

TOWN OF COTTESLOE



WORKS AND CORPORATE SERVICES COMMITTEE

MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, TUESDAY, 21 JULY 2009

CARL ASKEW
Chief Executive Officer

23 July 2009

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 7:02pm.

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

Cr Bryan Miller	Presiding Member
Mayor Kevin Morgan	
Cr Patricia Carmichael	
Cr Dan Cunningham	7:03pm
Cr Vic Strzina	
Cr Ian Woodhill	

Officers Present

Carl Askew	Chief Executive Officer
Graham Pattrick	Manager, Corporate Services
Geoff Trigg	Manager, Engineering
Janna Lockyer	Community & Events Support Officer

Apologies

Cr John Utting

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

Voula Nelson, 204 Marine Parade, Cottesloe, Sight-lines Corner Napier Street and Marine Parade (crosswalk).

Ms Nelson referred to her letter to Council (copies tabled to all members) and spoke in support of the need to address safety issues associated with the

crosswalk and in particular the northern most car bay adjacent to the children's playground. She requested that Committee support its removal.

Paul Foster, 525 Stirling Hwy, Cottesloe – Item 10.1.3 Hullabaloo in the Village Festival

Mr Foster is President of PROCOTT and spoke in support of the Hullabaloo in the Village Festival and requested Council's support with the event. He advised that he was available to Committee to answer any questions on the Festival.

Barbara Hewson-Bower, 30 Marine Parade, Cottesloe – Item 10.2.2 - Request for Contribution - Upgrading of Right of Way 76A, Cottesloe

Mrs. Hewson-Bower spoke to her request for Council support to upgrade Right of Way 76A and sought clarification on the process. A response to her queries was provided by the Manager Engineering Services and she requested Committee support the Officer Recommendation.

Scott McGee – Item 10.2.2 - Request for Contribution - Upgrading of Right of Way 76A, Cottesloe

Mr McGee also spoke to this item and requested Council support to have the laneway upgraded for the benefit of all users.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Strzina, seconded Mayor Morgan

That Cr Carmichael's request for leave of absence from the August and September round of Committee and Council meetings be granted.

Carried 6/0

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Strzina, seconded Cr Woodhill

[Minutes June 16 2009 Works and Corporate Services Committee.doc](#)

The Minutes of the Ordinary meeting of the Works And Corporate Services Committee, held on 16 June 2009 be confirmed.

Carried 6/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

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

- 10.1.3 Hullabaloo in the Village Festival
- 10.2.2 Request for Contribution - Upgrading of Right of Way 76A, Cottesloe

The Chairman then returned to the published order of the agenda.

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

- 10.3.1 Statutory Financial Statements for the Period Ending 30 June 2009
- 10.3.2 Schedule of Investments and Schedule of Loans for the Period Ending 30 June 2009
- 10.3.3 Accounts for the Period Ending 30 June 2009
- 10.3.4 Property and Sundry Debtors Reports for the Period Ending 30 June 2009.

10 REPORTS OF COMMITTEES AND OFFICERS**10.1 ADMINISTRATION****10.1.1 RATES RECOVERY POLICY UPDATE**

File No: SUB/000
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Pattrick
Manager Corporate and Community Services
Attachment: Rates Recovery Old Policy
Rates Recovery Updated Policy

Proposed Meeting Date: 21-Jul-2009
Author Disclosure of Interest Nil

SUMMARY

The Town of Cottesloe policy for Rates Recovery has been reviewed by Council staff. This report recommends that Council adopt the amended policy.

BACKGROUND

All out of date policies are in the process of being updated and put before Council for review.

CONSULTATION

Nil

STAFF COMMENT

This policy has been reviewed to ensure it is relevant to the Town of Cottesloe's current working environment. There have been a number of changes to the Rates Recovery policy to bring it in line with amended legislation. The amended policy reflects the change to allow penalty interest to be calculated after 35 days of issue without the restriction of waiting until 31st January.

POLICY IMPLICATIONS

Adopt the amended Policy.

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS**S 6.51 Local Government Act and Local Government Financial Regulations 19A**

S.51. Accrual of interest on overdue rates or service charges

1. A local government may at the time of imposing a rate or service charge resolve* to impose interest (at the rate set in its annual budget) on —

- a. a rate or service charge (or any instalment of a rate or service charge); and
 - b. any costs of proceedings to recover any such charge, that remains unpaid after becoming due and payable.
- * *Absolute majority required.*
2. The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.
 3. Accrued interest is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.
 4. If a person is entitled under the *Rates and Charges (Rebates and Deferments) Act 1992* or under this Act (if the local government in a particular case so resolves) to a rebate or deferment in respect of a rate or service charge —
 - a. no interest is to accrue in respect of that rate or service charge payable by that person; and
 - b. no additional charge is to be imposed under section 6.45(3) on that person.
 5. Regulations may provide for the method of calculation of interest.
[Section 6.51 amended by No. 1 of 1998 s. 21(1); No. 49 of 2004 s. 62.]

Reg 19A. Maximum rate of interest on money owing — s. 6.13(3)
The maximum rate of interest to be imposed under section 6.13(1) is prescribed as 11%.

[Regulation 19A inserted in Gazette 28 Jun 1996 p. 3169; amended in Gazette 29 Jun 1999 p. 2854.]

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING

Absolute Majority

OFFICER RECOMMENDATION

Moved Cr Strzina, seconded Mayor Morgan

That Council adopt the amended Rates Recovery policy as per attachment 10.1.1.

AMENDMENT

Moved Cr Cunningham, seconded Cr Carmichael

That the wording of the policy (Section 2: Principle) be amended by deleting the words “*at the expiration of*” and replaced with the word “*within*”.

Carried 6/0

COMMITTEE RECOMMENDATION

That Council adopt the amended Rates Recovery Policy as per W&CS Committee Attachment 10.1.1

THE SUBSTANTIVE MOTION WAS PUT

Carried 6/0

10.1.2 WINDFALL GAINS POLICY UPDATE

File No: SUB/000
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Pattrick
Manager Corporate and Community Services
Attachment: Windfall Gains Policy
Proposed Meeting Date: 21-Jul-2009
Author Disclosure of Interest Nil

SUMMARY

The Town of Cottesloe policy for Windfall Gains has been reviewed by Council staff. This report recommends that Council adopt the policy.

BACKGROUND

All out of date policies are being updated and put before Council for review.

CONSULTATION

Nil

STAFF COMMENT

This policy has been reviewed to ensure it is relevant to the Town of Cottesloe's current working environment. Windfalls are not a frequent occurrence within this Council however this policy covers the options should this occur. No changes were required to be made to this policy.

POLICY IMPLICATIONS

No change the Windfall Gains Policy.

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Woodhill, seconded Cr Strzina

That Council adopt the Windfall Gains policy as per attachment 10.1.2.

Carried 6/0

10.1.3 HULLABALOO IN THE VILLAGE FESTIVAL

File No: SUB/000
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Janna Lockyer
Community and Events Support Officer
Attachment: Hullabaloo in the Village
Proposed Meeting Date: 21-Jul-2009
Author Disclosure of Interest Nil

SUMMARY

Procott are intending to hold an event on Saturday 28th November 2009. The event is a festival in the Cottesloe Village area and called 'Hullabaloo in the Village'.

The matter has been reported to and considered by the Events Committee who have referred the matter to the Works and Corporate Services Committee recommending that Council provide conditional support for the event.

BACKGROUND

Procott have in the past held a festival event in the Town Centre with some success. The event stopped at the same time as the Town of Cottesloe was holding a very similar event on the beach, known as the Sea Dragon Festival.

According to the organisers, the aim of the festival is to attract people to Cottesloe for not only the beach but all the other things Cottesloe has to offer.

The Procott festival sub committee have approached the Town of Cottesloe in regards to holding the event once again. They are requesting support for the event, extended liquor licenses and trading areas, road closures and Ranger support on the day. They have also requested financial support from Council to make the event a success for both the businesses and the Town of Cottesloe.

At the May meeting of the Events Committee, it was recommended;

"That the Committee:

- 1. Support, in principle, the inclusion of the following new events into Council's event calendar for 2009/2010;*
 - a. Sea Dragon Festival/Community Fair (in the new format)*
 - b. Volunteers Sundowner shift to May;*
- 2. That staff are to bring to next Events Committee Meeting working/costings for the changed events."*

The new format Sea Dragon Festival was scheduled to be held in November this year. However such an event requires a significant preparations and organisation which has not been possible as yet. Given the limited planning to date and the fact that both events are scheduled for the same time the Events Committee supported an officer recommendation that Council Staff work with Procott on their festival and

introducing themes of the proposed Sea Dragon festival in a combined event. This would provide a “partnership” opportunity for Council and Procott, achieve both aims and contribute to one ‘larger’ event. The alternative was to hold two smaller events at the same time.

The Procott Event, *Hullabaloo in the Village*, has a range of activities involving all the local shops, cafes and restaurants along Jarrad Street, Napolean Street and Station Street and is worthy of Council’s support.

CONSULTATION

Procott are working in consultation with Lloyd Events and staff at the Town of Cottesloe.

STAFF COMMENT

Staff have been in consultation with Procott in regards to the holding of the Hullabaloo in the Village Festival. Procott are spending a significant amount of funds on the project to get the event up and running and to make it a great success.

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

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

Procott are also requesting the extension of shop fronts to display items/goods. Shops like Flower and TS 14 want to display products out on the street and for this require Council permission to do so. A map is attached of all the areas for road closure, parking closures, liquor extensions and trade extensions.

It is in the officer’s opinion that Council resources could be better placed in supporting this event rather than conducting it’s own event at the Civic Centre and competing with Procott.

This view was supported by the Events Committee at their meeting on 14 July 2009.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

Nil

SUSTAINABILITY IMPLICATIONS

By supporting the event the Council will be able to add a Sustainability aspect to the festival. The Sustainability Officer has recommended to Procott the following ideas for the day:

1. Displays

- A range of brochures e.g. Cott Cat and Grow Local Plats Guide
- Displaying the children's art for the 2010 Sustainability Calendar
- 'Sustainable Lifestyle Challenge' project (incorporating Great Gardens competition)
- Businesses involved in Town of Cottesloe energy reduction programme
- Native Plant Demonstration Gardens in Cottesloe - photo's, brochures
- Living Smart courses – publicising past and future courses with photos etc
- Mobile muster, E-Waste, Hazardous waste disposal information
- WMRC DiCom project - photos and explanatory material about the facility and processes
- School projects - what the local primary schools are doing in terms of sustainability - photos, activities
- Plastic Bag Free IGA - promotion of Eric St IGA and their initiatives to reduce plastic bags
- Cottesloe Coastcare displays and photos - projects they have current and past involvement in

2. Promotions and Giveaways

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

3. Education and Giveaways

- Volunteer Earthcarers involved in compost and worm farm demonstrations, display boards promoting their projects.

FINANCIAL IMPLICATIONS

In the 2009/2010 Budget the Sea Dragon Festival had allocated \$12,000. The Events Committee were of the opinion that part of the funds could be used to support the efforts of Procott through Council's the active involvement in the support of local groups to participate. In addition the Town would also be contributing staff resources, with the use of Rangers, Sustainability Officer and the Community and Events Support Officer working closely to make sure the Event complies with Council regulations.

VOTING

Simple Majority

EVENTS COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Cr Carmichael

That Council:

1. Support the Procott Event "Hullabaloo in the Village" as per attachment 10.1.3 subject to;
 - a. The organisers of the event addressing the following matters to the satisfaction of the Chief Executive Officer;
 - i. Provision of a transport/parking plan and appropriate access/signage to and from the event.
 - ii. Adequate arrangements for rubbish collection and removal, including the provision for recycling.
 - iii. Compliance with noise regulations.
 - iv. Compliance with relevant health and safety legislation with regard to food, hygiene and provision of toilet facilities.
 - v. Appropriate public liability insurance of not less than.
 - vi. Compliance with additional relevant sections of the Outdoor Concerts and Large Public Events Guidelines.
 - b. The event incorporating the community and sustainability elements of the Sea Dragon festival i.e. the facilitation of local clubs and community groups participating in the event to promote themselves and their services.
2. Commit sufficient funds, which are currently allocated to the Sea Dragon festival in the 2009/10 Budget, to the Hullabaloo in the Village to enable Council to;
 - a. Support local clubs and community groups with their attendance, set up, display and promotion.
 - b. Manage the associated administrative costs for the event related to Council's involvement.

AMENDMENT

Moved Cr Cunningham, seconded Cr Woodhill

Under item 1(a) after the word "matters" add "*with appropriate collaboration and assistance of Council staff*"

Carried 6/0

COMMITTEE RECOMMENDATION

That Council:

1. **Support the Procott Event "Hullabaloo in the Village" as per attachment 10.1.3 subject to;**
 - a. **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;**
 - i. **Provision of a transport/parking plan and appropriate access/signage to and from the event.**
 - ii. **Adequate arrangements for rubbish collection and removal, including the provision for recycling.**

10.1.4 SAIL TRAINING SHIP LEEUWIN SCHOLARSHIP

File No: SUB/000
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Janna Lockyer
Community and Events Support Officer

Proposed Meeting Date: 21 July-2009
Author Disclosure of Interest Nil

SUMMARY

This report recommends the Council support the establishment of a scholarship for the Sail Training Ship Leeuwin as Council's award to its Junior Citizen of the Year and to promote this throughout its local clubs and community groups.

BACKGROUND

The Events Committee discussed the proposed initiative at their meeting on 14 July 2009 and unanimously agreed with the Mayor's proposal and determined to refer the matter to the Works and Corporate Services Committee for endorsement.

The tall ship, Leeuwin II, is owned and operated by the Leeuwin Ocean Adventure Foundation Ltd, a not for profit organisation based in Fremantle, Western Australia. Launched in 1986, Leeuwin II is Australia's largest sail training tall ship and is dedicated to challenging and inspiring people on adventurous ocean voyages. Their mission is to challenge and inspire young people to realise their personal potential and make a positive contribution to the wider community through the unique medium of a tall sailing.

The intention would be to use the Sail Training Ship Leeuwin as Council' award to its Junior Citizen of the Year and to promote this throughout its local clubs and community groups via a nomination process with the Committee determining an appropriate selection criteria and process to encourage and support nominations.

The Events Committee, after considering a number of reports including the Procott proposed Hullabaloo in the Village and the Sea Dragon Festival, agreed to the proposal with a recommendation that funds allocated from within the events budget be used to support the trip on the Leeuwin as an award to its "Junior Citizen of the Year".

CONSULTATION

Nil

STAFF COMMENT

Each year the Council receives few nominations for its citizen of the year awards. To encourage more nominations in its Junior category it was suggested that Council create a scholarship for the award prize.

The Sail Training Ship Leeuwin is also experiencing some difficulty at present with ongoing funding and sponsorship. The Shire of Harvey has written to Local Governments with a proposal for support outlining the funding it currently provides to the ship and youths of the area.

The Events Committee have recommended that Council support the program with a Sail Training Ship Leeuwin Scholarship for the Junior Citizenship of the Year award. This would be a fully funded trip for one person each year, helping both the Leeuwin Ship and junior members of our local community and sporting clubs.

The establishment of the scholarship aims to not only increase the numbers of nominations for the Junior Citizen of the Year but to also increase the involvement of juniors in Community groups and sporting clubs. The Events Committee will set the criteria for nominations from the community and sporting groups

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

Section 6.8 of the Local Government Act (1995).

6.8 Expenditure from municipal fund not included in annual budget

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

** Absolute majority required.*

1. In subsection (1) —

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

2. Where expenditure has been incurred by a local government —
 - a. pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - b. pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

[Section 6.8 amended by No. 1 of 1998 s. 19.]

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

A portion of the funds currently allocated to the Sea Dragon Festival in the 2009/2010 Budget need to be redirected to the new expenditure for the Sail Training Ship Leeuwin Scholarship in order for Council not to exceed current budget allocations.

VOTING

Absolute Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Carmichael

That Council:

- 1. Support the establishment of a scholarship for the Sail Training Ship Leeuwin as Council's recognition for its "Junior Citizen of the Year" and promote this throughout the Town's local clubs and community groups with the cost of the trip up to \$3,000 to be met by Council.**
- 2. Pursuant to Section 6.8 of the Local Government Act (1995) authorise the following new expenditure:**

Sail Training Ship Leeuwin Scholarship \$3,000

Amend the 2009/10 Annual Budget as follows:

Expense: Sea Dragon Festival – decrease by \$3,000

For the purpose of establishing a Sail Training Ship Leeuwin Scholarship.

Absolute Majority Required

Carried 6/0

10.1.5 TENDER - IT SERVICES FOR COUNCIL

File No: SUB/819
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Pattrick
Manager Corporate and Community Services

Proposed Meeting Date: 21-Jul-2009
Author Disclosure of Interest Nil

SUMMARY

A recommendation is made to accept the tender of \$90,513 from Ocean IT for the provision of IT services for the period 1 August 2009 to 30 June 2010.

BACKGROUND

Council has been using an external service provider to maintain IT Services including on-site support, backup of data and hardware support for approximately 5 years.

The value of annual payments to Ocean IT had risen to the position where we could expect payments to exceed \$100,000 pa.

The tender period was set for a 12 month time period with a 12 month option in order to maintain currently service delivery and to allow for potential changes that are being considered for the Town of Cottesloe's service requirements.

It is intended that a full review of the Town's IT service requirements will be undertaken in the next 12 months in order for officers to assess future needs against current service levels and it is anticipated that a report and recommendation will be made to Council in this regard.

CONSULTATION

This tender was advertised in the *West Australian* newspaper, as well as on Council's notice boards and web page.

The Manager Corporate & Community Services met with staff from WALGA to gain additional insight into preparing a comprehensive tender document specifically for an IT Tender.

Members of Council's Tender Evaluation Panel (TEP) have been advised of the IT Services Tender prior to reporting to Committee.

STAFF COMMENT

Council has not called for tenders for this type of work previously. The tender was advertised with compulsory attendance required for an on-site meeting. This followed advice from WALGA staff to ensure that we received tenders from organisations capable of meeting our requirements.

The Manager Corporate & Community Services and another member of the IT Committee conducted the tender evaluation process assessing each tenderer against the predefined criteria.

Evaluation Process

The evaluation criteria included:

- Compliance with tender requirements and the extent to which all of the specifications are addressed;
- Experience of the service provider (including local government experience) and the staff who will be performing the on-site support;
- The capacity to satisfy Council's IT service requirements (detailed in an attachment to the tender);
- Price and value for money; and,
- Environmental questionnaire

A summary of the five tenders received is as follows:

Contractor	Price
Ocean IT	\$90,513
Netlink	\$91,520
R Group	\$76,934
Divers IT	\$105,750
Jasco	\$87,360

Ocean IT provided a comprehensive tender submission. They had the advantage of working with Council for over 5 years. There were no issues raised during the assessment of their submission.

Netlink provided a comprehensive tender submission. There were concerns during the assessment there appeared to be limited local government experience demonstrated. There was also doubt as to whether there was any onsite support included per the tender requirement.

R Group provided a reasonable tender submission. There were concerns during the assessment there appeared to be limited local government experience demonstrated. The back-up process was not clearly explained and there appeared to be minimal support allowed for strategic issues as required by the tender documents.

Divers IT didn't meet all the basic requirements of the tender document and didn't have a representative at the compulsory information session at the Town of Cottesloe on 30 June 2009. During the assessment there were issues with limited local government experience and the experience of key staff as well as the size of the firm and their financial stability. They were given an assessment for comparative purposes.

Jasco didn't meet all the basic requirements of the tender document. There were concerns with the small WA staff numbers, no financial information provided about the firm and doubts raised regarding possible variations with on-site support.

The summary of the assessment process is as follows:

Contractor	Assessor A Score	Assessor B Score	Total
Ocean IT	97.00	97.00	194.00
Netlink	87.50	83.50	171.00
R Group	88.50	86.50	175.00
Divers IT	83.00	78.50	161.50
Jasco	81.50	90.00	171.50

The recommendation from the review panel is to appoint Ocean IT.

POLICY IMPLICATIONS

Council's *Purchasing* policy applies.

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

The *Local Government (Functions and General) Regulations 1996 (WA)* have been changed to lift the threshold level for which tenders must be called from \$50,000 to \$100,000.

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Expenditure on Council's IT services is approaching \$100,000 per annum. To avoid any potential uncertainty in complying with the mandatory \$100,000 threshold figure for tenders to be called, a tender was called and a contractor now needs to be selected.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Cr Woodhill

That the tender, as submitted by Ocean IT, for the provision of IT services specified in the tender document, for the cost of \$90,513 for the period 1 August 2009 to 30 June 2010, as set out in the received submission, be accepted as the most advantageous to the Town of Cottesloe.

Carried 6/0

10.2 ENGINEERING**10.2.1 RESTORATION OF THE GROUNDWATER AQUIFER - NATIONAL WATER INITIATIVE**

File No: SUB/145
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Attachment:

Proposed Meeting Date: 21-Jul-2009
Author Disclosure of Interest Nil

SUMMARY

The Town of Cottesloe commenced this four year project in June, 2006. The project budget includes a one-third grant from the Federal Government under the National Water Initiative. One of the grant conditions is the preparation of a formal report on progress and expenditure every six months. This will be the sixth six-month report for this project.

It is recommended that Council adopt the report and forward it to the National Water Commission.

Copy of the report is attached 10.2.1.

BACKGROUND

Council has previously resolved to undertake this project over a four year period, with the practical tasks to be completed being:

1. The construction of 280 individual soak pits.
2. The removal of 10 separate ocean outfall pipelines with the water being redirected into the water table.
3. The replacement of 7 existing open sumps with replacement structures to remove debris and pollutants prior to their entry into the aquifer.
4. The provision for the interception and removal of debris and pollutants from all structures.
5. A community education programme to change public attitudes to reducing groundwater use and changing garden types.

Each year of the project has its own milestones for the completion of set portions of the above mentioned tasks.

CONSULTATION

Nil

STAFF COMMENT

The project is progressing well, with no current concerns regarding the rate of progress or the level of expenditure.

All required milestones have now been met for the second half of the third year of this project.

The works undertaken have received strong support from within the community and others who are concerned with the future of the Cottesloe aquifer and metropolitan water supplies in general.

In 2008/09, the second of three education packages was created and distributed to all properties in Cottesloe, to achieve attitudinal change in regards to the preservation of the Cottesloe freshwater aquifer. One more package will be created in the next financial year as per the grant agreements, with the third package planned for March/April 2010.

The Department of Water has agreed in writing to a \$100,000 grant over 3 years to assist this project, particularly for public education. A formal agreement is also in place for this grant with \$33,333 being funded per year for 3 years. 2008/09 has been the second of these three years.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Council's *Future Plan 2006-2010* has as objective No. 5 the aim to maintain infrastructure and Council buildings in a sustainable manner. This project is centred on sustainability of the underground water aquifer and long term sustainable drainage structures.

STATUTORY REQUIREMENTS

All work for this four year project takes place on land controlled by the Town of Cottesloe and involves drainage works of various types.

Council is responsible for the long term construction and maintenance of stormwater drainage systems.

The Federal Government grant for this project required the signing of a legal agreement which places reporting requirements on the Town of Cottesloe.

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The total project cost is \$2.346m (plus GST) over four years with the Federal Government agreeing to a \$782,000 (plus GST) grant through the National Water Initiative. The State Department of Water has been requested for assistance with

this project and an agreement has been finalised by the Department of Water for a \$100,000 grant over 3 years. 2008/09 is the second year of this agreement for the State Department of Water grant provision.

Council's 2009/2010 budget includes \$499,000 expenditure for this project, plus a grant income from the National Water Initiative of \$120,000 (plus GST) and \$33,000 from the State Department of Water.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Carmichael

That Council adopt the report as per attachment 10.2.1 and forward it to the National Water Commission.

Carried 6/0

10.2.2 REQUEST FOR CONTRIBUTION - UPGRADING OF RIGHT OF WAY 76A, COTTESLOE

File No: SUB/475
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 21-Jul-2009
Author Disclosure of Interest Nil

SUMMARY

Five Owners having access from the unsealed Right of Way 76A off the south side of MacArthur Street have requested that Council provide 50% of the cost of sealing the laneway, with the five owners sharing the remaining cost.

The recommendation is that Council accept the proposal that the Town of Cottesloe contribute \$6,500 (50%) towards the sealing and drainage of Right of Way 76A.

BACKGROUND

Council adopted a new policy on Right of Way/Laneways in August 2006. The first two objectives of the policy are:

1. To provide a safe environment and trafficable surface for residents to access their properties while managing risk to the public and the Town of Cottesloe.
2. To establish a procedure for the progressive upgrading of all public Rights of Way and Laneways, by paving and drainage, using all available sources of funding.

Since 2006/07 a \$20,000 allowance has been made for minor upgrading works throughout the Right of Way/Laneway network. This figure is not sufficient to install proper base material, drainage pits and similar needs per year, over the unsealed section of the Right of Way System. Only minor sealing has been undertaken in three years, particularly where a development contribution has been made for a half width of Right of Way to be sealed.

There are no programs in place to bring the Right of Way network up to a quality condition, apart from individual sealing works tied to a development condition for a new house construction.

The Right of Way/Laneway requested for a 50/50 cost sharing sealing and drainage is 45 metres long, 3.0 metres wide and runs south to a dead end off MacArthur Street.

Drainage water on this unsealed laneway is uncontrolled similar to most other unsealed laneways in Cottesloe.

The low point for drainage on this laneway, which is owned by the Town of Cottesloe, is opposite the entry to a double garage on the low west side.

CONSULTATION

Nil

STAFF COMMENT

The total Right of Way/Laneway network is approximately 50% sealed in asphalt, concrete or brick paving and 50% natural surface (sand).

The sealed proportion is slowly increasing as private developments meet their development conditions to seal the laneways from their new rear garages to the closest sealed street or laneway section.

The remainder of the unsealed laneways receive minimal maintenance, with the surface remaining sand apart from short sections where cold planed material from the surface of old asphalt street surfaces is used to firm up the softest areas, particularly in late summer.

During the various discussions regarding the adoption of the new 'Rights of Way/Laneways' policy in 2006, it was the then Council's attitude that Council would not be pursuing a long term plan where all unsealed laneways would be bought up to a sealed quality standard using Council funds. There is a relatively minor allocation (\$25,000) for ROW Surface maintenance, per year, which covers minor hole patching, clean out of drains and minor surface levelling. Spread over the total 10.3km of Crown or Town of Cottesloe owned laneways over the year, only minor works are possible of a maintenance nature.

The comments included in the received letter are similar to other comments received by staff regarding unsealed laneways.

The ROW/Laneway network is one of the few asset types under Council's control that is not included in a long term program for sustainable development.

Council has been offered shared cost proposals in the past for laneway sealing but has not accepted them. The most recent offer applied to Right of Way 77, which is a similar length and connects to the south side of Sydney Street.

In this case, Right of Way 76A is 45 metres long x 3.0 metres wide and would require a soak pit at the low point when sealed. The estimated cost is \$13,000, with Council's half cost being \$6,500. Council has \$20,000 budgeted for Laneway improvements in the 2009/2010 budget.

POLICY IMPLICATIONS

Council's *Right of Way/Laneways* Policy applies.

RIGHTS OF WAY / LANEWAYS**1. OBJECTIVES:**

- 1) To provide a safe environment and trafficable surface for residents to access their properties while managing risk to the public and the Town of Cottesloe.
- 2) To establish a procedure for the progressive upgrading of all public Rights of Way and Laneways, by paving and drainage, using all available sources of funding.
- 3) To establish a procedure for private developments and subdivisions to contribute to the upgrading of public Rights of Way and Laneways, where those developments impact on those routes.
- 4) To establish a procedure for sections of private laneways to become Crown land, including land held by Council as private property and used by the public as access.

2. PRINCIPLES:

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

3. ISSUES:

- 1) When compared with similar Local Government Authorities in the metropolitan area, the Town of Cottesloe has a high proportion of its Right of Ways and Laneways in a poor to undeveloped condition.
- 2) A large proportion of Right of Ways and Laneways in the Town of Cottesloe are privately owned by the Town, with the remaining sections being either Crown land or privately owned by various individuals or companies.
- 3) Right of Ways and Laneways are being progressively built, piecemeal, due to conditions placed on developments and subdivisions, with no long term air of this construction. Such construction has not included a requirement to connect the built section to a built street or existing built Laneway or ROW.
- 4) Right of Ways and Laneways often contain Service Authorities infrastructure e.g.; deep sewers, water supply pipes, as well as Council installed drainage systems. Machine access is required at all times to maintain and service this infrastructure, regardless of ownership.
- 5) The mixture of Crown control, private ownership and Council ownership of Right of Ways and Laneways has created confusion in the past for staff trying to maintain these accesses while trying not to expend Council funds on privately owned sections.
- 6) The amount of privately owned laneway sections (by Council and individuals) requires a lot of control regarding actions, filing, knowledge of ownership etc, which could be greatly simplified by their surrender to the Crown.
- 7) Past completion of various short sections of ROW and Laneway construction by various contractors organised by various developers to meet development conditions have left Council with varying levels, construction standards and quality standards of these sections throughout the Town area. This will inevitably result in a variety of maintenance problems as ROW and Laneway use grows.
- 8) Many of the past approved laneway constructed sections have been to a 100mm thick, un-reinforced concrete standard. With vehicle weights increasing and the use of heavy machinery by Service Authorities to service their infrastructure in laneways, it is also inevitable that Council will be involved in expensive repairs to cracked and damaged concrete laneway sections. Therefore laneway surfacing should be based on flexible rather than inflexible pavements.

4. POLICY:

- 1) Council's attitude towards the status of Right of Ways/Laneways is that all such accesses should be Crown land, where they are used by the general public rather than for a specific restricted property access function.
- 2) Any sections of Right of Ways/Laneways owned by the Town of Cottesloe will be surrendered to the Crown under processes included in the *Local Government Act*. Any such sections owned by ratepayers of the Town of Cottesloe, which become available to Council for little or no cost, will also be surrendered to the Crown for Crown land.
- 3) When a ROW or Laneway is required for primary access to a new development the developer will upgrade by paving, kerbing and drainage, the ROW or Laneway from the nearest built gazetted road or existing built laneway to the furthestmost lot boundary, to the satisfaction of the Manager Engineering Services.
- 4) The developer may elect to have the Laneway upgrading works done by the Town of Cottesloe or by a Contractor.
 - a) If the Town is to undertake the works, payment of the full estimated value of the works must be received by the Town before works commence.
 - b) If the developer employs contractors, a supervision and inspection fee is to be charged, in accord with Section 6.16 of the *Local Government Act, 1995*.
- 5) The design of the ROW or Laneway must recognise the need to minimize vehicle speeds and maximize safety and security.
- 6) When a ROW is required for primary or secondary access from an existing property redevelopment, it is conditional (Town Planning) upon the developer to contribute an amount equivalent to 50% of the costs to construct a portion of standard ROW 4m x 20m in area.
 - a) Where a charge has been applied, as condition of development for the upgrade of a ROW, the money is to be placed in a Reserve Account established under Section 6.11 of the *Local Government Act*, for the specific purpose of ROW upgrade.
- 7) Notwithstanding averaging requirements for developments under the residential codes for rear setbacks and fencing specifications in Council's fencing local laws, there shall be a minimum building setback for carports and garages, to allow a minimum turning circle of six (6) metres, measured from the far side laneway boundary to the closest part of the structure, for each car bay, carport and garage designed at 90° to the laneway or ROW.

- 8) Fees and charges for contribution to works, supervision and inspection will be determined annually by Council in accordance with the provisions of Section 6.16 of the *Local Government Act, 1995*.
- 9) In situations where new developments or redevelopments are not factors in laneway upgrading and the condition of particular laneways has created concern regarding unsafe conditions for drivers and pedestrians, an increased public liability risk and ongoing maintenance requirements, the following shall apply regarding upgrading:
 - a) A construction program of Right of Ways and Laneways will be determined by priority on the basis of vehicle and pedestrian usage, existing surface condition, drainage problems and condition of private fencing.
 - b) The design of the ROW/Laneway will recognise the need to minimize vehicle speeds and maximize safety and security.
 - c) All fences abutting Right of Ways and Laneways shall be constructed and maintained in accordance with Councils' fencing Local Laws.
 - d) The funds available for ROW/Laneway upgrading per budget year shall be total of:
 - (i) The equivalent of the total of minimum rates levied on privately owned ROW/Laneway sections per financial year; plus
 - (ii) Contributions received through the development process as covered under point #6, i.e. the contents of the Reserve Account for this purpose; plus
 - (iii) An amount determined by Council in each budget document, to be made available from Council funds for ROW/Laneway upgrading and construction.
 - e) Where adjacent landowners wish to contribute to the cost of construction of a ROW/Laneway or section thereof, the project will be given priority over all other such works, subject to the following:
 - (i) The application shall contain confirmation by landowners of their request for the upgrading and the amount each is willing to contribute.
 - (ii) It will be the responsibility of the applicants to collect the contributions and deliver all monies to the Council.
 - (iii) A minimum of 50% of the total cost of the work, estimated by the Council's Manager Engineering Services will be required prior to acceptance of any application. If the ROW/Laneway or section thereof already includes work previously required to be

done in the preceding five years then expenditure involved will be treated as contributions, in order to assess priorities and make up the minimum of 50%.

- (iv) Work will not commence until the full amount of the contribution has been received by the Council.
 - (v) The programming and design of the work will be at the sole discretion of the Council.
 - (vi) Applications will be approved in the order in which the full amount of the contribution is received by the Council and will be subject to the availability of funds to meet the Council's contribution through budget allocations each year.
- 10) The higher the percentage of cost of laneway upgrading to be provided by private property owner contribution, the higher the priority of project acceptance from Council, apart from the need to allow for funding to remove public liability risks and unsafe conditions on any other ROW or Laneway.
 - 11) As a general rule it is Council policy to keep Laneways open, even if unconstructed. Applications for closure are to be considered by Council.
 - 12) The widths of Right of Ways/Laneways, the need for truncations on 90° bends, 'Tee' junctions and outlets of laneways onto gazetted roads, and set back requirements from laneways are issues dealt with in other Council documents.
 - 13) On request Council will consider the naming of right-of-ways/laneways under the care, control and management of the Town of Cottesloe on the understanding that there shall be no obligation on the Town of Cottesloe or any other service agency to improve the condition of any particular right-of-way/laneway or services to same.
 - 14) Where a development or subdivision approval includes a condition requiring the sealing and drainage of a portion of ROW/Laneway to allow rear vehicle access, and the developer believes there is a substantial negative attitude from other affected landowners for such ROW/Laneway improvements, it is up to the developer to demonstrate to Council that attitude.
 - 15) Where no application for a development has been received relating to the drainage and sealing of a laneway, and one or more landowner wishes to prevent the sealing and drainage of a laneway, then the concerned landowner(s) would undertake the requirements of #16 to present Council will the case to prevent such sealing and drainage.
 - 16) The demonstration of a local landowner attitude against the drainage and sealing of a laneway to meet a development condition must include the

signatures of at least two thirds of all landowners affected by the proposal supporting the 'no sealing and drainage' case and accepting that any future request to Council from any affected landowner to upgrade or seal that laneway must include an acceptance of two thirds of those owners for a differential rating payment system for those properties to fund such improvement works.

RESOLUTION NO: 12.2.2
ADOPTION: 28 August, 2006
REVIEW: December, 2012

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

This laneway is owned freehold by the Town of Cottesloe.

There is a 'duty of care' for the owner to ensure that this access is safe for use, but there is no legal requirement for sealing of the laneway.

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The estimated cost to Council of this work is \$6,500. Council has a \$20,000 included in the 2009/2010 budget for Laneway improvements.

VOTING

Simple Majority

COMMITTEE COMMENT

Prior to moving the Officer recommendation Committee sought confirmation from the Manager Engineering Services that all adjourning landowners were in support of the proposed works. On that basis Committee supported the recommendation.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Woodhill, seconded Cr Strzina

That Council accept the proposal that the Town of Cottesloe contribute \$6,500 (50%) towards the sealing and drainage of Right of Way 76A with associated works to be managed and coordinated by the Town of Cottesloe.

Carried 6/0

**10.2.3 REQUEST FOR RIGHT OF WAY TO BE NAMED, BROOME STREET/FORREST STREET,
COTTESLOE**

File No: SUB/421
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Attachment: Naming of Right of Way 32
Proposed Meeting Date: 21-Jul-2009
Author Disclosure of Interest Nil

SUMMARY

At its April 2009 meeting, Council resolved:

1. Commence the process for the legal approval to use 'Doscas Lane' for the 'Right Of Way 32' on the east side of Broome Street as per attachment W&C S 10.2.4 where the Right of Way connects with Broome Street.
2. Inform the applicant of this decision.

This item reports on the results of the public consultation process, which was a delivery of an explanatory letter to all affected properties in Forrest Street and John Street.

The recommendation is that Council resolve to:

1. Proceed with the process to formally name and sign the section of Right of way 32, between Broome Street and Marmion Street, DOSCAS LANE.
2. Inform all residents who provided their comments on this matter of Council' decision.

BACKGROUND

After Council resolved to seek approval for the name "DOSCAS LANE" to be applied to Right of Way 32, which runs east/west between Broome Street and Marmion Street, the Geographic Names Committee of Landgate was requested to approve the names use. Approval was given, for only the straight line connection of the laneway from Broome Street to Marmion Street. The three short connections to John Street will remain un-named.

Letters were delivered to all affected properties on Forrest Street and John Street, with a request for comments on this naming proposal. That time has closed and all comments are now available for consideration.

CONSULTATION

This item is a presentation of the results of public consultation via delivered letters to all affected properties.

STAFF COMMENT

Four letters have been received from residents or owners fronting John Street or Forrest Street but affected by this naming proposal.

Two of the four submissions are in support of the name "DOSCAS LANE".

The two submissions against this name use make the following points:

Submission #1

1. John Doscas never lived on this laneway section. He lived on the north side of John Street.
2. Because Doscas didn't live on this lane, the names Grebble or Bedo Lane may be applicable because they lived there longer than most.
3. A name is not required. A taxi or ambulance to service elderly peoples need has rarely if ever used the lane.
4. The lane is too narrow for traffic.
5. The lane runs from Marine Parade to Marmion Street – how much of it is to be named – all or half?
6. Will dangerous sections be upgraded e.g. behind lots 100 & 101 Forrest Street, to allow through traffic?
7. Is it private – if so who owns it?
8. For a variety of reasons, people should be discouraged from using it.
9. Why should it be named now, on one elderly resident's request, when naming was not needed in the past?
10. A lane with 2 or more ends needs more than one sign at Broome Street.
11. The elderly resident could erect her own sign to direct vehicles to her residence.
12. How many negative responses are needed to have the Geographic Names Committee reject the submission?
13. If it takes only one letter to get the lane named, it should take one letter to stop it being named.
14. John Doscas let his goats roam over private property in the area – it could be called Old Goat Lane.

Submission #2

1. More relevant and directly related name "MACAULEY WAY" is proposed because Doctor Samuel MACAULEY was a pioneer of the suburb, ran an "invaluable" medical service and developed the land adjacent to this laneway.
2. Dr Macauley built Donard Lodge, which is on the laneway.
3. Dr Macauley originally owned a large land area adjacent to this laneway.
4. The name appears not to be used in Cottesloe, as other names have, to note historical significance.
5. John Doscas did not live on the laneway section being named. His name could be used on a more relevant laneway.
6. There is already preliminary support for the name "Macauley Way" for this laneway section.
7. Land owners adjacent to this laneway section were not consulted prior to the suggestion going to Council.

In response, of the 35 letters of explanation requesting comments delivered to properties on Forrest Street and John Street, four comments were received, with two in favour and two against. Of the two against, the names Grebble Lane, Bedo Lane and Macauley Way are suggested as more applicable, with a variety of reasons why the name "DOSCAS LANE" is not suitable.

There is no legal or mandatory reason why a particular name must be used for a lane or street. The Geographic Names Committee has approved the name "DOSCAS LANE", if Council agrees to proceed. Local residents have been consulted, with the vast majority giving no response.

A few comments on points made from the rejection submissions:

- No one other than Council has the right to install signs on the road verge regarding names or directions.
- Only one sign is involved because this section of laneway with the allocated new name can be accessed from Broome Street.
- The laneway section already carries traffic hence it is not too narrow.
- The laneway is 'privately owned' – by the Town of Cottesloe
- No upgrade is proposed for this laneway, regardless of any name being allocated.
- Any alternative name if proposed or accepted by Council, would first have to be tested with the Geographic Committee then with all the affected residents. If the same level of interest (or disinterest) is demonstrated with equal or more negativity by residents to the 'DOSCAS LANE' proposal, the decision will still rest with Council.
- Mr Doscas served on Council for 46 years, including a period as Mayor and was heavily involved in the Norfolk Island Pine tree plantings on Broome Street and John Street. These points alone, provide reasons for the name use on a laneway.
- Council may wish to establish an 'approval' names register for use on laneways in future years, with suggested new names being pre-investigated for suitability of application to any particular laneway.

POLICY IMPLICATIONS

Council's Right of Way/Laneways policy applies.

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Minimal.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Carmichael, seconded Cr Woodhill

That Council:

- 1. Proceed with the process to formally name and sign the section of Right of Way 32, between Broome Street and Marmion Street, DOSCAS LANE.**
- 2. Inform all residents who provided their comments on this matter of Council's decision.**

Carried 6/0

10.3 FINANCE**10.3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 JUNE 2009**

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Patrick
Manager Corporate and Community Services
Attachment: Financial Statements
Proposed Meeting Date: 21-Jul-2009
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 30 June 2009, to Council, as per attachment 10.3.1.

BACKGROUND

The Financial Statements are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

The Operating Statement on page 2 of the Financial Statements shows a favourable variance between the actual and budgeted YTD operating surplus of \$711,771 as at 30 June 2009. Operating Revenue is ahead of budget by \$338,181 (4%). Operating Expenditure is \$163,965 (2%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 30 June 2009 is shown on pages 7-8.

The Capital Works Program is listed on pages 24 - 26 and shows total expenditure of \$4,966,752 compared to the annual budget of \$10,368,360. The reason for the significant difference is the delay with the library.

It is important to note that these accounts are an interim representation of our position and do not include accruals for all outstanding invoices. The Finance Manager has estimated that the surplus is going to be close to that predicted during budget deliberations following all end of year adjustments.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

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

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Cunningham, seconded Cr Woodhill

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 June 2009, as per attachment 10.3.1, as submitted to the 21 July 2009 meeting of the Works and Corporate Services Committee.

Carried 6/0

10.3.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 30 JUNE 2009

File No: SUB/150 & SUB/151
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Pattrick
Manager Corporate and Community Services
Attachment: Financial Statements
Proposed Meeting Date: 21-Jul-2009
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 30 June 2009 to Council, as per attachment 10.3.1.

BACKGROUND

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

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 19 of the Financial Statements shows that \$1,479,981.38 was invested as at 30 June, 2009.

Reserve Funds make up \$1,471,480.68 of the total invested and are restricted funds. Approximately 61% of the funds are invested with the National Australia Bank, 39% with BankWest.

The Schedule of Loans on page 20 shows a balance of \$2,122,683.66 as at 30 June, 2009. There is \$495,960.94 included in this balance that relates to self supporting loans.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

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

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Cunningham, seconded Cr Woodhill

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 30 June 2009, as per attachment 10.3.1, as submitted to the 21 July 2009 meeting of the Works and Corporate Services Committee.

Carried 6/0

10.3.3 ACCOUNTS FOR THE PERIOD ENDING 30 JUNE 2009

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Patrick
Manager Corporate and Community Services
Attachment: Financial Statements
Proposed Meeting Date: 21-Jul-2009
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 30 June 2009 to Council, as per attachment 10.3.1.

BACKGROUND

The List of Accounts is presented monthly.

CONSULTATION

Nil

STAFF COMMENT

The following significant payments are brought to your attention that are included in the list of accounts commencing on page 10 of the Financial Statements:

- \$15,556.42 to WA Local Govt Super Fund for staff deductions
- \$15,982.96 to WA Local Govt Super Fund for staff deductions
- \$13,229.16 to New Image Traffic for traffic management at Eric St/Marmion St roundabout
- \$14,867.37 to WMRC for disposal and tipping fees
- \$11,532.16 to Kulin Group for works to Cottesloe beach pylon
- \$11,362.24 to Jackson McDonald Lawyers re: Wellard development
- \$87,191.98 to FESA for 4th quarter payment
- \$36,226.74 to Transpacific Cleanaway for domestic & commercial waste disposal in May 2009
- \$87,400.00 to PRW Contracting for roundabout at Eric Street/Marmion Street
- \$19,496.40 to Sheet Metal Fabricators for works to Cottesloe beach pylon
- \$11,011.00 to Cemex for soakwell covers and related hardware
- \$26,661.25 to Town of Mosman Park for installation of drainage sump at Grant St/Marine Parade
- \$27,840.40 to WATC for payment on loans 89 & 90
- \$10,012.09 to Roads 2000 for asphalt overlay at Forrest Street
- \$14,282.18 to WMRC for disposal and tipping fees
- \$64,665.87 and \$66,773.35 for staff payroll.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

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

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Cunningham, seconded Cr Woodhill

That Council receive the List of Accounts for the period ending 30 June 2009, as per attachment 10.3.1, as submitted to the 21 July 2009 meeting of the Works and Corporate Services Committee.

Carried 6/0

10.3.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD ENDING 30 JUNE 2009

File No: SUB/145
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Graham Pattrick
Manager Corporate and Community Services
Attachment: Financial Statements
Proposed Meeting Date: 21-Jul-2009
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 30 June 2009 to Council as per attachment 10.3.1.

BACKGROUND

The Property and Sundry Debtors Reports are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on pages 21-22 of the Financial Statements shows a balance of \$239,889.15 of which \$206,245.40 relates to the current month. The balance of aged debt greater than 30 days stood at \$12,058.63.

Property Debtors are shown in the Rates and Charges analysis on page 23 of the Financial Statements and show a balance of \$260,778.67. Of this amount \$233,236.33 and \$21,626.38 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 \$31,552 in 2009 compared to \$65,682 last year.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

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

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Cunningham, seconded Cr Woodhill

That Council receive and endorse the Property Debtors and the Sundry Debtors Report for the period ending 30 June 2009, as per attachment 10.3.1, as submitted to the 21 July 2009 meeting of the Works and Corporate Services Committee.

Carried 6/0

11 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 NOTICES OF MOTION****11.1.1 SIGHT-LINES CORNER SYDNEY STREET AND MARINE PARADE**

File No: SUB/000
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer

Proposed Meeting Date: 21-Jul-2009

Author Disclosure of Interest Nil

SUMMARY

The following Notice of Motion has been received from Cr Dawkins:

That Council remove the parking bay immediately to the north – on the north east side of Sydney Street/Marine Parade intersection on the basis that it is a safety issue for Cars attempting to turn either left or right into Marine Parade have their sight-line severely blocked by any vehicle parked there.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

An email has been received from local residents using the intersection stating how dangerous the intersection can be. The residents have suggested the removal of one or two bays to improve the sight-lines at the intersection.

Cr Dawkins has placed this notice of motion as the area is a busy street and a frequently used parking area for the beach, runners and walkers, particularly in then summer months.

CONSULTATION

Nil

STAFF COMMENT

Rangers have investigated the intersection and have provided the following feedback:

1. Sydney Road terminates at Marine Parade on the eastern side and is an uncontrolled intersection.
2. Road Traffic Code 2000, sections 56 (1), 56 (2) (a) & (b), 56 (4) & 56 (6) (a) & (b) are applicable in this case. In essence these clauses require the driver of the vehicle at the terminating road to give way to all traffic, including cyclists and pedestrians on the continuing road, failure to do so constitutes an offence under the Act.
3. There is a holding line in place to remind the driver that this is the point at which the vehicle must give way and not proceed unless safe to do so.
4. It was noted that the holding line was installed approximately 350mm too far eastwards from the kerb alignment of the road. Standards state 300mm back from the kerb alignment. This holding line like all others along Marine Parade have been marked by Main Roads and the 50mm difference does not affect the sight-lines.
5. Also in place there is an edge line that creates a cycle lane between the marked parking bays and the vehicle carriageway.
6. Observations made at the height of 1.2 metres (eye level of a vehicle driver) determined that there was ample sight distance calculated at double the speed limit (50Km/h) in metres, i.e. 100 metres to the north if a vehicle were to execute a right turn into Marine Parade from Sydney Street.
7. Sight distance to the south of Marine Parade was well in excess of the minimum of 100 metres, in fact the round-a-bout at Curtin Avenue and Marine Parade was easily observed.
8. The onus of road safety is placed on the driver at the terminating road before they proceed to enter the continuing road (Marine Parade).

Attachment 11.1 shows images of the intersection and parking bay in question along with additional information.

Parking is at a premium in this location and decreasing the number of bays on Marine Parade will increase the need for more parking elsewhere. Sydney Street is like all other streets terminating at Marine Parade. The removal of the bay would give drivers a false illusion that the road is clear allowing drivers to enter Marine Parade at a higher speed and observe less caution.

If the bays are to be removed, the removal of line marking, creating a kerbed nib, installing two no stopping signs and the updating of the GIS system would all be at Councils cost.

Based upon the information available and the comment made in relation to the matter of sight-lines at the corner of Sydney Street and Marine Parade it is recommended that no action be taken in relation to the removal of current parking bays.

VOTING

Simple Majority

In accordance with Standing Orders 10.5, and in the absence of Cr Dawkins, Cr Carmichael moved that the notice of Motion be received.

Moved Cr Carmichael, seconded Mayor Morgan

That the Notice of Motion be received and considered.

Carried 6/0

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Cunningham, seconded Mayor Morgan

That Council:

- 1. Take no action with the removal of the parking bays and;**
- 2. Inform the residents of this decision.**

Carried 5/1

11.1.2 SIGHT-LINES CORNER NAPIER STREET AND MARINE PARADE (CROSSWALK)

File No: SUB/000
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer
Proposed Meeting Date: 21-Jul-2009
Author Disclosure of Interest Nil

SUMMARY

The following Notice of Motion has been received from Cr Carmichael:

That Council remove the northern most car bay located adjacent to the children's playground west of Marine Parade (diagonal to Napier Street) on the basis that it is a safety issue for families using the crosswalk as the bay creates a blind spot for motorists.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

Correspondence has been received from Beaches café noting the many near misses for pedestrians and motorists using the crosswalk. The letter has suggests the removal of one bay to the south of the crosswalk on the western side of Marine Parade.

Cr Carmichael has placed this notice of motion as the area is a busy street and a frequently used by families particularly in then summer months

CONSULTATION

Nil

STAFF COMMENT

Rangers have investigated the intersection and have provided the following feedback:

1. Napier Street terminates at Marine Parade on the eastern side.
2. On Marine Parade immediately south of Napier Street there is a crosswalk painted on the road along with pedestrian crossing advisory signs.
3. The constructed geometry of the intersection on both the west and east sides of Marine Parade at the pedestrian crossing point is such that the footpath extends past the marked car parking bays to form a nib to allow for a pedestrian refuge.
4. The intersection along with the pedestrian crossing facility has been designed and built to Australian design guide lines and standards.
5. Road Traffic Code 2000 section 62 (1), 62 (2) & 62(4) is applicable in relation to motorists at crosswalks. In essence these clauses require the driver of the vehicle at the pedestrian crossing to approach at a safe speed and give way to all pedestrians on the cross walk, failure to do so constitutes an offence under the Act.
6. Observations made at the height of 1.6 metres (eye level of an average pedestrian) determined that there was ample sight distance calculated at double the speed limit (40Km/h) in metres, i.e. 80 metres to the south if a vehicle was travelling in a northerly direction along Marine Parade.
7. Sight distance to the northern end of Marine Parade is well in excess of 80 metres and pedestrians can seek refuge on the median before completing the crossing.
8. 80m south of the crosswalk on Marine Parade is a single carriageway in both directions divided by a constructed median with a break for pedestrians at the crosswalk.
9. There are four pedestrian warning signs in place, two facing on each of the north and south approaches.
10. There are also pedestrian grab rails in place, one at the west and east side of Marine Parade at the crosswalk.
11. The crosswalk is illuminated at night with low pressure sodium lights and conforms with the standards in relation to illuminating crosswalks.
12. There is a motor cycle bay that is 2.4 meters wide directly to the south of the median before the car bays start.

Attachment 11.2 shows images of the intersection and parking bay in question along with additional information.

By removing the parking bay does not necessarily mean the drivers will have their full concentration on the road in front of them. Currently the bays are set back from the crosswalk to allow more than required visibility. In the past eight years Council has received no notification of incidences occurring on the crosswalk.

Currently the bay in question has meter eye installed. The removal of the bay require staff to renumber and reprogram all the remaining bays on Marine Parade. Also the bays would have to have new line marking and no stopping signs installed at Councils cost. This is so vehicles can no longer park in the removed bays.

Based upon the information available and the comment made in relation to the matter of sight-lines at the corner of Napier Street and Marine Parade it is recommended that no action be taken in relation to the removal of current parking bays.

VOTING

Simple Majority

Moved Cr Carmichael, seconded Mayor Morgan

That the Notice of Motion be received and considered.

Carried 6/0

OFFICER RECOMMENDATION

Moved Cr Cunningham, seconded Cr Miller

That Council

- 1. Take no action with the removal of the parking bays and;**
- 2. Inform the owner of Beaches Café of this decision**

AMENDMENT

Moved Mayor Morgan, seconded Cr Carmichael

That a new part 2 be added to the recommendation and the current part 2 be renumbered to part 3. The new part 2 to state "*Request Officers to investigate alternatives to improve the safety of all Marine Parade crosswalks with Main Roads WA*".

Carried 6/0

COMMITTEE RECOMMENDATION

That Council

- 1. Take no action with the removal of the parking bays;**
- 2. Request Officers to investigate alternatives to improve the safety of all Marine Parade crosswalks with Main Roads WA; and**
- 3. Inform the owner of Beaches Café of this decision.**

THE SUBSTANTIVE MOTION WAS PUT

Carried 6/0

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

Nil

13 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 8:02pm.

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