

TOWN OF COTTESLOE



WORKS AND CORPORATE SERVICES COMMITTEE

MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, TUESDAY, 17 AUGUST 2010

CARL ASKEW
Chief Executive Officer

20 August 2010

WORKS AND CORPORATE SERVICES COMMITTEE
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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Officer announced the meeting opened at 7:04pm.

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

Cr Greg Boland	Presiding Member
Cr Dan Cunningham	
Cr Patricia Carmichael	
Cr Rob Rowell	
Cr Ian Woodhill	

Officers Present

Carl Askew	Chief Executive Officer
Graham Pattrick	Manager Community & Corporate Services
Geoff Trigg	Manager Engineering Services
Annaliese Davis	Events & Support Officer

Apologies

Mayor Kevin Morgan
Cr Victor Strzina

Officer Apologies

Nil

Leave of Absence (previously approved)

Nil

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PUBLIC STATEMENT TIME

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Rowell requested a leave of absence for the September Works and Corporate Services Committee Meeting.

Cr Cunningham requested a leave of absence for both the September Works and Corporate Services Committee Meeting and Council Meeting.

Moved Cr Rowell, seconded Cr Cunningham

That Cr Rowell & Cr Cunningham's request for leave of absence from the September 2010 Works and Corporate Committee meetings are granted.

Carried 5/0

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Rowell, seconded Cr Cunningham

[Minutes July 20 2010 Works and Corporate Services Committee.doc](#)

The Minutes of the Ordinary meeting of the Works and Corporate Services Committee, held on 20 July 2010 be confirmed.

Carried 5/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

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

- | | |
|--------|--|
| 10.3.1 | Statutory Financial Reports for the month of July 2010 |
| 10.3.2 | Schedule of Investments & Loans as at 31 July 2010 |
| 10.3.3 | Accounts paid in the month of July 2010 |
| 10.3.4 | Property & Sundry Debtors report for July 2010. |

10 REPORTS OF COMMITTEES AND OFFICERS

10.1 ADMINISTRATION

10.1.1 AMENDMENT TO FEES AND CHARGES 2010/2011

File No: SUB/140
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Elizabeth Cox
Principal Environmental Health Officer
Proposed Meeting Date: 17 August 2010
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to advise Council of an error in the 2010 -2011 Budget Fees and Charges – Eating Areas in Streets - Business, Town Centre & Foreshore Zone (as per Town Planning Scheme) – Adjacent to Restaurants, Dining Rooms & Take Away Food Premises, and to seek an amendment to the fees and charges.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

In the 2010 -2011 Budget, Fees and Charges for Eating Areas in Streets, the charge is listed as \$200 per m². However, the estimated income raised from this charge in the 2010 - 2011 budget is based upon the previous financial year's charge of \$130 per m², not the proposed \$200 per m² as stated in the Fees and Charges. The charge of \$130m² per m² was supposed to have been maintained for 2010-2011 based upon market analysis.

An amendment to the fees and charges to reflect a charge of \$130m² would result in a nil budget impact for the year 2010 - 2011.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The fees and charges for outdoor eating areas increased in the 2010 – 2011 budget. In 2009 -2010 the fees and charges for outdoor eating were \$130 per m² of footpath occupied. The fees and charges for the same activity in 2010 – 2011 have been listed at \$200 per m².

A review of the fees and charges for the same activity for the beach side suburbs of the City of Joondalup, City of Stirling, City of Fremantle, City of Rockingham, together with the commercial centres of the City of Perth, City of Subiaco and Town of Claremont have revealed that maintaining a charge of \$130 per m² represents a comparable rate with neighbouring councils. It is therefore recommended that Council amend its Fees and Charges accordingly to reflect and maintain the 2009/2010 figure.

VOTING

Absolute Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Woodhill

THAT COUNCIL:

- 1. Amend the fees and charges listed in the 2010/2011 Budget – Eating Areas in Streets – from \$200 per m² to \$130 per m² consistent with the expected income in the 2010/2011 budget.**
- 2. A refund reflecting the difference between the listed charge and the amended charge be provided to any business where payment may have already been made.**

Carried 5/0

**10.1.2 AUSTRALIAN NATIONAL PARKING STEERING COMMITTEE
CONFERENCE**

File No: SUB/83
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Ernie Polis
Senior Ranger

Proposed Meeting Date: 17 August 2010

Author Disclosure of Interest Report recommends Senior Ranger attends conference

SUMMARY

Every two years, a major conference is organised by the Australian National Parking Steering Group (ANPSSG) on a large range of Local Government issues regarding parking. It attracts local governments from around Australia. This year the conference will be held in Hobart from 29th September to 1st October 2010. This report requests approval to attend this conference by the Senior Ranger.

BACKGROUND

ANPSG is a national association of local government and industry leaders. The Hobart conference is the fourteenth of its type and is the major national event for local governments occurring every two years. This conference attracts a large variety of industry representatives.

A number of keynote speakers will also contribute to the program.

The program is attached.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council's *Conferences Policy* applies:

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

The estimate of the conference attendance, accommodation, meals and travel for this conference is \$1800. The 2010/2011 budget includes an allowance of this amount for training costs of Ranger Services.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

One of the most important sources of current information and training for experienced local government officers occurs in conferences and seminars, particularly if delivered by high quality, practicing experts working in the industry.

New ideas are picked up from these presentations (ie: meter eyes), trends occurring throughout Australia and new products are presented.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Cunningham, seconded Cr Rowell

THAT Council

- 1. Approve the attendance of the Acting Senior Ranger at the ANPSG Conference, as per attachment 10.2.1, in Hobart, Tasmania, from 29th September to 1st October, 2010.**
- 2. Receive a report within two months of the conference detailing applicable items of benefit to the Town.**

Carried 5/0

10.1.3 COTTESLOE OCEAN ADVENTURE TRIATHLON – EVENT APPLICATION

File No: SUB/550-02
Attachments: [Event Application Ocean Adventure and Cottesloe Beach Triathlon.pdf](#)
[Beach Policy.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Annaliese Davis
Events Support Officer
Proposed Meeting Date: 17 August 2010
Author Disclosure of Interest Nil

SUMMARY

The Town of Cottesloe has received an event application from Stephen Doyle from Sports Performance and Management for the 'Cottesloe Ocean Adventure Triathlon'. The event is scheduled to take place on 12th February 2011 between 6:15/6:30am and 9:30am.

The same event was held on 12th February 2010 and called 'Cottesloe SLSC 100TH Anniversary Adventure Challenge'. The event is run in conjunction with the Cottesloe Surf Life Saving Club.

The recommendation is that Council:

1. Support the Cottesloe Ocean Adventure Triathlon on Saturday 12 February 2011 as per the attached event application. Approval is subject to the following conditions:
 - a) Road closure approval form signed by Main Roads and the Police before it can be approved by the Manager Engineering Services.
 - b) Provision of a transport/parking plan and appropriate access/signage to and from the event.
 - c) Adequate arrangements for rubbish collection and removal, including the provision for recycling/
 - d) Compliance with noise regulations
 - e) Compliance with relevant health and safety legislation with regard to food, hygiene and provisions of toilet facilities.
 - f) Appropriate public liability insurance no less than \$10million.
 - g) Compliance with additional relevant sections of the Beach Policy.
2. Class the event as a charity/community classification and charge only the ranger fee (\$110 per hour) and bond (\$1,000) for this event.

The event is an individual and team challenge which involves an ocean swim, ocean paddle, bike ride and coast run. Each competitor will complete the swim first, then bike, run and finish with the paddle. The event will require the closure of 2.5 kilometres of Marine Parade (see attached map) for 4 hours from 5:30am to 9:30am.

BACKGROUND

The same event took place on the 12th February 2010 but was called the Cottesloe SLSC 100th Anniversary Adventure Challenge. The event had the same requirements as this current application.

The Council resolution from 24 August 2009 in regards to the same event was:

THAT Council:

1. *Support the Cottesloe Surf Life Saving Club 100th Anniversary Adventure Challenge as per the event application attachment subject to the organisers of the event addressing the following matters, with appropriate collaboration and assistance of council staff, to the satisfaction of the Chief Executive Officer;*
 - a. *Provision of a Risk Management*
 - b. *Road closure approval form signed by Main Roads and the Police, for Council's approval.*
 - c. *Provision of a transport/parking plan and appropriate access/signage to and from the event.*
 - d. *Adequate arrangements for rubbish collection and removal, including the provision for recycling.*
 - e. *Compliance with noise regulations.*
 - f. *Compliance with relevant health and safety legislations with regard to food, hygiene and provision of toilet facilities.*
 - g. *Appropriate public liability insurance of not less than \$10 million.*
 - h. *Compliance with additional relevant sections of Council's Outdoor Concerts and Large Public Events Guidelines.*

2. *Class the Event as a Charity/Community classification and charge only the ranger fee and bond for the event.*

The Senior Ranger for the Town of Cottesloe has confirmed that this year's event in February was well organised and there were no issues with the event. The Town's Works Supervisor also advised that no issues arose as a consequence of the event.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

The Beach Policy is relevant when considering the recommendation.

The Beach policy states (in part);

1. "Subject to:

- *the provisions of the Beaches and Beach Reserve Local Law.*
- *consideration of how timing, location and activities may affect other beach users and residents,*
- *using discretion to ensure that the prime usage of Cottesloe and North Cottesloe beaches reminds passive recreation, and*
- *the payment of the fee as set out in Council's list of fees and charges.*

the CEO may approve applications for significant beach events without reference to Council in the following circumstances.

- II. *Only one significant beach event per month to be approved without specific referral to Council.*
- III. *Significant events with any commercial or profit making goals will not be approved by the CEO in the first instance. At the CEO's absolute discretion, applications for such events may be referred to Council for approval which may or may not be granted by the Council.*
- IV. *Beach event organisers are required to submit evidence to the CEO's satisfaction that:*
- An appropriate public liability is in force*
 - A suitable risk management plan has been prepared*
 - Safety measures are in place, which are appropriate for the event. An aquatic safety plan is considered an appropriate safety measure for significant events with more than 3000 attendees.*
 - All relevant statutory requirements have been met (e.g. health, traffic, safety regulations)*
 - The Town of Cottesloe is indemnified against all claims arising from the event.*
 - A strategy is in place for clean up after the event.*
 - Noise limits from any equipment will not exceed statutory levels.*
 - Public access to facilities will not be impeded.*
 - Relevant emergency authorities have been informed of the event.*
- V. *Beach event organisers are required to observe the directions of authorised Council officers throughout any event.*

STATUTORY ENVIRONMENT

- Health Act 1958
- Traffic Act 1974

FINANCIAL IMPLICATIONS

This event based upon the fees and charges schedule would be classed as a category 3 under special events:

Category	Type	Entry Fee	Liquor Licence	Time	No. of patrons
3	Charity/Community	Yes	Yes/No	Day/evening	> 1000 - < 3000

As shown in the 2010/11 Fees and Charges, Category (3) events require a fee of \$1,100 and a bond of \$1000. If a ranger is required to be at the event from 5:30am till 9:30am it would be at cost of \$110/per hour/per ranger. It should be noted that last year the event was not charged any 'fee' and only charged a bond of \$1000.

CONSULTATION

Nil

STAFF COMMENT

The Cottesloe Ocean Adventure Triathlon is designed to involve all aspects of the Cottesloe community. Primarily the event will be supporting the Surf Life Saving Western Australia and Cottesloe SLSC but will also aims to have a flow on effect to other businesses in the area. The Town of Cottesloe will be included in all materials associated with the event and the local community will be invited to participate as competitors or spectators.

The event will be held on Saturday 12th February 2011 at approximately 6:15am. The set up for the event will take place on Friday 18th February from 3:00pm. A security guard will be positioned from approximately 8:00pm on Friday until 4:00am on the Saturday morning.

Similar to this year's event, the event organisers have requested to use car park 1 to place the bike racks. The car park will be closed from the Friday evening until approximately 10am on Saturday morning. The event organisers will ensure the following notice is given for the closure of the car park and the road closure on Marine Parade:

Residents:

- Notification will be given to residents for the closure by letter
- One month prior to the event residents and businesses will be given a detailed letter concerning the closures and times and possible movements.
- A second reminder letter will be distributed in the week prior to the event.

Advertising:

- The road closure will be advertised in the local paper.

Please refer to the attachment for the map and list of all advisory signs and road closures that will happen as a result of the event. A traffic management plan is still to be received.

The event will commence on the Cottesloe main beach with a transition area at the main car park. The start and presentation area requires some electrical source for a public address system and the electronic timing system and will hold four freestanding tents (3, x 3m). The transition area will have bike racks and bunting (flags) and the finishing area will have a finish stand and bike racks.

The swim is expected to start at the Groyne area south on the main beach and finish in front of Indiana with competitors exiting the water and running up the stairs/ramp to the transition area. Surf Life Saving WA (Cottesloe SLSC) will be providing all water safety for the event.

The bike leg starts in the transition area (car park) and riders are required to finish a 5km course loop five (5) times. The cycle progresses south on Marine Parade, incorporates a lap of Beach Street, Avonmore Terrace and Gibney Street, continuing south on Marine Parade to "U" turn 20 metres prior to the intersection of Curtin

Avenue. The cycle course will require the closure of Marine Parade from Curtin Avenue to Napier Street from 5:00am to 9:30am. This closure may be less due to the cycle following the swim with roads not being closed till 6:20am and opened by 8:30am. It is expected the first cyclist will start at 7:00am and the last will leave the course at 8:20am.

The run leg of the course will commence from the transition area and pass down the steps south of Cottesloe SLSC and progress along the beach for 2.0 kilometres towards Leighton Beach. The runners will return via the beach and path to finish at Cottesloe.

Competitors will paddle around a series of buoys from Cottesloe Beach to Leighton Beach and return. Cottesloe SLSC will be patrolling the paddle could with IRB's and jet skis to help any paddles having difficulty.

Cottesloe held this event last year and as previously discussed, it was a success. The event was well organised by Stephen Doyle and the Cottesloe SLSC. The attached application also outlines security, signs, emergency plans, insurance and a range of other issues that need to be taken into consideration.

Based on last year's event, the organisers are expecting:

- 500+ competitors
- 60 Staff
- 500 spectators.

Depending on the expected numbers portaloo toilets will be organised for the event to ensure adequate toilet facilities are available. At council last year, elected members raised concerns about the sufficient toilets and regular cleaning of the temporary facilities. A condition of the event will be that the portaloo toilets are inspected throughout the event and that they are removed from the site as soon after the event as possible.

There will be no food vendors at the event; the event is aimed to support local businesses.

All rubbish will be managed and collected by event organisers and the Town of Cottesloe will request that extra bins are organised to ensure an appropriate waste management plan is in place. Stephen Doyle and Cottesloe SLSC have requested that sweeping of the roads (mainly corners) that are used on the course is organised prior to the event, by the Town of Cottesloe.

Stephen Doyle will ensure the correct bodies are contacted regarding the event as listed in section (5) of the attached application.

VOTING

Simple Majority

COMMITTEE COMMENT:

Committee discussed the report and recommendation and noted the “triathlon” actually involved four disciplines. Committee were supportive of the event and requested that officers notify Indiana’s of the date to ensure that the toilets and change rooms were open and available. It was also noted that event organisers would be arranging additional toilets for the event.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Woodhill

That council:

- 1. Support the Cottesloe ocean adventure triathlon on Saturday 12 February 2011 as per the attached event application. approval is subject to the following conditions:**
 - a) road closure approval form signed by main roads and the police before it can be approved by the manager engineering services.**
 - b) provision of a transport/parking plan and appropriate access/signage to and from the event.**
 - c) adequate arrangements for rubbish collection and removal, including the provision for recycling/**
 - d) compliance with noise regulations**
 - e) compliance with relevant health and safety legislation with regard to food, hygiene and provisions of toilet facilities.**
 - f) appropriate public liability insurance no less than \$10million.**
 - g) compliance with additional relevant sections of the beach policy.**
- 2. Class the event as a charity/community classification and charge only the ranger fee (\$110 per hour) and bond (\$1,000) for this event.**

Carried 5/0

10.1.4 EVENT APPLICATION - TSVET PRODUCTIONS PRESENT 'THE FINGER THINGS'

File No: SUB/1006
Attachments: Event Application – Tsvet Productions
Policy & Guidelines for Outdoor Concerts and
Large Public Events
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Annaliese Davis
Events Support Officer
Proposed Meeting Date: 17 August 2010
Author Disclosure of Interest Nil

SUMMARY

Tsvet Productions have contacted the Town of Cottesloe requesting to hold a charity event on the Civic Centre Main Lawn on Saturday 19th February 2011. The event is a not for profit event aimed to promote food and wine appreciation as well as conducting an auction to fundraise for the selected charity, Love Angels (ticket sales, auction).

The Love Angels Foundation is aimed at teaching children to reach out and help other people with the notion of giving and expecting nothing in return. All proceeds from this event will go directly to the foundation. Their website is www.loveangels.com.au.

The 'Outdoor Concerts and Large Public Events' Policy states that administration must have 'in-principle' support of the Council before the CEO can approve the event as per the required event guidelines.

The recommendation is that Council:

1. Give in-principal approval for 'The Finger Things' event subject to the following conditions:
 - a) the event application form is completed in full and includes all relevant sections addressed to the standards specified by Manager of Corporate & Community Services or CEO.
 - b) ensure that relevant sound monitoring is carried out throughout the event with a bond of \$2,000 to ensure the event organisers comply with sound monitoring officers.
2. Class the event as a Charity/Community event category 2 with a fee of \$550 and a bond of \$1,000. In addition there will be fees associated for sound monitoring or others at the discretion of the CEO.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

The Outdoor Concerts & Large Public Events policy and guidelines are both relevant when considering this application. As stated in the policy:

(b.) All outdoor concerts and major public events shall comply with the Town of Cottesloe's Guide to Outdoor Concerts and Large Public Events. Please see attached for these guidelines.

In addition the policy states that:

(f) An application for an event is to be made to Council on the Event Application and Checklist Form not less than 90 days prior to an event. The CEO may request additional information or action as deemed appropriate

(g) The in-principle support of the Council of the Town of Cottesloe to stage an outdoor concert or large public event does not constitute an approval. Approval for an event will only be given by the CEO upon satisfactory compliance with all statutory and other requirements at least 24 hours prior to the commencement of an event.

The event application received from Tsvet Productions is included in the attachments. At present, there are sections of the application which have not been completed. Tsvet Productions will continue liaise with the Town and provide relevant information once the venue has been confirmed. They have been informed that before approval can be given by the CEO, the event application form must be completed in full.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

The event organisers will be required to pay the fees and bond's as shown in the 2010/2011 Fees and Charges.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The following is a broad schedule of the event:

Tentative Date/Tickets:

February 19th 2011 from 3:00pm till 8:00pm and all tickets are pre-sold.

Guests:

Initially the number of guests was 450 however this has now changed to 250. Approximately 77% of the guests will be 25 to 40 years old with the remainder in the 40-55+ age.

Draft schedule of events:

- 3:00 – 4:00pm: Guests will arrive and there will be stand up drinks and canapés in the marquee. Classical piano music or Jazz will play (TBC)
- 4:00 – 7:00pm: There will be commentary for food and wine appreciation over the afternoon displaying 30 different courses of tapas with wines that compliment, all from restaurants across Perth. A fundraising auction for Love Angels Foundation will also take place in this time. This is the main source of fundraising for the event and will have items such as jewellery, fine wines, holidays, and memorabilia which have all been kindly donated to auction off.
- 7:00pm – 8:00pm DJ (to be confirmed) will play from 7:00pm till 8:00pm

The event will conclude at 8:00pm.

There will be security at the event and water will be freely available. It will be a smoke free environment. The event organisers will require the main lawn from Friday 18th February and Sunday 19th February for set up and break down.

If in-principle approval is granted by Council, the Events Officer and Principal Environmental Health Officer will begin collecting all relevant information regarding compliance with noise, health and safety regulations. The final approval will only be given once all the requirements have been met by Tsvet Productions to the satisfaction of the CEO with reference to the Outdoor Concerts and Large Public Event Guidelines (attached).

The main concern of administration is the level of noise to local residents. However as the event will only be between 3:00pm and 8:00pm and noise monitoring systems will be in place, noise will be controlled. Additionally, requesting the bond of \$2,000 will ensure that the event organisers comply with the sound monitors request on the day of event.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Cunningham, seconded Cr Woodhill

THAT COUNCIL:

1. **Give in-principle approval for ‘the finger things’ event subject to the following conditions:**
 - a) **the event application form is completed in full and includes all relevant sections addressed to the standards specified by manager of corporate and community services or CEO.**
 - b) **ensure that relevant sound monitoring is carried out throughout the event with a bond of \$2,000 to ensure the event organisers comply with sound monitoring officers.**

2. **Class the event as a charity/community event category 2 with a fee of \$550 and a bond of \$1,000. In addition there will be fees associated for sound monitoring at the discretion of the CEO.**

Carried 5/0

10.1.5 HAVAIANAS THONG CHALLENGE

File No: SUB/550-02
Attachments: Event Application – Havaianas Thong Challenge
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Annaliese Davis
Events Support Officer
Proposed Meeting Date: 17 August 2010
Author Disclosure of Interest Nil

SUMMARY

The Town of Cottesloe has received an application for Urban Media to hold the Havaianas Thong Challenge on the main Cottesloe beach on Australia Day, 26 January 2011 between 8am and 4pm. This is the 6th year for this national event and the second consecutive year for Cottesloe.

The event involves an attempt at a world record for the largest chain of people floating out on the water on blow up lilo's (Havaiana thong). Entry to the event is \$30.00 with \$10.00 from each registration going to the Cottesloe Surf Life Saving Club Nippers.

The same event took place on Australia Day this year and there were no complaints received from residents or general participants.

This report recommends that Council:

1. Approve the Havaianas Thong Challenge on the 26th January 2011 subject to:
 - a.) Extensive risk management and water safety plan.
 - b.) Adequate arrangements for rubbish collection and removal, including the provision for recycling.
 - c.) Compliance with noise regulations
 - d.) Compliance with relevant health and safety.
 - e.) Appropriate public liability insurance of no less than \$10 million.
 - f.) All fees to be paid prior to the event, including fees to cover additional costs of cleaning the public toilets and ranger services (if required).
2. Class the event as a commercial event and charge the fee of \$3,300 and a bond of \$2,000.
3. Inform the applicant of Council's decision and requirements.

BACKGROUND

This event took place this year in Cottesloe on Australia Day for the first time. There were no issues with the event as it was well organised and promoted a fun alcohol free activity for people to be involved in for the public holiday.

Council requested last year that applicant cover any additional costs of cleaning the public toilets and ranger services, this was agreed by the applicant and has again been included in the officer recommendation.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

The beach policy requires consideration with this report.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

This event will be at no cost to Council. The applicant will pay the required fee as set in the 2010/2011 Fees and Charges and any other additional fees (cleaning toilets, ranger services) that are applicable.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Havaiana Thong Challenge is an event that will attract many people to the Cottesloe Beach for Australia Day and will support the local Cottesloe Surf Life Saving Club (nippers) in the process. The event is well supported by the Cottesloe Surf Life Saving Club and comes highly recommended by the City of Joondalup (see attachments). Additionally there were no complaints from this year's event and the local community enjoyed the fun atmosphere the event created.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Woodhill, seconded Cr Rowell

THAT COUNCIL:

1. **Approve the Havaianas Thong Challenge on the 26th January 2011 subject to:**
 - a) **extensive risk management and water safety plan.**
 - b) **adequate arrangements for rubbish collection and removal, including the provision for recycling.**
 - c) **compliance with noise regulations**
 - d) **compliance with relevant health and safety.**

- e) appropriate public liability insurance of no less than \$10 million.
 - f) all fees to be paid prior to the event, including fees to cover additional costs of cleaning the public toilets and ranger services (if required).
2. Class the event as a commercial event and charge the fee of \$3,300 and a bond of \$2,000.
 3. Inform the applicant of council's decision and requirements.

Carried 5/0

10.1.6 HEALTH SERVICE PROVISION TO PEPPERMINT GROVE

File No: SUB/1098
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Elizabeth Cox
A/Principal Environmental Health Officer
Proposed Meeting Date: 17 August 2010
Author Disclosure of Interest Nil

SUMMARY

This report is to inform Council of a request by the Shire of Peppermint Grove for the Town of Cottesloe to undertake its statutory Environmental Health functions for a twelve month trial at an annual fee of \$8, 500. These functions are currently carried out by a contractor on a fee for service basis.

BACKGROUND

The Shire of Peppermint Grove is a relatively small local government authority with an equally small administration. As a consequence some of their activities and functions are undertaken by contract staff, as required. Environmental Health Services are one such service, which are delivered by a contract EHO service under the supervision of the Shire's Manager Planning, Building & Health Services. As a member of WESROC the Shire also participates in a range of shared services and resource opportunities. The most successful and longstanding of which is the Grove Library, a tri-partite agreement between the Shire and the Town's of Cottesloe and Mosman Park.

The Town of Cottesloe has an established Environmental Health Service and program and is capable of extending that service given the limited nature and volume of the work associated with the Shire of Peppermint Grove.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Environmental Health Officers can be authorised by the Health Department for any number of local government authorities. The CEO of Peppermint Grove has delegated approval to authorise officers under the Food Act.

FINANCIAL IMPLICATIONS

The Shire of Peppermint Grove is prepared to pay an annual fee of \$8,500 based on a service arrangement of 1day per week for the first two months to accommodate the establishment of the service and afterwards at half a day per week.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Council's Environmental Health team has met with the Shire of Peppermint Grove to discuss the proposal. During the month of July officers reviewed the work to be carried out and have met with various proprietors in the district. The work load is acceptable and can be accommodated within the Environmental Health program at the Town of Cottesloe.

STAFF COMMENT

The request by the Shire of Peppermint Grove for the Town of Cottesloe to carry out the Environmental Health functions has a number of advantages, the most significant being the proximity of the commercial areas of both Councils and the synergies of the two communities.

During the month of July officers from the Town of Cottesloe carried out an investigation to determine the scope of the work and how it could be included within the existing Cottesloe program and it was subsequently considered that the work load could be accommodated.

The service is to be provided on an 'as needs' basis however it is acknowledged that there are routine inspections which are required to be carried out. The estimation of hours required are the officers "best guess" and the trial will enable the workload to be verified and, if required, adjusted.

The services to be carried out will include:

- Assessment of all food premises and introduction of the Food Act
- Inspection of Public Buildings and Public Pools
- Food Sampling
- Water Sampling
- Investigate and act on any general health complaints
- Maintain a data base of all health premises, correspondence and inspection records that will be provided to the Shire of Peppermint Grove when the trial is concluded.
- Monthly reports to the Shire of Peppermint Grove on activities undertaken

A records system relating to the Peppermint Grove premises will be established as part of the introductory program. All fees and charges together with other financial activities will remain with the Shire of Peppermint Grove.

VOTING

Absolute Majority

OFFICER & COMMITTEE RECOMMENDATION**Moved Cr Rowell, seconded Cr Woodhill****THAT Council**

- 1. Accept and endorse the request from the Shire of Peppermint Grove to undertake the statutory Environmental Health functions for the shire for a 12 month trial period.**
- 2. That a charge of \$8,500 be made to the Shire of Peppermint Grove for the provision of the service.**
- 3. Pursuant to Section 6.8 of the Local Government Act 1995**
 - i. Authorise the following expenditure – Statutory Environmental Health Services for the Shire of Peppermint Grove at a cost \$8,500.**
 - ii. Amend the 2010/2011 Adopted Budget (to accommodate the above authorised expenditure) as follows:**
 - a. Increase the Preventative Services – Administration – Inspections (Revenue) by \$8,500.**
 - b. Invoice the Shire of Peppermint Grove for a charge of \$8,500.**

Carried 5/0

10.1.7 RECORDS MANAGEMENT - POLICIES AND PROCEDURES MANUAL

File No: SUB/184
Attachments: Records Management Policy and Procedures Manual
Responsible Officer: Graham Pattrick
Manager Corporate Services
Author: Asha Boudville
Records Manager
Proposed Meeting Date: 17 August 2010
Author Disclosure of Interest Nil

SUMMARY

A recommendation is made to adopt the updated Records Management – Policies and Procedures manual.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Records Management Policy

STATUTORY ENVIRONMENT

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

Electronic mail transmissions are included within the meaning of the Act’s definition of a “record” which includes *“anything on which information has been stored or recorded, either mechanically, magnetically, or electronically”*.

FINANCIAL IMPLICATIONS

Officer time to research and prepare documents.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Executive/Senior Staff

STAFF COMMENT

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

Records are an important information resource to the Town and we are obliged to maintain a records management system that completely, accurately and reliably

creates and maintains evidential records of business activities carried out by the Town of Cottesloe.

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

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Carmichael, seconded Cr Woodhill

THAT Council;

Adopt the updated Records Management – Policies and Procedures manual as per the attached document submitted to the 17 August 2010 meeting of the Works and Corporate Services Committee.

Carried 5/0

10.1.8 STRATEGY FOR LIQUOR LICENSING APPEAL - REPRESENTED

File No: SUB/362
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Patrick
Manager Corporate & Community Services
Proposed Meeting Date: 17 August 2010
Author Disclosure of Interest Nil

SUMMARY

At the May 2010 meeting a recommendation was made that Council:

1. authorise the preparation of a section 64 application under the Liquor License Control Act to the Director of Liquor Licensing to reduce the patron numbers at the Cottesloe beachfront hotels based on the evidence collected by the Town, including surveillance over the past 2 summers.
2. seek the support of local Police, Police Liquor Enforcement Division, and related Agencies to provide evidence to supplement its claims.
3. provide sufficient supporting information, including a cover letter from the Mayor which outlines the Town's concerns and request the Mayor meet with the Director of Liquor Licensing and Commission of Police as part of lodging its application.
4. not exceed its budget of \$5,000 in preparing its application to the Director of Liquor Licensing.

At the Council meeting the Mayor highlighted the issues of concern and the changes that have been noticed in recent times. He referred to the impact of the surveillance activities and concerns with the current "grandfathering" of licence conditions, as compared to current requirements for determining patron numbers. He was of the opinion that a deferral for 3 months had merit and would allow the new owners time to present their plans and make changes. He proposed an amendment to the Committee recommendation and this was supported by Council. The issue was deferred until the Council meeting in August 2010.

A recommendation is made to observe behaviour at the beachfront hotels this summer prior to initiating further action regarding S64 application to the Department of Racing, Gaming & Liquor.

BACKGROUND

At the May 2008 meeting of Council it was resolved:-

- (1) That the Town of Cottesloe withhold consideration of any further development of a strategy to support an amendment to the *Liquor Control Act 1988* until a complaint under section 117 of the *Liquor Control Act 1988* has been finalised or a review of liquor license conditions has been undertaken under section 64 of the Act.

- (2) That the Town of Cottesloe review the measures available under the *Liquor Control Act 1988* and the practicalities of lodging a complaint under section 117 of the *Liquor Control Act 1988* in respect to the Cottesloe Beach Hotel.
- (3) That the Town of Cottesloe review the most practical manner of obtaining information that will support a change in liquor license conditions either under section 64 or the lodging of a complaint under section 117.
- (4) That the Town of Cottesloe adopt a similar plan of action for developing a strategy to finding a solution to problems associated with the Ocean Beach Hotel.
- (5) That the Town of Cottesloe not consider, until after the complaint under section 117 of the *Liquor Control Act 1988* has been finalised or a review of liquor license conditions has been undertaken under section 64, any further development of a strategy to support an amendment to the *Liquor Control Act 1988*.
- (6) That the Town of Cottesloe develop a succinct communications strategy to locally publicise the need for residents to provide better evidence in support of complaints, and to also more widely publicise the need to address problems that arise from the high patron numbers allowed at the Cottesloe Beach Hotel and the Ocean Beach Hotel.
- (7) That Council form a Liquor Licensing Working Group comprised of the Mayor and Council members of the Community Safety & Crime Prevention Committee, together with executive support from the Chief Executive Officer, to oversee the completion within four months of the abovementioned reviews and the preparation of the abovementioned plans of action and communications strategy, including the preparation for Council approval of any proposal to lodge a submission with the Liquor Licensing Authority seeking to invoke a review under section 64.

A Liquor Licensing Working Group was formed as per the Council directive and met for the first time on 24 June 2008. The group has met a number of times since then and:

- Reviewed the available information.
- Listened to representatives from the Department of Racing, Gaming and Liquor on the issues surrounding appeals to the Liquor Licensing Court.
- Worked up a strategy to address the situation as uncovered during previous meetings.
- Present agreed strategy to Council for ratification before proceeding further.

STRATEGIC IMPLICATIONS

Objective 1: Lifestyle

To protect and enhance the lifestyle of residents

- Reduce beachfront hotel patron numbers to a sustainable level.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

The relevant sections of the *Liquor Control Act 1988* provide the following:

S64. POWER OF LICENSING AUTHORITY TO IMPOSE, VARY OR CANCEL CONDITIONS

- (1) Subject to this Act, in relation to any licence, or to any permit, the licensing authority may at its discretion impose conditions —
 - (a) in addition to the conditions specifically imposed by this Act; or
 - (b) in such a manner as to make more restrictive a condition specifically imposed by this Act,and may vary or cancel any condition previously imposed by the licensing authority, having regard to the tenor of the licence or permit and the circumstances in relation to which the licensing authority intends that it should operate.
- (1a) The licensing authority may impose, vary or cancel a condition under subsection (1) —
 - (a) of its own motion; or
 - (b) on the application of the licensee; or
 - (c) at the written request of the parties to a liquor accord.
- (1b) In subsection (1a) —

“liquor accord” means a written agreement or other arrangement —

 - (a) that is entered into by 2 or more licensees in a local community, and persons who represent the licensing authority, departments of the Public Service, State agencies or local government, and other persons; and
 - (b) that has the purposes of minimising the harm caused in the local community by the excessive consumption of liquor and promoting responsible practices in the sale, supply and service of liquor in the local community; and
 - (c) that is approved by the Director.
- (2) The power conferred by subsection (1) may, subject to compliance with section 31(6)(b), be exercised at any time, but a condition takes effect on —

- (a) the date of the grant of the licence or the issue of the permit in relation to which it was imposed; or
- (b) such other date as is specified in the notice setting out the particulars, or in the endorsement or revised version of the licence or permit made, under section 31(6),

whichever is the later.

- (2a) If the licensing authority proposes to impose, vary or cancel a condition under this section, the licensing authority may, by notice in writing, require the licensee to show cause to the licensing authority why the condition should not be imposed, varied or cancelled.
- (2b) Subsection (2a) does not apply in relation to a condition proposed to be imposed, varied or cancelled in accordance with an application under subsection (1a)(b).
- (3) Without derogating from the generality of the discretion conferred on the licensing authority, the licensing authority may impose conditions which it considers to be in the public interest or which it considers desirable in order to —
 - (a) ensure that the noise emanating from the licensed premises is not excessive; or
 - (b) minimize the offence, annoyance, disturbance or inconvenience that might be caused to those who reside or work in the vicinity of the licensed premises, or to persons in or making their way to or from a place of public worship, hospital or school, in consequence of activities on the licensed premises or the conduct of those making their way to or from the licensed premises; or
 - (ba) ensure that local laws of a local authority under the Local Government Act 1995 or by-laws of an Aboriginal community under the Aboriginal Communities Act 1979 are complied with; or
 - (c) ensure that the safety, health or welfare of persons who may resort to the licensed premises is not at risk; or
 - (ca) ensure that liquor is sold and consumed in a responsible manner; or
 - (cb) ensure that all persons involved in conducting business under the licence have suitable training for attaining the primary objects of this Act; or
 - (cc) minimize harm or ill-health caused to people, or any group of people, due to the use of liquor; or
 - (cd) limit or prohibit the sale of liquor on credit; or
 - (d) ensure public order and safety, particularly where circumstances or events are expected to attract large numbers of persons to the premises or to an area adjacent to the premises; or
 - (e) limit —

- (i) the kinds of liquor that may be sold;
- (ii) the manner in which or the containers, or number or types of containers, in which liquor may be sold;
- (iii) the days on which, and the times at which, liquor may be sold;

or

- (ea) without limiting paragraph (e)(iii), limit the times when packaged liquor may be sold on and from the licensed premises to those times when liquor may be purchased for consumption on those premises; or
 - (f) prohibit persons being, or limit the number of persons who may be, present on, or on any particular part of, the licensed premises or any area which is subject to the control or management of the licensee and is adjacent to those premises; or
 - (fa) prohibit entry to the licensed premises after a specified time; or
 - (g) prohibit the provision of entertainment, or limit the kind of entertainment that may be provided, on, or in an area under the control of the licensee adjacent to, the licensed premises; or
 - (ga) prohibit promotional activity in which drinks are offered free or at reduced prices, or limit the circumstances in which this may be done; or
 - (gb) prohibit any practices which encourage irresponsible drinking; or
 - (h) otherwise limit the authority conferred under a licence or permit; or
 - (j) require action therein specified to be undertaken by the licensee —
 - (i) within a time or at times therein specified; or
 - (ii) on occasions or in circumstances therein specified, in relation to the licensed premises or any part of those premises, the conduct of the business carried on under the licence, or otherwise in the public interest; or
 - (k) prevent improper arrangements or practices calculated to increase any subsidy payable; or
 - (m) ensure compliance with the requirements of, or with terms fixed or conditions imposed by or under, this Act.
- (4) If there is an inconsistency between a condition imposed under this Act and a requirement of, or made under, any other written law, the condition or requirement which is more onerous for the licensee shall prevail.
- [(5) *repealed*]
- (6) A condition imposed under this section may relate to —
-

- (a) any aspects of the business carried on under the licence; and
 - (b) any activity carried on at the licensed premises, at any time and whether or not related to the business carried on under the licence.
- (7) Where a condition imposed under this section in relation to a licence has been contravened the licensing authority may —
- (a) impose a more restrictive condition in relation to that licence; or
 - (b) impose on the licence holder a monetary penalty not exceeding \$500 for each day on which the contravention continues, which shall be payable to the Crown by that person,
- or both.
- (8) The imposition, variation or cancellation of a condition, or the imposition of a monetary penalty, under this section is not to be regarded as the taking of disciplinary action for the purposes of section 96.

S117. COMPLAINTS ABOUT NOISE OR BEHAVIOUR RELATED TO LICENSED PREMISES

- (1) A complaint in writing may be lodged with the Director alleging —
- (a) that the amenity, quiet or good order of the neighbourhood of the licensed premises is frequently unduly disturbed by reason of any activity occurring at the licensed premises; or
 - (b) that any —
 - (i) behaviour of persons on the licensed premises;
 - (ii) noise emanating from the licensed premises; or
 - (iii) disorderly conduct occurring frequently in the vicinity of the licensed premises on the part of persons who have resorted to the licensed premises,is unduly offensive, annoying, disturbing or inconvenient to persons who reside or work in the vicinity, or to persons in or making their way to or from a place of public worship, hospital or school.
- (2) A complaint under subsection (1) may be lodged by —
- (a) the Commissioner of Police;
 - (b) the local government of the district in which the licensed premises are situated, or of any other district adjacent to the licensed premises and appearing to the Director to have an interest in the amenity, quiet or good order of the neighbourhood of the licensed premises;
 - (c) a government agency or statutory authority; or
 - (d) a person claiming to be adversely affected by the subject matter of that complaint who —
 - (i) resides, works or worships;

- (ii) attends, or is a parent of a child who attends, a school; or
 - (iii) attends, or is a patient in, a hospital,in the vicinity of the licensed premises concerned.
- (2a) If a complaint is lodged by a person referred to in subsection (2)(d), the complaint is to be signed, unless the Director otherwise approves, by 3 unrelated adults (including the complainant).
- (2b) In subsection (2a) —
“3 unrelated adults” means 3 adults each of whom —
 - (a) resides at different residential premises; and
 - (b) is not —
 - (i) a child; or
 - (ii) a parent; or
 - (iii) a brother or sister; or
 - (iv) an aunt or uncle; or
 - (v) a spouse or former spouse; or
 - (vi) a de facto partner or former de facto partner,of either of the other 2 adults.
- (3) The Director shall give notice of each complaint lodged to the licensee of the licensed premises with respect to which the complaint is made.
- (3a) When a complaint is lodged with the Director under subsection (1), the Director is to attempt to settle the matter by conciliation or negotiation.
- (3b) If the Director determines at any stage of the proceedings under this section that the complaint is frivolous or vexatious, the Director is to dismiss the complaint.
- (4) If the matter referred to in a complaint is not settled by conciliation or negotiation, the Director is to give the complainant, the licensee and any other person appearing to the Director to have a relevant interest in the matter a reasonable opportunity to be heard or to make submissions.
- (4a) Having complied with subsection (4), the Director —
 - (a) subject to subsection (4c), may determine the matter; and
 - (b) if of the opinion that the allegation in the complaint is established on the balance of probabilities and that the licensee has failed to show cause why an order should not be made under this section — may make an order under this section,but otherwise the Director is to dismiss the complaint.
- (4b) Without limiting the matters that the Director may have regard to when making a determination under subsection (4a), the Director may have regard to —
 - (a) any alteration, including any structural change, made —

- (i) to the licensed premises; or
 - (ii) if the complainant is a person referred to in subsection (2)(d) — to any relevant premises where the complainant (or, if subsection (2)(d)(ii) applies, the complainant's child) resides, works, worships, attends or is a patient;
 - and
 - (b) any changes that have taken place over time to the activities that take place on the licensed premises; and
 - (c) the kind of business conducted under the licence and how that business is managed; and
 - (d) if the complainant is a person referred to in subsection (2)(d) — whether the complainant (or, if subsection (2)(d)(ii) applies, the complainant's child) began to reside, work, worship, attend or be a patient at any relevant premises before or after the licensee began to conduct business at the licensed premises; and
 - (e) any provision of the Environmental Protection Act 1986, or of any regulations made under that Act, that is relevant to the subject matter of the complaint.
- (4c) The Director —
- (a) may defer making a determination under subsection (4a) for any period the Director considers appropriate; and
 - (b) may make an interim order that has effect for that period for any purpose for which an order may be made under subsection (5).
- (5) For the purposes of this section, whether pursuant to conciliation or negotiation or by way of an order, the Director may —
- (a) vary the existing conditions of the licence;
 - (b) redefine, or redesignate a part of, the licensed premises;
 - (c) prohibit the licensee from providing entertainment or any other activity of a kind specified by the Director during a period specified by the Director or otherwise than in circumstances specified by the Director, and impose that prohibition as a condition to which the licence is to be subject; or
 - (d) otherwise deal with the matter in such a manner as is likely, in the opinion of the Director, to resolve the subject matter of the complaint.
- (6) Where, under section 25, a determination made by the Director under this section is to be reviewed by the Commission —
- (a) effect shall be given to any determination made by the Director; and
 - (b) any order made, or other action taken, by the Director under subsection (5) remains in force until revoked by the Director or quashed by the Commission,

unless the Commission, by way of interim order, otherwise directs.

- (7) A licensee who contravenes an order made under this section commits an offence.

Penalty: \$10 000.

FINANCIAL IMPLICATIONS

There are costs in officer time to monitor ongoing behaviour at the beachfront hotels as well as costs (up to \$5,000) to prepare and lodge an application to the Director of Liquor Licensing.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

New owners of the Cottesloe Beach Hotel.

STAFF COMMENT

The CEO, Manager Planning Services and Manager Corporate & Community Services met with the new owners of the Cottesloe Beach Hotel (CBH) on 27th July 2010 where they outlined their plans for the hotel. The new owners/managers include Peter and Garry Prendeville and they have extensive experience in hotel management in WA including the Norfolk, Leederville and Rottnest Arms Hotels. Their intent with the CBH is to change its operation style from a hotel driven only by bar trade during a Sunday session to a venue that has appeal to families, females, tourists and corporate functions/activities. As with all of their hotels there is a strong focus on quality food and for their staff culture to be customer focussed. Their initial changes, other than physical upgrades and refurbishment to some facilities, will be to reassess their staff management and operating model (including security) and they are looking to re-engage with the local community and mend some bridges. They have a five to ten year outlook to progressively change the hotel activities and patronage and recognise that such changes may lose them trade in the short term. In addition they are working with their architects Danny Jones and Graham Taylor to identify future changes to the hotel, including the rear garden areas, and will look to introduce further changes in May 2011 after the peak summer season is over. There was a recognition that they have a heritage listed asset that requires preservation and want to make the hotel more inviting and open to the general public. The new owners were also enthusiastic about enhancing the Cottesloe beachfront amenity and streetscape in accordance with Council's foreshore vision.

Following the meeting with council officers one of the owners met with local member for Cottesloe and State Premier, the Honourable Colin Barnett MLA regarding their plans and stated their desire "to cohesively enhance and develop the precinct with other stakeholders, in a way that will make a difference to this outstanding iconic area".

There is a view by officers that the proposed plans and changes outlined by the new owner to create a better, safer place for the Cottesloe Community and beach precinct

should be allowed to be put in place and associated patrons behaviour monitored during the summer.

VOTING

Simple Majority

COMMITTEE COMMENT:

In discussing the report and officer recommendation Cr Woodhill reminded Committee that the information collected to date must be held pending any future action by Council in regard to this matter. All members acknowledged that behaviour had improved in recent times and wanted to allow the new owners the opportunity to continue this trend and prove their commitment to the Cottesloe community. In discussing the "monitoring" of behaviour Committee were also of the view that there was not a need for external support at this time and that reports from existing sources including rangers and community, would be sufficient, however if matters deteriorated officers were to report back to Council with a view to pursuing the Section 64 application.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Cunningham, seconded Cr Boland

THAT Council monitor the levels of anti-social behaviour at the beachfront this summer and determine whether it is necessary to lodge the s64 complaint at the end of the summer season.

Carried 5/0

10.1.9 AUSTRALIA DAY POLICY UPDATE

File No: SUB/1036
Attachments: Australia Day Policy
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer
Proposed Meeting Date: 17 August 2010
Author Disclosure of Interest Nil

SUMMARY

This report seeks to update a pre-existing policy for Australia Day Awards. It recommends that Council adopt the amended policy as per the attachment.

BACKGROUND

The Town of Cottesloe has participated in Australia Day celebrations with the Town of Mosman Park and the Shire of Peppermint Grove under a memorandum of understanding. At this event, awards are given in three categories, Australian Citizen of the Year, Young Australian Citizen of the Year and Event or Community Group of the Year.

In 2000 the criteria and conditions of being able to apply for any of the above awards were set out in the Australia Day Policy, this report provides an update of that policy for Council's consideration.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Australia Day: (Resolution No: C110, Adopted: September, 2000)

This report seeks to update this policy.

STATUTORY ENVIRONMENT

None known

FINANCIAL IMPLICATIONS

No financial resource impact.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

The Public Events Committee recently requested that all criteria relevant to Public Events need to be updated. This update is the first policy in response to that request. The Public Events Committee approved the changes earlier in the year.

STAFF COMMENT

The changes that have been made to the policy are minimal and aim at updating the relevance of the policy. The main change in the policy is the change to increase advertising; this has been added due to the lack of nominations received in previous years.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, Seconded Cr Woodhill

That Council adopt the updated policy for Australia Day Awards as per the attachment submitted to the 17 August 2010 meeting of the Works & Corporate Services Committee.

Carried 5/0

10.1.10 DISABILITY ACCESS AND INCLUSION POLICY

File No: POL/73
Attachments: Disability Access and Inclusion Policy
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Christina Guelfi
Community Development Officer

Proposed Meeting Date: 17 August 2010
Author Disclosure of Interest Nil

SUMMARY

In association with the Town's Disability Access and Inclusion Plan and Disability Services Advisory Committee, this report presents a Disability Access and Inclusion Policy which identifies a standard of access and inclusion and fosters a sense of community for all people who live and visit Cottesloe, no matter their disability. This report recommends that Council;

1. Adopt the Disability Access and Inclusion Policy as presented in the attachments,
2. Endorse the Town of Cottesloe's affiliation with the Companionship Card policies as outlined by ACROD Australia, and;
3. Endorse the use of the Contractor's Disability Access and Inclusion Induction Checklist.

BACKGROUND

Council has always worked to ensure its buildings and events are as access and inclusion friendly as possible. By developing a policy that addresses the Disability Services Commission's requirements for every local government to have an up-to-date Access and Inclusion Policy in addition to a Disability Access and Inclusion Plan (DAIP), the Town will formalise what the Council has already begun to achieve.

STRATEGIC IMPLICATIONS

This policy will enhance the Council's ongoing strategic commitment to invest in ways to involve, include and acknowledge people with a disability.

POLICY IMPLICATIONS

This report will recommend the adoption of an Access and Inclusion Policy.

STATUTORY ENVIRONMENT

- Disability Services Act 1993 (Western Australia, amended 2004).
- Commonwealth Disability Discrimination Act (1992)
- Equal Opportunity Act (Western Australian, amended 1988)

FINANCIAL IMPLICATIONS

The officer's time to maintain the policy is a financial consideration and also any loss of income due to the cost of entrance or participation in an event, due to free admission to the carer.

SUSTAINABILITY IMPLICATIONS

None Known

CONSULTATION

Consultation with the Town of Mosman Park and Shire of Peppermint Grove was undertaken to contrast their present Disability Access and Inclusion Policies. Advice was also sought from the Disability Services Commission (DSC).

STAFF COMMENT

The policies of the Count me In Disability Future Directions program from the DSC and the Companionship Card were also consulted and included in the writing of this policy.

This policy highlights some areas of importance that require formalising of the procedures when hiring contractors/consultants and approving events that will be run within the Council's infrastructure or supported or sponsored by the Town.

It also provides the standard for our internal department when approving extensions or building/planning approvals, that the universal design conditions be outlined and considered when making decisions that will affect future or current residents or visitors to the area.

Although the Town of Cottesloe has already achieved so much in the area of access and inclusion, there are still areas we can improve on. One of these areas is the endorsement of the validity of the Companionship Card. This card means that the carrier is the carer of the person who is entering an event with a disability and allows the carrier free access to the event.

Examples of other organisations that have already affiliated with this program are as follows, but not limited to;

- Town of Vincent
- Town of Cambridge
- City of Armadale
- City of Joondalup
- City of Melville
- Hoyts Cinemas
- Greater Union
- Kings Park and Botanical Gardens
- Skywest Airlines
- Rottnest Island Authority

Endorsing the Companionship Card will identify Cottesloe as a disability friendly area. This will mean that all events run by the Town and events supported by the Town will require adherence to its conditions. For a list of these conditions of affiliation see the attachments.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Woodhill

THAT COUNCIL:

- 1. Adopt the Disability Access and Inclusion Policy as presented in the attachments;**
- 2. Endorse the Town of Cottesloe's affiliation with the Companionship Card policies as outlined by ACROD Australia;**
- 3. Endorse the use of the Contractor's Disability Access and Inclusion Induction Checklist as per the attachment.**

Carried 5/0

10.2 ENGINEERING

10.2.1 LANEWAYS/RIGHT OF WAYS WITHIN THE TOWN OF COTTESLOE

File No: SUB/260 & POL/59
Attachments: Letter from Department of Regional Development and Lands
Plans of affected laneways
Right of way/laneway policy
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 20 July 2010
Author Disclosure of Interest Nil

SUMMARY

Staff have written to the Department of Regional Development and Lands to request information on how ROW's/Laneways owned by Council could become Crown Land, but vested in Council for control. This action came from Councils decision in November 2009 about the need to remove obstructions and stop adverse possession claims on Councils privately owned laneways.

The Department has offered two alternatives to have these laneways converted to Crown Land.

The recommendation is that Council resolve to:

1. apply to the Department of Regional Development and Lands for all laneways or Right of Way's owned by the Town of Cottesloe to be dedicated as roads under section 56 (i)(c) of the Land Administration Act (1997)
2. indemnify the Department against any claims of compensation or costs relating to this dedication.

BACKGROUND

Councils Right of Way/Laneways policy includes, as an objective, the conversion of Council owned laneways to Crown Land. This matter came up during the Florence St laneway adverse possession debate. If the laneway had been Crown Land, no adverse possession would have been possible.

In November 2009, as a result of a Council discussion on laneway/Right of Ways in the Town of Cottesloe, Council resolved:

That Council:

1. Write to the property owners of properties encroaching into laneway/Right of Way numbers 6, 28B, 22, 64, 20 and 68 as proposed by the Manager Engineering Services.

2. Take action and provide for continuing public access on laneways, and the removal of potential adverse possessions claims, from laneways in the Town of Cottesloe.

In relation to part 2 of the resolution, conversion of Councils privately owned laneways to Crown Land would guarantee the removal of further adverse possession claims.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council's Right of Way/Laneways policy applies.

STATUTORY ENVIRONMENT

Councils privately owned laneways could remain in their current status, with no change to the public rights for use, but with the potential possibilities of adverse possession claims, as occurred on the laneway on the north side of properties fronting Florence Street.

If these laneways were converted to a form of Crown Land, public rights of access would remain and be guaranteed. Also, no adverse possession claims can apply to Crown Land. In both cases, Council is responsible for maintenance and liability issues. Also Section 56 of the Land Administration Act 1997 applies.

FINANCIAL IMPLICATIONS

A status change from Council Ownership to Crown Land would have no impact on finance apart from the associated costs if Council chose to have the land reserved as "Right of Way".

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Department of Regional Development and Lands.

STAFF COMMENT

This potential laneway ownership and status change would apply to 49 separate sections of Laneway or ROW, in varying widths and conditions. The vast majority of these laneways have multiple use, daily, by residents and ratepayers, with Council funding and maintenance needs.

The general public have used these accesses for many years and legal closure or sale by Council to a private owner would be extremely difficult if the purpose included the future denial of public access.

Many of the alignments contain service authority installations, particularly deep sewer lines, which require access for maintenance or upgrading at various times. This proposed conversion to Crown Land would not impact on existing Crown Land ROW's/Laneways or laneways privately owned by land owners. The existing laneways that have been previously dedicated under section 56 (i)(c) of the Land Administration Act 1997 include McNamana Way, Joinery Way, Pennefather Lane, DeNandi Lane and Clapham Lane.

All of these are Crown Land, Public Streets, vested in the Town of Cottesloe for care, control and management. The only laneways the Department will not deal with are laneways where current adverse possession claims exist. Possessory Application 319435 (see Departmental letter) relates to one of the two original Florence Street laneway claims.

The two options offered by the Department; 'Right of Way' and 'Road' dedication only differ where the first option into 'Right of Way' status will have associated costs and be more complicated. Dedication as sections of road reserve, option 2, would give the alignments the same status as the previously listed, and named laneways.

In both cases, the laneways are vested in Council for care, control and management and can be funded from Council funds.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Woodhill, seconded Cr Rowell

THAT COUNCIL:

- 1. Apply to the Department of Regional Development and Lands for all laneways, or Right of Way's owned by the Town of Cottesloe to be dedicated as roads under section 56 (i)(c) of the Land Administration Act (1997)**
- 2. Indemnify the Department of Regional Development and Lands against any claims of compensation or costs relating to this dedication.**

Carried 5/0

10.3 FINANCE

10.3.1 STATUTORY FINANCIAL REPORTS FOR THE MONTH OF JULY 2010

File No: SUB/137
Financial Statements for period 1st July 2010 to 31st July 2010.

Responsible Officer: Carl Askew
Chief Executive Officer

Author: Graham Pattrick
Manager Corporate Services

Proposed Meeting Date: 17 August 2010

Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 July 2010, to Council.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

These reports are not conclusive as they're the first set of accounts for the year. They do provide an indicative position that reflects a positive start for the Town of Cottesloe.

The Operating Statement on page 2 of the Financial Statements shows a favourable variance between the actual and budgeted YTD net profit or loss of \$64,663 as at 31 July 2010. Operating Revenue is below budget by \$71,732 (1%). Operating Expenditure is \$131,866 (16%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 31 July 2010 is shown on page 7.

The Capital Works Program is listed on pages 23 - 28 and shows total expenditure of \$600,094 compared to YTD budget of \$586,575.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Woodhill, seconded Cr Carmichael

THAT Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 July, 2010, as per the attached Financial Statements, submitted to the 17 August 2010 meeting of the Works and Corporate Services Committee

Carried 5/0

10.3.2 SCHEDULE OF INVESTMENTS & LOANS AS AT 31 JULY 2010

File No: SUB/150 & SUB/151
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Patrick
Manager Corporate Services

Proposed Meeting Date: 17 August 2010
Author Disclosure of Interest Nil

SUMMARY

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

BACKGROUND

N/A

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 18 of the Financial Statements shows that \$913,732.49 was invested as at 31 July 2010.

Reserve Funds make up \$646,470.72 of the total invested and are restricted funds. Approximately 62% of the funds are invested with the National Australia Bank, 28% with Westpac, and 10% with BankWest.

The Schedule of Loans on page 19 shows a balance of \$6,827,123.41 as at 31 July, 2010. There is \$459,792.00 included in this balance that relates to self supporting loans.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Woodhill, seconded Cr Carmichael

THAT Council receive the Schedule of Investments and Schedule of Loans for the period ending 31 July 2010, as per the attached Financial Statements, as submitted to the 17 August 2010 meeting of the Works and Corporate Services Committee.

Carried 5/0

10.3.3 ACCOUNTS PAID IN THE MONTH OF JULY 2010

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

Proposed Meeting Date: 17 August 2010
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the list of accounts paid for the period ending 31 July 2010 to Council, as per the attached financial statements.

BACKGROUND

N/A

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

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

- \$11,000.00 to City of Nedlands for contribution towards Travel Smart Officer
 - \$15,599.82 to WA Local Govt Super Fund for staff deductions
 - \$14,148.10 to Water Corp for annual service to various bores
 - \$15,080.14 to WA Local Govt Super Fund for staff deductions
 - \$10,560.00 to Breac P/L for environmental health services
-

- \$17,204.00 to Holcim for various soakwells, lids, etc
- \$131,738.48 to the Shire of Peppermint Grove for quarterly contribution towards library operation
- \$18,733.00 to Civica for annual Authority & e-Services licence renewal
- \$16,032.96 to WALGA for annual subs for 2010/2011
- \$23,560.44 to WMRC for tipping fees for May and June 2010
- \$27,564.64 to Red 11 for hardware purchases including 2 new servers
- \$34,119.80 to Claremont Asphalt for installation of soakpits in various locations
- \$21,653.54 to the Shire of Peppermint Grove for contributions towards new library construction
- \$20,453.63 to LGIS for vehicle insurance premiums for 2010/2011
- \$27,160.10 to Playground Solutions for installation of equipment at Railway St playground
- \$560,181.02 to the Shire of Peppermint Grove for contributions towards new library construction
- \$20,285.72 to WMRC for tipping fees for June 2010
- \$48,687.23 to Ocean IT for new hardware and virtualization implementation on new servers
- \$34,201.51 to Transpacific Cleanaway for domestic & commercial waste disposal in June 2010
- \$10,142.00 to Jaymar Pumps for work to bore at Grant Marine Park
- \$23,908.50 to Lightsense Australia for installation of street lights
- \$24,987.57 to LGIS for Property Insurance Scheme contribution for 2010/2011
- \$37,203.15 to Giant Nissan for purchase of new vehicle
- \$44,000 to Tyco Flow Control for mainline upgrade to the Civic Centre
- \$17,779.78 to WMRC for tipping fees for July 2010
- \$67,744.80 and \$65,897.03 for staff payroll.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Woodhill, seconded Cr Carmichael

THAT Council receive the List of Accounts for the period ending 31 July 2010, as per the attached Financial Statements, as submitted to the 17 August 2010 meeting of the Works and Corporate Services Committee.

Carried 5/0

10.3.4 PROPERTY & SUNDRY DEBTORS REPORT FOR JULY 2010

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

Proposed Meeting Date: 17 August 2010
Author Disclosure of Interest Nil

SUMMARY

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

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report commences on page 20 of the Financial Statements and shows a balance of \$189,212.63 of which \$122,623.51 relates to the current month. The balance of aged debtors over 30 days stood at \$66,589.12

Property Debtors are shown in the Rates and Charges analysis on page 22 of the Financial Statements and show a balance of \$7,903,690.21. Of this amount \$210,196.63 and \$981,947.87 are deferred rates and outstanding ESL respectively. As can be seen on the Balance Sheet on page 4 of the Financial Statements, rates as a current asset are \$7,694,969 in 2010 compared to \$7,067,180 last year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Woodhill, seconded Cr Carmichael

THAT Council receive the Property and Sundry Debtors Report for the period ending 31 July 2010, as per the attached Financial Statements, as submitted to the 17 August 2010 meeting of the Works and Corporate Services Committee.

Carried 5/0

10.3.5 LONG TERM FINANCIAL PLAN

File No: SUB/553
Attachments: [LTFP.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Pattrick
Manager Corporate Services

Proposed Meeting Date: 17 August 2010
Author Disclosure of Interest Nil

SUMMARY

A recommendation is made to approve the Long Term Financial Plan (LTFP) 2009-2019 (attached).

STRATEGIC IMPLICATIONS**Objective 5: Infrastructure**

To maintain infrastructure and council buildings in a sustainable way

- Develop a long term asset management plan and accompanying financial plan.

Objective 6: Community Support

To foster the community's confidence and support for Council

Objective 7: Organisational Development

To effectively manage Council's resources and work processes

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

The LTFP has been presented to the Audit Committee. A recommendation was accepted by the Audit Committee that any significant item of capital expenditure relating to projects outside of standard infrastructure should be supported by a business plan if it is to be adopted by Council.

STAFF COMMENT

The LTFP forms the basis for determining and substantiating the long term financial sustainability of the Town. The important assumptions contained in this LTFP include:

- The sale of the depot in 2011/2012
- Capital purchase estimates from the Manager of Engineering Services and other executive staff
- Current levels of inflation to be maintained

The plan shows that the Council has a sound financial future based on the assumptions used in the model.

VOTING

Simple Majority

COMMITTEE COMMENT:

In discussing this item Committee requested to record their thanks and appreciation to Mr Graham Pattrick (Manager Corporate Services) and Mr Wayne Richards (Manager Finance) for their hard work in preparing and presenting the Long Term Financial Plan.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Cunningham

THAT Council adopt the Long Term Financial Plan for 2009 – 2019 as per the attached document submitted to the 17 August 2010 meeting of the Works and Corporate Services Committee.

Carried 5/0

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

Nil

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**12.1.1 LAND OWNED BY LOCAL GOVERNMENT NOT BE SUBJECT TO ADVERSE POSSESSION CLAIMS**

Further to the earlier discussion regarding Item 10.2.1 Laneways/Right of Ways within the Town of Cottesloe, Cr Boland proposed that Committee consider, as a matter of urgent business, that a report be prepared regarding adverse possession claims with the recommendation stating, 'seek law reform by the State Government that land owned by Local Government not be subject to adverse possession claims'.

Moved Cr Cunningham, seconded Cr Boland

THAT the above matter be considered as new business of an urgent nature introduced by the elected members by decisions of meeting.

Carried 5/0

Moved Cr Boland, seconded Cr Rowell

THAT Council seek law reform by the State Government that land owned by Local Governments not be subject to adverse possession claims.

Carried 5/0

13 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 7:43 PM.

CONFIRMED: PRESIDING MEMBER _____ *DATE: .../.../...*