

# TOWN OF COTTESLOE



## WORKS AND CORPORATE SERVICES COMMITTEE

# MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE  
109 BROOME STREET, COTTESLOE  
7.00 PM, TUESDAY, 21 AUGUST 2012

**CARL ASKEW**  
Chief Executive Officer

11 September 2012

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## WORKS AND CORPORATE SERVICES COMMITTEE

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**1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS**

The Presiding Member announced the meeting opened at 7:00 PM.

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

Nil

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

Nil

**4.2 PUBLIC QUESTIONS**

Nil

**5 PUBLIC STATEMENT TIME**

Mr Colin Svanberg, 71 John Street, Cottesloe, Item 10.2.1, ROW 32B Relocation of Fence. Mr Svanberg addressed Committee and tabled statements from the previous owners of both 71 John Street and 217 Marmion Street who had advised that in their opinion, there were no previous problems with the fence alignment and urged Council to leave the fence where it is. Mr Svanberg requested Councillors to vote against the officer recommendation and stated that in his opinion, moving his fence would not have much effect on the White's, but would have a huge impact on his family. Mr Svanberg continued by commenting that if he was to move his fence to the correct property boundary, the eaves of his property would be outside the fence line and he would also be required to move a pergola and a tree. Mr Svanberg commented that he felt he had been left in the dark with regard to the White's building plans and had he know the potential impact of the situation on his fence, he would have sought a boundary readjustment. Mr Svanberg advised that the fence had been in place for 60 years and in his opinion, the White's could have rectified the situation by adjusting their set back. Mr Svanberg concluded by stating that many fences in Cottesloe are not correctly aligned and in the spirit of community, Council should leave the fence where it is.

Mr David Simenson, 16 Princes Street, Cottesloe, Item 10.2.1, ROW 32B Relocation of Fence. Mr Simenson addressed Committee and circulated a letter addressed to the Town's Chief Executive Officer regarding a building at 14 Princes Street, Cottesloe. Mr Simenson queried the staff comment in the agenda item where it states "*it was recently reported in the local media that Mr Svanberg would not be taking any action unless directed to by Council.*" and queried whether Council made decisions based on what the media reported. Mr Simenson advised that he is in support of the Svanberg's, as his family are

currently going through the same “anger and trauma”. He concluded by stating that his letter was confidential.

## 6 ATTENDANCE

### Present

Cr Rob Rowell	Presiding Member
Mayor Kevin Morgan	
Cr Greg Boland	
Cr Katrina Downes	Deputy Member

### Officers Present

Carl Askew	Chief Executive Officer
Mat Humfrey	Manager Corporate & Community Services
Geoff Trigg	Manager Engineering Services
Christy Watterson	Administration & Governance Officer

### Gallery

Members of the public (3)  
Media (1)

## 6.1 APOLOGIES

Cr Sally Pyvis  
Cr Victor Strzina

### Officer Apologies

Nil

## 6.2 APPROVED LEAVE OF ABSENCE

Nil

## 6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

## 7 DECLARATION OF INTERESTS

Nil

## 8 CONFIRMATION OF MINUTES

Moved Cr Boland, seconded Cr Rowell

[Minutes July 17 2012 Works and Corporate Services Committee.doc](#)

The Minutes of the Ordinary meeting of the Works And Corporate Services Committee, held on 17 July 2012 be confirmed.

Carried 4/0

**9 PRESENTATIONS**

Nil

**9.1 PETITIONS**

Nil

As there were members of the public present, the Presiding Member determined to consider item 10.2.1 ROW 32B – Relocation of Fence first, and then returned to the published order of the agenda.

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

- 10.3.1 Statutory Financial Reports for the Period 1 July 2012 to 31 July 2012
- 10.3.2 List of Accounts Paid For the Month of July 2012
- 10.3.3 Schedule of Investments and Loans as at 31 July 2012
- 10.3.4 Property and Sundry Debtors Report as at 31 July 2012

**9.2 PRESENTATIONS**

Nil

**9.3 DEPUTATIONS**

Nil

## 10 REPORTS

### 10.1 ADMINISTRATION

#### 10.1.1 UPDATE WESTERN METROPOLITAN REGIONAL COUNCIL (WMRC) PROPOSAL FOR CITY OF NEDLANDS MEMBERSHIP

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

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

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#### SUMMARY

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

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

#### Key Issues of this report are:

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

#### Key Implications of this report are:

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

- The negotiations with the City of Nedlands will incur legal and facilitation costs. It may also incur costs to value the WMRC. The WMRC will cover all costs associated with the negotiations.
- Any additional advice, including independent legal advice, sought by Council will not be covered by the WMRC.
- If required, an independent valuation of the WMRC might cost up to \$50,000. The WMRC has not considered how this cost might be distributed.

## BACKGROUND

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

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

At its meeting on 28 May 2012 Council resolved:

*THAT Council:*

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

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

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

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

The WMRC Chief Executive Officer has since met with the Acting Chief Executive Officer of Nedlands and the Chief Executive Officers of all the member Councils to discuss the negotiations, and to propose a more structured process in which all member Councils are involved in the negotiations.

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

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

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

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

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

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

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

## **STRATEGIC IMPLICATIONS**

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

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Nil

**FINANCIAL IMPLICATIONS**

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

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

**SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Nil

**STAFF COMMENT**

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

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

**VOTING**

Simple Majority

**COMMITTEE DISCUSSION**

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

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Cr Rowell, seconded Mayor Morgan**

**THAT Council:**

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

**Carried 4/0**

**10.1.2 FORREST STREET PARKING**

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

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

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**SUMMARY**

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

**BACKGROUND**

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

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

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Town of Cottesloe Parking and Parking Facilities Local Law 2009

**FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

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

**STAFF COMMENT**

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

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

Other points of interest raised in the responses were;

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

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

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

Based on the feedback received Council could consider:

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

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

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

**VOTING**

Simple Majority

**COMMITTEE DISCUSSION**

Committee discussed the report and the attached community feedback received, including the potential option to retain the status quo. It was advised that if the officer

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recommendation is lost and no amendment or alternative recommendation is proposed, then the current parking management regime will continue.

#### **OFFICER RECOMMENDATION**

**Moved Cr Boland, Seconded Mayor Morgan**

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

**EQUALITY 2/2  
CASTING VOTE AGAINST  
LOST 2/3**

**10.1.3 ADOPTION – INVESTMENT OF SURPLUS FUNDS POLICY**

**File No:** POL/7  
**Attachments:** [Policy Investment of Surplus Funds August 2012](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Mat Humfrey  
Manager Corporate Services  
**Proposed Meeting Date:** 21 August 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

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

**BACKGROUND**

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

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

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Local Government (Financial Management) Regulations 1996

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

(1) In this regulation —

***authorised institution*** means —

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

***foreign currency*** means a currency except the currency of Australia.

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

### **FINANCIAL IMPLICATIONS**

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

### **SUSTAINABILITY IMPLICATIONS**

Nil

### **CONSULTATION**

Nil

### **STAFF COMMENT**

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

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

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

### **VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Mayor Morgan, seconded Cr Boland**

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

**Carried 4/0**

**10.1.4 OCEAN RIDE FOR MS**

**File No:** SUB/550-02  
**Attachments:** [Ocean Ride for MS Application](#)  
[Ocean Ride for MS Map](#)  
[Ocean Ride for MS Event Management Plan](#)  
[Ocean Ride for MS Risk Management Plan](#)

**Responsible Officer:** Carl Askew  
Chief Executive Officer

**Author:** Christy Watterson  
Administration and Governance Officer

**Proposed Meeting Date:** 21 August 2012

**Author Disclosure of Interest** Nil

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**SUMMARY**

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

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

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

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

**BACKGROUND**

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

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

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

The ride has been designed with two objectives:

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

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

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

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

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

**STAFF COMMENT**

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

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Cr Boland seconded Cr Downes**

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

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

**Carried 4/0**

**10.1.5 OPEN WATER SWIMMING RACE**

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

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

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**SUMMARY**

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

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

**BACKGROUND**

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

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

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

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Nil

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**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

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

**STAFF COMMENT**

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

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Cr Downes, Seconded Cr Rowell**

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

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

**Carried 4/0**

**10.1.6 OCEAN ADVENTURE TRIATHLON**

**File No:** SUB/550-02  
**Attachments:** [Ocean Adventure Event Application Form](#)  
[Cottesloe Beach Course Map Ocean Adventure](#)  
[Cottesloe Residents Letter Closure of Roads](#)  
[Ocean Adventure](#)

**Responsible Officer:** Carl Askew  
Chief Executive Officer

**Author:** Christy Watterson  
Administration and Governance Officer

**Proposed Meeting Date:** 21 August 2012

**Author Disclosure of Interest** Nil

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**SUMMARY**

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

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

**BACKGROUND**

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

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

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

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

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

The closure of Marine Parade from Curtin Avenue to Napier Street is required for this event. In 2012 a dedicated access lane for residents of Overton Gardens and

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Warnham Road was implemented. This will be enhanced for 2013 with additional Marshals at the access points, and a specific letter to the affected residents detailing the Unimpeded Access plan (attached) will be sent out.

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

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

### **STRATEGIC IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

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

### **STATUTORY ENVIRONMENT**

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

### **FINANCIAL IMPLICATIONS**

Nil

### **SUSTAINABILITY IMPLICATIONS**

Nil

### **CONSULTATION**

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

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

### **STAFF COMMENT**

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

### **VOTING**

Simple Majority

**OFFICER RECOMMENDATION****Moved Cr Downes, Seconded Cr Rowell**

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

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

**AMENDMENT****Moved Cr Rowell, Seconded Mayor Morgan**

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

**Carried 4/0**

**COMMITTEE RECOMMENDATION**

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

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

**AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 4/0**

**10.1.7 HBF ROTTNEST CHANNEL SWIM**

**File No:** SUB/ 550-02  
**Attachments:** [HBF Event Application Form](#)  
[HBF Proposed Cottesloe Beach Set Up](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Christy Watterson  
Administration and Governance Officer  
**Proposed Meeting Date:** 21 August 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

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

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

**BACKGROUND**

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

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

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

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

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

**STRATEGIC IMPLICATIONS**

Nil

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**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

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

**STAFF COMMENT**

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

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Mayor Morgan, seconded Cr Rowell**

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

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

**AMENDMENT**

**Moved Mayor Morgan, Seconded Cr Rowell**

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

**Carried 4/0**

**COMMITTEE RECOMMENDATION**

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

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

**AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 4/0**

**10.1.8 HULLABALOO 2012**

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

**Responsible Officer:** Carl Askew  
Chief Executive Officer

**Author:** Christy Watterson  
Administration and Governance Officer

**Proposed Meeting Date:** 21 August 2012

**Author Disclosure of Interest** Nil

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**SUMMARY**

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

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

**BACKGROUND**

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

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

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

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

This year's event has been thoughtfully planned to be different in nature and feel, in comparison to previous events, with an expected turnout of 15,000 people over the course of the day. The Festival is designed to have more of an 'arts feel', with various

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stands running East to West down Napoleon Street (as per the attached map). Suitable Certificates of Currency for Public Liability Insurance are required to be presented before the event.

### **STRATEGIC IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **STATUTORY ENVIRONMENT**

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

### **FINANCIAL IMPLICATIONS**

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

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

### **SUSTAINABILITY IMPLICATIONS**

Nil

### **CONSULTATION**

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

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

### **STAFF COMMENT**

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

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

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

Some negative feedback was received by retailers regarding the noise levels generated by the entertainment and as a result this years event will not include any

bands. In 2010 complaints were received regarding a lack of available parking, this occurred even though the event was promoted as an opportunity to ride by train or cycle in all advertisements. To counteract this, only Napoleon Street will be closed this year to allow for parking in Station Street and existing car parks.

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

## **VOTING**

Simple Majority

## **OFFICER & COMMITTEE RECOMMENDATION**

**Moved Cr Rowell, Seconded Mayor Morgan**

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

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

**Carried 4/0**

## 10.2 ENGINEERING

### 10.2.1 ROW 32B – RELOCATION OF FENCE

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

**Responsible Officer:** Carl Askew  
Chief Executive Officer

**Author:** Carl Askew  
Chief Executive Officer

**Proposed Meeting Date:** 21 August 2012

**Author Disclosure of Interest** Nil

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### SUMMARY

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

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

### BACKGROUND

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

### STRATEGIC IMPLICATIONS

Nil

### POLICY IMPLICATIONS

Council's Rights of Way / Laneways Policy applies

### STATUTORY ENVIRONMENT

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

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

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

- (1) *A local government may give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that —*
- (a) *is prescribed in Schedule 3.1, Division 1; or*
  - (b) *is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2.*
- (2) *Schedule 3.1 may be amended by regulations.*
- (3) *If the notice is given to an occupier who is not the owner of the land, the owner is to be informed in writing that the notice was given.*
- (4) *A person who is given a notice under subsection (1) is not prevented from complying with it because of the terms on which the land is held.*
- (5) *A person who is given a notice under subsection (1) may apply to the State Administrative Tribunal for a review of the decision to give the notice.*
- (6) *A person who fails to comply with a notice under subsection (1) commits an offence.*

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

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

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

**OBSTRUCTING OR ENCROACHING ON PUBLIC THOROUGHFARE**

- (1) *Regulations may be made about the obstruction of public thoroughfares by things that —*
- (a) *have been placed on the thoroughfare; or*
  - (b) *have fallen from land or fallen from anything on land.*
- (2) *Regulations may be made to ensure that structures and plants do not encroach on a public thoroughfare.*

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

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

(2) *If anything falls from land, or from anything on land, onto a public thoroughfare and obstructs it, a person who is the owner or occupier of the land commits an offence if the person fails to remove the obstruction when requested by the local government to do so.*

(3) *The penalty for an offence against subregulation (1) or (2) is a fine of \$1,000.*

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

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

(1) *A person who is the owner or occupier of land and, without lawful authority*

—  
(a) *erects on the land a structure that encroaches upon a public thoroughfare; or*

(b) *permits a tree or other plant growing on the land to encroach upon a public thoroughfare,*

*commits an offence if the person fails to remove the structure or plant, to the extent that it is encroaching, when requested by the local government to do so.*

## **FINANCIAL IMPLICATIONS**

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

## **SUSTAINABILITY IMPLICATIONS**

Nil

## **CONSULTATION**

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

## **STAFF COMMENT**

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

**VOTING**

Simple Majority

**COMMITTEE DISCUSSION**

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

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

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

**OFFICER RECOMMENDATION****Moved Cr Rowell, Seconded Cr Downes**

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

**AMENDMENT****Moved Mayor Morgan, Seconded \_\_\_\_\_**

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

**MOTION LAPSED FOR WANT OF A SECONDER**

**AMENDMENT****Moved Cr Boland, Seconded \_\_\_\_\_**

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

**MOTION LAPSED FOR WANT OF A SECONDER**

**AMENDMENT**

Moved Cr Rowell, Seconded Cr Downes

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

Carried 4/0

**COMMITTEE RECOMMENDATION**

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

**AMENDED SUBSTANTIVE MOTION WAS PUT**

Carried 4/0

**10.2.2 REVIEW OF POLICY - RESIDENTIAL VERGES**

<b>File No:</b>	<b>POL/46</b>
<b>Attachments:</b>	<a href="#">Current Residential Verges Policy</a> <a href="#">Proposed Changes Residential Verges August 2012</a> <a href="#">Local Government Uniform Local Provisions Regulations 1996</a>
<b>Responsible Officer:</b>	<b>Carl Askew</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Geoff Trigg</b> <b>Manager Engineering Services</b>
<b>Proposed Meeting Date:</b>	<b>21 August 2012</b>
<b>Author Disclosure of Interest</b>	<b>Nil</b>

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**SUMMARY**

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

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

This item provides that review.

**BACKGROUND**

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

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

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

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

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Council's current Residential Verges Policy includes –

“(h) The construction of tree houses, tree swings and the installation of play structures is not considered appropriate within the road reserve due to safety issues.

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

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

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

McLeods  
LGIS (JLT)  
Other local authorities

**STAFF COMMENT**

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

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

“Species Selection” and “Procedure” are still applicable and require no changes.

Under “Landscape Design”, part (XVI) applies to play equipment and other fixed structures on road verges, which may require modification.

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

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

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

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

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

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

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

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

When relating this back to the Residential Verges policy,

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

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

## **VOTING**

Simple Majority

## **COMMITTEE DISCUSSION**

Mayor Morgan commented that whilst the recommendation presented a solution to the situation, it is unlikely residents will be able to obtain an insurance policy for their verge. The Mayor continued by stating that the law would not allow Council to absolve or remove responsibility for its verges, and commented that there needed to be a mechanism to facilitate the situation. Committee discussed the increase in large houses on small blocks with little backyard. Cr Downes commented that the Town had many great playgrounds in the area, and streets should not be viewed by children as a play area, as streets are for cars and cars can cause damage. The Mayor tabled an amendment to the officer recommendation for consideration by Committee.

## **OFFICER RECOMMENDATION**

### **Moved Mayor Morgan, seconded Cr Boland**

THAT Council:

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

- d) Before any private play equipment is approved by Council, the person requesting installation on a road verge will, at their own expense, have the item inspected by an approved company or person to ensure the item meets the applicable Australian Standard. This item will be required to be inspected annually, i.e. the same interval as Council's playground inspections.

#### **AMENDMENT**

**Moved Mayor Morgan, seconded Cr Boland**

**That a new point (3) be added that reads "Submit to the Premier, the appropriate State Minister(s) and WALGA that the State Government investigate means by which residential streets and verges could be better utilised for recreation by surrounding residents, including the possibility of giving pedestrians the right of way on visibly identified streets used by local traffic only and not by through-traffic (such as green bitumen designating the whole street is in effect similar to a cross-walk) and/or allowing all property owners in a street to form an incorporated body to fund, control and insure developments on their street's verge."**

**EQUALITY 2/2  
CASTING VOTE AGAINST  
LOST 2/3**

#### **AMENDMENT**

**Moved Mayor Morgan, seconded Cr Boland**

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

**CARRIED 4/0**

**COMMITTEE RECOMMENDATION****THAT Council:**

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

**AMENDED SUBSTANTIVE MOTION WAS PUT****Carried 4/0**

**10.2.3 EXTRA BLACKSPOT APPROVAL FOR 2012/2013**

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

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**SUMMARY**

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

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

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

The recommendation is that Council:

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

**BACKGROUND**

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

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

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

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

### **STRATEGIC IMPLICATIONS**

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

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

### **POLICY IMPLICATIONS**

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

### **STATUTORY ENVIRONMENT**

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

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

**FINANCIAL IMPLICATIONS**

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

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

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

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

**STAFF COMMENT**

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

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

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

**VOTING**

Absolute Majority – Budget Change

**OFFICER & COMMITTEE RECOMMENDATION****Moved Mayor Morgan, seconded Cr Rowell****THAT Council:**

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

**Carried 4/0**

**10.2.4 CONTRIBUTION TO LANDSCAPING OF MARMION STREET PRE-PRIMARY SITE**

**File No:** SUB/985  
**Attachments:** [Council Minutes July 23 2012](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Proposed Meeting Date:** 21 August 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

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

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

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

**BACKGROUND**

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

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

**STRATEGIC IMPLICATIONS**

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

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Nil

**FINANCIAL IMPLICATIONS**

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

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

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

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

**STAFF COMMENT**

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

**VOTING**

Absolute Majority – Budget Change

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Mayor Morgan, seconded Cr Boland**

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

**Carried 4/0**

## **10.3 FINANCE**

### **10.3.1 STATUTORY FINANCIAL REPORTS FOR THER PERIOD 1 JULY 2012 TO 31 JULY 2012**

**File No:** SUB/137  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 21 August 2012  
**Author Disclosure of Interest** Nil

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#### **SUMMARY**

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

#### **BACKGROUND**

Nil

#### **STRATEGIC IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **STATUTORY ENVIRONMENT**

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

#### **FINANCIAL IMPLICATIONS**

Nil

#### **SUSTAINABILITY IMPLICATIONS**

Nil

#### **CONSULTATION**

Nil

#### **STAFF COMMENT**

The Statement of Financial Activity on page 1 of the attached Financial Statements shows a favourable operating revenue of \$64,283 against year to date budgeted revenue. Operating expenditure is \$437,983 or 44% less than year date budget, however depreciation has yet to be run for July 2012. Material variances are outlined

on pages 7 to 9 of the attached Financial Statements. Capital expenditure is reported in detail on pages 28 to 31 of the attached Financial Statements, any negative values here relate to accrued expenses from the prior financial year.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Cr Rowell, seconded Mayor Morgan**

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

**Carried 4/0**

**10.3.2 LIST OF ACCOUNTS FOR THE MONTH OF JULY 2012**

**File No:** SUB/137  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 21 August 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

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

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

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

- \$24,035.00 to the City of Nedlands being Council's contribution towards road rehabilitation works at North Street.
- \$27,279.89 to Cobblestone Concrete for various footpath works.
- \$76,177.50 to Car Parking Technologies Ltd for the extension of the SmartEye network.

- \$20,845.00 to West Coast Shade for the installation of a shade sail at the Civic Centre playground.
- \$29,573.30 to Mayor K Morgan for outstanding elected member fees and allowances.
- \$51,526.20 to FJ Fitzsimmons & Co for car park works at Napier Street.
- \$84,486.63 to LGISWA for Council's insurances.
- \$25,069.00 to Civica Pty Ltd for annual software licence fees
- \$29,582.29 to WMRC for waste disposal fees.
- \$26,496.14 to Ocean IT for IT network upgrades and licence fees.
- \$97,688.02 and \$75,065.29 to Town of Cottesloe staff for fortnightly payroll.
- \$200,000.00 and \$100,000.00 to the Town of Cottesloe Investment Account held with National Australia Bank.

### **VOTING**

Simple Majority

### **OFFICER & COMMITTEE RECOMMENDATION**

**Moved Cr Rowell, seconded Mayor Morgan**

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

**Carried 4/0**

**10.3.3 SCHEDULES OF INVESTMENTS AND LOANS AS AT 31 JULY 2012**

**File No:** SUB/150 & SUB/151  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 21 August 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

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

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

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

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

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Cr Rowell, seconded Mayor Morgan**

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

**Carried 4/0**

**10.3.4 PROPERTY AND SUNDRY DEBTORS REPORTS AS AT 31 JULY 2012**

**File No:** SUB/145  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 21 August 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Property and Sundry Debtors Reports as included in the attached Financial Statements, to Council.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Sundry Debtors Report on pages 22 to 26 of the attached Financial Statements shows a balance of \$133,696.52. Of this amount, \$123,278.03 relates to the current month. The balance of aged debtors is \$10,418.49.

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

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

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

**Carried 4/0**

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

Nil

**12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:****12.1 ELECTED MEMBERS**

Nil

**12.2 OFFICERS**

Nil

**13 MEETING CLOSED TO PUBLIC**

Nil

**13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil

**13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC**

Nil

**14 MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 8:05 PM.

*CONFIRMED: PRESIDING MEMBER* \_\_\_\_\_ *DATE: .../... /...*