

# TOWN OF COTTESLOE



## FULL COUNCIL MEETING MINUTES

**ORDINARY MEETING OF COUNCIL  
HELD IN THE  
Council Chambers, Cottesloe Civic Centre  
109 Broome Street, Cottesloe  
7.00 PM, Monday, 25 July, 2011**

29 July 2011

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**1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS**

The Mayor announced the meeting opened at 7:04pm.

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

Mayor Kevin Morgan	Presiding Member
Cr Dan Cunningham	
Cr Jo Dawkins	
Cr Davina Goldthorpe	
Cr Ian Woodhill	
Cr Jack Walsh	
Cr Victor Strzina	

**Officers**

Mr Carl Askew	Chief Executive Officer
Mr Mat Humfrey	Manager Corporate & Community Services
Mr Geoff Trigg	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Mrs Lydia Giles	Executive Officer
Mrs Christy Watterson	Administration & Governance Officer

**Apologies**

Cr Jay Birnbrauer

**Officer Apologies**

Nil

**Leave of Absence (previously approved)**

Cr Rob Rowell  
Cr Greg Boland  
Cr Patricia Carmichael

**3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 PUBLIC STATEMENT TIME**Mr Bernard Seeber – 152 High Street Fremantle - Item 11.1.1 - 80 Railway Street - "WANSLEA" Masterplan Part 1 - Conservation Works, Alterations and Additions

As the architect for the project, Mr Bernard Seeber thanked the Council for the opportunity to speak and stated that he had previously spoken at length to the Development Services Committee on the 18 July 2011, with regard to the WANSLEA project. Mr Seeber distributed to the Council a handout that explained the development application and mentioned that the heritage listed site required urgent attention, refurbishment and restoration. Mr Seeber provided a brief background to the site with respect to its past provision of shelter for orphans and its association with cancer care etc. Mr Seeber advised that funds have already been allocated by Lotterywest for the much needed restoration of the site. Mr Seeber expressed his hope that there could be open communication between all interested parties and urged Council to allow the building to be restored.

Councillor Cunningham asked whether a current right of way to a house in the North East corner of the property would exist under the development application provided by Mr Seeber, as it was not depicted on the map.

Mr Seeber advised that the National Trust is in communication with the owner and that the right of way is an informal agreement and would not exist if the development application was approved and implemented.

Mayor Morgan asked about the amount of consultation that had taken place with Community groups at the site with respect to the application, as he was concerned that some had expressed no / little knowledge of the development application.

Mr Seeber advised that to his knowledge all parties were fully aware of the application, and that he hoped development of the site would allow better access through shared access and parking facilities for all involved.

Mr Richard Atkins – 301 Marmion Street Cottesloe – Item 11.1.1 - 80 Railway Street - "WANSLEA" Masterplan Part 1 - Conservation Works, Alterations and Additions

Mr Atkins is the chairman of the North Cottesloe Primary School Council and he spoke on behalf of the School. Mr Atkins mentioned that over the last six months a paper had been prepared on the future plans for the school. Mr Atkins highlighted the School's concerns over limited space and mentioned they had experienced a significant increase in student numbers, and stated that they expected that numbers would continue to grow significantly and a new pre primary class would be needed by 2013. Mr Atkins stressed that the School's accommodation requirement is real and any development that was to happen on the WANSLEA site would affect the School's use of the land.

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Moved Cr Wodhill, seconded Mayor Morgan

That Cr Woodhill's request for leave of absence from the August Meeting of Council be granted.

Carried 7/0

**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Moved Cr Strzina, seconded Cr Goldthorpe

[Minutes June 27 2011 Council.DOC](#)

The Minutes of the Ordinary meeting of Council held on Monday, 27 June, 2011 be confirmed.

Carried 7/0

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

**8.1 SUSPENSION OF STANDING ORDER 12.1 – MEMBERS TO RISE****BACKGROUND**

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

Standing Orders 12.1 and 21.5 read as follows:

**Members to Rise**

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

**Suspension of Standing Orders**

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

**COUNCIL RESOLUTION:**

Moved Cr Strzina, seconded Cr Dawkins

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

Carried 7/0

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**9 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

**CONSIDERATION OF REPORTS BY COUNCIL**

The Mayor advised that the Council process for considering reports was that members would advise him of items that they required to be “withdrawn” for further discussion and that all remaining reports would then be moved “en bloc” as per the Committee recommendation.

For the benefit of the members of public present, the Mayor determined to consider item 11.1.1 “80 Railway Street - "WANSLEA" Masterplan Part 1 - Conservation Works, Alterations and Additions first.

He then advised of the following withdrawn items for consideration;

Works & Corporate Services Committee

11.2.1 Western Australian Local Government Association Central Metropolitan Zone Delegates and Local Government Convention

11.2.2 Curtin Aged Persons Homes Inc (CAPH) – Changes to Constitution

11.2.5 Statutory Financial Reports for the Month of June

The remainder of the officer reports were dealt with en bloc.

11.2.3 Surf Life Saving WA 2010/2011 Seasonal Report Review

11.2.4 Delegated Powers

11.2.6 Accounts Paid for the Month of June 2011

11.2.7 Schedule of Investments and Loans as at 30 June 2011

11.2.8 Property and Sundry Debtors Report for June 2011

**10 REPORTS OF OFFICERS**

Nil

**11 REPORTS OF COMMITTEES****11.1 DEVELOPMENT SERVICES COMMITTEE MINUTES - 18 JULY 2011****11.1.1 80 RAILWAY STREET - "WANSLEA" MASTERPLAN PART 1 -  
CONSERVATION WORKS, ALTERATIONS AND ADDITIONS**

**File No:** 2130  
**Attachments:** [WansleaAerialPhotos.pdf](#)  
[WansleaApplicantLetters.pdf](#)  
[WansleaNeighbourComments.pdf](#)  
[WansleaPlans.pdf](#)  
[WansleaSitePhotos.pdf](#)

**Responsible Officer:** **Carl Askew**  
**Chief Executive Officer**

**Author:** **William Schaefer**  
**Planning Officer**

**Proposed Meeting Date:** 18 July 2011

**Author Disclosure of Interest:** None

**Property Owner:** National Trust of Australia

**Applicant:** Bernard Seeber Pty Ltd Architects

**Date of Application:** 22 December 2010

**Zoning:** Residential

**Use:** AA - A use that is not permitted unless special approval is granted by the Council

**Lot Area:** 7430m<sup>2</sup>

**M.R.S. Reservation:** Not applicable

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**SUMMARY**

This application is seeking the following variations to Council's Scheme or Policies:

- Building height;
- Parking.

Each of these aspects is discussed in this report, which refers to revised plans received on 6 June 2011.

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

**BACKGROUND**

The site has been used by community groups continuously since the establishment of the Wanslea orphanage in 1905. At present the site is owned by the National

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Trust of Australia and occupied by the Cottesloe Wellness Centre, which accommodates a variety of cancer support groups.

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

The buildings on the Wanslea site are structurally sound but are in need of urgent conservation works. The proposed additions and conservation works are intended to rationalise the existing cancer support/day care operations and perhaps enable some degree of financial sustainability.

### **PROPOSAL**

The overall aim of the Masterplan Part A is to consolidate the operations of the Cottesloe Wellness Centre in conserved and modernised facilities. It is important to note that this proposal does not involve works to the buildings and spaces currently used for child care and an infant play group.

The scope of works includes:

- Installation of service infrastructure near the entrance to the site;
- Conservation works and maintenance;
- Landscaping;
- Two-storey alterations and additions to the 1958 Staff Quarters building; and
- A new two-storey building to the north of the 1905 Wanslea building.

A development application for the above was lodged with the Town in December 2010. Following detailed feedback from Council's planning staff, revised plans were submitted on 6 June 2011.

### **STRATEGIC IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

As above.

### **STATUTORY ENVIRONMENT**

- Town of Cottesloe Town Planning Scheme No 2
- Heritage of Western Australia Act 1990
- Municipal Heritage Inventory

### **FINANCIAL IMPLICATIONS**

No direct costs to Council.

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**TPS2 & LPS3**

Under the land use definitions of current TPS 2, activities on site would best be categorised as either “Consulting Rooms” or “Professional Offices”. Both of these are AA uses, which may be permitted with special approval from Council.

Under proposed LPS 3, the Residential R20/R30 zoning and density coding of the site would continue.

Based on the land use definitions in LPS 3, the operation of the Cottesloe Wellness Centre/ Cottesloe Playgroup/ Cottesloe Child Care Centre would fall under the categories of “Community Purposes” and “Family Day Care”. These land uses are listed as discretionary uses under the LPS 3 Zoning Table, and are thus supportable by Council.

Overall, the existing and intended uses are essentially consistent with the range of institutional, educational civic and community uses typically permitted on local reserves or public property.

**HERITAGE**

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

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

When considering proposals in a heritage context, Council is required by Clause 5.1.2 of TPS 2 to have regard to: *The need for preservation of existing trees or areas or buildings of architectural or historical interest; and the choice of building materials and finishes where these relate to the preservation of local character and the amenity of the area generally.*

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

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

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

**VARIATIONS**

<b>Non-Compliance with TPS 2</b>	<b>Min/Standard</b>	<b>Proposed</b>
<b>Building Height</b> – New Two-Storey Addition behind Wanslea Building	Max height of walls 6.0m above NGL in centre of building	8.5m above NGL in centre of building

<b>Building Height</b> – Height of Two-Storey Additions to Staff Quarters	Max height of walls 6.0m above NGL in centre of additions	8.5m above NGL in centre of additions
<b>Parking</b> (calculated for proposed new office space only)	11 bays	No new bays proposed

## CONSULTATION

The application was advertised by the Town in accordance with TPS 2. The advertising consisted of a letter to adjoining property owners.

A total of two written comments was received. Main points from the submissions are as follows:

Sally Grainger and Brad Wylenko of 13 Mann Street, and Anna Coxon and Teague Czislowski of 11 Mann Street

- Concerns regarding visual impact of new two-storey building and potential for reflection from roof;
- Queries regarding tree removal and attendant increase in roof-reflection;
- Concern regarding asbestos removal.

Mr Richard Atkins, Chairman, North Cottesloe Primary School Council

- Not so much an objection as a request for Council to defer consideration of the development application until such time as a consensus between the National Trust and the North Cottesloe Primary School is reached on the matter of school-use of buildings on the Wanslea site in future.

It should also be noted that members of the school council have been liaising with the Town and the applicant directly with regard to the school's future use of Wanslea buildings. The applicant has stated a willingness to continue discussion, and it ought to be remembered that new applications can always be lodged in the event of future arrangements between the school and site owners. In the meantime, the application does not concern buildings that the school wishes to use and may be approved without fear of prejudicing further discussions between the parties.

## APPLICANT'S JUSTIFICATION

A letter of justification has been submitted with the development application. The main points of the letter are as follows:

- Despite their age, the buildings on site are structurally sound and reflect many original materials and finishes. The owners are extremely mindful of the need to respect the uncommon heritage qualities of the buildings and have therefore aimed at the conservation, interpretation, adaptive re-use of existing structures, as well as complementary new development;
- The owners are heritage management specialists who fully intend to honour the site's community-use traditions;
- Carparking facilities are more than adequate at present, with only 50% of bays utilised during office hours.

- Visitors and staff make frequent use of public transport (buses and trains) to the site. Of the 6 full time, office-hour Cancer Support Association staff and 12 off-peak casual staff such as telemarketers, 8 use the train.
- In the future it is intended for Wanslea tenants to make exclusive use of Carpark No. 1 (the southernmost carpark), rather than continue to share the facility with the primary school. At present the school actively discourages this practice.
- The 24-bay parking facility on the Railway Street road reserve is also capable of accommodating cars associated with Wanslea.
- The estimated total *practical* parking requirement for new occupants and current occupants is 28 bays.
- Varied topography and the requirement to work around the locations/levels of existing buildings are such that variations from normal building height restrictions are required;
- New development is proposed to occur downslope from the nearby residential areas, which will reduce the effects of new buildings on neighbours.

## STAFF COMMENT

### Building Height

#### New Two-Storey Building

A new two-storey, flat-roofed building is proposed for an area immediately to the north of the Wanslea building. This building is proposed to be used as office and meeting space by the tenants of the main Wanslea building, and as such does not present any change of use issues.

The large extent of the Wanslea site (7430m<sup>2</sup>) renders the standard method of determining building height, which is assessment based on NGL in the centre of site, impractical. However, in such circumstances, Clause 3 of *TPSP 005 Council Policy In Relation to Building Heights* allows for officers to determine building heights from data that occur on other points of the site. In this instance, it is considered that a datum directly beneath the addition would be most appropriate.

By this rationale, the height of the new building is 8.5m above NGL. In this respect Clause 5.1.1 (c) of TPS 2 prescribes a traditional pitched roof two-storey building height standard of 8.5m for the roof ridge with a wall height standard of 6.0m. In comparison, residential flat-roofed buildings are often assessed against the Residential Design Codes standard of 7.0m, but as the proposed building is not intended for residential use the assessment is conducted under the Scheme provisions; however, the 7.0m standard is a useful guide. The wall heights of the new building are thus technically 2.5m above the height standard, although a shortcoming of TPS 2 is that it is unclear about modern, flat-roof designs, hence some discretionary assessment is called-for.

In this connection Clause 5.1.1 (c) of TPS 2 allows for variations to height standards in cases where natural ground forms indicate that a variation is warranted and the amenity of neighbouring areas is not unreasonably diminished.

The applicant has justified the variation on the basis that wheelchair and pedestrian traffic from the Wanslea building to the new building necessitate matching levels. Lowering the structure to ensure compliance with the Scheme would result in a building that may prejudice the very members of the community it is designed to serve.

The variation is further justified on the basis that its distance from neighbouring properties is sufficient to ensure that there will not be negative effects on view corridors or the provision of sunlight and ventilation. For example, no point of the proposed building would be closer than 16.0m to any neighbour, and 100% of the midwinter midday shadow would fall on the subject lot. No privacy issues are expected, and in the context of the many mature trees and the much-larger Wanslea building nearby, the mass of the proposed new building is considered unlikely to generate any problems.

It is noted that the undercroft feature of the new building does not readily satisfy the Scheme's definition for an undercroft, as it higher than the NGL and is also higher than 1 metre above the spot level for the centre of the street boundary. In most normal residential contexts such a building would be regarded as three storeys in height and therefore not approvable. However, as the building is not intended for residential use and as the undercroft space is designed as a void rather than for storage or habitable purposes, this clause and height control is not really applicable.

In summary, given the need for particular floor levels resulting in the building form and height, as well as recognising the importance of the Wanslea site to the community, the proposal can be supported on the basis of TPS 2 Clause 5.1.1 (a), which allows for the approval of more than two storeys when Council has considered "the circumstances and merits of each case in terms of the amenity and development control provisions of this Scheme."

A written objection to the potential visual impact of the building was received from the owners of 11 and 13 Mann Street. It is considered that as the above two properties would be approximately 23 metres and 35 metres, respectively, from the proposed new building, it is likely that the effects of glare and bulk will be less than anticipated. It should also be noted that a number of mature trees will remain in place between the submitters and the proposed building.

#### **Addition to Staff Quarters**

Part of the proposal to convert the old staff quarters building into modern offices involves the construction of two-storey additions that would be approximately 1.24m above the 6.0m wall-height standard.

In this instance the variation is unlikely to affect the amenity of neighbouring properties. No point of the proposed building would be closer than 19.0m to any neighbour, and 100% of the midwinter midday shadow would fall on the subject lot. The building would not affect the views from neighbouring properties, or perceptibly alter the passage of sea breezes. And as the existing old staff quarters building

would remain 1.36m higher than the additions, the mass of the new work would be relatively modest.

No concerns regarding this element of the proposal were raised by neighbours.

### **Parking**

It is proposed to add a total of 440m<sup>2</sup> of new office space to the site. If assessed as *Administrative, Commercial and Professional Offices* under the Vehicle Parking Requirements prescribed by Table 2 of TPS 2, a further 11 bays are required to be provided. If the existing floor space of all other buildings is considered, a total of 55 bays would be required for all operations on site once the development is complete.

The applicant claims that notwithstanding the above requirement, no new parking bays need be provided as the number of existing bays (30) is expected to be sufficient for future activity on site. It is claimed, for example, that fewer than 50% of the existing bays are utilised during office hours at present, and that if the expected staff form the basis for calculations (as opposed to floor space forming the basis for calculations) only 28 bays will be required for all operations in all buildings on site.

The applicant's rationale is supported by three arguments. The first is that the Wanslea site is so reliably serviced by nearby public transport that demand for parking is unusually low.

The Grant Street railway station is less than 300m from the subject property, well within the 400m "ped shed" that defines a practical walking distance to/from a service stop. Thus, 40% of the Cancer Support Association's full time, office hours staff and off-peak casual staff catch the train. It is also claimed that a significant portion of visitors use the train.

The established pattern of public transport use by visitors and staff is expected to ameliorate the demand for additional parking.

The second argument posits that staff numbers are a better basis for parking requirement calculations than floor space. For example, as there is no proposed change in staff numbers for the Cancer Support Association, or the Play Group/Child Care Centre, no increase in demand for parking is expected for the existing tenants even though the tenants will occupy more space.

Nevertheless, it must be pointed out that new tenants (Breast Cancer Care WA and Make-A-Wish) are proposed, and these will require a total of 16 bays for their full time staff. Whilst it could reasonably be expected that some of the new staff would forgo the inconvenience and expense of car use and utilise the nearby train service, there will be visitor traffic associated with each tenant.

The third argument rests on the availability of the 24-bay Railway Street parking facility for Wanslea staff and visitors. Council's Manager Engineering Services has confirmed that Wanslea staff and visitors are entitled to use of the carpark, and has also indicated a willingness to arrange the shifting or Railway Street/rebuilding of the carpark such that the facility would occur on the eastern side of the street.

As the carpark is shared with the school, peak demand for parking occurs around 9am and 3pm, with the carpark relatively uncongested for the rest of the day. Use of the carpark for overspill from the Wanslea site therefore does seem feasible.

It is noted that under TPS 2 Clause 5.4.4 the cash-in-lieu provisions are applicable only to commercial zones rather than the Residential zone, so it is not a consideration in this case. Further, the activities on the Wanslea site suit assessment under the land use "Other" in Table 2, which gives Council discretion to determine parking requirements "having regard to the nature of the use to be made of the site."

On balance, while the application is perhaps a little optimistic about the number of parking bays that will be required in future, Council is able to approve the parking as proposed. It is expected that any overspill can be comfortably accommodated in the Railway Street parking facility. However, should Council be concerned, then additional parking could be required by a condition of approval. The condition could require that new bays are provided either initially or at a later stage when performance of the parking arrangements that are currently proposed can be assessed.

### **Service Infrastructure**

The service infrastructure proposed for near the Railway Street entrance will modernise the supply of electricity, gas and so on to the site. The water tanks and pump are required by law for fire control and are long overdue. Each of the structures has been assessed from a planning perspective and is technically in order with regard to setbacks, height and other such design elements. Nevertheless, due to the prominent location of the infrastructure, a condition requiring the aesthetic treatment of materials, screening and finishing has been included.

### **General Comment**

The proposal is assessed to satisfy the general amenity considerations prescribed by TPS 2 Clause 5.1.2 which Council is obliged to have regard to.

### **CONCLUSION**

The proposal involves the conservation, enhancement and expansion of facilities that are of considerable architectural and social significance. The proposed new structures would be relatively modest and are regarded as unlikely to affect the amenity of neighbours. Demand for new parking would probably be low and the existing carparks are deemed to be sufficient. There remains the option to relocate Railway Street and its associated carpark in future should demand prove higher than expected. In the meantime the application could be approved without prejudicing dialogue between the school and owners about shared use. Overall the proposal represents an outstanding opportunity for Council to support the community.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Committee was supportive of the proposal in itself in terms of the design, development and heritage improvements. Committee was also supportive in-principle of the potential for the future needs of the Primary School to be

supplemented by the Wanslea facilities, subject to further discussions and arrangements by the relevant parties. Committee moved that an Advice Note be added to assist in this regard.

### OFFICER RECOMMENDATION

Moved Cr Strzina, Seconded Cr Dawkins

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

- (1) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.
- (2) The external profile of the development as shown of the approved plans shall not be changed, whether by addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
- (3) Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged into the street reserve, right-of-way or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings for a building licence.
- (4) The new roof surfaces shall be treated to reduce glare if following completion of the development Council considers that glare adversely affects the amenity of adjoining or nearby neighbours.
- (5) Air-conditioning plant and equipment shall be located closer to the proposed buildings than the adjoining buildings, and housed or treated to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*.
- (6) Any future proposed change of use on the site shall require a planning application to and approval by the Town.
- (7) Signage does not form part of this approval any future proposed signage requires an application to and approval by the Town.
- (8) The proposed services upgrade and infrastructure near the Railway Street entrance to the property shall be designed, constructed, finished and screened with aesthetically suitable materials and vegetation to the satisfaction of the Manager Development Services, and full details are required to be provided as part of the building licence application.
- (9) The undercroft of the new two-storey building shall not be used for any storage or habitable purposes.
- (10) The site shall be landscaped to the satisfaction of the Manager Development Services, and full details are required to be provided as part of the building licence application.

**AMENDMENT**

Moved Cr Strzina, seconded Cr Goldthorpe

That an Advice Note be added as outlined by the Manager of Development Services.

Carried 5/0

**COMMITTEE RECOMMENDATION****Moved Cr Walsh, seconded Cr Dawkins**

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

1. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.
2. The external profile of the development as shown of the approved plans shall not be changed, whether by addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
3. Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged into the street reserve, right-of-way or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings for a building licence.
4. The new roof surfaces shall be treated to reduce glare if following completion of the development Council considers that glare adversely affects the amenity of adjoining or nearby neighbours.
5. Air-conditioning plant and equipment shall be located closer to the proposed buildings than the adjoining buildings, and housed or treated to ensure compliance with the Environmental Protection (Noise) Regulations 1997.
6. Any future proposed change of use on the site shall require a planning application to and approval by the Town.
7. Signage does not form part of this approval any future proposed signage requires an application to and approval by the Town.
8. The proposed services upgrade and infrastructure near the Railway Street entrance to the property shall be designed, constructed, finished and screened with aesthetically suitable materials and vegetation to the satisfaction of the Manager Development Services, and full details are required to be provided as part of the building licence application.
9. The undercroft of the new two-storey building shall not be used for any storage or habitable purposes.
10. The site shall be landscaped to the satisfaction of the Manager Development Services, and full details are required to be provided as part of the building licence application.

Advice Note:

The applicant is requested to continue liaison with the North Cottesloe Primary School, Department of Education and Town of Cottesloe regarding the needs of the School in relation to forecast population growth and the opportunity into the future for the development and use of the Wanslea site and buildings to assist in accommodating those needs, by mutual arrangement between the National Trust and the School, with particular regard to the potential for use of the former army building/s in the first instance.

AMENDED SUBSTANTIVE MOTION

Carried 5/0

**COUNCIL DISCUSSIONS**

The Council discussed the report, including the previous public statements, and both the Mayor and Councillor Dawkins foreshadowed possible amendments. There was specific concern in relation to the National Trust's ongoing communication and consultation with the existing tenants and the Primary School. As a consequence Council determined to amend the Committee recommendation.

**AMENDMENT**

**Moved Cr Dawkins, seconded Cr Strzina**

- 1) That the existing Committee recommendation be re-numbered as part (a).
- 2) That the Advice Note be deleted and replaced with the following as a new part (b) "Write to the Department of Education advising that Council has approved the development, whereby it would be in the Department's interest to make early and appropriate decisions regarding the future requirements of the North Cottesloe Primary School with respect to the WANSLEA site".
- 3) That a new part c) be added as follows: "Request that the National Trust liaise with Council, Cottesloe Childcare, Cottesloe Playgroup, North Cottesloe Primary school and the Department of Education on the future use of the WANSLEA site".

Carried 7/0

**COUNCIL RESOLUTION**

**THAT Council**

- a) **GRANT its Approval to Commence Development for the proposed conservation works and alterations and additions at 80 Railway Street, Cottesloe, as per the revised plans dated 6 June 2011, subject to the following conditions:**
  1. **All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.**
  2. **The external profile of the development as shown of the approved plans shall not be changed, whether by addition of any service plant,**

fitting, fixture or otherwise, except with the written consent of the Town.

3. Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged into the street reserve, right-of-way or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings for a building licence.
  4. The new roof surfaces shall be treated to reduce glare if following completion of the development Council considers that glare adversely affects the amenity of adjoining or nearby neighbours.
  5. Air-conditioning plant and equipment shall be located closer to the proposed buildings than the adjoining buildings, and housed or treated to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*.
  6. Any future proposed change of use on the site shall require a planning application to and approval by the Town.
  7. Signage does not form part of this approval any future proposed signage requires an application to and approval by the Town.
  8. The proposed services upgrade and infrastructure near the Railway Street entrance to the property shall be designed, constructed, finished and screened with aesthetically suitable materials and vegetation to the satisfaction of the Manager Development Services, and full details are required to be provided as part of the building licence application.
  9. The undercroft of the new two-storey building shall not be used for any storage or habitable purposes.
  10. The site shall be landscaped to the satisfaction of the Manager Development Services, and full details are required to be provided as part of the building licence application.
- b) Write to the Department of Education advising that Council has approved the development, whereby it would be in the Department's interest to make early and appropriate decisions regarding the future requirements of the North Cottesloe Primary School with respect to the WANSLEA site.
- c) Request that the National Trust liaise with Council, Cottesloe Childcare, Cottesloe Playgroup, North Cottesloe Primary school and the Department of Education on the future use of the WANSLEA site.

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 7/0**

**11.2 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 19 JULY 2011****11.2.1 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION  
CENTRAL METROPOLITAN ZONE DELEGATES AND LOCAL  
GOVERNMENT CONVENTION**

**File No:** SUB/100-06  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer

**Proposed Meeting Date:** 19 July 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The next meeting of the Western Australian Local Government Association (WALGA) Central Metropolitan Zone is scheduled for Thursday 28 July 2011 at the Shire of Peppermint Grove. Council has two appointed delegates both of whom are unavailable for this meeting.

In addition, the WALGA Local Government Convention is scheduled for Thursday 4 August to Saturday 6 August and will include the WALGA Annual General Meeting (AGM). Council's zone delegates are unavailable for the Local Government Convention and AGM and so Council may wish to nominate a member to also represent it at the Convention.

The recommendation is for Council to nominate Councillor(s) to represent Council and participate at both the July 2011 WALGA Central Metropolitan Zone Meeting and Local Government Convention.

**BACKGROUND**

Western Australian Local Government Association zone meetings occur every two months. The Central Metropolitan Zone generally meets on the 4<sup>th</sup> Thursday of every second month at 6.00pm. Each Council is entitled to nominate two delegates who are also entitled to attend the WALGA Annual Local Government Convention. The CEO currently attends zone meetings as a non-voting member. Some Council's have also appointed their CEO as a *deputy delegate* for voting purposes should one of the appointed members not be available and Council may wish to consider this as an option for the upcoming Zone meeting. An elected member delegate for the Local Government Convention and AGM is recommended.

The following Local Government Authorities are members of the WALGA Central Metropolitan Zone;

- Town of Cambridge
- Town of Claremont
- Town of Cottesloe
- Town of Mosman Park
- City of Nedlands
- Shire of Peppermint Grove
- City of Perth
- City of Subiaco
- City of Vincent

The WA Local Government Association (WALGA) is the voice of Local Government in Western Australia. As the peak industry body WALGA advocates on behalf of the State's 139 Local Governments and negotiates service agreements for the sector. WALGA is not a government department or agency and its mission is to *provide strong representation, strong leadership, enhance the capacity of and build a positive public profile for, Local Government.*

In October 2009 Council appointed Cr Walsh and Cr Boland as its delegates however no nomination or appointment of a deputy delegate was made at that time. There are two Zone meetings remaining (July and September 2011) prior to the next Council elections at which point new delegates will be appointed and the matter of a deputy delegate can be considered.

The WALGA Local Government Convention and AGM is held each year in August.

### **STRATEGIC IMPLICATIONS**

As indicated above, the WA Local Government Association (WALGA) is the voice of Local Government in Western Australia and is the peak industry body.

### **POLICY IMPLICATIONS**

None Known

### **STATUTORY ENVIRONMENT**

None Known

### **FINANCIAL IMPLICATIONS**

As a member of WALGA, Council pays annual membership fees. Zone meetings are rotated between members and the cost of hosting includes meeting facilities and catering costs. The primary cost is in Elected Member and CEO attendance with each meeting approximately 2 hours in duration.

### **SUSTAINABILITY IMPLICATIONS**

Nil

### **CONSULTATION**

Nil

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**STAFF COMMENT**

There are two remaining WALGA zone meetings scheduled for July and September 2011 prior to the next Council elections. The Central Metropolitan zone is one of a number of zones that provides advice, feedback and recommendations to the WALGA State Council and is an important mechanism for zone members to influence matters of State and regional significance to the Local Government industry. It is therefore recommended that Council consider nominating at least one deputy delegate to attend the July 2011 zone meeting.

The WALGA Annual General Meeting will be held during the Local Government Convention on Saturday 6 August 2011 at the Perth Convention and Exhibition Centre. Pursuant to the WALGA constitution all member Council's are entitled to be represented by two 2) voting delegates. Member council's seeking to exercise their voting entitlements must ensure that their voting delegates are appropriately registered. In the event that a voting delegate is unable to attend provision is made for proxy delegates to be registered. Voting delegates may be elected members or serving officers.

It is recommended that Council consider nominating an elected member(s) to represent Council and participate at both the July 2011 WALGA Central Metropolitan Zone Meeting and Local Government Convention and Annual General Meeting.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

Moved Cr Strzina, seconded Cr Woodhill

That Council nominate;

1. Councillor(s) \_\_\_\_\_ as its deputy delegate to represent Council and participate at the July 2011 WALGA Central Metropolitan Zone Meeting; and
2. Councillor(s) \_\_\_\_\_ to represent Council and participate at the WALGA Local Government Convention and Annual General Meeting.

**COMMITTEE DISCUSSION**

Cr Goldthorpe nominated herself as Council's delegate to the WALGA Central Metropolitan Zone July 2011 meeting and Mayor Morgan seconded her nomination. There were no further nominations.

Cr Cunningham nominated himself as Council's delegate to the Local Government Convention and AGM and Mayor Morgan seconded his nomination. There were no further nominations.

**COMMITTEE RECOMMENDATION**

**Moved Mayor Morgan, seconded Cr Strzina**

That Council nominate;

1. Councillor Goldthorpe as its deputy delegate to represent Council and participate at the July 2011 WALGA Central Metropolitan Zone Meeting; and
2. Councillor Cunningham to represent Council and participate at the WALGA Local Government Convention and Annual General Meeting.

**AMENDMENT**

**Moved Mayor Morgan, seconded Cr Walsh**

**That the words “and Councillor Walsh” be added to the Committee Recommendation in point 2 after the words “Councillor Cunningham”.**

**Carried 7/0**

**COUNCIL RESOLUTION**

That Council nominate;

1. Councillor Goldthorpe as its deputy delegate to represent Council and participate at the July 2011 WALGA Central Metropolitan Zone Meeting; and
2. Councillor Cunningham and Councillor Walsh to represent Council and participate at the WALGA Local Government Convention and Annual General Meeting.

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 7/0**

**11.2.2 CURTIN AGED PERSONS HOMES INC (CAPH) – CHANGES TO CONSTITUTION**

<b>File No:</b>	<b>SUB/804</b>
<b>Responsible Officer:</b>	<b>Carl Askew Chief Executive Officer</b>
<b>Author:</b>	<b>Carl Askew Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>19 July 2011</b>
<b>Author Disclosure of Interest</b>	<b>In accordance with the constitution the CEO is a member of CAPH</b>

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**SUMMARY**

The purpose of this report to is seek Council's 'in principle' agreement to proposed changes to the Constitution of the Curtin Aged Persons Homes Inc.

**BACKGROUND**

Curtin Aged Persons Homes Inc. (CAPH) was essentially established to:

*“Promote or assist in the establishment and maintenance of a range of alternative housing for the accommodation and care of well and frail aged persons with particular regard but not exclusively for aged persons resident in the Local Governments of Claremont, Cottesloe Mosman Park and Peppermint Grove.”*

*(CAPH Constitution 2007)*

The current constitution requires CAPH to have twelve (12) members including;

- the Chief Executive Officers of each of the four local governments (Claremont, Cottesloe, Mosman Park and Peppermint Grove);
- one nominee from each of the four Council's (elected members); and
- four members of the general community nominated by the Board and approved by at least three of the Chief Executive Officers.

In accordance with the current constitution the Board of Management of CAPH is comprised of eight (8) of these twelve (12) members including the four (4) nominees of each of the Councils (elected members) and up to four (4) of the community members.

CAPH operates aged care facilities from Wearne Hostel in Cottesloe and Riversea Hostel in Mosman Park. Wearne is sited on crown land vested jointly in the four local governments for the purpose of aged care and leased to CAPH. Riversea is on free hold land owned by CAPH. The four local governments have no legal or financial interest in the income or property of CAPH Inc. The only responsibilities of the four local governments in relation to CAPH are related to the nomination and appointment of members of CAPH and members of the Board of Management.

All members of the Board of Management are in a comparable position to directors of a corporation and as such are considered independent Board Members. Members of the Board, including elected members of each local government, are not

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'representatives' of their respective Council (or local government). Members of the Board of Management must therefore act in good faith and in the best interests of CAPH irrespective of the interests of any particular Council or local government.

Significant changes to the aged care industry and the rapid growth in demand for aged accommodation options is placing pressure on CAPH Inc. to review its current service model and future facility development. The Board of Management of CAPH Inc. has recognised that it needs to re-consider its structure and governance to ensure its Board is best positioned to meet this changing environment

A number of meetings have been held over the last six months, and most recently on 5<sup>th</sup> May 2011 attended by the Chief Executive Officers of the Towns of Cottesloe, Mosman Park, Cottesloe and the Shire of Peppermint Grove, the Chairman and Deputy Chairman of CAPH, a committee member of CAPH, CAPH's legal advisor, and Council delegates to the CAPH Board from Peppermint Grove and Cottesloe. The purpose of the meeting was to discuss the governance and structure of CAPH in light of the changing needs of aged care in the community.

Agreement in principle was reached on the need to update CAPH's structure to enable the organisation to respond to the current trends in aged care, to be in the best position to undertake the development of its facilities, and to continue to meet increasing national aged care standards.

The points of agreement were:

1. The Board of CAPH will draft amendments to the CAPH constitution to allow CAPH to operate as an independent non-profit entity.
2. The need to appoint Board members who have experience and expertise appropriate to CAPH's business and the aged care industry.
3. Board members would operate as independent Directors with clearly stated responsibilities operating under corporate governance principles and a charter of conduct.
4. A Finance and Audit Committee would be a key sub-committee of the Board with a specific charter to oversee CAPH's financial activities.
5. A Planning sub-committee would operate to focus on the planning and development of Wearne and Riversea which would comprise suitably qualified members of the CAPH Board and other appointees with specialist expertise.
6. Board members will be independent of any other statutory authority or interest.
7. The formal role of the four local governments would be removed from the management and membership of CAPH.
8. The four local governments will remain the custodian and Lessor of the land at Wearne until otherwise determined.

## **STRATEGIC IMPLICATIONS**

The provision of aged care accommodation in the region will continue to be a priority in the future. It is intended that changes to the Constitution of CAPH Inc. will ensure that the organisation has a Board of Management best qualified, skilled and experienced to plan and develop aged accommodation services that will need the needs and expectations of the community into the future.

Consistent with modern governance practice, CAPH's Board of Management is best placed to determine its own membership for the effective governance and management of the organisation.

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**POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

**STATUTORY ENVIRONMENT**

There are no specific statutory requirements in respect to this matter.

**FINANCIAL IMPLICATIONS**

There are no significant financial implications evident at this time. The four local governments have no legal or financial interest in the income or property of CAPH Inc. Operational costs to date and ongoing include officer time (CEO) and elected member representation at monthly Board and other meetings as required.

**SUSTAINABILITY IMPLICATIONS**

There are no environmental implications at this time.

**CONSULTATION**

The Chief Executive Officers of the Towns of Mosman Park, Cottesloe and Claremont and the Shire of Peppermint Grove have met with various members, primarily the chairman, of the Board of the Curtin Aged Persons Homes Inc. on a number of occasions and most recently on the 5<sup>th</sup> May 2011.

**STAFF COMMENT**

While there may be some community perception that CAPH Inc. is an organisation managed by the four local governments for the direct benefit of their respective residents, in reality CAPH already functions as an independent organisation. Furthermore, while CAPH may wish to give preference to local residents, aged accommodation regulations do not allow for the allocation of accommodation only to the residents of this geographical area.

As a key stakeholder and primary provider of aged accommodation in the region, it is expected that CAPH will continue to work closely with the four local governments for the integrated planning of aged services in the region. This will be irrespective of elected members sitting on the Board of Management, or Chief Executive Officers having power over the appointments to the Board of Management.

Curtin Aged Persons Homes Inc. (CAPH) was established to provide aged accommodation primarily for the residents of the Towns of Claremont, Cottesloe, Mosman Park and the Shire of Peppermint Grove. CAPH currently provides hostel accommodation at the Wearne Hostel (Cottesloe) and the Riversea Hostel (Mosman Park). The current constitution of CAPH provides for 12 members which includes the four Chief Executive Officers of the local governments, nominees from each of the local governments (elected members), and four community members approved by the Chief Executive Officers.

Significant changes to the aged accommodation sector and increasing community needs and expectations are placing demand on CAPH to review its structure and governance to best meet these needs into the future. This report recommends 'in principle' support for changes to CAPH's Constitution to allow CAPH to select and appoint its own independent Board Members best skilled and qualified for the

management and governance of the organisation, subject to further consideration of proposed changes and transitional arrangements.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Mayor Morgan, seconded Cr Strzina**

That Council;

1. Agree 'in principle' to changes to the CAPH Constitution to allow for the establishment of an independent Board with the capability of providing the governance and structure necessary for responding to the changing needs of aged care in the region;
2. Request the Board of CAPH to provide a draft amended Constitution to the Town for its consideration;
3. Request that the Board of CAPH provide a transitional plan for the implementation of changes to the Constitution;
4. Encourage the Board of CAPH to continue to liaise with the Chief Executive Officers of the Towns of Claremont, Cottesloe, Mosman Park and the Shire of Peppermint Grove regarding proposed changes to the CAPH Constitution and procedural steps necessary for the effective implementation of same.

**COMMITTEE DISCUSSION**

Committee discussed the report and issues at length, including Council's ongoing involvement with residential aged care and the recognition of the changing and complex nature of the aged care sector. Committee identified the need to ensure that the future of aged care within the district was professionally delivered and commented that the business of aged care had changed significantly from when CAPH was first established. It was recognised that this is not an area of expertise for Council however there was a moral obligation upon it to ensure that the right models and options for future service delivery are explored and considered. Views within Committee recognised that the current arrangements were no longer satisfactory and that Council needed to remove itself from what is a highly specialised field which requires a suitably, qualified and experienced aged care Agency to provide the best value and quality services to our community. Committee requested that officers consider all potential models and options for Council's involvement with CAPH and the future responsibility for aged care within the district, hence the amended recommendation.

**COMMITTEE RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

That Council note the information provided and defer this matter for further consideration and report on options and models for Council's future involvement with CAPH and the provision of residential Aged Care services within the district.

Carried 5/0

**AMENDMENT**

Moved Cr Dawkins, seconded Cr Strzina

- 1 That the Committee recommendation be re-numbered as point 1.
- 2 That the Officer recommendation number 4 be re-instated as a new point 2 and the word "Encourage" be deleted and replaced with the word "Request".
- 3 That point 2 and point 3 in the Officer Recommendation be reintroduced as a new points 3 and point 4 respectively.

Carried 7/0

**COUNCIL RESOLUTION**

That Council:

- 1 Note the information provided and defer this matter for further consideration and report on options and models for Council's future involvement with CAPH and the provision of residential Aged Care services within the district.
- 2 Request the Board of CAPH to continue to liaise with the Chief Executive Officers of the Towns of Claremont, Cottesloe, Mosman Park and the Shire of Peppermint Grove regarding proposed changes to the CAPH Constitution and procedural steps necessary for the effective implementation of same.
- 3 Request the Board of CAPH to provide a draft amended Constitution to the Town for its consideration;
- 4 Request that the Board of CAPH provide a transitional plan for the implementation of changes to the Constitution;

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

Carried 7/0

**11.2.3 SURF LIFE SAVING WA 2010/2011 SEASONAL REPORT REVIEW**

**File No:** SUB/1026  
**Attachments:** [Australian Lifeguard Service Report Season 2010 / 2011](#)  
[Deed of Service SLSWA 2010 To 2013](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Mat Humfrey  
Manager Corporate Services  
**Proposed Meeting Date:** 19 July 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the 2010/2011 Seasonal Report from the Australian Lifeguard Service and to consider an amendment to the agreement between Council and Surf Life Saving WA.

**BACKGROUND**

In October 2010 the Town of Cottesloe entered into a contract with Surf Life Saving Western Australian (SLSWA) for the provision of lifeguard duties at Cottesloe beach. As a part of this agreement, SLSWA is required to report annually on the activities at the beach and actions taken on behalf of the Town under the agreement. The report provided by SLSWA is provided in attachment 1.

The agreement provides for two (2) life guards to be on patrol during the designated patrol times. The times are Monday to Friday (excluding public holidays);

1 October to 18 December	10am – 6pm
19 December to 31 January	6am – 6pm
1 February to 30 April	10am – 6pm

During the 2010/11 season, SLSWA received a grant (\$35,000) which enabled the service to be provided from 6am to 6pm, Monday to Friday (excluding public holidays) from the 1 October to 30 April. Advice has been received that this grant will not be available this season, and is unlikely in the future (p 4.of attachment).

Correspondence has also been received stating the SLSWA have been directly effected by changes in industrial law, that effectively prevent them hiring life guards as casual employees. SLSWA will need to make allowances for employee provisions, including sick leave and annual leave. The cost of this to SLSWA is \$12,732. SLSWA have asked Council to consider amending the payment schedule in the contract to reflect this cost increase.

**STRATEGIC IMPLICATIONS**

Nil

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**POLICY IMPLICATIONS**

Beach Policy – this agreement appears to be in compliance with the Town of Cottesloe's Beach Policy.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 (9.49A) has requirements for the execution of documents.

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

**FINANCIAL IMPLICATIONS**

Council has budgeted \$169,650 for the provision of lifeguard services under contract. If Council adopt the officer recommendation, the cost of the service this year will be \$164,114.

If Council opt for a different start and/or finish time, or choose not to amend the fee structure, the cost will vary accordingly.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

During the 2010/2011 budget workshops SLSWA presented to elected members in relation to the new contract. The CEO and Manager Corporate Services met with the CEO of SLSWA and Operations Manager in May 2011 to discuss the season's performance and the contract.

**STAFF COMMENT**

Surf Life Saving Western Australia (SLSWA) have requested that Council consider amending the contract details so that the costs that have been placed upon them through changes in workplace relations laws are covered by Council. The cost of this (in the current contracted hours) is \$12,732 in 2011/12 and \$13,312 in 2012/13. This is within the amounts that Council had budgeted for this service.

While there doesn't appear to be any obligation on Council's behalf to amend this contract, it will leave SLSWA to bear the additional cost themselves. The contract does not make any mention of the service being provided on a strict cost recovery basis, but given that SLSWA is a volunteer based not-for-profit agency, it's reasonable to assume that any additional costs, will in some way affect the level of service they are able to provide.

Traditionally, Cottesloe beach has been patrolled from 6am to 6pm, Monday to Friday from 1 October to 30 April. The current agreement, as signed, provides for altered hours (10am to 6pm during off peak times) most likely because of the need to go from 1 lifeguard to 2 lifeguards on patrol at all times. The table below summarises the cost of patrols with several start and finish times.

The report provided by SLSWA is comprehensive and provides useful data for future decisions. Of particular note is the table on page 14 which outlines the “Rescues” undertaken at Cottesloe beach between 2008 and 2011. Interestingly, the table on page 16 shows that only one rescue was undertaken between the hours of 6am and 10am, and no rescues were recorded between 6am and 8am.

The report puts forward some anecdotal evidence as to why so few rescues occur before 10am. These include;

- Swell and sea conditions are often more benign earlier in the morning;
- Beach user numbers are lower earlier in the morning;
- Early morning beach users tend to be more capable and competent; and
- A high proportion of beach users entering the water in the morning are surf club members training or others undertaking fitness activities.

According to Schedule 1 of their report (page 14-16) SLSWA advise of a range of service profiles across the metropolitan area and some regional locations including Yallingup and Geraldton. The overwhelming majority of services commence at 9.00am with finishing times between 4.00pm and 6.00pm. This survey demonstrates that the Town will not be out of step with other Local Governments if it were to provide a beach safety service with a later start time than 6.00am. SLSWA have provided a range of alternate service delivery options and costs including the current arrangement. Based upon the information and data provided by SLSWA, officers are of the view that Council should consider an amendment to its current operating times to a standard time across the entire season of 8.00am – 6.00pm.

## **VOTING**

Simple Majority

## **OFFICER RECOMMENDATION**

Moved Cr Woodhill, seconded Cr Strzina

THAT COUNCIL:

1. Receive the report from Surf Life Saving Western Australia on the 2010 / 2011 beach activities as provided in Attachment 1
2. Authorise the Mayor and Chief Executive Officer to endorse an amendment to the agreement between Surf Life Saving WA and Council that:
  - a) Alters the first and second schedule by removing any reference to 10am and replacing it with 8am.
  - b) Amends the contract price for the 2011/2012 season to \$164,114 and 2012/2013 to \$170,679.

AMENDMENT

Moved Cr Woodhill, seconded Cr Strzina

That point 2a) be amended to include the words “and 6am” after 10am and changing the word “it” to “them”.

Carried 5/0

**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Dawkins

**THAT COUNCIL:**

1. **Receive the report from Surf Life Saving Western Australia on the 2010 / 2011 beach activities as provided in Attachment 1**
2. **Authorise the Mayor and Chief Executive Officer to endorse an amendment to the agreement between Surf Life Saving WA and Council that:**
  - a) **Alters the first and second schedule by removing any reference to 10am and 6am and replacing them with 8am.**
  - b) **Amends the contract price for the 2011/2012 season to \$164,114 and 2012/2013 to \$170,679.**

Carried 7/0

**11.2.4 DELEGATED POWERS**

**File No:** SUB/38  
**Attachments:** [Delegations 2011](#)  
[Summary of Relevant Legislation](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer  
**Proposed Meeting Date:** 19 July 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

In order to expedite decision-making within the Town of Cottesloe, a recommendation is made to delegate a number of powers and duties to the Chief Executive Officer as provided for in the Local Government Act (1995) and other related Acts, Regulations and local laws.

**BACKGROUND**

Delegations allow the CEO to make decisions under the authority of Council without having to constantly refer business of a routine nature to Council.

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by relevant legislation. This is consistent with the Town's commitment to a strong customer service focus. Delegations are to be reviewed in accordance with the local Government Act 1995 once every financial year.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Sections 5.42, 5.43 and 5.44 of the *Local Government Act (1995)* provide as follows:-

**5.42. Delegation of some powers and duties to CEO**

(1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

\* *Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

**5.43. Limits on delegations to CEO's**

A local government cannot delegate to a CEO any of the following powers or duties:-

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor; or
- (i) such other powers or duties as may be prescribed.

**5.44. CEO may delegate powers and duties to other employees**

(1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

(3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —

(a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and

(b) the exercise of that power or the discharge of that duty by the CEO's delegate,

are subject to any conditions imposed by the local government on its delegation to the CEO.

(4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.

(5) In subsections (3) and (4) —

*conditions* includes qualifications, limitations or exceptions.

[Section 5.44 amended by No. 1 of 1998 s. 14(1).]

**FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

Additional delegations are recommended from the list that was approved by Council in 2010 and these have been highlighted in red in the attachment. The relevant sections of the respective Acts have also been included in the attachments by way of explanation. The majority of the additions relate to the operation and function of the new Food Act 2008.

The additional delegations are recommended on the basis of operational efficiency as it is considered more practical for these activities to be delegated, with the responsibility for administration held by the CEO and on-delegated to respective specialist officers such as the Principal Environmental Health Officer or Principal Building Surveyor as required.

**VOTING**

Absolute Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Dawkins**

**THAT Council delegate the powers and duties as per Attachment 10.1.4 to the Chief Executive Officer effective to 30 June, 2012 as submitted to the 19 July 2011 meeting of the Works and Corporate Services Committee.**

**Carried 7/0**

**11.2.5 STATUTORY FINANCIAL REPORTS FOR THE MONTH OF JUNE 2011**

**File No:** SUB/137  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 19 July 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Statement of Financial Activity, the Operating Statements by Program and by Nature and Type, the Statement of Financial Position, and supporting financial information for the period ending 30 June 2011.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Statement of Financial Activity on page 1 of the Financial Statements shows a favourable operating revenue of \$1,628,434. Of this amount, \$766,071 relates to grant funding for the new joint library building, \$261,542 relates to grant funding for the new Civic Centre Roof, and \$255,000 relates to developer contributions for cash in lieu of parking. Operating expenditure is \$420,995 or 4% less than budget, but these reports are pending year end adjustments/accruals which have yet to be processed. The draft annual financial report will be presented to auditors in late August 2011 when they will attend Council to perform the year end annual audit.

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Capital expenditure on Land and buildings is \$134,374 less than budget, with the new Depot Facility Project being placed on hold as possible alternative sites are investigated. The new Joint Library Building is \$716,046 over budget however this is matched with corresponding grant funding as noted above.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Goldthorpe**

**THAT Council receive the Statement of Financial Activity, Operating Statements by Program and by Nature and Type, Statement of Financial Position and other supporting financial information for the period ending 30 June 2011, as per the attached Financial Statements, as submitted to the 19 July 2011 meeting of the Works and Corporate Services Committee.**

**Carried 7/0**

**11.2.6 ACCOUNTS PAID FOR THE MONTH OF JUNE 2011**

**File No:** SUB/137  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 19 July 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the list of accounts paid for the period ending 30 June 2011 to Council, as per the attached Financial Statements.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The list of accounts commencing on page 9 of the Financial Statements has the following significant payments that are brought to the attention of Council:

- \$46,838.07 to WA Local Govt Superannuation Scheme for superannuation contributions.
  - \$35,937.32 to Cobblestone Concrete for footpath installation at various sites including Brighton St, Eric St and Deane St.
  - \$16,158.10 to Synergy for electricity charges at various sites as well as street lighting.
  - \$12,523.95 to the Australian Taxation Office for the monthly BAS.
-

- \$10,597.95 to On Site Industrial Rentals Australia for toilet hire during Sculpture by the Sea event.
- \$106,707.97 to Fire and Emergency Services WA being Councils final instalment of ESL.
- \$34,965.81 to B & N Waste Pty Ltd for a green and bulk waste collection.
- \$20,428.57 to Surf Life Saving WA for the lifeguard contract for April 2011.
- \$14,421.93 & \$33,105.59 to WMRC for transfer station tipping fees.
- \$58,730.31 & \$34,921.14 to Transpacific Cleanaway for waste collection services for April and May 2011.
- \$21,318 to Breac Pty Ltd for the provision of management consultancy for May and June 2011.
- \$11,550.00 to Ralph Beattie Bosworth Construction for town planning consultancy services.
- \$12,491.64 to Ocean IT for IT consultancy and IT security services.
- \$22,357.50 to GBPMAPS Pty Ltd towards a geophysical investigation of Cottesloe foreshore.
- \$25,740.00 to Passive Lighting to supply and install solar street lights.
- \$12,118.70 to FJ Fitzsimmons & Co for asphalt repairs to No 1 Car park.
- \$74,536.33 & \$71,211.04 to Town of Cottesloe staff for fortnightly payroll.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Dawkins**

**THAT Council receive the List of Accounts for the period ending 30 June 2011, as per the attached Financial Statements, as submitted to the 19 July 2011 meeting of the Works and Corporate Services Committee.**

**Carried 7/0**

**11.2.7 SCHEDULE OF INVESTMENTS AND LOANS AS AT 30 JUNE 2011**

**File No:** SUB/150 & SUB/151  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 19 July 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Schedule of Investments and the Schedule of Loans for the period ending 30 June 2011, as per attachments, to Council.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Schedule of Investments on page 18 of the Financial Statements shows that \$1,795,663.69 was invested as at 30 June 2011. Approximately 42% of the funds are invested with the National Australia Bank, 29% with Westpac Bank, 19% with Bankwest and 10% with Commonwealth Bank.

The Schedule of Loans on page 20 shows a balance of \$6,526,652.09 as at 30 June 2011. There is \$421,433.90 included in this balance that relates to self supporting loans.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Dawkins**

**THAT Council receive the Schedule of Investments and the Schedule of Loans for the period ending 30 June 2011, as per the attached Financial Statements, as submitted to the 19 July 2011 meeting of the Works and Corporate Services Committee.**

**Carried 7/0**

**11.2.8 PROPERTY AND SUNDRY DEBTORS REPORT FOR JUNE 2011**

**File No:** SUB/145  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 19 July 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Property and Sundry Debtors Report for the period ending 30 June 2011 to Council.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Sundry Debtors report on pages 21 to 24 of the Financial Statements shows a balance of \$97,249.18, of which \$90,674.85 relates to the current month. The balance of aged debtors stood at \$6,574.33.

Property Debtors are shown in the Rates and Charges Analysis report on page 25 of the Financial Statements and shows a balance of \$240,160.50. Of this amount \$184,318.71 and \$20,303.66 are deferred rates and outstanding ESL respectively. As can be seen on the Statement of Financial Position on page 4 and 5 of the Financial Statements, rates as a current asset are \$49,067 as compared to \$40,258 this time last year.

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**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Dawkins**

**THAT Council receive the Property and Sundry Debtors Report for the period ending 30 June 2011, as per the attached Financial Statements as submitted to the 19 July 2011 meeting of the Works & Corporate Services Committee.**

**Carried 7/0**

**12 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

**14 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 7:58 PM

CONFIRMED MINUTES OF 25 JULY 2011. PAGES 1 – 41 INCLUSIVE.

PRESIDING MEMBER: KEVIN MORGAN  
POSITION: MAYOR

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DATE: ..... / ..... / .....