

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

**ORDINARY MEETING OF COUNCIL
HELD IN THE
COUNCIL CHAMBER, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, MONDAY, 24 APRIL, 2006**

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 7.00 pm.

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

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

Officers in Attendance

Mr Stephen Tindale	Chief Executive Officer
Mr Graham Patrick	Manager Corporate Services
Mr Geoff Trigg	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Ms Jodie Peers	Executive Assistant

Apologies

Cr Victor Strzina

Leave of Absence (previously approved)

Nil

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME**Mrs S Woodhill, 23A Grant Street - Verges in Grant Street**

Mrs Woodhill stated that the green verges in Cottesloe are a feature of the suburb, however since the installation of the roundabouts in Grant Street the verges have been destroyed and have not been able to rejuvenate due to cars being driven on them. Can Council please protect them from vehicles to allow the grass to revegetate and rejuvenate?

The Manager Engineering Services advised that this is possible, particularly where no building construction is currently taking place.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Miller, seconded Cr Furlong

The Minutes of the Ordinary Meeting of Council held on Monday, 27 March, 2006 be confirmed.

Carried 10/0

Moved Cr Miller, seconded Cr Furlong

The Minutes of the Special Meeting of Council held on Monday, 3 April, 2006 be confirmed.

Carried 10/0

Moved Cr Miller, seconded Cr Furlong

The Minutes of the Special Meeting of Council held on Monday, 10 April, 2006 be confirmed.

Carried 10/0

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

7.1 A civic reception is being held on Wednesday, 3 May from 5.30pm to celebrate the success of the "J Crew" of North Cottesloe Surf Life Saving Club and to commend the recent achievements of Andrew Mosel and Brendon Sarson of Cottesloe Surf Life Saving Club.

8 PUBLIC STATEMENT TIME

Mr P Burnham, 9 Eucla Court, North Fremantle - Item 11.1.1, No. 3A Rosser Street New Two Storey Residence

Mr Burnham stated that the Development Services Committee recommend approval conditional on the top 1 metre of balustrading being glass or to be lowered in height. The owners now propose to remove the balustrade altogether. The amended wall height will be 1.7 metres above the natural ground level.

Ms A Hutcherson, 28 Walter Street, Claremont - Item 11.1.1, No. 3A Rosser Street New Two Storey Residence

Ms Hutcherson stated that the new home is discrete and solid and is an architect design. She feels that the sub-division of the block, which was approved by Council, is unfairly negatively affecting this proposal. Consultation has been undertaken with both neighbours and there have been no resulting objections. Concerns were raised by the rear property owners on Webb Street, regarding overshadowing. Ms Hutcherson stated that during the sale process of this Webb Street property the estate agent provided to

potential buyers information on the proposed design of their property. She said that the section of wall in question is set 6.8 metres back from the footpath. Ms Hutcherson requested Council to consider the importance of the front wall to the integrity of the design.

Mr K Cunningham, 55 Grant Street, Cottesloe - Verge on Marmion Street and Grant Street

Mr Cunningham spoke in relation to a large portion of verge being covered in compressed roadbase material and converted to a parking area. No consultation was undertaken prior to the works proceeding. He stated that there is ample existing parking for the commercial premises and this parking space is not used by delivery trucks. Mr Cunningham stated that this parking is unnecessary and ugly and is unsuited to the Cottesloe verge landscape.

Mrs M Taylor, 9 Andrews Place, Cottesloe - Cottesloe Beach Hotel

Mrs Taylor stated that there has been quite a bit of criticism about the Cottesloe Beach Hotel and the associated noise. However it was established long before many of the residences and society must respect this. Mrs Taylor suggested various activities to encourage more use of the hotel in winter. She also suggested that food should be provided to patrons to assist in control of safer drinking.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

10 REPORTS OF COMMITTEES AND OFFICERS**11 DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 18 APRIL 2006****11.1 PLANNING****11.1.1 NO 3A (LOT 102) ROSSER STREET - NEW TWO STOREY RESIDENCE**

File No:	3A Rosser Street
Author:	Mr Lance Collison
Attachments:	Location plan Plans Correspondence from architect Correspondence from consultant Submissions (4)
Author Disclosure of Interest:	Nil
Report Date:	30 March, 2006
Senior Officer:	Mr Andrew Jackson
Property Owner:	Andrew Hutcherson
Applicant:	Paul Burnham Architect Pty Ltd
Date of Application:	10 February, 2006
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	445m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for a new two storey residence on the subject site.

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

PROPOSAL

The proposal is to build a two storey residence with an under-croft garage. On the basement floor is a 4 car garage and a bin storage area.

On the ground floor 3 bedrooms, a living area, dining, laundry, bathroom, WC and a terrace is proposed. Externally a front fence, spa and a lap pool are proposed within the front setback area. Two pergolas and a drying area are proposed in the rear of the property.

On the upper floor, a terrace, kitchen, dining, living, bathroom, study, bedroom, ensuite, WC and WIR is proposed. A lift as well as staircases will connect all three levels.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
N/A	N/A	N/A

Town Planning Scheme Policy/Policies

Policy	Required	Provided
Fencing Local Law	Open aspect fencing	Solid front fence

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Boundary Setbacks	2.8m setback. West wall	Nil	Clause 3.2.1 – P1
No 3 – Boundary Setbacks	1.5m setback Ground East wall	1.2m to 3.5m	Clause 3.3.1- P1
No 3 – Boundary Setbacks	6.3m setback Upper East wall	1.2m to 3.5m	Clause 3.3.1- P1
No 8 - Privacy	4.5m setback (Bedroom 1)	3.5m	Clause 3.8.1- P1
No 8 - Privacy	6m setback (Study)	3.5m	Clause 3.8.1- P1
No 8 - Privacy	6m setback (Living Room)	3.5m	Clause 3.8.1- P1
No 8 - Privacy	7.5m setback (Terrace)	3.5m	Clause 3.8.1- P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2.

The advertising consisted of a letter to Adjoining Property Owners

Submissions

There were 4 letters sent out, 2 replies were received of which 2 were objections. Details of the submissions received are set out below:

4 Webb Street.

They value the feel of airy tree filled area. The area has privacy and spaciousness which this development does not protect.

Object to development which removes winter sun to their backyard.

1 Rosser Street

Objection relates more to adjoining development at 3 Rosser Street, which was a separate application and design.

Also objected to the bulk and scale of 3A Rosser Street.

Consultants for Applicant

Town planning consultants Roberts Day have made a submission on behalf of the applicant and in response to the objections. This comments on a number of aspects and a copy is attached. It has been given consideration in assessing the application.

BACKGROUND

The site (previously 3 Rosser Street) was subdivided after gaining approval on 28 July 2004 from the Western Australian Planning Commission. This created 3 and 3A Rosser Street. 3A Rosser Street has a lot size of 445m².

The demolition of the existing house was approved in September 2004. An application for a two storey dwelling at 3 Rosser Street sharing a parapet wall is a separate proposal able to be dealt with under delegation.

STAFF COMMENT

Privacy

The following privacy (cone of vision) setbacks of the proposed residence don't comply with the Acceptable Development standards of the RDC. The setback variations are required to be assessed under the Performance Criteria of Clause 3.8.1 (P1) of the RDC which are:

Avoid direct overlooking between active habitable spaces and outdoor living areas of the development site and the habitable rooms and outdoor living areas within adjoining residential properties taking account of:

- *the positioning of windows to habitable rooms on the development site and the adjoining property;*
- *the provision of effective screening; and*
- *the lesser need to prevent overlooking of extensive back gardens, front gardens or areas visible from the street.*

Room	Required	Provided
Bedroom 1	4.5m	3.5m
Study	6m	3.5m
Living Room	6m	3.5m
Upper Terrace	7.5m	1.2m

The proposal asks for a variation to bedroom 1 cone of vision setbacks. The proposal complies with the Performance Criteria of the RDC as a screen is proposed by a ground floor pergola to restrict overlooking. It should be noted the neighbours agreed to a privacy screening arrangement. This is an attachment to the report.

The proposal asks for a variation to the study's cone of vision setbacks. The proposal complies with the Performance Criteria of the RDC as a screen is proposed by a ground floor pergola to restrict overlooking. It should be noted the neighbours agreed to a privacy screening arrangement.

The proposal asks for a variation to the living room's cone of vision setbacks. The proposal complies with the Performance Criteria of the RDC as a screen is proposed by a ground floor pergola to restrict overlooking. It should be noted the neighbours agreed to a privacy screening arrangement.

The proposal asks for a variation to the terrace on the upper floor's cone of vision setbacks. The proposal complies with the Performance Criteria of the RDC as sliding shutters are proposed. While these do not cover the total length of the terrace,

overlooking is generally restricted to the front setback area of the adjoining property. Existing vegetation on the neighbouring property, an existing 1.8m high boundary fence and the proposed pergola assists to prevent overlooking to neighbouring property.

Development within front setback area for spa and pool

It is proposed to have a substantial building element within the 6m front setback area to accommodate the spa and part of the pool within a retaining / screen wall structure together with steps and landscaping.

This spa pool level would sit just below the proposed level of the ground floor of the dwelling, while the base of the structure would sit near street level similar to the under-croft garage. The solid walling would protrude 4.5m into the setback area, with only a 1.5 setback from the front boundary. It would be some 4.3m wide and a similar height from the ground.

The effect would be to introduce essentially a single storey element into the front setback as part of the dwelling, comprising a building height and bulk that would otherwise and under normal expectations be open space. As such it would impact on building scale and bulk, sight-lines, streetscape and amenity overall.

While given topography some walling or terracing is sometimes proposed and approved within front setbacks, Council supports open front setbacks and has become concerned about the impacts of high walls and pools in front yards.

This component of the proposal is not supported and a redesign is required to delete it from the development.

Streetscape

When 3 Rosser Street was granted subdivision approval in 2004, this created two narrow lots of 445m² each at Nos. 3 and 3a Rosser Street. Subsequently with the current development application, the issue of bulk has been commented upon by two adjoining neighbours. However this application and the one next door at 3 Rosser Street both comply with open space requirements.

The two properties are proposed to share a common to storey parapet wall which runs along most of the length of the side boundary between the two developments. Whilst this does not meet the Acceptable Development provisions of the RDC, the owners have agreed to a parapet wall which assists to meet the Performance Criteria of the RDC as it ensures privacy between dwellings as well as sun and ventilation into the rooms.

When subdivision was approved by the Western Australian Planning Commission an increase in building bulk was inevitable, as one dwelling would be demolished to make way for two dwellings, albeit at the same density of R20 and with 50% open space for each property.

At a glance the development may appear to be a tall building from the street, however, the natural ground levels show a steep rise near the front of the block, levelling out to a flat rear for the majority of the lot on which the two storeys sit. The proposed garage is below NGL as an under-croft/basement element and is therefore not counted toward wall heights. This is a quite common approach in Cottesloe where the topography invites such and for side-by-side dwellings on smaller lots where the street frontage is narrower yet on-site parking is still required to be achieved.

The issue of the protrusion of the spa and walling in the front setback is examined in the previous paragraph.

Boundary Setbacks

The following side boundary setbacks of the proposed new additions don't comply with the acceptable development standards of the RDC. The above setback variations are required to be assessed under the Performance Criteria of Clause 3.3.1 (P1) & 3.3.2 (P2) of the RDC which are:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
Ground east Wall	All	3m	30m	yes	1.5m	1.2m to 3.5m (Pergola nil)
Upper west Wall	All	6m	30m	no	2.8m	nil
Upper east Wall	All	6m	30m	yes	6.3m	1.2m to 3.5m

3.3.1 – Buildings Set back from the Boundary

P1 Buildings set back from boundaries other than street boundaries so as to:

- *Provide adequate direct sun and ventilation to the building*
- *Ensure adequate direct sun and ventilation being available to adjoining properties;*
- *Provide adequate direct sun to the building an appurtenant open spaces;*
- *Assist in ameliorating the impacts of building bulk on adjoining properties; and*
- *Assist in protecting privacy between adjoining properties.*

P2 Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:

- *make effective use of space; or*
- *enhance privacy; or*
- *otherwise enhance the amenity of the development; and*
- *not have any significant adverse effect on the amenity of the adjoining property; and*
- *ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.*

The pergolas are proposed to have a nil setback to the side boundary. While these are not considered to be part of a wall they are usually required to be setback 1m from the boundary. The pergola however assists to protect privacy and meets the Performance Criteria of the RDC.

The eastern ground wall has a setback of 1.2m to the staircase, and 3.5m to the remainder of the wall. This is a very minor variation and the section of the wall where the staircase is proposed satisfies the above Performance Criteria of the RDC.

Similarly, the eastern upper wall has a setback of 1.2m to the staircase, and 3.5m to the remainder of the wall. The building will still provide adequate sun and ventilation to the building and to the adjoining property. The proposal does not meet the criteria of the impact of building bulk on adjoining properties, however as a subdivision was approved creating a 10.57m wide lot it would be hard to build any rooms on a second storey without any bulk issues. The applicant and neighbouring owner have agreed to plant trees at 5 Rosser Street to soften the impact of bulk.

The proposed parapet wall on the west elevation which is being used by 3 & 3a Rosser Street would usually require a 2.8m setback. Given that a parapet wall agreement has been signed by both the owners of 3 & 3a Rosser Street and this is seen to be sufficient and the RDC does not need to be considered.

Building Heights

The development comprises of flat and sloping skillion roof lines behind parapet walls. While the Scheme is not specific for such wall heights, the Residential Design Codes are a guide to Council, which provide a 7.0m standard for two-storey parapet walls, and Council has applied this in practice.

For the most part, the proposal complies with Council's wall and overall height requirements. The residence has been designed with a predominantly low pitched hidden roofline, within the 7m parapet wall standard applied from the RDC.

From the street the front of the dwelling will appear to be higher than 7m height due to the slope of the land, however, it should be noted that the proposed garage door will be lower than the NGL at that point and the dwelling proper will be seen to sit upon the predominantly higher, flat portion of the lot.

The height variations to the Scheme are very minor and will not adversely impact on the streetscape or the amenity of adjoining neighbours. It is recommended that the variations be supported.

Overshadowing

The application proposes 28m² of overshadowing to the 882m² rear lot at 4 Webb Street. This is 3% of the adjoining property and is easily compliant with the Acceptable Development Provisions of the RDC. This overshadowing does not affect any windows on the adjoining property.

CONCLUSION

The application complies with open space requirements.

Although it does not automatically meet all Acceptable Development setbacks the applicant and neighbours on both the eastern and western sides have come to agreements to address amenity through the normal performance-criteria approach.

The proposed front setback variations for the spa and pool cannot be supported on the basis that the protrusion into the front setback is really necessary – the proposed approach to utilisation of the front setback area is considered contrary to streetscape.

It is recommended that the application be approved subject to conditions removing the solid front fence and spa as well as part of the lap pool which is located within the 6m setback area from the front boundary.

VOTING

Simple Majority

COUNCIL COMMENTS

The Manager Development Services advised Council that he has not seen the amended plans and therefore his advice is to defer this element of the proposal for consideration.

OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development of a two storey dwelling at No. 3A Rosser Street, Cottesloe. in accordance with the plans submitted on 10 February 2006 subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours, following completion of the development.
 - (e) Wastewater or backwash water from swimming pool or spa filtration systems shall be contained within the boundary of the property on which the swimming pool or spa is located and disposed of into adequate soakwells.
 - (f) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres

and located a minimum of 1.8 metres away from any building or boundary.

- (g) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.
- (h) Revised plans are to be submitted to the satisfaction of the Manager Development Services showing deletion of the proposed walled structure with spa and part of the pool from within the 6m front setback area.
- (i) Any fencing proposed within the front setback area shall be of an open-aspect design and in compliance with Council's Fencing Local Law, and requires a further application for planning approval.

(2) Advise submitters of Council's decision.

COMMITTEE RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development of a two storey dwelling at No. 3A Rosser Street, Cottesloe. in accordance with the plans submitted on 10 February 2006 subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours, following completion of the development.
 - (e) Wastewater or backwash water from swimming pool or spa filtration systems shall be contained within the boundary of the property on which the swimming pool or spa is located and disposed of into adequate soakwells.
 - (f) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.

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- (g) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.
 - (h) Revised plans are to be submitted to the satisfaction of the Manager Development Services showing an alternative balustrade treatment to the spa and pool walls, so that the top section of the walls is replaced with a glass (clear or obscure) or perforated metal or some other acceptable balustrade, in order to soften the mass of this element while still providing for safety and privacy.
 - (i) Any fencing proposed within the front setback area shall be of an open-aspect design and in compliance with Council's Fencing Local Law, and requires a further application for planning approval.
 - (a) Any pool or spa pumps, filters or other equipment is to be located as far as practicable from the boundary of adjoining properties or installed / housed / treated in such a manner as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
- (2) Advise submitters of Councils decision.

AMENDMENT

Moved Cr Furlong, seconded Cr Dawkins

That item (h) of the Committee Recommendation be replaced with item (h) of the Officer Recommendation.

Lost 4/6

AMENDMENT

Moved Mayor Morgan, seconded Cr Woodhill

That item (h) of the Committee Recommendation be amended to read:

- (h) Revised plans are to be submitted to the satisfaction of the Manager Development Services showing an alternative balustrade treatment to reduce the spa and pool walls to a maximum height of 1.78 metres, in order to soften the mass of this element while still providing for safety and privacy.

Carried 9/1

11.1.1 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Woodhill

That Council:

- (1) **GRANT its Approval to Commence Development of a two storey dwelling at No. 3A Rosser Street, Cottesloe. in accordance with the plans submitted on 10 February 2006 subject to the following conditions:**

-
- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours, following completion of the development.
 - (e) Wastewater or backwash water from swimming pool or spa filtration systems shall be contained within the boundary of the property on which the swimming pool or spa is located and disposed of into adequate soakwells.
 - (f) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
 - (g) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.
 - (h) Revised plans are to be submitted to the satisfaction of the Manager Development Services showing an alternative balustrade treatment to reduce the spa and pool walls to a maximum height of 1.78 metres, in order to soften the mass of this element while still providing for safety and privacy.
 - (i) Any fencing proposed within the front setback area shall be of an open-aspect design and in compliance with Council's Fencing Local Law, and requires a further application for planning approval.
 - (a) Any pool or spa pumps, filters or other equipment is to be located as far as practicable from the boundary of adjoining properties or installed / housed / treated in such a manner as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
- (2) Advise submitters of Council's decision.

Carried 9/1

11.1.2 NO. 30 (LOT 18) LYONS STREET – PROPOSED FRONT FENCE, GATEHOUSE & ADDITIONS

File No:	30 Lyons Street
Author:	Mr Lance Collison
Attachments:	Location plan Plans Correspondence from applicant Photos
Author Disclosure of Interest:	Nil
Report Date:	24 March 2006
Senior Officer:	Mr Andrew Jackson
Property Owner:	Simon McGrath & Maryellen Yenken
Applicant:	Maurice Ford - Architect
Date of Application:	24 March, 2006
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	685m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for a front boundary fence, which incorporates a gatehouse and electric gate. The proposal also includes alterations and two additional rooms to the existing two storey residential dwelling.

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

PROPOSAL

Three new windows and a new door are proposed for the garage and new windows for the lounge room. A new store room and laundry extension is also proposed on the ground floor. These are attached to the existing dwelling. On the upper floor a new master bedroom highlight window is proposed at a height 1650mm above FFL.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- N/A

HERITAGE LISTING

- State Register of Heritage Places N/A
 - TPS No 2 N/A
-

- Town Planning Scheme Policy No 12 N/A
- Draft Heritage Strategy Report N/A
- Municipal Inventory N/A
- National Trust N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town Planning Scheme Policy/Policies

Policy	Required	Provided
Fencing Local Law	Fences to be of solid construction to 900mm, open aspect between 900mm and 1800mm and piers to 2100mm above NGL at the boundary.	A gatehouse is proposed to a height of 2800mm on the front boundary. The fence has solid sections.

STRATEGIC IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A

ADVERTISING OF PROPOSAL

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

The advertising consisted of a Letter to Adjoining Property Owners

Submissions

There were 2 letters sent out. No submissions were received.

BACKGROUND

A two storey residence was approved in June 1991 and built soon after. In July 2001 proposed alterations and extensions to the second storey were approved but not built. A solid front fence currently exists on the front boundary with a crossover on the northern side of the front boundary. This crossover is proposed to be moved.

STAFF COMMENTFront Fence & Gatehouse

The applicant is proposing to construct the front fence and gatehouse at 30 Lyons Street which would incorporate the following:

- 230mm to 1070mm wide, 1543mm high brick solid fence sections between wrought iron infill;
- Electric open aspect gate between solid sections of fence;
- Solid rendered brickwork sections of wall 950mm in width for the gatehouse; and
- Zinalume roof above gatehouse which is 2200 to 2800mm in height above NGL at the boundary, the roof is proposed to be 1500mm long by 1190mm deep.

The proposed gatehouse is classified as a structure within the front setback area. Council's planning scheme neither refers to nor prohibits gatehouses. Council's planning policies do deal with the construction of any buildings other than carports within the front setback area. However, it can be seen that the proposed gatehouse has less impact than a carport/garage in the same location.

It is also noted that there are several examples of existing gatehouses throughout Cottesloe. The architect has submitted several photographic examples, attached, which demonstrate the incidence and style of a number of gatehouses within Cottesloe. The proposed gatehouse is not a massive structure and would appear in balance with the front fencing.

With regard to the proposed fence component, some of the solid sections exceed the maximum 600mm pier width of the Fencing Local Law and are 950mm or 1070mm in width. However, the fence has large portions without a solid section and is predominantly open. Also, the Local Law also allows a solid section of a height up to 900mm for a fence; yet many sections of the proposed fence are solid to a height of only 429mm, creating a more open effect.

Furthermore, a solid front fence currently exists on the property to a height of approximately 1.8m. This proposal is seen as an improvement as it has "open aspect" sections and will improve the streetscape.

There are some solid sections of fence at right angles to the street where the gatehouse is proposed. These are solid to 1543mm height, the same level as the fence facing the street. While these do not meet the Fencing Local Law requirements, the length is only 1190mm and is not seen as detrimental to the streetscape. One of the sections of fence will also provide a screened access to water and electricity meters.

With regard to adequate sightlines when reversing out of the driveway, the large width of the electric gate is seen to provide adequate sightlines.

The Fencing Local Law provides for variations where a fence will assist:

- a) the safe or convenient use of land;

- b) the safety or convenience of any person; and
- c) the impact of the fence on the streetscape.

The proposed fence will assist the safe use of land because of large open aspect areas which will provide visibility yet a barrier against unwanted visitors. It will also be convenient as the gatehouse will provide shelter. The streetscape will be enhanced as a solid front fence which doesn't suit the streetscape exists and the proposed predominantly open aspect fence will blend in with neighboring properties on both sides which have no fencing. While gatehouses are not dealt with specifically by the Local Law or other controls, there is an apparent track-record of them in Cottesloe, some of which are older and may not have required approval, a few which may have been allowed on appeal, and a number which have been approved in more recent times, particularly in relation to smaller lots with front courtyards where security is desired, and also popular in contemporary and Mediterranean designs.

Alterations & Additions

All the alterations and additions to the dwelling adhere to the Acceptable Development Provisions of the Residential Design Codes.

Building Height

All building heights adhere to the provisions in the Town Planning Scheme No. 2.

CONCLUSION

- The fence will be an improvement and the gatehouse is of a lightweight design.
- The additions to the dwelling comply.
- It is recommended that the application be approved.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council GRANT its Approval to Commence Development for the Front Fence, Gatehouse and Additions at No 30 (Lot 18) Lyons Street, Cottesloe, in accordance with the amended plans submitted on 15 March 2006 subject to:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.
- (2) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (3) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.

- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (5) The applicant applying to the Town of Cottesloe for approval by the Manager Engineering Services to construct a new crossover, where required, in accordance with the Local Law
- (6) The existing redundant crossover in Lyons Street being removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
- (7) Air conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.

AMENDMENT

Moved Cr Walsh, seconded Cr Utting

That the gatehouse be removed and fencing to be of open aspect.

Lost 3/7

11.1.2 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Woodhill, seconded Cr Dawkins

That Council GRANT its Approval to Commence Development for the Front Fence, Gatehouse and Additions at No 30 (Lot 18) Lyons Street, Cottesloe, in accordance with the amended plans submitted on 15 March 2006 subject to:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.**
- (2) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
- (3) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
- (5) The applicant applying to the Town of Cottesloe for approval by the Manager Engineering Services to construct a new crossover, where required, in accordance with the Local Law.**

- (6) The existing redundant crossover in Lyons Street being removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
- (7) Air conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (8) The northern side-return section of the fence to the gatehouse shall be open-aspect to match the other fencing, in order to provide for surveillance and visibility for vehicles.

Carried 7/3

11.1.3 UNITS 8 & 9, NO 88 (LOTS 8 & 9) FORREST STREET - SIGNS

File No:	88 Forrest
Author:	Stacey Towne
Attachments:	Location plan Details of sign Photos
Author Disclosure of Interest:	Nil
Report Date:	5 April, 2006
Senior Officer:	Andrew Jackson
Property Owner:	Tisia Nominees Pty Ltd & JK Nominees Pty Ltd
Applicant:	Su Lloyd
Date of Application:	5 April, 2006
Zoning:	Residential and Office
Use:	N/A
Density:	R40
Lot Area:	891m²
M.R.S. Reservation:	N/A

SUMMARY

It is proposed to erect three signs at Units 8 & 9, 88 Forrest Street (Lloyd & Associates), which is zoned Residential and Office (R40) and listed as Category 2 in the Municipal Inventory.

The signs propose to display the name of the business conducted at the premises and are of quality design.

Council's Advertising Policy limits advertising within Residential and other zones (excluding Town Centre, Business, Foreshore Centre, Hotel & Special Development and Service Station Zones) to the standards expressed in Schedule 4 - Exempted Advertisements, of Town Planning Scheme No. 2.

The combined area of the proposed signs exceeds the 0.2m² maximum of exempted signs under Schedule 4, which is applicable to this development. Council determination of this application is therefore required.

The amount of signage proposed is in excess of what is generally supported within the Residential and Office Zone.

Given the assessment that has been undertaken, the recommendation is to approve one of the signs as proposed, to reduce the size of one of the signs and to delete one of the signs altogether.

PROPOSAL

The details of the proposed signs are as follows:

- Sign a) Name plaque “Lloyd & Associates” over the front-facing entry archway comprising of individual bronze coloured lettering fixed directly to the wall covering 845mm x 415mm.
- Sign b) 900mm x 1565mm white and blue background sign with the business name and details printed thereon, fixed directly to the front wall of the building near the main entrance door.
- Sign c) 650mm x 335mm blue background sign with the business name printed thereon, fixed to the inside-facing eastern side boundary wall.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2
- Council’s Policy TPSP 010 - Advertising
- Signs, Building and Billposting Local Law

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
5.7.1 (c)	No advertisement permitted within the Office and Residential Zone unless the advertisement is directly related to, and incidental to the predominate use of the site and to the activities occurring, the services provided and goods traded thereon.	Signage related directly to the business conducted on the premises.
Schedule 4 – Exempted Advertisements	0.2m ² maximum area of exempted sign for all classes of buildings other than single family dwellings.	1.977m ² approx. maximum area of all signs.

Town Planning Scheme Policy/Policies

Policy	Required	Provided
TPSP 010 - Advertising	0.2m ²	1.977m ² approx.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

REFERRAL

Internal

- Building

External

N/A.

ADVERTISING OF PROPOSAL

The application was not required to be advertised.

BACKGROUND

The property at 86-88 Forrest Street (The Pines Business Centre) is listed on the Municipal Inventory as Category 2. At the turn of the previous century, the buildings at the site comprised of a grocer shop and Briggs Hall. The two properties were re-designed to link into a single entity to form a small shop and serviced offices. The complex is an early recycling (c. 1984-5) exercise that exploited old building stock while respecting the important aspects and elements of the original fabric.

The signs are proposed to be erected at Units 8 and 9 which are located at the south eastern corner of the site, facing Forrest Street. The premises are occupied by Lloyd & Associates (Barristers, Solicitors and Mediators).

There is a total of 12 commercial units within the Pines Business Centre, which is also located on the corner of Railway Street. The properties east of 88 Forrest Street are predominantly residential, however, the land use on the opposite corner of Forrest and Railway Streets is commercial. There are some other properties within Forrest street that although have a residential appearance, are used for commercial purposes.

STAFF COMMENT

The proposed advertising signs can not be exempted from requiring planning approval under the provisions of Clause 5.7 of the Scheme, as the combined area of the signs exceeds 0.2m² (the maximum sign area permitted for exempted signs in Schedule 4 of Town Planning Scheme No.2 in this instance).

Council's Policy relating to advertising offers guidance for determining planning applications for signage. This policy refers to various zones within the Town of Cottesloe and outlines what type and size of signs are supported within those zones. The subject property is zoned "Residential and Office" and Council's policy deals with

signs in the Residential and other zones by limiting them to exempted advertisements.

As already discussed, the proposal exceeds the 0.2m² maximum sign area for exempted advertisements.

Objective 2.1 of Council's Policy No. TPSP 0101 – Advertising states as follows:

“To preserve the character and amenity of the locality in which the advertisement is to be displayed.”

In addition, Clause 3.4.7 – Residential and Office Zone, of Town Planning Scheme No. 2 states:

“The intent of the Zone is to allow a mixture of residential and office uses in a manner preserving residential amenity...”

It is not unreasonable to expect to place signage on premises within a complex, especially to provide direction when there are a number of other business tenancies within the complex. It is important, however, to ensure that there is a good balance between the need to identify business premises whilst ensuring the residential nature of the area is not compromised.

Whilst the signs are of quality design, it is considered that the amount of signage proposed is somewhat excessive and unnecessary, and may be construed to be not in-keeping with the character and amenity of the locality.

Sign a) is supported without change. This signage is placed in a dominant position at the front of the premises, clearly identifying the name of the business within. The individual lettering is not visually obtrusive and the style and colour reflects the heritage significance of the building.

Sign b) is considered to be unnecessarily large to convey the message proposed. This sign repeats the name of the business and provides additional information such as the nature of the business and the contact details. The additional information only covers approximately half of the area of the proposed sign. A good proportion of this sign is completely blank (apart from a blue background), therefore, it is reasonable to conclude that the signage could be reduced in size whilst still promoting the same advertising message. It is therefore recommended that this sign be reduced in size accordingly, noting that the Scheme suggests minimal-sized signs for the zone/use. It is also apparent that this sign has proposed colours at odds with the premises and a more harmonious palette would be appropriate to the nature of the sign (ie a business name and details, not a sales or advertising sign).

Sign c) is the third sign proposing to display the name of the business. Due to its position on the inside of the front side wall, this sign could only be viewed by those entering Forrest Street from Railway Street, rather than being a general location guide. It is considered that the two other street-facing signs are sufficient to identify the business premises. Side or front fence (wall) signs are uncommon and generally not supported, especially in areas where the presumption is against a proliferation of signs.

In general terms, the objectives of the Scheme and Council's Policy are to maintain the residential character and amenity of the area and as such, signs should be low key and not excessive.

It is considered that this application proposes an excessive amount of signage that can be reduced in size and number (as stated above) to achieve a desirable balance of business and residential amenity in the locality, whilst also being mindful of the heritage significance of the building.

CONCLUSION

The proposed signs are of quality design, however, the number and size of the signage is not considered to be conducive to the amenity of the locality or the heritage significance of the premises.

The thrust of the Scheme and Policy for signage in the locality is for a minimal number and small size of discrete signs in harmony with the amenity of the area. On this basis the signage should be limited and tailored to suit.

Hence it is recommended that part of the signage be approved as is proposed, however, one of the signs should be reduced in size and the other be deleted altogether.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council GRANT its Approval to Commence Development for the signs at No 88 (Lots 8 & 9) Forrest Street, Cottesloe, in accordance with the plans submitted on 17 March 2006, subject to the following conditions:

- (1) Revised plans being submitted for approval by the Manager Development Services, showing:
 - (i) Sign b) being reduced in size to a maximum dimension of 900mm x 800mm;
 - (ii) The colour scheme for sign b) being revised to be subtle and in harmony with the building; and
 - (iii) Sign c) being deleted.

11.1.3 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Woodhill, seconded Cr Dawkins

That Council GRANT its Approval to Commence Development for the signs at No 88 (Lots 8 & 9) Forrest Street, Cottesloe, in accordance with the plans submitted on 17 March 2006, subject to the following conditions:

- (1) Revised plans being submitted for approval by the Manager Development Services, showing:**
 - (i) Sign b) being reduced in size to a maximum dimension of 900mm x 800mm;**
 - (ii) Sign c) being deleted.**

Carried 10/0

11.1.4 RIGHT OF WAY NO. 58 – REQUEST FOR CLOSURE OF ROW

File No:	E13.58
Author:	Mr Andrew Jackson
Attachments:	Location plan Reports to February & March Council meetings Closure process extract Further submission from adjoining Webb St property owners
Author Disclosure of Interest:	Nil
Report Date:	11 April 2006
Senior Officer:	Mr Stephen Tindale

BACKGROUND

- Council at its February meeting considered a report on the requested closure of this ROW and resolved:
That a report recommending a process for the closure of the ROW be presented to the March round of meetings.
- The report to the March meeting reviewed the matter in light of further information and recommended that closure not be proceeded with. Council resolved:
That this item be referred back to the DSC in April to enable action of Council's February resolution and the consideration of an alternative recommendation.
- The previous two reports and their attachments are attached and provide the detailed background to this further report.

CLOSURE PROCESS

- The closure process is a lengthy series of steps based on the relevant legislation and as guided by the attached extract from the *Crown Land Administration & Registration Practice Manual*.
- Briefly, the process entails consultation and assessment and, if closure is supported and approved, disposal of the land including valuation, purchase and amalgamation.
- So far Council has undertaken the preliminary consultation and if Council agrees to the principle of closure then the statutory procedures will be followed.

FURTHER OBJECTION

- The main objectors to the suggested closure, the owners of 9 & 11 Webb Street, have followed-up on Council's last resolution and again reiterated their objection.
- A copy of their latest correspondence is attached and lists points in favour of keeping open the ROW.

FURTHER ASSESSMENT

- The thrust of the planning assessment in the March report was that, although Council policy is generally to support the utilisation of ROWs, in this particular case the non-thoroughfare lane is constrained; having limited legal access, being narrow, accommodating the sewer, and with close abutting dwellings.
 - Council also expressed concern that the ROW is not essential for access, which could become effectively exclusive and cause amenity impacts, not only on the other abutting properties but also displacing traffic from one street to another.
-

- Therefore, from a planning point of view it may be considered that the ROW would in itself be better closed rather than left open in its current state or allowed to be utilised.
- In terms of what would happen to the land, although the consultation to date has registered objections to closure, it could be that abutters other than the original requester may be willing and able to acquire the ROW, or that it might be divided up for amalgamation into the adjoining lots.
- It is noted that were the owners of 9 & 11 Webb Street to acquire the lane, then it would form part their landholding such that they could use it for access.

OPTIONS

- Based on the previous reports and the additional information contained in this report, as the options identified for the future of this ROW are:
 1. No change for now:
 - Under this option the ROW would remain as is, until in the future access for development may be proposed and, if supported by Council, upgrading would be required.
 - In the meantime the ROW would not present a problem, but the situation would be uncertain for all concerned.
 2. Delete spite strip only:
 - This would increase the potential for access from abutting lots, yet in the absence of any direct request to do so at this stage, and the potential for access would be in conflict with the restricted manoeuvrability and potential for impacts on amenity.
 - It may be seen that the restriction on access is preferable and that the spite strip should only be considered to be deleted when there is a firm access/development proposal to consider and it is found that the access arrangement and preservation of amenity are acceptable.
 3. Pursue closure:
 - The process has commenced and the initial consultation has been carried out.
 - Closure could be pursued on the grounds that the ROW is problematic and essentially surplus, so should be closed and not left open as is or be utilised.
 - However, this statutory process may not succeed due to objections or because no one wants to or can afford to acquire it.
 4. Council acquire ROW in freehold:
 - This would overcome all issues in relation to access rights, physical access, amenity impacts, protecting the sewer and development potentials.
 - Council would retain care and control, but as a Council-owned lot rather than a public ROW.
 - This option may be at some cost to Council, however, the lane may be able to be transferred to Council at little or no cost for the land plus the administrative costs – this would need to be explored.

- Council would need to be satisfied that there is sufficient justification for such acquisition, that no precedent would be set and that it could be reconciled with policy.
- While this option would solve the complications of this particular ROW, it would still create a no-person's land (similar to a sump site) and perpetuate a burden on Council, yet Council would have no real purpose to own the land other than assisting the interest of the Water Corporation.
- This option would also go against the grain if Council's policy for ROWs.

CONCLUSION

- All things considered it is concluded that no action to alter the ROW be undertaken at this time, however, a choice or recommendations is provided should Council wish to proceed with closure.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council:

- (1) Resolves to not proceed with the closure process given:
 - (a) advice from the original requester that they could not afford to purchase the land;
 - (b) objections from abutting property owners and the Water Corporation.

or alternatively:

- (2) Resolves to proceed with the closure process.

and

- (3) To advise all submitters of Council's decision.

COMMITTEE RECOMMENDATION

That Council:

- (1) Resolves to not proceed with the closure process given:
 - (a) advice from the original requester that they could not afford to purchase the land;
 - (b) objections from abutting property owners and the Water Corporation.
- (2) To advise all submitters of Council's decision.

AMENDMENT

Moved Cr Dawkins, seconded Cr Furlong

That Council:

- (1) Proceed with the closure process; and
- (2) Advise all submitters of Council's decision.

Lost 3/7

AMENDMENT

Moved Cr Jeanes, seconded Cr Cunningham

That Council:

- (1) Resolves to not proceed with the closure process given advice from the original requested that they could not afford to purchase the land; and
- (2) Advise all submitters of Council's decision.

Lost 4/6

11.1.4 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Woodhill, seconded Cr Dawkins

That Council:

- (1) **Resolves to not proceed with the closure process given:**
 - (a) **advice from the original requester that they could not afford to purchase the land;**
 - (b) **objections from abutting property owners and the Water Corporation.**
- (2) **To advise all submitters of Council's decision.**

Carried 7/3

11.2 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**11.2.1 NO 18 (LOT 1) CONGDON STREET – SUBDIVISION OF THE ORIGINAL LOT INTO TWO LOTS – REFERRAL FROM WAPC**

File No:	No. 18 Congdon Street
Author:	Stacey Towne
Author Disclosure of Interest:	Nil
Attachments:	Location plan Subdivision diagram
Report Date:	20 April 2006
Senior Officer:	Andrew Jackson
Property Owner:	Timothy & Rowena Lee
Applicant:	Property People Surveying
Date of Application:	29 March 2006
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	1406m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of a subdivision proposal referral from WAPC. There is an existing residence on the Residential R20 zoned property which is to be partially demolished (at the rear) to accommodate the subdivision.

The proposal involves subdivision of the 1406m² lot to create one lot of 898m² (to contain the existing residence) and one lot of 508m², taking advantage of the corner location to achieve a street frontage for each lot.

The subject property is listed in the *Town of Cottesloe Draft Heritage Strategy* under *Draft John Street/Claremont Hill Heritage Areas – Schedule of Places which Contribute to the Character of the Area (August 2001)*, as “Contributory”. Under the current Delegation resolutions of Council a subdivision proposal involving a property so identified is required to be considered by Council – this is the only reason why the item is required to go before Council, as it otherwise complies.

Given the assessment that has been undertaken, the recommendation is to advise WAPC that Council has no objection to the proposed subdivision.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
N/A	N/A	N/A

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

Consultation with the adjoining property owners is not required in the case of subdivision referrals.

Internal

- Building
- Engineering

External

N/A

STAFF COMMENT

The subject lot is located on the corner of Congdon Street and Grant Street and is zoned Residential with a density coding of R20. There is an existing residence on the property, which was once used as a duplex. It is proposed to demolish a portion of the house at the rear together with other minor structures to accommodate the subdivision.

Under the provisions of Clause 7.10 of Town Planning Scheme No. 2, Council has delegated a number of planning decision-making powers to the Manager Development Services, which is reviewed every year. Council's current Delegation includes authority to recommend to the Western Australian Planning Commission most applications for subdivision/amalgamation for single houses. However, at this

stage it specifically excludes a proposal that involves buildings listed as either “Essential” or “Contributory” in the recommended Heritage Areas under the Town of Cottesloe Heritage Study (unless the subdivision is part of planning consent / development approval previously granted).

The proposal complies with the RDC requirements for minimum and average site areas for lots at R20 density, which are 440m² minimum and 500m² average.

The total size of the existing Lot 1 (No. 18 Congdon Street) is 1406m². The proposed lot sizes are:

- Proposed Lot 1 – 898m² (the larger lot which is to contain the remainder of the existing residence and has existing vehicle access to Grant Street).
- Proposed Lot 2 – 508m² (the smaller lot with vehicle access to Grant Street).

As can be seen both lots easily satisfy the size criteria, the larger lot predominantly retaining the existing dwelling and the new lot being of a readily-developable size and shape by today’s standards for subdivision and housing.

The existing residence has no official heritage status at either State or local levels. While the property was identified in the earlier *Draft Heritage Strategy*, neither the strategy nor the heritage areas have been pursued by Council and the “Contributory” value of the property has no statutory bearing. Notwithstanding, as the residence is to be substantially retained by the subdivision, its contribution to the character of the area will be preserved.

In summary, the opportunity to create an additional lot and dwelling on this large corner site is logical and complies with lot size requirements. At the same time the proposal is also sensitive to the character of the area. On this basis support is in order.

CONCLUSION

Taking into account all of the above it is considered that the proposed subdivision merits support.

It is therefore recommended that Council advise the WAPC that it has no objection to the proposed subdivision subject to the conditions outlined in the Officer’s Recommendation section of this report.

VOTING

Simple Majority

11.2.1 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Walsh

That Council resolves to provide the following response to the WAPC regarding the proposed subdivision referral dated 29 March WAPC (No. 130865), which involves the creation of two green title lots at No. 18 (Lot 1) Congdon Street, Cottesloe, in accordance with the proposed subdivision plan dated 24 March 2006:

- (1) All buildings, outbuildings and/or structures being demolished and materials removed from proposed Lot 2 to the satisfaction of the Western Australian Planning Commission.**
- (2) All buildings having the necessary clearance from the new boundaries as required by the Town of Cottesloe Town Planning Scheme No. 2.**
- (3) The site areas disturbed by the demolition works being levelled and stabilised to the satisfaction of Council's Building Surveyor.**
- (4) The two existing vehicle crossovers in Congdon Street being removed and all surfaces being reinstated accordingly to the satisfaction of the Western Australian Planning Commission.**
- (5) All street trees and their root systems not being disturbed during the subdivision or demolition works.**
- (6) The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.**

Advice Note:

- (i) Please note that a demolition planning approval and demolition licence will need to be obtained from the Town of Cottesloe prior to any demolition works occurring on the site.**
- (ii) The owner will need to ensure that adequate light and ventilation is provided when altering the northern face of the existing residence.**

Carried 10/0

Mr Andrew Jackson left the meeting at the completion of the Development Services Committee reports.

**12 WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON
19 APRIL 2006**

Moved Cr Miller, seconded Cr Dawkins

That items 12.1.1, 12.1.2, 12.1.3, 12.1.5, 12.2.1, 12.2.2, 12.2.3, 12.3.3, 12.4.2 and 13.1 be withdrawn from en-bloc voting.

Carried 10/0

The above items were dealt with first before items 12.1.4, 12.2.4, 12.3.1, 12.3.2, 12.3.4, 12.4.3 were dealt with en-bloc.

12.1 ADMINISTRATION**12.1.1 PROCOTT INC. - REQUEST FOR FUNDING**

File No:	X5.1
Author:	Mr Stephen Tindale
Author Disclosure of Interest:	Nil
Report Date:	11 April, 2006
Senior Officer:	Mr Stephen Tindale

SUMMARY

A recommendation is made to disburse the sum of \$20,000 to ProCott Inc.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The amount raised in differential rates during the 2004/2005 financial year was \$68,724 which was paid out in 2005.

For the current financial year the amount raised is \$72,267. The amount being sought by ProCott Inc is \$20,000.

BACKGROUND

Under the terms of the Specified Area Rate Monies legal agreement, ProCott Inc (the Association) is required to undertake the following.

In the case of the financial year 2005/2006 on and before the 30th September 2005 the Association shall prepare and deliver to the Town a programme for the next financial year which programme:

- (a) is within the objects of the Association;
- (b) proposes the provision of specific works, services or facilities within the meaning of section 6.37 of the Act;
- (c) will be or is likely to be of special benefit to the Central Business District; and
- (d) sets out the proposed expenditure with respect to each of the specific works, services and facilities referred to in the programme.

Subject to compliance with the above, ProCott Inc would have been entitled to receive full payment of the specified area rate monies for 2005/06 by 15th October 2005.

The legal agreement also requires that:

On or before 30th December, 30th March and 30th June the Association shall deliver to the Town a written report of the works, services and facilities provided by the Association.

ProCott Inc has not been able to meet the above deadlines but nonetheless now seeks interim funding of \$20,000 in order to meet pressing financial commitments.

Clause 6.4 of the legal agreement provides that:

No variation of this Agreement unless in writing signed by the parties or on behalf of any party by any duly authorised representative agent or solicitor of that party shall be of any force or effect whatsoever.

As the legal agreement sets out a particular process for the quitting of funds to ProCott Inc. and as the current request is outside the terms of the agreement, Council approval is sought to vary the agreement under clause 6.4.

CONSULTATION

The author has been in regular contact with the Chairman of ProCott Inc. in this matter.

STAFF COMMENT

Due to its infancy as an organisation and the nature of the activities undertaken in the current financial year, ProCott Inc. has not been able to meet the deadlines set out in the legal agreement.

From the correspondence and spreadsheet in the attachments, it can be seen that the efforts of ProCott Inc for the current financial year have been very much a work in progress. To a limited extent, ProCott Inc can therefore be forgiven for not complying with the requirements of the legal agreement.

Having said that, ProCott Inc should be reminded that the levying of rates for projects that have not been properly identified and/or costed is not a practice that should be encouraged. If it becomes the practice, then it is not all that difficult to foresee a time of significant ratepayer resistance to the specified area rate levy.

VOTING

Simple Majority

12.1.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

- (1) That subject to satisfying the provisions of clause 6.4 of the legal agreement, Council agree to the immediate payment of \$20,000 to ProCott Inc from 2005/06 specified area rate monies; and**
- (2) That ProCott Inc be reminded of the need to comply with the reporting requirements of the Specified Area Rate Monies legal agreement.**

Carried 10/0

12.1.2 INDIANA TEA HOUSE LEASE AGREEMENT - EVENT OF DEFAULT

File No: 91 Marine Parade
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 12 April, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to seek legal advice on a proposal from Skynova Pty Ltd to double the existing bank guarantee for the Indiana Tea House lease from \$60,000 to \$120,000 and to amend lease documentation.

STATUTORY ENVIRONMENT

The Indiana Tea House is currently leased by the Town of Cottesloe as the landlord to Skynova Pty Ltd as tenant.

David and Rosina Edgar and Austfish International Pty Ltd (Austfish) are the guarantors for the lease agreement. The National Australia Bank has appointed a receiver and manager to Austfish, one of the guarantors under the lease.

The appointment of a receiver and manager to Austfish constitutes an event of default under clause 33.2(n) of the lease. An event of default entitles the Town as landlord under the lease, to exercise its right to terminate the lease under clause 33.3 of the lease.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

Despite the Town of Cottesloe being entitled to implement procedures for the termination of the lease arising from the event of default (and after taking legal advice) the author considered that the appropriate manner of dealing with the matter was to:

- Draw the attention of Skynova to the event of default; and
- Require that Skynova advise the Town of Cottesloe of the action Skynova proposed to implement with a view to the event of default being remedied.

Cocks Macnish, barristers and solicitors acting on behalf of Skynova Pty Ltd, have responded as follows:

... In consideration of the Town of Cottesloe agreeing not to act on what it claims to be an event of default on the part of our client our client's bank, National Australia Bank, is willing to increase the limit on its present bank guarantee in your favour to a total of \$120,000.00 on condition that new guarantee be in substitution of:

- (a) the existing bank guarantee which must be surrendered for cancellation; and
- (b) the guarantee and indemnity provided by Austfish International Pty Ltd (receivers and managers appointed) and David and Rosina Edgar by executing a Deed of Variation to the assignment of lease to be prepared by NAB solicitors to the effect that the guarantee clause in the assignment of lease is deleted.

The extension of the bank guarantee as set out herein provides the Town of Cottesloe with security in respect of lease obligations for the next 18 months.

It is our intention during that period to seek an orderly sale of the business or capital in Skynova Pty Ltd.

We would be most grateful to hear from you as to whether this proposal is acceptable in which event we shall liaise with NAB to arrange the necessary documentation.

CONSULTATION

The author has taken legal advice on this matter (see enclosed confidential correspondence) but has not yet had the opportunity of receiving a view on the Skynova Pty Ltd proposal as presented by Cocks Macnish.

STAFF COMMENT

Given the chequered history of the Indiana Tea House (which at times has involved much legal dispute) the author feels that it is in the Council's and the public interest to disclose the current situation regarding the guarantor to the Indiana Tea House.

By my reading of the Indiana Tea House file, the current lease arrangements are less than satisfactory to the Town of Cottesloe.

If there is to be any variation to the current lease arrangements, then it seems to me that due care should be taken in protecting, if not enhancing, the Town's interests. Legal advice would seem to be critical in this regard.

Alternatively, Council may well form the view that the Skynova Pty Ltd proposal should be accepted on its relative merits - with or without further legal embroilment.

VOTING

Simple Majority

12.1.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council seek legal advice on:

- (1) A proposal to double the existing bank guarantee for the Indiana Tea House from \$60,000 to \$120,000; and**
- (2) A proposal to amend lease documentation.**

Carried 10/0

12.1.3 DONATIONS FOR 2006/07

File No: C 7. 7
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Report Date: 10 April, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

This report recommends that the applications that have been designated high priority totalling \$36,555 be approved and that the applications that have been designated medium priority totalling \$8,200 be approved.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

The *Donations* policy applies:

OBJECTIVE

Encourage independence and self reliance within the community.

PRINCIPLE

Council recognises the value of charitable organisations within our community to assist in the development of appropriate services suited to the community's needs. Council is committed to a positive approach as a corporate citizen and will provide aid to those organisations as is possible within budgetary constraints.

ISSUES

A range of organisations and individuals seek financial assistance from Council annually. Council is not in a position to provide substantial assistance to all requests. Requests are received from organisations which may not be registered charities and from organisations about whom little is known. Requests are received from organisations which may provide limited assistance or be of little relevance to the Cottesloe community.

POLICY

- All applications to be in the form as set out in the attached Schedule.
- All applications will be assessed by the CEO in accordance with the criteria set out below.
- The CEO may refer applications that meet the criteria set out below to Council.
- Donations will be made by Council at its absolute discretion and Council may be guided by the following criteria.

ASSESSMENT CRITERIA

Donation requests will not be considered where;

- The applicant is a private and for profit organisation or association.

- The applicant is an individual person.
- The application is in relation to general fundraising.
- The application is for funding for conferences and conventions.

Priority will be given where;

- The applicant is a registered not for profit organisation and has a base or visible presence in Cottesloe or with in the Western Suburbs;
- The applicant is a community group based in Cottesloe or has a visible presence within Cottesloe or has significant impact on residents of Cottesloe.
- The applicant can demonstrate that the funds will provide some benefit to Cottesloe residents.
- The funds are required for a new initiative or significant once off project.
- The applicant has not received a donation from Council within the previous two years.
- If the donation is for an event entry to the event is free of charge to Cottesloe residents to attend and participate.
- The application is made in the financial year prior to the funds being required in time for inclusion in the coming year's budget deliberations.

RESOLUTION NO: 12.1.6
ADOPTION: August 2004
REVIEW: August, 2012

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The budget for 2006/2007 will include a provision for \$45,755 for the approved donations.

BACKGROUND

A letter was sent to all local sporting and community groups on 3 March, 2006 calling for donation requests for the 2006/07 financial year. The closing date for receipt of applications was 31 March, 2006.

Fifteen applications were received by the closing date.

These applications have been assessed by the Chief Executive and Manager Corporate Services against the donation assessment criteria specified within the *Donations* policy.

The applications were classified into two categories: HIGH and MEDIUM priority. Those in high priority generally met all the criteria and were considered important to the Town of Cottesloe. Those in the medium priority did not meet all the criteria but were considered worthwhile to the Town of Cottesloe.

CONSULTATION

Letter sent to all local sporting and community groups on 3 March, 2006.

STAFF COMMENT

The Town of Cottesloe appears not to have had a consistent approach to donations in the past. The new *Donation* policy was adopted in August, 2004. The adoption of the policy addressed the issue of inconsistency and also provides an objective set of criteria for reviewing requests to the Council. The policy does not provide guidelines or limits on the total amount to be distributed through this policy each year.

VOTING

Simple Majority

COMMITTEE COMMENT

The Manager Corporate Services is to provide Councillors with further details of the applicants projects. In the absence of the information, it was felt best to defer consideration of the matter so as to avoid the raising of false hopes.

OFFICER RECOMMENDATION

That:

- (1) The applications that have been designated high priority totalling \$36,555 be approved; and
- (2) The applications that have been designated medium priority totalling \$8,200 be approved.

12.1.3 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That the matter be held over until the 2006/07 budget deliberations.

Carried 10/0

12.1.4 REVIEW OF PURCHASE ORDERS POLICY

File No: X4.11
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 10 April, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to extend by one the number of people who can sign Town of Cottesloe purchase orders and to increase the monetary limit for another.

STATUTORY ENVIRONMENT

Regulation 5 (2) (c) of the Local Government (Financial Management) Regulations requires the CEO to "...undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews."

POLICY IMPLICATIONS

The recommendation envisages a change to current policy.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

Graham Lee of Jandarra Park Pty Ltd undertook a review of the appropriateness and effectiveness of the Town of Cottesloe's financial management systems and procedures in April 2004.

Out of that review process Council resolved that the purchase orders policy be updated to reflect the new management structure and that dollar limits be placed against all authorities to incur.

CONSULTATION

Nil.

STAFF COMMENT

In the course of a performance review, the Manager of Engineering Services has suggested that the Geographical Information Systems (GIS) Officer should be given authority to issue local purchase orders for minor engineering purchases such as computer software upgrades and stationary. This would obviate the need on the GIS Officer's part to obtain the Manager of Engineering Services for minor purchases under \$500.

In the same vein, the CEO is of the view that the limit for the Principal Environmental Health Officer should be increased to \$5,000 so that she is at least on a par with the Works Supervisor. This would obviate the need on the Principal Environmental Health Officer's part to obtain the CEO's approval for routine purchases under \$5,000.

The policy as it currently exists and as proposed is shown below.

PURCHASE ORDERS

OBJECTIVE

To maintain control over expenditure.

PRINCIPLE

Procedures for the authorisation of and payment of accounts are required to ensure there is effective security for, and properly authorised use of, local purchase orders.

ISSUES

- (a) Authority to sign purchase orders is limited to officers occupying nominated management positions. Officers acting in a nominated management position are authorised to sign orders.
- (b) Orders for goods and services can only be issued if;
 - (i) provision has been made for the purchase in the annual budget, or
 - (ii) the expenditure must be incurred in a financial year before the adoption of the annual budget, or
 - (iii) the expenditure is authorised in advance by resolution of an absolute majority of the Council where the expenditure is unbudgeted, or
 - (iv) the expenditure is authorised in advance by the Mayor in an emergency where the expenditure is unbudgeted.

POLICY

Officers holding the following positions are authorised to sign official Council Orders:

- Chief Executive Officer; no limit.
- Manager, Corporate Services; limited to a maximum of \$50,000 per purchase order within departmental expenditure areas;
- Manager, Engineering Services; limited to a maximum of \$50,000 per purchase order within departmental expenditure areas;
- Manager, Development Services; limited to a maximum of \$50,000 per purchase order within departmental expenditure areas;

- Works Supervisor: limited to a maximum of \$5,000 per purchase order within departmental expenditure areas;
- Executive Assistant: limited to a maximum of \$2,000 per purchase order;
- Principal Environmental Health Officer; limited to a maximum of \$5,000 per purchase order within departmental expenditure areas;
- Assistant Works Supervisor: limited to a maximum of \$500 per purchase order within departmental expenditure areas; and.
- GIS Officer; limited to a maximum of \$500 per purchase order within departmental expenditure areas.

VOTING

Simple Majority

12.1.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council adopt the amended policy.

PURCHASE ORDERS**OBJECTIVE**

To maintain control over expenditure.

PRINCIPLE

Procedures for the authorisation of and payment of accounts are required to ensure there is effective security for, and properly authorised use of, local purchase orders.

ISSUES

- (a) Authority to sign purchase orders is limited to officers occupying nominated management positions. Officers acting in a nominated management position are authorised to sign orders.
- (b) Orders for goods and services can only be issued if;
 - (i) provision has been made for the purchase in the annual budget, or
 - (ii) the expenditure must be incurred in a financial year before the adoption of the annual budget, or
 - (iii) the expenditure is authorised in advance by resolution of an absolute majority of the Council where the expenditure is unbudgeted, or
 - (iv) the expenditure is authorised in advance by the Mayor in an emergency where the expenditure is unbudgeted.

POLICY

Officers holding the following positions are authorised to sign official Council Orders:

- Chief Executive Officer; no limit.
- Manager, Corporate Services; limited to a maximum of \$50,000 per purchase order within departmental expenditure areas;
- Manager, Engineering Services; limited to a maximum of \$50,000 per purchase order within departmental expenditure areas;
- Manager, Development Services; limited to a maximum of \$50,000 per purchase order within departmental expenditure areas;
- Works Supervisor; limited to a maximum of \$5,000 per purchase order within departmental expenditure areas;
- Principal Environmental Health Officer; limited to a maximum of \$5,000 per purchase order within departmental expenditure areas;
- Executive Assistant; limited to a maximum of \$2,000 per purchase order;
- GIS Officer; limited to a maximum of \$500 per purchase order within departmental expenditure areas; and
- Assistant Works Supervisor; limited to a maximum of \$500 per purchase order within departmental expenditure areas.

RESOLUTION NO: 12.1.4
ADOPTION: April 2006
REVIEW: May 2014

Carried 10/0

12.1.5 REVIEW OF STAFF SUPERANNUATION POLICY

File No: X4.11
Author: Mr Stephen Tindale
Author Disclosure of Interest: The author is a beneficiary under the current superannuation scheme. The extent of the financial interest may be an additional 5% of base salary (\$5,250).
Report Date: 10 April, 2006

SUMMARY

A recommendation is made to adopt a revised voluntary contributions superannuation scheme.

STATUTORY ENVIRONMENT

The federal Government's *Superannuation Guarantee Levy Act 1992* requires that all employers (including companies) shall make superannuation contributions, at least quarterly, to an approved fund for most employees with gross earnings of more than \$450 per month. The current rate of contribution has been fixed at 9% of base earnings since 1 July 2002.

POLICY IMPLICATIONS

The recommendation envisages a change to current policy. The current policy reads as follows:

STAFF SUPERANNUATION**INTENT**

This policy stipulates Council's criteria for the payment of superannuation to staff. It provides guidance for officers involved in the recruiting and payment of staff and conditions for any additional considerations.

BACKGROUND

Council is obliged to pay superannuation into a complying fund (currently the WA Local Government Superannuation Plan (WALGSP) on behalf of all staff under the provisions of Federal legislation. This component is known as the Superannuation Guarantee Levy. The percentage payment is adjusted by the legislation from time to time. Council and employees may also make additional contributions to the fund. In 1993 Council elected to make payments of 3.5% of salary to the fund for members who contribute at least 5% from their own income. Some staff have been employed under contract since that time and this policy has been developed to include these provisions.

POLICY STATEMENT**(a) Superannuation Ceiling**

Council's maximum employer based contribution to staff superannuation shall not exceed 12% from 1 July, 2000, (with further increases of 0.5% in Council contributions at 1 July, 2001 and 2002)

of the cash component of salary for any member of staff other than under the provisions of this policy. This contribution is inclusive of the Superannuation Guarantee Levy.

(b) Non - SGL Employer Contributions

Council will pay an amount, which is the difference between the prevailing SGL and the 12% (from July 2000), 12.5% (from July 2001) & 13% (from July 2002) ceiling, to employees under the following conditions:

When a staff member contributes a minimum of 5% of their salary to the superannuation fund (this may be by salary sacrifice).

When this provision is included in an employment contract.

(c) Employment Contracts

Employment contracts shall not contain any provisions which exceed or contravene this policy.

(d) Additional Benefits

Council may offer additional superannuation benefits, in lieu of salary increases or bonus payments, to staff. Approval of the Chief Executive Officer is required for each case which will be considered on its merits and negotiated to the mutual satisfaction of both parties. Increases of this nature which exceed 5% are to be ratified by Council.

(e) Salary Sacrifice

All employees shall have the option to salary sacrifice a nominated proportion of their salary to superannuation. Provided that the arrangements meet all statutory requirements, and the employee signs a declaration that the arrangement shall not adversely affect his or her capacity to meet financial commitments.

(f) Effect On Pre Existing Arrangements

This policy shall have effect from the date of its adoption by Council, but no employee shall suffer a reduction in any pre existing superannuation benefits as a result of this policy.

RESOLUTION NO.: C98
ADOPTION: August, 2000
REVIEW: August, 2008

Original C54/1998, 14/12/98 amended by resolution C98 of 28/08/00

STRATEGIC IMPLICATIONS

One of the objectives of Council's Strategic Plan is that "Staff enjoy working at the Town of Cottesloe in an environment where they can reach their full potential".

FINANCIAL IMPLICATIONS

Of the 43 staff currently on the payroll, 25 are members of the superannuation scheme.

If all staff with one year's experience or less were to take up an additional 2% contribution from the Town of Cottesloe, the direct cost would be \$9,428.

If all staff with one to two year's experience were to take up an additional 3% contribution from the Town of Cottesloe, the direct cost would be \$2,163.

If all staff with two to three year's experience were to take up an additional 4% contribution from the Town of Cottesloe, the direct cost would be \$11,771.

If all staff with more than three year's experience were to take up an additional 5% contribution from the Town of Cottesloe, the direct cost would be \$43,352.

The total potential additional costs of \$68,714 (3.5% of the total payroll) will be offset against annually negotiated wage increases where appropriate.

BACKGROUND

There are two components to any superannuation scheme. At Cottesloe the two components can be broken down as follows.

- 1) The mandatory component, which is currently 9% of base earnings, which must be paid into the Local Government Superannuation Plan by the Town of Cottesloe. This is otherwise known as the *Superannuation Guarantee Levy*.
- 2) The voluntary component, which is currently determined under Council policy as being an additional 4%. This is paid on top of the mandatory component of 9%.

In other words, the maximum contribution payable by the Town of Cottesloe is 13% (9% plus 4%) which compares well with the industry standard of 12.6% (see attached table).

In order to draw out the additional 4% contribution from the Council, then under Council policy an employee must also be contributing 5% of their salary to the scheme **or** have negotiated some other arrangement at the time of being offered an employment contract.

CONSULTATION

Staff of the Town of Cottesloe

STAFF COMMENT

The current labour shortage and high turnover of staff in certain parts of Council's operations suggests that further thought is required in terms of attracting and retaining Council staff.

While the automatic response might be to offer higher wages, it is believed that the Town of Cottesloe would be better served by differentiating itself from the local government industry pack by positioning itself as;

1. a small local government offering a diversity of experience, and
2. caring for the long-term economic security of its employees by way of a generous (relatively speaking) superannuation scheme.

By trading off wage increases for superannuation increases, employees will gain economically by:

1. reduced marginal rates of taxation in some cases,
2. reduced nett income for taxation purposes if salary sacrifice is used to fund superannuation contributions,
3. splitting superannuation payments with a spouse or partner to obtain a taxation advantage in some cases, and
4. the compounding effect of interest on increased levels of retirement savings.

As an employer, the Town will be better served by:

1. not having to compete head on with higher wage levels in other local governments in order to attract or retain staff,
2. locking in experienced staff who may see an attractive superannuation scheme as more important than higher levels of cash remuneration in other places.

The most attractive local government superannuation scheme currently in operation appears to be that of the City of Subiaco which is perhaps best described by the following table:

City of Subiaco - Voluntary Contributions Table

Staff Contribution	Matching Council Contribution	Qualifying Period
1%	1%	At commencement
2%	2%	At commencement
3%	3%	At commencement
4%	4%	At commencement
5%	5%	At commencement
6%	6%	At commencement
7%	7%	After 1 year
8%	8%	After 2 years
9%	9%	After 3 years

Note: Shaded area denotes current arrangements at Cottesloe.

Subiaco's superannuation scheme may be seen as overly-generous.

Nonetheless the concept of matching contributions and years of service as determining top contribution rates is seen as good practice.

VOTING

Simple Majority

DECLARATIONS OF INTEREST

Mr Stephen Tindale, Mr Graham Pattrick, Mr Geoff Trigg and Mrs Jodie Peers made declarations of financial interest as beneficiaries under the current superannuation scheme and left the room at 8.17pm.

OFFICER RECOMMENDATION

That Council adopt the following policy:

STAFF SUPERANNUATION**INTENT**

This policy sets out the criteria for the payment of additional superannuation to staff. It provides guidance for officers involved in the recruitment and retention of staff.

BACKGROUND

The Town of Cottesloe is obliged to pay superannuation into a complying fund on behalf of all staff under the provisions of Federal legislation. This component is known as the Superannuation Guarantee Levy (SGL). The percentage payment may be adjusted by legislation from time to time.

The Town of Cottesloe and employees may also make additional voluntary contributions to a complying fund.

POLICY STATEMENT**(a) Superannuation Ceiling**

The Town of Cottesloe's employer contribution to staff superannuation shall not exceed a maximum of 18% (9% plus 9%) from 1 July, 2006. This contribution is inclusive of the Superannuation Guarantee Levy and is limited by the following table.

(b) Voluntary Contributions

The Town of Cottesloe will match voluntary employee contributions in accordance with the following table:

Staff Contribution	Matching Council Contribution	Qualifying Period
1%	1%	At commencement
2%	2%	At commencement
3%	3%	At commencement
4%	4%	At commencement
5%	5%	At commencement
6%	6%	At commencement
7%	7%	After 1 year
8%	8%	After 2 years
9%	9%	After 3 years

(c) Employment Contracts

Employment contracts shall not contain any provisions which exceed or contravene this policy.

(d) Salary Sacrifice

All employees shall have the option to salary sacrifice a nominated percentage of their salary to superannuation but there is no obligation on the Town of Cottesloe to match employee contributions other than in accordance with the table.

(e) Variation to Policy

At its absolute discretion, the Council may vary this policy from time to time with respect to legislative change and any other mitigating circumstances.

RESOLUTION NO.: 12.1.5
ADOPTION: April, 2006
REVIEW: August, 2012

Original C54/1998, 14/12/98 amended by resolution C98 of 28/08/00

COMMITTEE COMMENT

The Committee felt that matching contributions should be phased in over a period of five years rather than three.

COMMITTEE RECOMMENDATION

That Council adopt the following policy:

STAFF SUPERANNUATION**INTENT**

This policy sets out the criteria for the payment of additional superannuation to staff. It provides guidance for officers involved in the recruitment and retention of staff.

BACKGROUND

The Town of Cottesloe is obliged to pay superannuation into a complying fund on behalf of all staff under the provisions of Federal legislation. This component is known as the Superannuation Guarantee Levy (SGL). The percentage payment may be adjusted by legislation from time to time.

The Town of Cottesloe and employees may also make additional voluntary contributions to a complying fund.

POLICY STATEMENT**(a) Superannuation Ceiling**

The Town of Cottesloe's employer contribution to staff superannuation shall not exceed a maximum of 18% (9% plus 9%) from 1 July, 2006. This contribution is inclusive of the Superannuation Guarantee Levy and is limited by the following table.

(b) Voluntary Contributions

The Town of Cottesloe will match voluntary employee contributions in accordance with the following table:

Staff Contribution	Matching Council Contribution	Qualifying Period
1%	1%	At commencement
2%	2%	At commencement
3%	3%	At commencement
4%	4%	At commencement
5%	5%	After 1 year
6%	6%	After 2 years
7%	7%	After 3 years
8%	8%	After 4 years
9%	9%	After 5 years

(c) Employment Contracts

Employment contracts shall not contain any provisions which exceed or contravene this policy.

(d) Salary Sacrifice

All employees shall have the option to salary sacrifice a nominated percentage of their salary to superannuation but there is no obligation on the Town of Cottesloe to match employee contributions other than in accordance with the table.

(e) Variation to Policy

At its absolute discretion, the Council may vary this policy from time to time with respect to legislative change and any other mitigating circumstances.

RESOLUTION NO.: 12.1.5
ADOPTION: April, 2006
REVIEW: August, 2012

Original C54/1998, 14/12/98 amended by resolution C98 of 28/08/00

AMENDMENT

Moved Cr Jeanes, seconded Cr Woodhill

That the matter be referred to the budget meetings.

Carried 8/2

12.1.5 COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Woodhill

That the matter be referred to the budget meetings.

Carried 7/3

Mr Stephen Tindale, Mr Graham Patrick, Mr Geoff Trigg and Mrs Jodie Peers returned to the meeting at 8.35pm.

12.2 ENGINEERING

12.2.1 ILLEGAL PLANTING OF VERGE STREET TREES

File No: 5 Chamberlain St
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 6 April, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

At its February, 2006 meeting Council resolved:

That Council remove the two citrus trees, four Oleander bushes and Japanese Pepper tree shoots and seek a report from an independent arborculturist in relation to the planting of the Peppermint trees.

This report delivers the results of the independent arborculturist report and recommends that Council inform the owner of 5 Chamberlain Street of the arborcultural specialist recommendations and request that he now undertake the work of removing the most northerly Peppermint seedling on Chamberlain Street and reposition the Peppermint seedling beside the Chamberlain Street crossover to a point two metres north of the crossover and remove the old ailing Peppermint tree on the Chamberlain Street verge opposite No. 5 Chamberlain Street.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

OBJECTIVE:

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

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

PRINCIPLE:

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

ISSUES:

- A balance is required between the Norfolk Island Pine tree as the Cottesloe 'Icon' tree and other tree species.

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

POLICY

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

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

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

The following reasons do not justify tree removals:

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

9. The Town of Cottesloe will maintain a street tree species list of the most suitable tree species for the different soil and micro climate areas of the town, plus species determined as being unacceptable as street trees.

Such undesirable species would exhibit the following characteristics:

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

STRATEGIC IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

Since the February, 2006 Council meeting the two citrus trees, four Oleanda bushes and Japanese Pepper tree shoots have been removed, as resolved by Council.

Mr John Banks, a well known, qualified and experienced Arboricultural consultant was engaged to report on the planting of the 11 Peppermint tree seedlings on the Chamberlain Street and Eric Street road verges.

CONSULTATION

The consultation with an independent expert, as required by Council, has now been completed. No other consultation is proposed.

STAFF COMMENT

The consultant's recommendations are that:

- (a) The most northerly planted seedling on the Chamberlain Street verge should be removed.
- (b) The old ailing WA Peppermint tree on the Chamberlain Street verge should be removed.
- (c) The Peppermint tree seedling close to the Chamberlain Street crossover should be replanted to a distance two metres north of the northern edge of the crossover.

Staff agree with these recommendations.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

That Council:

- (1) Inform the owner of 5 Chamberlain Street of the Arborcultural specialist recommendations and that Council staff will now undertake the work of removing the most northerly Peppermint seedling on Chamberlain Street and repositioning the Peppermint seedling beside the Chamberlain Street crossover to a point two metres north of the crossover; and
- (2) Remove the old ailing Peppermint tree on the Chamberlain Street verge opposite No. 5 Chamberlain Street.

AMENDMENT

Moved Mayor Morgan, seconded Cr Walsh

That item (2) be deleted from the Officer and Committee Recommendation.

Carried 7/3

12.2.1 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Walsh

That Council inform the owner of 5 Chamberlain Street of the Arborcultural specialist recommendations and that Council staff will now undertake the work of removing the most northerly Peppermint seedling on Chamberlain Street and repositioning the Peppermint seedling beside the Chamberlain Street crossover to a point two metres north of the crossover.

Carried 8/2

12.2.2 RIGHT OF WAY NO. 56 - REOPENING/PEDESTRIAN USE

File No: E13. 1.56
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 6 April, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

At its meeting in November, 2005, Council resolved to:

- (1) *Follow the requirements of Section 3.50 of the Local Government Act, 1995 in assessing local resident and general public support for the closure to vehicle use of the north western leg of Right of Way No. 56 by the installation of bollards, as shown on Plan No. ROW56/1/05, including public advertising and letters to affected residents in Jarrad Street and Rosser Street, Cottesloe; and*
- (2) *Consider the results of public consultation regarding this matter in its February, 2006 meeting.*

This report delivers the results of the public consultation process and recommends that Council:

- (1) Proceed, under Section 3.50 of the *Local Government Act*, 1995, with the formal process of closing, to vehicle use, the north western leg of Right of Way No. 56 by the installation of bollards, as shown on Plan No. ROW56/1/05;
- (2) Ensure that all portions of ROW No. 56 are cleared of any stockpiled debris, rubbish and materials to allow access for vehicles from the east end; and
- (3) Inform all respondents of Council's decisions in this matter.

STATUTORY ENVIRONMENT

This laneway has the registered title owner of Queen Victoria, hence it is Crown land. The *Local Government Act 1995, Section 3.50*, provides for the legal closure provisions for laneways and rights of way. A search of Council records indicates that the existing closures mid-way between Jarrad Street and Rosser Street on the western leg of ROW No. 56 were not approved by Council.

POLICY IMPLICATIONS

The *Rights of Way/Laneways* policy applies:

(1) OBJECTIVES:

1. To provide a safe environment and trafficable surface for residents to access their properties while managing risk to the public and the Town of Cottesloe.

2. To establish a procedure for the progressive upgrading of all public Rights of Way and Laneways, by paving and drainage, using all available sources of funding.
3. To establish a procedure for private developments and subdivisions to contribute to the upgrading of public Rights of Way and Laneways, where those developments impact on those routes.
4. To establish a procedure for sections of private laneways to become Crown land, including land held by Council as private property and used by the public as access.

(2) PRINCIPLES:

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

(3) ISSUES:

1. When compared with similar Local Government Authorities in the metropolitan area, the Town of Cottesloe has a high proportion of its ROW's and Laneways in a poor to undeveloped condition.
2. A large proportion of ROW's and Laneways in the Town of Cottesloe are privately owned by the Town, with the remaining sections being either Crown land or privately owned by various individuals or companies.
3. ROW's and Laneways are being progressively built, piecemeal, due to conditions placed on developments and subdivisions, with no long term air of this construction. Such construction has not included a requirement to connect the built section to a built street or existing built Laneway or ROW.
4. ROW's and Laneways often contain Service Authorities infrastructure eg; deep sewers, water supply pipes, as well as Council installed drainage

systems. Machine access is required at all times to maintain and service this infrastructure, regardless of ownership.

5. The mixture of Crown control, private ownership and Council ownership of ROW's and Laneways has created confusion in the past for staff trying to maintain these accesses while trying not to expend Council funds on privately owned sections.
6. The amount of privately owned laneway sections (by Council and individuals) requires a lot of control regarding actions, filing, knowledge of ownership etc, which could be greatly simplified by their surrender to the Crown.
7. Past completion of various short sections of ROW and Laneway construction by various contractors organised by various developers to meet development conditions have left Council with varying levels, construction standards and quality standards of these sections throughout the Town area. This will inevitably result in a variety of maintenance problems as ROW and Laneway use grows.
8. Many of the past approved laneway constructed sections have been to a 100mm thick, un-reinforced concrete standard. With vehicle weights increasing and the use of heavy machinery by Service Authorities to service their infrastructure in laneways, it is also inevitable that Council will be involved in expensive repairs to cracked and damaged concrete laneway sections. Therefore laneway surfacing should be based on flexible rather than inflexible pavements.

(4) POLICY:

1. Council's attitude towards the status of ROW'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 ROW's/Laneways owned by the Town of Cottesloe will be surrendered to the Crown under processes included in the *Local Government Act*. Any such sections owned by ratepayers of the Town of Cottesloe, which become available to Council for little or no cost, will also be surrendered to the Crown for Crown land.
3. When a ROW or Laneway is required for primary access to a new development the developer will upgrade by paving, kerbing and drainage, the ROW or Laneway from the nearest built gazetted road or existing built laneway to the furthestmost lot boundary, to the satisfaction of the Manager Engineering Services.
4. The developer may elect to have the Laneway upgrading works done by the Town of Cottesloe or by a Contractor.
 - (a) If the Town is to undertake the works, payment of the full estimated value of the works must be received by the Town before works commence.

- (b) If the developer employs contractors, a supervision and inspection fee is to be charged, in accord with Section 6.16 of the *Local Government Act, 1995*.
- 5. The design of the ROW or Laneway must recognise the need to minimize vehicle speeds and maximize safety and security.
- 6. When a ROW is required for primary or secondary access from an existing property redevelopment, it is conditional (Town Planning) upon the developer to contribute an amount equivalent to 50% of the costs to construct a portion of standard ROW 4m x 20m in area.
 - (a) Where a charge has been applied, as condition of development for the upgrade of a ROW, the money is to be placed in a Reserve Account established under Section 6.11 of the *Local Government Act*, for the specific purpose of ROW upgrade.
- 7. Notwithstanding averaging requirements for developments under the residential codes for rear setbacks and fencing specifications in Council's fencing local laws, there shall be a minimum building setback for carports and garages, to allow a minimum turning circle of six (6) metres, measured from the far side laneway boundary to the closest part of the structure, for each car bay, carport and garage designed at 90° to the laneway or ROW.
- 8. Fees and charges for contribution to works, supervision and inspection will be determined annually by Council in accordance with the provisions of Section 6.16 of the *Local Government Act, 1995*.
- 9. In situations where new developments or redevelopments are not factors in laneway upgrading and the condition of particular laneways has created concern regarding unsafe conditions for drivers and pedestrians, an increased public liability risk and ongoing maintenance requirements, the following shall apply regarding upgrading:
 - (a) A construction program of ROW's and Laneways will be determined by priority on the basis of vehicle and pedestrian usage, existing surface condition, drainage problems and condition of private fencing.
 - (b) The design of the ROW/Laneway will recognise the need to minimize vehicle speeds and maximize safety and security.
 - (c) All fences abutting ROW's and Laneways shall be constructed and maintained in accordance with Council's fencing Local Laws.
 - (d) The funds available for ROW/Laneway upgrading per budget year shall be total of:
 - (i) The equivalent of the total of minimum rates levied on privately owned ROW/Laneway sections per financial year; plus
 - (ii) Contributions received through the development process as covered under point #6, ie the contents of the Reserve Account for this purpose; plus
 - (iii) An amount determined by Council in each budget document, to be made available from Council funds for ROW/Laneway upgrading and construction.

- (e) Where adjacent landowners wish to contribute to the cost of construction of a ROW/Laneway or section thereof, the project will be given priority over all other such works, subject to the following:
 - (i) The application shall contain confirmation by landowners of their request for the upgrading and the amount each is willing to contribute.
 - (ii) It will be the responsibility of the applicants to collect the contributions and deliver all monies to the Council.
 - (iii) A minimum of 50% of the total cost of the work, estimated by the Council's Manager Engineering Services will be required prior to acceptance of any application. If the ROW/Laneway or section thereof already includes work previously required to be done in the preceding five years then expenditure involved will be treated as contributions, in order to assess priorities and make up the minimum of 50%.
 - (iv) Work will not commence until the full amount of the contribution has been received by the Council.
 - (v) The programming and design of the work will be at the sole discretion of the Council.
 - (vi) Applications will be approved in the order in which the full amount of the contribution is received by the Council and will be subject to the availability of funds to meet the Council's contribution through budget allocations each year.
- 10. The higher the percentage of cost of laneway upgrading to be provided by private property owner contribution, the higher the priority of project acceptance from Council, apart from the need to allow for funding to remove public liability risks and unsafe conditions on any other ROW or Laneway.
- 11. As a general rule it is Council policy to keep Laneways open, even if un-constructed. Applications for closure are to be considered by Council.
- 12. The widths of ROW's/Laneways, the need for truncations on 90° bends, 'Tee' junctions and outlets of laneways onto gazetted roads, and set back requirements from laneways are issues dealt with in other Council documents.
- 13. Naming of Laneways is not supported as this may create problems of residents requesting the normal services of a street eg; access for emergency vehicles, postal services, refuse collection and street numbering.

However, the installation of metal plates at each end of the ROW's/Laneways showing the ROW number is supported.
- 14. Where a development or subdivision approval includes a condition requiring the sealing and drainage of a portion of ROW/Laneway to allow rear vehicle access, and the developer believes there is a substantial negative attitude from other affected landowners for such ROW/Laneway improvements, it is up to the developer to demonstrate to Council that attitude.

15. Where no application for a development has been received relating to the drainage and sealing of a laneway, and one or more landowner wishes to prevent the sealing and drainage of a laneway, then the concerned landowner(s) would undertake the requirements of #16 to present Council will the case to prevent such sealing and drainage.
16. The demonstration of a local landowner attitude against the drainage and sealing of a laneway to meet a development condition must include the signatures of at least two thirds of all landowners affected by the proposal supporting the 'no sealing and drainage' case and accepting that any future request to Council from any affected landowner to upgrade or seal that laneway must include an acceptance of two thirds of those owners for a differential rating payment system for those properties to fund such improvement works.

RESOLUTION NO: 12.2.5
ADOPTION: 28 November, 2005
REVIEW: December, 2012

STRATEGIC IMPLICATIONS

The areas of the *Strategic Plan* most applicable to this item are:

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

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

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The existing two closures at the western end of this 'H' shaped Right of Way (ROW), midway between Jarrad Street and Rosser Street, are believed to have no legal basis, after a search of the records, even though they have been there for many years.

The ROW is Crown land and therefore, adverse possession cannot apply.

Council has previously resolved to consider bollards replacing the two existing full closures (a gate and a fence extension) to allow pedestrians and cyclists through this ROW 'T' junction but not to allow vehicle access.

CONSULTATION

This report provides the results of the public consultation process, involving affected residents.

The public consultation process closed on 31 March, 2006.

STAFF COMMENT

A total of nine responses were received, all of them from residents or landowners in the area affected by this laneway.

Of the responses received:

- five gave support for the removal of the existing closures and the installation of bollards as proposed,
- two supported all closures being removed with no bollards,
- one was for the laneway to remain fully closed but bollards be used if the closures have to be removed, and
- one supported no closures but if bollards have to be installed then make them removable to allow additional construction traffic access.

Applicable comments were:

- Reopening the laneway may allow vandalism to properties.
- It was meant as a right of way for the public, therefore restore it.
- Had been told by a local landowner that it had been legally closed.
- Lane is a disgrace - needs a clean out.
- Leave it open with no bollards, to reduce the fence damage on the eastern end of the laneway.
- Laneway inappropriate for through traffic. Tee junction stops vehicles from turning.
- Fully opening the laneway will mean a real hazard to residents and children, particularly by vehicle use in peak times.
- Access to the back of properties is still available from the east end.
- Property corner on this Tee junction will be fully protected against any truncation proposal. The property has already limited land area.
- Have written several times on this matter. Laneway meant for all adjoining properties.
- Bollards equate to preferential treatment of selected ratepayers.
- Bollards will sanction the laneway as a free parking area.
- Eastern end of laneway (Tee junction) is dangerous because of lack of sight clearance.
- Truncations at each end of the laneway (east & west) were supposed to occur years ago, which would allow full use of each end by vehicles.
- Council has tolerated illegal closures, with indecision and inactivity for nearly 30 years.
- Make the laneway available to all, after a clean up.
- More personal letters should have gone out to more local residents. A letter in 1998 on this matter was not responded to.
- Access to rear of property difficult because west end of laneway cannot be accessed by vehicles and construction deliveries.
- The bollards will set a precedence for the ultimate resumption of the land for private use.
- Bollards are a waste of ratepayers money.
- A reopened laneway will reinstate the walk path and give access to a nearby post box.

- Security will be improved by allowing the public to walk or ride through the laneway.
- Residents should be warned about blocking the laneway. Signs should be installed.

From the received comments, there is stronger support for the existing obstructions to be removed and the proposed bollards installed.

Against this are the comments requesting full and open access, without bollards.

If this was supported, then in order to create adequate access for vehicles to turn at the western end Tee junction, truncated corners would be required from the two corner properties. This would involve resumption and possible complex actions by Council to achieve. Council has not proposed any such action in recent years.

Council has also not proposed full development for vehicles along the western end section of laneway between Jarrad Street and Rosser Street in previous years because of the lack of corner truncations to allow traffic to turn from the north/south direction to the east/west direction and the cost plus possible forcible resumption process of obtaining these truncations. This is always possible at a future time if there is general support for that change, regardless of the possible bollard installation.

VOTING

Simple Majority

DECLARATION OF INTEREST

Cr Jeanes made a declaration of proximity interest and left the meeting at 8.41pm and did not participate in the debate or vote.

COUNCIL COMMENT

All affected landowners to be advised of the Council resolution.

OFFICER & COMMITTEE RECOMMENDATION

That Council:

- (1) Proceed, under Section 3.50 of the *Local Government Act, 1995*, with the formal process of closing, to vehicle use, the north western leg of Right of Way No. 56 by the installation of bollards, as shown on Plan No. ROW56/1/05;
- (2) Ensure that all portions of Right of Way No. 56 are cleared of any stockpiled debris, rubbish and materials to allow access for vehicles from the east end; and
- (3) Inform all respondents of Council's decisions in this matter.

AMENDMENT

Moved Cr Cunningham, seconded Cr Woodhill

That (1) be amended to read:

- (1) Proceed, under Section 3.50 of the *Local Government Act, 1995*, with the formal process of closing, to through-vehicle use, the north western leg of Right of Way No. 56 by the installation of bollards, as shown on Plan No. ROW56/1/05.

Carried 5/4

12.2.2 COUNCIL RESOLUTIONS

Moved Cr Cunningham, seconded Cr Woodhill

That Council proceed, under Section 3.50 of the *Local Government Act, 1995*, with the formal process of closing, to through-vehicle use, the north western leg of Right of Way No. 56 by the installation of bollards, as shown on Plan No. ROW56/1/05.

Carried 5/4

Moved Cr Cunningham, seconded Cr Woodhill

That Council:

- (1) **Ensure that all portions of Right of Way No. 56 are cleared of any stockpiled debris, rubbish and materials to allow access for vehicles from the east end; and**
- (2) **Inform all respondents of Council's decisions in this matter.**

Carried 8/1

Cr Jeanes returned to the meeting at 8.55pm.

12.2.3 BROOME STREET SPEED CONTROL INSTALLATIONS

File No: E17.10.15
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 10 April, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

At its February, 2006 meeting, Council resolved:

That:

- (1) Plans be drawn up for four proposed red asphalt plateau speed control devices for installation in Broome Street between North Street and Eric Street and letter dropped to all residents of Broome Street from North Street to Eric Street, requesting comments;*
- (2) The proposal be advertised on Council's webpage, a local newspaper and on the Civic Centre noticeboard, for a four week period; and*
- (3) Any submissions received be considered further at the April, 2006 Council meeting.*

This report provides the results of the public consultation process and recommends that Council:

- Install speed plateaux at the Broome Street intersections with Ozone Street, Hawkstone Street and Torrens Street,
- Install two speed plateaux between Ozone Street and Grant Street at regular intervals dependant upon negotiations with effected property owners. If negotiations fail regarding this matter, then a Council decision will be required;
- Ensure that all installations include discussions with affected residents regarding the solution of site-specific concerns; and
- Inform all property owners/residents of Broome Street from Eric Street to North Street of Council's decisions on this matter, particularly all respondents regarding the consultation process.

STATUTORY ENVIRONMENT

Main Roads WA sets all speed zone levels in the State and the Police Department is responsible for policing those speeds.

Council has the vesting responsibility of Broome Street, regarding care, control and maintenance of the road surface and alignment. This would include structures to reduce vehicle speeds.

POLICY IMPLICATIONS

Council's policy on Traffic Management applies to this matter.

OBJECTIVES

The objectives of this policy are:

- (a) The establishment of appropriate traffic flow and access into and through the Town of Cottesloe, which maximises road safety and local amenity.
- (b) The establishment of a procedure from which necessary traffic management works are undertaken in a cost effective and equitable manner.
- (c) Integration of the traffic management policy into the Council's Strategic Plan.

PRINCIPLES

- (a) Establish an agreed road hierarchy, from which to base future traffic management.
- (b) Minimise the impacts of through traffic on the community.
- (c) Minimise the impacts of commercial vehicles on the community.
- (d) Provide for good access to property and business.
- (e) Provide for pedestrians and cyclists.
- (f) Develop an intervention policy for the conduct of local area management schemes.
- (g) Ensure adequate data is available to effectively consider traffic management issues.
- (h) Ensure full consultation is undertaken when assessing traffic management issues.
- (i) Provide cost effective traffic management solutions.
- (j) Maximise access to business and recreation facilities with minimum impact on local residents.
- (k) Integrate the traffic management policy with other Council policies.
- (l) Establish a basis from which decisions on outstanding traffic management issues can be made.
- (m) Establish a mechanism for regular policy review.
- (n) Provide a means by which the traffic management strategy can be coordinated and facilitated.

ISSUES

The issues, which Council has considered in establishing the Traffic Management Policy, are:

(a) Road Hierarchy

An agreed road hierarchy is fundamental to general traffic management and planning within the Town of Cottesloe. In determining a road hierarchy, the Town of Cottesloe will consider issues such as:

- through traffic;
- local access;
- land use;
- commercial traffic;
- bus routes;
- base traffic data;
- accident statistics;
- parking;
- socio/environmental issues; and
- funding options.

Council will liaise with the Main Roads WA on these issues to ensure access to optimum road funding.

(b) **Traffic Management Strategy**

The basis of the traffic management strategy is the establishment of an assessment procedure that meets Council policy objectives.

Council therefore recognises that a traffic management strategy should be an integrated approach, which considers issues such as:

- precinct traffic management assessment;
- full consultation with interested parties;
- establishment of a traffic data base;
- establishment of intervention guidelines for traffic management implementation;
- integration with other Council policies;
- consideration of regional traffic issues;
- nomination of a review mechanism. (Sample process - Schedule 2, is attached.)

(c) **Pedestrian and Cyclists**

Council wishes to encourage pedestrian and cycle use within the Town of Cottesloe. Therefore, Council will include usage surveys, community consultation and liaison with Transport to fulfil this objective.

(d) **Road Classification & Design**

Stirling Highway is classified as a Primary Distributor. West Coast Highway and Curtin Avenue are classified as District Distributors and as such will be subject to a review of the road hierarchy as outlined in 3(a).

Stirling Highway

Council supports the retention of the Stirling Highway as the major traffic route through the Western Suburbs. (See Stirling Highway Concept Plan reports.)

Curtin Avenue

Curtin Avenue is currently classified as a district distributor road. In May 2000 Council noted the Department of Transport's concept for an alternative road option through the Town of Cottesloe, that being a new two lane road with Curtin Avenue acting as a service road. Council has also expressed concern in relation to the impact that changes the existing road system and rail crossings, will have on the safety and amenity of residents of the district.

When addressing the issues of road classification and design, the following will be taken into consideration:

- traffic forecasting;
- physical design and cost;
- social and environmental impact;
- land use (current and potential);
- rail crossing locations;
- community consultation;
- local access;
- regional traffic;
- pedestrian and cyclist access and amenity;
- rail proposals;

- urban recreational needs; and
- previous studies and recommendation.

Any studies relevant to the wider western suburbs region should be scrutinised by a western regional councils group, with input from Westrail, Department of Planning & Urban Development, Main Roads WA and Transport. Community consultation and acceptance on any proposed design will form the basis of Council support. Once completed, the recommendations should form the basis of a conceptual approach to addressing the issues.

Council also supports an ongoing review of the through traffic issue on Marine Parade, particularly during peak periods.

(e) **Policy Review**

Council supports a formal review of the policy on a four yearly basis.

(f) **Incorporation in the Strategic Plan**

Council supports the inclusion of the traffic management policy into the Town of Cottesloe Strategic Plan.

POLICY STATEMENT

(a) **Road Hierarchy**

Council has adopted a formal road hierarchy for the Town of Cottesloe. See Schedule 2.

(b) **Traffic Management Strategy**

That Council allocate funds for a data collection consultancy, to establish a formal traffic database for use in the traffic management assessment work.

That Council commit a four-year budget allocation to fund the traffic management assessment work.

That Council allocate funds for a data collection consultancy, to establish a formal traffic database for use in the traffic management assessment work.

(c) **Pedestrian and Cyclists**

Reference should be made to the Western Suburbs Bike Plan and the Perth Bicycle Network Plan.

(d) **Road Classification & Design**

Council supports the retention of Stirling Highway as the major traffic route through the western suburbs.

For other roads, changes to classification and/or design will be managed as part of the ongoing precinct planning process.

Council does not support an extension to the West Coast Highway as a four-lane road but will participate in any western suburbs steering committee, to examine a final concept design for an extension to the West Coast Highway.

(e) **Traffic Management Policy Facilitation**

That Council commission a traffic specialist on an as required basis, to coordinate and facilitate the traffic management policy recommendations.

(f) **Policy Review**

That the policy be formally reviewed every four years.

That a traffic specialist undertake an ongoing review of ad hoc policy issues.

STRATEGIC IMPLICATIONS

The most applicable heading within the Strategic Plan for this matter is:

District Development/Environment/Traffic Management and Safety - A system which promotes safety and the "Travel Smart" concept, incorporates widespread use of 50km/hour speed limits and a community bus service, removes through freight traffic and resists any move to a four lane highway on Curtin Avenue.

FINANCIAL IMPLICATIONS

There is no budget funding in 2005/2006 for speed control devices on Broome Street. However, there is \$30,000 for pedestrian/intersection safety improvements which is still unexpended and available for allocation to this proposal.

BACKGROUND

A number of traffic counts in 2005 revealed a major speeding problem in Broome Street, from Forrest Street to North Street. Funds are available from an unspent 'pedestrian/intersection safety improvements' allocation which would fund the start of a program in Broome Street, to restrict vehicle speeds.

Council resolved to concentrate on the North Street to Eric Street section first, with two treatments north of Grant Street and another two south of Grant Street.

A letter drop has taken place to all properties between North Street and Eric Street, plus information on the website, in the local newspaper and on the Civic Centre Noticeboard.

CONSULTATION

This report covers the results of the completed consultation process on this matter.

STAFF COMMENT

A total of 17 written responses were received, 15 of which totally supported or supported with suggestions/concerns regarding the proposal and two rejected it.

The comments in favour of the treatments include:

- This public consultation an outstanding success.
- Support initiatives to slow vehicles - should be a 40kph zone.
- Installation must ensure the noise problem is addressed.
- Has Subiaco Council had noise complaints regarding Onslow Road?
- Request WA Police to use speed camera on Broome Street.
- Full support given. Numerous instances of speeding, particularly on Sunday afternoons.
- Support proposal. Hope that signage is temporary to reduce visual pollution.
- Fully support changes. Ensure that 'speed hump' problems don't occur - no 'bottoming out'.
- Install approach plateaux on east/west approaches to Eric Street and Grant Street roundabouts as well.

- Drivers unfamiliar to area totally disregard other road users speed.
- Correspondent and friends nearly involved in five accidents due to speed on Broome Street in recent years.
- "Whoo bally rah and about time too! Get on with it!"
- Have two small children - constantly amazed at Broome Street speeders.
- Grant Street roundabout has made some difference but cars then speed up between Grant Street and North Street.
- Support installations. Wonder if extra measures needed.
- Look forward to more installations south of Forrest Street, including roundabout at Jarrad Street.
- Suggest 40kph zone be installed on Broome Street past Civic Centre/tennis courts plus area bounded by Broome Street, Eric Street, Jarrad Street and Marine Parade.
- Local roads must not be used as thoroughfares.
- Most offenders young people. They won't slow down unless discomfort is created by plateaux. Needs steeper gradients on plateaux approaches - otherwise waste of funds.
- Speeding on Broome Street a big problem. People still speed on Onslow Road, Subiaco.
- Observed constant speed problem on Broome Street. Concerned for children's safety. Recently witnessed cyclist hit by car near Hawkstone Street.
- One plateau needs to be built closer to Grant Street. More regular spacing is needed. Make calming devices obvious before reaching the site.
- Calming devices must be a deterrent not a challenge.

The main negative comments received were:

- Remember the earlier speed humps removed from the Forrest Street intersection and replaced with a roundabout.
- Speed humps increase traffic noise, even at low speeds.
- Not a high accident rate on Broome Street. Broome Street speeding is more an annoyance factor than a safety issue.
- The wide verge on Broome Street, with unrestricted visibility, makes 60kph in Broome Street safer than 45 to 50kph in Lyons Street.
- Speed humps create a noise problem which is a larger issue than minor violations of the 50kph zone.
- Not aware of any accidents in 'our' section of Broome Street caused by speeding.
- The prospect of increased noise levels due to speed humps will diminish the comfort and amenity of a quiet and peaceful neighbourhood.
- Council reacting with a knee jerk reaction to isolated complaints.
- What happens if the speed humps don't work.
- The spacing of these speed humps do not meet the Austroads requirements - they are too far apart.
- Council should confer with lawyers on liability issues regarding claims of damages likely to arise.

Staff comments relating to concerns:

1. This proposal is not to address slight traffic speed problems. A number of properly carried out traffic counting exercises have underlined the accuracy of public concerns regarding a heavy speeding issue endangering public safety.
2. There are few recorded accidents between intersections on Broome Street caused by speeding however speed reduction proposals should not come after injury or death first occurs. Council has a policy based on 'trigger points' regarding excessive speed. These points have been fully exceeded. Broome Street is the greatest concern exposed by recent counting, due to the traffic volume, the proportion of vehicles speeding and the excessive speeds recorded.
3. There is confusion between a speed plateau and a speed hump. No speed humps (very short, extreme humps less than 3 metres long) are proposed. Plateaux of 20 to 30 metres are proposed with entry/exit slopes flatter than 1 in 8, plus painted 'piano keys'.
4. There appears to be a connection between those residents most opposed to the proposal and the proposed installation sites - a higher potential to oppose if they are in front of particular properties.
5. The City of Subiaco has been contacted regarding the success of the installations on Onslow Road and complaints received regarding noise. No noise complaints have been received, with the earliest installations being in place over three years.

The installations have been shown to be reducing recorded speeds in general, with some sites being more successful than others, depending on site conditions. Another site has been equipped with a speed plateau, in nearby Hamersley Road, which has provided immediate benefits in reducing speeds. Therefore, Subiaco will continue to consider the use of speed plateaux in other areas.

6. Regardless of what may be installed on Broome Street to reduce vehicle speeds, the extreme speeder will still try to reach high speeds with little regard for the general public health on Broome Street. The average speed would be expected to be reduced because of the more complicated road environment, the obvious reminder to slow down because of the different asphalt colour/marked piano keys/signage and the discomfort of driving at speed over a speed plateau.
7. Traffic counts over years have indicated an increase in volume and speed of 'through traffic' - those choosing Broome Street as a way of reducing their trip times ie 'rat runners'. Speed plateaux should reduce that trend.
8. There is a high level of support for efforts to reduce speeding on Broome Street, with a high level of concern shown from resident observations of a growth in speeding vehicles.
9. The spacing of these structures, similar to all types of speed restriction devices, does have an impact on the success of the effort - the more plateaux and the

closer the plateaux to each other, the better the result. However, even with them less than 100 metres apart, there will be drivers trying to speed.

Two sites between Ozone Street and Grant Street will have a better effect than one site. Three or four sites start to become difficult to support.

10. With the ongoing intention of more treatments on the total length of Broome Street (two more roundabouts to be built in the next year) plus speed plateaux etc, there should be a cumulative downward effect on vehicle volumes and speeds as 'through traffic' eventually decide it is just too much of a hassle to short-cut along Broome Street.
11. Speed humps, plateaux and rubber speed cushions have been installed by the author in recent years. Rubber speed cushions are normally used in conjunction with a median island to ensure no vehicles 'bypass' the installations. This means restrictions on crossover use and kerb side parking. They are also not supported by bus drivers. However noise is not a problem with such installations.
12. A 40kph zone, as proposed, would appear to have little chance of success when the existing 50kph zone is so obviously disregarded. Main Roads WA has also demonstrated its lack of interest in such zones now that the residential speed limit has been reduced from 60kph to 50kph.
13. Speed plateaux are designed to ensure that 'bottoming out' does not occur with vehicles travelling around the design speed.

VOTING

Simple Majority

DECLARATION OF INTEREST

Cr Walsh declared a financial interest as he owns property in Broome Street and left the meeting at 8.56pm and did not participate in the debate or vote.

Cr Utting declared a financial interest as he resides and owns property in Broome Street and left the meeting at 8.56pm and did not participate in the debate or vote.

COMMITTEE COMMENT

The Manager Engineering Services tabled three late submissions and discussion was held in relation to the potential noise caused by vehicles travelling over them.

OFFICER RECOMMENDATION

That Council:

- (1) Install speed plateaux at the Broome Street intersections with Ozone Street, Hawkstone Street and Torrens Street;
- (2) Install two speed plateaux between Ozone Street and Grant Street at regular intervals dependant upon negotiations with effected property owners. If negotiations fail regarding this matter, then a Council decision will be required;

- (3) Ensure that all installations include discussions with affected residents regarding the solution of site-specific concerns; and
- (4) Inform all property owners/residents of Broome Street from Eric Street to North Street of Council's decisions on this matter, particularly all respondents regarding the consultation process.

12.2.3 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council:

- (1) **Install speed plateaux at the Broome Street intersections with Ozone Street, Hawkstone Street and Torrens Street;**
- (2) **Install two speed plateaux between Ozone Street and Grant Street at regular intervals dependant upon negotiations with effected property owners. If negotiations fail regarding this matter, then a Council decision will be required;**
- (3) **Ensure that all installations include discussions with affected residents regarding the solution of site-specific concerns;**
- (4) **Inform all property owners/residents of Broome Street from Eric Street to North Street of Council's decisions on this matter, particularly all respondents regarding the consultation process;**
- (5) **Review the situation in 12 months after seeking the opinion of residents on the changes; and**
- (6) **Obtain a short report from a Consultant Engineer regarding the design of the eastern side exit lane on Grant Street from the Grant Street/Broome Street roundabout, and particularly its possible impact on the safety and control of exiting vehicles.**

Carried 7/1

Crs Walsh and Utting returned to the meeting at 9.00pm.

12.2.4 MEMORANDUM OF UNDERSTANDING FOR ROAD AND DRAINAGE WORKS - TOWNS OF COTTESLOE AND MOSMAN PARK

File No: E17. 1
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 6 April, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

This report deals with a proposed Memorandum of Understanding between the Towns of Cottesloe and Mosman Park for works to be undertaken by the construction team of the Town of Mosman Park in Cottesloe, essentially intersections, road construction and drainage installations.

The recommendation is for the adoption of the memorandum with the Town of Mosman Park, with the Mayor and the Chief Executive Officer to sign, for a commencement on 1 July, 2006.

STATUTORY ENVIRONMENT

For works with a value under \$50,000 Council may choose its suppliers of goods and services without a tender process.

With works and services in excess of \$50,000 in one financial year, if the supplier is a private contractor, this requires the tendering process to apply, with a final Council resolution on the decision.

This is contained in Section 3.57 of the *Local Government Act, 1995* and further detailed in Part 4, Section 11 *Local Government (Functions and General) Regulations, 1996*.

In regards to goods or services supplied by a neighbouring Council (eg Mosman Park) the following applies:

11. Tenders to be invited for certain contracts

- (1) Tenders are to be publicly invited according to the requirements of this Part before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$50,000 unless sub-regulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Part if -
 - (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government.

POLICY IMPLICATIONS

Council's *Purchasing* policy applies:

(1) OBJECTIVE

- (a) Provide guidance to Council officers when purchasing goods or services.

(2) PRINCIPLE

- (a) General authority to purchase is provided by the adopted annual budget. Purchases not provided for in the budget must be authorised in advance by an absolute majority of Council (Section 6.8 Local Government Act 1995), unless authorised in advance by the Mayor in an emergency.
- (b) Sustainable development is a focus of both the Council and the community and forms the basis of Council's Strategic Plan. Therefore, the Town of Cottesloe will base procurement decisions on the principle of 'value for money' over the life cycle of products and sustainability rather than 'lowest cost'.

(3) ISSUES

- (a) While every effort should be made to obtain the lowest price, it is not always appropriate to make purchasing decisions based solely on price. Expenditure policies and practices should:
- ensure that expenditure is cost effective;
 - promote ethical behaviour;
 - seek value for money over the life cycle of the product;
 - promote open competition between suppliers; and
 - encourage regional cooperation.

(4) POLICY**4.1 Sustainability**

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

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

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

4.2 Tendering and Group Purchases

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

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

4.3 Quotations

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

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

RESOLUTION NO: 11.1.3
ADOPTION: April, 2003
REVIEW: April, 2011

(Replaces P25, 28/10/96)

STRATEGIC IMPLICATIONS

The most applicable Strategic Plan connections are:

Management/Statutory Compliance - All procedures and decisions comply with external and internal statutes.

Management/Financial Accountability - Staff are responsible and accountable for the management of Council finances and continually seek improved efficiency.

Management/Innovation/Improvement - We constantly seek new ways of delivering high quality services and seek ways to share resources with adjacent Councils.

FINANCIAL IMPLICATIONS

By having the Town of Mosman Park undertake more complex road, intersection and drainage works within the Town of Cottesloe, the cost of public tendering is removed, as are the costs of detailed plans and specifications. Hence, substantial cost savings are involved.

BACKGROUND

The Town of Cottesloe disposed of its construction machinery and staff years ago. Since then, there has been a close contact with the Town of Mosman Park for a

variety of works. As the years have passed, the Town of Mosman Park has undertaken an increasing portion of Cottesloe's works.

Such works require no detailed specifications, heavy production of multiple plans per job and no tendering process. In the last two years, only the more complex works have been undertaken by the Town of Mosman Park.

This is the first Memorandum of Understanding to be proposed between the two towns, in order to clearly state and agree on the basis of benefits for both 'sides' of the relationship.

CONSULTATION

No public consultation has been undertaken or proposed.

STAFF COMMENT

The proposed memorandum is not legally binding but is a useful agreement that sets out the expectations of both participants and allows long term planning benefits.

The simple asphalt overlay and kerbing jobs are now controlled in-house by direct contact with contractors.

Drainage pits are installed by both private contractors and the Town of Mosman Park.

The more complex works eg road relocations, roundabouts, drainage sumps etc are undertaken by Mosman Park after a practical, simple plan has been produced and a quotation accepted.

The loss of time and the high cost of the tendering process, including a full set of specifications, complex construction plans, public advertising and the full Council report process to have a tender adopted slows down the construction process. In recent years, there has also been a reduced number of contractors interested in such relatively small scale works.

Works undertaken by Mosman Park on behalf of Cottesloe is a major reason why that Council has been able to support a full-time construction crew. It has always been in their best interests to keep job quotations low to ensure ongoing works. They are very familiar with the area, local problems eg geology and there are strong connections between the two depot based crews.

Previous comparisons of Mosman park quotations with quotations from private contractors have shown the cost benefits of this arrangement to the Town of Cottesloe. This memorandum allows Mosman Park to be confident of the benefit in retaining their construction capacity.

The Town of Cottesloe also does not have to budget for major expenditure of time and funds in carrying a much heavier tendering and contracting process for all jobs over \$50,000, including possible extra staff for site control, computer-aided design and administrative help for the control of tenders.

VOTING

Simple Majority

COMMITTEE COMMENT

The committee felt that the following words should be added to the MOU

This Memorandum of Understanding does not preclude the Town of Cottesloe from obtaining competitive bids from others on any aspect of any project and letting the work to them.

It is felt that as it stood, the MOU could be seen as anti-competitive and difficult to defend should any query be made as to whether the Council knew that it was receiving value-for-money from the Town of Mosman Park.

OFFICER RECOMMENDATION

That Council have the Mayor and CEO sign the Memorandum of Understanding with the Town of Mosman Park, to commence on 1 July, 2006, for the supply of construction and design services associated with road, intersection and drainage works.

12.2.4 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council:**(1) Amend the Memorandum of Understanding to include the following:**

This Memorandum of Understanding does not preclude the Town of Cottesloe from obtaining competitive bids from others on any aspect of any project and letting the work to them.

(2) Have the Mayor and CEO sign the Memorandum of Understanding with the Town of Mosman Park, to commence on 1 July, 2006, for the supply of construction and design services associated with road, intersection and drainage works.

Carried 10/0

12.3 FINANCE

12.3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 MARCH, 2006

File No: C 7. 4
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 31 March, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 March, 2006, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Financial Statements are presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

A report on the variances in income and expenditure for the period ended 31st March 2006 is shown on pages 40 and 41. It will be noted from that a lot of these variances are as a result of timing differences.

The Operating Statement on page 17 shows that operating revenue is ahead of budgeted figures by an amount of \$227,795. Extra income from the area of parking and building control have contributed to this surplus, though the extra monies received from grant funding is mainly from timing differences.

Overall expenditure is \$446,618 less than budgeted, with the main reasons relating to timing differences, though there could be some savings in the areas of Administration, Governance and Economic Services

VOTING

Simple Majority

12.3.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 March, 2006, as submitted to the 19 April, 2006 meeting of the Works and Corporate Services Committee.

Carried 10/0

12.3.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 10 APRIL, 2006

File No: C12 and C13
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 31 March, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 31 March, 2006, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

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

CONSULTATION

Nil.

STAFF COMMENT

The Schedule of Investments on Page 49 of the Financial Statements shows that \$2,085,498.44 was invested as at 31st March 2006. Of this, \$628,748.15 was reserved and so restricted funds. Approximately forty three per cent of the funds were invested with the Home Building Society, forty six per cent with National Australia Bank, and ten per cent with Bankwest.

The Schedule of Loans on Page 50 shows a balance of \$379,810.29 as at 31st March 2006. Of this \$187,807.73 relates to self supporting loans

VOTING

Simple Majority

12.3.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 31 March, 2006 as submitted to the 19 April, 2006 meeting of the Works and Corporate Services Committee.

Carried 10/0

12.3.3 ACCOUNTS FOR THE PERIOD ENDING 31 MARCH, 2006

File No: C 7. 8
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 31 March, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 31 March, 2006, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The List of Accounts is presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

Significant payments included in the list of accounts commencing on page 42 of the Financial Statements, brought to Council's attention include:

- \$10,519.64 & \$10,761.34 to West Australian Local Government Superannuation Plan being for employer contributions to the plan.
- \$23,925.00 to Overman and Zuideveild for town planning consultancy fees.
- \$105,758.45 & \$26,590.82 to the Town of Mosman Park for roundabout works at Railway and Eric Street, drainage works etc.
- \$219,626.98 & \$16,713.99 to FESA for both the quarterly payment of levies and for levies reconciled for the year ended 30-06-05.
- \$16,265.00 to the Australian Taxation Office for the FBT.
- \$84,615.03 to the Shire of Peppermint Grove for Council's quarterly contribution to the shared library facility.
- \$13,351.85 & \$13,435.90 to Claremont Asphalt for asphalt works at various locations.
- \$13,788.21 to the Western Metropolitan Regional Council for transfer station fees & tip passes.

- \$53,937.30 & \$55,241.97 for staff payroll.
- \$34,122.72 to Trum Pty Ltd (t/a Wasteless) being for domestic and commercial waste collection services for the month of February 2006.
- \$10,078.12 to Surf Lifesaving WA for the February 2006 instalment of the summer contract.

VOTING

Simple Majority

12.3.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council receive the List of Accounts for the period ending 31 March, 2006, as submitted to the 19 April, 2006 meeting of the Works and Corporate Services Committee.

Carried 10/0

**12.3.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD
ENDING 10 APRIL, 2006**

File No: C 7. 9
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 31 March, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 10 April, 2006, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Property and Sundry Debtors Reports are presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

The Sundry Debtors Report on pages 47 of the Financial Statements shows a balance of \$152,307.90 of which \$143,905.65 relates to the current month. The balance of aged debt greater than 30 days stood at \$8,402.25 of which \$5,978.02 relates to rejected pensioner rebate claims which need further clarification. These are scheduled to be reconciled by the end of April.

The Property Debtors Report on page 48 of the Financial Statements shows a balance of \$568,609.74. Of this amount \$167,734.83 and \$7,040.25 are deferred rates and deferred ESL respectively. As can be seen on the Balance Sheet on page 18 of the Financial Statements, rates as a current asset stood at \$393,835 as against \$438,555 at the same time last year

VOTING

Simple Majority

12.3.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council:

- (1) Receive and endorse the Property Debtors Report for the period ending 31 March, 2006; and**
- (2) Receive the Sundry Debtors Report for the period ending 31 March, 2006.**

Carried 10/0

12.4 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**12.4.1 COMMUNITY SAFETY AND CRIME PREVENTION COMMITTEE**

Cr Carmichael spoke in relation to the draft strategic and action plan (tabled) that has been produced by the Community Safety and Crime Prevention Committee. Funding of \$20,000 is available to assist in the implementation of the action plan provided Council can take the plan up quickly.

The Manager Corporate Services and Estil & Associates will prioritise the action plan at a meeting on Monday, 24 April. Further information will then be provided to the Council meeting so that the plan can be adopted.

COMMITTEE RECOMMENDATION

That Council receive the draft Community Safety and Crime Prevention Strategic Plan.

AMENDMENT

Moved Mayor Morgan, seconded Cr Woodhill

That Council adopt the draft Community Safety and Crime Prevention Strategic Plan.

Carried 8/2

12.4.1 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Woodhill

That Council adopt the draft Community Safety and Crime Prevention Strategic Plan.

Carried 10/0

12.4.2 DISABILITY SERVICES COMMITTEE

Cr Carmichael requested that Mr Damien Kelly be appointed to the committee due to the resignation of Mrs Pam Kennet.

12.4.2 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Mr Damien Kelly be appointed to the Disability Services Committee.

Carried 10/0

13 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**13.1 FLYING OF THE AUSTRALIAN FLAG - COTTESLOE BEACH - NOTICE OF MOTION - 14/2006**

File No: E2.2
NOM Date: 20 April, 2006
Author: Mr Stephen Tindale
Councillor: Cr Utting

SUMMARY

Cr Utting has presented the following notices of motion:

1. That the Australian flag be flown on a permanent basis.
2. That the provision of a lockable flagpole be considered in the forthcoming budget to be installed at a location on the beachfront yet to be determined.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Labour costs to raise and lower the flag on a daily basis are estimated to be \$4,250 based on 20 minutes a day to collect, raise, lower and return the flag to storage. This equates to nearly three weeks of the ranger's time over a year.

A new 15m aluminium flagpole with an internal halyard can be obtained for around \$5,000 including freight.

An 18m aluminium flagpole with an internal halyard can be obtained for around \$19,000 including freight. The exponential price increase arises directly from the amount of aluminium used in the construction of a larger diameter flagpole.

A 4460mm by 2230mm (15' x 7.5') flag to suit a 15m flagpole typically costs around \$400.

BACKGROUND

This matter was last considered by Council in February 2004 when the following motion was put and defeated:

That Australian flags be flown on the Main Cottesloe Beach seven days a week from 8.00am to 5.00pm.

The matter was raised again at the last Works & Corporate Services Committee meeting where the following motions were defeated:

It is moved that the Australian flag and the WA flag be flown for the forthcoming Anzac Day weekend and for the future.

Also that the provision of two new flagpoles be considered in the forthcoming budget as adjacent trees are tending to overshadow the flagpoles.

In support of the notice of Motion Cr Utting advises:

Many residents of Cottesloe have requested that the National flag be flown at Cottesloe main beach. This was the custom for many years and two flagpoles were installed for the flags. The flying of the flags was stopped by Council about two years ago.

CONSULTATION

In the event that a new location is to be chosen for a flagpole it is recommended that the choice is made in consultation with the local branch of the RSL.

STAFF COMMENT

Patriotic enthusiasm for the Australia flag has grown and it is probably an opportune time to revisit the matter.

The flagpoles outside the Indiana Tea House and fronting Marine Parade were originally installed as decorative elements to the Indiana Tea House. The flagpoles are used from time to time to fly both the Australian and the State flags. With the passage of time, the flagpoles have been obscured by surrounding trees which have continued to mature.

The relative obscurity of the flagpoles and their type of construction (i.e. with an exposed halyard) has made it relatively easy for the thieves to steal the flags. Typically, the flags tend to be stolen on a weekend.

As a result, staff have had to rely on the goodwill of local Members of Parliament (State and Federal) in keeping us stocked with a cheap (no cost) supply of Australian flags that are less than sturdy in their manufacture but nonetheless do the job for periods of up to six months at a time depending on their exposure to the elements.

At times we have exhausted their supplies (ordinarily limited to two per year) depending on the timing of National holidays and events - and thefts.

If the Australian flag is to be flown on a daily basis then it is strongly recommended that a "lockable" tall flagpole be purchased and installed at a more visible site on Cottesloe Beach.

A "lockable" flagpole has a halyard inside the flagpole to raise and lower the flag and it can only be accessed with a key. The flagpole needs to be tall in order to deter thieves who would shimmy up the pole in order to steal the flag. The flagpole needs to be installed in a more public area so that it comes under closer public scrutiny in order to discourage flag thefts.

Some leeway also needs to be extended to staff in the times that the flag is raised and lowered. Ranger staff do not commence duties until 9am on a Saturday and 10am on a Sunday. In addition, other more pressing duties may mean that that the flags are not raised and lowered at precisely the same time each day. At least half an hour's grace is required in this regard. In winter, there are days when the flag should not be flown because of inclement weather.

Until a new "lockable" flagpole is installed, the author is reluctant to support the daily flying of the Australian flag in the current obscure location. The location and the style of the existing flagpole brings with it its own set of ongoing maintenance problems and if the flag is to be flown on daily basis, it will demand three weeks of the ranger's time for very little reward.

A new flagpole and a new location should be considered first before any long term commitment is made to flying the flag on a daily basis.

VOTING

Simple Majority

13.1 COUNCILLOR RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Utting, seconded Cr Walsh

That:

- (1) The Australian flag be flown on a permanent basis; and

Lost 4/6

The vote was recorded:

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

- (2) **The provision of a lockable flagpole be considered in the forthcoming budget to be installed at a location on the beachfront yet to be determined.**

Carried 8/2

The vote was recorded:

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

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

Nil

15 MEETING CLOSURE

The Mayor announced the closure of the meeting at 9.24pm.

CONFIRMED: MAYOR DATE:/...../.....