

# 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, Tuesday, 27 April, 2010

6 May 2010

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

The Mayor announced the meeting opened at 7:05 PM.

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

**Elected Members**

Mayor Kevin Morgan	Presiding Member
Cr Jack Walsh	
Cr Jay Birnbrauer	
Cr Rob Rowell	
Cr Greg Boland	
Cr Dan Cunningham	
Cr Jo Dawkins	
Cr Victor Strzina (7:08 PM)	
Cr Davina Goldthorpe	
Cr Patricia Carmichael	
Cr Ian Woodhill	

**Officers**

Mr Carl Askew	Chief Executive Officer
Mr Graham Patrick	Manager Corporate & Community Services
Mr Geoff Trigg	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Mrs Lydia Giles	Executive Assistant

**Apologies**

Nil

**Officer Apologies**

Nil

**Leave of Absence (previously approved)**

Nil

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

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 PUBLIC STATEMENT TIME**Mr PC Berrell, 34 McNamara Way - Item 11.1.1 No. 115 (Lot 9) Grant Street – A Swimming Pool Workshop Store 4 Car Garage with Two Storey Studio Addition

Mr Berrell briefly stated that the proposed setback for the workshop/store was considered insufficient and as per his previous comments at Committee and Council, requested that Council support the proposed rescission and amended motion for the full 3m setback to all of the building.

Mr W Hart – 26 Mann St - Item 11.1.1 No. 115 (Lot 9) Grant Street –A Swimming Pool Workshop Store 4 Car Garage with Two Storey Studio Addition

Mr Hart supported Mr Berrell's comments and expressed concern that the 600mm set back meant that the workshop/store was closer to the residents of Joinery Way than it was to the owners of the property. He indicated that he was under the impression that the entire development was to be set back by 3 metres and was shocked that Council had allowed the approval with only a 600mm set back for the workshop/store. He indicated that the development had impacted on local wildlife habitat and supported the proposed amendment. Mr Hart felt that the laneway should be considered as a gazetted road rather than a lane.

Mr John Kestel, Architect for Project - Item 11.1.1 No. 115 (Lot 9) Grant Street –A Swimming Pool Workshop Store 4 Car Garage with Two Storey Studio Addition

Mr Kestel as the architect for the project advised that he had addressed the points raised at Committee in order to improve sight lines for the garage and to increase the set back of the garage from the rear boundary. He advised that the concerns now being raised about the proposed workshop/store had not been raised previously and he had made all required amendments in good faith. The owner was keen to retain the Illawarra flame tree and stressed that there were no precinct guidelines to guide the development and that what was proposed was similar to or less than other setbacks in the laneway. He was of the opinion that Council had made the appropriate decision in March 2010 and urged Council to maintain that original decision. He also pointed out that a staggered setback articulated the building to reduce the sense of bulk.

Mr D Bentley – 115 Grant St - Item 11.1.1 No. 115 (Lot 9) Grant Street –A Swimming Pool Workshop Store 4 Car Garage with Two Storey Studio Addition

Mr Bentley spoke on behalf of his wife Michelle Bentley who is the owner of 115 Grant St. He was perplexed that Council had made a unanimous decision only a month previously which addressed the concerns about traffic and sight lines and reaffirmed that his development meets all building and code requirements. He also made reference to several walls on boundaries along

the laneway and to a recent break-in at his property due to the lack of security that this development would provide. He requested that Council uphold its current decision.

## 6 APPLICATIONS FOR LEAVE OF ABSENCE

**Moved Cr Woodhill, seconded Cr Strzina**

**That Cr Woodhill's request for leave of absence from the May 2010 round of meetings be granted.**

**Carried 11/0**

## 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

**Moved Cr Strzina, seconded Cr Dawkins**

[Minutes March 22 2010 Council.DOC](#)

**The Minutes of the Ordinary meeting of Council held on Monday, 22 March, 2010 be confirmed.**

**Carried 11/0**

## 8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Mayor announced that the ANZAC ceremony held at the Civic Centre on Sunday, 25 April was well attended and received. He also took the opportunity to advise those present of the upcoming Frederick Bell VC Memorial Lecture being organised by the Cottesloe Sub - Branch of the RSL on Saturday 26 June 2010 at 6:00 PM in the War Memorial Town Hall. Lieutenant Colonel Frank Bell VC was the first Western Australia to be awarded the Victoria Cross and he lived in Cottesloe. Mrs Ruth Marchant - James will be presenting the Frederick Bell inaugural lecture.

### 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 Walsh****That Council suspend the operation of Standing Order 12.1 which requires members of Council to rise when invited by the Mayor to speak.****Carried 11/0****9 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

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

- 12.1.1 Rescission Motion: No. 115 (Lot 9) Grant Street –A Swimming Pool Workshop Store 4 Car Garage With Two Storey Studio Addition
- 11.1.3 Request for Curtin Avenue Footpath to Serve Beehive Montessori School
- 11.1.12 Name For Cottesloe, Mosman Park and Peppermint Grove Library

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

- 11.1.1 Accounting Policy update
- 11.1.2 Hullabaloo in the Village Festival 2010
- 11.1.4 Sundry Debtors Policy update
- 11.1.5 Verge Green and Bulk Waste Service - Extension of Contract
- 11.1.6 New Records Management Policy
- 11.1.7 Preservation of Heritage Photographs
- 11.1.8 Statutory Financial Statements for the Month Ending 31 March 2010
- 11.1.9 Schedule of Investments and Loans for March 2010
- 11.1.10 Accounts Paid for the Month of March 2010
- 11.1.11 Property & Sundry Debtors Report for March 2010

**10 REPORTS OF OFFICERS****11 REPORTS OF COMMITTEES****11.1 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 20 APRIL 2010****11.1.1 ACCOUNTING POLICY UPDATE**

**File No:** POL/25  
**Attachments:** [Proposed Policy - Accounting.DOC](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Patrick  
Manager Corporate Services

**Proposed Meeting Date:** 20 April 2010  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The Town of Cottesloe policy for Accounting has been reviewed by Council staff. This report recommends that Council adopt the minor changes made to the policy.

**BACKGROUND**

The Accounting policy was first adopted in November 1997 following an initiative to bring local government into line with other organisations and introduce accrual accounting.

New Accounting standards AAS27 & 28 were introduced to regulate the transition at that time.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

This report relates to the Accounting policy and recommends minor changes.

**STATUTORY ENVIRONMENT**

- Local Government Act 1995
- Local Government (Financial Management) Regulations 1996
- All applicable Australian Accounting Standards

**FINANCIAL IMPLICATIONS**

No financial resource impact.

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**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The objective has been changed to reflect the changed environment the Town of Cottesloe now operates in. There have been changes to the Australian Accounting Standards and the way in which local government authorities are now required to report. The new objective recognises these to keep the policy current.

The current disclosure requirements of the Town of Cottesloe are to comply with the Local Government (Financial Management) Regulations 1996. These require Council to comply with the requirements of Australian Accounting Standards (FM Reg 5A).

**VOTING**

Absolute Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Dawkins**

**That Council note the policy has been reviewed and adopt the Accounting Policy as per the attachment 10.1.1 as submitted to the 20 April 2010 meeting of the Work and Corporate Services Committee.**

**Carried 11/0**

**11.1.2 HULLABALOO IN THE VILLAGE FESTIVAL 2010**

**File No:** SUB/1051  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer  
**Proposed Meeting Date:** 20 April 2010  
**Author Disclosure of Interest** Nil

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**SUMMARY**

Procott intend to hold the second Hullabaloo in the Village on Saturday 27<sup>th</sup> November 2010.

This report recommends that the Council support the event.

**BACKGROUND**

Procott held this festival event in the Town Centre with great success in 2009. The aim of the festival is to attract people to Cottesloe for not only the beach but all the other things Cottesloe has to offer.

The Festival sub committee have approached Staff in regards to holding the event once again in 2010. They are requesting the same support for the event, extended liquor licenses and trading areas, road closures and Ranger support on the day.

The Procott Event, *Hullabaloo in the Village*, has a range of activities involving all the local shops, cafes and restaurants along Jarrad Street, Napoleon Street and Station Street.

**STRATEGIC IMPLICATIONS**

The Hullabaloo Festival is in line with Council's Future Plan;

**Objective 1: Lifestyle**

*To protect and enhance the lifestyle of residents*

- Identify increased opportunities to use existing facilities or provide new venues for formal community cultural events and activities.

**POLICY IMPLICATIONS**

None Known

**STATUTORY ENVIRONMENT**

None known

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**FINANCIAL IMPLICATIONS**

The draft 2010/2011 budget has an allocation of \$9000.00 which is proposed for the Hullabaloo Festival. This amount is similar to the 2009 allocation.

**SUSTAINABILITY IMPLICATIONS**

Similar to the conditions advised by Council in 2009, by supporting the event the Council is able to include a Sustainability aspect to the festival. The Sustainability Officer has recommended to Procott the following ideas for the day:

**1. Displays**

- A range of brochures e.g. Cott Cat and Grow Local Plants Guide
- Water fountain(s) available for refill of water in order to reduce the number of plastic bottles being used
- Displaying the children's art for the 2011 Sustainability Calendar
- 'Sustainable Lifestyle Challenge' project (incorporating Great Gardens competition)
- Businesses involved in Town of Cottesloe energy reduction programme
- Native Plant Demonstration Gardens in Cottesloe - photo's, brochures
- Living Smart courses – publicising past and future courses with photos etc
- Mobile muster, E-Waste, Hazardous waste disposal information
- WMRC DiCom project - photos and explanatory material about the facility and processes
- School projects - what the local primary schools are doing in terms of sustainability - photos, activities
- Plastic Bag Free IGA - promotion of Eric St IGA and their initiatives to reduce plastic bags
- Cottesloe Coastcare displays and photos - projects they have current and past involvement in
- Earth Carers displays
- Presentations by Captain Cleanup on reducing, reusing and recycling.

**2. Promotions and Giveaways**

- 'Think Water' educational packages and shower timers
- Bokashi Buckets - displayed and advertising that they are sold at council - could win one through a competition of some sort?
- Anti Littering project - promotional material/giveaways and displays about 'Keeping Cott Beautiful'
- Travelsmart bottles, bags and maps

**3. Education and Giveaways**

- Volunteer Earthcarers involved in compost and worm farm demonstrations, display boards promoting their projects.
- Local businesses will be encouraged to replace their plastic bags with paper and/or biodegradable bags and use paper cups
- Special bin lids with waste and recycling information.

**CONSULTATION**

Procott have consulted with Lloyd Events, the same company that run last year's event and staff at the Town of Cottesloe on any requirements they have to meet, in addition to those that were set out for last year's event.

**STAFF COMMENT**

Staff have been in consultation with Procott in regards to the holding of the Hullabaloo in the Village Festival. Procott are currently applying for various grants in order to make this year's event as big and as successful as it was in 2009.

Hullabaloo in the Village requires support from Council for extended liquor licenses for Vans, Phillips, Cimbolino, Lamonts and the Albion Hotel. These extended liquor licences will be applied to and approved by the Department of Liquor and Gaming but having the support of Council is recommended.

Road closures are required for Napoleon Street, Station Street and part of Jarrad Street for the event. The car parking areas needing to be closed are all bays along Napoleon Street and the short section of Jarrad Street, the bays along Station Street, the two smaller car parks operated by Council and the Albion Hotel car park. All other parking areas will remain open to visitors although visitors are encouraged to use public transport.

Procott are also requesting the extension of shop fronts to display items/goods. There will be businesses that want to display products out on the street and for will require Council permission to do so, as was the case in 2009.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

Moved Cr Rowell, seconded Cr Strzina

That Council support the application from Procott to hold the Hullabaloo in the Village Festival in 2010 on Saturday 27 November 2010.

**AMENDMENT**

Moved Cr Cunningham, seconded Cr Woodhill

That the Officer Recommendation becomes part (a) and that a new part (b) be added to state "*Work in cooperation with Procott at an administrative level to assist with the success of the event*".

Carried 7/0

**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Dawkins

That Council

- a) **Support the application from Procott to hold the Hullabaloo in the Village Festival in 2010 on Saturday 27 November 2010.**
- b) **Work cooperatively with Procott at an administrative level to assist with the success of the event.**

**THE SUBSTANTIVE MOTION WAS PUT**

**Carried 11/0**

**11.1.3 REQUEST FOR CURTIN AVENUE FOOTPATH TO SERVE BEEHIVE MONTESSORI SCHOOL**

**File No:** SUB/440  
**Attachments:** [BeehiveMap.jpg](#)  
[BeehiveLtrSheehan.jpg](#)  
[BeehiveLtrMosPk.jpg](#)  
**Responsible Officer:** Carl Askew  
**Chief Executive Officer**  
**Author:** Geoff Trigg  
**Manager Engineering Services**  
**Proposed Meeting Date:** 20 April 2010  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The Beehive Montessori School, on the east side of Curtin Avenue, has requested a constructed footpath on the east edge of Curtin Avenue to give a safer and more visible access for students walking from the Victoria Street railway station to the school.

The recommendation is that Council resolve to:-

- Inform the Beehive Montessori School that it is prepared to consider, in its 2010/2011 budget, the funding of 50% of the cost of a concrete path on the east side of Curtin Avenue, from the Victoria Street level crossing to its southern boundary.
- Contact the Town of Mosman Park with the proposal to fund, with a 50/50 cost sharing arrangement, the construction of this path to meet the Beehive Montessori Schools requirements, in the 2010/2011 financial years budget.

**BACKGROUND**

On the east side of Curtin Avenue south of the Victoria Street level crossing, there is a short length of slab footpath to a sealed parking and turnaround area. A rough un-surfaced path then runs south through land not under Council's control, until it ends at Curtin Avenue to the north of McCall Centre.

Students, parents and staff walking on the 'beaten track' away from view from Curtin Avenue have had security concerns from homeless people living in the bush beside the path.

The Town of Mosman Park has provided a support letter to have the path realigned to the edge of Curtin Avenue. The school actually exists within the Town of Mosman Park, as does the Victoria Street railway station.

**STRATEGIC IMPLICATIONS**

Nil

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**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

There are no mandatory requirements that Council build or realign any path to serve the school. The current 'beaten path' runs through land not under Councils control. The only land available, within Councils control is immediately behind the eastern kerb line of Curtin Avenue.

**FINANCIAL IMPLICATIONS**

The total distance involved, for the 2 required path sections, is 245m. Current costs for 1.5m wide concrete paths for this distance totals \$19600. This path is not included on any Council forward plan for construction. The 245m length would not go beyond the Cottesloe/Mosman Park boundary.

**SUSTAINABILITY IMPLICATIONS**

Nil

**Water Usage/Quality**

Nil

**Coastal Environments**

Nil

**Waste Management and Recycling**

Nil

**Energy Efficiency**

Nil

**Purchasing**

Nil

**Flora and Fauna Conservation and Biodiversity**

Nil

**CONSULTATION**

Nil. Only the school is involved in the use of this path and there are no private properties fronting this side of Curtin Avenue.

**STAFF COMMENT**

Council has the Curtin Avenue road reserve vested under its control. All land to the east of the road reserve is outside Councils control and not available for any path. The existing path is a 'beaten track' which was not cleared by Town of Cottesloe and receives no maintenance.

The Beehive Montessori School is not within the Town of Cottesloe and minimal to no Cottesloe students or parents would use the train to Victoria Street station and use this path. There is no allocation for a new path in this current budget or in the future plans.

For user safety and liability issues, all paths built for normal pedestrian use should be properly constructed to the 'normal standard i.e. concrete 1.5m wide.'

An alternative path exists, but would require people to cross Curtin Avenue near Victoria Street level crossing, than use the residential path system to the dual use path on the west side of Marine Parade then to the parking area and controlled cross walk in front of the school.

Because the school is in Mosman Park, little use would be made of this path by Cottesloe residents and the Town of Mosman Park has supported, in writing, a new path, the possibility of a shared construction cost appears equitable, for 2010/2011.

### **VOTING**

Simple Majority

### **OFFICER RECOMMENDATION**

Moved Mayor Morgan, seconded Cr Rowell

That Council:

1. Inform the Beehive Montessori School that it is prepared to consider, in its 2010/2011 budget, the funding of 50% of the cost of a concrete path on the east side of Curtin Avenue, from the Victoria Street level crossing to its southern boundary.
2. Contact the Town of Mosman Park with the proposal to fund, with a 50/50 cost sharing arrangement, the construction of this path to meet the Beehive Montessori Schools requirements, in the 2010/2011 financial years budget.

### **AMENDMENT**

Moved Mayor Morgan, seconded Cr Rowell

That point 1. of the Officer's recommendation be deleted and replaced with "*Contact Beehive Montessori School to ascertain the likely number of students/staff that use the footpath and to verify the school's tenure on the current site,*"

Replace the dates "2010/2011" with "2011/2012" in point 2. of the Officer Recommendation; and

Add a new point 3. to the recommendation to state: "*Contact the PTA to seek assistance with removing of native remnant vegetation in order to improve safety and request funding for the construction of the footpath*".

Carried 7/0

### **COMMITTEE RECOMMENDATION**

That Council:

1. Contact Beehive Montessori School to ascertain the likely number of students/staff that use the footpath and to verify the school's tenure on the current site;



2. Contact the Town of Mosman Park with the proposal to fund, with a 50/50 cost sharing arrangement, the construction of this path to meet the Beehive Montessori Schools requirements, in the 2011/2012 financial years budget.
3. Contact the PTA to seek assistance with removing of native remnant vegetation in order to improve safety and request funding for the construction of the footpath

Carried 7/0

### **AMENDMENT**

#### **Moved Cr Boland, seconded Cr Strzina**

That recommendation 3 be replaced with the following:

3. Contact the PTA to:

- (a) seek assistance with construction and funding of the footpath; and
- (b) advise that construction of the footpath should not unnecessarily destroy native remnant vegetation in the area.

Carried 9/2

### **COUNCIL RESOLUTION**

**That Council:**

1. **Contact Beehive Montessori School to ascertain the likely number of students/staff that use the footpath and to verify the school's tenure on the current site;**
2. **Contact the Town of Mosman Park with the proposal to fund, with a 50/50 cost sharing arrangement, the construction of this path to meet the Beehive Montessori Schools requirements, in the 2011/2012 financial years budget.**
3. **Contact the PTA to:**
  - (a) **seek assistance with construction and funding of the footpath; and**
  - (b) **advise that construction of the footpath should not unnecessarily destroy native remnant vegetation in the area.**

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 11/0**

**11.1.4 SUNDRY DEBTORS POLICY UPDATE**

**File No:** POL/10  
**Attachments:** [Sundry Debtors doc](#)  
**Responsible Officer:** Carl Askew  
**Author:** Chief Executive Officer  
Graham Patrick  
Manager Corporate Services

**Proposed Meeting Date:** 20 April 2010  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The Town of Cottesloe policy for Sundry Debtors has been reviewed by Council staff. This report recommends that Council adopt the unchanged policy.

**BACKGROUND**

All Council policies are to be reviewed every 5 years. The purpose of this review is to ensure the policy is current.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

This report relates to the Sundry Debtors policy and recommends no changes.

**STATUTORY ENVIRONMENT**

Nil

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Property and Sundry Debtors report is presented to each Council meeting. The Sundry Debtors section lists all minor debtors that have outstanding balance. It is important to maintain this practice as these debts are not recoverable like outstanding rates debts where the Council has a charge over the property.

It is important for officers and Councillors to be aware if this balance starts to increase or if there are large amounts in the 90 days and over section.

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**VOTING**

Absolute Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Dawkins**

**That Council note the policy has been reviewed and maintain the Sundry Debtors Policy as per the Investments Policy attachment 10.1.4.**

**Carried 11/0**

**11.1.5 VERGE GREEN AND BULK WASTE SERVICE - EXTENSION OF CONTRACT**

**File No:** SUB/710  
**Responsible Officer:** Ruth Levett  
Principal Environmental Health Officer  
**Author:** Ruth Levett  
Principal Environmental Health Officer

**Proposed Meeting Date:** 20 April 2010  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of the report is to recommend that the existing contract for the Verge Green and Bulk Waste Collection Service be extended for a period of two (2) years, commencing on 1 May, 2010.

**BACKGROUND**

The tender for the provision of the Verge Green and Bulk Waste Service was awarded to B & N Waste in March, 2008 and commenced on 1 May, 2008. The contract contains a clause which permits the extension of the contract for a further two years:

**“2.3 CONTRACT PERIOD**

*The Contract will be in force for the following periods to allow synchronisation upon expiry of existing contractual arrangements:*

- *Two (2) years commencing on 1 May 2008.*

*The initial Contract will expire automatically at midnight on 30 April 2010 unless it is terminated in accordance with these conditions, or otherwise lawfully terminated, or otherwise extended under this clause.*

*The Contract will have the option of being extended for a further two (2) years on the same terms and conditions as the initial Contract exercisable at the Principal's discretion. The Principal will approach the Contractor not less than three (3) months prior to the end of the Contract Period if it wishes to exercise this option. Any extension of the Contract will be by mutual agreement of both the Principal and the Contractor.”*

In a meeting with the Director of B & N Waste, Mr Bob Hobbs, in December, 2009, it was confirmed that the contractor is willing to extend the existing contract for the two year period commencing on 1 May, 2010 subject to approval of a 7.5% increase to the current collection and other costs.

**STRATEGIC IMPLICATIONS**

Nil.

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**POLICY IMPLICATIONS**

Nil.

**STATUTORY ENVIRONMENT**

Relevant sections of the Local Government Act 1995 and the local Government (Functions and General) Regulations 1996 relating to tenders have been met at the time of tendering in 2007.

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation for the current financial year. It is recommended that an additional provision be made in the proposed 2010/2011 and the 2011/2012 budgets to cover the anticipated increase in costs in accordance with the following summary:

Summary of Tender Cost Over 2 Year Contract Period

<b>Name of Contractor</b>	<b>Cost 2 Years</b>	<b>GST</b>	<b>Additional Costs</b>	<b>Total Cost 2 Years</b>
B & N Waste Pty Ltd	\$187,824	\$ 18,782	Call back \$ 142.00 p/h Leaflet dist. \$4,251	\$210,857  + call backs @ \$142 p/h

**SUSTAINABILITY IMPLICATIONS****Waste Management and Recycling**

- Commitment on resource efficiency (reducing, reusing, recovering, recycling);

The verge collection service separates green waste, general household bulk waste, eWaste, plastics and metals, of which everything is reused or recycled with the exception of the general household bulk waste.

**CONSULTATION**

Nil.

**STAFF COMMENT**

The verge green and bulk waste service has been operating satisfactorily for a number of years using the same contractor. The number of calls received from residents is minimal and there are very few complaints. Any complaints received have been due to high volumes of waste when the green waste and bulk waste collections are combined, resulting in late pick up on odd occasions. There has been one truck break down where repairs took longer than anticipated due to the delay in parts arriving from interstate.

Several letters and phone calls have been received from residents expressing their appreciation of the job that the men on the trucks do. They often have to clean up after the scavengers have been through and picked over the bulk waste leaving

behind a mess on the verge. If waste is not separated in to piles by residents the men will separate out as much material as possible for reuse and recycling.

Although it is a manual load system utilising side loader vehicles, there have been no incidents or accidents. This system can be a little slower than a mechanical load system. However, there is no follow up time required to assess damage to verges or for repairs and replacement of reticulation systems.

By comparison with a mechanical load system, the manual load system is less costly, it enables more separation and the impact on verges is minimal.

The adjustment of the collection schedule was made at the commencement of 2009 and this has also met with greater approval from the residents. The schedule is prepared by coordinating the schedules of other Western Metropolitan Regional Councils to ensure that the transfer station is not overloaded, and with the contractor's schedule with the Town of Claremont. Whilst a more even spread would have been preferred, we have avoided the school holiday periods which have been a constant source of complaint.

The proposed 7.5% increase in costs is reasonable given the relatively low cost of the service overall.

Based on these considerations, it is recommended that Council supports the extension of the existing Verge Green and Bulk Waste Collection Service for a period of two (2) years, commencing on 1 May, 2010 and the increase in cost be budgeted accordingly.

#### **VOTING**

Simple Majority

#### **COMMITTEE COMMENT**

Committee discussed the report and recommendation including frequency of collections and specifically the timing of the green waste collections. Officers to administratively follow up and investigate these matters.

#### **OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Dawkins**

**That Council support the extension of the existing Verge Green and Bulk Waste Collection Service for a period of two (2) years, commencing on 1 May, 2010 with a 7.5% increase in cost to be budgeted accordingly.**

**Carried 11/0**

**11.1.6 NEW RECORDS MANAGEMENT POLICY**

**File No:** POL/72  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Asha Boudville  
Records Manager  
**Proposed Meeting Date:** 20 April 2010  
**Author Disclosure of Interest** Nil

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**SUMMARY**

A recommendation is made to adopt a new records management policy.

**STRATEGIC IMPLICATIONS****Objective 7: Organisation Development**

*To effectively manage Council's resources and work processes.*

- Deliver high quality professional governance and administration

**POLICY IMPLICATIONS**

This is a new policy.

**STATUTORY ENVIRONMENT**

The *State Records Act 2000* ("Act") has specific provisions relating to the responsibility to create, manage and dispose of records in accordance with principles and standards issued by the State Records Commission.

In accordance with Section 19 of the *State Record Act 2000* ("Act"), the Town of Cottesloe have a Record Keeping Plan that has been approved by the State Records Commission.

**FINANCIAL IMPLICATIONS**

Nil.

**SUSTAINABILITY IMPLICATIONS**

None known

**CONSULTATION**

The Town of Cottesloe has employed a contracted Project Manager to develop the Town's new Record Keeping Plan. This policy is a result of that consultation.

**STAFF COMMENT**

Due to legislative requirements the Town of Cottesloe is required to submit a revised Recordkeeping Plan to the States Records Office every five (5) years. This plan will outline our current recordkeeping policies and procedures. Updating our Records Management Policy is included in this requirement.

Records are an important information resource to the Town and we are obliged to maintain a records management system that completely, accurately and reliably creates and maintains evidential records of business activities carried out by the Town of Cottesloe. Records may only be destroyed through an approved scheme with guidelines set by the State Records Commission.

This policy applies to all staff within the Town of Cottesloe including Councillors, part-time employees and contractors.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Dawkins**

**That Council adopt the New Records Management Policy and include it in the Policy Manual.**

**Carried 11/0**



**11.1.7 PRESERVATION OF HERITAGE PHOTOGRAPHS**

**File No:** SUB/1032  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Krystal Shenton  
Community Development Officer

**Proposed Meeting Date:** 20 April 2010  
**Author Disclosure of Interest** Nil

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**SUMMARY**

Council has previously recognised the need to catalogue and preserve the Town of Cottesloe's photographic collection. A significance assessment must first be completed before the Town can move toward preservation. This report recommends that Council use existing resources in order to complete stage 1, i.e. collate, catalogue and undertake a significance assessment of the Town's photographic collection.

**BACKGROUND**

The Town of Cottesloe has numerous photographs, of which some are over one hundred years old. Several of those photographs were framed for the Town's centenary celebration in 2007, but still require ongoing preservation. Others are in storage and need to be catalogued and preserved. Officers recently requested the historian/curator employed by the Cottesloe, Mosman Park, Peppermint Grove Library to provide an initial assessment of the photographs. In addition a Heritage Consultant was also consulted in relation to a significance assessment of the photographs.

**STRATEGIC IMPLICATIONS**

None known

**POLICY IMPLICATIONS**

None known

**STATUTORY ENVIRONMENT**

Local Government Act 1995, Section 6.8;

*Expenditure from municipal fund not included in annual budget*

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

\* Absolute majority required.

**FINANCIAL IMPLICATIONS**

There is an opportunity to re-allocate \$3,000 in order to undertake stage 1 of this project; the collation, cataloguing and significance assessment of the photographs, during the 2009/2010 financial year. As per section 6.8 of the local Government Act 1995, Council support is required to allocate funds from existing accounts to this purpose.

**SUSTAINABILITY IMPLICATIONS**

By restoring these photographs, the Town is protecting its cultural and historical identity.

**CONSULTATION**

Currently, Officers are liaising with the Cottesloe, Mosman Park, Peppermint Grove Library historian and a recommended significance assessment consultant.

**STAFF COMMENT**

Advice has been received that the following processes would need to take place to achieve the goal of preservation and presentation of the Town's photographs;

1. A stock-take of all the Town's photographs. Each needs to be numbered and catalogued. This process will be timely as there are a lot of photos and will involve some community volunteers, supervised by a Heritage Consultant.
2. An identification process to ascertain exactly what value the photos have. This includes researching other libraries and museums such as the Batty Library or the Alexander Library to see if they also hold the same or similar photos. A significance assessment will be carried out to discover this, as well as which photos have Local, State or National Significance.
3. Once the significance of all photographs has been identified, a preservation consultant will make a preservation assessment. This includes recommendations on what needs to be done to each photo in order to preserve the photograph. Each photo is made or attached to a different material and are of varying ages, hence the preservation requirements will vary.
4. Conservation. Once photos are identified as significant, whether Local, State or National, there will be opportunities to seek external funding to complete the process and including displays in the Civic Centre. In addition, we will also undertake a digitalisation of our photos so that they are available on the website.

The Significance Assessment process has been developed by the Collections Council of Australia and the assessment report is prepared using these guidelines and the assessment criteria of the Burra Charter.

Collation of the photos and the significance assessment will include the following actions;

- Guidance of the community volunteers in the first stage of categorising, archiving and cataloguing the collection.

- The assessment of the collection for significance to determine items of local, state and national significance. Those of National Significance become part of the National Distributed Collection and funding is available for these items for preservation, conservation and interpretation; those of State significance are eligible for Lottery west funding.
- The initial assessment of those items that require immediate attention for preservation or conservation work;
- The compilation of a list of recommendations for both the short and long term care of the Town of Cottesloe Community History Collection based on National Standards of Australian Museums and Galleries (released September 2008);
- The compilation of a report that will document the above to be useful to any staff under the Town's jurisdiction that care for historic photographs or archives that are not immediately under the auspices of the State Records Office.

**VOTING**

Absolute Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Dawkins**

**That Council, pursuant Section 6.8 of the Local Government Act 1995;**

**1. Authorises the following expenditure;**

**Collation, Cataloguing and Significance Assessment of the Town's photographic collection at an estimated cost of \$3,000;**

**2. Amends the 2009-10 Adopted Annual Budget, (to accommodate the above authorised expenditure) as follows;**

- **Increase Administration – other Governance – Contractors and Consultants by \$3,000 and;**
- **Decrease other Culture – Contractors by \$3,000.**

**Carried 11/0**

**11.1.8 STATUTORY FINANCIAL STATEMENTS FOR THE MONTH ENDING 31 MARCH 2010**

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

**Proposed Meeting Date:** 20 April 2010  
**Author Disclosure of Interest** Nil

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**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 2010, to Council.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Operating Statement on page 2 of the Financial Statements shows a favourable variance between the actual and budgeted YTD operating surplus of \$719,932 as at 31 March 2010. Operating Revenue is above budget by \$322,577 (4%). Operating Expenditure is \$405,027 (6%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 31 March 2010 is shown on page 7.

The Capital Works Program is listed on pages 24 - 29 and shows total expenditure of \$4,493,257 compared to YTD budget of \$6,693,025. The reason for the significant difference is a timing delay with the library and delayed general capital expenditure due to cashflow restrictions at the start of the year.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Dawkins**

**That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 March, 2010, as per the attached Financial Statements, submitted to the 20 April 2010 meeting of the Works and Corporate Services Committee.**

**Carried 11/0**

**11.1.9 SCHEDULE OF INVESTMENTS AND LOANS FOR MARCH 2010**

**File No:** SUB/150 & SUB/151  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services  
**Proposed Meeting Date:** 20 April 2010  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 31 March 2010, as per attachment, 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**

No financial resource impact.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Schedule of Investments on page 19 of the Financial Statements shows that \$4,410,516.81 was invested as at 31 March, 2010.

Reserve Funds make up \$915,831.86 of the total invested and are restricted funds. Approximately 17% of the funds are invested with the National Australia Bank, 37% with Westpac, 20% with Commonwealth and 36% with BankWest.

The Schedule of Loans on page 20 shows a balance of \$6,922,539.15 as at 31 March, 2010. There is \$478,142.12 included in this balance that relates to self supporting loans.

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**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Dawkins**

**That Council receive the Schedule of Investments and Schedule of Loans for the period ending 31 March, 2010, as per the attached Financial Statements, as submitted to the 20 April 2010 meeting of the Works and Corporate Services Committee**

**Carried 11/0**

**11.1.10 ACCOUNTS PAID FOR THE MONTH OF MARCH 2010**

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

**Proposed Meeting Date:** 20 April 2010  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the List of Accounts for the period ending 31 March 2010 to Council, as per attachment Financial Statements

**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 following significant payments are brought to your attention that are included in the list of accounts commencing on page 9 of the Financial Statements:

- \$14,387.80 to BCITF for levies from January 2010
  - \$15,407.03 to WA Local Govt Super Fund for staff deductions
  - \$10,730.50 to Blackwell & Associates for town centre planning consultancy
  - \$15,532.78 to WA Local Govt Super Fund for staff deductions
  - \$36,715.53 to Global Synthetics for drainage sump repairs at Marine Parade & Forrest Street
  - \$272,886.55 to FESA for ESL levies for 3<sup>rd</sup> quarter
  - \$18,991.29 to Surf Life Saving WA for guard services in February 2010
  - \$18,727.69 to WMRC for disposal and tipping fees
  - \$224,801.73 to WATC for loan repayment
-



- \$18,991.29 to Surf Life Saving WA for guard services in March 2010
- \$46,278.76 to Transpacific Cleanaway for domestic & commercial waste disposal in February 2010
- \$610,832.47 to the Shire of Peppermint Grove for contributions towards new library construction
- \$22,047.49 to ADH Motorised Golf Cars & Utilities for new depot vehicle
- \$12,000.00 to Sculpture by the Sea for new acquisition
- \$108,496.30 to Shire of Peppermint Grove for quarterly library management contributions
- \$67,816.52 and \$67,807.13 for staff 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 31 March 2010, as per the attached Financial Statements, as submitted to the 20 April 2010 meeting of the Works and Corporate Services Committee.**

**Carried 11/0**

**11.1.11 PROPERTY & SUNDRY DEBTORS REPORT FOR MARCH 2010**

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

**Proposed Meeting Date:** 20 April 2010  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 31 March 2010 to Council.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Sundry Debtors Report commences on page 21 of the Financial Statements and shows a balance of \$71,450.77 of which \$55,748.57 relates to the current month. The balance of aged debtors over 30 days stood at \$15,702.20

Property Debtors are shown in the Rates and Charges analysis on page 23 of the Financial Statements and show a balance of \$415,884.36. Of this amount \$220,711.77 and \$63,126.19 are deferred rates and outstanding ESL respectively. As can be seen on the Balance Sheet on page 4 of the Financial Statements, rates as a current asset are \$192,866 in 2010 compared to \$163,476 last year.

**VOTING**

Simple Majority

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**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Dawkins**

**That Council receive the Property and Sundry Debtors Report for the period ending 31 March 2010, as per the attached Financial Statements, as submitted to the 20 April 2010 meeting of the Works and Corporate Services Committee.**

**Carried 11/0**

**11.1.12 NAME FOR COTTESLOE, MOSMAN PARK AND PEPPERMINT GROVE LIBRARY**

**File No:** SUB/547  
**Attachments:** Confidential: Library Naming Working Group Report and recommendation  
**Responsible Officer:** Carl Askew  
**Author:** Chief Executive Officer  
Carl Askew  
Chief Executive Officer  
**Proposed Meeting Date:** 20 April 2010  
**Author Disclosure of Interest** Nil

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**SUMMARY**

In February 2010 Council resolved as follows;

*THAT Council*

- 1. Note the suggested names for the new Library/Community Centre.*
- 2. Request that the recommended name from the Library Name Working Group be returned to Council before going to the Library Project Control Group*
- 3. Receive and note the Terms of Reference for the Library Name Working Group.*
- 4. Nominate Cr Walsh to be the Town of Cottesloe's member of the Library Name Working Group.*

The Library Naming Working Party has met a number of occasions and their *confidential* report and recommendation to the Library Project Control Group is attached.

This report addresses part two of Council's February 2010 resolution and recommends that Council endorse the recommended name and *by-line* as proposed by the Library Naming Working Party.

**BACKGROUND**

At its December 2009 meeting, Council resolved to;

- 1. Invite Cottesloe residents to lodge with the Council by 31st January 2010 any suggestions on a new name for the library, or any comments on the mooted new name of "the VCL" (i.e. "The Very Clever Library on the Green").*
  - 2. Consider any suggested names at its February 2010 meeting, for submissions via the Mayor into deliberations of the Library Project Control Group in making any recommendation to all Councils on a new name for the library.*
  - 3. Immediately notify the Shire of Peppermint Grove and the Town of Mosman Park of this resolution and suggest that each of those Councils*
-

*conduct a similar consultation exercise with their own residents by February 2010.*

It is to be noted that Council has already resolved delegate to the Library Project Control Group (PCG) the responsibility for determining the name of the new Cottesloe, Peppermint Grove, Mosman Park Library at its November 2009 meeting.

### **STRATEGIC IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

None Known.

### **FINANCIAL IMPLICATIONS**

The Project Control Group (PCG) meets monthly and is receiving regular reports from the Project Manager, Architect and Quantity Surveyor in relation to the management of the project including financial management. The project remains on time and on budget as at March 2010.

### **SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

Project Control Group  
Cottesloe community

### **STAFF COMMENT**

In accordance with part one (1) of Council's December 2009 resolution an information page was developed on Council's website which explained the current situation and provided a copy of the December 2009 Council report. The page listed those names that had already been suggested by community members who had written to the Town as well as the *Oakridge Communications* recommended name to the Project Control Group - *The VCL*. The web page allowed residents to either "support" an existing name or "make a suggestion" for an alternative name. As alternative names were suggested they were added to the listing on the page, so that those who logged in would be both aware of all suggestions and/or able to indicate their support for a particular preference. As names were nominated, the Town was able to monitor the support level for each. In addition, and if people did not want to use the web page, there was opportunity to write to or e-mail the Town separately. In order to promote both the page and Council's resolution, an advertisement was placed in the POST newspaper (16 January edition) inviting comment/suggestions. All "nominations/comments" received throughout the advertising period were subsequently passed to the Library Naming Working Party for consideration.

The naming of the Library is a significant and important responsibility. The Project Control Group has already received professional advice from Oakridge Communications in this regard. In addition a Library Naming Working Party (LNWP) has also been established to further consider this matter, including undertaking additional community consultation. The Library Naming Working Party report provides analysis of the suggested names as well as a recommended preferred option. The final decision is the responsibility of the Project Control Group and on that basis the information in the attached LNWP report should be considered as confidential until final approval is given.

In terms of options, Council can choose to either support or not support the name proposed by the LNWP. If the decision is made to support the proposed name then the Mayor, as Council's representative on the Project Control Group (PCG), can provide that advice at their next meeting. However if the decision is made not to support the proposed name, then the PCG will need to consider how it proceeds, with potential options being to;

- refer the matter back to the LNWP for further consideration;
- make a decision based upon the information provided to date; or
- not make a decision at this time and maintain the *status quo* with regard to the Library name.

On the basis of the processes and consultation undertaken to date, this report recommends that Council endorse the proposed name and by-line as recommended by the Library Naming Working Party.

## **VOTING**

Simple Majority

## **OFFICER RECOMMENDATION**

Moved Cr Woodhill, seconded Cr Goldthorpe

That Council note the report from the Library Naming Working Group and support the recommended name, as proposed by the Library Naming Working Group

## **COMMITTEE COMMENT.**

The CEO advised the Committee that the report from the Naming Working Group (LNWG) had been provided to Council confidentially and in advance of a determination by the Project Control Group (PCG). The name should therefore be considered "embargoed" until endorsed and released by the Project Control Group.

Moved Cr Cunningham, seconded Cr Strzina

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

**Carried 6/1**

## **AMENDMENT**

Moved Cr Strzina, seconded Cr Woodhill

That the words “*and instructs its Delegate on the Project Control Group to vote accordingly*” be added to the end off the Officer’s Recommendation;

Carried 7/0

#### **AMENDMENT**

Moved Cr Rowell, seconded Cr Strzina

That the words “*but, in the event that the Project Control Group cannot achieve a unanimous vote, the Cottesloe delegate is instructed to propose an alternate name which involves the deletion of the last three words of the recommended name and inserting the word “Library”*” to the end of the amended Officer Recommendation.

Carried 6/1

Against the Motion; Mayor Morgan

#### **COMMITTEE RECOMMENDATION**

That Council note the report from the Library Naming Working Group and support the recommended name, as proposed by the Library Naming Working Party and instructs its Delegate on the Project Control Group to vote accordingly but, in the event that the Project Control Group cannot achieve a unanimous vote, the Cottesloe delegate is instructed to propose an alternate name which involves the deletion of the last three words of the recommended name and inserting the word “Library”.

Carried 6/1

Against the Motion; Mayor Morgan

Moved Cr Cunningham, seconded Cr Strzina

In Accordance with Standing Orders 15.10 “*That the Council meets behind closed doors – Effect of Motion*” (LG Act s5.23, that Committee re-open the meeting to the public.

Carried 7/0

#### **AMENDMENT**

Moved Mayor Morgan, seconded Cr Strzina

That the following words be inserted after the words ‘*Project Control Group to*’ in the Committee Recommendation and before the word ‘*vote*’: ‘*...propose to the Project Control Group that the recommended name be accepted on the basis that the last three (3) words of the recommended name can be abbreviated or replaced subject to oversighting by the Library Management Committee...’*. And delete the remainder of the recommendation

Carried 9/2

#### **COUNCIL RESOLUTION**

**That Council note the report from the Library Naming Working Group and support the recommended name, as proposed by the Library Naming Working Party and instructs its Delegate on the Project Control Group to propose to the Project Control Group that the recommended name be accepted on the basis**

**that the last three (3) words of the recommended name can be abbreviated or replaced subject to oversighting by the Library Management Committee.**

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 10/1**



**12 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****12.1.1 RESCISSION MOTION: NO. 115 (LOT 9) GRANT STREET –A SWIMMING POOL WORKSHOP STORE 4 CAR GARAGE WITH TWO STOREY STUDIO ADDITION**

**File No:** 1875  
**Attachments:** [Cr Cunningham - Notice of Motion.pdf](#)  
[Development Services Report to Council - 22 March 2010.pdf](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Andrew Jackson  
Manager Development Services  
**Proposed Meeting Date:** 27 April 2010  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The following Notice of Motion has been received from Cr Cunningham and was circulated to all Elected Members. It relates to a matter dealt with by Council at its meeting on 22 March 2010 for 115 Grant Street.

A copy of the email from Cr Cunningham is included as an attachment and a copy of the report and resolution from 22 March 2010 is also attached for reference.

The Notice of Motion is;

**That Council:**

- 1. Rescind the resolution of 22 March 2010 – item 11.1.1: No. 115 (Lot 9) Grant Street –A Swimming Pool Workshop Store 4 Car Garage With Two Storey Studio Addition**
- 2. Endorse the following motion**

**THAT COUNCIL:**

- 1. GRANT its Approval to Commence Development for the Swimming Pool and Workshop, Store and 4-Car Garage Addition with Second Storey Studio at No. 115 (Lot 9) Grant Street, Cottesloe, in accordance with the revised plans submitted 22 March 2010, subject to the following conditions:**
    - (a) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
-

- (b) Stormwater runoff shall not be discharged onto the Rights-of-Way or adjoining properties and gutters and downpipes shall be included within the working drawings for a building licence.**
- (c) The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (d) Air-conditioning plant and equipment shall be located closer to the building than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.**
- (e) The existing redundant crossover on Grant Street shall be removed and all surfaces made good at the owners'/applicants' expense.**
- (f) The applicant shall comply with the Town of Cottesloe's Policies and Procedures for Street Trees, February 2005 where development requires the removal, replacement, protection or pruning of street trees.**
- (g) The finish and colour of the boundary wall facing the eastern neighbour shall be to the satisfaction of the Manager Development Services and the details shall be included in the building licence application.**
- (h) The pool pump and filter shall be located closer to the proposed building than the adjoining dwellings and housed or treated to ensure that noise emissions do not exceed the levels prescribed by the Environmental Protection (Noise) Regulations 1997.**
- (i) Wastewater or backwash water from swimming pool filtration systems shall be disposed of into adequate soakwells and contained within the boundary of the property.**
- (j) A soakwell system having a minimum capacity of 763 litres and located a minimum of 1.8metres away from any building or boundary shall be installed to the satisfaction of the Environmental Health Officer.**
- (k) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.**
- (l) As part of the building licence application a comprehensive construction management plan shall be submitted to the satisfaction of the Manager Development Services and shall demonstrate how the works will be undertaken without undue disruption to the ROW adjacent to the property. This shall include full traffic management and safety measures for all construction, contractor and worker vehicles, wherever possible utilising the subject property for direct ingress and egress via Grant Street, with any exceptions requiring prior liaison with the Town of Cottesloe (contacts: Principal Building Surveyor or Works Supervisor).**

- (m) *The additions are not to be used as ancillary accommodation and the studio roof is not to be used for habitable purposes.*
- (n) *The workshop/pool equipment room being setback the same as the garages at 1.5 metres from Joinery Way.*
2. **REQUEST** the Planning and Engineering staff to further consider and report back on traffic management issues and potential improvements for McNamara Way, Joinery Way and Pennefather Lane, including assessing the degree of need, priority areas, optional measures or devices, budget and resource implications, statutory procedures and works programs.
3. **ADVISE** the submitters of its decision.

## **BACKGROUND**

Council at its 22 March 2010 meeting unanimously approved a planning application for a substantial outbuilding at the rear of 115 Grant Street adjacent to the lanes. The building comprises a ground-level four-car garage plus a workshop/pool equipment room and a two-storey studio component.

The approval was to revised plans from the architect that included an increased setback of 3m for the garage portion, in response to concerns raised by submitters and elected members about primarily vehicular sightlines and to a lesser extent visual amenity. The workshop/pool equipment room remained setback 0.6m in order to preserve a tree on the property – it does not affect sightlines and was not raised as an amenity consideration.

## **RESCISSION MOTION**

Subsequently, Cr Cunningham lodged a Notice of Motion to rescind the approval and replace it with another approval which requires that the workshop/pool equipment room also be setback 3m. The motion has been circulated to elected members by the CEO and a copy is attached. Hence the approval would read as previously, with an additional condition as follows: *(n) The workshop and pool equipment room being setback the same as the garages at 3 metres from the property boundary with Joinery Way.*

The rationale for the rescission as expressed in the notice is essentially that the previous decision was taken quickly as well as that the additional setback would contribute to a better laneway streetscape.

## **CONSULTATION**

The Manager Development Services has liaised with the architect about the rescission motion and met with him and the owner to discuss the situation, including whether they would agree to submit further revised plans.

The architect has since advised that they will attend the April Council meeting and speak to the rescission motion item. It may be assumed that they wish to proceed with the approval and are unwilling to revise the design any more.

**STAFF COMMENT**

In terms of process, it is acknowledged that new information was tabled at Council to facilitate a decision and that this needed to be absorbed on the night. After the Development Services Committee, in the week leading up to the Council meeting, officers worked quickly with the architect to produce revised plans responding to the recommended condition for the increased 3m setback. This was done to give Council maximum confidence by embodying and demonstrating the improvement rather than relying on delegation, to expedite a determination rather than delaying it through delegation or deferral to another meeting, to give good customer service (ie achieve a decision and not take longer), and to be certain for all parties (including submitters). To assist Council, a concise memo including the amended recommendation, the architect's explanatory letter and the revised plans fulfilling the Committee's intent were tabled. At Council there were public speakers to, and elected member discussion of, the item.

The architect and owner have twice revised the plans and are now being asked to do so again. It is noted that the portion of the building under further consideration was not specifically identified by officers, submitters or elected members as an issue in determination of the proposal. The main objective of improving the vehicular sightline was achieved in the approval. That 3m setback to the predominant portion of the building also provides relief in relation to its physical presence adjacent to the lane, including regarding the low upper level studio element, which was considered.

In terms of technical compliance, it is advised that under the RDC the subject wall could be built on the boundary and would still be assessed as acceptable development, including its relatively minor height increase. This is because the RDC allow boundary walls in-principle and given that half the width of the lane is recognised as affording a setback for the property.

Keeping the tree is considered to be desirable and preferable for the amenity of the property and neighbourhood and to sustainability generally.

The possible alternative of relocating the workshop/pool equipment room to the northern side of the garage in conjunction with the studio has been suggested to the architect and owner. However, that would compromise the use of outdoor space and any future addition to the dwelling.

The concern which has latterly arisen about the emerging laneway streetscape can be appreciated, as the interrelationship involving dwellings and outbuildings opposite one-another does have a bearing on amenity. The notion is that the entire building could be set back to create a better separation distance between buildings and to manage the impact of bulk and scale. In this regard it is observed that the laneways are characterised by a mixture of property frontages and (in the majority) rears, single and double-storey buildings, typically reduced setbacks and solid walls as well as open-aspect fences. A more compact, closely-knit urban form results in comparison with properties facing normal streets, and the narrow lanes generate a village atmosphere. The approved development can be perceived as helping to define this urban design pattern as in-fill of an exposed, vacant backyard. The two dwellings opposite the proposal have a treed verge which assists in the interfaces along the lane.

The planning framework for assessing development proposals in this laneway precinct comprises TPS2 and thereby the RDC. There is currently no special strategic or guidelines instrument for the area otherwise governing parameters such as setbacks, built form and so on.

In conclusion, in the circumstances it is considered that the current approval is technically sound, a reflection of proper process and should be allowed to remain. At the same time the urban design-based view that the laneways streetscape ought to be taken into account does have some merit, even though it is not formally supported by special controls for this planning context. To date, applicant has not formally offered any compromise in relation to the suggested change as proposed in the Notice of Motion.

### **VOTING**

Absolute Majority

### **OPTIONS**

In considering the Notice of Motion, Council can support the Notice and endorse the recommended change or it can reject the Notice of Motion and by doing so the current approval granted at its 22 March 2010 meeting will be upheld.

### **COUNCIL DISCUSSION**

Council discussed the Notice of Motion and specifically the proposed new condition 'n'. In speaking to the motion Cr Cunningham made a correction in terminology to his motion, changing the word "shed" to "workshop". After discussion about the setback of 3 metres, and with advice from the Manager Development Services suggesting some articulation of the building was preferable from a design perspective, Cr Cunningham (with the endorsement of the seconders) agreed to amend the setback to 1.5 metres, subject to the rescission motion being supported by Council.

The Mayor then proposed that the substantive motion, with proposed amendment to the set back, be put to the vote.

### **PROPOSED MOTION**

**Moved Cr Cunningham, seconded Cr Dawkins, Cr Birnbrauer, and Cr Rowell**

#### **THAT COUNCIL:**

- 1. Rescind the resolution of 22 March 2010 – item 11.1.1: No. 115 (Lot 9) Grant Street –A Swimming Pool Workshop Store 4 Car Garage With Two Storey Studio Addition**
- 2. Endorse the following motion**
  - 1. GRANT its Approval to Commence Development for the Swimming Pool and Workshop, Store and 4-Car Garage Addition with Second Storey Studio at No. 115 (Lot 9) Grant Street, Cottesloe, in accordance with the revised plans submitted 22 March 2010, subject to the following conditions:**

- (a) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (b) Stormwater runoff shall not be discharged onto the Rights-of-Way or adjoining properties and gutters and downpipes shall be included within the working drawings for a building licence.
- (c) The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (d) Air-conditioning plant and equipment shall be located closer to the building than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (e) The existing redundant crossover on Grant Street shall be removed and all surfaces made good at the owners'/applicants' expense.
- (f) The applicant shall comply with the Town of Cottesloe's Policies and Procedures for Street Trees, February 2005 where development requires the removal, replacement, protection or pruning of street trees.
- (g) The finish and colour of the boundary wall facing the eastern neighbour shall be to the satisfaction of the Manager Development Services and the details shall be included in the building licence application.
- (h) The pool pump and filter shall be located closer to the proposed building than the adjoining dwellings and housed or treated to ensure that noise emissions do not exceed the levels prescribed by the Environmental Protection (Noise) Regulations 1997.
- (i) Wastewater or backwash water from swimming pool filtration systems shall be disposed of into adequate soakwells and contained within the boundary of the property.
- (j) A soakwell system having a minimum capacity of 763 litres and located a minimum of 1.8metres away from any building or boundary shall be installed to the satisfaction of the Environmental Health Officer.
- (k) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.
- (l) As part of the building licence application a comprehensive construction management plan shall be submitted to the satisfaction of the Manager Development Services and shall demonstrate how the works will be undertaken without

undue disruption to the ROW adjacent to the property. This shall include full traffic management and safety measures for all construction, contractor and worker vehicles, wherever possible utilising the subject property for direct ingress and egress via Grant Street, with any exceptions requiring prior liaison with the Town of Cottesloe (contacts: Principal Building Surveyor or Works Supervisor).

- (m) The additions are not to be used as ancillary accommodation and the studio roof is not to be used for habitable purposes.
  - (n) The workshop/pool equipment room being setback the same as the garages at 1.5 metres from Joinery Way.
2. **REQUEST** the Planning and Engineering staff to further consider and report back on traffic management issues and potential improvements for McNamara Way, Joinery Way and Pennefather Lane, including assessing the degree of need, priority areas, optional measures or devices, budget and resource implications, statutory procedures and works programs.
3. **ADVISE** the submitters of its decision.

Lost 5/6

**THE SUBSTANTIVE MOTION WAS PUT**

**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 8:00 PM

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