

TOWN OF COTTESLOE



WORKS AND CORPORATE SERVICES COMMITTEE

MINUTES

**MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, TUESDAY, 18 NOVEMBER 2008**

WORKS AND CORPORATE SERVICES COMMITTEE

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DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Officer announced the meeting opened at 7.05pm.

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

Cr Bryan Miller,	Presiding Member
Cr Patricia Carmichael	Committee Member (<i>from 7.17pm</i>)
Cr Dan Cunningham	Committee Member
Cr Victor Strzina	Committee Member
Cr Ian Woodhill	Committee Member
Cr Jay Birnbrauer	Observer
Mr Laurie Vicary	Acting Chief Executive Officer
Mr Geoff Trigg	Manager Engineering Services
Mr Graham Pattrick	Manager Corporate Services/Deputy CEO
Ms Ruth Levett	Principal Environmental Health Officer (<i>to 7.40pm</i>)
Ms Georgina Cooper	Administration Officer
Ms Krystal Shenton	Executive Assistant

Apologies

Mayor Kevin Morgan

Leave of Absence (previously approved)

Cr John Utting

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

PUBLIC QUESTION TIME

Ms Valerie Frearson-Lane, 65 John Street – Item 2.1 Arboricultural Report – Norfolk Island Pine Trees – John Street, Cottesloe

Ms Frearson-Lane asked the following two questions regarding the above matter:

- (1) Will the report by the Consultant concerning the Norfolk Island Pine Trees in John Street be available to the Public?
Mr Geoff Trigg advised that the report will be made available to the public.
- (2) Can letters be sent to each landowner in John Street explaining the Situation with regard to the trees?
Cr Miller advised that Council staff have recommended that course of action.

APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Victor Strzina, seconded Cr Dan Cunningham

That the Minutes of the Ordinary Meeting of the Works and Corporate Services Committee held on Tuesday, 21 October 2008 be confirmed.

Carried 4/0

ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

PUBLIC STATEMENT TIME

Nil.

PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

The items were dealt with in the following order:

Item 2.1, 4.1, 1.1-1.5, 2.2, and items 3.1 - 3.4 were dealt with enbloc followed by item 4.2

REPORTS OF COMMITTEES AND OFFICERS**1 ADMINISTRATION****1.1 DRAFT STANDING ORDERS LOCAL LAW 2008**

File No: SUB/179
Author: Mr Laurie Vicary
Attachments: [Correspondence from Dept Local Government Procedures for Public Question Time](#)
Author Disclosure of Interest: Nil
Report Date: 13 November, 2008
Senior Officer: Mr Laurie Vicary

SUMMARY

This item was deferred at the last meeting of the Council pending the receipt of comments from the Department of Local Government and Regional Development.

The response from the Department has been referred to Council's solicitors for advice.

A copy of the letter from the Department is attached.

STATUTORY ENVIRONMENT

There are complex statutory requirements that must be satisfied before the Standing Orders Local Law can become effective.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Legal advice is expensive. When all the preliminaries have been satisfied, The Local Law must be published in the Government Gazette.

BACKGROUND

The need to bring the present Standing Orders 'up to date' – particularly so for the requirement for members to stand is concerned, has been recognised for some time.

The proposed local law was referred to the Department for comment before the next step in the process which is to refer the matter to a Parliamentary Joint Standing Committee.

CONSULTATION

Nil.

STAFF COMMENT

It seems appropriate that this opportunity is taken to ensure clarity with regard to use of the Council seal.

There is also a small problem with Order of Business proposed which provides for a resolution to grant leave of absence before Public Question Time. This is contrary to Administration Regulation 7 – Copy attached.

It is expected a response from Council's solicitors will be available at the Committee Meeting.

VOTING

Simple Majority

1.1 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Victor Strzina, seconded Cr Ian Woodhill

That Council adopt the amendments to the Draft Standing Orders Local Law as required by the Department of Local Government and Regional Development and recommended by Council's solicitors.

Carried 5/0

1.2 ANNUAL REPORT 2007/08 - AMENDMENT

File No: SUB/383
Author: Mr Wayne Richards
Attachments: [Amended Page 23](#)
Author Disclosure of Interest: Nil
Report Date: 13 October 2008
Senior Officer: Mr Graham Pattrick

SUMMARY

A recommendation is made to accept the amended Annual Report for the 2007/08 financial year.

STATUTORY ENVIRONMENT

The relevant sections of the *Local Government Act 1995* read as follows:

5.27. Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

5.29. Convening electors' meetings

- (1) *The CEO is to convene an electors' meeting by giving -
 - (a) at least 14 days' local public notice; and
 - (b) each council member at least 14 days' notice,of the date, time, place and purpose of the meeting.*
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.*

5.53. Annual reports

- (1) *The local government is to prepare an annual report for each financial year.*
 - (2) *The annual report is to contain -
 - (a) a report from the mayor or president;
 - (b) a report from the CEO;
 - [(c), (d) deleted]
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;*
-

- (f) *the financial report for the financial year;*
- (g) *such information as may be prescribed in relation to the payments made to employees;*
- (h) *the auditor's report for the financial year;*
- (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;*
- (hb) *details of entries made under section 5.121 during the financial year in the register of complaints, including -*
 - (i) *the number of complaints recorded in the register of complaints;*
 - (ii) *how the recorded complaints were dealt with; and*
 - (iii) *any other details that the regulations may require; and*
- (i) *such other information as may be prescribed.*

5.54. Acceptance of annual reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

*** Absolute majority required.**

- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Regulations 15 and 19B of the *Local Government (Administration) Regulations, 1996* require that:

15. Matters for discussion at general electors' meetings s. 5.27(3)

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

19B. Annual report to contain information on payments to employees s. 5.53(2)(g)

For the purposes of section 5.53(2)(g) the annual report of a local government for a financial year is to contain the following information -

- (a) *the number of employees of the local government entitled to an annual salary of \$100 000 or more;*
- (b) *the number of those employees with an annual salary entitlement that falls within each band of \$10 000 over \$100 000.*

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Annual Report for the year ended 30th June 2008 was adopted by Council at its meeting held on 27 October 2008. Incorrect dates were included in the "Statement by Chief Executive Officer" on page 23 of the report. These dates have now been amended to reflect the correct dates for the year ended and final signature of the Chief Executive Officer.

CONSULTATION

Council's current auditors, UHY Haines Norton Chartered Accountants, have been consulted on the matter and advised that this amendment be brought to Council's attention.

STAFF COMMENT

All copies of the Annual Report for distribution to government departments and the public have all been updated.

VOTING

Simple Majority

1.2 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Victor Strzina, seconded Cr Dan Cunningham

That Council accept the Annual Report for the 2007/2008 Financial Year.

Carried 5/0

1.3 SCOUT HALL - NO. 65 (LOT 311) ERIC STREET

File No: PRO/11543
Author: Mr Laurie Vicary
Attachments: [Correspondence from DPI dated 27/10/2008](#)
Author Disclosure of Interest: Nil.
Report Date: 13 November, 2008
Senior Officer: Mr Laurie Vicary

SUMMARY

To make Council members aware of the stage of the negotiations to have the Scout Hall site vested in Council; of alternatives and recommend a course of action.

STATUTORY ENVIRONMENT

State Land Services propose Scouts Australia relinquish the land to the State of WA when it will revert to freehold and then be revested in the State. A new reserve will then be created for the purpose of "Community Hall" and vested in the Council.

See letter attached.

Of concern is the fact that in the middle of the process, when the land has reverted to the State, the State may decide to use the land in a fashion different to that outlined above ie sell to the highest bidder.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The availability of land for community use is of great importance. Whether the Scout Hall site is of strategic importance is a matter for the Council to consider.

FINANCIAL IMPLICATIONS

If the land becomes the responsibility of the Council, one of the first things that must be done is the removal of the existing building and particularly the asbestos roof.

While the change of purpose suggests the use to be "Community Hall" a wider use such as "Community Purposes" should be proposed.

Until there has been a proposal for development of the site, it is not possible to estimate the financial implications.

When Mayor Morgan discussed this matter with the Hon C J Barnett the local member indicated that his support to the transfer of the land to Council would depend on the use/s proposed.

The local member also suggested that Council should do a survey of the land it presently controls to see if alternatives are possible.

CONSULTATION

The Council has consulted the Scouts Associates to gain approval to the transfer. More recently the matter has been discussed with the local member Hon Colin Barnett.

BACKGROUND

The Scouts have given their approval to the transfer of the site to the Council.

STAFF COMMENT

While there was nothing more than a casual conversation between the Mayor and Hon C J Barnett, the possibility that the State could fund certain developments on Council land using the proceeds from the sale of the Scout Hall site was suggested by Hon C J Barnett, is worth further research.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee wanted to give Council staff some time to research the options for the site and report back to Council in the March 2009 round of meetings.

OFFICER RECOMMENDATION

That Council:

- (1) Consider possible uses for the Scout Hall site at No. 65 Eric Street.
- (2) Staff produce an inventory of Council controlled land and that inventory show those sites where further development may be possible.

1.3 COMMITTEE RECOMMENDATION

Moved Cr Dan Cunningham, seconded Cr Victor Strzina

That Council Staff:

- (1) **Consider possible uses for the Scout Hall site at No. 65 Eric Street.**
- (2) **Produce an inventory of Council controlled land and that inventory show those sites where further development may be possible.**
- (3) **Provide a further report to Council for the March 2009 round of meetings.**

Carried 5/0

1.4 LAND UNDER ROADS

File No: SUB/133
Author: Mr Wayne Richards
Author Disclosure of Interest: Nil
Report Date: 13 November, 2008
Senior Officer: Mr Graham Pattrick

SUMMARY

The Local Government (Financial Management) Regulations continue to provide relief from recognition of land under roads leading to a conflict with the Australian Accounting Standards.

STATUTORY ENVIRONMENT

Recent changes to the Financial Management Regulations did not amend Regulation 16 which specifically requires local governments not to recognise vested crown land under roads as an asset. This is despite the recently released Australian Accounting Standard AASB 1051 "Land Under Roads" requiring local governments to add these assets to their balance sheets effective from 1st July 2008.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Standards allow a local government to make an election to recognise, or not, land under roads acquired before 1st July 2008. This option acknowledges the potentially onerous demands of retrospectively identifying, assessing and measuring land under roads acquired in previous reporting periods.

Electing not to recognise land under roads acquired before 1st July 2008 will greatly reduce the level of conflict between the Standards and the Regulations. This is particularly the case for the Town of Cottesloe which has little prospect of acquiring significant areas of land under roads in the near future.

CONSULTATION

Staff have taken direction and advice from our current Auditors, UHY Haines Norton Chartered Accountants on this matter. Their advice is, for the reasons set out above, that Council take advantage of the election under AASB 1051 paragraph 8 not to recognise land under roads acquired prior to 1st July 2008.

STAFF COMMENT

The continuation of the protection offered by the Regulations does not override the importance of making this election and in its contribution to reducing the potential for a qualified Audit Report in the future.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee wanted to include the words 'as assets' in the recommendation.

OFFICER RECOMMENDATION

That Council elect not to recognise land under roads acquired before 1st July 2008.

1.4 COMMITTEE RECOMMENDATION

Moved Cr Victor Strzina, seconded Cr Ian Woodhill

That Council elect not to recognise land under roads as assets acquired before 1st July 2008.

Carried 5/0

1.5 USE OF COMMON SEAL

File No: SUB/179
Author: Mr Laurie Vicary
Author Disclosure of Interest: Nil
Report Date: 12 November 2008
Senior Officer: Mr Laurie Vicary

SUMMARY

To formalise the use of the Common Seal of the Town of Cottesloe on the Employment Contract for the new CEO, Mr Carl Askew.

STATUTORY ENVIRONMENT

The Standing Orders Local Law do not clearly spell out who should sign the Seal Clause to a Contract.

The Employment Contract has a seal clause that requires the signatures of the Mayor and the CEO, and includes the advice that "the seal is affixed by authority of a resolution of the Council".

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The decision of the Council to appoint the CEO should have made reference to the requirement to affix the seal to the contract document. That was an oversight.

CONSULTATION

Nil.

STAFF COMMENT

As mentioned earlier, the Standing Orders are not clear on the use of the seal and this report is therefore based on the past experience of the author. Additionally, it is noted that the Standing Orders Local Law include a seal clause that required the signatures of the Mayor and the CEO.

The use of the seal and whether there should be reference to signing by the Mayor and the CEO is a matter that should be addressed before the new Standing Orders are finalised.

VOTING

Simple Majority

1.5 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Victor Strzina, seconded Cr Ian Woodhill

That the use of the Common Seal of the Town of Cottesloe signed in the presence of the Mayor and the Acting Chief Executive Officer on the employment conditions with Mr Carl Askew be endorsed.

Carried 5/0

2 ENGINEERING**2.1 ARBORICULTURAL REPORT - NORFOLK ISLAND PINE TREES - JOHN STREET, COTTESLOE**

File No: SUB/466
Author: Mr Geoff Trigg
Attachments: [Correspondence and Report](#)
Author Disclosure of Interest: Nil
Report Date: 4 November, 2008
Senior Officer: Mr Laurie Vicary

SUMMARY

In July 2008, a storm resulted in the collapse of a large native Norfolk Island Pine Tree in John Street, Cottesloe. Because this tree was typical of similar sized pine trees in that street and other locations in Cottesloe, the CEO requested an arboricultural report on the cause of this collapse, the condition of the other pine trees in John Street and recommendations on the future treatment of this icon tree species in Cottesloe.

This report has now been completed and is presented within this item, with a recommendation that Council:

1. Have a simplified version of the consultants report on Norfolk Island Pine trees in John Street prepared and delivered to all properties in that street, covering items 6.1 and 6.2 of the consultants recommendations, with a commitment that all such trees removed would be replaced with the same species.
2. Arrange for four trees to be removed from the frontage of 49, 19, 21 and 68 John Street and maintenance undertaken, as covered in items 6.4 to 6.6 of the consultants report.
3. Arrange for all Norfolk Island Pine trees in John Street to be annually inspected, as covered in section 6.7 of the consultants report.

STATUTORY ENVIRONMENT

Council has vested control and responsibility of road reserves in the Town of Cottesloe. This includes the ownership and stewardship of all street trees, including Norfolk Island Pine Trees.

POLICY IMPLICATIONS

Councils Street Trees policy applies.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Council's budget includes an allowance for Street Tree maintenance, including the removal and replacement of such trees.

BACKGROUND

Norfolk Island Pine trees in the Town of Cottesloe are now over 100 years old for the earliest plantings, including John Street.

The tree collapse in John Street in July 2008, over a parked car and onto an adjacent house by a pine tree in excess of 100 years old raised questions about the condition of other native pine trees in Cottesloe. Council's files on street trees did not include any previous causes of death on collapse, and other aspects of these trees as the icon tree for the Town of Cottesloe.

Staff have arranged this report by a very experienced and qualified arboricultural consultant, to determine possible Council handling of these trees as they reach and pass their expected life span.

CONSULTATION

Nil, apart from the consultant and his investigations.

STAFF COMMENT

The consultant report provides a general background on the growth of Norfolk Island Pine trees, both in Cottesloe and on Norfolk Island, expectations on length of life for these trees and a more detailed assessment on the pine trees in John Street.

The trees in John Street have not been planted or maintained in high quality conditions, with wind, rainfall and temperature being divergent from conditions in which the species has evolved on Norfolk Island. The roots and branches have also suffered from various services installed on the road verge and from vehicles parked on the verge plus damage from home building activities over many years. Given the conditions experienced by these trees in Cottesloe, it is probable that they will live for a lesser time period than those growing on Norfolk Island, with a range of life spans determined by the very localised conditions around each tree. One comparative measure of tree health could be the comparative density of the canopy ie the lower the density the higher the chances of the tree being in poor health and so more liable to die and/or collapse in a storm or high wind.

The consultant has reached the conclusion that all of the remaining original Norfolk Island Pine trees planted in John Street in 1904 "have passed their period of optimum health and vigour and are now in gradual decline – albeit to varying degrees".

The reports recommendations are:

- 6.1 *The members of the community should be made well aware that the trees (planted in 1904) have surpassed their time of optimum vigour, entered their period of decline and be prepared for their demise – albeit gradually and at different times which could not be predicted.*
- 6.2 *The members of the community should be prepared for the inevitable need to remove trees.*

- 6.3 *The community should decide whether they wish to replace any removed trees with Norfolk Island Pine trees.*
- 6.4 *The most eastern of the two trees that grow outside 49 John Street, the most eastern of the two trees that grow outside 19 John Street and the trees that grow outside 21 and 68 John Street should be removed.*
- 6.5 *A large dead branch should be removed from the tree growing outside the property at 53 John Street.*
- 6.6 *The torn stubs should be removed from the trees growing outside the properties at 69 and 99 John Street.*
- 6.7 *All the trees in John Street should be inspected annually in September (when the sun is in the same position as it was when the recent inspections were undertaken) and future decisions should be made on the basis of their individual degrees of decline as reflected by canopy density and any other concerns that may arise.*

VOTING

Simple Majority

COMMITTEE COMMENT

Mr Geoff Trigg advised that the full report will be available to the public on Council's website and that a letter will be sent to all residents in John Street along with the full detailed report.

Committee recommended an additional condition be added to include an inspection of all Norfolk Island Trees in Cottesloe and the cost to be included in next years budget.

OFFICER RECOMMENDATION

That Council

- (1) Have a simplified version of the consultants report on Norfolk Island Pine trees in John Street prepared and delivered to all properties in that street, covering items 6.1 and 6.2 of the consultants recommendations, with a commitment that all such trees removed would be replaced with the same species.
- (2) Arrange for four trees to be removed from the frontage of 49, 19, 21 and 68 John Street and maintenance undertaken, as covered in items 6.4 to 6.6 of the consultants report.
- (3) Arrange for all Norfolk Island Pine trees in John Street to be annually inspected, as covered in section 6.7 of the consultants report.

2.1 COMMITTEE RECOMMENDATION

Moved Cr Ian Woodhill, seconded Cr Victor Strzina

That Council

- (1) **Have a simplified version of the consultants report on Norfolk Island Pine trees in John Street prepared and delivered to all properties in that street, covering items 6.1 and 6.2 of the consultants recommendations, with a commitment that all such trees removed would be replaced with the same species.**
- (2) **Arrange for four trees to be removed from the frontage of 49, 19, 21 and 68 John Street and maintenance undertaken, as covered in items 6.4 to 6.6 of the consultants report.**
- (3) **Arrange for all Norfolk Island Pine trees in John Street to be annually inspected, as covered in section 6.7 of the consultants report.**
- (4) **Consider a budget allocation made in the 2009-2010 budget for inspection of all Norfolk Island Pine trees in Cottesloe according to a programme devised by Council Staff.**

Carried 4/0

Cr Patricia Carmichael arrived at the meeting at 7.17pm

2.2 LOCAL BIKE PLAN 2008-2013

File No: SUB/63
Attachment(s): [Copies of Improvements from Bike Plan](#)
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 3 November, 2008
Senior Officer: Mr Laurie Vicary

SUMMARY

At its meeting in August, 2008, Council resolved to advertise this draft Town of Cottesloe Local Bike Plan 2008-2013 for public comment.

The advertising period has closed. This item reports on the results and recommends that Council resolve to:

- 1. Adopt the Town of Cottesloe Bike Plan 2008-2013, unchanged, with the document to be the basis of a 5 year plan for cycling facilities to be provided to Council in February 2009.*
- 2. Have the first 5 year plan for cycling facilities address the works listed under "Potential Improvements to Existing Facilities" in the Bike Plan plus give consideration under :Proposed Major Improvements/Studies to the widening of the existing Marine Parade dual use path and the provision of a 3m wide shared use path in Forest Street from Curtin Avenue to Marine Parade.*

STATUTORY ENVIRONMENT

There is no legal reason why a Bike Plan for any municipality must be created, however bike paths and public facilities for bicycle use on road reserves must meet various standards for safety and liability reasons.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The Town of Cottesloe Future Plan 2006-2010 provides for bicycle use.

Objective 1 – Protect and enhance the lifestyle of residents and visitors.

Strategy 1.1 states "Develop an integrated transport strategy that includes park and ride, Cott Cat, Travelsmart, limited parking and the needs of pedestrians, cyclists and other non-vehicle traffic"; and in

Objective 3 – Enhance beach access and the foreshore.

Strategy 3.5 states "Improve bicycle and disabled access to beach facilities".

FINANCIAL IMPLICATIONS

No specific budget allocation exists in the 2008/09 budget regarding new bike path improvements or works.

The cost of the study was covered 50/50 by DPI plus Council, for a budget cost in 2007/08 of \$30,000.

BACKGROUND

The Western Suburbs Bike Plan was adopted by Cottesloe, Claremont and Nedlands municipalities in 1999. The actions and strategies proposed covered all three Council areas. Since that time, a large variety of works have been undertaken by the three Councils to achieve the original objectives. Roadworks, Blackspot improvement and other developmental changes to the road reserves have improved conditions for cyclists. However, in some cases, such works have raised a variety of complaints by cyclist with requests for improvements.

In some cases, State Government promises have not been met regarding strategic cycling improvements. An example is the failure to complete the Principal Shared Path route beyond Grant Street to Fremantle, regardless of MRWA and Government Commitments for completion of this strategic link.

Since 1999, there has been a growth in community objectives regarding the need to reduce the reliance on powered vehicles for travel needs, population growth has both increased the number of vehicles on the road system as well as increasing the demand for improved alternative transport facilities and recently, the rapidly increasing fuel cost is pushing the need for more and safer provisions for cyclists.

The Town of Cottesloe has a variety of sustainability, Travelsmart and Integrated Transport commitments all of which promote the need to reduce powered vehicle reliance and increase alternative transport modes.

Annual cycling grants through DPI have tapered off in the past two years, mainly due to a lack of forward vision which, in turn, relies on an applicable Cycle Plan.

Once this plan has been finalised and adopted, the potential increases for successful grant income form DPI to achieve the plans objectives in Cottesloe.

CONSULTATION

This report presents the results of a public consultation effort to receive comments on the draft Town of Cottesloe Bike Plan 2008-2013.

STAFF COMMENT

Only one response was received during the advertised period for response, from a council staff member. Those comments were:

1. More bike racks needed at the beach foreshore, especially near Indianas, and at the Civic Centre.
2. Bike path extensions needed down Curtin Avenue

3. Better links needed between Curtin Avenue and Marine Parade for cyclists.

Items 1 and 3 could be incorporated into a 5 year program for small to medium scale projects to extend and enhance bike facilities in Cottesloe. The need for the Principal Shared Path, which runs from the Perth CBD to Grant Street, to be extended through Cottesloe towards Fremantle is acknowledged and is probably the most strategic of all bike plan proposals.

It is also the most expensive and will rely on major State Government funding as well as a 'final solution' being agreed on and built, for West Coast Highway extension including the Eric Street and Jared Street crossing.

Two other major projects can be considered for further study, to be included in a 5 year program. These are the widening of the dual use path along the west side of Marine Parade (possibly on a new alignment to deal with climate change) and the widening of the Forest Street footpath to dual use status. Both sections would require funding aids from government grant sources and a construction period of several years.

The other large proposal in terms of strategic change, is the proposal to remove a line of parking bays along Marine Parade, either the east or west side and convert that space into a permanent provision for cyclists and pedestrians.

This is not seen as a high priority need in the near future. The widening of the existing dual use path would create extra capacity for the increasing use by pedestrians and cyclists. Parking is at a premium at the Cottesloe Beach Foreshore and the loss of one full line of parking bays on that street would be seen by many as a major loss.

At this stage, it is proposed that a 5 year plan for cycle path improvements would not initially include the replacement of one line of parking bays in Marine Parade with a cycle/pedestrian facility

VOTING

Simple Majority

2.2 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Dan Cunningham, seconded Cr Victor Strzina

That Council resolve to:

- (1) **Adopt the Town of Cottesloe Bike Plan 2008-2013, unchanged, with the document to be the basis of a 5 year plan for cycling facilities to be provided to Council in February 2009.**
- (2) **Have the first 5 year plan for cycling facilities address the works listed under “Potential Improvements to Existing Facilities” in the Bike Plan plus give consideration under “Proposed Major Improvements/Studies to the widening of the existing Marine Parade dual use path and the provision of a 3m wide shared use path in Forest Street from Curtin Avenue to Marine Park.**

Carried 5/0

3 FINANCE**3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 OCTOBER, 2008**

File No: SUB/137
Attachment(s): [Statutory Financial Statements](#)
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 31 October, 2008
Senior Officer: Mr Laurie Vicary

SUMMARY

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 October, 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 operating surplus of \$150,571 as at 31 October 2008. Operating Revenue is ahead of budget by \$43,494 (1%). Operating Expenditure is \$8,192 (0.02%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 31 October 2008 is shown on pages 7 & 8.

Expenditure is virtually on budget. There are two minor variances: lower than budgeted expenditure on road maintenance in the area of Transport (\$45,284) and higher Parks and Reserves Maintenance costs (\$56,178) for Recreation & Culture. Revenue has one timing difference under Community Amenities where the Quarterly

waste debtors were budgeted to go out at the start of the quarter instead of our actual practice of sending them out at the end of the quarter.

The Capital Works Program is listed on pages 20 to 21 and shows total expenditure of \$1,254,753 compared to budget \$1,853,597. The other items of capital are budgeted with some timing differences causing the variance.

VOTING

Simple Majority

3.1 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Dan Cunningham, seconded Cr Victor Strzina

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 October, 2008, as submitted to the 18 November, 2008 meeting of the Works and Corporate Services Committee.

Carried 5/0

3.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 31 OCTOBER, 2008

File No: SUB/150 & SUB/151
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 31 October, 2008
Senior Officer: Mr Laurie Vicary

SUMMARY

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 31 October, 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 15 of the Financial Statements shows that \$4,478,188.25 was invested as at 31 October, 2008

Reserve Funds make up \$2,440,040.49 of the total invested and are restricted funds. Approximately 35% of the funds are invested with the National Australia Bank, 34% with Bank of Queensland, 24% with BankWest and 7% with the Commonwealth Bank.

The Schedule of Loans on page 16 shows a balance of \$211,191.38 as at 31 October, 2008. There is \$133,263.86 included in this balance that relates to self supporting loans.

VOTING

Simple Majority

3.2 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Dan Cunningham, seconded Cr Victor Strzina

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 31 October, 2008, as submitted to the 18 November, 2008 meeting of the Works and Corporate Services Committee.

Carried 5/0

3.3 ACCOUNTS FOR THE PERIOD ENDING 31 OCTOBER, 2008

File No: SUB/144
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 31 October, 2008
Senior Officer: Mr Laurie Vicary

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 31 October, 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 xx of the Financial Statements:

- \$14,595.77 to WA Local Govt Super Fund for staff deductions
- \$10,102.25 to Synergy power usage in August and September 2008
- \$17,056.01 to WA Local Govt Super Fund for staff deductions
- \$14,859.52 to ATO for FBT instalment
- \$11,011.00 to CEMEX for soakwells, slabs & side entry frames
- \$106,821.00 to Shire of Peppermint Grove for quarterly library contributions
- \$16,510.34 to B & N Waste for greenwaste collection in September 2008
- \$25,814.12 to WMRC for disposal and tipping fees
- \$360,723.13 to KMC Group for progress claim for construction at the Civic Centre
- \$28,545.00 to Claremont Asphalt for soakwell installation
- \$23,254.00 to TAPSS for 6 months contribution
- \$13,345.45 to WATC for loan repayment

- \$38,072.73 to transpacific Cleanaway for rubbish collection September 2008
- \$380,000.00 to Sea View Golf Club for the self supporting loan
- \$72,005.41 to ProCott for Special Area Rate monies from y/e 30/6/2008
- \$61,698.39 to Roads 2000 for laying red asphalt on Knowles & Forest St
- \$13,233.36 to Shire of Peppermint Grove for joint library project
- \$25,465.00 to ProCott for grant for festive lights in town centre
- \$206,182.91 for staff payroll

VOTING

Simple Majority

3.3 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Dan Cunningham, seconded Cr Victor Strzina

That Council receive the List of Accounts for the period ending 31 October, 2008, as submitted to the 18 November, 2008 meeting of the Works and Corporate Services Committee.

Carried 5/0

3.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD ENDING 31 OCTOBER, 2008

File No: SUB/145
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 31 October, 2008
Senior Officer: Mr Laurie Vicary

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 31 October, 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 17 to 18 of the Financial Statements shows a balance of \$207,004.79 of which \$83,416.48 relates to the current month. The balance of aged debt greater than 30 days stood at \$123,588.31 of which \$87,187.14 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 19 of the Financial Statements shows a balance of \$2,065,984.52. Of this amount \$234,313.85 and \$314,641.73 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 \$1,831,670 in 2008 compared to \$1,435,887 last year.

VOTING

Simple Majority

3.4 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Dan Cunningham, seconded Cr Victor Strzina

That Council:

- (1) **Receive and endorse the Property Debtors Report for the period ending 31 October, 2008; and**
- (2) **Receive the Sundry Debtors Report for the period ending 31 October, 2008.**

Carried 5/0

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**4.1 ALBION HOTEL – APPLICATION FOR EXTENDED TRADING PERMIT**

File No: 535 Stirling Highway, Cottesloe
Author: Ms Ruth Levett
Author Disclosure of Interest: Nil
Report Date: 14 November, 2008
Senior Officer: Mr Laurie Vicary

SUMMARY

The purpose of the report is to advise of the application by the Albion Hotel for an ongoing Extended Trading Permit (ETP). It is recommended that an Intervention be lodged with the Department of Racing, Gaming & Liquor.

STATUTORY ENVIRONMENT

The Liquor Control Act 1988 Part 3, Division 7, S69 (7) states:

- (7) *A local government to which subsection (4)(b) refers may intervene in proceedings before the licensing authority for the purpose of introducing evidence or making representations —*
- (a) *as to whether premises are suitable to be, or to continue to be, licensed or the subject of a permit;*
 - (b) *as to whether a proposed alteration to, or redefinition of, licensed premises should be approved; and*
 - (c) *on the question of whether, if a particular application were granted, persons who reside, work or worship in the vicinity would be likely to suffer undue offence, annoyance, disturbance or inconvenience,*
- and may submit a report to the licensing authority on those matters.*

POLICY IMPLICATIONS

Liquor (Licensed Premises) Policy

Council will have regard to this policy when:

- (b) *Considering a request to intervene or raise objections to any licensed premises operating under the requirements of the Liquor control Act 1988.*

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

An application for an ongoing Extended Trading Permit has been lodged with the Department of Racing, Gaming & Liquor by the Albion Hotel. The hours of the ETP are:

Thursday	from 12.00 midnight to 1.00am Friday
Friday	from 12.00 midnight to 1.00am Saturday
Saturday	from 12.00 midnight to 1.00am Sunday

An Objection or Intervention to the application may be lodged with the Department by Wednesday, 19 November 2008.

A Public Interest Assessment has been submitted with the application and is attached for information, refer Attachment 1.

CONSULTATION

Nil.

STAFF COMMENT

The Albion Hotel has a capacity of 512 patrons, 413 inside and 99 outdoors. Tables and chairs are provided in the majority of the area for seating and for use by patrons consuming food in the restaurant. The remaining areas are a small bar and a pool room and the outdoor enclosed patio area. The ETP application does not include the bottle store.

Entertainment is currently provided by a DJ on Tuesday evenings only when the hotel is required to close at 12.00 midnight.

The hotel has held an Extended Trading Permit since 1991. The hotel has not traded regularly until 1.00am under the current ETP. The purpose of the Permit is to have the flexibility for patrons to commence their evening later and to allow a gradual and orderly dissipation of patrons from the hotel.

Average sales statistics provided by the hotel for the last hour of trading for Friday and Saturday evening are:

a) midnight close	150.62 transactions
b) 1am close	85.25 transactions

The Town has not received any reports of antisocial behaviour that have been directly attributed to the Albion Hotel. A number of complaints have been recorded within the Town Centre:

Date	Location	Complaint
Saturday night 21 June 2008	Clapham Lane side adjacent to carpark entry. 30 Jarrad St	SITK in large hollow type purple crayon. FSCUK in large hollow type purple crayon.
Saturday night 31 May 2008	Power bollard outside Shop 1, 30 Jarrad Street.	White paint tag on green Western Power bollard
Monday 24 March Easter Holiday	corner Jarrad and railway streets	Painted graffitti on white wall of 30 Jarrad St
Saturday 3 February 2007	30 Jarrad St. corner Jarrad and railway streets	Light cover and globe to exterior of building smashed
25 April 2007	29 Napoleon St	Graffiti tag etched/scratched into glass doors
27 March 2007	30 Jarrad St corner Jarrad and railway streets	3 lengths of Stainless steel and screws removed from above planters
Sunday 17 March 2007	30 Jarrad St corner Jarrad and railway streets	Two puncture holes to façade of wall, \$1,500 damage.

The Police have advised that they have not objected to the application for the ongoing ETP and they have no reports of incidents or antisocial behaviour recorded against the Albion Hotel on their records.

In the event that the Council does not support the ongoing of extended trading hours but does not have a body of evidence to support an Objection to the ETP, there is an opportunity to submit comments to the Department of Racing, Gaming & Liquor in the form of an Intervention.

It is therefore recommended that the most appropriate course of action is for the Town to lodge comments by way of an Intervention for the purpose of bringing issues to the attention of the Department of Racing, Gaming & Liquor. In accordance with S69(7)(c) of the Liquor Control Act refers to *"the question of whether, if a particular application were granted, persons who reside, work or worship in the vicinity would be likely to suffer undue offence, annoyance, disturbance or inconvenience"*

The issues to be addressed in the Intervention are:

- *Community need for extended trading hours;*
- *increased vandalism occurring within the Town Centre late at night;*
- *inconsistency with beachfront hotels' closing times;*
- *impact on the community when patrons leave the beach hotels to take advantage of a further hour trading in the Town Centre;*
- *impact on residences in the vicinity of the Albion Hotel;*
- *insufficient history of the hotel's new owners; and*
- *the lack of public transport and impact on drink driving.*

The intervention, Attachment 2, is to be circulated prior to the meeting.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council requests the Administration to submit the attached Intervention to the Department of Racing, Gaming & Liquor for consideration.

4.1 COMMITTEE RECOMMENDATION

Moved Cr Strzina seconded Cr Woodhill

That Council does not support the application by the Albion Hotel for extending trading hours and requests the Administration to submit the attached Intervention to the Department of Racing, Gaming & Liquor for consideration with additional comments supporting Federal and State Government campaigns for the promotion of responsible alcohol consumption and harm minimisation.

Carried 5/0

Ms Ruth Levett left the meeting at 7.40pm

4.2 2008 MAINPEAK PADDLESPORTS BAY 2 BEACH EVENT

Mr Vicary presented correspondence from Canoeing Western Australia Inc to Council requesting permission to setup the finishing area at Cottesloe Beach from 11.30am until 1pm on Sunday November 30th 2008.

This is the third request for an organised beach activity in November and is therefore beyond the authority of the Acting Chief Executive Officer to approve.

4.2 COMMITTEE RECOMMENDATION

Moved Cr Strzina seconded Cr Woodhill

That Council approve the 2008 Mainpeak Paddlesports Bay 2 Beach Paddle event to finish at Cottesloe Beach on Sunday November 30th 2008 at 11.30am with organisers and participants to vacate by 1.00pm.

Carried 5/0

MEETING CLOSURE

The Presiding Officer announced the closure of the meeting at 8.35pm.

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