

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, 27 August, 2012

26 September 2012

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 7:01 PM.

2 DISCLAIMER**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Mayor opened the meeting and commented that this would be the first meeting under our new Standing Orders. He then took the opportunity to formally recognise Deputy Mayor Cr Jack Walsh for his *Long and Loyal Service Award* from The Western Australian Local Government Association (WALGA) which was awarded at the recent State Convention. He reiterated Council's support for this well deserved commendation and acknowledge Cr Walsh's genuine commitment to represent this community over the last 14 years and thanked Cr Walsh on behalf of Council.

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

Nil

4.2 PUBLIC QUESTIONS

Nil

5 PUBLIC STATEMENT TIME

Ms Helen Sadler, 39 Griver Street, Cottesloe – Re. Item 10.4.10: Review of Policy – Residential Verges

Ms Sadler commended the Mayor on trying to find a workable solution for the placement of verge equipment. Ms Sadler explained the social benefits of having play equipment on the verge and stated that it was unfortunate that the benefits might be overshadowed by potential legal and insurance issues.

Ms Sadler suggested a few possible solutions such as Council adding private play equipment to its asset register and Council undertaking equipment inspections and applying a permit fee to residents.

She also commended the Mayor for taking the matter to the Premier and WALGA in relation to the community's use of public space. She would like to see the street become more friendly for people to use. She suggested that Council look into some of the examples from overseas on the use of public spaces.

Mr Deon White, 217 Marmion Street, Cottesloe – Re. Item 10.4.9: Row 32b – Relocation of Fence

Mr White referred to previous articles in the Post about this matter and indicated that some of the reporting was inaccurate and inappropriate and did nothing to help the situation. He also referred to the recent involvement of Mr Simenson sending emails to Mrs White about a hot water system at a property in Princes Street and appearing at their back fence accusing them of being unneighbourly. In his opinion this matter has got out of hand.

He spoke about their renovations and home improvements including changes to their rear garage and the use of the laneway to access their garage and eliminate the need for a crossover, and reaffirmed that their plans had been approved by Council 11/0 with the support of neighbours. The laneway is for public access and at present the fence belonging to their neighbours is not on the correct alignment and restricts the width to 2.3m at one point. Given their car is 2.1m width this significantly limits clearance and is an encumbrance to their use of the lane.

He reiterated that as a compromise they have previously offered labour to help move the fence and was disappointed that Mr Svanberg had made over 20 complaints to Council about their development since the issue of the fence has been identified, none of which had been upheld, and reiterated that this matter has got out of hand.

He urged Council to endorse the officer recommendation.

Mr Gabor Bedo, 69 John Street, Cottesloe – Re. Item 10.4.9: Row 32b – Relocation of Fence

Mr Bedo tabled and read a Statutory Declaration from Mr Steven Peter Ventouras who was the previous owner of property at 71 John Street.

“As a member of the family that build the residence at 71 John Street, Cottesloe in 1954 I confirm that the existing fence between the property and the adjoining laneway is the same position as the original picket fence.

Evidence confirming this can be seen by the side path along the house, that has never been altered. The original fence was erected in compliance with the surveyed boundary at the time and approved by Cottesloe Town Council.

This survey was carried out by qualified surveyors some time between 1945 – 1950 ad deemed accurate at the time.

I believe Jon Doscas, from whom my father purchased the property, and a councillor at Cottesloe for more than 40 years, including a term as mayor, was responsible for the original survey work.

Any suggestion that the original fence was deliberately moved to encroach into the laneway is an absurd suggestion and is categorically denied”.

Mr Peter Dobie, 93/4 Dover Court, Mosman Park– Re. Item 10.4.9: Row 32b – Relocation of Fence

Mr Dobie indicated that he had come across the issue from reading the Post newspaper article and he stated that he does not know either parties.

He suggested that there could be a compromise to correct the fence issue which could involve alternative changes to the White’s property boundary towards the ‘T’ junction of the laneway with a possible alternative access to their property. He encouraged Council to hold the matter over another in order to allow for compromise to be found.

Ms Pascale Penetti, 47 Stockdale Crescent, Wembley Downs– Re. Item 10.4.9: Row 32b – Relocation of Fence

Ms Panetti spoke as a friend of Ms Elise Svansberg and stated that the situation has affected her friend and that it was unfortunate such a situation was having on neighbours. She noted that the minimal increase in lane width being requested may not help the situation.

Mr David Simenson, 16 Princess Street, Cottesloe – Re. Item 10.4.9: Row 32b – Relocation of Fence

Mr Simenson tabled copy of an email to all elected members in relation to this matter and asked that the Council defer the matter. He referred to the content of that email and specifically a previous Planning Bulletin number 33 of July 1999.

He referred to the correspondence sent from the CEO to Mr Svanberg asking him to remove the fence and the undue pressure from Council staff on Mr Svanberg. He requested that Council support further time to resolve this matter.

Mrs Joanne Svanberg, 71 John Street, Cottesloe – Re. Item 10.4.9: Row 32b – Relocation of Fence

Mrs Svanberg spoke to Council in regards to her concern about the White’s development including overlooking, overshadowing and over-height and questioned how Council could have approved it.

She referred to Mrs White’s wanting to get all that she can from the development and referred to Mr Trigg (Manager Engineering Services) as her friend. She spoke of the effect this issue has had on them and she asked if the matter can be deferred for legal investigation on adverse possession.

Ms Julia Svanberg, 71 John Street, Cottesloe – Re. Item 10.4.9: Row 32b – Relocation of Fence

Ms Svanberg stated her concern as to why Council had requested them to relocate the fence, which has been in the Svanberg property for 60 years.

Ms Elise Svanberg, 71 John Street, Cottesloe – Re. Item 10.4.9: Row 32b – Relocation of Fence

Ms Svanberg stated that she felt the situation was similar to the movie “The Castle” and referred to the legal issues which have now been raised and not tested. She would like a fair go and for the fence to be left where it has always been.

Mr Colin Svanberg, 71 John Street, Cottesloe – Re. Item 10.4.9: Row 32b – Relocation of Fence

Mr Svanberg stated that he would like some clarification on what Mr White referred in his statement as inappropriate as well as Mr White’s comments about Mr Simenson coming to his property as this was unsubstantiated and Mr Svanberg was there at the time.

Mr Svanberg referred to the previous communications between his family and the Whites and spoke of the impact of being required to move his fence such a small amount. He referred to this as a Council matter and Mr Trigg being a friend of the Whites. He also spoke of the support that they have received over this issue.

Mr Svanberg referred to the adverse possession claim that is being investigated by Camm and Associates and stated that Mr Richard Camm, who is a specialist in this matter, has written to Council to request the matter be deferred.

6 ATTENDANCE

Elected Members

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

Presiding Member

Officers

Mr Carl Askew

Chief Executive Officer

Mr Mat Humfrey
Mr Geoff Trigg
Mr Andrew Jackson
Mrs Lydia Giles

Manager Corporate & Community Services
Manager Engineering Services
Manager Development Services
Executive Officer

6.1 APOLOGIES

Nil

Officer Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Nil

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 DECLARATION OF INTERESTS

Cr Pyvis declared a proximity interest in Item 10.4.2 due to owning a property on Forrest Street

Cr Jeanes declared a proximity interest in Item 10.4.9 due to owning a property on John Street

8 CONFIRMATION OF MINUTES

Moved Cr Hart, seconded Cr Strzina

[Minutes July 23 2012 Council.DOC](#)

The Minutes of the Ordinary meeting of Council held on Monday, 23 July, 2012 be confirmed.

Carried 9/0

9 PRESENTATIONS

9.1 PETITIONS

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

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

The Following Items From Works & Corporate Services Committee Were Withdrawn for Consideration

- 10.4.9 Row 32B – Relocation of Fence
- 10.4.10 Review of Policy - Residential Verges
- 10.4.1 Update Western Metropolitan Regional Council (WMRC) Proposal for City of Nedlands Membership
- 10.4.2 Forrest Street Parking
- 10.4.3 Adoption – Investment of Surplus Funds Policy
- 10.4.4 Ocean Ride for MS
- 10.4.5 Open Water Swimming Race
- 10.4.6 Ocean Adventure Triathlon
- 10.4.7 HBF Rottneest Channel Swim
- 10.4.11 Extra Blackspot Approval For 2012/2013
- 10.4.12 Contribution to Landscaping of Marmion Street Pre-Primary Site

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

- 10.4.8 Hullabaloo 2012
- 10.4.13 Statutory Financial Reports for the Period 1 July 2012 to 31 July 2012
- 10.4.14 List Of Accounts for the Month of July 2012
- 10.4.15 Schedules of Investments and Loans as at 31 July 2012
- 10.4.16 Property and Sundry Debtors Reports as at 31 July 2012

The Following Items from Development Services Committee Were Withdrawn for Consideration

- 10.3.1 Cottesloe Foreshore Redevelopment Plan - Update Report
- 10.3.2 Planning For Town Centre - Update Report

The Following Items from Strategic Planning Committee Were Withdrawn for Consideration

- 10.5.2 Business Plan – Sale of Depot
- 10.5.3 Community Perceptions Survey

The Remainder of the Officer Reports from Strategic Planning Committee Were Dealt with 'En Bloc'.

- 10.5.1 Town of Cottesloe - Action Plan Review
- 10.5.4 Superseded Policies - Public Comment Time and Public Statement Time

LATE ITEM

- 12.2.1 WALGA Advocacy Campaign - Cash For Containers Scheme

10 REPORTS

10.1 REPORTS OF OFFICERS

Nil

10.2 REPORTS OF COMMITTEES

10.3 DEVELOPMENT SERVICES COMMITTEE MINUTES - 20 AUGUST 2012

10.3.1 COTTESLOE FORESHORE REDEVELOPMENT PLAN - UPDATE REPORT

File No: SUB/932
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 22 August 2012
Author Disclosure of Interest: Nil

INTRODUCTION

This report updates Council on progress in relation to the adopted Cottesloe Foreshore Redevelopment Plan (the "Plan"), with a view to the next phase of actions for Council endorsement and direction.

The report responds to a series of resolutions by Council for officers to pursue implementation of the Plan and report-back on particular aspects or projects on an ongoing basis. It overviews the successive reports to and decisions by Council and discusses continuing steps to realise the Plan.

By way of background and actions undertaken so far, during the past year Council has progressed planning for the foreshore locality in several respects as set out below.

COTTESLOE FORESHORE REDEVELOPMENT PLAN

In October 2011 Council considered an initial report for adoption of the Cottesloe Foreshore Redevelopment Plan, which was followed by a briefing of new elected members in November 2011 and additional meetings of the Foreshore Working Group in December 2011 and February 2012 to finalise the plan.

In February 2012 Council received a second report on the plan and resolved to:

1. *Note that the Cottesloe Foreshore Redevelopment Plan includes an overarching qualifying statement as previously recommended, as follows:*

The proposals included in this Plan are indicative concepts only at this stage, which while supported in-principle by Council for the purpose of devising the plan, are subject to detailed planning, feasibility studies,

approval processes and funding arrangements in order to be confirmed and implemented.

- 2. Support the inclusion of a possible public swimming pool in the Cottesloe Foreshore Redevelopment Plan, on a provisional basis subject to further examination of optional sites and feasibility studies, and note that the Plan contains another qualifying statement accordingly, as follows:*

Council is open to consideration of a beach pool, subject to further study to identify the best site, the best design for that site and to confirm financial and environmental feasibility for its construction and operation. Potential sites include options (a) adjacent the Cottesloe Surf Club building, (b) in the vicinity of the Napier Street car park and (c) a location in relation to the beach. The final proposal must then undergo full detailed planning and approvals involving consultation with all key stakeholders. The Council will facilitate this process.

- 3. Adopt the Cottesloe Foreshore Redevelopment Plan as a framework for improvement of the beach and foreshore areas in relation to the beachfront urban development locality.*
- 4. Note the preliminary implementation strategy and request that the Administration and Working Group devise detailed strategies for the overall Plan and report-back to Council on instigating priority improvement projects; including identification of prospective funding sources and consideration of budgetary arrangements.*
- 5. Write to the Western Australian Planning Commission, the Minister for Planning, and the Premier and Member for Cottesloe, advising of Council's adoption of the Plan and the progress towards implementation, including its relationship to Local Planning Scheme No. 3 and a request for consideration of State Government collaboration and funding assistance over time to achieve the Plan.*

The Plan is the foundation reference for the consideration of all proposals, from small to large, by Council as the primary custodian of the locality, and ideally will also be acknowledged by other decision-makers such as the Heritage Council of Western Australia (HCWA) and the Western Australian Planning Commission (WAPC).

LIAISON WITH STATE GOVERNMENT

The Town has since written to the State Government entities in accordance with point 5 above, enclosing a copy of the Plan. To date only the Premier/Member for Cottesloe has replied, as advised below.

In February 2012 Council considered a Notice of Motion, about key planning aspects in the district, including the foreshore, and resolved:

That the Town of Cottesloe invite the Member for Cottesloe, Mr Colin Barnett, to meet the Mayor and Councillors to discuss plans for Curtin Avenue, the railway and crossings at Eric, Jarrad, Salvado and Victoria Streets, plans for the foreshore redevelopment and any other appropriate matters.

Mr Barnett met with Council on 28 May 2012, broadly discussing a range of matters, and by follow-up letter dated 30 May 2012 advised in relation to the foreshore that:

Revamping of the foreshore is needed and if the price tag is \$15 million then it does become a realistic project. As the local Member of Parliament I would be pleased to pursue joint funding and to assist there may be some scope for sale of land.

This is a positive indication which the Town can respond to by firming-up proposals and submitting a formal request for funding. The suggestion of possible scope for sale of land is an invitation for both the Town and Government to explore what land may be a feasible source of revenue to be applied to the foreshore, and the Town should give preliminary consideration to this prospect.

In addition, on 14 August 2012 the Chief Executive Officer and Manager Development Services met with the Director Strategy & Policy and the Development Manager from Tourism WA to generally discuss progress and implementation of the Plan. Tourism WA recognises Cottesloe beach as an important tourist destination and participated in the Enquiry by Design (EbD) which produced the first draft of a foreshore plan. Tourism WA expressed interest in being kept abreast of the Plan and in fostering the realisation of feasible foreshore improvement projects, including possible State Government assistance by way of expertise and funding.

SPECIFIC FORESHORE FACILITIES

In February 2012, Council in considering a Strategic Planning Committee report on the provision of facilities for the foreshore and given its adoption of the Plan, resolved to:

1. *Receive the Action Plan Report as amended by the Strategic Planning Committee.*
2. *Receive a report at the next meeting, and future meetings, which addresses the status and progress of the following:*
 - a. *Disability access path.*
 - b. *Change room/toilet facilities at the beachfront*
 - c. *Review of the Town's Bike Plan.*
 - d. *Investigate the temporary closure of Marine Parade (central foreshore only) for community events and activities.*

In May 2012, following a further Strategic Planning Committee report in this regard, Council resolved to:

1. *Authorise the Chief Executive Officer to engage an architect to develop (in consultation with the Foreshore Working Group and its consultant) a concept plan for the public ablution facilities shown at locations 4 and 10 on the Cottesloe Foreshore Redevelopment Plan.*
2. *Authorise the Chief Executive Officer to begin negotiations with all relevant agencies and bodies for funding assistance for the development of the ablution facilities.*

3. *Authorise the CEO to undertake a survey of a suitable sites, south of the Cottesloe groyne, for the placement of public toilets and report back to the next Strategic Planning Committee with alternative sites.*

Officers have commenced these actions, which are described in section 7: Specific Proposals and Projects of this report.

SIGNAGE

In November 2011, in considering a notice of motion regarding coastal signage Council resolved to:

1. *Conduct an audit of signs, particularly on the beach foreshore, with the object of reducing the number to a minimum, particularly where there are two or three signs warning of the same hazard.*
2. *The aim is to replace free-standing signs with appropriate markings on roads, paths or curbs.*
3. *The aim is to replace free-standing signs to existing structures such as walls, fences and light poles.*
4. *Investigate using lines on roads in front of curbs to indicate parking restrictions.*
5. *Investigate a uniform design and layout for signs that produce solutions that are elegant, restrained and appropriate for ocean-side location.*
6. *Report-back to Council in February 2012 with findings and reduction proposals.*

In February 2012, after considering a report on the above, Council resolved to:

1. *Acknowledge the Key2Design strategy as a useful guide to styles for replacement signage that is elegant, restrained and appropriate for ocean-side location.*
2. *Request staff to undertake a reduction and consolidation of information signage along the beachfront over the next three months with monthly reports on progress.*
3. *Request staff to further report on parking signs, colour of poles, curb markings and markings on roundabouts.*
4. *Note that the proposed surf break signage be considered on the basis that it be consistent with the Key2Design style strategy and affixed to the wooden dune fencing, and request staff to liaise with Mr Evan Ledger on this matter as part of the overall program.*

Subsequently officers have progressively reduced, rationalised and refreshed signage and other infrastructure such as bike racks along the entire Cottesloe

coastline, as periodically reported to elected members, which has made a significant aesthetic improvement at little cost. Officers have also liaised with the proponent of the surf break signage in terms of design and placement in anticipation of manufacture and installation.

In March 2012, in considering a further report on the approach to signage Council resolved to:

1. *Recognise that the present parking signage regime is appropriate to the intensive parking demand along the foreshore/beachfront and that the signs are useful for informing visitors.*
2. *Request that Administration progressively replaces yellow parking sign poles with coloured poles as per the Key2Design strategy, commencing with those that are weathered and damaged, and using whichever is the least obtrusive colour.*
3. *Acknowledge that curb marking as a replacement for parking signage is not considered feasible or appropriate.*
4. *Note that the replacement of roundabout signs with road markings is not supported by Main Roads Western Australia.*
5. *Note that Western Power does not permit the addition of signage to street lighting columns of the type found in Cottesloe.*

In summary, this process of investigation and improvement has provided principles and design guidance for signage management consistent with Council's vision of an enhanced foreshore and beachfront precinct.

CYCLE PLANNING

In May 2012, Council considered a report from the Works and Corporate Services Committee on cycle planning priorities, which included options to improve the cycleway at the foreshore having regard to the Plan. There was support for widening the entire 4km length of the foreshore dual use path, addressing conflict points and enhancing signage. Factors to taken into account include erosion risk and the extent of realignment due to the Plan, which could cost an estimated \$200,000-300,000. At this stage Council resolved to:

In the 2013/2014 budget considerations, include a minimum of \$50,000 to commence a long- term program to widen the foreshore cycleway (Raia Roberts Dual Use Path) to 3 metres and remove cycle conflict points.

Council also resolved to form a Working Group to examine future cycle planning and projects, which may entail further proposals for the foreshore and beachfront locality and the review of the Bike Plan 2008-2013.

BEACHFRONT BUILDING DESIGN

In June 2012, in considering the policy framework for LPS3, Council noted the scope for policies and design guidelines to address detailed building controls for the beachfront, and resolved to:

Request Administration investigate and report back to Council by August 2012 on possible options to fund and suitably resource Building Design Guidelines to deliver a world-class beachfront at Cottesloe.

In this connection, in July 2012 a Council workshop considered how the earlier draft policies for LPS3 regarding parking and the beachfront would need to be evolved in relation to the modifications to the Scheme required by the Minister. It was observed that the Scheme provisions gave direction and scope for local planning policy to address building design in more detail, taking into account the Special Control Area 2 Building Control Diagrams in Schedule 15 of the proposed Scheme, universal urban design principles and the original findings of the Enquiry by Design undertaken as part of the Scheme process.

The above resolution looks beyond this statutory-based framework to explore what value could be added in terms of finely-grained building design guidelines that ensure quality architecture and urban design whilst allowing a reasonable degree of design flexibility. Such guidelines would address a spectrum of design dimensions ranging from the macro to the micro, covering streetscape, site characteristics, broad built form, detailed building design, treatment of private spaces and integration with the public domain.

Achieving a world-class beachfront is not about copying some international examples, which would be simplistic and risky, but rather is a sophisticated vision and approach which:

- Shows a proper appreciation of the local landscape setting, urban context and social climate.
- Respects and responds to the special sense of place arising from the established identity, character, heritage and ambience of the locality.
- Recognises and contributes to the overall precinct in undertaking detailed design and development to create compatibility and cohesion.
- Results in built form, architectural expression, open spaces and movement networks that clearly strike the right balance for Cottesloe in having appropriate scale and appearance, being a welcoming and durable environment, enhancing amenity and experiences, and attracting people by virtue of its superior attributes.

To this end the following resources are available:

- The foundation of all of the planning, design and documents produced to date.
- The lead consultant for the EbD and the Plan.
- Other consultants in the fields of planning, urban design, architecture, landscape architecture and place-making, drawn from WA.
- Design manuals such as the Urban Design Protocol for Australian Cities (Creating Places for People), which embody contemporary best practice.
- The Commission for Architecture and the Built Environment (CABE) in the UK is another recognised resource with a history of research and publications providing guidance and methodologies to assist urban design.
- Council's Foreshore Working Group and Design Advisory Panel.
- Collaboration with professional organisations.

The task would entail time and costs, although because the design guidelines would be generic the exercise would be fairly efficient and cost less than detailed construction design. Funds could be found from the Planning budget or reserves.

It is emphasised that the purpose would be to prepare a layer of design guidance to facilitate quality development proposals, building outcomes and public domain improvements premised on the committed planning instruments of proposed LPS3, the adopted Plan and intended policies; not to go back to the drawing board or to take longer than is reasonable.

This proposal for additional design guidance has been discussed by the Manager Development Services and the lead consultant for the Plan having regard to the above. It was concluded that an efficient and economical course of action would be that:

- A small multi-disciplinary group produces a concise buildings and spaces design guidelines document comprising a clear statement of principles and objectives supported by appropriate visual examples (ie photos, diagrams, plans) communicating the intent.
- The guidelines address all facets necessary to ensure quality outcomes, through careful description and illustration (including 3D images), to define design parameters for proposals to satisfy.
- The process includes a workshop with the Foreshore Implementation Working Group and elected members.
- The timeframe be three months and the cost target be \$30,000.
- Subject to Council endorsement the guidelines are enshrined in policy pursuant to LPS3.

SPECIFIC PROPOSALS AND PROJECTS

The following table summarises specific proposals and projects identified as part of the Plan and outlines their status for further planning or implementation actions.

Progressive reports to Council as necessary will ensue for endorsements or approvals associated with individual projects, including funding, consultants/contractors, designs, development applications and so on.

Disability access ramp

- This is a key element of the Plan and a relative priority for Council.
- Lotterywest has granted \$200,000 and the Town is to fund \$100,000.
- It requires detailed design, approvals and carrying-out works in the off-season.
- A site survey has been obtained.
- Three expressions of interest for a full engineering design are to be obtained to select a consultant.
- Detailed design and construction management will be vital to the physical, heritage, aesthetic, amenity, safety and maintenance considerations involved, including protecting pine trees and coastal vegetation.
- Input from a landscape architect would be prudent. The design could include surface treatments or other subtle features to make the path and retaining walls interesting and a work of art, such as varied colours/textures, heritage plaques,

mosaics (eg indigenous patterns), etched motifs (eg marine life images) and so on.

- The planning approval process involves Council, the HCWA and the WAPC, and will take time. A building permit is also required.

The intent is to conclude the design, consultation and approval processes for commencement of works in Autumn 2013 for completion before Summer 2013.

Central foreshore change-rooms/toilets

- This is another key element of the Plan given the need for an improved standard of facilities and increasing demand, especially with large-scale events such as Sculpture by the Sea, the Rottnest Swim and surf carnivals.
- The location and design of these facilities is vital to practicality, coastal engineering, utility services, disability access, aesthetics, amenity, views, security and maintenance.
- The external design will need to respect heritage, existing buildings and the setting.
- Sustainability features, durable materials/finishes, lighting and anti-vandalism fittings will deserve attention.
- Some architects experienced in the design of public facilities have already shown interest in the project.
- The planning approval process involves Council, the HCWA for site 4 on the Plan, and the WAPC, and will take time. A building permit is also required.
- A design can be funded from within the current budget, which will determine the construction cost and how that may be funded such as from financial reserves, which in turn would be followed by tendering and undertaking the works.
- Given that a beach pool might propose its own ablution facilities, but that the pool concept has no certainty, it will be desirable to ensure that the new public change-rooms/toilets can also serve a future pool, which would be the case anyway with the swimmers being typical beach users.

Beach pool ideas

- Council has supported the notion of a beach pool whilst being cognisant of the many aspects involved, which should not be underestimated – a beach pool would be a major coastal engineering and development project with significant and lasting effects physically, visually, heritage-wise, operationally and financially; including public health/safety and management considerations.
- Shark incidents have influenced political and public opinion in favour of a pool, with various suggestions floated for locations and form.
- A great deal more feasibility assessment and consultation is required in order to progress this proposition.
- As mentioned above a beach pool should avoid duplicating new change-rooms/toilets.

South Cottesloe toilets

- Historically, basic public toilets existed in South Cottesloe but were eventually demolished.
- This is a well-used recreational area, hence the demand for modern facilities.
- Important factors in the location and design of a new toilet block include utility services, convenience, parking, disability access, aesthetics, amenity, views, security and maintenance.

- A site in association with a playground or other activity node would serve users, afford passive surveillance and discourage vandalism.
- A robust, innovative, sustainable and artful design would be appropriate.
- The planning approval process involves Council and the WAPC, and will take time. A building permit is also required.
- A design can be funded from within the current budget, which will determine the construction cost and how that may be funded such as from financial reserves, which in turn would be followed by tendering and undertaking the works.

Cycle facilities

- Cycling is a popular foreshore activity embraced by the Plan and one demanding infrastructure, including pathways, signage, racks (ideally lockers also) and public change-rooms/toilets.
- Council has committed to begin widening of the foreshore cycle path in the next budget period and the design will need to be consistent with the Plan.
- The review of the Bike Plan will also assist the ongoing provision of cycle facilities.
- As planning for cycling relates to recreation, transport, tourism, sustainability and health, the Town should research what funding assistance may be available from this range of sectors.

Marine Parade temporary closure

- Marine Parade is an obvious candidate for occasional temporary closure in conjunction with major beach and foreshore events.
- This must be subject to effective traffic management in each case, addressing alternative traffic routes, parking impacts and local as well as emergency access.
- It is intended to prepare a procedural guide for this purpose.

Marine Parade longer term realignment

- The Plan envisages that Marine Parade could be realigned for urban design benefits including traffic calming, wide promenades, alfresco space, landscaping and streetscape.
- For example, the current redevelopment of the Cottesloe Beach Hotel beer garden and refurbishment of the premises invites public domain improvements to foster pedestrian movements, alfresco opportunities and landscaping, which a realigned road would facilitate in creating a wider eastern footpath.
- The physical and procedural feasibility of realigning the road warrants being investigated for consideration of an implementation programme.

Parking

- Parking is fundamental to the functionality of the foreshore/beachfront locality and is seasonally dynamic.
- Currently very little on-site parking occurs on private property other than the OBH site, whereby redevelopment of beachfront sites will be an opportunity for increased on-site provision.
- The Town's existing Car Parks Nos 1 and 2 provide the bulk of parking, with extensive on-street parking also available.
- The Plan envisages rationalisation and upgrading of all public domain car parking, which needs to be staged to manage supply and traffic.
- The recent formal construction of verge parking adjacent to the Tennis Club on Napier Street demonstrates how indiscriminate parking on the sandy verges of

Napier and Forrest Streets can be converted to structured, attractive and safer parking, subject to detailed design to protect significant trees/vegetation.

- Expansion of the Cott Cat bus service to shuttle visitors from the railway station and car parking at that location is seen as a means to ameliorate parking demand and impact.

Surf Life Saving Clubs

- It is acknowledged that the premises of both surf clubs are constrained, with a desire for additional boat storage and lookout facilities if possible.
- The Plan does not make particular provision for the needs of the clubs outside their lease areas and there is limited capacity for expansion.
- Any proposal from the clubs for use or development in the public domain would need to be considered in the context of the Plan, public facilities, land tenure/leases and management/maintenance arrangements.

FUNDING OPPORTUNITIES

The broad-brush estimated cost of implementing the main components of the Plan is around \$15 million. Presently, apart from the \$150,000 set aside for the disability access ramp and cycle path, Council has not budgeted for any large capital expenditure at the foreshore in the current budget.

Funding opportunities for the range of projects comprising the Plan were outlined in the February 2012 report to Council to adopt the Plan and include:

- Capital expenditure – depot sale proceeds, rates revenue.
- State Government assistance – direct funding, shared contributions.
- Grants – State or Federal Governments.
- Partnerships – eg surf clubs, commercial tenants, events sponsors.
- Developer contributions.
- Loans – Treasury, banks.
- Community assistance – eg Coast Care (expertise and labour).

Additional sources are:

- Council property reserve fund.
- Possible sale of land held by the Town or State Government.

A current task is to prepare more accurate indicative cost estimates for each project in order to further consider priorities, funding and staging. This will assist in leveraging funding as well as moving to briefs, expressions of interest, tenders, detailed designs and works.

ROLE OF WORKING GROUP AND CONSULTANTS

The Foreshore Working Group has played a pivotal role in overseeing preparation of the Plan and a preliminary implementation strategy. It will continue to be convened to steer overall progress and specific proposals or projects, including liaison with outside interested parties. A present task is assisting in commissioning and guiding the design of public change-rooms/toilets at various locations.

The lead urban design consultant will continue in that capacity and other consultants will be engaged for specialist tasks such as engineering design, landscape architecture and project management.

VOTING

Simple Majority

COMMITTEE COMMENT

The Committee was pleased to receive a report drawing together progress and the next steps. Discussion ensued on several aspects including: the nature of building design guidelines and degree of flexibility envisaged; who would comprise the small group of professionals and the likely cost; careful location and design of new public toilets, including having regard to coastal vegetation/replanting; careful planning and design of parking changes, including along Napier and Forrest Streets; what future opportunities for the sale of land might entail; and the meeting with Tourism WA.

Staff advised that details of the various consultants, designs, processes and costs involved in the elements of the Plan remained to be determined following Council support in-principle and each project being undertaken including reporting-back as appropriate. Feedback from Tourism WA indicated broad support for the Foreshore Plan improvements. The prospect of any sale of land was yet to be examined, with numerous aspects to consider and was probably a long way off as an option.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Strzina

That Council:

- 1. In respect of funding:**
 - (i) Request that Administration write to the Premier/Member for Cottesloe seeking from the State Government a quantified financial contribution towards realisation of the Cottesloe Foreshore Redevelopment Plan based on identified priority projects and indicative cost estimates.**
 - (ii) Request that Administration research sources of funding aimed at cycle planning and facilities, via the Working Group formed to review the Town of Cottesloe Bike Plan 2008-2013.**
 - (iii) Request that Administration research and report-back on land in the district held by the Town or the State Government potentially available for sale to help fund implementation of the Plan.**
- 2. In respect of beachfront building design:**
 - (i) Request that Administration coordinate the preparation of detailed design guidelines to achieve high quality buildings and spaces on the central beachfront development sites, via a small multi-disciplinary group of professionals and the Foreshore Implementation Working Group, for reporting-back by November 2012.**

3. In respect of Marine Parade:

- (i) Support in-principle temporary closure of the road for major events, subject to Administration preparing a procedural guide to manage such and Council approval in each instance.
- (ii) Request that Administration examine and report-back on the feasibility to realign the road in accordance with the Plan, including detailed design, approval procedures, costs/funding, construction works and timeframes.

4. In respect of parking:

- (i) Request that Administration prepare preliminary designs, costs and programming to downscale Car Park No. 1, improve Car Park No. 2, provide additional formalised verge parking to Forrest and Napier Streets and any other parking measures identified in accordance with the Plan.

AMENDMENT

Moved Cr Jeanes, seconded Cr Rowell

To add new item 5 which reads: "Refer the Cottesloe Foreshore Redevelopment Plan to the Design Advisory Panel for comment".

Lost 4/5

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

That Council:

1. In respect of funding:

- (i) Request that Administration write to the Premier/Member for Cottesloe seeking from the State Government a quantified financial contribution towards realisation of the Cottesloe Foreshore Redevelopment Plan based on identified priority projects and indicative cost estimates.
- (ii) Request that Administration research sources of funding aimed at cycle planning and facilities, via the Working Group formed to review the Town of Cottesloe Bike Plan 2008-2013.
- (iii) Request that Administration research and report-back on land in the district held by the Town or the State Government potentially available for sale to help fund implementation of the Plan.

2. In respect of beachfront building design:

- (i) Request that Administration coordinate the preparation of detailed design guidelines to achieve high quality buildings and spaces on the central beachfront development sites, via a small multi-disciplinary group of professionals and the Foreshore Implementation Working Group, for reporting-back by November 2012.

3. In respect of Marine Parade:

- (i) Support in-principle temporary closure of the road for major events, subject to Administration preparing a procedural guide to manage such and Council approval in each instance.
- (ii) Request that Administration examine and report-back on the feasibility to realign the road in accordance with the Plan, including detailed design, approval procedures, costs/funding, construction works and timeframes.

4. In respect of parking:

- (i) Request that Administration prepare preliminary designs, costs and programming to downscale Car Park No. 1, improve Car Park No. 2, provide additional formalised verge parking to Forrest and Napier Streets and any other parking measures identified in accordance with the Plan.

THE SUBSTANTIVE MOTION WAS PUT

Carried 9/0

10.3.2 PLANNING FOR TOWN CENTRE - UPDATE REPORT

File No: SUB/935
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 20 August 2012
Author Disclosure of Interest: Nil

INTRODUCTION

This report updates Council on planning for the Town Centre and environs, with a view to the next phase of actions for Council endorsement and direction. During the past year Council has progressed planning for the Town Centre locality in various ways as set out below.

Council's Action Plan contains the following broad strategies as priorities for the Town Centre and environs:

- Develop an integrated Town Centre plan to improve all aspects of the infrastructure of the Town Centre.
- Introduce electronically-timed parking.
- Produce a draft Structure Plan for consultation purposes showing the sinking of the railway and realignment of Curtin Avenue together with 'what's possible' in terms of sustainable redevelopment and pedestrian and traffic links.
- Consider undeveloped Government owned land for higher density development provided there is both public support and benefit for the Cottesloe community.
- Develop a strategy to address the requirements of the State Government's Directions 2031 Strategies and Policies.

These aims have been addressed through a range of initiatives involving more detailed planning and decision-making.

TOWN CENTRE PUBLIC DOMAIN INFRASTRUCTURE IMPROVEMENT PLAN

In September 2011 Council resolved to:

1. *Endorse the Cottesloe Town Centre Public Domain Infrastructure Improvement Plan ("Town Centre Plan") urban design report in-principle as an ongoing guide in considering planning, development and works proposals relating to the Town Centre and environs.*
 2. *Request the Station Street Working Group to progress the Station Street sites study and design guidelines prepared by Coda architects and that its future reporting have regard to the Town Centre Plan.*
 3. *Request that staff further report to Council on recommended preferences and priorities, as well as consultation steps, estimated costs and forecast works*
-

programs, towards implementation of the study findings by March 2012, including liaison with Procott.

This report responds to the above overall framework, although has been delayed due to work on LPS3 and other demands. The urban design consultancy for the Town Centre Plan, Blackwell & Associates, has kept in touch with the Town and is interested to assist in achieving improvements.

CRIME PREVENTION STRATEGIES

In December 2011 Council resolved to:

- 1. Investigate crime prevention strategies for Station Street premises, including street treatments and street architecture to prevent motor vehicle ram-raids.*
- 2. Investigate funding sources for preventative and remedial action, including crime prevention funding and Local Government Insurance Scheme (LGIS) safety initiative funding.*

In March 2012 Council received a follow-up report and resolved to:

- 1. Request that, in addition to progressing the Station Street sites study and design guidelines prepared by Coda architects, the Station Street Working Group have regard to the findings and recommendations in this report towards ensuring that new street treatments/architecture address the crime prevention strategies/measures and associated funding.*
- 2. Request that staff discuss crime prevention strategies with relevant stakeholders (ie property and business proprietors, Police, Office of Crime Prevention, ProCott) and actively encourage low-key preventative measures as outlined in this report.*
- 3. Request that the design of new developments in Station Street and the Town Centre be required to incorporate anti-crime features so as to avoid significant alterations becoming necessary after completion.*

Discussion so far with some of the crime-affected proprietors in Station Street has informed an approach. Prevention measures undertaken on private premises include attractive internal moveable metal grilles, stainless steel bollards (strong and aesthetically restrained) and advanced alarm systems. The matter has also been discussed generally with Procott by the CEO and Elected Member representatives, and Procott is supportive of any measures that individual proprietors or the Town can pursue.

Steps the Town can progress include:

- Continued liaison with the Police for closer interaction with the Town and increased patrols at night and on weekends.
 - Installation of CCTV as already approved by Council but dependent on funding.
 - Improved street lighting.
 - Public domain treatments for security and safety based on designing-out-crime techniques.
-

- Approving additional and well-designed development along Station Street and in the Town Centre overall that creates increased activity, occupancy and surveillance as deterrents to crime.

In respect of CCTV, a recent grant application to the Office of Crime Prevention for a \$15,000 contribution towards a total project cost of some \$39,000 was unsuccessful, so to proceed would require additional budget funding of perhaps a contribution from Procott.

The Manager Development Services has discussed with Blackwell & Associates the prospect of formulating specific urban design and crime-prevention improvements to Station Street for consideration and implementation. This would devise particular measures and treatments to be applied in relation to vulnerable properties and the public domain in terms of crime deterrents, public security and surveillance technology.

CURTIN AVENUE, RAILWAY LINE AND RAILWAY LANDS

In February 2012 Council considered a Notice of Motion about key planning aspect in the district, including in relation to the Town Centre and environs, and resolved:

That the Town of Cottesloe invite the Member for Cottesloe, Mr Colin Barnett, to meet the Mayor and Councillors to discuss plans for Curtin Avenue, the railway and crossings at Eric, Jarrad, Salvado and Victoria Streets, plans for the foreshore redevelopment and any other appropriate matters.

Mr Barnett met with Council on 28 May 2012 and by follow-up letter of 30 May 2012 advised that:

- *As local member he supports realigning Curtin Avenue along the railway line and will arrange for the Departments of Planning and Transport to liaise with the Town on the matter.*
- *He would assist in addressing the poor pedestrian safety at the intersection Curtin Avenue and Forrest Street.*

Regarding the latter, in April 2012 Council considered a report supporting the need for this crossing to become traffic light-controlled, noting the heavily-used pedestrian route between the railway station and one of Perth's most popular beaches, the ongoing growth of vehicle and pedestrian numbers at this location, and the resultant high potential for accidents involving pedestrians crossing Curtin Avenue. Council resolved to:

Send the results of its video survey of pedestrians crossing Curtin Avenue and the traffic counting survey for Curtin Avenue to Main Roads WA with a case for the installation of a light-controlled pedestrian crossing across Curtin Avenue at Forrest Street.

Main Roads WA has acknowledged the evidence provided by the Town but advised that the proposal is not high on its list of priorities compared with other trouble-spots and has no funding allocation. The Manager Engineering Services advises that the cost to the Town of funding the design and works to the requirements of Main Roads WA would be in the order of \$300,000, which has not been budgeted for.

Council's strategic aim is to proactively pursue solutions for Curtin Avenue and the railway line to enhance connectivity, with the course of action envisage to include:

- Produce a draft Structure Plan for consultation purposes showing the sinking of the railway and realignment of Curtin Avenue together with 'what's possible' in terms of sustainable redevelopment and pedestrian and traffic links and Town Centre integration.
- Produce visual material that demonstrates housing densities and forms for vacant Crown land.
- Plan a consultation program that involves the community and government agencies.
- Promote an engineering and financial feasibility study into the preferred solution.
- Play a leadership role by continually focusing on a 'win-win' approach to the engineering, financial and social challenges this project will face.

This amounts to a major exercise and Administration is working towards a meeting with State Government agencies to bring the matter back on to the agenda.

Previously the Enquiry by Design (EbD) was instrumental in examining the potentials and parameters for the railway lands. The EbD entailed a preliminary structure plan for the railway lands and the Town has investigated with State agencies options for a future Curtin Avenue, the railway line, east-west connectivity and the railway lands/town centre locality.

In addition the Town has had dialogue with various agencies interested in pursuing a vision for the regional transport corridors and vacant Government lands in responding to Directions 2031 objectives and local requirements.

Council has passed a range of specific resolutions on these matters reflecting the investigations performed so far and giving direction to the next steps.

PARKING

In April 2012 a Council workshop on an Outline Parking Strategy for the Town Centre and Environs summarised the background studies and Station Street Working Group findings, analysed the parking situation in the locality and scoped potential additional parking facilities. In-principle direction for further examination and reporting for Council support included:

- Conversion of the Station Street sump site and adjoining public landholdings into surface of decked parking, preferably for shoppers and time-managed using Meter Eye technology.
- Creation of a surface car park on unused Government land on the south-east corner of Jarrad Street and Curtin Avenue, preferably for worker parking, and subject to assessing the feasibility of a lease, design and construction.
- Options for redevelopment of the Town's car park on the corner of Station and Railway Streets in the longer term.
- Deploying cash in lieu reserve funds for car parking purposes.
- Identifying opportunities for public domain improvements in relation to car parking and generally in the Town Centre, especially the lanes and walkways as relative priorities.

These individual proposals are discussed in more detail further below, leading to recommendations.

STIRLING HIGHWAY

In April and June 2012 Council received reports on the proposed Metropolitan Region Scheme (MRS) Amendment for Stirling Highway in relation to the Stirling Highway Activity Corridor Study (SHACS). In this connection a presentation by the Department of Planning occurred in early June 2012. Council noted the far-reaching implications of the SHACS and MRS Amendment proposals for Cottesloe and the Town Centre locality and resolved as follows:

1. *Request staff to complete the WAPC's submission form with respect to the proposed MRS Amendment for the rationalisation of the Stirling Highway Primary Regional Road Reservation, advising that further consideration should be given to the following:*
 - a) *future public and private transport demands along other regional roads in the western suburbs, especially around the existing bottleneck in Claremont and along Curtin Avenue;*
 - b) *alternatives to Stirling Highway, in particular along the railway reserve that runs parallel to the highway for a considerable distance, as this would reduce the impact on landowners abutting Stirling Highway;*
 - c) *development of a system that gives greater certainty to landowners abutting Stirling Highway, including a simple and transparent compensation mechanism; and*
 - d) *review of the proposed Concept Design Plans to determine whether the length of the proposed turning pockets are adequate to ensure that vehicles, including buses, will not conflict with the continuous traffic flow along Stirling Highway and that there are adequate access points available for turning vehicles following the creation of the solid central median; and*

3. *Request staff to:*
 - a) *monitor progress of the proposed MRS Amendment for further reporting to Council regarding the submissions and outcome as relevant; and*
 - b) *give preliminary consideration to the future necessary local planning scheme amendment(s) to create zones, residential density codes, land use or development requirements and any special planning controls or redevelopment incentives for all of the land to be removed from the MRS PRR Reservation, including heritage properties, for further reporting in due course.*

The outcome of the MRS Amendment will not be known for many months and the SHACS will continue for some time thereafter. While the ultimate road requirement and its planning implications will be defined, actual road widening changes and related redevelopment are unlikely to occur for a number of years.

METER EYE

In May 2012 Council in considering expansion of the Meter Eye parking control system after successful trials, resolved to expand the system for time-restricted parking bays in the Town Centre, budgeted to be installed in 2012/13.

Council noted that the enhanced technology and data will enable parking management to maximise turnover and assist optimising parking layouts for all needs.

LPS3 POLICIES

In June 2012 Council received and noted a report outlining the operation of policies under proposed Local Planning Scheme No. 3 (LPS3) based on the Minister's modifications, which indicated how parking and design guidelines would apply to the Town Centre and elsewhere.

In July 2012 a Council workshop followed which considered a draft Parking Policy for LPS3 given the anticipated Scheme provisions and nominated possible parking stations and facilities in accordance with the parking strategy paper.

These reports are a basis for the Town to produce policy and guideline documents and to pursue individual improvement projects.

SPECIFIC PROPOSALS AND PROJECTS**Urban design for public domain improvements**

In relation to quality architecture and urban design, it is noted that the office building at 1 Station Street was included in this year's Royal Australian Institute of Architects Awards.

Also, in Claremont the current reconstruction of Bayview Terrace is demonstrating how detailed urban design for vehicles, pedestrians, cyclists, the disabled, alfresco areas and amenity can transform and rejuvenate narrow, traditional shopping strips such as Napoleon Street.

Although the existing urban design treatments in Napoleon Street are not new, they are essentially cohesive, low-key and in good condition, being a more hospitable environment and better traffic-calmed than the former Bayview Terrace which was dominated by the road. Hence enhancing Napoleon Street could be considered in two phases:

- Initially for fairly superficial and affordable functional improvements and beautification.
- In the longer term for comprehensive urban design and infrastructure renewal in accordance with more detailed planning for the Town Centre.

The latter would require substantial funds and would need to take into account the effects of planning changes for Stirling Highway.

Similarly, the laneways which are utilitarian service areas could be:

- Firstly noticeably improved by physical clean-up, cosmetic treatments and better operational practices.

- Following detailed design converted to attractive thoroughfares and inviting multi-purpose activity spaces.

This task would draw on the previous Town Centre studies and the experience of other local governments such as Perth and Fremantle.

Station Street sump site proposal

The sump site at the eastern end of Station Street is an immediate opportunity to relatively easily create additional parking that is conveniently located. The drainage function would be retained, a simple concrete deck on piers constructed over the sump and a surface car park of approximately 70 bays built.

The width of Station Street and the rear lane would facilitate vehicular circulation, with some traffic management treatments including directional signage. The current on-street angle parking would need to be reconfigured and the frontage of the car park site upgraded with a new footpath, landscaping and lighting.

This is a relatively affordable project (preliminary estimate around \$300,000 plus) with a fairly short construction time and would keep open the future option of a multi-storey, mixed-use redevelopment of the site with decked parking. In undertaking this project it would be prudent and cost-effective to consider streetscape improvements along the street.

Station Street car park site proposal

The Station Street Study and Design Guidelines and the Town Centre Plan recognised the potential for this site to, in time, become a multi-storey, mixed-use development with active street frontages, pedestrian links and a presence as a corner building interfacing with Railway Street, the train station and future development west of the railway line. The earlier studies indicatively scoped the land use, built form, urban design, parking supply and financial feasibility considerations.

So far Council has informally supported such concepts although has expressed some cautions, including that the current car park provides important parking, was built using previous cash in lieu funds so there is an expectation of continued parking supply, and the building height, bulk and composition necessary to ensure parking as well as achieve the other objectives.

Nonetheless, from a longer-term planning perspective as the site can make a vital contribution to the activation, built-form and streetscape as an anchor development in the Town Centre, it is desirable to undertake more detailed analysis and design towards that end.

Jarrad Street/Curtin Avenue site proposal

This unused Crown reserve land sits close to the Town Centre and has the potential to be leased by the Town and developed as a surface car park providing 70-80 bays. Construction would be fairly economical (preliminary estimate around \$250,000-300,000), straightforward and quite quick, including footpaths, landscaping and lighting.

Vehicular access and circulation requires careful design with limited entry/exit points and turning movements in relation to the busy perimeter roads – the level-crossing and traffic lights would assist in both slowing traffic and creating breaks in the flow. Pedestrians would have a short walk across the railway line to the Town Centre, which is level-crossing controlled and more direct than from the parking on the western side of the train station.

This car park could be dedicated to workers with permits as an all-day facility, sign-posted and ranger-patrolled accordingly.

VOTING

Simple Majority

COMMITTEE COMMENT

The Committee briefly discussed several aspects including: the amount, location, appearance and management of parking; considerations involved in the Town's two Station Street sites for parking; the priority for CCTV subject to funding; and the placement of sculptures in Station Street and the Town Centre generally. The Committee also discussed amendments to the recommendations supporting tree retention in new parking areas and expediting completion of the Principal Shared Path (facilitating cycling) through the locality.

OFFICER RECOMMENDATION

Moved Cr Boland, seconded Cr Strzina

THAT Council request staff to:

1. Undertake detailed design and feasibility assessment, including land assembly and approval procedures, and report-back for Council endorsement to implement:
 - (i) Conversion of the Station Street sump site into a surface car park for public shopper parking time-managed using Meter Eye.
 - (ii) Construction of a surface car park primarily for permit-managed worker parking on the Government landholding at the south-east corner of Jarrad Street and Curtin Avenue.
2. Engage Blackwell & Associates to prepare a more detailed design for public domain improvements to Station Street based on the Town Centre Public Domain Infrastructure Improvement Plan and taking into account the sump site project, crime prevention measures and possible future development of the Council car park and private properties. This process is to include consultation with interested parties via the Town and reporting-back to Council for approval of works projects and funding.
3. Review funding arrangements to enable implementation of the planned provision of CCTV in Station Street and the Town Centre as a priority crime prevention strategy.

4. Engage Blackwell & Associates to prepare more detailed designs for improvements to the network of lanes and walkways in the Town Centre, in two stages comprising:
 - (i) Preliminary concepts having regard to previous studies, technical considerations and consultations with interested parties via the Town.
 - (ii) Following consideration by the Station Street/Town Centre Working Group produce construction designs as directed for the preferred concepts and priorities with a view to implementation.
5. Approach Coda or other suitable architects to prepare a more detailed concept design for the Station Street/Railway Street car park site, based on a brief taking into account the previous studies, Town Centre Public Domain Infrastructure Improvement Plan and Local Planning Scheme No. 3, for Council to further consider the strategic, technical and financial feasibilities involved in a future project.
6. Review the planning undertaken by the Town over recent years regarding Curtin Avenue, the railway line, railway lands and east-west connectivity, including in relation to planning for the Town Centre, and report to Council on a way forward working with the State Government to prepare an agreed detailed structure plan for the locality as a basis for a redevelopment project to achieve an integrated transport infrastructure, land use, built form and urban design solution.

AMENDMENT

Moved Cr Boland, seconded Cr Strzina

That:

- (a) recommendation 1(ii) have the following words added at the end: ", with the design to incorporate retention of all existing trees on the site"; and
- (b) a new Recommendation 7 be added: "Approach the Department of Transport and Public Transport Authority regarding the prompt installation of the Principal Shared Path through Cottesloe".

Carried 5/0

COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Strzina

That Council request staff to:

1. Undertake detailed design and feasibility assessment, including land assembly and approval procedures, and report-back for Council endorsement to implement:
 - (i) Conversion of the Station Street sump site into a surface car park for public shopper parking time-managed using Meter Eye.

- (ii) Construction of a surface car park primarily for permit-managed worker parking on the Government landholding at the south-east corner of Jarrad Street and Curtin Avenue, with the design to incorporate retention of all existing trees on the site.
- 2. Engage Blackwell & Associates to prepare a more detailed design for public domain improvements to Station Street based on the Town Centre Public Domain Infrastructure Improvement Plan and taking into account the sump site project, crime prevention measures and possible future development of the Council car park and private properties. This process is to include consultation with interested parties via the Town and reporting-back to Council for approval of works projects and funding.
- 3. Review funding arrangements to enable implementation of the planned provision of CCTV in Station Street and the Town Centre as a priority crime prevention strategy.
- 4. Engage Blackwell & Associates to prepare more detailed designs for improvements to the network of lanes and walkways in the Town Centre, in two stages comprising:
 - (i) Preliminary concepts having regard to previous studies, technical considerations and consultations with interested parties via the Town.
 - (ii) Following consideration by the Station Street/Town Centre Working Group produce construction designs as directed for the preferred concepts and priorities with a view to implementation.
- 5. Approach Coda or other suitable architects to prepare a more detailed concept design for the Station Street/Railway Street car park site, based on a brief taking into account the previous studies, Town Centre Public Domain Infrastructure Improvement Plan and Local Planning Scheme No. 3, for Council to further consider the strategic, technical and financial feasibilities involved in a future project.
- 6. Review the planning undertaken by the Town over recent years regarding Curtin Avenue, the railway line, railway lands and east-west connectivity, including in relation to planning for the Town Centre, and report to Council on a way forward working with the State Government to prepare an agreed detailed structure plan for the locality as a basis for a redevelopment project to achieve an integrated transport infrastructure, land use, built form and urban design solution.
- 7. Approach Department of Transport and Public Transport Authority regarding the prompt installation of the Principal Shared Path through Cottesloe.

AMENDMENT

Moved Cr Jeanes, seconded Cr Rowell

To add new item 8 which reads:” Refer the Blackwell and Associates original report to the Design Advisory Panel for comment”.

Carried 8/1

COUNCIL RESOLUTION

That Council request staff to:

1. Undertake detailed design and feasibility assessment, including land assembly and approval procedures, and report-back for Council endorsement to implement:
 - (i) Conversion of the Station Street sump site into a surface car park for public shopper parking time-managed using Meter Eye.
 - (ii) Construction of a surface car park primarily for permit-managed worker parking on the Government landholding at the south-east corner of Jarrad Street and Curtin Avenue, with the design to incorporate retention of all existing trees on the site.
2. Engage Blackwell & Associates to prepare a more detailed design for public domain improvements to Station Street based on the Town Centre Public Domain Infrastructure Improvement Plan and taking into account the sump site project, crime prevention measures and possible future development of the Council car park and private properties. This process is to include consultation with interested parties via the Town and reporting-back to Council for approval of works projects and funding.
3. Review funding arrangements to enable implementation of the planned provision of CCTV in Station Street and the Town Centre as a priority crime prevention strategy.
4. Engage Blackwell & Associates to prepare more detailed designs for improvements to the network of lanes and walkways in the Town Centre, in two stages comprising:
 - (i) Preliminary concepts having regard to previous studies, technical considerations and consultations with interested parties via the Town.
 - (ii) Following consideration by the Station Street/Town Centre Working Group produce construction designs as directed for the preferred concepts and priorities with a view to implementation.

- 5. Approach Coda or other suitable architects to prepare a more detailed concept design for the Station Street/Railway Street car park site, based on a brief taking into account the previous studies, Town Centre Public Domain Infrastructure Improvement Plan and Local Planning Scheme No. 3, for Council to further consider the strategic, technical and financial feasibilities involved in a future project.**
- 6. Review the planning undertaken by the Town over recent years regarding Curtin Avenue, the railway line, railway lands and east-west connectivity, including in relation to planning for the Town Centre, and report to Council on a way forward working with the State Government to prepare an agreed detailed structure plan for the locality as a basis for a redevelopment project to achieve an integrated transport infrastructure, land use, built form and urban design solution.**
- 7. Approach Department of Transport and Public Transport Authority regarding the prompt installation of the Principal Shared Path through Cottesloe.**
- 8. Refer the Blackwell and Associates original report to the Design Advisory Panel for comment**

Carried 8/1

**10.4 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 21
AUGUST 2012****10.4.1 UPDATE WESTERN METROPOLITAN REGIONAL COUNCIL (WMRC)
PROPOSAL FOR CITY OF NEDLANDS MEMBERSHIP**

File No: SUB/378
Attachments: [Negotiations for Nedlands Membership](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Darrell Monteiro
Principal Environmental Health Officer

Proposed Meeting Date: 21 August 2012
Author Disclosure of Interest Nil

SUMMARY

All western suburbs councils (with the exception of the City of Nedlands) are members of the Western Metropolitan Regional Council (WMRC), which currently provides waste management services at the Brockway Waste Transfer Station as well as waste education services.

The WMRC has been working for many years to encourage the City of Nedlands to join the WMRC, which is a key action of the WMRC's Strategic Plan. Following the October 2011 local government elections, Nedlands requested a proposal from the WMRC for Nedlands' membership. The WMRC Council has endorsed the proposal presented as attachment 1 to this report.

Key Issues of this report are:

- On 28 May 2012, Council resolved to commence negotiations with the City of Nedlands in relation to membership of the WMRC.
- On 26 June 2012, the City of Nedlands resolved to commence negotiations with the WMRC, with those negotiations to be concluded by 31 December 2012.
- A structure for the negotiations has been proposed to maximise the opportunity that the negotiations achieve a satisfactory outcome for all parties without the need for iteration through a series of Council meetings.
- The structure requires each member Council to nominate two Councillors and the Chief Executive Officer to a Member Council Liaison Group.
- Three (one Chief Executive Officer and two Councillors) will be selected from the Member Council Liaison Group to form the core negotiating group with three from the City of Nedlands (the Acting CEO and two Councillors).

Key Implications of this report are:

- Having the City of Nedlands as a member of the WMRC enables stronger regional projects to be developed.
 - The negotiations with the City of Nedlands will incur legal and facilitation costs. It may also incur costs to value the WMRC. The WMRC will cover all costs associated with the negotiations.
-

- Any additional advice, including independent legal advice, sought by Council will not be covered by the WMRC.
- If required, an independent valuation of the WMRC might cost up to \$50,000. The WMRC has not considered how this cost might be distributed.

BACKGROUND

The Town of Cottesloe is a member of the Western Metropolitan Regional Council (WMRC). The WMRC member Councils, listed alphabetically, are: Town of Claremont, Town of Cottesloe, Town of Mosman Park, Shire of Peppermint Grove and City of Subiaco. The WMRC runs the Waste Transfer Station at Brockway Road in Shenton Park, as well as providing waste education services on behalf of the members.

The WMRC was formed in 1989 from a predecessor organisation, the Refuse Disposal Zone ("the Zone") which ran the Brockway Tip. The City of Nedlands ("Nedlands") was a member of the Zone and resolved at its meeting on 6 April 1989 to withdraw from the Zone upon closure of the Brockway Tip at the end of 1990. Nedlands did not join the WMRC. On withdrawing from the Zone, Nedlands also withdrew its proportion of the Zone's equity. Nedlands has not joined the WMRC since, and disposes of its waste at a range of sites. Currently Nedlands uses the Brockway Waste Transfer Station.

At its meeting on 28 May 2012 Council resolved:

THAT Council:

1. *Endorse the WMRC negotiations with the City of Nedlands for membership;*
2. *Be presented with the final terms negotiated with the City of Nedlands for membership of the WMRC for consideration and approval; and*
3. *Be presented with the proposed amended Establishment Agreement for consideration and approval.*
4. *Notify the WMRC that Council is not prepared to amend the Establishment Agreement, unless the City of Nedlands make an equitable contribution to the WMRC.*

The City of Nedlands Council resolved on 26 June 2012 that Council:

1. *Enters into negotiations with the WMRC; and*
2. *Negotiations are completed and reported back to Council by 31 December 2012.*

With all Councils having endorsed the commencement of negotiations, further thought was given to how the negotiations are to be conducted. It was initially proposed that the WMRC negotiate with the City of Nedlands, and seek endorsement of the negotiated outcome from the members.

The WMRC Chief Executive Officer has since met with the Acting Chief Executive Officer of Nedlands and the Chief Executive Officers of all the member Councils to

discuss the negotiations, and to propose a more structured process in which all member Councils are involved in the negotiations.

A structured process reduces the risk of an iterative process where an outcome, ostensibly agreed by all negotiators, falls apart upon consideration at one or more of the member Councils. Whilst an iterative process might eventually reach a negotiated outcome, it is unlikely to do so before 31 December 2012.

The proposed process is contained in Attachment 1, and uses the services of an external facilitator to work with all of the member Councils to draw out goals, concerns, alternatives and relationships associated with the negotiation. The facilitator then manages the negotiation.

A core negotiating group of six is proposed for the negotiation, with three from Nedlands and three representing the member Councils. It is recommended that the three be comprised of the CEO and two Councillors.

The member Council representatives ensure that the negotiations reflect the desires of the member Councils through a Member Council Liaison Group formed of three from each member Council. The member Council representatives in the core negotiating group are selected from the liaison group.

Under the proposed process, the WMRC does not undertake any of the negotiations, but instead provides administrative support.

The first step in the process is for all member Councils to endorse the proposed process and nominate representatives to the member Council liaison group. To achieve the nominated timeframe, this needs to be completed by the end of August.

To avoid concerns of any particular member Council not being adequately reflected in the negotiations, it is recommended that the representatives on the member Council liaison group be experienced Councillors, and that they maintain strong lines of communication back to their Council. The risk of "blurring" fiduciary responsibility between WMRC and member Council roles would be minimised by nominating member Council representatives who are already the WMRC delegates.

STRATEGIC IMPLICATIONS

Having the City of Nedlands as a member of the WMRC enables the WMRC to undertake stronger regional projects for the benefit of the western suburbs as a whole.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

The negotiations with the City of Nedlands will incur legal and facilitation costs will lead to legal costs being incurred. It may also incur costs to value the WMRC. The WMRC will cover all costs associated with the negotiations.

Any additional advice, including independent legal advice, sought by Council will not be covered by the WMRC.

SUSTAINABILITY IMPLICATIONS

Having the City of Nedlands as a member of the WMRC enables stronger regional sustainability projects to be developed.

CONSULTATION

Nil

STAFF COMMENT

Following the resolution of all member Councils and the City of Nedlands to pursue negotiations for membership, the WMRC has prepared a negotiation proposal (See attachment) with the aim of concluding negotiations by December 2012.

The proposal provides opportunity for every member council to be involved in the decision making process by the nomination of three Council representatives from each member council on the Member Council Liaison Group. Council's current delegate to the WMRC is Cr Strzina with Cr Rowell as deputy. Council may therefore wish to consider nominating either or both, with their consent, with the CEO.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Rowell suggested that Cr Strzina, as Council's current delegate to the WMRC and himself as the current deputy delegate should be nominated as the representatives on the Member Council Liaison Group. Committee discussed the proposed negotiation process and the need for the City of Nedlands to contribute to the equity of the WMRC if they are to become members.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Mayor Morgan

THAT Council:

- 1. Endorse the process and proposed timeline for the negotiations between the City of Nedlands and the WMRC member Councils for membership of the Western Metropolitan Regional Council.**
- 2. Nominate Cr Strzina, Cr Rowell and the Chief Executive Officer as its representatives on the Member Council Liaison Group.**

COUNCIL DISCUSSION

A note from the CEO of the WMRC was circulated to all Elected Members recommending, in line with other nominations, that consideration be given to nominating Elected Members who are not currently representatives of the WMRC. After some discussion the following amendments were proposed;

AMENDMENT

Moved Cr Walsh, seconded Cr Strzina

In item 2 replace the nomination of Cr Strzina with Cr Walsh.

Carried 8/1

AMENDMENT

Moved Cr Pyvis, seconded Mayor Morgan

In item 2 replace the nomination of Cr Rowell with Cr Pyvis.

Carried 5/4

COUNCIL RESOLUTION

THAT Council:

- 1. Endorse the process and proposed timeline for the negotiations between the City of Nedlands and the WMRC member Councils for membership of the Western Metropolitan Regional Council.**
- 2. Nominate Cr Walsh, Cr Pyvis and the Chief Executive Officer as its representatives on the Member Council Liaison Group.**

Carried 9/0

Cr Pyvis declared a proximity interest in Item 10.4.2 due to owning a property on Forrest Street and left the Chambers at 8.08PM.

10.4.2 FORREST STREET PARKING

File No: SUB/1411
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services

Proposed Meeting Date: 21 August 2012
Author Disclosure of Interest Nil

SUMMARY

At its July 2012 meeting, Council resolved to consult with the residents of Forrest Street, west of Broome Street, regarding parking on their verges. A summary of this consultation has been presented for consideration.

BACKGROUND

During the summer of 2011/2012, several complaints were received about the enforcement of parking restrictions on Forrest Street, west of Broome Street. The area is signed as a No Standing, Road or Verge area, which makes it an offence under the local law for anyone, including adjacent residents and their guests, to park there.

The timing of the parking patrols on Forrest Street was altered following the complaints and infringements were issued, particularly to adjacent residents. This resulted in several appeals and complaints in relation to this issue.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Town of Cottesloe Parking and Parking Facilities Local Law 2009

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Every resident and ratepayer in the affected section of Forrest Street was sent a letter and a survey form for them to complete and return. At the time of writing this report, 19 responses have been received.

STAFF COMMENT

The results of the survey, on the whole are inconclusive. There are 11 responses for changing the parking restrictions, and 7 for leaving them the way they are. Given the number of responses, this on its own is not enough to recommend any changes.

A closer look at the responses shows that all of the respondents who wanted the status quo to remain and provided their address (which was optional) lived west of the units at 16 Forrest Street, while all of the respondents who listed their address who were in favour of change lived at or east of these units. A possible solution would therefore be to allow permit parking east of 16 Forrest Street. It should be noted though that this could have an impact during the peak times if people see parking on the street and assume it is allowed.

Other points of interest raised in the responses were;

- A request for Council to woodchip the verge on the golf course side of Forrest Street
- Concerns about the area being turned into a dust bowl; and
- A compromise should be available during winter.

It should be noted that any parking in this area during the summer peaks will likely encourage other people to park in this location. From experience, staff are able to say that many people do not appear to notice and/or read signs and will simply park where they see other people parked already. While these people will likely be infringed, infringements don't stop the damage to grassed areas or the inconvenience caused when people park in a way that obstructs access.

Further, even with the current restrictions in place, a number of people still park in this area. This is evidenced by the issuing of infringements in this area under the current arrangements.

Based on the feedback received Council could consider:

- Establishing a permit zone between Broome Street and up to and including 16 Forrest Street, with the remainder to remain as is; or
- Leave the current restrictions in place.

Given there have been objections received, and likely problems that would result during summer, it would not be recommended to make the entire area a permit zone.

If the parking arrangements on Forrest Street are amended, the Town's rangers will note any changes in parking behaviour in their patrols. If significant adverse impacts are observed, a report will be brought back to Council outlining the situation, with recommended changes.

VOTING

Simple Majority

COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council alter the parking arrangements on the northern verge of Forrest Street between Broome Street and the western border of 16 Forrest Street to “No Parking, Road or Verge – Permits Excepted”, with the remainder to the area to remain as is.

Lost 0/8

Cr Pyvis returned to the meeting at 8.11PM.

10.4.3 ADOPTION – INVESTMENT OF SURPLUS FUNDS POLICY

File No: POL/7
Attachments: [Policy Investment of Surplus Funds August 2012](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services

Proposed Meeting Date: 21 August 2012
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider proposed changes to the Investment of Surplus Funds Policy.

BACKGROUND

On 20 April 2012, changes to the *Local Government (Financial Management) Regulations 1996* were made, that altered the investments that local governments were allowed to enter into with surplus funds. These changes have been made as a result of losses made by some local governments following the collapse of several investment companies.

The changes require amendments to the Town's Investment of Surplus Funds Policy, to ensure the policy is consistent with the amended Regulations. While the previous policy allowed for other investment options, the Town has had a conservative approach to investing – leaving its funds in deposits with authorised deposit taking institutions.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

19C. Investment of money — s. 6.14(2)(a)

(1) In this regulation —

authorised institution means —

- (a) an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5; or
- (b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;

foreign currency means a currency except the currency of Australia.

- (2) When investing money under section 6.14(1), a local government may not do any of the following —
- (a) deposit with an institution except an authorised institution;
 - (b) deposit for a fixed term of more than 12 months;
 - (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
 - (d) invest in bonds with a term to maturity of more than 3 years;
 - (e) invest in a foreign currency.
- [Regulation 19C inserted in Gazette 20 Apr 2012 p. 1701.]*

FINANCIAL IMPLICATIONS

The Town's surplus funds are currently invested in line with the proposed policy, as such there are no foreseen financial implications.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Town has at present, and has had for some time, a conservative approach to the investment of surplus funds. The Town invests its funds in term deposits with authorised deposit taking institutions. During the heights of the Global Financial Crisis, these deposits were within limits of the Federal Governments deposit guarantees.

The changes made to the Regulations would prevent local governments investing in complex financial instruments, particularly those sold on foreign markets. There have been several high profile cases where local governments have seen the value of investments significantly written down, following the collapse of the CDO (collateralised debt obligations) market. While there are still significant questions over the advice and assurances that were given when these instruments were purchased, it would still be fair to say that the complexity of these instruments made it difficult to accurately ascertain the risk inherent in them.

As the surplus funds that the Town manages are funds it holds on behalf of ratepayers of the district, it is usually accepted that a conservative investment position be maintained. The Town has maintained such a position and as such its operations will not be affected by these changes.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council adopt the amended Investment of Surplus Funds Policy as attached.

Carried 9/0

10.4.4 OCEAN RIDE FOR MS

File No: SUB/550-02
Attachments: [Ocean Ride for MS Application](#)
[Ocean Ride for MS Map](#)
[Ocean Ride for MS Event Management Plan](#)
[Ocean Ride for MS Risk Management Plan](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Christy Watterson
Administration and Governance Officer
Proposed Meeting Date: 21 August 2012
Author Disclosure of Interest Nil

SUMMARY

This event is a Bike Ride from South Beach, South Fremantle to Hillary's Beach Park, Hillary's, to be held on Sunday 7th October 2012.

Ocean Ride for MS is being organized to serve two essential aims of the Multiple Sclerosis Society (MS), being:

- To create an increased awareness of MS in the wider community, as it is estimated 18,000 Australians have MS.
- To raise funds for both essential ongoing research and care assistance associated with MS

Council is being asked to provide its approval for this event, subject to conditions outlined in the officer recommendation.

BACKGROUND

This event is a Bike Ride from South Fremantle to Hillary's, that follows the coast at all times. A complete course description and maps are attached.

The event was first conducted on Sunday, October 30, 2010 and repeated successfully on Sunday, October 23, 2011.

In 2011, the event attracted 1500 participants and was conducted without incident, attracting many positive comments from riders and assisting MS with over \$150,000 in funds.

The ride has been designed with two objectives:

- To include as many people as possible in a Ride that resembles the normal group rides that are a feature of Perth throughout the week and especially on weekends.
 - To utilize a ride course that is different to other rides while attempting to reduce the impact of a large group of Cyclists on Perth roads that would not be closed to normal traffic
-

The ride again will follow the northern metropolitan beaches and showcase the coast, no road closures are required. The event is a RIDE and not a RACE. No timing of entrants will take place.

The event will begin at 6.45am when less traffic is on the roads.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

The Town's Beaches and Beach Reserves Local Law 2012
The Town's Beach Policy

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

This event application was presented to the Public Events Committee on 17th July 2012, and was unanimously endorsed.

STAFF COMMENT

Due to the nature of the event and positive feedback received regarding previous years of this event, the officer is recommending the event be allowed to proceed with conditions. The conditions are intended to ensure that Sports Performance & Management for MS are aware of their obligations and to protect the interests of the Town.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Strzina

THAT Council approve the application for the Ocean Ride for MS, on Sunday 7th of October 2012, from 6.00am to 3.00pm, with the following conditions:

- 1. Compliance with the Environmental Protection (Noise) Regulations 1997.**
- 2. Compliance with Health and Safety requirements.**
- 3. Provision of a certificate of currency to certify that organizers have adequate Public Liability Insurance for all components of the event.**

4. Compliance with the Town's Beaches and Beach Reserves Local Law 2012.
5. Class the Event as "Charity/Community" and charge no fee for the event.

AMENDMENT

Moved Cr Hart, seconded Cr Walsh

That in item 5 the words "Charity/Community and charge no fee for the event" be replaced with "Commercial and charge fee of \$3,000"

Lost 1/8

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

THAT Council approve the application for the Ocean Ride for MS, on Sunday 7th of October 2012, from 6.00am to 3.00pm, with the following conditions:

1. Compliance with the Environmental Protection (Noise) Regulations 1997.
2. Compliance with Health and Safety requirements.
3. Provision of a certificate of currency to certify that organizers have adequate Public Liability Insurance for all components of the event.
4. Compliance with the Town's Beaches and Beach Reserves Local Law 2012.
5. Class the Event as "Charity/Community" and charge no fee for the event.

THE SUBSTANTIVE MOTION WAS PUT

Carried 8/1

10.4.5 OPEN WATER SWIMMING RACE

File No: SUB/1401
Attachments: [SWA Open Water Swim Series Event Application](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Christy Watterson
Administration and Governance Officer

Proposed Meeting Date: 21 August 2012
Author Disclosure of Interest Nil

SUMMARY

The Western Australian Swimming Association Inc. (SWA) is seeking Council's approval to host the 2012 Swimming WA Open Water Swim Series Event from North Cottesloe Beach on Sunday 28th October 2012.

This report recommends that Council approve the event, subject to the organisers' compliance with Health and Safety, Noise, Public Liability Insurance and Beach Policy requirements.

BACKGROUND

This swimming race will be open to the public and will commence at 8.00am on Sunday 28th October 2012. Organisers are expecting participants to range in age, and capabilities, with swim distances ranging from 1.2km – 5km.

North Cottesloe was selected as the location as it is one of WA's most iconic beaches and a favourite amongst the Open Water faithful, the North Cottesloe event promises to deliver one of the series' highlights.

SWA held a similar Open Water Swim Race event at North Cottesloe beach on 25th March 2012, the event was highly successful and no major issues were brought to the attention of Council.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

This event application was presented to the Public Events Committee on 17th July 2012, and was unanimously endorsed.

STAFF COMMENT

Due to the success of the organisers in previous events, the officer recommendation is to approve this application.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Mayor Morgan, Seconded Cr Rowell

THAT Council approve the application to hold the Swimming WA Open Water Swim Series event on Sunday the 28th October 2012, from 8.00am to 12.00pm, subject to the following conditions:

- 1. Adequate arrangements for rubbish removal and collection, including the provision for recycling.**
- 2. Compliance with Environmental Protection (Noise) Regulations 1997.**
- 3. Compliance with Health and Safety requirements.**
- 4. Appropriate Public Liability Insurance, with cover no less than 10 million dollars.**
- 5. Compliance with the Town's Beaches and Beach Reserves Local Law 2012.**
- 6. Class the Event as "Charity/Community" and charge no fee for the event.**

COUNCIL DISCUSSION

The CEO tabled a Memo to Elected Members in relation to this event and requested that the matter be withdrawn and referred back to administration of further clarification of information prior to being re-submitted to Council.

COUNCIL RESOLUTION

Moved Cr Mayor Morgan, Seconded Cr Rowell

That the application be referred back to administration.

Carried 9/0

10.4.6 OCEAN ADVENTURE TRIATHLON

File No: SUB/550-02
Attachments: [Ocean Adventure Event Application Form](#)
[Cottesloe Beach Course Map Ocean Adventure](#)
[Cottesloe Residents Letter Closure of Roads](#)
[Ocean Adventure](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Christy Watterson
Administration and Governance Officer
Proposed Meeting Date: 21 August 2012
Author Disclosure of Interest Nil

SUMMARY

Sports Performance & Management is seeking Council's approval to host the Cottesloe Ocean Adventure and Cottesloe Beach Triathlon event on Cottesloe Beach from 6.00am to 9.30am, Saturday 16th February 2013.

This report recommends that Council approve the event, subject to the organisers' compliance with conditions set out in the officer recommendation.

BACKGROUND

This event has previously been held on 12th February 2010 (called 'Cottesloe SLSC 100th Anniversary Adventure Challenge), the 12th February 2011 and the 18th February 2012.

The event consists of three / four sections - a swim, cycle and run with an additional ski paddle. Each section is completed after the other.

Organisers have designed the event to take into account the total community .In doing so they believe:

- Surf Life Saving Western Australia and Cottesloe SLSC will benefit financially and potentially through growth in members
- Local businesses in the vicinity of the event will benefit financially through significantly added patronage on the day
- Local Community and Town of Cottesloe will benefit as the event will be recognized as belonging to Western Australia's most popular and well known beach. It will enhance the Town of Cottesloe as a leader in supporting events.

The Town of Cottesloe will be included in all materials associated with the event, businesses will be advertised to competitors and the local community will be invited to participate as competitors or as spectators.

The closure of Marine Parade from Curtin Avenue to Napier Street is required for this event. In 2012 a dedicated access lane for residents of Overton Gardens and Warnham Road was implemented. This will be enhanced for 2013 with additional

Marshals at the access points, and a specific letter to the affected residents detailing the Unimpeded Access plan (attached) will be sent out.

In addition to approval from the Town of Cottesloe, approval for this event will also be sought from the West Australian Police, the Department of Planning and Infrastructure and Main Roads Western Australia.

The event will be conducted with all safety regulations adhered to through the involvement of Sports Medicine Australia, Surf Life Saving Western Australia and Qualified Traffic Management Personnel.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

A specific letter to the affected residents advising of the closure of Marine Parade from Napier Street to Curtin Avenue (all streets in between), advising of the Unimpeded Access plan will be distributed.

This event application was presented to the Public Events Committee on 17th July 2012, and was unanimously endorsed.

STAFF COMMENT

Due to the success of the organisers in previous events, the officer recommendation is to approve this application.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Downes, Seconded Cr Rowell

THAT Council approve the application to hold the Cottesloe Ocean Adventure and Cottesloe Beach Triathlon from 6.00am to 9.30am, Saturday 16th February 2013, subject to the following conditions:

1. Adequate arrangements for rubbish removal and collection, including the provision for recycling.
2. Compliance with Environmental Protection (Noise) Regulations 1997.
3. Compliance with Health and Safety requirements.
4. Appropriate Public Liability Insurance, with cover no less than 10 million dollars.
5. Compliance with the Town's Beaches and Beach Reserves Local Law 2012.
6. Class the Event as "Charity/Community" and charge no fee for the event.

AMENDMENT

Moved Cr Rowell, Seconded Mayor Morgan

Amend point (6) of the recommendation by adding the words "subject to administration confirming the events charitable status" before the word "class".

Carried 4/0

COMMITTEE RECOMMENDATION

THAT Council approve the application to hold the Cottesloe Ocean Adventure and Cottesloe Beach Triathlon from 6.00am to 9.30am, Saturday 16th February 2013, subject to the following conditions:

1. **Adequate arrangements for rubbish removal and collection, including the provision for recycling.**
2. **Compliance with Environmental Protection (Noise) Regulations 1997.**
3. **Compliance with Health and Safety requirements.**
4. **Appropriate Public Liability Insurance, with cover no less than 10 million dollars.**
5. **Compliance with the Town's Beaches and Beach Reserves Local Law 2012.**
6. **Subject to administration confirming the events charitable status, class the Event as "Charity/Community" and charge no fee for the event.**

COUNCIL DISCUSSION

The CEO tabled a Memo to Elected Members in relation to this event and specifically the amendment moved at the Committee meeting in relation to confirming the events status. As a consequence the Mayor moved an amendment.

AMENDMENT

Moved Mayor Morgan, seconded Cr Rowell

Item (6) be amended to read "Class the event as a Community Event and Charge a fee of \$550 for the event".

Carried 8/1

COUNCIL RESOLUTION

1. Adequate arrangements for rubbish removal and collection, including the provision for recycling.
2. Compliance with Environmental Protection (Noise) Regulations 1997.
3. Compliance with Health and Safety requirements.
4. Appropriate Public Liability Insurance, with cover no less than 10 million dollars.
5. Compliance with the Town's Beaches and Beach Reserves Local Law 2012.
6. Class the event as a Community Event and Charge a fee of \$550 for the event.

Carried 8/1

10.4.7 HBF ROTTNEST CHANNEL SWIM

File No: SUB/ 550-02
Attachments: [HBF Event Application Form](#)
[HBF Proposed Cottesloe Beach Set Up](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Christy Watterson
Administration and Governance Officer

Proposed Meeting Date: 21 August 2012
Author Disclosure of Interest Nil

SUMMARY

The Rottnest Channel Swim Association Inc. is seeking Council's approval to host the 2013 HBF Rottnest Channel Swim from Cottesloe Beach on Saturday 23rd February 2013.

This report recommends that Council approve the event, subject to the organisers' compliance with Health and Safety, Noise, Public Liability Insurance and Beach Policy requirements.

BACKGROUND

The HBF Rottnest Channel Swim is an annual event, commencing from Cottesloe Beach to Rottnest Island, with approximately 2,300 swimmers participating, 900 of which are expected to depart from Cottesloe at 5.45am.

In 2010, the Rottnest Channel Swim celebrated its 20th anniversary and a record numbers of solo swimmers competed in the event. Last year the Rottnest Channel Swim was held on Saturday, 25th February, again the event was highly successful as it reached its maximum participation capacity.

The 2013 Rottnest Channel Swim will be held on Saturday, 23rd February. The first wave of solo swimmers leaves Cottesloe Beach at 5.45am and the last wave of team swimmers is expected to leave the beach by 7.45am. The event has four participation categories for competitors, which are: Solo, Duo, Team (of 4), Charity Challenge (teams of 4) with entries open on the 5th of November 2012.

The 2013 event departs from Cottesloe Beach and finishes at Thomson Bay, Rottnest Island. The distance of the race is 19.7km.

The age requirement for the 2013 Rottnest Channel Swim is a minimum of 14 years of age (on the day of the event), in accordance with the FINA rules for open water swimming (OWS 1.2).

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

This event application was presented to the Public Events Committee on 17th July 2012, and was unanimously endorsed.

STAFF COMMENT

Due to the history of this event and the success of the organisers in previous years, the officer recommendation is to approve this application.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Mayor Morgan, seconded Cr Rowell

THAT Council approve the application to hold the Rottneest Channel Swim on Saturday the 23rd February 2013, from 5.45am to 7.45am, subject to the following conditions:

1. Adequate arrangements for rubbish removal and collection, including the provision for recycling.
2. Compliance with Environmental Protection (Noise) Regulations 1997.
3. Compliance with Health and Safety requirements.
4. Appropriate Public Liability Insurance, with cover no less than 10 million dollars.
5. Compliance with the Town’s Beaches and Beach Reserves Local Law 2012.
6. Class the Event as “Charity/Community” and charge no fee for the event.

AMENDMENT

Moved Mayor Morgan, Seconded Cr Rowell

That a new point (7) be added that reads “Administration investigate suitable parking and traffic management arrangements for this event.”

Carried 4/0

AMENDMENT

Moved Cr Hart, Seconded _____

Amend point (6) of the recommendation to read “class the event as a community event and charge a fee of \$550”.

LOST FOR WANT OF SECONDER

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

THAT Council approve the application to hold the Rottnest Channel Swim on Saturday the 23rd February 2013, from 5.45am to 7.45am, subject to the following conditions:

1. Adequate arrangements for rubbish removal and collection, including the provision for recycling.
2. Compliance with Environmental Protection (Noise) Regulations 1997.
3. Compliance with Health and Safety requirements.
4. Appropriate Public Liability Insurance, with cover no less than 10 million dollars.
5. Compliance with the Town’s Beaches and Beach Reserves Local Law 2012.
6. Class the Event as “Charity/Community” and charge no fee for the event.
7. Administration investigate suitable parking and traffic management arrangements for this event.

AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 8/1

10.4.8 HULLABALOO 2012

File No: SUB/1308
Attachments: [Hallabaloo Event Application](#)
[Hallabaloo Risk Management Plan 2012](#)
[Hallabaloo Schedule 2012](#)
[Hallabaloo Site Map 2012](#)
[Traffic Management Plan](#)

Responsible Officer: Carl Askew
Chief Executive Officer

Author: Christy Watterson
Administration and Governance Officer

Proposed Meeting Date: 21 August 2012

Author Disclosure of Interest Nil

SUMMARY

Hullabaloo is a Festival organised by Procott and held in the Cottesloe Village. This year's event is scheduled for Saturday 10th November 2012.

Council is being asked to provide its approval for this event, subject to conditions outlined in the officer recommendation.

BACKGROUND

The Festival is a celebration of the best Cottesloe has to offer, promoting the lifestyle and opportunities available to the Cottesloe community. This year the Festival will only be one day in duration, unlike last year where organisers' trialled an extended festival which included a Friday launch concert.

The slogan for the event is "Relax you're in Cottesloe" and with stands, activities, much more to see and do, a fun and relaxing street festival is created.

The event is being organised by Procott, the local business association, and the Zaccaria Group. Zaccaria Group organise many large events including popular concerts at Sandford Winery in the Swan Valley and other large events in Margaret River.

Napoleon Street will be closed to traffic on Stirling Highway and Brixton Street. The road will close at 12.00am on Saturday 10th November 2012 and reopen at 6.00pm on Saturday 10th November 2012. In previous years Station Street was also closed however, this was changed in 2011 and again in 2012, due to parking limitations. Procott have engaged Zaccaria who are a licensed traffic management company to write and implement a traffic management plan. Procott have also been advised of the requirement to have authority from Main Roads WA to close a road.

This year's event has been thoughtfully planned to be different in nature and feel, in comparison to previous events, with an expected turnout of 15,000 people over the course of the day. The Festival is designed to have more of an 'arts feel', with various stands running East to West down Napoleon Street (as per the attached

map). Suitable Certificates of Currency for Public Liability Insurance are required to be presented before the event.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Main Roads WA are the statutory authority that can authorise road closures.

FINANCIAL IMPLICATIONS

The main cost to the Town in approving this event will be in officer's time, particularly the Community Development Officer and Rangers, who will be required to assist at the event. These costs can be met within existing budgets.

Council also contributes over \$80,000 annually to PROCOTT to assist with activities that promote the Town Centre. This money is raised through the application of a differential rate.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

PROCOTT as the organisers of the event have consulted with all the businesses who will be directly and indirectly affected by the running of this event.

This event application was presented to the Public Events Committee on 17th July 2012, and was unanimously endorsed.

STAFF COMMENT

The Procott Board have promoted that a Festival would optimise opportunities to bring both the retailers, service providers and community groups in the Cottesloe business district together in a Village style atmosphere that would highlight the best that Cottesloe has to offer.

The event showcases Cottesloe to the wider community as having a relaxed village atmosphere, and an alternative to Subiaco and Claremont. Through this event the slogan, "Relax, you're in Cottesloe" was introduced and has since been included in advertising, correspondence and promotional material.

Last years Hullabaloo event was a success, with more than 10,000 people attending the two day Festival in Napoleon Street.

Some negative feedback was received by retailers regarding the noise levels generated by the entertainment and as a result this years event will not include any bands. In 2010 complaints were received regarding a lack of available parking, this

occurred even though the event was promoted as an opportunity to ride by train or cycle in all advertisements. To counteract this, only Napoleon Street will be closed this year to allow for parking in Station Street and existing car parks.

Due to the positive feedback received regarding previous years, the thorough risk assessment and event management plan, officers recommend the event be allowed to proceed with conditions. The conditions are intended to ensure that Procott are aware of their obligations and to protect the interests of the Town.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, Seconded Cr Strzina

THAT Council approve the application to hold the Hullabaloo Cottesloe 2012 Festival on Napoleon Street, on Saturday 10th of November 2012 from 9.00am to 4.30pm, with the following conditions:

- 1. Adequate arrangements are made for rubbish collection and removal, including the provision for recycling.**
- 2. Compliance with the Environmental Protection (Noise) Regulations 1997.**
- 3. Compliance with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the Health (Public Buildings) Regulations 1992.**
- 4. Class the Event as “Charity/Community” and charge no fee for the event.**
- 5. Provision of a certificate of currency to certify that organizers have adequate Public Liability Insurance for all components of the event.**
- 6. Appropriate road closure permits are granted by Main Roads WA.**
- 7. The Traffic Management Plan and provider are approved by Main Roads WA, and the plan provided to Cottesloe Police.**

Carried 9/0

Cr Jeanes declared a proximity interest in Item 10.4.9 due to owning a property on John Street and left the Chambers at 7.38PM.

10.4.9 ROW 32B – RELOCATION OF FENCE

File No: SUB/272
Attachments: [Council Minutes May 28 2012](#)
[Survey Results](#)
[Confidential Letter to Colin Svanberg Survey Result ROW 32 71 John Street 27 June 2012](#)
[Confidential Letter to Colin Svanberg re encroaching laneway 9 August 2012](#)

Responsible Officer: Carl Askew
Chief Executive Officer

Author: Carl Askew
Chief Executive Officer

Proposed Meeting Date: 21 August 2012

Author Disclosure of Interest Nil

SUMMARY

This matter was last reported to Council in May 2012 and a copy of that report and Council resolution is attached for ease of reference.

This report recommends that Council, in accordance with section 3.25 and 3.26 of the Local Government Act, requires that the portion of asbestos fence from the end of brick wall to the end of the White's property boundary, as per the attached site survey plan, be moved back onto the legal alignment by 30 September 2012.

BACKGROUND

In response to the Council resolution of May 2012 a site survey was carried out by a licenced surveyor on ROW32B to determine the legal alignment of property boundaries on each side of the right of way off John Street. The survey indicated that the current fence between 71 John Street and the ROW is incorrectly aligned. As a consequence the owner of 71 John St was required to remove and realign the encroaching fence as per Council's resolution.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council's Rights of Way / Laneways Policy applies

STATUTORY ENVIRONMENT

Along with all other previously owned laneways by Council, this laneway is now Crown Land but vested in Council for administration and control.

The Local Government Act 1995, under section 3.25 and 3.26, state:

3.25 NOTICES REQUIRING CERTAIN THINGS TO BE DONE BY OWNER OR OCCUPIER OF LAND

(1) *A local government may give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that —*

(a) is prescribed in Schedule 3.1, Division 1; or

(b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2.

(2) *Schedule 3.1 may be amended by regulations.*

(3) *If the notice is given to an occupier who is not the owner of the land, the owner is to be informed in writing that the notice was given.*

(4) *A person who is given a notice under subsection (1) is not prevented from complying with it because of the terms on which the land is held.*

(5) *A person who is given a notice under subsection (1) may apply to the State Administrative Tribunal for a review of the decision to give the notice.*

(6) *A person who fails to comply with a notice under subsection (1) commits an offence.*

Under Schedule 3.1, Division 1, Part 14(1) and (2) Council has the power to require something to be done, in this case remove anything obstructing.

“Private thoroughfare” is mentioned and explained in Schedule 9.1, part 7(1).

Schedule 9.1 also covers under parts 3 and 7, “Obstructing or encroaching on public thoroughfare”.

OBSTRUCTING OR ENCROACHING ON PUBLIC THOROUGHFARE

(1) *Regulations may be made about the obstruction of public thoroughfares by things that —*

(a) have been placed on the thoroughfare; or

(b) have fallen from land or fallen from anything on land.

(2) *Regulations may be made to ensure that structures and plants do not encroach on a public thoroughfare.*

LOCAL GOVERNMENT (UNIFORM LOCAL PROVISIONS) REGULATIONS 1996 – REG 6 & 7**6. Obstructing public thoroughfare — Sch. 9.1 cl. 3(1)**

(1) *A person who, without lawful authority, places on a public thoroughfare anything that obstructs it commits an offence if the person fails to remove the obstruction when requested by the local government to do so.*

- (2) *If anything falls from land, or from anything on land, onto a public thoroughfare and obstructs it, a person who is the owner or occupier of the land commits an offence if the person fails to remove the obstruction when requested by the local government to do so.*
- (3) *The penalty for an offence against subregulation (1) or (2) is a fine of \$1,000.*

[Note: This regulation is of a kind prescribed in Schedule 3.1, Division 2, item 1. This means that an offender might be given a notice under section 3.25(1)(b) of the Act and if the notice is not complied with the local government may, under section 3.26, itself do what the notice required and recover the cost from the offender.]

7. Encroaching on public thoroughfare — Sch. 9.1 cl. 3(2)

- (1) *A person who is the owner or occupier of land and, without lawful authority*
—
- (a) *erects on the land a structure that encroaches upon a public thoroughfare; or*
- (b) *permits a tree or other plant growing on the land to encroach upon a public thoroughfare,*
- commits an offence if the person fails to remove the structure or plant, to the extent that it is encroaching, when requested by the local government to do so.*

FINANCIAL IMPLICATIONS

The cost of the licenced survey was \$1,650. No other cost to Council is anticipated. In accordance with section 3.26 of the Act if there is a failure to comply with and/or act upon a Notice of the local government it may undertake the associated works and recover such costs as a debt from the person who failed to comply with the notice.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Previous on site discussions have occurred with the two affected property owners. Other adjacent owners were contacted but did not wish to be involved. The CEO has also met with the owner of 71 John Street.

STAFF COMMENT

After the Council decision in May 2012 the CEO met with Mr Svanberg on Monday 25 June 2012 and at that meeting Mr Svanberg agreed to relocate the fence (refer the attached correspondence) however since that time no action has been taken and it was recently reported in the local media that Mr Svanberg would not be taking any action unless directed to by Council. Given the previous resolution by Council and the current statutory position with regard to the laneway the CEO has written to Mr Svanberg again on 9 August 2012 (copy attached). In light of the apparent reluctance of Mr Svanberg to take action on the fence realignment a further report has been prepared for Council.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Mayor Morgan referred to the relatively minor adjustment required and the minimal benefit to the White's in adjusting the Svanberg's boundary, however he also noted that Council's hands are tied in performing their statutory role to keep thoroughfares open. Mayor Morgan suggested that additional time could be provided to the Svanberg's to adjust the fence, as the work required would be a financial imposition on them, as the White's would not be contributing to the costs associated with the fence realignment. He foreshadowed a proposed amendment. Cr Rowell advised Committee that as part of the conditions associated with the White's planning approval, they were required to seal the laneway at their own expense.

Cr Boland commented that he was not supportive of the idea of extending the date by which the fence was due to be moved, as it would leave the matter unresolved and it would be best for the resurfacing of the laneway to occur with fences on their correct alignment. In referring to the matter as a dividing fence issue, Cr Boland queried whether Council should contribute to part of the cost, even though they were not obliged to, noting the potential concern that this may set as a precedent, which he did not consider would be the case in this instance. Cr Boland also foreshadowed a proposed amendment.

Cr Rowell proposed an amendment to the officer recommendation with regard to the section of the Svanberg's fence that is to be moved, to specify that it is the section that is encroaching into the laneway. Committee discussed whether this would require a greater length of fence to be moved, and it was agreed that it would be a minimal increase.

OFFICER RECOMMENDATION

Moved Cr Rowell, Seconded Cr Downes

THAT Council, in accordance with section 3.25 and 3.26 of the Local Government Act, requires that the portion of asbestos fence from the end of brick wall to the end of the White's property boundary, as per the attached site survey plan, be moved back onto the legal alignment by 30 September 2012.

AMENDMENT

Moved Mayor Morgan, Seconded _____

That the date in the officer recommendation be amended from 30 September 2012 to 30 September 2013.

MOTION LAPSED FOR WANT OF A SECONDER

AMENDMENT

Moved Cr Boland, Seconded _____

That a point (2) be added to the officer recommendation that reads "Contribute to half of the costs associated with the realignment of the Svanberg's fence".

MOTION LAPSED FOR WANT OF A SECONDER

AMENDMENT

Moved Cr Rowell, Seconded Cr Downes

That the words “to the end of the White’s property boundary”, be replaced with “and which is encroaching into the laneway”.

Carried 4/0

COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Strzina

THAT Council, in accordance with section 3.25 and 3.26 of the Local Government Act, requires that the portion of asbestos fence from the end of brick wall and which is encroaching into the laneway, as per the attached site survey plan, be moved back onto the legal alignment by 30 September 2012.

NEW MOTION

Moved Mayor Morgan, seconded Cr Boland

That the item be deferred for one month.

Carried 5/3

COUNCIL RESOLUTION

That the item be deferred for one month.

Carried 5/3

Cr Jeanes returned to the meeting at 7.42PM.

10.4.10 REVIEW OF POLICY - RESIDENTIAL VERGES

File No: POL/46
Attachments: [Current Residential Verges Policy](#)
[Proposed Changes Residential Verges August 2012](#)
[Local Government Uniform Local Provisions Regulations 1996](#)

Responsible Officer: Carl Askew
Chief Executive Officer

Author: Geoff Trigg
Manager Engineering Services

Proposed Meeting Date: 21 August 2012

Author Disclosure of Interest Nil

SUMMARY

At its meeting in June 2012, Council discussed "Play Equipment on Road Verges". Part of the final resolution was to:

- 2) "undertake a review of its Residential Verges Policy accordingly including approaches by other Councils and advice from Kidsafe and Council's insurers."

This item provides that review.

BACKGROUND

Councils current policy requires no permit for simple lawned and unreticulated street verges. Any other treatment, including reticulation, any above ground object, garden bed or planting requires a permit.

The policy forbids fixed structures such as cubby or tree houses and swings. Similar policies exist in other metropolitan Council areas. At various times, staff have informed residents that play equipment installed on road verges must be removed to comply with this policy. The majority of these residents have complied with the request. A few have taken the matter further, in an effort to retain such equipment on the verge.

Council has the vesting of all residential road reserves, including verges. This vesting of Crown Land gives Council the legal responsibility to ensure such verge land is kept safe for all public usage, including the removal of any form of obstruction. Such responsibility cannot be passed on or delegated to other parties, including individual property owners.

Against this can be placed the comments from residents and from the media that verge play equipment helps to foster healthier childrens pursuits as well as a family atmosphere.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council's current Residential Verges Policy includes –
“(h) The construction of tree houses, tree swings and the installation of play structures is not considered appropriate within the road reserve due to safety issues.

STATUTORY ENVIRONMENT

- Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001.
- Local Government (Uniform Local Law Provisions) Regulations 1996
- Local Government Act 1995

FINANCIAL IMPLICATIONS

Potential costs to Council include extra costs for inspections of private play equipment, preparation of legal agreements, staff time to follow up insurance cover extensions and liability payments due to accidents from play equipment not covered by Council's insurers.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

McLeods
LGIS (JLT)
Other local authorities

STAFF COMMENT

Apart from the issue of private play equipment on road verges, virtually all of the existing policy is seen as still being accurate and applicable. The points raised under the headings “Objective”, “Principle” and “Issues” would remain unchanged, with item (h) under “Issues” being worthy of discussion.

Under “Policy”, item (3) for the Owner's Responsibilities needs modification.

“Species Selection” and “Procedure” are still applicable and require no changes. Under “Landscape Design”, part (XVI) applies to play equipment and other fixed structures on road verges, which may require modification.

In regard to advice from Kidsafe, the WA website was inspected and a comprehensive list of considerations for playgrounds (not individual play items) are included. The site emphasises considerations such as access / entry, shade, environmental hazards, drainage, supervision, flow of play, anticipated numbers, multi age use, applicable Australian Standards, free height of fall, fall zone, under surfacing, barriers, and many other topics.

These issues are considered by staff regarding public playgrounds and annual professional inspections ensure that problems are regularly addressed. This is not the case on road verges where individual play items are installed by parents, and yet, Council is still liable if injuries to the general public occur.

If Council is aware of a potential hazard on a road verge which has not been approved, and an accident is caused to a member of the public, then Council's public liability insurance may be prejudiced. With all road reserves vested in it, Council has a responsibility to take reasonable steps to remove or make safe any hazard or potential hazard to the public.

Contact with other Councils in the area, regarding this issue, indicated that Cottesloe appears to have the most significant incidents because of the many 40m road/15m verge widths. A cubby house, trampoline or swing set installation can easily fit onto a 15m verge but not when 'free' width is 2 or 3 meters within a 20m road reserve. Swings are removed from street trees when discovered, but there appears to be few major issues with larger play items.

The most recent press coverage, in the region, on a similar matter related to a tree house in a street tree in the City of Cambridge. A very similar Council discussion took place, with similar staff details on insurance liability, responsibility, and adherence to policy and the Local Law.

The final result was a direction to remove the tree house, a request to WALGA to establish uniform control measures for street verge play equipment and a request to LGIS to provide more advice on public liability insurance relating to unauthorised structures on verges.

The major points raised in previous discussions both here and at Cambridge were:

- 1) No play equipment is to be installed on road verges, including being attached to a street tree, unless a submission is made to Council and a permit issued.
- 2) Any permit issued for any structure, including play equipment on road verges, will have conditions attached. If the conditions are not met, or adhered to, then the structure must be removed.
- 3) One condition on the permit is for the person applying for the installation to "obtain from an insurance company approved by the local government an insurance policy, in the joint names of the local government and the person, indemnifying the local government against any claim for damages which may arise in, or out of, its construction, maintenance or use."
- 4) Before any private play equipment is approved by Council, the person requesting installation on a road verge will, at their own expense, have the item inspected by an approved company or person to ensure the item meets the applicable Australian Standard. This item will be required to be inspected annually, i.e. the same interval as Council's playground inspections.

When relating this back to the Residential Verges policy,

- a) Under "(3) Issues", item (h) could be improved by the addition of the words "but will be considered when an application for a permit is made for a structure, including private play equipment, with the permit to include applicable conditions."

- b) Under “(4) Policy”, “Owner’s Responsibilities”, item 3 could be replaced with “Ensure all permit conditions are met, as a result of a verge development, including the installation of private play equipment”.
- c) Under “Landscape Design”, item (XVI) could be replaced with “No fixed structures, including those attached to trees e.g. cubby / tree houses, swings etc shall be allowed within the verge area, unless an application is made to Council and a permit is given, with applicable conditions attached.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Mayor Morgan, seconded Cr Boland

THAT Council:

1. Adopt the amended Residential Verges Policy as attached to the Works and Corporate Services Committee agenda, August 2012.
2. Create a permit for a Road Verge Structures, which shall include the following matters to ensure Council’s responsibilities to the public are met in regards to minimising hazards on its road verges;
 - a) No play equipment is to be installed on road verges, including being attached to a street tree, unless a submission is made to Council and a permit issued.
 - b) Any permit issued for any structure, including play equipment on road verges, will have conditions attached. If the conditions are not met, or adhered to, then the structure must be removed.
 - c) One condition on the permit is for the person applying for the installation to “obtain from an insurance company approved by the local government an insurance policy, in the joint names of the local government and the person, indemnifying the local government against any claim for damages which may arise in, or out of, its construction, maintenance or use.”
 - d) Before any private play equipment is approved by Council, the person requesting installation on a road verge will, at their own expense, have the item inspected by an approved company or person to ensure the item meets the applicable Australian Standard. This item will be required to be inspected annually, i.e. the same interval as Council’s playground inspections.

AMENDMENT

Moved Mayor Morgan, seconded Cr Boland

That a new point (3) be added that reads “Submit to the Premier, the appropriate State Minister(s) and WALGA that the State Government investigate means by which residential streets and verges could be better utilised for recreation by surrounding residents, including the possibility of giving pedestrians the right of way on visibly identified streets used by local traffic only and not by through-traffic (such as green

bitumen designating the whole street is in effect similar to a cross-walk) and/or allowing all property owners in a street to form an incorporated body to fund, control and insure developments on their street's verge."

EQUALITY 2/2
CASTING VOTE AGAINST
LOST 2/3

AMENDMENT

Moved Mayor Morgan, seconded Cr Boland

That a new point (3) be added that reads "Submit to the Premier, the appropriate State Minister(s) and WALGA that the State Government investigate means by which residential streets and verges could be better utilised for recreation by surrounding residents."

Carried 4/1

COUNCIL DISCUSSION

Council discussed the report, including the comments for the member of public, and questions of the CEO in relation to including such equipment as Council assets and the potential for the administration to investigate the ability to assist with equipment inspections.

COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Mayor Morgan

THAT Council:

1. **Adopt the amended Residential Verges Policy as attached to the Works and Corporate Services Committee agenda, August 2012.**
 2. **Create a permit for a Road Verge Structures, which shall include the following matters to ensure Council's responsibilities to the public are met in regards to minimising hazards on its road verges;**
 - a) **No play equipment is to be installed on road verges, including being attached to a street tree, unless a submission is made to Council and a permit issued.**
 - b) **Any permit issued for any structure, including play equipment on road verges, will have conditions attached. If the conditions are not met, or adhered to, then the structure must be removed.**
 - c) **One condition on the permit is for the person applying for the installation to "obtain from an insurance company approved by the local government an insurance policy, in the joint names of the local government and the person, indemnifying the local government against any claim for damages which may arise in, or out of, its construction, maintenance or use."**
 - d) **Before any private play equipment is approved by Council, the person requesting installation on a road verge will, at their own expense, have the item inspected by an approved company or person to ensure the item meets the applicable Australian Standard. This item will be required to be inspected annually, i.e. the same interval as Council's playground inspections.**
-

3. Submit to the Premier, the appropriate State Minister(s) and WALGA that the State Government investigate means by which residential streets and verges could be better utilised for recreation by surrounding residents.

AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 7/2

10.4.11 EXTRA BLACKSPOT APPROVAL FOR 2012/2013

File No: SUB/573
Attachments: [Road Safety Review Existing Road Curtin Avenue and Princes Street 8 July 2011 Copy of Porter Submission](#)
Responsible Officer: Carl Askew
Author: Chief Executive Officer
Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 21 August 2012
Author Disclosure of Interest Nil

SUMMARY

At its November 2011 meeting, Council was informed that Main Roads WA had recommended the funding of only one State Blackspot project for 2012/2013. That project involved several points of improvement on the Curtin Avenue / Eric Street intersection, at a total cost of \$276,000, of which Council would have to fund one third. Council resolved to inform MRWA that it did not accept the grant but would request the project be listed as a reserve project for Federal (100%) Blackspot funding.

The final information on project approvals for State Blackspot grants has recently been received and one other project has been listed for funding. This is the pedestrian crossing on Curtin Avenue, adjacent to the Mosman Park railway station and Princes Street.

The grant offered is \$90,000, to which Council would have to add \$45,000 on a \$2:\$1 basis.

The recommendation is that Council:

1. Agrees to accept the \$90,000 State Blackspot grant from Main Roads WA and to provide its requested \$45,000 contribution to the work through a budget amendment, for the construction and lighting of crossing islands on Curtin Avenue, opposite the Mosman Park railway station, near Princes Street, Cottesloe.
2. Agrees to undertake these works during the 2012/2013 financial year.

BACKGROUND

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

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

The data collected is over a five year period and pre-computed costs are assigned to each type of accident to determine a total community cost of accidents occurring at each site. The cost of the proposed treatment is calculated and a Benefit Cost Ratio (BCR) is then determined. The higher the BCR, the better the chance of the site crash solution being funded from the grant level available. A higher BCR may also indicate that the Federal Blackspot program may fund 100% of the treatment rather than two-thirds by the State program.

A safer pedestrian crossing facility at this location on Curtin Avenue has been considered by Council and requested by various residents a number of times in the past. There are no crash statistics for this site however Council funded a safety audit in 2011, which was used to justify the submission. The safety audit was agreed to after this site was one of several mentioned in a petition, at the time, requesting safer pedestrian crossings.

STRATEGIC IMPLICATIONS

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

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

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

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

FINANCIAL IMPLICATIONS

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

No funds were included in the 2012/2013 budget because, at the time of budget adoption, this project had not been approved by Main Roads WA. In order to receive a \$90,000 grant from Main Roads WA to install these crossing islands, Council will be required to provide \$45,000. There is little chance of this being funded by a 100% cost Federal Blackspot grant because of the lack of accident statistics.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil, apart from Councils decision to apply for this work because of the contents of a petition asking for safer crossing points on several roads including Curtin Avenue.

STAFF COMMENT

Council has previously resolved to support the original application for State Blackspot funds in 2011 but earlier consideration by MRWA of grant submissions recommended not funding the project. This work was the last project funded under the Safety Audit section for State Blackspot funding and it was probably funded only because other projects originally approved had been withdrawn by the submitting Councils.

This is the first time MRWA has agreed to a funding grant for this work, based on the Safety Audit, the needs of pedestrians using the Mosman Park railway station from the west side of Curtin Avenue, and the lack of any crossing islands or other safer crossing assistance over Curtin Avenue for a long section of that road.

Discussions with the Manager Corporate and Community Services and finance staff have indicated that a budget change for the current budget would be possible without a negative impact to the budget objectives, to allow this project to be undertaken.

VOTING

Absolute Majority – Budget Change

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Mayor Morgan

THAT Council:

- 1. Agrees to accept the \$90,000 State Blackspot grant from Main Roads WA and to provide its requested \$45,000 contribution to the work through a budget amendment for the construction and lighting of crossing islands on Curtin Avenue, opposite the Mosman Park railway station, near Princes Street, Cottesloe.**
- 2. Agrees to undertake these works during the 2012/2013 financial year.**

Carried 9/0

10.4.12 CONTRIBUTION TO LANDSCAPING OF MARMION STREET PRE-PRIMARY SITE

File No: SUB/985
Attachments: [Council Minutes July 23 2012](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services

Proposed Meeting Date: 21 August 2012
Author Disclosure of Interest Nil

SUMMARY

Council resolved to “consider an allocation of up to \$20,000 cash and/or in kind as part of the mid year budget review”, at its July 2012 meeting, to landscape the Marmion Street Pre-Primary site ready for its occupation by the Cottesloe Child Care Centre.

The landscaping works will be required before February 2013, when the mid year financial review is expected to be put to Council.

This item therefore recommends that Council commit \$20,000 as a contribution to landscaping and reticulation upgrading at the Marmion Street Pre-Primary site during the 2012/2013 financial year, with that allocation being made by reducing the budgeted allocation to Parks and Gardens Maintenance by \$20,000.

BACKGROUND

As part of the grant application by Cottesloe Community Child Care the CEO, on behalf of the Town, acted as a referee for the application. An indication was also given that the Town would favourably consider a request for a donation (cash and/or in kind) in support of this project. Whilst the overall grant includes an allocation for redevelopment and refurbishment as well as professional and project management costs, it would be appropriate that Council, as the beneficiary of an upgraded facility set aside an allocation toward the project, which will be completed in two stages. It was recommended that Council consider a donation of up to \$20,000 in the form of *in kind* works (e.g. site landscaping) and/or cash as part of its mid year budget review when the project is further advanced.

The works Supervisor has met with the architect and inspected the site. Landscaping works will be required in the near future and before Council considers its mid year financial review.

STRATEGIC IMPLICATIONS

Objective 1 of the current Strategic Plan is to “Protect and Enhance the Lifestyle of Residents” and Objective 5 is to “Maintain infrastructure and Council buildings in a sustainable way”.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Council has not included this work as a project in its 2012/2013 budget. Any "in kind" works will involve labour, overheads and plant use which would normally be expended on parks and gardens type maintenance, therefore less maintenance works would be replaced with landscaping works at this site. Any purchases of landscaping and reticulation materials would be abnormal to expected parks and gardens expenditure.

The works would be financed with a reduction of \$20,000 in the budget allocation for Parks & Gardens Maintenance in the 2012/2013 budget plus the creation of a new account allocation of \$20,000 for the landscape upgrading at the Marmion Street site.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Apart from the consultation / negotiations relating to the Lotterywest grant and the relocation of the Cottesloe Child Care Centre to this site, staff have consulted with the architect regarding the landscaping and reticulation works required.

STAFF COMMENT

The required landscaping and reticulation works on this site are required as soon as possible. The resolution from the July meeting proposes that an allocation of up to \$20,000 be considered at the mid year financial review – probably at the February 2013 meeting. If the works were approved as covered under "Financial Implications", consideration could be given (if required) at the mid year financial review, to restoring the \$20,000 back into Parks & Gardens Maintenance from any surplus funds available at that time.

VOTING

Absolute Majority – Budget Change

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Mayor Morgan

THAT Council commit \$20,000 as a contribution to landscaping and reticulation upgrading at the Marmion Street Pre-Primary site during the 2012/2013 financial year, with that allocation being made by reducing the budgeted allocation to Parks and Gardens Maintenance by \$20,000.

Carried 9/0

10.4.13 STATUTORY FINANCIAL REPORTS FOR THE PERIOD 1 JULY 2012 TO 31 JULY 2012

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

Proposed Meeting Date: 21 August 2012
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present to Council the Statement of Financial Activity, the Operating Statements by Program and by Nature and Type, the Statement of financial position, and supporting financial information for the period 1st July 2012 to 31st July 2012 as included in the attached Financial Statements.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Statement of Financial Activity on page 1 of the attached Financial Statements shows a favourable operating revenue of \$64,283 against year to date budgeted revenue. Operating expenditure is \$437,983 or 44% less than year date budget, however depreciation has yet to be run for July 2012. Material variances are outlined on pages 7 to 9 of the attached Financial Statements. Capital expenditure is reported in detail on pages 28 to 31 of the attached Financial Statements, any negative values here relate to accrued expenses from the prior financial year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, Seconded Cr Strzina

THAT Council receive the Statement of financial Activity, Operating Statements by Program and by Nature and Type, Statement of Financial Position, and other supporting financial information as included in the attached Financial Statements for the period 1 July 2012 to 31 July 2012, as submitted to the 21st August 2012 meeting of the Works and Corporate Services Committee.

Carried 9/0

10.4.14 LIST OF ACCOUNTS FOR THE MONTH OF JULY 2012

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

Proposed Meeting Date: 21 August 2012
Author Disclosure of Interest Nil

SUMMARY

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

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The list of accounts paid in July 2012 is included in the report on pages 11 to 17 of the attached Financial Statements. The following significant payments are brought to Council's attention;

- \$24,035.00 to the City of Nedlands being Council's contribution towards road rehabilitation works at North Street.
 - \$27,279.89 to Cobblestone Concrete for various footpath works.
 - \$76,177.50 to Car Parking Technologies Ltd for the extension of the SmartEye network.
 - \$20,845.00 to West Coast Shade for the installation of a shade sail at the Civic Centre playground.
-

- \$29,573.30 to Mayor K Morgan for outstanding elected member fees and allowances.
- \$51,526.20 to FJ Fitzsimmons & Co for car park works at Napier Street.
- \$84,486.63 to LGISWA for Council's insurances.
- \$25,069.00 to Civica Pty Ltd for annual software licence fees
- \$29,582.29 to WMRC for waste disposal fees.
- \$26,496.14 to Ocean IT for IT network upgrades and licence fees.
- \$97,688.02 \$ \$75,065.29 to Town of Cottesloe staff for fortnightly payroll.
- \$200,000.00 \$ \$100,000.00 to the Town of Cottesloe Investment Account held with National Australia Bank.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, Seconded Cr Strzina

THAT Council receive the List of Accounts Paid for the month of July 2012 as included in the attached Financial Statements, as submitted to the 21st August 2012 meeting of the Works and Corporate Services Committee.

Carried 9/0

10.4.15 SCHEDULES OF INVESTMENTS AND LOANS AS AT 31 JULY 2012

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

Proposed Meeting Date: 21 August 2012
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Schedule of Investments and the Schedule of Loans as at 31 July 2012, as included in the attached Financial Statements, to Council.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 20 of the attached Financial Statements shows that \$2,071,385.68 was invested as at 31 July 2012. Approximately 45% of the funds are invested with National Australia Bank. Approximately 29% of the funds are invested with Westpac Bank, 14% with the Commonwealth Bank of Australia and 12% with Bankwest.

The Schedule of Loans on page 21 of the attached Financial Statements shows a balance of \$6,208,229.62 as at 31 July 2012. Included in this balance is \$337,457.33 that relates to self supporting loans.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, Seconded Cr Strzina

THAT Council receive the Schedule of Investments and the Schedule of Loans as at 31 July 2012. These schedules are included in the attached Financial Statements as submitted to the 21 August 2012 meeting of the Works and Corporate Services Committee.

Carried 9/0

10.4.16 PROPERTY AND SUNDRY DEBTORS REPORTS AS AT 31 JULY 2012

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

Proposed Meeting Date: 21 August 2012
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports as included in the attached Financial Statements, 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 22 to 26 of the attached Financial Statements shows a balance of \$133,696.52. Of this amount, \$123,278.03 relates to the current month. The balance of aged debtors is \$10,418.49.

The Rates and Charges Analysis on page 27 of the attached Financial Statements shows a total balance outstanding of \$8,063,256.36. Of this amount, \$205,419.76 and \$988,115.38 are deferred rates and emergency services levies respectively. The Statement of Financial Position on page 6 shows a balance of \$8,380,315 as compared to \$8,608,194 this time last year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, Seconded Cr Strzina

THAT Council receive the Property and Sundry Debtors Reports as at 31 July 2012. These reports are included in the attached Financial Statements as submitted to the 21 August 2012 meeting of the Works and Corporate Services Committee.

Carried 9/0

10.5 STRATEGIC PLANNING COMMITTEE MINUTES - 22 AUGUST 2012**10.5.1 TOWN OF COTTESLOE - ACTION PLAN REVIEW**

File No: SUB/108
Attachments: [Action Plan 22 August 2012](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer

Proposed Meeting Date: 22 August 2012
Author Disclosure of Interest Nil

SUMMARY

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

BACKGROUND

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

In November 2010 Council resolved to receive an amended Action Plan report having noted the completion of the development of the new joint library facilities and determining to add in two new items:

- Under Objective 4: Development, a new item 4.7 be added to read “Develop a strategy to address the requirements of the State Government’s Directions 2031 Strategies and Policies”.
- A new Dynamic Priority be added to read: “Develop a strategy to promote Council services and activities at the beachfront in order to better align with expectations for the wellbeing and enjoyment of the local community and visitors to the Town of Cottesloe”.

In February 2012 Council resolved to:

1. Receive the Action Plan Report as amended by the Strategic Planning Committee.
 2. Receive a report at the next meeting, and future meetings, which addresses the status and progress of the following:
 - (i). Disability Access path
 - (ii). Change room/toilet facilities at the beachfront
 - (iii). Review of the Town’s Bike Plan
-

- (iv). Investigate the temporary closure of Marine Parade (central foreshore only) for community events and activities.

In relation to point (iii) above, in May 2012 Council resolved to establish a Bike Plan Working Group comprising Councillors Rowell, Boland, Walsh and Pyvis to coordinate the review of the Town's Bike Plan.

STRATEGIC IMPLICATIONS

The Action Plan has obvious strategic implications. Council's Strategic (Future) Plan, from which the Action plan is derived, now requires review.

In addition, and as part of the suite of changes introduced by the Minister for Local Government, all Councils have been advised of the need to undertake and improve their strategic planning. An *Integrated Planning and Reporting Framework* has been prepared, together with associated guidelines for local governments, and inclusive of asset management and long term financial planning.

All local governments are currently required to produce a plan for the future under S5.56 (1) of the *Local Government Act 1995* (the Act). Regulations have been made under S5.56(2) of the Act to outline the minimum requirements to achieve this and these changes were approved in August 2011.

In February 2012 Council also resolved to include in the 2012/13 budget an allocation up to \$25,000 to undertake a community perception survey as the first phase of developing a Community Strategic Plan.

POLICY IMPLICATIONS

None known

STATUTORY ENVIRONMENT

Statutory Environment

Division 5 — Annual reports and planning principal activities

5.56. Planning principal activities

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

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

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

- (1) *In this regulation – “plan for the future” means a plan made under section 5.56.*
- (2) *A local government is to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).*
- (3) *A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.*
- (4) *a local government is to review its current plan for the future of its district every 2 years and may modify the plan, including extending the period the plan is made in respect of.*
- (5) *A council is to consider a plan, or modifications, submitted to it and is to determine* whether or not to adopt the plan, or the modifications, as is relevant.*

**Absolute majority required.*

FINANCIAL IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

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

STAFF COMMENT

In relation to the Action Plan, the following strategies were identified by Council as priorities for 2011/12.

- 1.2 Reduce beachfront hotel numbers to a sustainable level.
- 1.5 Identify increased opportunities to use existing facilities or provide new venues for formal community cultural events and activities.
- 1.9 Develop a Community Safety Strategy
- 2.1 Produce a draft Structure Plan for consultation purposes showing the sinking of the railway and realignment of Curtin Avenue together with 'what's possible' in terms of sustainable redevelopment and pedestrian and traffic links.
- 3.1 Develop the 'Foreshore Vision and Master Plan' in consultation with the community.

- 3.4 Introduce electronically timed parking.
- 4.1 Develop planning incentives for heritage properties.
- 4.5 Consider undeveloped Government owned land for higher density development provided there is both public support and benefit for the Cottesloe community.
- 4.7 Develop a strategy to address the requirements of the State Government's Directions 2031 Strategies and Policies.
- 5.1 Adopt a policy position on assets that have a realisable value such as the Depot and Sumps.
- 5.2 Subject to the satisfactory resolution of land tenure, design and funding requirements, progress the development of new joint library facilities.
- 5.3 Develop an integrated Town Centre plan to improve all aspects of the infrastructure of the Town Centre.
- 5.6 Develop a long term asset management plan and accompanying financial plan.
- 6.1 Further improve the community consultation policy in recognition of the need for greater community engagement when change is needed.
- DP1 Complete the adoption of Local Planning Scheme No. 3 including the preparation of all draft policies to a stage where they can be advertised for public comment.
- DP2 Report on the proposed tasks identified in the Climate Change Vulnerability study and their impacts, priorities and applicability to the Town of Cottesloe
- DP3 Develop a strategy to promote Council services and activities at the beachfront in order to better align with expectations for the wellbeing and enjoyment of the local community and visitors to the Town of Cottesloe.

The following *program summary* in relation to the above strategies is provided. More detail is contained in the updated Action Plan.

Rating	Ref	Comment
C/O	1.2	Council's strategy to monitor anti-social behaviour is ongoing. Last report to Council in August 2010. Changes at CBH have significantly reduced (improved) incidents of anti-social behaviour.
O	1.5	Civic Centre future use study reported to Council in February 2010. Additional report to all Councillors in August 2010 including consideration by Public Events Committee. Report on Catering contractor in February 2011. Ongoing.
C	1.9	Develop a Community Safety Strategy. Report to Council in May 2010 and adoption of Safer Sustainable Cottesloe Plan 2010 – 2014.
O	2.1	As per Council resolution in October 2009, Draft Plan progressed through EbD. Working Group reconvening with a view to further community consultation on a preferred alignment. Suggestion from Minister and meeting with DoP regarding Council liaising with LandCorp to plan a TOD. In May 2012 Council met with Premier/local member who supports realigning Curtin Avenue along the railway line and offered to facilitate The Department of

		Planning and Transport meeting with the Town.
C	3.1	Plan completed with implementation schedule and cost estimates being finalised. From October 2011 a process of comprehensive reporting, review and refinement has been conducted to confirm the Foreshore Redevelopment Plan via Council and progress implementation, including a prospectus, support for the beach pool <i>in-principle</i> and approaches to State Government for funding. Council has since instigated and committed funds to certain projects and an update report on implementation of the Plan has been prepared for August 2012.
C/O	3.4	Meter Eyes have been installed at the Foreshore and Town Centre with a second phase roll out in the Town Centre to be planned as part of Town Centre Working Group, Development of Draft Parking Strategy, and subject to budget consideration. In May 2012 Council authorised the provision of additional Meter eye units for the Town Centre. A proposal is being considered for cash in lieu funds to be used to construct street level parking over the site in Station Street. Updated parking policy for LPS3 workwith Council in July 2012.
C/O	4.1	Proposed LPS3 and related draft policy as well as practice by staff and the Heritage Advisor have addressed the consideration and application of heritage incentives so far. LPS3 lodged for finalisation of Scheme provisions and content of any related policy. Heritage List process reported to Council in April 2012 and Council Workshop held in May 2012 for officer actions.
O	4.5	Council has resolved to pursue structure planning for the area which will include consideration of higher density development. At present the focus is on resolving Curtin Avenue, the railway and east-west connectivity as the key infrastructure prerequisites to overall structure planning for land uses and development. Subject to finalisation of LPS3 development zones.
O	4.7	Develop a strategy to address the requirements of the State Government's Directions 2031 Strategies and Policies. Research being undertaken and report to be prepared.
C/O	5.1	Plan is currently progressing for the Depot. Consultants investigating concept and feasibility of joint facility at Mosman Park. Shared option with Subiaco and Nedlands remains ongoing. Station Street sump site under consideration. Report to Council in December 2011 with endorsement "in principle" to relocate in accordance with concept plans. Negotiations with Mosman Park are continuing. Staff are also progressing planning and disposal options for the existing depot site.
C	5.2	Joint Library construction complete. Landscaping finalised. Official opening February 2011.
C	5.3	A consultant has completed this study having regard to the related Station Street and railway lands planning initiatives influencing the future of the Town Centre. Crime Prevention methods reported to Council in March 2012. Update Draft Parking Policy for LPS3 also informs Town Centre planning and projects. Reports on SHACS

		and associated MRS amendment have also occurred.
O	5.6	WAAMI program has been restarted and will become the basis for the Town's asset management plan and will link to the long term financial plan adopted in August 2010. Report to Council in August 2012.
H	6.1	This matter has not progressed due to other priorities.
C/O	DP1	LPS3 was submitted to WAPC in May 2009 and has been re-advertised for modifications proposed by the Minister for Planning. Advertised submissions assessed and in September 2011 Scheme re-lodged for finalisation. On 2 February 2012 Council met with the Minister, WAPC Chair and DoP staff to present its beachfront solution and Foreshore Redevelopment Plan; and on 27 March this was repeated to the SPC of the WAPC. On 19 April the Town received notification from the WAPC of the Minister's required final modifications; on 30 April Council was briefed; and on 15 May a Special Council Meeting was held, which resolved several lines of response to the Minister's decision and requirements. The Town has subsequently challenged the Minister's decision in the Supreme Court whereby finalisation of the scheme is in abeyance.
C	DP2	Geological study to determine the rock/sand sections of the foreshore approved with grant funding. Work completed in February and reported to Council in March 2011. Final report presented to Council in August 2011. No further funding has been provided for additional studies or site works in regards to 2011/12 and 2012/13 budgets. Staffs are working within WESROC to develop long term policies and actions for a regional approach.
O	DP3	Develop a strategy to promote Council services and activities at the beachfront in order to better align with expectations for the wellbeing and enjoyment of the local community and visitors to the Town of Cottesloe. Draft Local Law and Ranger Operational Guidelines prepared for report to Council in February 2012. Community Perceptions Survey considered by Council in April 2012 and deferred to 2012/13 financial year. Local Law adopted on 28 May 2012
Legend		O=Ongoing C=Complete/substantially complete H=On Hold

In relation to the February 2012 Council resolution and specifically the issues raised the following update is provided:

Disability Access Path – Council's grant submission to Lotterywest for a \$200,000 grant towards a new main beach Disability Access Path was recently approved. To that grant, Council will add \$100,000 (as budgeted) to make the total budget for the project \$300,000. The grant approval allows for a two year period for construction. A full survey of levels and locations of all built and natural assets on the area to be affected has now been completed. The next step will be to obtain quotations for the design of the path and adjacent affected terraces.

With regards to when the works would best be commenced, early April 2013 is proposed.

By the time the design is completed, all stakeholders have agreed on the design, Heritage Council and WAPC have given approvals, the design has been used as a basis for plans and specifications for a tender to be drawn up, the tender called and a successful tendering company accepted, the full hot weather use of the main beach will be underway. Then Sculpture By The Sea will run until late March 2013. At that time, with the majority of beach use expected to drop back, site access would begin, with earthworks, delivery of materials and actual construction commenced.

This would allow for all works to be completed in the last three months of the financial year and minimal impact on the beach going public.

Staff are now arranging for quotes covering the design process.

- (i). **Change room/toilet facilities at beachfront** – A separate report was prepared and tabled for the Strategic Planning Committee meeting of May 2012.
- (ii). **Review of Town's Bike Plan** – A separate report to the May meeting of Council was in relation to identifying issues and actions from the current Bike Plan 2008-2014. Council resolved to establish a Bike Plan Working Group comprising Councillors Rowell, Boland, Walsh and Pyvis to coordinate the review of the Town's Bike Plan.
- (iii). **Investigate the temporary closure of Marine Parade (central foreshore only) for community events and activities** - Administration have investigated the closure of roads for public events and conclude that it can be done, subject to certain conditions being met. These conditions are that the Town obtains the permission of local police and the Commissioner of Main Roads, for which there is a standard form and process that can be followed. This is slightly different to the procedure for road works, as the Town is empowered to close roads under its care and control for works, but not for public events.

When the request to close a thorough is submitted, a traffic management plan (TMP) must be included with the application. The Town has suitably qualified staff that can design and implement a traffic management plan to the requirements of Main Roads WA. As a part of this process, a standard TMP will be developed, however it will still need to be considered against the requirements of each event.

As there are implications with closing roads, such as disruption to local residents and businesses, each event should be considered on a case by case basis. A detailed report will be submitted to the next Events Committee Meeting, which will allow them discuss which events the Town could consider closing Marine Parade for and which events (or parts of those events) it would not be appropriate to do so. This report will also consider the viability of closing Marine Parade to create a pedestrian space from time to time.

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

In relation to the Future Plan there is now a stated process, framework and guidelines for the creation of both a Strategic Community Plan and a Corporate Business Plan. The expectation is that these new plans will be developed and introduced over the next 18 months in time for the 2013/14 Budget. Subject to Council endorsement via a separate report, this process will commence in mid to late 2012.

Given the current situation the Town of Cottesloe is at an interesting place in regards to strategic planning due to several main causes, which include;

1. Local Planning Scheme No. 3 is in the final stages of approval by the Minister.
2. Potential impacts on the Town's future as a result of the Metropolitan Local Government Review, final report and State Government actions.
3. Introduction of the Department of Local Government's Integrated Strategic Planning framework.

Council may wish to hold off on making any further amendments to its Action Plan until the above matters have been resolved and / or determined as each will have a significant impact upon any future strategic planning. The focus should now be on the development of a new Strategic Community Plan.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council receive the Action Plan Report as amended by the Strategic Planning Committee and note that the focus for officers and Council is now on the development of a new Strategic Community Plan.

Carried 9/0

10.5.2 BUSINESS PLAN – SALE OF DEPOT

File No: SUB/962
Attachments: [Business Plan Sale of Depot](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services

Proposed Meeting Date: 22 August 2012
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider and endorse for public notice a business plan for the sale of the land which currently houses the Town's Works Depot.

BACKGROUND

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

The reasons for this include;

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

The Town has previously advertised a business plan for this proposed land transaction. However, the Act is not clear on how long a business plan remains in effect. There is some suggestion that the business plan would only be current for the financial year in which it has been advertised.

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

Sale of Assets with Realisable value
Sale of Council Property

STATUTORY ENVIRONMENT**Local Government Act 1995****3.59. Commercial enterprises by local governments**

(1) In this section —

acquire has a meaning that accords with the meaning of *dispose*;

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

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

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

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

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

major trading undertaking means a trading undertaking that —

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

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

- (2) Before it —
 - (a) commences a major trading undertaking;
 - (b) enters into a major land transaction; or
 - (c) enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a business plan.
- (3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —
 - (a) its expected effect on the provision of facilities and services by the local government;
 - (b) its expected effect on other persons providing facilities and services in the district;
 - (c) its expected financial effect on the local government;
 - (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56;
 - (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
 - (f) any other matter prescribed for the purposes of this subsection.
- (4) The local government is to —
 - (a) give Statewide public notice stating that —
 - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;
 - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and

- (iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;

and

- (b) make a copy of the business plan available for public inspection in accordance with the notice.
- (5) After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.
**Absolute Majority required*
- (5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.
- (6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.
- (7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.
- (8) A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.
- (9) A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.
- (10) For the purposes of this section, regulations may —
- (a) prescribe any land transaction to be an exempt land transaction;
 - (b) prescribe any trading undertaking to be an exempt trading undertaking.

Local Government (Functions and General) Regulations 1996

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

- (1) The amount prescribed for the purposes of the definition of *major land transaction* in section 3.59(1) of the Act is —
- (a) if the land transaction is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of —
 - (i) \$10 000 000; or
 - (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year;

or

 - (b) if the land transaction is entered into by any other local government, the amount that is the lesser of —
 - (i) \$2 000 000; or
 - (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.
- (2) A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if —
- (a) the total value of —
 - (i) the consideration under the transaction; and
 - (ii) anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed under subregulation (1); and
 - (b) the Minister has, in writing, declared the transaction to be an exempt transaction because the Minister is satisfied that the amount by which the total value exceeds the amount prescribed under subregulation (1) is not significant taking into account —
 - (i) the total value of the transaction; or
 - (ii) variations throughout the State in the value of land.

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

FINANCIAL IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

The Business Plan as attached would need to be advertised for comment, for a period not less than 6 weeks. The advertising and notices would need to comply with all of the requirements of both state and local public notices as described in the Local Government Act 1995.

STAFF COMMENT

Council has previously considered and adopted a business plan for the sale of the depot site. This plan pre-dates changes to the Regulations which were made in September 2011 and is more than one year old. While the Act doesn't specifically state when a business plan expires, it could be held that the transaction is different from what was originally advertised, due to the time that has passed since the original plan was adopted.

In order to ensure a smooth process should Council decide to proceed with the sale of the depot in the short to mid-term, it is considered prudent to re-advertise the business plan, to ensure it conforms with the requirements of the Act.

At this stage, Council is only authorising the advertising of the plan. If the recommendation is adopted, the plan will be advertised for a period not less than six weeks. During that time, Council will be able to receive submissions and at the end of the period, with due regard to the submissions made, continue with the plan as advertised or one that is not significantly different to that which was advertised.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Jeanes

THAT Council endorse the attached Business Plan for the sale of the depot site, for advertising in line with the requirements of section 3.59 of the Local Government Act 1995.

Carried 9/0

10.5.3 COMMUNITY PERCEPTIONS SURVEY

File No: SUB/1328
Attachments: [Catalyse Community Perceptions An Overview](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services

Proposed Meeting Date: 22 August 2012
Author Disclosure of Interest Nil

SUMMARY

This report recommends that Council consider appointing Catalyse to undertake a community perceptions survey, as the first part of developing a Strategic Community Plan.

BACKGROUND

In August 2011, new regulations with regard to long term strategic planning for local governments were introduced. Specifically, Councils are now required to prepare a Strategic Community Plan, that guides the remainder of Council's long term planning documents.

The second major plan that Council needs to prepare is its Corporate Business Plan, which effectively underpins the Strategic Community Plan. The Corporate Business Plan outlines how the objectives or goals in the Strategic Community Plan will be achieved. The Corporate Business Plan, would typically consist of the following;

- Asset Management Plan
- Human Resources Plan
- Long Term Financial Plan

These plans would form the basis for each year's budget and more specific planning documents.

STRATEGIC IMPLICATIONS

This is the first step in writing a Strategic Community Plan, which replaces the current Strategic Plan.

POLICY IMPLICATIONS

Community Consultation Policy

STATUTORY ENVIRONMENT

Local Government (Administration Regulations) 1996

19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
*Absolute majority required.
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

[Regulation 19C inserted in Gazette 26 Aug 2011 p. 3483-4.]

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.

- (3) A corporate business plan for a district is to —
- (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
*Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

[Regulation 19DA inserted in Gazette 26 Aug 2011 p. 3484-5.]

FINANCIAL IMPLICATIONS

The cost of the Community Perceptions Survey has been incorporated into the 2012 / 2013 operating budget.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

At present, Council's Plan for the Future has expired and Council is required to replace it. As the new regulations are in force, it's not simply a matter of replacing the current document with a re-worded or updated document, instead it needs to be re-written to comply with the new strategic planning requirements.

There has previously been some hesitation in regards to starting the long term strategic planning process, due in large part to the uncertainty surrounding Town Planning Scheme No. 3, as well as uncertainty generated by the local government

reform process. This hesitation is understandable given that both of these processes would have a significant impact on the future direction of the Town, and as such any plan written before these processes are complete, is likely to require re-writing after they are finalised.

A Strategic Community Plan would be developed in a series of steps. It would be advantageous if Council could show that the community is instrumental in each part of the development of the Strategic Community Plan, from formation to implementation. The obvious challenge in doing this is the time it would take to consult the community, during each step of writing the plan.

The development of a Strategic Community Plan will take some time – it is not a process that is likely to be completed in this calendar year. Once the initial perceptions survey is completed, there will need to be a series of workshops and public meetings before a plan could be finalised. With this in mind and the requirement to have a Community Strategic Plan and Corporate Business Plan in place before 30 June 2013, the requirement to start the process is upon the Town.

A Community Perceptions Survey (CPS), as quoted would allow the process of writing the Community Strategic Plan to begin. It would do this by providing the base data that would allow Council to substantiate what the current wishes of the community are. This then allows areas of importance to be developed – which form the basis of the writing of a Strategic Community Plan.

A CPS will perform a second key function in providing a base level of community satisfaction. Any future survey would be able to be compared to this base survey and the efforts of the local government could be quantified as improving or reducing community satisfaction. Even if the Town's structure were to be changed, this would provide a valuable assessment of local governance.

Officers have sought proposals from two agencies who undertake this type of research. Catalyste were felt to provide the better quote due to the availability of bench marking. The quoted costs for phone surveys were not materially different.

If Catalyse were to be engaged as recommended, a workshop to set the areas of focus of the survey, as well as finalising many of the other details would be held in early September 2012. This would give the opportunity to ensure the survey is personalised to cater to the needs of the Town. It is recommended to undertake the phone survey as this would provide the strongest results. The cost of the phone survey is quoted at \$24,000.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Rowell

THAT Council engage Catalyste to undertake a Community Perceptions Survey, via phone survey, as per the attached proposal, with the results to be presented at the November 2012 meeting of the Strategic Planning Committee.

Carried 9/0

10.5.4 SUPERSEDED POLICIES - PUBLIC COMMENT TIME AND PUBLIC STATEMENT TIME

File No: CLL/5
Attachments: [Public Question Time Policy](#)
[Public Comment Time Policy](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Christy Watterson
Administration and Governance Officer

Proposed Meeting Date: 22 August 2012
Author Disclosure of Interest Nil

SUMMARY

This report recommends the deletion of the Town's Public Comment Time Policy and Public Statement Time Policy, as the Town's *Standing Orders Local Law 2012* and the *Local Government (Administration) Regulations 1996* provide guidance as to the order of proceedings for meetings of Council and its Committee's.

BACKGROUND

The new *Standing Orders Local Law 2012* together with the *Local Government (Administration) Regulations 1996*, comprehensively stipulate the order of proceedings for meetings of Council and its Committees. They remove the need for the Public Comment Time and Public Statement Time Policies that were adopted to overcome shortcomings of the Town's previous Standing Orders Local Law.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

The Public Question Time Policy and Public Comment Time Policy are recommended to be deleted.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Administration) Regulations 1996

"Part 2 — Council and committee meetings**5. Question time for public, meetings that require prescribed (Act s.5.24)**

For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are —

- (a) every special meeting of a council;*
 - (b) every meeting of a committee to which the local government has delegated a power or duty.*
-

6. Question time for public, minimum time for (Act s. 5.24(2))

- (1) *The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.*
- (2) *Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.*

7. Question time for public, procedure for (Act s.5.24(2))

- (1) *Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined —*
 - (a) *by the person presiding at the meeting; or*
 - (b) *in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members,*
having regard to the requirements of subregulations (2), (3) and(5).
- (2) *The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.*
- (3) *Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.*
- (4) *Nothing in subregulation (3) requires —*
 - (a) *a council to answer a question that does not relate to a matter affecting the local government; or*
 - (b) *a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or*
 - (c) *a committee to answer a question that does not relate to a function of the committee.*
- (5) *If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to —*
 - (a) *declare that he or she has an interest in the matter; and*
 - (b) *allow another person to respond to the question.”*

Town of Cottesloe's Standing Orders Local Law 2012

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Standing Orders Local Law 2012, together with the *Local Government (Administration) Regulations 1996*, will assist the public in its understanding of how to obtain maximum benefit from its opportunity to participate in the meetings of Council and its Committees, and assist in the orderly and efficient running of meetings.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council delete its Public Statement Time Policy and Public Comment Time Policy.

Carried 9/0

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

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

12.1 ELECTED MEMBERS

Cr Walsh proposed the following motion to be considered as new business of an urgent nature:

1. Councillor Rowell attend the next shire meeting of Peppermint Grove and Mosman Park and tell them that they are to join the G4 without further delay.
2. Councillor Rowell be provided with a copy of Cottesloe's resolutions on this matter by the CEO so that he can give an exact position that can be followed by Cottesloe.

Moved Cr Walsh, seconded Cr Pyvis

That the matter be considered as urgent business.

Lost 2/7

12.2 OFFICERS

Moved Cr Strzina, seconded Cr Downes

That item 12.2.1 on WALGA Advocacy Campaign - Cash for Containers Scheme be accepted as new business of an urgent nature.

Carried 6/3

12.2.1 WALGA ADVOCACY CAMPAIGN - CASH FOR CONTAINERS SCHEME

File No: SUB/373
Attachments: [WALGA Infopage Cash for Containers Scheme](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Darrell Monteiro
Principal Environmental Health Officer

Proposed Meeting Date: 27 August 2012
Author Disclosure of Interest Nil

SUMMARY

The Western Australian Local Government Association (WALGA) is undertaking an advocacy campaign for the introduction of a Cash for Containers Scheme and is seeking local government support and engagement as per the information provided in the attachment.

Individual local governments have been requested to:

1. Indicate their support for the implementation of Cash for Containers Scheme in WA.
2. Indicate their willingness to take part in or sponsor a Cash for Containers event during September – November.
3. Write to their local members of State Parliament and/or the Environment Minister; encouraging members to support the implementation of a WA Cash for Containers Scheme.

BACKGROUND

A Cash for Containers Scheme has been discussed on a national level for a number of years however whether a decision will be made to pursue the implementation of a National Cash for Containers Scheme, is uncertain.

WA's recycling rate is amongst the lowest in the country, at 32%. In comparison, South Australia, the national leaders have reported a recycling rate of over 70%. Container Deposit legislation has been in place for over three decades in South Australia.

The attached Infopage suggests that the South Australian Container Deposit Legislation Scheme, where consumers receive 10 cents in return for recycling their used beverage containers at collection depots has been extremely successful in:

1. Increasing the recycling rate;
 2. Reducing litter;
 3. Reducing waste management costs to local government; and
 4. Providing recycling options to rural and remote areas.
-

WALGA is therefore initiating this advocacy campaign to ensure that a state based scheme is implemented.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Council may decide to host or participate with another Council such as WMRC for a Cash for Container event in September – November.

SUSTAINABILITY IMPLICATIONS**Waste Management and Recycling**

The introducing of Container Deposit Scheme legislation and a Cash for Container Scheme is likely to benefit the Town, by:

1. Increasing the recycling rate;
2. Reducing litter;
3. Reducing waste management costs.

CONSULTATION

Nil

STAFF COMMENT

WA could benefit from new Container Deposit Scheme legislation. A scheme of this nature is in line with the Town's Sustainability focus; and the Town and the State will reap the benefits that South Australia has been for the last three decades. The Town's staff would be able to assist the Western Metropolitan Regional Council's Earthcarers in running an event during September-November.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Strzina, seconded Cr Downes

THAT COUNCIL:

1. **Support the implementation of a Cash for Containers scheme in WA.**
2. **Authorise the Mayor to sign letters to the Member for Cottesloe and Minister for the Environment as per the attached template.**
3. **Join with the WMRC to participate in a Cash for Containers event during September – November 2012.**

Carried 6/3

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

Nil

14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 8:45 PM

CONFIRMED MINUTES OF 27 August 2012 PAGES 1 – 105 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: / /