the systems already installed in Cottesloe. Instead of improving aquifer storage, the product stores water in a man-made system for re-use. This may be of use in future in the Western Suburbs if Water Corporation continue to reduce bore water allowances.

- **Matthew Lugg – The Increasing Impact that Climate Change is Having on the UK’s Highway Maintenance Service:**

This report deals with the actual experience of the impact of Climate Change on UK roads, drains and road structures. Dryer and warmer summers have lead to increased flooding risks, high temperatures causing highway damage and subsidence. There is a risk of greater land slips and increased wind damage. Adverse driving conditions and increased growing season times for verges and landscapes are also being experienced. Rising sea levels are increasing erosion on coastal roads and footways.

Material such as asphalt is being adapted for higher temperatures and allowance for expansion in paths and bridges is now being increased.

Warming conditions have meant less frosts generally but more rainfall in north England and Scotland. Such considerations will become required in Perth as temperatures rise, with less rainfall and drying sub pavement conditions.

- **Lynn Minger – Sustainable Communities – the Baw Baw Solution**

This paper dealt with the experience of Baw Baw Shire Council, Victoria, in an extensive community engagement process to determine community needs for services and infrastructure. It has potential for application in Cottesloe.

- **Floody Hell – John Mc Robert (Scotland)**

This paper used historical data to challenge the idea that Climate Change was leading to more flooding problems in Scotland. It investigates why such flooding has occurred and challenges Engineers to have an enquiring mind on all subjects, including Climate Change.

These are some of the papers attended, with Cottesloe applications. Other papers, discussions with other municipal engineers from Australian and International locations and information on new materials and systems displayed at the conference were all potential information sources and ideas for application to local government engineering in Perth and Cottesloe in particular.

On the last day of the conference, four options for regional tours were available. The Western Region of Melbourne was chosen which allowed inspection of the largest construction materials recycling plant in the southern hemisphere, a visit to the suburbs of Werribee and Point Cook where massive suburban expansion is underway, inspection of the Point Cook Library complex which was about to be opened and discussion with the CEO and officers of that municipality on problems regarding such expansion.

Details and photographs of the new library were gathered for potential interest in the new joint library in Peppermint Grove.

The author thanks Council for the opportunity to attend this conference, which provided a high level of training and exposure to new ideas and concepts.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That Council receive the report from the Melbourne International Public Works Conference 2009.

Carried 11/0

10.1.7 REQUEST FOR TREE REMOVAL - DEANE STREET COTTESLOE

File No: PRO/968
Attachments: Proposed works correspondence - Hall.pdf
Proposed works correspondence - Roach.pdf
Deane Street Trees Letters and Images.pdf
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 17-Nov-2009
Author Disclosure of Interest Nil

SUMMARY

A request has been received from the owner of 15 Deane Street regarding his concern with the amount of the root system of four Norfolk Island Pine trees existing above or on the surface of his northern verge. The request is for the removal of these trees.

The recommendation is that Council inform the applicant that, after investigation, the decision has been made to retain the four trees in Deane Street requested for removal.

BACKGROUND

The trees of concern are on the narrow southern verge of Deane Street, fronting number 15, immediately to the south of Avonmore Terrace. All four trees have substantial tree root mounds on the surface or above the general lawn level. These root mounds are not normal when compared with Norfolk Island Pine trees planted in other areas. They appear healthy, are of varying sizes and are not heritage listed.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Councils' Street Tree policy applies.

STATUTORY ENVIRONMENT

Council has vested control and responsibility of road reserves in the Town of Cottesloe. This includes the ownership and stewardship of all street trees, including Norfolk Island Pine trees.

FINANCIAL IMPLICATIONS

These trees are not the largest of pine trees. Removal of four trees on the one site would reduce the cost, if removed, to approximately \$8,000.

SUSTAINABILITY IMPLICATIONS

The removed trees would be replaced to ensure there is no reduction in the Cottesloe tree stock, for environmental and sustainability purposes.

CONSULTATION

Substantial use of consultants has taken place with regards to consultation on the treatment of Norfolk Island Pine trees.

STAFF COMMENT

The initial thought once the root mounds were inspected was the possibility of a shallow rock surface below the trees causing the root systems to 'bulge' out of the ground. Another possibility was that these four trees were originally planted 'high' and the root systems have then developed closer to the surface. A 1.8m long powered auger was used to test for underlying rock. No rock was encountered from several holes drilled in the area.

Although not normal, other large 'mounded' Norfolk Island Pine trees grow in Cottesloe. The probable cause of these mounds is that the original planting technique used involved the seedling trees being planted 'high' and soil mounded around the base.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee discussed the report and made comment, found upon the information provided and their own inspections of the site, in relation to the condition and width of the footpath and verge, including the fact that the roots were near the surface. In light of Council's prior resolution related to the annual inspection and removal of trees, Committee suggested that these four be included in that program.

OFFICER RECOMMENDATION

Moved Cr Boland, seconded Cr Strzina

That Council inform the applicant that, after investigation, the decision has been made to retain the four trees in Deane Street requested for removal.

AMENDMENT

Moved Cr Boland, seconded Cr Strzina

That a second part to the recommendation be included as follows;

"2. Consider these four trees for inclusion in the proposed annual inspection to identify trees that need to be removed/replaced."

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That Council

- 1. Inform the applicant that, after investigation, the decision has been made to retain the four trees in Deane Street requested for removal.**

2. Consider these four trees for inclusion in the proposed annual inspection to identify trees that need to be removed/replaced.

The Substantive Motion was put

Carried 11/0

10.1.8 ROAD SAFETY REVIEW - NORTH COTTESLOE PRIMARY SCHOOL

File No: SUB/121
Attachments: [Road safety review.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 17-Nov-2009
Author Disclosure of Interest Nil

SUMMARY

In May 2009, after receiving a letter from the North Cottesloe Primary School regarding parental concerns about vehicle movements around the school and parking problems, Council resolved (25 May 2009) to:

1. *“Arrange a Consultant safety audit to investigate matters of concern regarding vehicle movement and parking, as in attachment 10.2.1, at the North Cottesloe Primary School, including seeking input from appropriate local police services.*
2. *Inform the North Cottesloe Primary School P & C of Councils’ decision in this matter”.*

This item provides the results of the Road Safety Review and recommends that Council:

1. Send copies of the audit report to Main Roads WA, Public Transport Authority, Education Department and the North Cottesloe Primary School, with requests to consider the salient points for each organisation to undertake.
2. Undertake all works relating to Council responsibilities and infrastructure where this is possible using budgeted maintenance allocations.
3. Submit all applicable works for 2011/2012 Black Spot funding when these applications are available.
4. Consider extra budget works relating to this report in the 2011/2012 draft budget discussions, taking into account the Education Department funding response for the proposed car park extensions.

BACKGROUND

The North Cottesloe Primary School, situated on Eric Street and Railway Street, has experienced parking and traffic flow problems for many years. The heavy vehicle flow on Eric Street, between Curtin Avenue and Stirling Highway, has continued to grow over the years, with a growing conflict of parental vehicles dropping off and picking up school children with the ‘through traffic’.

This conflict is added to by the Curtin Avenue/Eric Street light controlled intersection, the Railway Street/Eric Street roundabout being misused and the general lack of parking capacity near the school while the percentage of parents using cars to deliver or pick up school children seems to be growing.

In addition, the State Government policy of shutting down small schools and redirecting students to schools such as North Cottesloe has meant more buildings and students at that site.

Council resolved in May 2009 to fund a Road Safety Review or audit to report on the findings of a detailed inspection of the areas of concern to the school and parents.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Any car parking or Traffic control installations on road reserves vested in Council would be Council's responsibility regarding management and liability.

FINANCIAL IMPLICATIONS

The audit recommends a number of improvements or new construction. These works have a considerable potential cost, with parts being potentially applicable to Council, the Education Department/North Cottesloe Primary School, Public Transport Authority and Main Roads WA.

Apart from minor maintenance allocations, Council would have to budget in the future to undertake major works involving roads and parking areas serving this school.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

North Cottesloe Primary School and Porter Consultants.

STAFF COMMENT

The study deals with a large range of issues regarding the proper provision of roads, footpaths, cycle paths, fencing and parking areas in the general North Cottesloe Primary School area.

The following report recommendations are followed by staff comments relating to proposed Council actions:

Study Recommendation

1. Widen the Eric Street bridge:
Staff – Request Main Roads WA action.
2. Install greater pre-deflection on Eric Street/Railway Street roundabout to reduce vehicle speeds.
Staff – Consider application for Black Spot funds for 2011/2012 to modify roundabout.
3. Formalise and define school carpark to provide additional parking.
Staff – Consider funding works for 2010/2011 budget.
4. a. Modify signal phasing at Curtin Avenue/Eric Street lights.

- b. Upgrade Eric Street bridge to provide additional lane capacity.
Staff – Send a copy of audit report to Main Roads WA and request works as listed.
- 5. Install short left turn lane on Eric Street into school parking area.
Staff – Consider for funding in 2010/2011 budget.
- 6. School to provide information to parents to reinforce parking requirements to reduce congestion.
Staff – Send a copy of audit to school for their action on salient points.
- 7. Improve lighting on south east corner of Eric Street/Railway Street roundabout.
Staff – Consider funding of solar powered light in 2010/2011 budget.
- 8. a. Replace four way intersection sign at roundabout.
Staff – Request Main Roads WA to change sign.
b. Replace street name sign (Railway Street)
Staff – New sign has been ordered and will be installed.
- 9. Replace children crossing sign on Eric Street.
Staff – New sign has been ordered and will be installed.
- 10. Upgrade Eric Street bridge crash barrier and crash barrier end treatments to meet Australian Standards.
Staff – Request Main Roads WA action on these issues.
- 11. a. Upgrade pedestrian fences to prevent access to the railway reserve.
b. Extend protective screen on bridge to prevent direct access to high voltage railway power cables.
Staff – Send Public Transport Authority copies of relevant study pages and request upgrading works.
- 12. Upgrade timber fence on rail bridge as part of works to separate crash barrier and footpath.
Staff – Request upgrading works from Main Roads WA.
- 13. School fence on Railway Street is horizontal steel rails and steel mesh with potential to ‘spear’ through vehicle windscreen in the event of a car crossing the footpath.
Staff – Request Education Department to replace fence with alternative safety fence.
- 14. a. Signal phasing on Eric Street/Curtin Avenue intersection needs altering to allow extra right turn time (into Curtin Avenue).
b. Overhead mast arms needed to improve traffic signals eastern visibility on Eric Street.
c. LED lights needed to improve lantern visibility.
Staff – Request upgrading works from Main Roads WA.
- 15. Pedestrian refuge island needed on guarded school crossing on Curtin Avenue near Florence Street.
Staff – Consider submission for funding under 2011/2012 Black Spot submissions.
- 16. Install a pedestrian refuge island in Railway Street at guarded school crossing location.
Staff – Consider including in 2011/2012 Black Spot submissions for funding.
- 17. The main school entry path has a 200mm step which does not allow for pram or wheelchair access.
Staff – Request school/Education Department to provide for universal access at main entrance path off Eric Street.
- 18. Eric Street bridge hand railing needs upgrading.

- Staff – Request Main Roads WA to undertake works.
19. On Railway Street install School Crossing Ahead sign and include the school crossing flags on the sign when the crossing is in use.
Staff – Request Main Roads WA to undertake installations.
20. Provide connection for cycle lane onto footpaths at roundabout for Eric Street.
Staff – Arrangements are being made for this line marking change.
21. Upgrade the path on the west side of Railway Street from Eric Street, heading north, to a dual use width.
Staff – A cost to upgrade this path through to the parking area can be considered for the 2010/2011 budget.
22. Install crest warning signs on the approaches to the Eric Street traffic bridge.
Staff – Request Main Roads WA to install crest signs.
23. The Eric Street bridge has a variety of problems requiring investigation.
Staff – Request Main Roads WA to undertake a condition assessment for the Eric Street traffic bridge and associated facilities.
24. Improve skid resistance on the Eric Street bridge by upgrading the pavement or applying an anti skid treatment.
Staff – Request Main Roads WA to undertake works.
25. Eric Street needs drainage improvement at the slow point in front of the guarded school crossing.
Staff – This work will be undertaken under maintenance.
26. a. The school and P&C should provide information to parents to only pick up or set down children on the Eric Street carpark. Waiting beyond the two minute time period is causing major congestion.
b. The school and P&C needs to encourage parents and students to walk or cycle to school to reduce vehicle congestion.
Staff – Both points made in 26a & b should be made to the school and P&C.
27. Review parking layout to determine the most effective use of the area.
Staff – This would be part of any consideration for funding in 2010/2011 for extension of the site. Engineering and Rangers have already considered the site constraints.
28. Restrict western end of the Eric Street parking area to staff use only, after formalisation.
This would be part of the consideration included in number 27.
29. Extend the parking in Railway Street and have the school encourage greater use by parents.
Staff – If this work is to be funded, the Education Department should be contributing. In the communication to the School, request a school submission to the Education Department for part funding consideration for an expanded school parking capacity in both Eric Street and Railway Street, for works in 2011/2012.
30. Remove the Eric Street redundant bus embayment opposite the school and ban verge parking, particularly during school pick up times in the afternoon.
Staff – This work could be undertaken with maintenance funds in this budget period.

Copies of the audit report can be sent to Main Roads WA, Public Transport Authority and the Education Department for departmental action. The school and P&C can also receive a copy, with a request for the actions included in the report (for the school) to be considered.

Several actions, as proposed in the report, can be undertaken using maintenance funds. Black Spot funds can be applied for but the submissions would be approx May 2010, for the 2011/2012 financial year program.

Additional works to extend car parking for school use only, should have some Education Department contribution (approx 50%), because of the purely school use nature of these works for consideration in 2010/2011 draft Council budget.

VOTING

Simple Majority

COMMITTEE COMMENT

Cr Boland wanted it noted that the Safety report did not mention bikes and safety of the bike riders.

Cr Carmichael noted that in her experience something should be done about the speed of southbound traffic on Railway Street and that Rubber Speed cushions should be put in place to control this issue.

OFFICER RECOMMENDATION

That Council:

1. Send copies of the audit report to Main Roads WA, Public Transport Authority, Education Department and the North Cottesloe Primary School, with requests to consider the salient points for each organisation to undertake.
2. Undertake all works relating to Council responsibilities and infrastructure where this is possible using budgeted maintenance allocations.
3. Submit all applicable works for 2011/2012 Black Spot funding when these grant applications are available.
4. Consider extra budget works relating to this report in the 2011/2012 draft budget discussions, taking into account the Education Department funding response for the proposed car park extensions.

AMENDMENT

That after the words *“organisation to undertake”* the following words be added *“including requesting Main Roads WA fund the agreed design of the Eric Street flyover as part of forward estimates as soon as possible.”*

AMENDMENT

That the words *“and its P&C”* be inserted after *“and the North Cottesloe Primary School”*.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That Council:

- 1. Send copies of the audit report to Main Roads WA, Public Transport Authority, Education Department and the North Cottesloe Primary School and its P&C, with requests to consider the salient points for each organisation to undertake including requesting Main Roads WA fund the agreed design of the Eric Street flyover into forward estimates as soon as possible.**
- 2. Undertake all works relating to Council responsibilities and infrastructure where this is possible using budgeted maintenance allocations.**
- 3. Submit all applicable works for 2011/2012 Black Spot funding when these grant applications are available.**
- 4. Consider extra budget works relating to this report in the 2011/2012 draft budget discussions, taking into account the Education Department funding response for the proposed car park extensions.**

Carried 11/0

10.1.9 STYLE GUIDE/STREET FURNITURE

File No: SUB/207
Attachments: [Style Guide Council notes.pdf](#)
[Style Guide.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 17-Nov-2009
Author Disclosure of Interest Nil

SUMMARY

Reports went to Council in December 2006, providing a draft new Style Guide for Street Furniture. This guide was created by a consultant at a cost of \$5,000.

Council resolved on 18 December 2006 that the Foreshore Vision Working Group be provided with the draft Style Guide and the comments of the Design Advisory Panel for consideration and comments back to Council. No further comments or directions to staff have occurred from that time.

At its meeting in October 2009, Council resolved:

“That Council:

- 1. Adopt the New Footpath Construction Policy and include it in the Policy Manual.*
- 2. Request the most recent draft of the ‘style guide for street furniture’ to be re-presented for the possible adoption.*
- 3. Suitably amend any policies to ensure that future footpaths are comprised of limestone coloured concrete.”*

This report re presents the original draft Style Guide and recommends:

That Council:

1. Consider an updated style guide in the December 2009 meeting inclusive of readily available street furniture complying with style guide concepts and;
2. Direct any updated and adopted Style Guide to the reconvened Foreshore Vision Working Group for incorporation into an eventual manual for Urban Design Guidance.

BACKGROUND

Council resolved in May 2006 to include \$5,000 in the 2006/07 budget to develop a simple Style Guide regarding the colour of street furniture and style/letter fonts for public information signs. This type of guide was never proposed to include infrastructure beyond street furniture and signs.

Such a Style Guide was created, using a consultant, and was generally acceptable to Council but was first considered by the Design Advisory Panel. That Panel strongly supported the need for a Style Guide but pushed for a much more developed and

expansible manual for the longer term public domain high class design process by a specialist architectural firm to establish a 'taste culture' and 'timeless qualities'.

Examples given, naming sites in East Perth, Mandurah, Rockingham and Kings Park were actually commercial designs, 'off the shelf' in Australia.

Because of the potential impact on the foreshore, the matter was sent to the Foreshore Vision Working Group, to provide direction.

No direction was forthcoming and this matter has not progressed.

The only Style Guide adopted by Council was in 1999, the content of which is out of date.

Due to the lack of a Council-adopted Style Guide with a more modern content, staff have made decisions on the necessary infrastructure replacement, particularly rubbish bins in the town centre and foreshore area and for shade sails over playgrounds.

Hand rails at road crossings have to conform to Australian safety standards for shape, placement and colours.

Bollards are becoming a problem in terms of poor aesthetics and the lack of Council direction. The 1999 designs are no longer available.

Bins have recently been replaced in the commercial area to a design suggested by staff and accepted by Procott. Strong support for the results have been voiced to staff.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council has adopted a 1999 'Streetscape Collection' document as its direction to staff for street furniture style guidance.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Council funded the original \$5,000 Style Guide document in 2006. All street furniture has been funded by Council in past years, apart from memorial seats.

There is no large expenditure budgeted in 2009/2010 for major street furniture changes, apart from the already installed commercial area rubbish bins.

SUSTAINABILITY IMPLICATIONS

Infrastructure sustainability attitudes should apply to street furniture in terms of quality products being installed with the maximum expectation of value for money.

CONSULTATION

No general public consultation has occurred on this matter. Procott was involved in the rubbish bin choice for the commercial area.

STAFF COMMENT

Council originally placed \$100,000 on the budget two years ago for either new foreshore bins or for a high quality urban design manual. New foreshore bins were funded from this allocation.

If such a high quality manual was created for \$100,000 two years ago, it is possible it would have had to be revised due to new parameters being pursued from the EbD process. Because no firm direction is available to staff on this matter, apart from an out-of-date 1999 manual, improvements in street furniture have been delayed until replacement of items has become urgent e.g. rubbish bin replacement. Commercial area bollards and bicycle racks are two examples of infrastructure in need of upgrading for which no Council preference for style and colouring is available.

The 2006 version of the draft Style Guide provides examples of recommended products (seats, bollards, rubbish bins etc) available in 2006. The available product recommendation should be updated, with Council to accept the final document inclusive of a range of product designs.

VOTING

Simple Majority

COMMITTEE COMMENT

Cr Carmichael enquired as to a landscape design guide being added to this design guide. Mayor Morgan informed the Committee that previous to this meeting the Foreshore Vision Group met and from that meeting a new Urban Design Guide will be drafted as a part of the Foreshore Vision. This guide will enable the Manager of Engineering Services to work from a more up to date design guide until the Urban Design Guide is created and approved.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That Council:

- 1. Consider an updated style guide in the December 2009 meeting inclusive of readily available street furniture complying with style guide concepts and;**
- 2. Direct any updated and adopted Style Guide to the reconvened Foreshore Vision Working Group for incorporation into an eventual manual for Urban Design Guidance.**

Carried 11/0

10.1.10 TOWN OF COTTESLOE PRIVATE LANEWAYS

File No: SUB/274
Attachments: [Private Laneway Correspondence.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services

Proposed Meeting Date: 17-Nov-2009
Author Disclosure of Interest Nil

SUMMARY

At its March 2009 meeting, Council resolved:

“That Council authorise letters to be sent to all owners of private laneways within the Town of Cottesloe;

1. a) *offering the conversion of the laneway ownership into Town of Cottesloe ownership, with all legal and administrative costs to be met by Council, and no offer of an additional purchase price of the laneway being made.*
b) *Fully explaining the responsibilities and risks of private laneway ownership where public access applies, with the potential for future rating.*
2. *Noting that if the results of this offer are negligible, Council will consider the imposition of a minimum rate levy on all individual privately owned laneways within the Town of Cottesloe.”*

Letters were sent to all current owners of private laneways in Cottesloe. This item reports on the results and recommends:

That Council include for consideration in the draft 2010/2011 budget, a total value of projected rate income for the imposition of a minimum rate levy on privately owned laneways in the Town of Cottesloe.

BACKGROUND

This matter arose from a discussion regarding concerns raised by the owner of 12 Jarrad Street regarding the condition of Right of Way 34, on the west side of Barsden Street, Cottesloe. This laneway is privately owned, with the owner showing no interest in improving the poor condition of the laneway, which is used, legally, by a number of adjacent property owners for access.

In May 2008, the then Minister for Local Government was asked for permission for all Councillors, including six affected Councillors, to debate and vote on the matter of a strategy to obtain ownership of all existing privately owned right of ways within the Town of Cottesloe.

Approval was given by the Department of Local Government and Regional Development for one single meeting of Council, with conditions attached, for discussion and voting on this matter by all Councillors.

Council's intention was to have all private laneways in Cottesloe, including those owned in 'fee simple' by Council, given to the Crown. This would ensure the use of all such laneways by the public as public thoroughfares which could legally be maintained by Council and no adverse possession claims could apply.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Councils' Policy on Right of Ways/Laneways applies (see attachments). In this policy one objective is "To establish a procedure for sections of private laneways to become Crown land, including land held by Council as private property and used by the public as access. Also one of the Principles of this policy is:

- (5) To recognise that any Right of Way or Laneway used by the general public should be Crown land vested in Council for the purpose of public access, maintained by Council through the normal annual budgeted maintenance programs.

Under the 'Issues' section of the policy, the following applies:

- 5 The mixture of Crown control, private ownership and Council ownership of Right of Way's and Laneways has created confusion in the past for staff to maintain these accesses while trying not to expend Council funds on privately owned sections.
- 6 The amount of privately owned laneway sections (by Council and individuals) requires a lot of control regarding actions, filing, knowledge of ownership etc which could be greatly simplified by their surrender to the Crown.

In the actual policy document, item 1 and 2 directly relate to this matter:

1. Council's attitude towards the status of Right of Way's/Laneways is that all such accesses should be Crown land, where they are used by the general public rather than for a specific restricted property access function.
2. Any sections of Right of Way's/Laneways owned by the Town of Cottesloe will be surrendered to the Crown for Crown land.

STATUTORY ENVIRONMENT

Nil, other than the requirement that Council funds not to be spent on private property, including privately owned rights of ways or laneways.

FINANCIAL IMPLICATIONS

The cost, per laneway transfer, is estimated at \$1000 per laneway, if Council covers all legal and administrative costs, but does not pay commercial values on these public access ways.

Once owned in 'fee simple' and eventually passed into Crown ownership, Council will be fully responsible for maintenance of these laneways, at an additional estimated cost of \$15000 per year.

The potential for these private laneway areas being rated was a matter considered by Council in March 2009, with a minimum rate being applied to each separate laneway.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Letters sent to all private laneway owners requesting their laneways be placed under Council ownership.

STAFF COMMENT

Only one reply was received from the nine letters sent out. This was from the Australian Red Cross rejecting Councils' proposal.

Council has previously resolved to "*consider the imposition of a minimum rate levy on all individual privately owned laneways within the Town of Cottesloe*", if the results of this letter mail out were negligible.

VOTING

Simple Majority

COMMITTEE COMMENT

Cr Boland asked whether the Red Cross being a charity would be exempt of rates on the laneway/right of way if they are exempt on rates for properties. This would need to be investigated.

Cr Rowell commented on the rating of the laneways/right of ways being a minimal rate and that Council should try to make the amount 'unpleasant' for the owner.

Councillors also raised concerns for the dates and sale information of the laneway in the Red Cross letter. To the knowledge of the Manager of Engineering Services we have not sold any laneways to the Red Cross or any other person/organisation. The Chief Executive Officer to investigate before the Council meeting.

Cr Dawkins declared a Financial interest in Item 10.1.10 due to Ownership of a private laneway in Cottesloe and left the meeting at 7:38pm.

Cr Cunningham declared a Proximity interest in Item 10.1.10 due to living next a private laneway and left the meeting at 7:40pm.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That Council include for consideration in the draft 2010/2011 budget, a total value of projected rate income for the imposition of a minimum rate levy on privately owned laneways in the Town of Cottesloe.

Carried 9/0

Cr's Dawkins and Cunningham returned to the meeting at 7:45pm

**10.1.11 BLACK SPOT ROADWORKS - INTERSECTION OF JOHN STREET
AND BROOME STREET**

File No: SUB/573
Attachments: [John St Broome St intersection.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services

Proposed Meeting Date: 17-Nov-2009
Author Disclosure of Interest Nil

SUMMARY

The following Notice of Motion has been received from Cr Rowell:

That Council rescind Item 9 of Council Resolution 12.2.1 of the 24th September 2007 for the 2008/9 Budget to include median islands to Broome St/John St Intersection.

Any Grant Funds applicable received by Council should be returned to the Main Roads Dept with an explanatory statement.

Following a Site meeting at midday Monday 9th November with the CEO and Mr Geoff Trigg, residents of the four corner sites expressed considerable concern with the proposed works, including consequent damage to tree roots, changes to footpath alignments and the subsequent widening of John Street which could encourage speeding in John St. Various possibilities were discussed and Council Officers may wish to suggest alternatives.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

\$30,000 was approved in 2008/09 for this work - \$20,000 from Main Roads WA and \$10,000 from Council. \$1,755 was spent in 2008/09 (design works) and the rest was carried over into 09/10. A light pole has been relocated and further design and survey layout work has also occurred. Total expenditure to date is approximately \$5,000. If the works are not undertaken, the \$20,000 would not be available from Main Roads WA.

BACKGROUND

At the Council meeting held 24 September, 2007, Council resolved:

“That Council resolve to agree in principle that the 2008/09 budget include up to one-third contributory funding towards the following eleven State and Federal Blackspot submissions subject to these submissions being approved by Main Roads WA and the Minister receiving Blackspot grant funding:

- (1) Railway Street/Station Street Intersection – median island.*
- (2) Eric Street/Marmion Street Intersection – roundabout.*
- (3) Marine Parade/Eileen Street Intersection – median island.*
- (4) Curtin Avenue/Sydney Street Intersection – median islands.*
- (5) Eric Street/Broome Street Intersection – intersection lighting.*
- (6) Broome Street/Forrest Street Intersection – intersection lighting.*
- (7) Jarrad Street/Railway Street/Brixton Street Intersection – median islands and left turn lane.*
- (8) Jarrad Street/Broome Street Intersection – roundabout.*
- (9) Broome Street/John Street Intersection – median islands.*
- (10) Broome Street – Eric Street to Jarrad Street – improved lighting.*
- (11) Broome Street – Napier Street to Eric Street – west side footpath, pedestrian islands, intersection median islands.”*

The Blackspot proposal for John Street/Broome Street was approved and installation works are now about to commence.

CONSULTATION

Information letters were delivered to the four affected property owners. Long term discussion through various reports have covered the issue of this intersection. It was included within the Porter Consulting Traffic Study (May 2008).

An on-site meeting was held on 9 November with the four affected property owners. At the meeting the proposed solution was discussed and explained and residents proposed a number of alternate suggestions including on street parking and traffic calming devices.

The local residents do not support the proposed works.

STAFF COMMENT

The salient points to this project are:

1. It is an approved State Blackspot project, with an original budget of \$30,000 - \$20,000:\$10,000 – Main Roads WA – Council.
2. It must be completed by the end of December 2009.
3. It was approved due to the Safety Audit undertaken by a consultant as part of the total Broome Street safety problems.
4. The design is a standard treatment for four way intersections, approved by Main Roads WA.
5. Broome Street, between Forrest Street and Napier Street, has the highest known speed recorded in Cottesloe – over 150k/hour over the Loma Street crest. It is a well known speed section, requiring treatment.
6. Broome Street is 9.8metres wide. If kerbside parking was allowed on each side, it would leave 5.0metres for two vehicles to pass on the most complex portion of Broome Street. 5.0metres would not be approved by Main Roads

WA as adequate for safe vehicle use on a Local Distributor road carrying 2000-4000 VPD.

7. The pegged edge line for the intersection, particularly the four corners is offset 1.0metres. The turning radius between Broome Street and John Street, must be designed to allow large trucks, busses, semitrailers, rubbish trucks etc, and must be approved by Main Roads WA.
8. The proposed design has been checked by the Manager Engineering Services, Porter Consulting (an experienced road designer) and Main Roads WA officers prior to approval as the most appropriate treatment.

VOTING

Absolute Majority

COMMITTEE COMMENT

Cr Rowell commented in support of the notice of motion. The speed depicted in the staff comment dates back to 2005/06 and since then a large amount to work has gone into the whole of Broome Street to combat this problem. The speeds of vehicles now are not as bad as was in 2005/06.

The verges are very attractive and cutting into the four verges will remove some of the aesthetics of the area.

The major problem with the area is the crest located directly in front of the Civic Centre. The installation of the Forrest and Napier Street roundabouts have removed most the speeding problems.

He urged the Councillors to rescind the previous resolution and for the works not to be carried out.

The Manager Engineering Services explained that the extremely high speeds still occurs in that area. At the on-site meeting, of the John Street and Broome Street intersection, it was mentioned that curb side parking could reduce speeds. This would not be an option as it creates a high risk to the public and Main Roads will never approve it.

Rubber speed cushions (currently being endorsed by the Barnett government to curb 'Hoon' driving) could be put in place as they are bolt in and can be moved. However, the funding will have to be returned to Main Roads as this is not the project they have proposed.

Cr Strzina commented that he felt the aesthetics should not come into this argument but found it hard to believe that with widening the area for trucks to be able to use the intersection will slow the traffic down. In this case the rubber speed cushions should be used in conjunction and placed on either side of the crest. The Mayor concurred to this suggestion.

Through speaking to a nearby resident to the intersection Cr Strzina mentioned that in the past there was a similar island in the intersection and a motorcyclist speeding hit the island and suffered serious injuries. The rubber speed cushions may prevent

this from happening again. The nearby residents may not like the noise they create at first but they need to be installed for the safety of them and other.

COUNCILLOR RECOMMENDATION

That Council

1. Rescind Item 9 of Council Resolution 12.2.1 of the 24th September 2007 for the 2008/9 Budget to include median islands to Broome St/John St Intersection.
2. Return any Grant Funds applicable and received by Council to the Main Roads Dept with an explanatory statement
- 3.

AMENDMENT

That a point three be added the recommendation *“That Council be provided with a report as soon as possible on the installation of three rubber speed cushions to the north and south of the crest located on Broome Street between John Street and Napier Street.”*

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That Council

- 1. Rescind Item 9 of Council Resolution 12.2.1 of the 24th September 2007 for the 2008/9 Budget to include median islands to Broome St/John St Intersection.**
- 2. Return any Grant Funds applicable and received by Council to the Main Roads Dept with an explanatory statement.**
- 3. That Council be provided with a report as soon as possible on the installation of three rubber speed cushions to the north and south of the crest on Broome Street between John Street and Napier Street.**

Carried 11/0

**10.1.12 SCHEDULE OF INVESTMENTS AND LOANS FOR THE MONTH
ENDING 31 OCTOBER 2009**

File No: SUB/150 & SUB/151
Attachments: [Financial Statements 31 Oct 09.pdf](#)
Responsible Officer: Carl Askew
Author: Chief Executive Officer
Graham Pattrick
Manager Corporate Services

Proposed Meeting Date: 17-Nov-2009

Author Disclosure of Interest
nil

SUMMARY

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 31 October 2009, as per attachment, to Council.

BACKGROUND

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

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 19 of the Financial Statements shows that \$8,069,204.77 was invested as at 31 October, 2009.

Reserve Funds make up \$897,291.78 of the total invested and are restricted funds. Approximately 34% of the funds are invested with the National Australia Bank, 36% with Westpac, 10% with Commonwealth and 20% with BankWest.

The Schedule of Loans on page 20 shows a balance of \$6,997,671.64 as at 31 October, 2009. There is \$478,142.12 included in this balance that relates to self supporting loans.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

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

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 31 October, 2009, as per the attached Financial Statements, as submitted to the 17 November 2009 meeting of the Works and Corporate Services Committee.

Carried 11/0

**10.1.13 STATUTORY FINANCIAL STATEMENTS FOR THE MONTH ENDING
31 OCTOBER 2009**

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Pattrick
Manager Corporate Services

Proposed Meeting Date: 17-Nov-2009

Author Disclosure of Interest
Nil

SUMMARY

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 October 2009, to Council.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Operating Statement on page 2 of the Financial Statements shows a favourable variance between the actual and budgeted YTD operating surplus of \$407,437 as at 31 October 2009. Operating Revenue is above budget by \$146,068 (2%). Operating Expenditure is \$238,619 (8%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 31 October 2009 is shown on page 7.

The Capital Works Program is listed on pages 26 - 31 and shows total expenditure of \$1,718,715 compared to YTD budget of \$3,303,156. The reason for the significant

difference is a timing delay with the library and delayed general capital expenditure due to cashflow restrictions at the start of the year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 October, 2009, as per the attached Financial Statements, submitted to the 17 November, 2009 meeting of the Works and Corporate Services Committee.

Carried 11/0

10.1.14 ACCOUNTS FOR THE MONTH ENDING 31 OCTOBER 2009

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Patrick
Manager Corporate Services

Proposed Meeting Date: 17-Nov-2009

Author Disclosure of Interest
Nil

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 31 October 2009 to Council, as per attachment Financial Statements.

BACKGROUND

The List of Accounts is presented monthly.

CONSULTATION

Nil

STAFF COMMENT

The following significant payments are brought to your attention that are included in the list of accounts commencing on page 10 of the Financial Statements:

- \$14,829.62 to WA Local Govt Super Fund for staff deductions
- \$15,322.81 to WA Local Govt Super Fund for staff deductions
- \$10,932.22 to BCITF for September 2009 levies
- \$14,808.72 to WA Local Govt Super Fund for staff deductions
- \$30,623.80 to Cemex for soakwell covers and related hardware
- \$18,068.60 to Woodhouse Solicitors for advice on Florence Street
- \$25,579.40 to TAPSS Community Care for contributions from 1/7/2009 to 31/12/2009
- \$16,906.34 to B&N Waste for green waste collection September 2009
- \$272,886.55 to Fire & Emergency Services WA for ESL 1st quarter collection
- \$11,165.00 to West Coast Shade for 2 sail structures
- \$10,000 to Cottesloe Playgroup for donation per budget
- \$262,130.47 to KMC for progress claims on Civic Centre restoration
- \$108,496.30 to Shire of Peppermint Grove for quarterly contribution to library
- \$75,046.82 to Procott sending special rate collection
- \$12,599.81 to KMC for progress claims on Civic Centre restoration
- \$47,586.00 to Claremont Asphalt & Paving for installation of side entry soak pits
- \$312,754.58 to Shire of Peppermint Grove for contributions towards construction costs of new library

- \$24,261.68 to Transpacific Cleanaway for domestic & commercial waste disposal in September 2009
- \$10,780.00 to UHY Haines Norton for audit services 2009/2010
- \$10,913.00 to CSP Industries for various tools
- \$25,223.00 to Holcim (Australia) for soakwell covers and related hardware
- \$28,715.50 to LGIS for insurance premium
- \$31,994.76 to WMRC for disposal and tipping fees
- \$30,121.80 to Melville Subaru for 2009 Forester wagon
- \$67,791.97 and \$67,155.75 for staff payroll.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

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

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That Council receive the List of Accounts for the period ending 31 October 2009, as per the attached Financial Statements, as submitted to the 17 November 2009 meeting of the Works and Corporate Services Committee.

Carried 11/0

**10.1.15 PROPERTY & SUNDRY DEBTORS REPORT FOR THE MONTH
ENDING 31 OCTOBER 2009**

File No: SUB/145
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Pattrick
Manager Corporate Services

Proposed Meeting Date: 17-Nov-2009

Author Disclosure of Interest
nil

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 31 October 2009 to Council.

BACKGROUND

The Property and Sundry Debtors Reports are presented monthly.

CONSULTATION

None known.

STAFF COMMENT

The Sundry Debtors Report commences on page 21 of the Financial Statements and shows a balance of \$164,587.40 of which \$139,021.75 relates to the current month. The balance of aged debtors over 30 days stood at \$25,565.65

Property Debtors are shown in the Rates and Charges analysis on page 25 of the Financial Statements and show a balance of \$2,068,207.92. Of this amount \$225,499.21 and \$310,586.55 are deferred rates and outstanding ESL respectively. As can be seen on the Balance Sheet on page 4 of the Financial Statements, rates as a current asset are \$1,840,062 in 2009 compared to \$1,831,670 last year.

POLICY IMPLICATIONS

None known.

STRATEGIC IMPLICATIONS

None known.

STATUTORY REQUIREMENTS

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

SUSTAINABILITY IMPLICATIONS

None known.

FINANCIAL IMPLICATIONS

None known.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That Council receive the Property and Sundry Debtors Report for the period ending 31 October 2009, as per the attached Financial Statements, as submitted to the 17 November 2009 meeting of the Works and Corporate Services Committee.

Carried 11/0

10.2 STRATEGIC PLANNING COMMITTEE MINUTES - 18 NOVEMBER 2009**10.2.1 TOWN OF COTTESLOE - ACTION PLAN REVIEW**

File No: SUB/108
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer
Attachment: Action Plan
Proposed Meeting Date: 23-Sep-2009
Author Disclosure of Interest Nil

SUMMARY

This report recommends that Committee receive the updated *Action Plan* report and provide feedback to the CEO and senior staff present at the meeting on agreed modifications to the *Action Plan*.

BACKGROUND

The *Future Plan 2006 to 2010* for the Town of Cottesloe was finalised and adopted by Council in June 2007. At that time two review dates for the Future Plan were set, so that the document would return to Council. The first of those review dates was set at November 2008 and the second was in November 2010. Following the adoption of the *Future Plan*, an *Action Plan* was developed and an updated review of that plan is tabled for consideration at each meeting of the Strategic Planning Committee.

The November 2008 review did not take place due to a turnover of staff. At the May 2009 meeting of Council a report was tabled by the Chief Executive Officer and Council resolved to;

1. *"Note the officer comments in relation to the Future Plan primary objectives as per attachment 1 and endorse;*
 - a. *the amendment of Objective 5 Maintain infrastructure and Council buildings in a sustainable way with the inclusion of an additional strategy;*
 - 5.8 – *support water resource and conservation studies/initiatives*
 - b. *the inclusion of a new objective related to Organisational Development*
 - Objective 7 – *Organisational Development*
 - The effective management of Council's resources and work processes*
 - 7.1 *Deliver high quality professional governance and administration.*

- 7.2 *Ensure our workplace enables staff to be innovative and confident.*
 - 7.3 *Implement technologies to enhance decision making, communication and service delivery.*
 - 7.4 *Enhance our ability to embrace and manage change.*
2. *Receive the updated Action Plan report as per attachment 2.*
 3. *Determine to review its Future Plan again after the Local Government election in October 2009 and after the outcomes of the Minister for Local Government's Reform Strategies are announced."*

In September 2009, Committee determined to make changes to objectives 5.2 and 6.1 by updating the intent and focus of each. These changes were subsequently approved by Council.

STRATEGIC IMPLICATIONS

The Action Plan has obvious strategic implications.

POLICY IMPLICATIONS

None Known.

STATUTORY ENVIRONMENT

Division 5 — Annual reports and planning principal activities

5.56. PLANNING PRINCIPAL ACTIVITIES

- (1) *Each financial year, a local government is to prepare a plan for the next 4 or more financial years.*
- (2) *The plan is to contain details of—*
 - (a) *the principal activities that are proposed to be commenced or to be continued in each financial year affected by the plan;*
 - (b) *the objectives of each principal activity;*
 - (c) *the estimated cost of, and proposed means of funding, each principal activity;*
 - (d) *how the local government proposes to assess its performance in relation to each principal activity;*
 - (e) *the estimated income and expenditure for each financial year affected by the plan; and*
 - (f) *such other matters as may be prescribed.*

Regulation 19C of the Local Government (Administration) Regulations 1996 refers, i.e.

19C. Planning for the Future – section 5.56 of the LGA

- (1) *In this regulation –“plan for the future” means a plan made under section 5.56.*

- (2) *A local government is to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).*
- (3) *A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.*
- (4) *a local government is to review its current plan for the future of its district every 2 years and may modify the plan, including extending the period the plan is made in respect of.*
- (5) *A council is to consider a plan, or modifications, submitted to it and is to determine* whether or not to adopt the plan, or the modifications, as is relevant.*

**Absolute majority required.*

FINANCIAL IMPLICATIONS

Adoption of the Future Plan and associated Action Plans will inevitably require expenditure as per Council's adopted budget and long term financial plan.

SUSTAINABILITY IMPLICATIONS

The Town has continuously demonstrated a high level of regard for the sustainable management of Council's resources and the Future Plan not only supports sound financial management but also meets the legislative requirements contained within the Local Government Act 1995 and associated Regulations.

CONSULTATION

The Plan was developed in consultation with the community by way of public submission periods and refined by the Town's Strategic Planning Committee prior to adoption by Council.

STAFF COMMENT

In relation to the Action Plan, the following strategies were identified by Council as priorities for 2009/10 at its 20 May 2009 meeting:

- 1.2 Reduce beachfront hotel numbers to a sustainable level.
- 1.5 Identify increased opportunities to use existing facilities or provide new venues for formal community cultural events and activities.
- 2.1 Produce a draft Structure Plan for consultation purposes showing the sinking of the railway and realignment of Curtin Avenue together with 'what's possible' in terms of sustainable redevelopment and pedestrian and traffic links.
- 3.1 Develop the 'Foreshore Vision and Master Plan' in consultation with the community.
- 3.4 Introduce electronically timed parking.
- 4.1 Develop planning incentives for heritage properties.
- 4.5 Consider undeveloped Government owned land for higher density development provided there is both public support and benefit for the Cottesloe community.
- 5.1 Adopt a policy position on assets that have a realisable value such as the Depot and Sumps.

- 5.2 Subject to the satisfactory resolution of land tenure, design and funding requirements, progress the development of new joint library facilities.
- 5.3 Develop an integrated Town Centre plan to improve all aspects of the infrastructure of the Town Centre.
- 5.6 Develop a long term asset management plan and accompanying financial plan.
- 6.1 Further improve the community consultation policy in recognition that there are different techniques for different objectives.
- DP1 Complete the Civic Centre additions and renovations on budget and on time.
- DP2 Complete the adoption of Local Planning Scheme No. 3 including the preparation of all draft policies to a stage where they can be advertised for public comment.
- DP3 Report on the proposed tasks identified in the Climate Change Vulnerability study and their impacts, priorities and applicability to the Town of Cottesloe

The following program summary in relation to the above strategies is provided. More detail is contained in the attachment 11.1.

Rating	Ref	Comment
O	1.2	Council's strategy to monitor anti-social behaviour is ongoing.
O	1.5	Civic Centre future use currently out for public comment
O	2.1	As per Council resolution in October 2009, Draft Plan progressed through EbD. Working Group reconvening with a view to further community consultation on a preferred alignment.
O	3.1	As per Council resolution in October 2009, Foreshore Implementation Working Group reconvening to consider and oversee realisation of the Concept Plan.
C	3.4	Meter Eyes have been installed at the Foreshore and Town Centre with a second phase roll out in the Town Centre planned for the 2010/11 budget.
C/O	4.1	Proposed LPS3 and related draft policy as well as practice by staff and the Heritage Advisor have addressed the consideration and application of heritage incentives so far.
O	4.5	Council has resolved to pursue structure planning for the area which will include consideration of higher density development. At present the focus is on resolving Curtin Avenue, the railway and east-west connectivity as the key infrastructure prerequisites to overall structure planning for land uses and development.
C/O	5.1	Policy deferred. Plan is currently progressing for the Depot. Station Street sump under consideration.
C	5.2	Joint Library construction underway. Estimated completion date is October 2010.
O	5.3	A consultant has been appointed to and commenced this study having regard to the related Station Street and railway lands planning initiatives influencing the future of the Town Centre.
O	5.6	WAAMI program has been restarted and will become the basis for the Town's asset management plan and will link to the long term financial plan.

H	6.1	This matter has not progressed due to other priorities.
C	DP1	Civic Centre renovations have been completed.
C/O	DP2	LPS3 was submitted to WAPC in May 2009 and is pending approval by the Minister for Planning which is expected by the end of 2009.
H	DP3	Awaiting answers from Government Departments
Legend		O=Ongoing C=Complete/substantially complete H=On Hold

In May 2009 it was reported to Council that;

“The Plan represents a significant body of work and there are a number of objectives and actions that are now either complete, substantially complete or ongoing. In reviewing the Plan Council is to consider modifying the plan including potentially extending the period the plan.

In reviewing its Strategic Plan and 2008/09 Action Priorities, Council also needs to consider what changes it wishes to make at this time. With the uncertainty that is currently before all local governments it would be prudent for Council to consider maintaining its Future Plan and to continue to pursue and finalise its current Action Plans. In addition, the next Council elections are scheduled for October 2009 and, depending upon Council’s final determined position with regard to structural reform, it may be appropriate for the new Council to again consider its future direction after the Minister has considered and/or determined his position with regard to local government structural reform and voluntary amalgamations.”

This agenda item represents an opportunity for committee members to review progress and provide informal feedback on where staff should be headed in terms of implementing individual actions. It is recommended that Committee receive the Action Plan and provide comment to the CEO and senior staff present at the meeting on agreed modifications to the Action Plan prior to presentation to Council.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council receive the Action Plan Report (as attachment 10.1) and as amended by the Strategic Planning Committee.

COMMITTEE COMMENT

The Strategic Planning Committee discussed the attached Action Plan at length and made a number of changes that will be presented as an amended document to Council at its November 23 meeting.

COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Walsh

That Council

1. Receive the Action Plan Report as amended by the Strategic Planning Committee.
2. Review the Action Plan Priorities in November 2010.

Carried 4/0

AMENDMENT

Moved Mayor Morgan, seconded Cr Strzina

Mayor Morgan prioritised and suggested some administrative changes to the table on page 8 and 9 of the attached Action Plan.

Carried 11/0

COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Birnbrauer

That Council

1. **Receive the Action Plan Report as amended by Council**
2. **Review the Action Plan Priorities in November 2010.**

Carried 11/0

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

Nil

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

Further to the correspondence from Professor Peter Sprivulis and Mr & Mrs Dawson, and information from the CEO (circulated separately prior to the meeting) as well as the public statement by Professor Peter Sprivulis at the meeting, Council discussed and determined the following motion by Cr Dawkins;

Moved Mayor Morgan, seconded Cr Strzina

That the Item concerning the installation of Shade Sails at the at the Beach Street/Marine Parade Playground be considered as Urgent Business.

Carried 11/0

12.1 INSTALLATION OF SHADE SAILS AT THE BEACH STREET/MARINE PARADE PLAYGROUND

Moved Cr Dawkins, seconded Cr Rowell

That Council not proceed with the installation of the Shade Sails at the Beach Street/Marine Parade playground.

Lost 8/3

The following report was tabled as a late item at the Works & Corporate Services Committee Meeting of 17 November 2009. The report and amended recommendation was endorsed by the Committee 6/0. Unfortunately, due to an administrative error the report was not included in the Council Agenda for 23 November 2009. As a consequence it was tabled separately and at the direction of the Mayor, was considered as a matter of Urgent Business.

Moved Mayor Morgan, seconded Cr Strzina

That the Item concerning the joint Library for Cottesloe, Mosman Park and Peppermint Grove be considered as Urgent Business.

Carried 11/0

12.2 JOINT LIBRARY FOR COTTESLOE, MOSMAN PARK AND PEPPERMINT GROVE

The following late item was tabled by the Chief Executive Officer and requested to be considered as an item of urgent business due to the impending decisions required by the Project Control Group for the combined library.

File No: SUB/547
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer
Proposed Meeting Date: 17 November 2009
Author Disclosure of Interest Nil

SUMMARY

This report summarises the current situation related to the development of the joint Library, Community Centre and Peppermint Grove Shire Offices and addresses, in particular, the latest recommendation from the Project Control Group meeting of 16 November 2009 which states;

That:

- (1) A report is circulated to each Council seeking confirmation and delegation to the CPGMP Library Project Control Group (PCG) for the naming of the building.*
- (2) The Oakridge Consultant is requested to undertake market testing of the proposed building name.*
- (3) The Oakridge Consultant is requested to present the outcomes of the market testing and recommendations to the CPGMP Library PCG for consideration.*
- (4) The Oakridge Consultant presents all feedback to the next meeting of the CPGMP Library PCG.*

BACKGROUND

Construction of the new joint library and community centre is well underway with the builders, PS Structures, having been granted possession of the site on 17 June 2009. The project completion date is 5 October 2010. The Project Manager is Kooperman Project Management and the Architects are Cox Howlett and Bailey Woodland. Oversight of the project, in line with the Project Construction and Management Agreement and Council's prior resolution, is provided by the Project Control Group (PCG) whose membership comprises of the Mayor/Shire President of each Council and their respective Chief Executive Officers (non-voting). The PCG is supported by Mr Christian Wetjen - Cox Howlett & Bailey Woodland, Mr Dominic Ward - Davson Ward Quantity Surveyors, Mr Reuben Kooperman - Project Manager, Mr Phil Howard Manager Finance Shire of Peppermint Grove and Ms Tricia Hille – Manager Library Services Shire of Peppermint Grove. At the October monthly meeting a presentation was made by Oakridge Communications Group in relation to the library branding directions, including the development of a name for the new Library. The PCG considered the material presented and further discussed the matter at its November meeting. Before further development on branding issues and a communications strategy can be advanced a decision on the preferred name is required.

STRATEGIC IMPLICATIONS

The successful conclusion of the Joint Library and Community Centre project is an important part of the strategy of the Council for the provision of high standard facilities for the use of residents.

POLICY IMPLICATIONS

None Known.

STATUTORY ENVIRONMENT

None Known.

FINANCIAL IMPLICATIONS

The Project Control Group meets monthly and is receiving regular reports from the Project Manager, Architect and Quantity Surveyor in relation to the management of the project including financial management. The project remains on time and on budget as at November 2009.

SUSTAINABILITY IMPLICATIONS

The building design that has been accepted includes a variety of features that are intended to increase the sustainability of the building and many of those features are unique in public buildings in the State. An application for financial support under the Federal Government Green Precincts Fund has been approved for those elements of the project.

CONSULTATION

Project Control Group members.
Oakridge Communications Group.

STAFF COMMENT

The approved Project Construction and Management Agreement does not specifically address the determination of the naming of the Library however the Project Control Group does have responsibility for the construction and *development* of the Library and Community Centre facility. It has also received the initial briefing from the communications consultant Oakridge. There is therefore a certain logic that this representative group also determine the facility name as part of the redevelopment process. As is evident from this report and the recommendation from the Project Control Group, this matter now requires endorsement by Council in terms of confirming this particular responsibility to the Project Control Group. The alternative would be for each Council, in consultation with the others, to endorse either another Committee or process for this responsibility.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina

That Council confirm and delegate to the Library Project Control Group the responsibility for determining the name of the new Cottesloe, Peppermint Grove, Mosman Park Library.

Carried 6/0

AMENDMENT

Moved Mayor Morgan, seconded Cr Cunningham

That the Resolution be separated into two parts with the addition of a second part stating "*Request the Library Project Control Group inform member Councils on a confidential basis as soon as a decision has been made as to the naming of the new Library*".

Carried 8/3

COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Cunningham

That Council

- 1. Confirm and delegate to the Library Project Control Group the responsibility for determining the name of the new Cottesloe, Peppermint Grove, Mosman Park Library.**
- 2. Request the Library Project Control Group inform member Councils on a confidential basis as soon as a decision has been made as to the naming of the new Library**

The substantive Motion was Put

Carried 11/0

13 MEETING CLOSURE

The Mayor announced the closure of the meeting at 8:10pm

CONFIRMED: MAYOR DATE: / /