

TOWN OF COTTESLOE



WORKS AND CORPORATE SERVICES COMMITTEE

MINUTES

**MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, TUESDAY, 11 MARCH 2008**

WORKS AND CORPORATE SERVICES COMMITTEE

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DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 7.02 pm.

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

Cr Bryan Miller (Presiding Member)

Mayor Kevin Morgan

Cr Patricia Carmichael

Cr Dan Cunningham (from 7.04 pm)

Cr Victor Strzina

Cr John Utting (until 9.07 pm)

Cr Ian Woodhill

Mr Stephen Tindale

Chief Executive Officer

Mr Graham Pattrick

Manager Corporate Services/Deputy CEO

Mr Geoff Trigg

Manager Engineering Services

Miss Kathryn Bradshaw

Executive Assistant

Observer

Cr Jo Dawkins (until 8.46 pm)

Apologies

Nil

Leave of Absence (previously approved)

Nil

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

Nil

APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Strzina, seconded Mayor Morgan

That Cr Woodhill's request for leave of absence from the April, May and June meetings be approved.

Carried 6/0

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Utting, seconded Cr Woodhill

The Minutes of the Ordinary Meeting of the Works and Corporate Services Committee held on Tuesday, 19 February 2008 be confirmed.

Carried 6/0

ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

Cr Cunningham joined the meeting at 7.04 pm.

PUBLIC STATEMENT TIME

Rod Eagleton, (on behalf of Friends of the Library), 7 Nailsworth Street - Item 1.3 & 1.4 – Proposed New Library

Mr Eagleton expressed congratulations to Council for reaching this stage of the new library proposal. He is pleased that Mosman Park and Peppermint Grove have signed off and made reference to the fact it has been on the agenda since 2002. He advised that it is agreed by residents that a new library is needed and this proposal shows that it will be top quality and meet the standards required by all users.

As a second point, Mr Eagleton noted concern over the possible deferral of calling for tenders. He hoped that the approval will not be unduly delayed and so that time and money will be saved. He then advised that the land tenure issue is being addressed and is waiting sign-off.

Sue Freeth, (on behalf of Friends of the Library), 1 Florence Street – Item 1.3 & 1.4 – Proposed New Library

Ms Freeth noted that the proposal is not only an important point for the library itself but also for the wider community. It has been a very long and thorough process to date, which has led to the balance being right. The proposed library addresses not only the needs of current users, but those of future users.

Ms Freeth announced that the plans looked excellent and covered a broad range of aspects, such as quiet reading areas, kids area, history section, access inclusion and facilities and digital/online information, while not excluding the segment of the community that are not able to access online resources. It includes community resource areas, meeting rooms and the ability to run classes/workshops. In closing, Ms Freeth noted that the library is more than a service provider, but is also a place that adds to community well-being by allowing social meeting and interaction between all facets of community from kids, to parents to senior citizens and that it is critical Council support the proposal which will provide a benefit for at least the next 40 years.

PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

REPORTS OF COMMITTEES AND OFFICERS

The agenda items were dealt with in the following order: Item 1.3, Item 1.4 and then the balance in numerical order.

1 ADMINISTRATION**1.1 PROPOSED CIVIC CENTRE RESTORATION & EXTENSIONS - TENDER PROCESS**

File No: SUB/398
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 6 March, 2008
Senior Officer: Mr Stephen Tindale

SUMMARY

Tenders are about to be called for the proposed Civic Centre renovations and extensions. Decisions are required on the tender selection criteria and process.

Recommendations are made to:-

1. Determine the selection criteria
2. Allow the Tender Evaluation Panel to settle the weightings to be given to each of the selection criteria.
3. Call tenders for the Civic Centre works.
4. Delegate power to the CEO (acting on advice from the Tender Evaluation Panel and the architect) to accept a tender that falls at or below the amount of \$2.8m

STATUTORY ENVIRONMENT

Section 5.43 of the *Local Government Act 1995* reads, in part, as follows:-

5.43 Limits on delegations to CEO's

A local government cannot delegate to a CEO any of the following powers or duties –...

- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;...

Regulations 11 and 14 of the *Local Government (Functions & General) Regulations 1996* read, in part, as follows:-

11. Tenders to be invited for certain contracts

(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 ...

14. Requirements for publicly inviting tenders

(1) When regulation 11(1), 12 or 13 requires tenders to be publicly invited, Statewide public notice of the invitation is to be given...

(2a) If a local government -

(a) is required to invite a tender; ...

the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

An amount of \$2.8m has been set aside in the 2007/08 budget for the Civic Centre project. \$108,000 has been expended to date on consultants' fees.

Funds for the project are being sourced from a loan of \$1.4m and land asset sales of \$1.4m. The sale of the land at 35 Margaret Street for \$1.68m has generated a potential surplus of \$280,000 which could be added to consolidated revenue for other asset acquisitions or applied to the Civic Centre project.

A pre-tender estimate is expected to be to hand in time for the consideration of the Works and Corporate Services Committee meeting to be held on the 11th March 2008.

Since the last tender estimate was considered by Council, a number of additions have been made to the scope of works. The additions and their associated costs will be broken out and presented to the Works and Corporate Services Committee meeting so that Council can decide whether those additions should be retained or deleted.

For example, the proposed resarking of the Civic Centre roof to prevent stormwater leakages is likely to be a significant expenditure which can be deferred if necessary.

BACKGROUND

Development approval for the project was granted by Council at its February 2008 meeting and a history of the project can be found in last month's Council minutes.

A Council decision is now required in order to settle the tender selection criteria as required under Regulation 14 of the *Local Government (Functions & General) Regulations 1996*.

Philip Griffiths Architects have suggested the following selection criteria:-

Selection Criteria

The Principal has adopted a best value for money approach to this Tender. The Contract will be awarded to a sole Tenderer who best demonstrates the ability to provide a quality service at a competitive price. The tendered prices will be assessed with the following qualitative and compliance criteria to determine the most advantageous outcome to the Principal. This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the Tender ranked the highest on the qualitative criteria.

Compliance Criteria

Compliance criteria will not be scored and will only be considered on a yes/no basis, in which case a no answer may eliminate a tender from consideration. The criteria are:

- Compliance with the tender documents.
- Compliance with the conditions of tender.

Qualitative Criteria

In determining the most advantageous Tender, the Evaluation Panel will score each Tenderer against the qualitative criteria. It is essential that Tenderers address each qualitative criterion. The Tenders will be used to select the chosen Tenderer and failure to provide the specified information may result in elimination from the Tender evaluation process. The qualitative criteria for this Request are as follows

- Relevant experience: 40%
- Resources: 20%
- Method for completing the sequence of work: 15%

Price consideration

The tendered price will be considered along with related factors affecting the total cost to the Principal (e.g. the Principal's contract management costs may also be considered in assessing the best value for money outcome).

- Tendered price: 25%

CONSULTATION

Nil

STAFF COMMENT

While the selection criteria need to be settled in advance of the calling of tenders, it is not critical to the calling of tenders to settle in advance the percentage weightings to be assigned to each of the selection criteria.

Council's Tender Evaluation Panel (the Mayor, Presiding Officer of the Works & Corporate Services Committee and CEO) could settle the weightings at a later date.

However it is open to Council to either:-

- a. make a determination now on what the weightings should be, or
- b. provide some guidance to the panel on what they should be.

In order to save time with a view to completing construction by Australia Day 2008, Council may also decide to delegate power to the CEO (acting on advice from the Tender Evaluation Panel and the architect) to accept a complying tender that falls within an amount determined by Council for the purpose of letting the tender.

Failing that, the tender results will be presented to the April meeting of Council for a determination.

VOTING

Simple Majority for the determination of the selection criteria.

Absolute Majority for any delegation of any power to the CEO.

Mr Geoff Trigg left the meeting at 8.14 pm.

Mr Geoff Trigg returned to the meeting at 8.16 pm.

OFFICER RECOMMENDATION

That Council:

- (1) Determine that the selection criteria for the tender for the Civic Centre Restoration and Extensions be as follows:-

Selection Criteria

The Principal has adopted a best value for money approach to this Tender. The Contract will be awarded to a sole Tenderer who best demonstrates the ability to provide a quality service at a competitive price. The tendered prices will be assessed with the following qualitative and compliance criteria to determine the most advantageous outcome to the Principal. This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the Tender ranked the highest on the qualitative criteria.

Compliance Criteria

Compliance criteria will not be scored and will only be considered on a yes/no basis, in which case a no answer may eliminate a tender from consideration. The criteria are:

- Compliance with the tender documents.
- Compliance with the conditions of tender.

Qualitative Criteria

In determining the most advantageous Tender, the Evaluation Panel will score each Tenderer against the qualitative criteria. It is essential that Tenderers address each qualitative criterion. The Tenders will be used to select the chosen Tenderer and failure to provide the specified information may result in elimination from the Tender evaluation process. The qualitative criteria for this Request are as follows

- Relevant experience:
- Resources:
- Method for completing the sequence of work:

Price consideration

The tendered price will be considered along with related factors affecting the total cost to the Principal (e.g. the Principal's contract management costs may also be considered in assessing the best value for money outcome).

- (2) Allow the Tender Evaluation Panel to settle the weightings to be given to each of the selection criteria.
- (3) Call tenders for the Civic Centre works.
- (4) Delegate power to the CEO (acting on advice from the Tender Evaluation Panel and the architect) to accept a tender that falls at or below the amount of \$2.8m

Cr Utting left the meeting at 9.07 pm and did not return.

AMENDMENT

Moved Cr Strzina, seconded Cr Miller

That the amount of \$2.8m be changed to \$3.08m at item 4 of the recommendation.

Lost 2/4

1.1 COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina

That subject to;

- **the architect re-visiting the scope of works and identifying any possible cost savings, without unduly compromising the quality and character of the proposed redevelopment, and a report being presented to Council, and**
- **a report on the financial implications of the proposed development, in conjunction with the proposed library development, being presented to Council in a comprehensive and transparent manner, comparing all possible repayment scenarios, and**
- **a Special Council meeting being called to consider the above reports, if necessary,**

Council proceed with the following:

- (1) **Determine that the selection criteria for the tender for the Civic Centre Restoration and Extensions be as follows:-**

Selection Criteria

The Principal has adopted a best value for money approach to this Tender. The Contract will be awarded to a sole Tenderer who best demonstrates the ability to provide a quality service at a competitive price. The tendered prices will be assessed with the following qualitative and compliance criteria to determine the most advantageous outcome to the Principal. This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the Tender ranked the highest on the qualitative criteria.

Compliance Criteria

Compliance criteria will not be scored and will only be considered on a yes/no basis, in which case a no answer may eliminate a tender from consideration. The criteria are:

- Compliance with the tender documents.
- Compliance with the conditions of tender.

Qualitative Criteria

In determining the most advantageous Tender, the Evaluation Panel will score each Tenderer against the qualitative criteria. It is essential that Tenderers address each qualitative criterion. The Tenders will be used to select the chosen Tenderer and failure to provide the specified information may result in elimination from the Tender evaluation process. The qualitative criteria for this Request are as follows

- Relevant experience:
- Resources:
- Method for completing the sequence of work:

Price consideration

The tendered price will be considered along with related factors affecting the total cost to the Principal (e.g. the Principal's contract management costs may also be considered in assessing the best value for money outcome).

- (2) **Allow the Tender Evaluation Panel to settle the weightings to be given to each of the selection criteria.**
- (3) **Call tenders for the Civic Centre works.**
- (4) **Delegate power to the CEO (acting on advice from the Tender Evaluation Panel and the architect) to accept a tender that falls at or below the amount of \$3.08m**

Carried 5/1

Mayor Morgan requested that the minutes reflect his concerns that:-

- The proposed design does not consummate the existing style of the Civic Centre and is not in tune with its historical look;
- The report content and supporting information for agenda items 1.1 to 1.4 is insufficient for an informed decision to be made.

**1.2 PROPOSED CIVIC CENTRE RESTORATION AND EXTENSIONS –
PROPOSED LOAN NO.105**

File No: SUB/398
Attachment(s): [WA Treasury Corporation Loan Repayment Schedules.](#)
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 6 March, 2008
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to repay proposed Loan No. 105 of \$1.4m over a period of 10 years rather than 20 years as budgeted for.

STATUTORY ENVIRONMENT

Section 6.20 of the *Local Government Act 1995* deals generally with the power of local governments to borrow money.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

If the proposed loan of \$1.4m is repaid over a period of 10 years rather than 20 years, the repayment amount will increase by \$66,662.72 per annum.

To put this in perspective, this amounts to 1.17% of current rate income.

BACKGROUND

An amount of \$2.8m has been set aside in the 2007/08 budget for the Civic Centre project. Funds for the project are being sourced with a loan of \$1.4m and land asset sales of \$1.4m.

Quotes for loans of \$1.4m over a period of 10 years and a period of 20 years have been obtained from the Western Australian Treasury Corporation (see attachments).

An argument can be advanced for reducing the proposed length of the loan from 20 years to 10 years.

CONSULTATION

Nil

STAFF COMMENT

Current best-case financial practice advocates that with the purchase of any asset using loan funds, the loan should be repaid in full, half way through the life of the asset.

This practice is intended to encourage future governments to start thinking about the creation of reserve funds (at about the time loan repayments expire) in anticipation of sinking a good portion of any intended new construction with accumulated reserve funds so that future generations do not shoulder the full burden of any new construction.

To give an example, if a new library has a predicted life of forty years, then any loan funds associated with the construction of the library should be fully repaid in the twentieth year. In the twenty-first year, amounts that would ordinarily have been set aside for the repayment of the loan should be redirected into new reserve funds.

Over the next 20 years, the reserve funds would accumulate (with interest) and go a significant way towards sinking the costs of any replacement library.

Intuitively the proposed Civic Centre Restoration and Extensions are not likely to last forty years - as might be the case for a new library.

Twenty years would seem to be the absolute maximum for remedial and renovation works given past experience. A 10 year maximum loan period is therefore advocated.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council proceed with the raising of Loan No.105 of \$1.4m for the Civic Centre Extensions through the Western Australian Treasury Corporation to be repaid twice yearly in equal instalments of principal and interest at the prevailing interest rate.

1.2 COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina

That Council not proceed with the raising of Loan No.105 of \$1.4m, to be repaid over 10 years, for the Civic Centre Extensions through the Western Australian Treasury Corporation to be repaid twice yearly in equal instalments of principal and interest at the prevailing interest rate, until the conditions of the Committee Recommendation at agenda item 1.1 are met and resolved.

Carried 6/0

1.3 PROPOSED NEW LIBRARY – TENDER PROCESS

File No: SUB/168
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 5 March, 2008
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to appoint the Mayor and CEO to a Tender Preparation Sub Committee reporting to the Shire of Peppermint Grove for the purpose of identifying selection criteria and weightings to be assigned to the tender selection criteria for the construction of the proposed new library.

Once tenders have been received, a Tender Evaluation Panel will also be required to evaluate tenders and make a recommendation on the preferred tenderer to each member local government.

STATUTORY ENVIRONMENT

Section 3.57 of the *Local Government Act 1995* provides:-

3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Regulation 11 of the *Local Government (Functions and General) Regulations 1996* provides in part that:-

(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless subregulation (2) states otherwise.

(2) Tenders do not have to be publicly invited according to the requirements of this Division if - ...

(e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government;

Regulation 14 of the *Local Government (Functions and General) Regulations 1996* provides in part that:-

- (2a) If a local government -
- (a) is required to invite a tender; or
 - (b) not being required to invite a tender, decides to invite a tender,
- the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.
-

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

One of several dynamic priorities identified in the Town of Cottesloe's *2006 - 2010 Future Plan* is:-

Subject to the satisfactory resolution of land tenure, design and funding requirements, progress the development of new joint library facilities.

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

In order to simplify things, it has been proposed that the Shire of Peppermint Grove act as an agent for the Town of Cottesloe and Town of Mosman Park when calling tenders for the construction of the proposed new library.

This will avoid any doubling up in terms of advertising, handling enquiries, etc.

Under the regulations, the Shire of Peppermint Grove must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

Rather than leaving it entirely to the Shire of Peppermint Grove to determine the criteria for deciding which tender should be accepted, it has been proposed that the Mayor and CEO of the Town of Mosman Park and the Mayor and CEO of the Town of Cottesloe be appointed to a Tender Preparation Sub Committee reporting to the Shire of Peppermint Grove for the purpose of identifying both the selection criteria and the weightings to be assigned to the tender selection criteria for the construction of the proposed new library.

The Shire of Peppermint Grove is also expected to include the President and CEO of the Shire of Peppermint Grove on the sub committee together with a Mr Wetjen and Mr Ward who will be providing technical assistance.

A Tender Evaluation Panel is also expected to evaluate tenders and make a recommendation on the preferred tenderer to each member local government. In other words until the Towns of Mosman Park and Cottesloe have signed off on the preferred tenderer, it will not be open to the Shire of Peppermint Grove to appoint a successful tenderer.

CONSULTATION

Nil

STAFF COMMENT

The appointments of the Mayor and CEO should be seen as simply enabling the preparation of contract documentation and the subsequent tender evaluation process.

The actual decision to call the tender will rest entirely with the Shire of Peppermint Grove but obviously depends on the support of the other two local governments.

The decision to actually award the tender will rest collectively with the three local governments acting on the advice of the Tender Evaluation Panel. Until there is unanimity as far as the three local governments are concerned, it will not be open to the Shire of Peppermint Grove to award the tender.

VOTING

Simple Majority

1.3 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Cr Cunningham

That Council:

- (1) Appoint the Mayor and CEO to a Tender Preparation Sub Committee reporting to the Shire of Peppermint Grove for the purpose of identifying selection criteria and weightings to be assigned to the tender selection criteria for the construction of the proposed new library.**
- (2) Appoint the Mayor and CEO to a Tender Evaluation Panel reporting to the three local governments for the purpose of making a recommendation on the preferred tenderer to each member local government.**

Carried 6/1

1.4 UNBUDGETED LOAN FUNDS - PROPOSED NEW LIBRARY

File No: SUB/168
Attachment(s): [February 2008 Minutes of the Project Steering Committee](#)
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 5 March, 2008
Senior Officer: Mr Stephen Tindale

SUMMARY

Recommendations are made to:-

Give one month's local public notice of the details of a proposal to raise a loan of \$4.6m to be repaid over 20 years at the prevailing rate of interest to fund the construction of the proposed new library and community facilities

Immediately advise the Library Project Steering Committee to defer the calling of tenders for the proposed library until all outstanding matters relating to financing, land tenure and legal documentation are resolved and executed.

STATUTORY ENVIRONMENT

Section 6.20 of the Local Government Act 1995 provides the following:-

6.20. Power to borrow

(1) Subject to this Act, a local government may

- (a) borrow or re-borrow money;
- (b) obtain credit; or
- (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit,

to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.

(2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (- **power to borrow** -) and details of that proposal have not been included in the annual budget for that financial year

- (a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and
- (b) the resolution to exercise that power is to be by absolute majority.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

One of several dynamic priorities identified in the Town of Cottesloe's *2006 - 2010 Future Plan* is:-

Subject to the satisfactory resolution of land tenure, design and funding requirements, progress the development of new joint library facilities.

FINANCIAL IMPLICATIONS

There will be some expense associated with the advertising of the proposed loan which will be absorbed within the town's 2007/08 budget for advertising.

BACKGROUND

In May 2007 the Town of Cottesloe passed the following resolution:-

10.3.7 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Furlong

- (1) Accept the results of the community consultation process.
- (2) Authorise the Library Project Steering Committee to progress to the detailed planning and design stage subject to:
 - (a) The Shire of Peppermint Grove providing the Town of Cottesloe with sufficient comfort that there are no outstanding issues relating to land for the proposed library site that may have an adverse financial impact on the Town of Cottesloe.
 - (b) Agreement being reached amongst the three local governments on cost sharing arrangements.
 - (c) A preliminary report during the initial part of the planning and design stage be provided to Council on maximising the ESD initiatives in the design and the additional financial cost and environmental benefits of each such initiative.
- (3) Consider the inclusion of \$100,000 funding for consultants fees for the library project in the budget for 2007/2008.

Carried 10/1

In relation to part (2) of the May 2007 resolution, significant progress has been made with the implementation of parts (a), (b) and (c).

Land

The CEO of the Shire of Peppermint Grove has advised that the Peppermint Grove Bowling Club has now relinquished any hold that it had over the bowling club land.

As a result, action is now underway to adjust the boundaries of various parcels of land.

The adjustments include:-

1. the excision of a 5 metre strip of land along the Stirling Highway frontage for road-widening purposes,

2. the inclusion of the whole of the proposed library building site, shire offices and community rooms in the Shire of Peppermint Grove's reserved land which is set aside for 'Municipal Purposes', and
3. redrawing the existing 'A' class reserve boundaries to facilitate the above.

The Minister for Planning & Infrastructure has yet to sign-off on the proposal to adjust boundaries but as soon as she does, a three week consultation phase on the proposed changes is to be undertaken with any submissions that are received being laid before the State Parliament for a period of 14 days pending parliamentary approval.

In the meantime the Bowling Club still has a damages claim afoot against the Shire of Peppermint Grove.

The Town of Cottesloe and the Town of Mosman Park have not been joined in this legal action.

Cost Sharing

The Town of Cottesloe's argument that library and community facility costs should be shared on a population basis has been accepted by the Shire of Peppermint Grove and Town of Mosman Park. Costs incurred to date are being shared and billed to each local government on a 42.74% Cottesloe, 48.29% Mosman Park and 9.25% Peppermint Grove cost-sharing arrangement.

Environmentally Sustainable Design (ESD) Initiatives

The enthusiasm for ESD initiatives as articulated by members of the Cottesloe community in the community consultation phase and the Cottesloe Town Council has been taken up by the Library Project Steering Committee.

Several ESD initiatives have been included in the design and they have been the subject of discussion at several elected member briefings that all Councillors have been invited to attend.

While the environmental benefits of each such initiative have been identified, the additional financial costs have yet to be reported on.

The Town of Cottesloe's Financial Contribution

Other than setting aside a sum of \$100,000 in the 2007/08 budget for consultant advice on the library project, the Town of Cottesloe has not set aside any funds in this year's budget for the construction of the library.

It is understood that the Library Project Steering Committee Project wants to call tenders on the 19th March 2008.

This target date appears unlikely given that the land tenure issue is not fully resolved and there is some remaining uncertainty surrounding a solution for the existing drainage sump.

Legal documentation also has yet to be prepared for the tender phase, construction phase and future operating and maintenance phase (see attached minutes of the

Library Project Steering Committee meeting held on 20th February 2008 for the specifics).

This should all be sorted out prior to calling and letting a tender for the construction of the library.

More importantly, the Town of Cottesloe has not made any funding provision for the construction of the library in the 2007/08 financial year and needs to make this clear to the Library Project Steering Committee.

An estimate of costs for the total project was provided to the Library Project Steering Committee at its February 2008 meeting. The total estimated cost was \$14,800,000 of which the library and community facilities would comprise approx. \$11,300,000.

Based on the above, Cottesloe's contribution is estimated to be \$4,830,000. Given the costs incurred to date by Cottesloe (approx \$230,000) loan funds of say, \$4.6m will need to be found in the absence of any asset sales, other income and/or cost savings to be found when adopting the 2008/09 budget.

Assuming that Council does not wish to delay the calling of tenders for want of setting aside sufficient funds to cover Cottesloe's contribution to the project (notwithstanding that several other matters have yet to be attended to as well), Council may wish to use the powers available to it under Section 6.20 of the *Local Government Act 1995*.

In other words, Council may want to consider advertising its intention to raise a non-budgeted loan of \$4.6m.

CONSULTATION

Nil

STAFF COMMENT

Given the uncertainty surrounding costs, potential sources of funding and various other issues (not the least being land tenure) the Town of Cottesloe decided to constrain its commitment to the proposed library when setting the 2007/08 budget.

The reticence to formally commit to the library is well understood and is reflected in the May 2007 decision of Council which sought to make any expenditure on the library dependent on a number of conditions being satisfied. Depending on your point of view, some of these conditions have been met - either in part or in full.

The reticence of the Town of Cottesloe in not setting aside a provisional amount in the 2007/08 budget was not shared by the Town of Mosman Park and the Shire of Peppermint Grove (or indeed the Library Project Steering Committee). As far as those local governments are concerned, the project is going ahead.

At the time of framing the 2007/08 budget, the view was expressed that half of the Town of Cottesloe's contribution to the library should come from the proceeds of asset sales (e.g. the Council depot site) and the other half should be funded by a loan funds. However given the uncertainty surrounding costs and other matters, it was impossible to put a figure on these amounts.

It was also the opinion of staff that it would take a year at least to accurately determine the design and estimated costs for the library and that by that time the 2008/09 budget could well have been adopted. This may well still turn out to be the case.

Things have now reached a point where it is understood that inflationary cost pressures have now reached such a point that it is believed that tenders should be called as a matter of urgency rather than in the new financial year.

If the Town of Cottesloe supports the calling of tenders at the soonest opportunity, then it is very difficult to see how the Town of Cottesloe can find \$4.6m from within its current budget to fund the project. The only practical way out is to use the powers available to Council under Section 6.20 of the *Local Government Act 1995*.

An alternative course of action is to simply inform the Shire of Peppermint Grove and the Town of Mosman Park that the Town of Cottesloe is constrained and cannot agree to the calling of tenders until all outstanding issues, including finance, are resolved.

However this course of action may simply just defer things indefinitely.

For example, the value that might be realised from the sale of the Town of Cottesloe's depot site will be heavily influenced by its treatment under Town Planning Scheme No.3 - which has yet to be finalised.

An alternative location for the depot has also yet to be found despite ongoing dialogue with our Western Suburbs local government neighbours.

Therefore if the construction of the library is dependent on the sale of the depot, it may be several years before construction is commenced.

An alternative approach may be to consider that the depot is likely to appreciate in value way beyond any interest that may accrue on a \$4.6m loan. That being the case, it could be argued that Council should agree to the raising of a loan in the first instance with a view to sinking it through asset sales at a later date.

I believe the community would understand the logic behind such an approach and that the advertising of the proposed loan should therefore go ahead.

Dependent on the outcome of the advertising and the submissions received, Council may be in a position to commit to the construction of the library at its April 2008 meeting.

VOTING

Absolute Majority

1.4 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Cunningham, seconded Cr Strzina

That Council:

- (1) Give one month's local public notice of the details of a proposal to raise a loan of \$4.6m to be repaid over 20 years at the prevailing rate of interest to fund the construction of the proposed new library and community facilities**
- (2) Immediately advise the Library Project Steering Committee to defer the calling of tenders for the proposed library until all outstanding matters relating to financing, land tenure and legal documentation are resolved and/or executed by the participating local governments.**

Carried 4/3

1.5 STATUTORY COMPLIANCE AUDIT – 2007 RETURN

File No: SUB/390
Attachment(s): [Return](#)
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 6 March, 2008
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to:

- (1) adopt the Compliance Audit Return for 2007; and
- (2) authorise the Mayor and CEO to certify same so that it may be returned to the Department of Local Government and Regional Development.

STATUTORY ENVIRONMENT

Section 7.13 of the *Local Government Act (1995)* provides, in part, that

Regulations may make provision –

- (i) *requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are –*
 - (i) *of a financial nature or not; or*
 - (ii) *under this Act or another written law.*

Regulation 13 of the *Local Government (Audit) Regulations 1996* sets out the specific areas that are subject to audit.

Regulation 14 of the *Local Government (Audit) Regulations 1996* reads as follows:

14. Compliance audit return to be prepared

- (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) *After carry out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
- (3) *A compliance audit return is to be –*
 - (a) *presented to the council at a meeting of the council;*
 - (b) *adopted by the council; and*
 - (c) *recorded in the minutes of the meeting at which it is adopted.*

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

Each year the Department of Local Government and Regional Development issues a compliance audit return that covers a wide range of mandatory actions required of staff, elected members and the Council as whole under the provisions of the *Local Government Act (1995)*.

The return for 2007 has been compiled and a copy is enclosed with this agenda for each Councillor to review and make comment to the Council.

The return must be submitted to the Department of Local Government by 31st March 2008.

CONSULTATION

Nil

STAFF COMMENT

As can be seen from the attached return, there were eight areas where the Town of Cottesloe failed to comply with the requirements of the Act.

Disclosure of Interest

Q13: The annual returns for Cr Walsh, Cr Utting and Cr Jeanes were received late.

Finance

Q25: The monthly financial report for December 2006 was attached to but not recorded in the minutes of the February 2007 meeting. The monthly financial reports for April, May and June 2007 were recorded in but not attached to the minutes.

Local Government Employees

Q10: Seven employees were overdue for a performance review at the end of 2007

Local Laws

Q13: The following local laws have yet to be reviewed:-Signs, Hoardings and Billposting (1988), Eating Houses (1993), Health Local Laws (1997)

Meeting Process

Q20: Minutes of the Council's ordinary meetings from April 2007 to September 2007 were not signed by the Mayor at the next meeting. They have since been signed.

Tenders for providing Goods and Services

Q24: In some instances, details of the decision made to invite tenders were not included in the tender register.

Q29: In some instances, the names of the successful tenderers were not included in the tender register. These details have since been entered into the register.

Q30: In some instances, details of the amount of consideration in the accepted tender were not included in the tender register. These details have since been entered into the register.

The return indicates that the organisation is compliant in every other area and therefore fulfilling its role in accordance with the Act.

VOTING

Simple Majority

1.5 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Cunningham, seconded Cr Strzina

That Council

- (1) Adopt the Compliance Audit Return for 2007 and authorise the Mayor and CEO to certify same so that it may be returned to the Department of Local Government and Regional Development; and**
- (2) Carry out a review of the local laws.**

Carried 6/0

2 ENGINEERING

2.1 POLICY - MAINTENANCE OF ROAD RESERVE VERGE PARKING AREAS

File No: SUB/176
Attachment(s): [COPY OF POLICY](#)
[COMMENTS FROM WOODHOUSE LEGAL](#)
[COPY OF REPORT FROM JULY MEETING](#)
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 4 March, 2008
Senior Officer: Mr Stephen Tindale

SUMMARY

At its meeting in July 2007, Council resolved the following:

- (1) request staff to prepare a further report on off-street parking controls noting that:
 - the matter of assigning liability to adjoining landowners for injury or damage sustained by people on off-street parking areas is no longer a concern,
 - the matter of assigning exclusive-use rights to adjoining landowners is no longer a concern.
 - The matter of having a standing agreement to assign liability to adjoining landowners for the care and management of off-street parking areas is no longer a concern.
- (2) request staff to prepare a further report on whether a verge parking policy and/or local laws are necessary in terms of controlling off-street parking.

This item supplies the report requested at item (2) and recommends that Council remove the *Maintenance of Road Reserves Verge Parking Areas* from the Policy Manual.

STATUTORY ENVIRONMENT

The *Local Government Act 1995* vests the care, control and maintenance powers of all Crown land road reserves in the Town of Cottesloe with Council. In addition, Council's *Activities on Thoroughfares and Trading on Thoroughfares and Public Places* local law gives Council significant powers to prevent, allow and control activities on the road reserve.

POLICY IMPLICATIONS

The item concerns the content of Council's *Maintenance of Road Reserve Verge Parking Areas* policy which has been included as an attachment to this report.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Minor (less than \$500 per year)

BACKGROUND

This subject had originally been raised when Council had been requested to share the cost of resurfacing a restricted/private use car park on the Salvado Street road reserve, adjacent to units on No. 22. It also applied to many other areas in the Town of Cottesloe, including several government/institutional parking areas on Gibney Street.

The issue was Council being responsible, long term, for all maintenance and reconstruction of private/restricted parking areas on verges, using rates funds, when the general public are expected not to park on such areas.

The Salvado Street issue was solved by Council refusing to share in the cost of resurfacing but to upgrade street drainage in the area. The resurfacing was then funded by the Unit Corporate Body.

A policy to control private use verge car parking area and to ensure that proper maintenance is undertaken at the cost of the restricted private users was requested by Council developed by staff and eventually adopted by Council in September, 2005.

However, the new policy included the need for a signed agreement between Council and the applicant(s), to 'lock' the applicants into long term maintenance of the new car parking area, at their cost, to the Town of Cottesloe's requirements.

Issue relating to this proposed agreement form and the legality of the intent of the policy were directed to Council's lawyers, twice, for clarification.

The following points were made, and accepted by Council at previous meetings:

1. Council carries full liability for the maintenance of road reserves that it has accepted vesting powers over Council cannot devolve legal liability for the care, control and management of 'private' car parking areas on verges to any individual or group.
2. Regardless of whether repair costs are met by the residents or not, Council has an ongoing obligation to carry out repairs on such verge parking areas for as long as they exist as parking areas.
3. Council has an ongoing power to remove any built parking area from road reserves under its control.

The exercise of this power or just the threat of such a removal would normally be sufficient to have a group of residents who have parking 'rights' within a verge parking area to carry out required maintenance.

4. Exclusive use rights apply to adjoining owners of road verges through Section 7.9 Stopping on Verge, of Council's *Parking and Parking Facilities Local Law* i.e.

7.9 Stopping on verge

- (1) A person shall not:
 - (a) stop a vehicle (other than a bicycle);
 - (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
 - (c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge, so that any portion of it is on a verge.
- (2) Subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.
- (3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

Council's Rangers are often called to a site where an unknown person has parked on a verge and the landowner has registered a complaint. The vehicle is either moved or the owner fined.

CONSULTATION

This original policy was advertised and comments received were considered by Council.

STAFF COMMENT

At its July 2007 meeting, Council acknowledged that:

1. The matter of assigning liability to adjoining landowners for injury or damage sustained by people on off-street parking areas is no longer a concern. Essentially, Council cannot 'off load' its liability because it has vesting of road reserves.
2. The matter of assigning exclusive-use rights to adjoining landowners is no longer a concern. i.e. they already have such rights through Section 7.9 of Council's Local Law *Parking and Parking Facilities*.
3. The matter of having a standard agreement to assign liability to adjoining land owners for the care and management of off-street parking areas is no longer a concern. Council will always retain the liability for any lack of care or maintenance of these sites.

However, at all times, Council has the right to remove any parking area from land vested under its control.

Normally, if a private use car park on a verge is noticed to be in poor condition requiring repairs, and there is no 'general public' use allowed, then negotiations would take place to have the private users undertake repairs works.

If all options fail, then Council can decide to remove the parking area to safeguard its interest on behalf of the general public.

In recent years, the only site for which private users have requested a Council financial input to resurface a car park has been the Salvado Street case.

One protection for Council in any future discussion on private use car parks on verges would be the requirement of top quality design, materials and construction for such sites, to provide a long term quality surface, a solid foundation and an extended time period before any maintenance would be expected.

Because of the above reasons and after having received two legal opinions, there seems little reason to continue with the policy *Maintenance of Road Reserve Verge Parking Areas*.

VOTING

Simple Majority

2.1 OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina

That Council remove the *Maintenance of Road Reserves Verge Parking Areas* from the Policy Manual.

Carried 6/0

2.2 CHILDRENS WATER/PLAY FEATURE - COTTESLOE MAIN BEACH

File No: SUB/213
Attachment(s): [PHOTOS OF EXISTING WELL & PUMP](#)
[HEALTH REQUIREMENTS FOR WATER](#)
[PLAYGROUNDS](#)
[WATER TESTING RESULTS](#)
[COPY OF OCTOBER 2006 REPORT](#)

Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 4 March, 2008
Senior Officer: Mr Stephen Tindale

SUMMARY

Council received a report in October 2006 regarding the Cottesloe Wading Pool, and resolved the following:

That Council employ a specialist consultant to investigate and report on:

- (1) The potential for the refurbishment of the old bore water source for use in a new children's water playground;
- (2) Available water volumes;
- (3) Treatment of the water to Health Act requirements using a non-chlorine based system; and
- (4) The likely costs involved for the refurbishment of the bore and water treatment.

This item provides details required by Council on the possible creation of a new children's water playground at the site of the old wading pool, and recommends that Council resolve to:

- (1) Obtain a WA Department of Health formal statement on water treatment requirements at a proposed Cottesloe Beach 'spray' playground if sea water is used.
- (2) Obtain information or examples of this type of 'spray' playground in Australia, particularly in a marine/beach environment.
- (3) Consider the provision of funds in the 2008/09 budget for the construction of a children's playground at the Cottesloe Main Beach, at an estimated cost of \$350,000.

STATUTORY ENVIRONMENT

Council is vested with the maintenance and management of the Beach groyne and surrounding beach area including the site of the old wading pool.

Cottesloe Beach is zoned as 'Parks and Recreation' under the Metropolitan Region Scheme. Any development proposed for facilities on the beach will require the approval of the WA Planning Commission. The State Department of Health would also be involved if this type of installation proceeded, in regards to water quality and public health requirements.

POLICY IMPLICATIONS

Council's *Beach* policy applies. One of the policy's primary objectives is to avoid irreversible uses of the beach reserves that reduce the options for the future.

The *Beach* policy also provides that:

No use will be permitted within the area west of Marine Parade unless it contributes directly to the amenity of the recreational users of the beach reserves and is designed, constructed and operated in a way that protects and enhances the natural coastal environment.

Uses of the beach reserves should provide for as wide a variety of active and passive recreational opportunity as the coast is able to offer, now and in the future within the limits of the reserve's capacity and having regard to the objects of this policy.

In the context of Cottesloe, it is Town of Cottesloe's intent to maintain the area west of Marine Parade in as natural a state as the pressures from beach users permit. Therefore, only those recreation activities that do not threaten the integrity of the beach reserve are acceptable to Cottesloe.

STRATEGIC IMPLICATIONS

With regards to the Town of Cottesloe Future Plan 2006-2010, Objective 3 is to enhance beach access and the foreshore. Although none of the Major Strategies relates to a water playground, item 3.1 is to develop the 'Foreshore Vision and Master Plan' in consultation with the community.

Any water playground in such a central beach location would normally be included in such a vision/master plan.

FINANCIAL IMPLICATIONS

The 2007/08 budget provides no funding for any form of a Cottesloe Beach Children's Water Playground.

The estimated cost of such a facility in a future budget ranges from \$350,000 to \$450,000, dependant on site problems, the level of equipment provided, the replacement/establishment costs of an approved water supply and treatment system and the requirements for the base area of such a playground to proper safety standards.

BACKGROUND

This matter was last discussed at Council's October 2006 meeting, where an extensive background was included. That information has been included in the attachments to this report.

The historical details of the Cottesloe Beach Wading Pool ended when the pool had the majority of its area removed during the upgrading of the Cottesloe Beach Groyne, in 2006/07.

In 2007, the existing water source was investigated in terms of water quality, quantity and the condition of existing infrastructure.

CONSULTATION

Nil

STAFF COMMENT

Existing Infrastructure:

The photos included in the attachments show the poor condition of the existing pump system.

Staff had believed the system was a shallow bore pumping fresh water to the original wading pool.

Inspections and testing has established that the water source is essentially sea water, with the tests undertaken by the laboratory showing that the water test pumped at the site was good quality with no concern regarding amoebae or coliforms.

The system is a well, rather than a bore, continually topped up from the sea.

The condition of the well liners is generally sound, but all metal parts are extensively corroded and require total replacement, including the pump and motor, all wiring and switches, the water delivery pipe, internal access ladders and the well liner lid and security chains.

The condition of the piping from the well to the old wading pool site is unknown, but is probably unfit for re-use on any new system.

Status of Existing Well Site:

One main reason for the loss of time in creating this report has been the question as to whether the existing well site is within the area of the listed Aboriginal Heritage site of significance.

Recent discussions with indigenous officers with Swan Catchment Council have indicated that if no new excavations or construction occurs 'outside' of the existing well lines i.e. restricted to replacement of existing man-made components, then there would not be an issue. However, if this project was to proceed, this issue must be fully determined.

Health Requirements for Water Playgrounds:

Children's 'spray' playgrounds are relatively new to Australia. The WA Health Department issued information in October 2006 to provide a framework for health considerations if such a playground was considered.

The main health considerations are:

1. All play equipment should be properly designed to remove health and entrapment hazards.
2. The floor surface will get hot and therefore should be a light colour, should have some level of shade and be of a soft fall material. The floor should also have a leaf and litter trap to stop such materials returning to the water circulation system.
3. An outer concourse area should be provided to drain water away from the playground.
4. Water treatment must comply with the *Health (Swimming Pools) Regulation 1964*, with all water being filtered and chemically treated.
5. Water circulation must be drawn from a holding tank of a minimum size, with water from the playground being filtered and treated before going back to the holding tank for recirculation.
6. An automatic system of adding make up water to the collection tank must be in place.
7. Relief valve systems must be in place to ensure a particular level of pressure is not exceeded in the playground features.
8. Waste water must be properly disposed of.
9. Daily water testing is required.
10. Water sprays must always be directed downwards.
11. There are other controls required for chemical storage, construction materials, electrical installation and security.

The list above shows the level of importance placed, particularly, on water quality by the Department of Health because of the various diseases caused by low quality treatment.

Because of the 'newness' of these facilities, consideration is being given by the Department of Health regarding the use of pure sea water in shallow pools or 'spray' playgrounds where there is no 'top up' using bore or drinking water, and whether any treatment is needed for such a water supply.

Therefore, if a spray playground was to proceed, a formal request should be made to the Department of Health regarding a decision or whether chemical treatment would be required, prior to major design work being undertaken on the water supply system.

Security and Safety:

The last thing anyone would want at Cottesloe Beach would be a security fence around a playground near the Beach Groyne. However a facility featuring multi coloured pipes in strange shapes would probably attract misuse, vandalism and graffiti after normal hours.

In addition, some form of site control would be needed to ensure proper use, aid in case of an accident and day to day maintenance of the operation.

Normally, this type of facility would have a life guard type person available and would be within a larger fenced complex featuring a public swimming pool, with a full water treatment system required by the pool being available for the playground.

Cost Estimate:

The following headings of the various components for the construction of a spray playground and cost estimates are provided below:

Item	Estimated Cost
New pump and motor – supply and install	\$30,000
Replace all wiring and switches	\$15,000
New power supply to pump, motor and playground	\$10,000
Install new metal lid on well liner	\$2,000
Install new internal access ladders	\$5,000
New water pipe delivery system to well	\$5,000
New pipe to playground	\$5,000
Supply and install new concrete base/surround	\$80,000
Install ‘soft fall’ surfacing	\$20,000
Install shade sail system	\$20,000
Provide and install ‘spray’ playground units and controls	\$100,000
Water disposal system	\$30,000
Install leaf/debris/lint filter system	\$10,000
Signage, minor handrails/fencing, seating	\$20,000
<u>Total Estimated Cost:</u>	<u>\$352,000</u>

NOTE:

Cost estimate does not include water treatment system based on assumption that the Department of Health will accept sea water without treatment.

A full system for water treatment involving a collector tank, holding tank, chemical injection, waste water disposal and chemical storage may add \$50,000 to \$100,000 to the total project if required by the Department of Health.

VOTING

Simple Majority

2.2 OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Cunningham

That Council:

- (1) Obtain a WA Department of Health formal statement on water treatment requirements at a proposed Cottesloe Beach ‘spray’ playground if sea water is used.**

- (2) Obtain information or examples of this type of ‘spray’ playground in Australia, particularly in a marine/beach environment.**
- (3) Consider the provision of funds in the 2008/09 budget for the construction of a children’s playground at the Cottesloe Main Beach, at an estimated cost of \$350,000.**

Carried 5/1

2.3 REQUEST FOR ROW 6, REAR OF 355 MARMION STREET, TO BE UPGRADED

File No: PRO/2679
Attachment(s): [COPY OF RECEIVED LETTER](#)
[PLAN OF ROW 6](#)
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 4 March, 2008
Senior Officer: Mr Stephen Tindale

SUMMARY

The owner of 355 Marmion Street has written to object to the poor condition of ROW 6 and the need for substantial upgrading, particularly sealing.

The recommendation is that Council inform the owner of 355 Marmion Street, Cottesloe, that the sealing of unsealed laneways in the Town of Cottesloe is not a current funding priority and that the only major component for the funding of such work will continue to be via development contributions linked to laneway upgrading conditions.

STATUTORY ENVIRONMENT

This laneway is owned by the Town of Cottesloe and is not crown land.

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.

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 ROW's and Laneways.
3. To ensure that the costs of improvements to ROW's/Laneways are funded by developers and subdividers, 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 ROW's and Laneways in a poor to undeveloped condition.
2. A large proportion of ROW's 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. ROW's 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. ROW's and Laneways often contain Service Authorities infrastructure eg; 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 ROW's 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 ROW's/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 ROW's/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 furthest 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 ROW's 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 ROW's and Laneways shall be constructed and maintained in accordance with Council's 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, ie 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 ROW's/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

FINANCIAL IMPLICATIONS

Council has budgeted \$20,000 in the 2007/08 budget for upgrading works on its total ROW/Laneway system. This is not meant to be expended on a sealing of laneways program.

BACKGROUND

Council adopted a new policy on *Rights 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.

In the 2006/07 and 2007/08 budgets, a \$20,000 allowance has been made for minor upgrading works throughout the ROW/Laneway network. This figure is not sufficient to install proper base materials, drainage pits and similar needs per year, over the unsealed section of the ROW system. Only minor sealing has been undertaken in 2 years, particularly where a development contribution has been made for a half width of ROW to be sealed.

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

The laneway/ROW requested for upgrading is 5.0m side, 252m long and runs south of North Street, mid-way between Marmion Street and Lyons Street. Three short sections have been sealed in previous years through development conditions.

The rest of the laneway surface is unsealed and of a dry sand base nature, with the centre being generally lower than the side levels.

The statement regarding this ROW from the 1988 report on laneways states *"The majority of abutting owners have provision for vehicle access. The sewer main is in the ROW which is of compacted earth with surface drainage. It is evident that this right of way is well used."*

Apart from the three sealed sections, nothing much has changed in 20 years, with no base material being placed and minimal provision for drainage.

CONSULTATION

Nil

STAFF COMMENT

The total ROW/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. Under the present level of funding for maintenance and improvements, there is little possibility of change in the future.

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.

VOTING

Simple Majority

2.3 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Cr Miller

That Council inform the owner of 355 Marmion Street, Cottesloe, that the sealing of unsealed laneways in the Town of Cottesloe is not a current funding priority and that the only major component for the funding of such work will continue to be via development contributions linked to laneway upgrading conditions.

Carried 6/0

2.4 REQUEST FOR UNSEALED SECTION OF ROW 25 (ERIC STREET TO CLARENDON STREET) TO BE SEALED

File No: SUB/265
Attachment(s): [COPY OF RECEIVED LETTER](#)
[PLAN OF ROW 25](#)
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 4 March, 2008
Senior Officer: Mr Stephen Tindale

SUMMARY

The owner of 35 Eric Street, Cottesloe has written to object to the unsealed nature of a section of ROW 25, which runs between Eric Street and Clarendon Street, requesting sealing.

The recommendation is that Council inform the owner of 35 Eric Street, Cottesloe, that the sealing of unsealed laneways in the Town of Cottesloe is not a current funding priority and that the only major component for the funding of such work will continue to be via development contributions linked to laneway upgrading conditions.

STATUTORY ENVIRONMENT

This laneway is owned by the Town of Cottesloe and is not crown land.

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.

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 ROW's and Laneways.
3. To ensure that the costs of improvements to ROW's/Laneways are funded by developers and subdividers, 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 ROW's and Laneways in a poor to undeveloped condition.
2. A large proportion of ROW's 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. ROW's 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. ROW's and Laneways often contain Service Authorities infrastructure eg; 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 ROW's 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 ROW's/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 ROW's/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 furthest 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 ROW's 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 ROW's and Laneways shall be constructed and maintained in accordance with Council's 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, ie 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 ROW's/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

FINANCIAL IMPLICATIONS

Council has budgeted \$20,000 in the 2007/08 budget for upgrading works on its total ROW/Laneway system. This is not meant to be expended on a sealing of laneways program.

BACKGROUND

Council adopted a new policy on *Rights 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.

In the 2006/07 and 2007/08 budgets, a \$20,000 allowance has been made for minor upgrading works throughout the ROW/Laneway network. This figure is not sufficient to install proper base materials, drainage pits and similar needs per year, over the unsealed section of the ROW system. Only minor sealing has been undertaken in 2 years, particularly where a development contribution has been made for a half width of ROW to be sealed.

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

The section of Laneway/ROW 25 requested for sealing is 20m long and 5.0m wide.

This ROW has a sewer main down its centre and is used by rubbish trucks. Virtually all properties have access to it.

CONSULTATION

Nil

STAFF COMMENT

The total ROW/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. Under the present level of funding for maintenance and improvements, there is little possibility of change in the future.

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.

VOTING

Simple Majority

2.4 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Cr Miller

That Council inform the owner of 35 Eric Street, Cottesloe, that the sealing of unsealed laneways in the Town of Cottesloe is not a current funding priority and that the only major component for the funding of such work will continue to be via development contributions linked to laneway upgrading conditions.

Carried 6/0

3 FINANCE

Agenda items 3.1 to 3.8 were dealt with in numerical order en bloc.

3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 29 FEBRUARY 2008

File No: SUB/137
Attachment(s): [Statutory Financial Statements](#)
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 29 February 2008
Senior Officer: Mr Stephen Tindale

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 29 February 2008, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

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 Net Profit or Loss of \$1,587,691 as at 29 February 2008. Operating Revenue is ahead of budget by \$206,477 (3%). Operating Expenditure is \$444,646 (8%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 29 February 2008 is shown on pages 7-8.

The main causes of the lower than anticipated expenditure are: lower than budgeted expenditure on contractors in the area of sanitation (\$65,825) and legal, consultant

and contractor expenses for Town Planning be lower than forecast (\$182,340). This includes scheme review expenses.

The Capital Works Program is listed on pages 18 to 19 and shows total expenditure of \$1,750,449 compared to budgeted expenditure of \$2,298,197. There is some timing differences causing the variance. Expenditure on the library is \$197,284. There is a budget of \$100,000 in operating costs for consultants in Libraries and Other Culture.

VOTING

Simple Majority

3.1 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Miller, seconded Cr Carmichael

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 29 February 2008, as submitted to the 11 March 2008 meeting of the Works and Corporate Services Committee.

Carried 6/0

3.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 29 FEBRUARY 2008

File No: SUB/150 & SUB/151
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 29 February 2008
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 29 February 2008, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

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

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 13 of the Financial Statements shows that \$3,238,885.43 was invested as at 29 February, 2008

Reserve Funds make up \$1,264,594.61 of the total invested and are restricted funds. Approximately 66% of the funds are invested with the National Australia Bank, 17% with Home Building Society and 17% with BankWest.

The Schedule of Loans on page 14 shows a balance of \$253,674.65 as at 29 February, 2008. There is \$151,392.23 included in this balance that relates to self supporting loans.

VOTING

Simple Majority

3.2 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Miller, seconded Cr Carmichael

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 29 February 2008, as submitted to the 11 March 2008 meeting of the Works and Corporate Services Committee.

Carried 6/0

3.3 ACCOUNTS FOR THE PERIOD ENDING 29 FEBRUARY 2008

File No: SUB/144
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 29 February 2008
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 29 February 2008, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

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 9 of the Financial Statements:

- \$11,627.35 to Synergy power usage in January 2008
- \$11,107.44 to BCITF for levies in December 2007
- \$23,565.29 to Cobblestone Concrete for installation of footpaths
- \$23,031.80 to Sigma Data Solutions for scanner, software and licence
- \$14,709.39 to WA Local Govt Super Fund for staff deductions
- \$16,590.86 to Cobblestone Concrete for installation of footpaths
- \$14,613.35 to WA Local Govt Super Fund for staff deductions
- \$93,944.95 to Shire of Peppermint Grove for March qtr contribution to Library
- \$21,485.20 to Coastal Zone Management for Climate Change study
- \$17,399.62 to SLSWA for life guard contract for January 2008
- \$10,657.63 to Kerbing West for installation of kerbing
- \$48,555.39 to Trum P/L for waste collection

- \$88,036.58 to Shire of Peppermint Grove for contribution towards new library project
- \$20,485.55 to Town of Mosman Park for construction cost for work on soakwells and sumps
- \$11,793.10 to B & N Waste for verge collection of green waste
- \$10,000.00 to Formstone Concrete for 200 small grey ballustrades
- \$128,722.89 for staff payroll

VOTING

Simple Majority

3.3 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Miller, seconded Cr Carmichael

That Council receive the List of Accounts for the period ending 29 February 2008, as submitted to the 11 March 2008 meeting of the Works and Corporate Services Committee.

Carried 6/0

3.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD ENDING 29 FEBRUARY 2008

File No: SUB/145
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 29 February 2008
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 29 February 2008, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Property and Sundry Debtors Reports are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on pages 15 to 16 of the Financial Statements shows a balance of \$381,261.96 of which \$264,117.03 relates to the current month. The balance of aged debt greater than 30 days stood at \$117,144.93 of which \$105,002.28 relates to pensioner rebates that are being reconciled by the Senior Finance Officer.

The Property Debtors Report shown as part of the Rates and Charges Analysis on page 17 of the Financial Statements shows a balance of \$717,207.72. Of this amount \$198,446.69 and \$73,995.33 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 \$517,034 in 2008 compared to \$613,202 last year.

VOTING

Simple Majority

3.4 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Miller, seconded Cr Carmichael

That Council:

- (1) **Receive and endorse the Property Debtors Report for the period ending 29 February 2008; and**
- (2) **Receive the Sundry Debtors Report for the period ending 29 February 2008.**

Carried 6/0

ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 9.30 pm.

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