

TOWN OF COTTESLOE



WORKS AND CORPORATE SERVICES COMMITTEE

MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
6.00 PM, TUESDAY, 29 APRIL 2014

CARL ASKEW
Chief Executive Officer

1 May 2014

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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 6:00 AM.

2 DISCLAIMER

The Presiding Member drew attention to the town's 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**6 PUBLIC STATEMENT TIME**

Mr Mark Powell, 43 Lyon Street, Cottesloe – Re. Item 10.2.2 - North Cottesloe Primary School - Request for Crossing Island - Eric Street Opposite the Scout Hall, Cottesloe

Mr Powell addressed Committee and provided background information to the crossing island request, including highlighting the location and link to Charles Street and the Walking School bus as well as the safety concerns with crossing closer to or at Eric Street.

The school's advice from the Department of Transport and Main Roads was that the proposed location was the best location with clear views and sight lines as opposed to at the traffic lights. The school's primary goal was to address safety concerns for children walking to school.

Ms Kirsty Barrett, 45 John Street, Cottesloe – Re. Item 10.2.2 - North Cottesloe Primary School - Request for Crossing Island - Eric Street Opposite the Scout Hall, Cottesloe

Ms Barrett advised of numerous surveys and studies conducted by the Road Safety Committee in support of their application for Crosswalk attendant to assist children walking to school. Current numbers for that location support a type B rather than type A application which requires the community to fund the crossing guard however with the proposed island the estimated number of

children crossing will increase. In addition the number of vehicles at the location far exceeds the numbers required to support such a crossing guard. The school has approximately 400 students of which 100 (one quarter) live in this catchment area and are encouraged to walk to school. Internal school surveys of parents indicate that the number of students allowed to use the crossing will increase if the proposed island is installed.

Ms Clair Poll, Cottesloe – Re. Item 10.2.2 - North Cottesloe Primary School - Request for Crossing Island - Eric Street Opposite the Scout Hall, Cottesloe

Ms Poll referred to the diagram of the crossing as provided in the attachments and highlighted the minimal effect on resident driveways and vehicle access. In addition the widening of the road will be on the southern side away from residents. The school's aim is not to upset residents but to make the crossing safer for children going to school. The proposed island will become an extension of the walk to school bus route. Eric Street is a busy road with significant traffic volumes. The crossing island will enable children to cross in safety and will also assist children attending the new scout hall from the school. She requested that Committee support the officer recommendation.

Ms Dani Lye, 11 Athelstan Road, Cottesloe – Re. Item 10.2.2 - North Cottesloe Primary School - Request for Crossing Island - Eric Street Opposite the Scout Hall, Cottesloe

Ms Lye spoke as a long term resident and sole parent with three children. In her opinion the walk to school route is a safe one except for the Eric Street crossing. Having made the walk herself she has observed car behaviour and speed as they approach the Curtin Avenue intersection and concluded that a central island to assist crossing is essential as well as potentially changing (slowing) vehicle speeds. She indicated that she knows other parents who would like their kids to walk to school on their own but consider it too dangerous at present. A crossing island will ease their concern.

7 ATTENDANCE

Present

Mayor Jo Dawkins (Presiding Member)
Cr Helen Burke
Cr Peter Jeanes
Cr Katrina Downes (Deputy Member)
Cr Jay Birnbrauer (Deputy Member)

Officers Present

Mr Carl Askew	Chief Executive Officer
Mr Mat Humfrey	Manager Corporate & Community Services
Mr Geoff Trigg	Manager Engineering Services
Mrs Lydia Giles	Executive Officer

7.1 APOLOGIES

Cr Sally Pyvis
Cr Philip Angers

Officer Apologies

Nil

7.2 APPROVED LEAVE OF ABSENCE

Cr Robert Rowell

7.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8 DECLARATION OF INTERESTS

Nil

9 CONFIRMATION OF MINUTES

Moved Cr Burke, seconded Cr Jeanes

[Minutes March 18 2014 Works and Corporate Services Committee.docx](#)

The Minutes of the Ordinary meeting of the Works And Corporate Services Committee, held on 18 March 2014 be confirmed.

Carried 5/0

10 PRESENTATIONS**10.1 PETITIONS**

Nil

10.2 PRESENTATIONS

Nil

10.3 DEPUTATIONS

Nil

For the benefit of the members of the public present, the Presiding Member determined to consider item 10.2.2 - North Cottesloe Primary School - Request for Crossing Island - Eric Street Opposite the Scout Hall, Cottesloe, then returned to the published order of the agenda.

11 REPORTS

11.1 ADMINISTRATION

11.1.1 SPECIAL ELECTORS MEETING 26 MARCH 2014 - CONFIRMATION OF MINUTES

File Ref:	SUB/19
Attachments:	Minutes Town of Cottesloe Special Electors Meeting 26 March 2014
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Carl Askew Chief Executive Officer
Proposed Meeting Date:	05 May 2014
Author Disclosure of Interest	Nil

SUMMARY

A recommendation is made that Council receive the minutes of the Special Electors Meeting held on Wednesday 26 March 2014 and note that there were three motions from the floor that were recorded by administration.

BACKGROUND

The minutes of the Special Electors Meeting are attached. Aside from the Mayor, Councillors and Senior Staff, approximately 140 electors and visitors from surrounding areas attended the meeting held in the Town's War Memorial Town Hall.

STRATEGIC IMPLICATIONS

Objective 7: Organisation Development

To effectively manage Council's resources and work processes.

- Deliver high quality professional governance and administration

POLICY IMPLICATIONS

Nil

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.

5.28. Electors' special meetings

- (1) A special meeting of the electors of a district is to be held on the request of not less than —
- (a) 100 electors or 5% of the number of electors —whichever is the lesser number; or
 - (b) $\frac{1}{3}$ of the number of council members.
- (2) The request is to specify the matters to be discussed at the meeting and the form or content of the request is to be in accordance with regulations.
- (3) The request is to be sent to the mayor or president.
- (4) A special meeting is to be held on a day selected by the mayor or president but not more than 35 days after the day on which he or she received the request.

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.

5.30. Who presides at electors' meetings

- (1) The mayor or president is to preside at electors' meetings.
- (2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at an electors' meeting in accordance with that section.
- (3) If the circumstances mentioned in section 5.34(a) or (b) apply and —
- (a) the office of deputy mayor or deputy president is vacant; or
 - (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,

then the electors present are to choose one of the councillors present to preside at the meeting but if there is no councillor present, able and willing to preside, then the electors present are to choose one of themselves to preside.

5.31. Procedure for electors' meetings

The procedure to be followed at, and in respect of, electors' meetings and the methods of voting at electors' meetings are to be in accordance with regulations.

5.32. Minutes of electors' meetings

The CEO is to —

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

5.33. Decisions made at electors' meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —
 - (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose,whichever happens first.
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

The Special Electors meeting was called by a number of residents through the completion of a Form 1 which was attached to the agenda for the meeting.

STAFF COMMENT

Section 5.32 of the Local Government Act 1995 requires the CEO to "...cause minutes of the proceedings at an electors' meeting to be kept and preserved; and ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered."

Minutes of the Special Electors meeting held on the 26 March 2014 are attached to this report for consideration and receipt.

Section 5.33 of the Local Government Act 1995 requires that all decision made at an electors meeting are to be considered at the next ordinary Council meeting where practicable. If Council makes a decision in response to a decision made at an electors meeting, then the reasons for the decision are to be recorded in the minutes of the Council meeting.

Council is advised that there were three motions recorded at the Electors meeting as follows;

1. *That Council hold a referendum of all residents with the question 'Do you want Cottesloe to remain an independent Council?'*

Officer comment: This matter is addressed in a separate report within the Council agenda.

2. *That Cottesloe Council remains an independent Council*

Officer comment: This is a statement and is linked to the first recommendation above. The intent is noted.

3. *That Cottesloe Council request a meeting of WESROC to consider joint legal action in relation to the Minister's Reform Agenda.*

Officer comment: This matter was listed for consideration at the WESROC Executive in April and copies of Professor Webb's submission and supporting papers were circulated. The Mayor has written to her respective WESROC counterparts to consider the matter.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Birnbrauer, seconded Cr Jeanes

THAT Council receive the minutes of the Special Electors Meeting held on 26 March 2014 as attached to the Works and Corporate Committee agenda

Carried 5/0

11.1.2 COMMUNITY CONSULTATION – LOCAL GOVERNMENT REFORM

File Ref: SUB/1647
Attachments: [Policy Community Consultation](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer
Proposed Meeting Date: 29 April 2014
Author Disclosure of Interest Nil

SUMMARY

This report responds to the recent Electors meeting in relation to community consultation regarding local government reform and specifically a recommendation from the meeting of 26 March 2014 which was; *that Council hold a referendum of all residents with the question “Do you want Cottesloe to remain an independent Council?”*

This report recommends that Council support the undertaking of a consultation process in order to confirm the community’s current views in relation to local government reform.

BACKGROUND

The background to the local government reform issue is well known to Council and it was last considered in February 2014 and December 2013, as well as discussed at the recent Annual Meeting of Electors (AGM) and Electors meeting.

In December 2013 Council resolved as follows:

THAT Council;

- 1. Not support the Minister for Local Government’s single local government amalgamation proposal for the Councils of the western suburbs (G7).*
- 2. Reaffirm Council’s previously resolved position, including a preparedness to consider an amalgamation with the Towns of Claremont and Mosman Park and the Shire of Peppermint Grove (plus associated boundary adjustments) and subject to community endorsement.*
- 3. Authorise the Mayor and CEO to continue to discuss and explore amalgamation options with the Councils of the western suburbs.*
- 4. Provide in principle support for a “two Council” model for the western suburbs in preference to the Minister’s G7 model, should the proposal for a G4 (preferred) not be accepted.*
- 5. Notify the Minister for Local Government and Local Government Advisory Board of Council’s position*

In June 2011 the Minister for Local Government announced a review of local government boundaries in the Perth metropolitan area and appointed a high level independent Panel to examine the social, economic and environmental challenges facing Perth. The Metropolitan Local Government Review Panel (Robson Panel) finalised their report to the Minister for Local Government in July 2012.

After consideration by the Minister the final report was released for an extended public comment period with the closing date set for 5 April 2013, after the State elections. The Department for Local Government undertook consideration of the feedback received and the Minister subsequently announced an amended plan for the Perth metropolitan area with a request for individual Councils to make submissions to the Local Government Advisory Board by 4 October 2013.

The proposed changes to local government in the metropolitan area were significant in scale with only a few councils not affected by the Government's proposal. All the newly proposed Councils will be large, with most populations approximately 100,000, and with some LGA's being considerably more. It is proposed that Cottesloe be merged with the six western suburbs councils, being the largest number of councils amalgamated (G7). Most other merger proposals are based on "two council" mergers or boundary adjustments.

Since that time local government elections have taken place and new Councils have been sworn in. In addition the Minister has reviewed the submissions made by a number of local governments to the Local Government Advisory Board, and has submitted a number of alternative proposals in line with the State Government's plan for reform of metropolitan Perth. The Minister has made it clear that the Government's intention is to proceed with structural reform involving boundary changes to, and amalgamations of, most existing metropolitan local governments. Since the announcement there have been a number of meetings, media statements and comments, and most Councils have formally considered their position.

The Town of Cambridge had previously submitted a proposal to the Local Government Advisory Board for *three Councils* in the Western Suburbs with approximately 35,000 populations each, centered on Cambridge, Subiaco and Claremont (G4). This proposal is still to be formally considered by the LGAB however the Town of Cambridge now considers that the scale of the Government's plans to amalgamate Councils across the metropolitan area with populations around 100,000 has superseded their proposal. It now considers that the population sizes based on their initial proposal would not be large enough to be acceptable to the Government. Therefore the Town of Cambridge has submitted an alternative "*two Council*" model for the western suburbs. Under this model, the Town of Cambridge would be combined with the City of Subiaco and that part of the City of Stirling as proposed in the State Government's merger proposal i.e. Wembley Downs, Churchlands and part of Woodlands as well as Herdsman and that part of Wembley currently not in the Town of Cambridge. The southern council would include the remaining five western suburbs councils (City of Nedlands plus G4). The population of these two councils would be about 55,000 each.

In addition the Town of Claremont has made a submission for a G4+, inclusive of the Towns of Claremont, Cottesloe and Mosman Park and the Shire of Peppermint Grove (plus minor boundary adjustments with Swanbourne and Mount Claremont).

As a consequence of the current advertising (Notice of Enquiry) by the LGAB the Town of Mosman Park has submitted a proposal for a G5 amalgamation, being the City of Nedlands, the Towns of Claremont, Cottesloe and Mosman Park and the

Shire of Peppermint Grove. Note: The LGAB will consider all proposals for the metropolitan area including the Minister's own submissions and report their recommendations to the Minister in July 2014.

STRATEGIC IMPLICATIONS

The potential strategic implications of local government reform for Council are significant. Council has recently endorsed the development of a new Community Plan in line with the Framework from the Department of Local Government however any future strategic planning and subsequent action plans will need to address the issue of local government reform.

The recommendations of the Robson Panel together with recent statements by both the Minister for Local Government and the Premier in relation to local government reform, as well as the current Notice of Enquiry by the Local Government Advisory Board (LGAB) has brought into sharp focus the need for the Town to consider its position. Any significant change to existing boundaries or an amalgamation of Councils will require a complete review of all strategic and financial plans and priorities. The reform options as proposed by the Metropolitan Local Government Reform Panel and being considered by the LGAB will see the end of the Town in its current form.

POLICY IMPLICATIONS

Community Consultation Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995 – particularly Section 2.1, Schedule 2.1 and Section 3.1 (2).

Division 1 — Districts and wards

2.1. State divided into districts

- (1) The Governor, on the recommendation of the Minister, may make an order —
 - (a) declaring an area of the State to be a district;*
 - (b) changing the boundaries of a district;*
 - (c) abolishing a district; or*
 - (d) as to a combination of any of those matters.**
- (2) Schedule 2.1 (which deals with creating, changing the boundaries of, and abolishing districts) has effect.*
- (3) The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.1 that the order in question should be made.*

Schedule 2.1 — Provisions about creating, changing the boundaries of, and abolishing districts

[Section 2.1(2)]

DIVISION 1 — GENERAL

3.1. General function

- (1) *The general function of a local government is to provide for the good government of persons in its district.*
- (2) *The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.*
- (3) *A liberal approach is to be taken to the construction of the scope of the general function of a local government.*

Much of the current thinking on structural reform has assumed that a change to existing boundaries would see a simple reduction in the number of local governments in the metropolitan area. However the amalgamation proposals impacting on Cottesloe should be open to challenge under the Poll Provisions of Schedule 2.1 of the *Local Government Act 1995* (known locally as the Dadour Amendment).

FINANCIAL IMPLICATIONS

The proposals being investigated by the Local Government Advisory Board will have a significant financial impact on the Town by potentially incurring substantial transition and implementation costs. To date the State Government has only offered \$200k (conditional) per merger group, to assist with the development and lodgement of a proposal to the LGAB in line with the Minister's proposal (October 2013). These funds were not available for alternate proposals. The State Government has more recently offered up to \$50,000 to assist with reform planning.

No recent work has been attempted on financial modelling for a new local government and much of what transpires will depend upon;

- The size and composition of the new Council
- The level of Government funding to offset merger costs
- Decisions of an incoming Council
- Decisions by an incoming CEO regarding the new organisational structure to implement the Council's decisions.

Overall, the financial implications of change associated with local government reform have the potential to be both significant and dramatic and both the State Government and the respective Councils will need to meet these costs. In the immediate term there will continue to be ongoing human resource costs to Council in responding to the Minister's reform agenda.

The costs of undertaking a community survey, depending upon the processes used, and as discussed in this report, will involve both direct and indirect costs and could range between \$10,000 and \$20,000.

STAFFING IMPLICATIONS

The Local Government Act includes safeguards for most staff during amalgamations. This provides a guarantee of two years employment or relevant compensation. For contracted executive officers the payouts are in some cases limited e.g. the CEO will be limited to a maximum of one year of salary package compensation. As indicated above, there are potentially significant changes in any reform/amalgamation process,

with all staff impacted in some way. Officer time will increase as part of supporting a reform/implementation process and some redundancies will be likely.

SUSTAINABILITY IMPLICATIONS

The final outcome in regard to the implementation of the recommendations of the Metropolitan Review Panel's recommendations as well as the Minister's reform agenda all indicate a potential impact upon Council's future sustainability objectives and plans however until decisions are made the exact impacts and implications are unknown.

CONSULTATION

Consultation has previously occurred with;

- Town of Claremont
- Town of Cambridge
- Town of Mosman Park
- City of Nedlands
- Shire of Peppermint Grove
- City of Subiaco
- WESROC
- Elected Members

The Mayor and CEO have met with the Minister for Local Government and other metropolitan Mayors and CEOs in various forums that have discussed a range of responses to the Minister's/State Government's position on metropolitan local government reform.

COMMUNITY CONSULTATION

Significant community consultation occurred as part of Council's Reform Submission stage (September 2009) including questionnaires to all residential homes and business premises throughout the Town of Cottesloe.

In December 2012 the Town commissioned Catalyse Research and Strategy to undertake a community perspectives survey. This survey was the first step in the production of a Strategic Community Plan, as is now required under the Local Government (Administration) Regulations 1996. Of the themes and questions to come from the survey there was one section on local government reform which included asking residents about their awareness of the issue and community preferences on amalgamation options. From the survey 48% were supportive of a local scale amalgamation involving Mosman Park, Peppermint Grover and Claremont (G4) and a further 9% supportive of a broader amalgamation inclusive of all the western suburbs (North Fremantle to City Beach).

The impact of the merger proposal on the community will be significant. The State Government initially required local governments to submit boundary proposals to the Local Government Advisory Board by October 2013 and the LGAB is now collecting information in relation to all submitted proposals as part of its formal enquiries, with a view to making its final report to the Minister in July 2014.

As part of the Metropolitan Local Government Review process and the current LGAB Notice of Enquiry process there has been a further element of community

consultation with many Councils, community groups and individuals making submissions to the Board.

STAFF COMMENT

The matter of Local Government reform has been an ongoing issue since the Minister's announcement in February 2009 and as a consequence a number of reports have been prepared for Council consideration. The LGAB is in the process of gathering and finalising information as part of its formal enquiry and a number of proposals, which include Cottesloe, have been submitted. The final LGAB report will be presented to the Minister in July 2014.

The recent electors meeting has raised the issue of further community consultation in relation to local government reform. Given the current timing it is likely that whatever process is used to undertake such consultation, any results may not be available to, or considered by, the LGAB and as such could only be forwarded to the Minister should Council seek to use the results to inform the Minister's deliberations.

In 2009 the Town wrote to all residents advising them of the situation at that time, informing them of the Minister's position and requesting feedback by way of a survey. In addition the same survey was placed on the Town's website and residents invited to complete it online. No personal or identifying information was requested and therefore no checking of duplicated responses etc. undertaken. The return rate was approximately 17% (679). As indicated above, in December 2012 the Town commissioned Catalyse Research and Strategy to undertake a community perspectives survey which provided an indication of community preferences on amalgamation options. The survey was a specific and targeted survey of residents to ensure that a stratified and representative sample of the community was attained with a sampling precision of +/- 5% at the 95% confidence interval.

Both or either methods listed above could be undertaken by Council again. In addition Council could seek the services of the WA Electoral Commission to undertake such a survey, and an indicative quote from the WAEC to conduct a community poll has been obtained at \$16,000 and based upon 5,600 electors and a return rate of 40%. In addition there would be additional costs undertaken by the Administration in roll preparation, advertising and staffing in a polling place on Election Day.

The Catalyse type survey would ensure that a representative sample of residents is selected and attained, and specific questions asked, with the operators able to respond to questions at the time. However this method is also relatively expensive and does not allow everyone to have a say. An indicative quote is currently being sourced but, based upon the cost of the 2012 survey, is likely to be in the order of \$15,000.

A community survey can be less expensive if administered "in house" and does have the advantage of being delivered to all residents, but there is less control over the responses i.e. number of returns or who from. It may elicit a response from those strongly for or against a particular perspective and/or may not obtain a response from certain segments of the community i.e. young people. Whilst duplication of forms and/or responses can occur there are processes that can be put in place to manage this issue. If this process is used by Council it may be beneficial to also ask some demographic information (gender, age grouping etc) as well as identifying information

(name, address). In addition Council could use the services of a third party to assist in the process i.e. Australia Post.

In terms of the process and content of the consultation, consideration needs to be given to the supporting information that accompanies any survey (verbal or written) and the number and type of questions asked. At the electors meeting only one question was proposed and whilst it is valuable to know the answer to this question, given the time and costs involved in this process, it is recommended that Council also consider other additional questions, especially considering the proposals currently being considered by the LGAB. It is therefore recommended that Council ask how the community might "*prioritise*" its opinions i.e. *this is my preferred position but if the Government proposes or imposes a position on the Town of Cottesloe, this is my next preferred option*. Regardless of whether local government reform is forced or voluntary, the Minister has been clear that change is intended.

Council should also consider the timeframes of undertaking any form of survey process, especially if there is a need to provide feedback to the LGAB or Minister before a decision is announced. It is likely that, of the processes listed above, the Catalyse type of phone survey will be the quickest to administer and complete as, assuming the agency can start as soon as possible, it can be carried out over a 14 day period (in order to achieve the required sample sizes etc.) followed by the analysis of the responses and preparation of a report. This could then be reported to the next available Council meeting. If engaged in early May it may be possible to have a report available to the June or July Ordinary Council Meeting.

The WAEC have indicated that their process has a timeline of approximately 50 days and this would suggest that, if engaged in early May it may be possible to have a report available to the August Ordinary Council Meeting. If the Administration were to undertake the survey it could be similar to the 2009 process (preparation of a survey and supporting information, printing and delivery, allowance of time to complete and return the form (minimum 14 days), and analysis of the returned forms). If commenced in early May it may be possible to have a report available to the June or July Ordinary Council Meeting.

Note: Based upon the current amalgamation proposals before the LGAB, if any are recommended to and accepted by the Minister, such a proposal should trigger the current Poll Provisions in accordance with the Local Government Act, and so the community will have an opportunity under that process to have a say in their future. The LGAB report is due to be delivered to the Minister in July 2014 and as such it is possible that a Poll may be triggered in August. Such a Poll, if carried out by the WAEC will take a similar 50 days, with a possible outcome known in November 2014.

OPTIONS

The following range of options are proposed for consideration and discussion;

- Council not undertake any further consultation at this time and await the LGAB report and decision of the Minister and, if required, rely upon the current Poll Provisions to provide feedback to the Minister
- Engage a suitably qualified company such as Catalyse to undertake a resident survey, with questions provided by Council
- Engage the WA Electoral Commission to undertake a poll of all residents
- Undertake a resident survey using the resources of the Town's Administration

The officer recommendation is that Council consult with the community about the current Government proposal (noting the limited time available and potential costs) and undertake a resident survey using the resources of the Town's Administration, noting that the costs (direct e.g. mail-out and replied paid envelopes plus indirect e.g. staff time) are estimated at \$10,000.

VOTING

Simple Majority

COMMITTEE DISCUSSION

The Committee discussed the report at length with a number of issues being raised including whether a community poll at this time will generate a result that can influence LGAB and/or State Government. The reform process is drawing to a close and there will be an opportunity, as part of the Poll provisions, for the community to have a say in their future. In addition, the proposed process will require funds that have not been budgeted by Council. Councillors asked about the process, as recommended, and sought clarification from the CEO that there will be administrative controls over the process to ensure fairness, equity and accountability so that all ratepayers have a say. In doing so this will satisfy the request at the recent elector's meeting. Whilst some Councillors raised concerns about the questions to be asked others agreed that the timing was late and ideally Council should have undertaken such a process prior to October 2013 when the Minister called for submissions. There was doubt as to whether the result will affect the outcome however on balance Committee agreed that it was better to do as much as we can and that the survey be used to gauge community interest (rate of return) as well as community opinion on the matter. The CEO concluded that if supported by Council the questionnaire and covering letter will be finalised and sent out as soon after the Council meeting as practicable.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Downes, seconded Mayor Dawkins

THAT Council;

- 1. Note the officer report**
- 2. Undertake local community consultation using the resources of the Town's Administration as outlined above.**
- 3. Advise the Minister and, if appropriate, the Local Government Advisory Board of the outcomes of its consultation.**

Carried 5/0

11.2 ENGINEERING

11.2.1 CONDITION OF LIMESTONE WALLS, NORTHERN TERRACES, COTTESLOE MAIN BEACH

File Ref: SUB/207-02
Attachments: [Copy of Letter Received](#)
[Site Plan](#)
[Copies of Limestone Wall Photographs](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 29 April 2014
Author Disclosure of Interest: Nil

SUMMARY

A letter has been received from a Cottesloe resident advising of the need for Council to budget for major rehabilitation of the Cottesloe Beach foreshore limestone retaining walls on the northern terraces.

Comments made in this letter reaffirm reports received by Council in recent years on the deteriorating condition of those walls and the need for rehabilitation works.

The recommendation is that Council:

1. Refer for consideration in the draft 2014/2015 budget, the provision of \$200,000 allocation to stage 1 of the rehabilitation of the northern terraces limestone retaining walls.
2. Inform the local resident who has commented on this issue of Council's decision on this matter.

BACKGROUND

The limestone retaining walls and staircases on the terraces north of Indiana Tea House have been in place for many years. Recent inspections have shown that the original construction quality was not high grade and, over many years, there has been a variety of attempts to undertake repair works, particularly with the mortar surrounds of the individual limestone blocks.

In September 2009, Council considered 'initial' funding of repair works from a Federal Regional and Local Community Infrastructure Program Grant of \$122,000, however the funds were directed towards another project at that time.

In December 2009, Council resolved to apply to the same Federal Government Grant scheme for a \$1 million grant for a raft of foreshore improvement works, the main portion being directed to limestone wall rehabilitation. This grant was unsuccessful.

These walls have recently been inspected by staff and there is an urgent need to consider funding for the replacement of joint mortar to the worst of these walls.

STRATEGIC IMPLICATIONS

In Council's Strategic Community Plan 2013-2023, Priority Area 1 is titled "Protecting and enhancing the wellbeing of residents and visitors". The main visitor area in Cottesloe is the Main Beach and terraces. The retaining walls are the main element to protect residents and visitors using the terraces.

Priority Area 3 is "Enhancing Beach Access and the Foreshore". Beach access stair cases giving access to the northern terraces are in urgent need of structural repairs.

POLICY IMPLICATIONS

The broad thrust of Council's policies relating to the foreshore is for managed development, which enhances public access, good quality facilities and the overall amenity for the main beach areas.

STATUTORY ENVIRONMENT

There are no statutory impediments to the repair of the existing infrastructure such as the northern terraces retaining walls. The major issue is one of public liability relating to degenerating stair cases and retaining walls.

FINANCIAL IMPLICATIONS

These works are beyond the normal annual allocations for foreshore maintenance. An initial Capital Works allocation of \$200,000 would resolve the worst of the concerns and would also fund a more extensive investigation of the wall condition. It is probable that one or more wall sections will have to be reconstructed, at an additional cost.

STAFFING IMPLICATIONS

Supervision by existing staff. Site works by specialist contractors.

SUSTAINABILITY IMPLICATIONS

Sustainability of Council's built assets is the main point of this report. Repair works would not impact on environmental sustainability.

CONSULTATION

Consultation has been occurring for several years on a major Foreshore Redevelopment Plan including a potential change to Number 1 Car Park the highest retaining wall on the west side of that car park and the associated grassed terraces.

STAFF COMMENT

For several years, Council has discussed the Foreshore Redevelopment Plan with major potential impact on the north side of the terraces area. There was also the potential extension of these terraces to the north, to end opposite Overton Gardens. Recent discussions have ranged from lowering or underground Number 1 Car Park to resurfacing of the existing levels plus landscaping.

Regardless of the final redevelopment the northern terrace retaining walls and access stair cases are in a poor condition and in need of restoration.

VOTING

Simple Majority

COMMITTEE DISCUSSION.

Committee discussed the works to be carried out and agreed that any such works need to be conducted in line with the Foreshore Redevelopment Plan and that funding for the works be linked to the anticipated revenue from the sale of the depot.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Jeanes, seconded Cr Downes

THAT Council:

- 1. Refer for consideration in the draft 2014/2015 budget, the provision of \$200,000 allocation to stage 1 of the rehabilitation of the northern terraces limestone retaining walls.**
- 2. Inform the local resident who has commented on this issue of Council's decision on this matter.**

Carried 5/0

11.2.2 NORTH COTTESLOE PRIMARY SCHOOL - REQUEST FOR CROSSING ISLAND - ERIC STREET OPPOSITE THE SCOUT HALL, COTTESLOE

File Ref: PR53674
Attachments: [Copy of Plan Showing Proposed Island](#)
[Copy of Letter Sent to Affected Properties](#)
[Copies of Letters Received From Affected Properties](#)
[Copy of Second Letter From North Cottesloe Primary School](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 29 April 2014
Author Disclosure of Interest: Nil

SUMMARY

At its December 2013 meeting Council resolved in answer to a letter received from the North Cottesloe Primary School, the following:

THAT Council:

1. *Contact the owners of 70, 72 and 74 Eric Street to explain the proposal for a median island and connecting path on the north side verge and request comments.*
2. *Subject to the comments received, arrange for the appropriate site survey and island designs, to be available for Council consideration in February 2014.*
3. *Refer the matter of the cost of the median island to the mid year budget review for consideration.*
4. *Inform the North Cottesloe Primary School of its decision regarding an Eric Street crossing island and the Blackspot proposal on Curtin Avenue which will include islands at the Florence Street intersection.*
5. *Reconsider this matter in February 2014.*

At Council's February 2014 meeting, Council considered two comments from affected Eric Street residents and resolved:

THAT Council defer the item to allow for further consultation between North Cottesloe Primary School, the P&C Committee and the Town to occur.

The North Cottesloe Primary School was informed of Council's decision on this matter and requested to give further comments on the points raised by residents.

The school's response letter has been received. The recommendation is that Council:

1. Inform the North Cottesloe Primary School that it will consider the funding of \$33,000 to install a safety/pedestrian crossing island on Eric Street opposite the new Scout Hall in the 2014/2015 financial year budget.

2. Inform affected residents of Council's decision on this matter.

BACKGROUND

The North Cottesloe Primary School has been developing, over several years, promotion systems for children to walk or ride to school, rather than be transported by vehicles.

Part of this promotion is to maximise the safety of walking and cycling routes to school, including the crossing of busy roads by individual children or children walking in a walking school bus arrangement.

On Eric Street, where children use the footpath on the west side of Charles Street to deliver them to the south side of Eric Street, there is no safe pedestrian island protection to cross Eric Street.

This, if installed, should attract more children to cross at that point and therefore build up the crossing numbers to justify a new traffic warden to provide the extra safety required for that crossing point.

This crossing island, if built, would impact on three properties on the north side of Eric Street. Letters were sent to property owners requesting comments on the proposal. Two submissions were received and Council considered those comments at the February 2014 meeting.

STRATEGIC IMPLICATIONS

The new Strategic Community Plan contains objectives including the conversion of vehicular traffic to pedestrian and cycling facilities and the removal of obstacles to the east/west connections within Cottesloe, such as the Eric Street bridge for school children, both walking and cycling.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Any plans for pedestrian crossings islands must meet Australian Standards and be pre-approved by Main Roads WA, prior to construction.

FINANCIAL IMPLICATIONS

The cost of an island on Eric Street opposite the new Scout Hall would be approximately \$25,000, plus an additional \$8,000 for a street light over the new island, a total of \$33,000, if approved by Council then by Main Roads WA. The 2013/2014 budget does not include this allocation. Main Roads WA would not be contributing to this installation.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Only with North Cottesloe Primary School and the affected property owners.

STAFF COMMENT

Originally, five letters were sent to the affected property owners, covering numbers 70 and 74 plus the three units of number 72, two of which are owned by the same owner.

Two responses were received, both of which were strongly against the proposal. The reasons given for the opposition were:

- The island will make access to affected crossovers hazardous, because of the visual obstruction and a distraction to vehicles on Eric Street.
- The verge will not be available for visitor parking.
- The grass verge amenity will be lost to neighbouring properties.
- The island is not warranted because no increase in school children usage of the south side of Eric Street had been witnessed.
- Question raised on the suggestion of increased use of Charles Street for children wanting to cross at this location.
- Funds could be better spent on the nearby laneway.
- Better alternative is to build a path on the south verge of Eric Street down to the Curtin Avenue/Eric Street Intersection.
- The proposed island construction is based on subjective views of the school P&C, not accurate data.
- The crossing location is to the west of the end of the Charles Street intersection. Many will 'short cut' across Eric Street to the east regardless of the island.
- Increased traffic noise due to vehicles swerving around the island, one of the reasons why the Broome Street speed bumps were removed.
- More concrete on the verge means less room for trees.
- Extra lighting and signage needed.
- The crossing will be used by drunks using Eric Street, walking from the Ocean Beach Hotel and Cottesloe Beach Hotel with beer bottles thrown into gardens and private gardens being used as public conveniences.

The Chairman of the North Cottesloe Primary School Board has supplied comments on the issues raised by affected property owners. The points given are:

- The driveways of the nearby properties are not impinged by the island. They still have full access from all directions.
- The road widening would be on the south or opposite side of Eric Street to the affected residents.
- Department of Transport, Police/Traffic Wardens and Main Roads WA recommend this site as the safest crossing point.
- There are a range of safety and traffic issues at the Curtin Avenue intersection to make a pedestrian crossing over Eric Street on the west side of Curtin Avenue not a suitable alternative.
- Eric Street is very dangerous with the number of cars using it about double the number required for a crossing attendant.

- Children need to walk or ride to school safely. It is too dangerous for children to cross Eric Street without a crossing island. Approximately one quarter of the school population lives in the section of Cottesloe addressed by this crossing island.
- The school actively encourages walk/ride for health reasons, friendly environmental reasons and to reduce traffic congestion.
- Children already cross at this point. It is hoped that a new crossing island will attract extra use to justify a crossing warden being approved and funded by the WA Police.
- The school doesn't want to upset residents but there is extreme concern about local children's safety. The children would only use the crossing during the applicable 8-9am and 3-4pm school times, during school terms.

In regards to this proposal, with Council to make a decision on 5 May, it is very probable that there would be insufficient time to submit a plan (still to be drawn up) to Main Roads WA for approval of line marking and new signage, receive the approval back, allow two to three weeks to get construction quotations and build the island, widen the road and have Western Power supply and install a street light before the end of June 2014. Therefore, it is recommended that this project be considered by Council for funding and construction in the 2014/2015 budget year.

VOTING

Simple Majority

COMMITTEE DISCUSSION

In response to questions from the Committee the Manger Engineering Services (MES) confirmed that the area under consideration is not under a 40 Km per hour limit (as per all school areas) as it is too far from the Primary School however it is limited by Main Roads to 50 km per hour. At the request of Committee the MES will make further enquiries with Main Roads about the possibility that it will consider such a speed change at this crossing. In response to the timing of the works MES advised that, if approved in the Council budget, works will commence as soon as Main Roads approve the plans.

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Dawkins, seconded Cr Birnbrauer

THAT Council:

- 1. Inform the North Cottesloe Primary School that it will consider the funding of \$33,000 to install a safety/pedestrian crossing island on Eric Street opposite the new Scout Hall in the 2014/2015 financial year budget.**
- 2. Inform affected residents of Council's decision on this matter.**

Carried 5/0

11.2.3 PROPOSED MARGARET STREET/OZONE PARADE INTERSECTION IMPROVEMENTS

File Ref: SUB/478 & SUB/488
Attachments: [Copy of Plan](#)
[Traffic Management Policy](#)
[Copy of Letter Sent](#)
[Copies of Letters Received](#)

Responsible Officer: Carl Askew
Chief Executive Officer

Author: Geoff Trigg
Manager Engineering Services

Proposed Meeting Date: 29 April 2014

Author Disclosure of Interest: Nil

SUMMARY

As part of its 2013/2014 budget, Council included three projects for installation under the Safety and Speed Program for Capital Works.

One of these projects, as described to Council in the five year programs presented in February 2013, was the intersection of Margaret Street and Ozone Parade to be more defined for intersection safety.

Two alternative plans were drawn up and presented for Council at the February 2014 meeting.

The recommendation adopted was:

THAT Council advise nearby residents of the proposed works prior to sending design option one, drawing 2013-23-01, to Main Roads WA for approval, prior to construction of the design on-site.

With the consultation with the adjacent residents now completed, the recommendation is that Council:

1. Send design Option One, drawing 2013-23-01 to Main Roads WA for approval, prior to construction of the design on-site.
2. Inform the two respondents regarding the design of Council's decision on this matter.

BACKGROUND

The five year ongoing program for Road Safety Improvement and Speed Restriction is based on the results of a 2008 traffic management consultant study involving extensive public involvement and comment.

One of the many concerns voiced by residents and local road users was that the Margaret Street/Ozone Parade intersection was confusing and it was unclear on what

were the expected alignments for cars driving through the intersection and who should give way to turning traffic.

Plans on two alternative treatments were drawn up ready for Main Roads WA consideration. With the large asphalt area of the intersection, the majority of the work is the removal of old kerb lines and installation of replacement kerbing on new alignments. Affected properties near the intersection plus several other properties were sent copies of the plan plus an explanation of the proposal.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council's Traffic Management Policy applies.

STATUTORY ENVIRONMENT

Any changes to this intersection involving traffic control line marking and signage must be pre-approved by Main Roads WA before construction.

FINANCIAL IMPLICATIONS

The 2013/2014 budget includes funding for this approved project. Both designs, if constructed, would cost less than the allocated funding.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Letters and copies of the plan were sent to properties adjacent to the intersection plus other concerned residents with a request for comments by 14 April 2014.

STAFF COMMENT

Plans and explanations covering the proposed changes to this intersection were sent to all adjacent properties as well as several residents nearby who were concerned that Margaret Street would become a 'through road' onto North Street.

Two submissions were received. One requested an existing 'No Through Road' sign to be made more visible the other submission proposed a small roundabout at the intersection.

The 'No Through Road' sign can be easily improved. In regards to the suggested roundabout, the major reasons for a roundabout do not exist at this intersection. There is not the volume of traffic, it is not a major 'black spot' for accidents and the redirection of traffic flow would not be justified. Also, roundabouts can generate higher noise levels and restrict truck use when building materials are being delivered and rubbish is being collected.

All of Council's existing roundabouts are on intersections where both road reserves are 40m width. In this case, Ozone Parade has a 20m road reserve width and Margaret Street is 15m width.

On this basis, it is recommended that Main Roads WA be requested to approve drawing 2013-23-01 as the new design for the intersection and that construction take place once approval is given.

VOTING

Simple Majority

COMMITTEE DISCUSSION

The Mayor inquired about the kind of vegetation that is going to be planted and Mr Trigg advised that it will be 'low level' native vegetation. The intention is that once the plan is approved by Main Road works will commence and completed by the end of June. The Mayor requested that the affected residents of Ozone and Margaret Street be advised of the commencement and duration of the works program once approved by Main Roads.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Jeanes, seconded Cr Birnbrauer

THAT Council:

- 1. Send design Option One, drawing 2013-23-01 to Main Roads WA for approval, prior to construction of the design on-site.**
- 2. Inform the two respondents regarding the design of Council's decision on this matter.**

Carried 5/0

11.2.4 RECONSIDERATION OF RIGHTS OF WAY/LANEWAYS POLICY

File Ref: POL/59
Attachments: [Rights of Way Policy Showing Proposed Changes](#)
[Copies of Correspondence Received from](#)
[Consultation](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 29 April 2014
Author Disclosure of Interest: Nil

SUMMARY

At its February 2014 meeting, Council reconsidered its Rights of Way/Laneways policy and resolved:

THAT Council advertise for public comment, a proposed change to Council's Rights of Way/Laneways Policy with items 3 and 6 being replaced with:

"Where a Right of Way/Laneway upgrade forms part of a Development Application, the ratepayer/developer whose Development Application it is will pay for the upgrade of the Right of Way/Laneway for the full length of their property and the full width of the Right of Way/Laneway.

Where a Development Application includes the intention to use a Right of Way/Laneway for vehicle access, the ratepayer/developer whose Development Application it is will contribute a sum equal to the cost of sealing and draining the width and length of their property frontage to that laneway. If that Right of Way/Laneway is undeveloped then that contribution will be spent on the improvement of that section. If the Right of Way/Laneway is already sealed and drained then that contribution will support and will be additional to the Town's laneway upgrade program."

The consultation period for the advertising of this policy change has ended.

The officer recommendation is that Council change the Rights of Way/Laneways Policy with items 3 and 6 being replaced with the new wording shown above and the two respondents be thanked for their submissions and informed of Council's decision on this matter.

BACKGROUND

In 2004, Council adopted a new policy for Rights of Way/Laneways, after advertising and full discussion. That policy included, among other aspects, what Council required in regards to laneway upgrading when a new house was designed to have the prime access off an (until then) unsealed laneway.

The applicable part of the policy was:

3. *When a ROW or Laneway is required for primary access to a new development the developer will upgrade by paving, kerbing and drainage, the ROW or Laneway from the nearest built gazetted road or existing built laneway to the furthestmost lot boundary, to the satisfaction of the Manager Engineering Services.*

and

6. *When a ROW is required for primary or secondary access from an existing property redevelopment, it is conditional (Town Planning) upon the developer to contribute an amount equivalent to 50% of the costs to construct a portion of standard ROW 4m x 20m in area.*
 - (a) *Where a charge has been applied, as condition of development for the upgrade of a ROW, the money is to be placed in a Reserve Account established under Section 6.11 of the Local Government Act, for the specific purpose of ROW upgrade.*

The policy has been applied by staff to all development applications since adoption. The same policy came up for review in 2011 and this section remained unchanged by Council.

STRATEGIC IMPLICATIONS

There are no strategic necessities for the upgrading of laneways in the Strategic Community Plan 2013 to 2023.

POLICY IMPLICATIONS

This item involves potential changes to Council's Right of Way/Laneways Policy.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Potential reduction in the amount of private funds being applied to the upgrading of public access laneways, with the resultant increase in required Council expenditure to achieve the same result.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

The proposed policy changes were advertised for public comment. That advertising period has closed.

STAFF COMMENT

By the end of the advertising period only two submissions had been received. Of these comments, one requested the existing policy be retained, as well as making comments on the use of laneways in general, without addressing the points of change from the old policy.

The second submission did not comment on the proposed changes to the policy – financial contributions to be made to the upgrading of laneways as a condition of Development Applications. Instead, a raft of comments were made on the total policy with no reference to upgrading contributions and these comments had no relevance to the advertised changes.

The Manager Development Services has commented that the intended policy change remains consistent with the planning principle of using lanes for vehicular access and requiring progressive upgrading or contributions as determined by the Local Government.

On this basis the recommendation is that the proposed changes for Council's Rights of Way/Laneways policy be included in Council's documentation and web page, the changes being items 3 and 6 being replaced with the intended changed wording.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Downes, seconded Cr Burke

THAT Council:

1. **Change the Rights of Way/Laneways Policy with items 3 and 6 being replaced with:**

“Where a Right of Way/Laneway upgrade forms part of a Development Application, the ratepayer/developer whose Development Application it is will pay for the upgrade of the Right of Way/Laneway for the full length of their property and the full width of the Right of Way/Laneway.

Where a Development Application includes the intention to use a Right of Way/Laneway for vehicle access, the ratepayer/developer whose Development Application it is will contribute a sum equal to the cost of sealing and draining the width and length of their property frontage to that laneway. If that Right of Way/Laneway is undeveloped then that contribution will be spent on the improvement of that section. If the Right of Way/Laneway is already sealed and drained then that contribution will support and will be additional to the Town's laneway upgrade program.”

2. **Thank the two respondents for their submissions and inform them of Council's decision on this matter.**

Carried 5/0

11.2.5 REQUEST FOR LARGE SUGAR GUM TREE REMOVAL, 68 NAPIER STREET, COTTESLOE

File Ref: SUB/484 & SUB/234
Attachments: [Plan of Site](#)
[Copy of Arborist Assessment](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 29 April 2014
Author Disclosure of Interest: Nil

SUMMARY

Council received a request from the owners of 68 Napier Street for the removal of a large Sugar Gum tree from the verge fronting their property. This matter was discussed by Council at the February 2014 meeting, with a resolution made that Council:

1. *Engage an arborist to inspect and report on the large gum verge tree on the south side of 68 Napier Street.*
2. *Inform the property owner of Council's decision on this matter.*

The Arborist Assessment has now been supplied and the recommendation is that Council:

1. Arrange for the pruning of the Sugar Gum tree located on the verge of 68 Napier Street, Cottesloe as recommended in the Arborist report.
2. Arrange for annual inspections by an Arborist of this tree.
3. Inform the property owners of 68 Napier Street of Council's decision on this matter.

BACKGROUND

The tree involved is an old Sugar Gum tree that has been heavily trunk pruned years ago. It now has long heavy branches.

The request from the owners of 68 Napier Street was for the removal of the tree, due its danger to their house.

There is a high tension power pole and line on the west side of the tree and a support pole on the north east side of the tree with a guy wire very close to the tree connecting the two poles.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council's Street Tree Policy applies.

STATUTORY ENVIRONMENT

The major issues are the potential public liability regarding a tree falling on houses if Council has known the tree is potentially dangerous to both the house and the high tension power line and the value of the tree to the Cottesloe community.

FINANCIAL IMPLICATIONS

The cost of the tree removal is estimated at \$3,000. Heavy pruning would cost an estimated \$2,000 - \$2,500.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Any large tree being removed is not a good sustainability result.

CONSULTATION

Only with the adjacent property owner and a qualified Arborist.

STAFF COMMENT

The Arborist Assessment provides the following recommendations:

- a. Implement a pruning program to address the volume of the crown's canopy.*
- b. Structure prune by performing a crown reduction and thin to the second canopy at growth points to assist in reducing wind loading.*
- c. Perform remedial prune to reduce deadwood and crossed limbs. Reduce lateral weight by thinning.*
- d. Have an arborist re-inspect the tree annually.*
- e. Pruning maintenance to be looked at on a 3 - 5 year basis.*

The Arborist believes the tree is worthy of retention and that it can be retained in the long term if the report recommendations are followed.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Mayor Dawkins, seconded Cr Birnbrauer

THAT Council:

1. Arrange for the pruning of the Sugar Gum tree located on the verge of 68 Napier Street, Cottesloe as recommended in the Arborist report.
2. Arrange for annual inspections by an Arborist of this tree.

3. Inform the property owners of 68 Napier Street of Council's decision on this matter.

AMENDMENT

Moved Cr Jeanes, seconded Cr Mayor Dawkins

That in condition 2, the words "by an Arborist" be deleted.

Carried 5/0

COMMITTEE RECOMMENDATION

1. **Arrange for the pruning of the Sugar Gum tree located on the verge of 68 Napier Street, Cottesloe as recommended in the Arborist report.**
2. **Arrange for annual inspections of this tree.**
3. **Inform the property owners of 68 Napier Street of Council's decision on this matter.**

AMENDED SUBSTANTIV E MOTION WAS PUT

Carried 5/0

11.2.6 REQUEST FOR NORFOLK ISLAND PINE TREE REMOVAL, FORREST STREET, COTTESLOE

File Ref: SUB/450-02
Attachments: [Letter from Arborist](#)
[Plan of Site Forrest Street](#)
[Copy of Arborist Assessment and Report](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 29 April 2014
Author Disclosure of Interest: Nil

SUMMARY

At its February 2014 meeting, Council considered the content of letters from two properties in Forrest Street which, it was felt, were threatened by a large leaning Norfolk Island Pine Tree on the adjacent Forrest Street verge.

After discussion Council resolved to:

- 1. Arrange an Arborist to carry out full and further tests to determine whether it is a risk to nearby properties and make further recommendations for the management of the tree.*
- 2. Inform the two property owners who brought this matter to Council's attention of this decision.*

This report supplies further information from the consultant Arborist on proposed further tests on this tree.

The recommendation is that Council:

1. Remove the Norfolk Island Pine Tree from the verge fronting 52 Forrest Street.
2. Plant a replacement Norfolk Island Pine Tree on the verge fronting 52 Forrest Street away from any future root impact on the Forrest Street retaining walls and staircase.
3. Carry out repairs on the damaged staircase and retaining walls caused by root damage from this tree.

BACKGROUND

This tree is large, with an obvious lean towards the adjacent houses. It is close to both the old limestone retaining wall on the north side of Forrest Street and the steps and retaining wall of the steps coming up from street level to the upper lawn area.

A specialist tree consultant has been engaged to assess the condition of the tree, the potential for the tree to fall and the damage being done to the adjacent walls by the tree roots.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council's Street Tree Policy applies.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

The tree removal would be expected to cost \$3,000 to \$4,000, with the retaining wall and steps repair costing an additional \$3,000 to \$4,000.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Any recommendation to remove a large healthy pine tree is not preferred however public safety is a primary issue with this tree and further testing is required, as covered in the Arborist's report, to define more accurately the potential danger of the tree.

CONSULTATION

Only with the property owners who have made the request and the consultant Arborist.

STAFF COMMENT

The single page letter received from the Arborist on this tree supplies two alternatives:

1. If the old wall and staircase are not going to be altered then the quote for \$1,700 plus GST would apply for setting up an accelerometer or tilt sensor on the suspect tree including data collection and the testing of a control tree. This testing would only compare the leaning tree with a nearby 'normal' tree. There is no guarantee that the test results would provide absolute surety of the tree's stability or lack of stability.
2. If the degenerating limestone wall section parallel to Forrest Street plus the stone staircase steps and wall are to be repaired/replaced then it is not recommended to use the system referred to in point one, due to the root plate being destabilised.

The retaining walls and steps are in a poor condition requiring repairs or replacement. The tree roots have grown into these areas and have cracked or dislodged the individual stones or steps. Those roots will continue this growth, if allowed, until the walls have been broken up or dislodged to a point where they offer little support for the tree.

If the wall section parallel to Forrest Street is not replaced, but a new wall section is built in front of the existing wall, then a large footing will be required for the wall section and a root barrier would be installed between the old and new wall sections.

It has also been suggested that the existing steps plus both side walls should be closed off and new steps installed further down the street, rather than disrupt the root system growing through the walls and steps. That alternative would require a large excavation and footings plus the new wall and steps construction, at a cost between \$10,000 and \$15,000. This work would still not guarantee a long life for the tree. Funds are currently not available for this work.

The Arborist has stated that the tree roots would be destabilised if the old wall and staircase were repaired or replaced, Therefore the tree relies on its root system into the walls and staircase for stability. That stability can only get worse, as the roots expand into the wall and crack or displace those stones.

Therefore, for the long term solution, it is recommended that the tree be removed, the walls and steps be repaired/replaced and a new Norfolk Island Pine Tree be planted further back from the retaining walls on the verge.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Birnbrauer commented that he was in favour of keeping the tree on the basis that it would be preferable to reconstruct the wall and stairs. The Mayor added that repairing the stairs will be pointless, so she recommended that a new set of stairs be placed somewhere else. The Committee agreed to engage an Arborist to assess the safety of the tree before any further decisions is made, hence the foreshadowed new motion.

OFFICER RECOMMENDATION

Moved Cr Jeanes, seconded Cr Burke

THAT Council:

- 1. Remove the Norfolk Island Pine Tree from the verge fronting 52 Forrest Street.**
- 2. Plant a replacement Norfolk Island Pine Tree on the verge fronting 52 Forrest Street away from any future root impact on the Forrest Street retaining walls and staircase.**
- 3. Carry out repairs on the damaged staircase and retaining walls caused by root damage from this tree.**

Lost 0/5

NEW MOTION AND COMMITTEE RECOMMENDATION

Moved Cr Jeanes, seconded Mayor Dawkins

That Council engage an Arborist to conduct an accelerometer or tilt test (as recommended) and report back to Council.

AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 5/0

11.3 FINANCE

11.3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2013 TO 31 MARCH 2014

File Ref: SUB/1720
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager

Proposed Meeting Date: 29 April 2014
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Statutory Financial Statements and other supporting financial information to Council for the period 1 July 2013 to 31 March 2014.

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 Statement of Financial Activity on page 1 of the attached Financial Statements shows favourable operating revenue of \$341,199 or 16% more than year to date budget. All material variances are detailed in the Variance Analysis Report on pages 7 to 11 of the attached Financial Statements. Operating expenditure is \$267,529 or 3% less than year to date budget and Capital expenditure, which is detailed on pages 25 to 28, is \$74,089 or 5% less than year to date budget.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Jeanes, seconded Cr Downes

THAT Council receive the Statutory Financial Statements including other financial information as submitted to the 29 April 2014 meeting of the Works and Corporate Services Committee.

Carried 5/0

11.3.2 SCHEDULES OF INVESTMENTS AND LOANS AS AT 31 MARCH 2014

File Ref: SUB/1720
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 29 April 2014
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present to Council the Schedule of Investments and the Schedule of Loans as at 31 March 2014, 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

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 21 of the attached Financial Statements shows that \$4,535,892.81 was invested as at 31 March 2014. Approximately 31% of the funds are invested with National Australia Bank, 23% with the Commonwealth Bank of Australia, 23% with Bankwest, 23% with Westpac Bank.

The Schedule of Loans on page 22 of the attached Financial Statements shows a balance of \$5,614,439.30 as at 31 March 2014. Included in this balance is \$315,070.27. that relates to self supporting loans.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Dawkins, seconded Cr Jeanes

THAT Council receive the Schedule of Investments and the Schedule of Loans as at 31 March 2014 as included in the attached Financial Statements as submitted to the meeting of the Works and Corporate Services Committee on 29 April 2014.

Carried 5/0

11.3.3 LIST OF ACCOUNTS FOR THE MONTH OF MARCH 2014

File Ref: SUB/1720
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager

Proposed Meeting Date: 29 April 2014
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present to Council the list of accounts paid for the month of March 2014, 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

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The list of accounts paid for the month of March 2014 is included on pages 12 to 18 of the attached Financial Statements. The following significant payments are brought to Councils attention;

- \$29,181.43 & \$29,181.43 to Surf Life Saving WA for life guard services.
- \$365,633.87 to the Department Fire and Emergency Services being an instalment of emergency services levies collected on their behalf.
- \$224,801.73 to WA Treasury Corporation being loan repayments.
- \$28,580.09 to Jackson McDonald Lawyers for legal expenses.
- \$52,594.34 to Perthwaste Green Recycling for waste collection services.

- \$58,000.00 to Sculpture By The Sea for a new sculpture acquisition.
- \$80,856.73 & \$82,688.16 for Town of Cottesloe fortnightly payroll.
- \$250,000.00 to the Town of Cottesloe Business Investment Account.
- \$76,650.00 to Westpac banking Corporation to set up a new reserve deposit.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Jeanes, seconded Cr Burke

THAT Council receive the list of accounts paid for the month of March 2014 as included in the attached Financial Statements, as submitted to the 29 April 2014 meeting of the Works and Corporate Services Committee.

Carried 5/0

11.3.4 RATES AND SUNDRY DEBTORS REPORTS AS AT 31 MARCH 2014

File Ref: SUB/1720
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 29 April 2014
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Rates 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 page 23 of the attached Financial Statements shows a total balance outstanding of \$154,773.00 as at 31 March 2014. Of this amount, \$133,714.80 relates to the current period and the balance of aged debtors is \$21,058.20.

The Rates and Charges Analysis on page 24 of the attached Financial Statements shows a total balance outstanding of \$467,678.28 of which \$177,114.03 and \$87,524.91 relates to deferred rates and outstanding emergency services levies respectively. The Statement of Financial Position on page 4 of the attached Financial

Statements shows total rates outstanding as a current asset of \$453,461 as compared to \$503,299 the same time last year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Downes, seconded Cr Burke

THAT Council receive the Rates and Charges Analysis Report and Sundry Debtors Report as at 31 March 2014 as submitted to the 29 April 2014 meeting of the Works and Corporate Services Committee.

Carried 5/0

- 12 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
- 13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:
 - 13.1 ELECTED MEMBERS
 - 13.2 OFFICERS
- 14 MEETING CLOSED TO PUBLIC
 - 14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED
 - 14.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC
- 15 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 7:20 PM.

CONFIRMED MINUTES OF 29 April 2014 PAGES 1 – 46 INCLUSIVE.

PRESIDING MEMBER:
POSITION:

.....

DATE: / /