

# TOWN OF COTTESLOE



## WORKS AND CORPORATE SERVICES COMMITTEE

# MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE  
109 BROOME STREET, COTTESLOE  
7.00 PM, TUESDAY, 19 JULY 2011

**CARL ASKEW**  
Chief Executive Officer

22 July 2011



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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 7:03 PM.

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

Mayor Kevin Morgan	Presiding Member
Cr Victor Strzina	
Cr Dan Cunningham	(arrived 7.05pm)
Cr Ian Woodhill	
Cr Davina Goldthorpe	(Deputy)

**Officers Present**

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

**Apologies**

Nil

**Officer Apologies**

Nil

**Leave of Absence (previously approved)**

Cr Greg Boland  
Cr Patricia Carmichael  
Cr Rob Rowell

**3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 PUBLIC STATEMENT TIME**

Nil

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

**Moved Cr Woodhill, seconded Mayor Morgan**

**That Cr Woodhill's request for leave of absence from the August Committee meeting to be granted.**

**Carried 4/0**

**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**Moved Cr Strzina, seconded Cr Goldthorpe**

[Minutes June 19 2011 Works and Corporate Services Committee.doc](#)

**The Minutes of the Ordinary meeting of the Works and Corporate Services Committee, held on 19 June 2011 be confirmed.**

**Carried 4/0**

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

**9 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

The chairman determined to consider the agenda items in their published order.

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

- 10.2.1 Statutory Financial Reports for the Month of June 2011
- 10.2.2 Accounts Paid For the Month of June 2011
- 10.2.3 Schedule of Investments and Loans as At 31 June 2011
- 10.2.4 Property and Sundry Debtors Report For June 2011

## 10 REPORTS OF COMMITTEES AND OFFICERS

### 10.1 ADMINISTRATION

#### 10.1.1 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION CENTRAL METROPOLITAN ZONE DELEGATES AND LOCAL GOVERNMENT CONVENTION

**File No:** SUB/100-06  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer  
**Proposed Meeting Date:** 19 July 2011  
**Author Disclosure of Interest** Nil

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#### SUMMARY

The next meeting of the Western Australian Local Government Association (WALGA) Central Metropolitan Zone is scheduled for Thursday 28 July 2011 at the Shire of Peppermint Grove. Council has two appointed delegates both of whom are unavailable for this meeting.

In addition, the WALGA Local Government Convention is scheduled for Thursday 4 August to Saturday 6 August and will include the WALGA Annual General Meeting (AGM). Council's zone delegates are unavailable for the Local Government Convention and AGM and so Council may wish to nominate a member to also represent it at the Convention.

The recommendation is for Council to nominate Councillor(s) to represent Council and participate at both the July 2011 WALGA Central Metropolitan Zone Meeting and Local Government Convention.

#### BACKGROUND

Western Australian Local Government Association zone meetings occur every two months. The Central Metropolitan Zone generally meets on the 4<sup>th</sup> Thursday of every second month at 6.00pm. Each Council is entitled to nominate two delegates who are also entitled to attend the WALGA Annual Local Government Convention. The CEO currently attends zone meetings as a non-voting member. Some Council's have also appointed their CEO as a *deputy delegate* for voting purposes should one of the appointed members not be available and Council may wish to consider this as an option for the upcoming Zone meeting. An elected member delegate for the Local Government Convention and AGM is recommended.

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The following Local Government Authorities are members of the WALGA Central Metropolitan Zone;

- Town of Cambridge
- Town of Claremont
- Town of Cottesloe
- Town of Mosman Park
- City of Nedlands
- Shire of Peppermint Grove
- City of Perth
- City of Subiaco
- City of Vincent

The WA Local Government Association (WALGA) is the voice of Local Government in Western Australia. As the peak industry body WALGA advocates on behalf of the State's 139 Local Governments and negotiates service agreements for the sector. WALGA is not a government department or agency and its mission is to *provide strong representation, strong leadership, enhance the capacity of and build a positive public profile for, Local Government.*

In October 2009 Council appointed Cr Walsh and Cr Boland as its delegates however no nomination or appointment of a deputy delegate was made at that time. There are two Zone meetings remaining (July and September 2011) prior to the next Council elections at which point new delegates will be appointed and the matter of a deputy delegate can be considered.

The WALGA Local Government Convention and AGM is held each year in August.

### **STRATEGIC IMPLICATIONS**

As indicated above, the WA Local Government Association (WALGA) is the voice of Local Government in Western Australia and is the peak industry body.

### **POLICY IMPLICATIONS**

None Known

### **STATUTORY ENVIRONMENT**

None Known

### **FINANCIAL IMPLICATIONS**

As a member of WALGA, Council pays annual membership fees. Zone meetings are rotated between members and the cost of hosting includes meeting facilities and catering costs. The primary cost is in Elected Member and CEO attendance with each meeting approximately 2 hours in duration.

### **SUSTAINABILITY IMPLICATIONS**

Nil

### **CONSULTATION**

Nil

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**STAFF COMMENT**

There are two remaining WALGA zone meetings scheduled for July and September 2011 prior to the next Council elections. The Central Metropolitan zone is one of a number of zones that provides advice, feedback and recommendations to the WALGA State Council and is an important mechanism for zone members to influence matters of State and regional significance to the Local Government industry. It is therefore recommended that Council consider nominating at least one deputy delegate to attend the July 2011 zone meeting.

The WALGA Annual General Meeting will be held during the Local Government Convention on Saturday 6 August 2011 at the Perth Convention and Exhibition Centre. Pursuant to the WALGA constitution all member Council's are entitled to be represented by two 2) voting delegates. Member council's seeking to exercise their voting entitlements must ensure that their voting delegates are appropriately registered. In the event that a voting delegate is unable to attend provision is made for proxy delegates to be registered. Voting delegates may be elected members or serving officers.

It is recommended that Council consider nominating an elected member(s) to represent Council and participate at both the July 2011 WALGA Central Metropolitan Zone Meeting and Local Government Convention and Annual General Meeting.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION****Moved Cr Strzina, seconded Cr Woodhill**

That Council nominate;

1. Councillor(s) \_\_\_\_\_ as its deputy delegate to represent Council and participate at the July 2011 WALGA Central Metropolitan Zone Meeting; and
2. Councillor(s) \_\_\_\_\_ to represent Council and participate at the WALGA Local Government Convention and Annual General Meeting.

**COMMITTEE DISCUSSION**

Cr Goldthorpe nominated herself as Council's delegate to the WALGA Central Metropolitan Zone July 2011 meeting and Mayor Morgan seconded her nomination. There were no further nominations.

Cr Cunningham nominated himself as Council's delegate to the Local Government Convention and AGM and Mayor Morgan seconded his nomination. There were no further nominations.

**COMMITTEE RECOMMENDATION**

**That Council nominate;**

- 1. Councillor Goldthorpe as its deputy delegate to represent Council and participate at the July 2011 WALGA Central Metropolitan Zone Meeting; and**
- 2. Councillor Cunningham to represent Council and participate at the WALGA Local Government Convention and Annual General Meeting.**

**Carried 5/0**

### 10.1.2 CURTIN AGED PERSONS HOMES INC (CAPH) – CHANGES TO CONSTITUTION

**File No:** SUB/804  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer  
**Proposed Meeting Date:** 19 July 2011  
**Author Disclosure of Interest** In accordance with the constitution the CEO is a member of CAPH

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#### SUMMARY

The purpose of this report is to seek Council's 'in principle' agreement to proposed changes to the Constitution of the Curtin Aged Persons Homes Inc.

#### BACKGROUND

Curtin Aged Persons Homes Inc. (CAPH) was essentially established to:

*“Promote or assist in the establishment and maintenance of a range of alternative housing for the accommodation and care of well and frail aged persons with particular regard but not exclusively for aged persons resident in the Local Governments of Claremont, Cottesloe, Mosman Park and Peppermint Grove.”*

*(CAPH Constitution 2007)*

The current constitution requires CAPH to have twelve (12) members including;

- the Chief Executive Officers of each of the four local governments (Claremont, Cottesloe, Mosman Park and Peppermint Grove);
- one nominee from each of the four Council's (elected members); and
- four members of the general community nominated by the Board and approved by at least three of the Chief Executive Officers.

In accordance with the current constitution the Board of Management of CAPH is comprised of eight (8) of these twelve (12) members including the four (4) nominees of each of the Councils (elected members) and up to four (4) of the community members.

CAPH operates aged care facilities from Wearne Hostel in Cottesloe and Riversea Hostel in Mosman Park. Wearne is sited on crown land vested jointly in the four local governments for the purpose of aged care and leased to CAPH. Riversea is on free hold land owned by CAPH. The four local governments have no legal or financial interest in the income or property of CAPH Inc. The only responsibilities of the four local governments in relation to CAPH are related to the nomination and appointment of members of CAPH and members of the Board of Management.

All members of the Board of Management are in a comparable position to directors of a corporation and as such are considered independent Board Members. Members of the Board, including elected members of each local government, are not 'representatives' of their respective Council (or local government). Members of the

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Board of Management must therefore act in good faith and in the best interests of CAPH irrespective of the interests of any particular Council or local government.

Significant changes to the aged care industry and the rapid growth in demand for aged accommodation options is placing pressure on CAPH Inc. to review its current service model and future facility development. The Board of Management of CAPH Inc. has recognised that it needs to re-consider its structure and governance to ensure its Board is best positioned to meet this changing environment

A number of meetings have been held over the last six months, and most recently on 5<sup>th</sup> May 2011 attended by the Chief Executive Officers of the Towns of Cottesloe, Mosman Park, Cottesloe and the Shire of Peppermint Grove, the Chairman and Deputy Chairman of CAPH, a committee member of CAPH, CAPH's legal advisor, and Council delegates to the CAPH Board from Peppermint Grove and Cottesloe. The purpose of the meeting was to discuss the governance and structure of CAPH in light of the changing needs of aged care in the community.

Agreement in principle was reached on the need to update CAPH's structure to enable the organisation to respond to the current trends in aged care, to be in the best position to undertake the development of its facilities, and to continue to meet increasing national aged care standards.

The points of agreement were:

1. The Board of CAPH will draft amendments to the CAPH constitution to allow CAPH to operate as an independent non-profit entity.
2. The need to appoint Board members who have experience and expertise appropriate to CAPH's business and the aged care industry.
3. Board members would operate as independent Directors with clearly stated responsibilities operating under corporate governance principles and a charter of conduct.
4. A Finance and Audit Committee would be a key sub-committee of the Board with a specific charter to oversee CAPH's financial activities.
5. A Planning sub-committee would operate to focus on the planning and development of Wearne and Riversea which would comprise suitably qualified members of the CAPH Board and other appointees with specialist expertise.
6. Board members will be independent of any other statutory authority or interest.
7. The formal role of the four local governments would be removed from the management and membership of CAPH.
8. The four local governments will remain the custodian and Lessor of the land at Wearne until otherwise determined.

## **STRATEGIC IMPLICATIONS**

The provision of aged care accommodation in the region will continue to be a priority in the future. It is intended that changes to the Constitution of CAPH Inc. will ensure that the organisation has a Board of Management best qualified, skilled and experienced to plan and develop aged accommodation services that will need the needs and expectations of the community into the future.

Consistent with modern governance practice, CAPH's Board of Management is best placed to determine its own membership for the effective governance and management of the organisation.

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**POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

**STATUTORY ENVIRONMENT**

There are no specific statutory requirements in respect to this matter.

**FINANCIAL IMPLICATIONS**

There are no significant financial implications evident at this time. The four local governments have no legal or financial interest in the income or property of CAPH Inc. Operational costs to date and ongoing include officer time (CEO) and elected member representation at monthly Board and other meetings as required.

**SUSTAINABILITY IMPLICATIONS**

There are no environmental implications at this time.

**CONSULTATION**

The Chief Executive Officers of the Towns of Mosman Park, Cottesloe and Claremont and the Shire of Peppermint Grove have met with various members, primarily the chairman, of the Board of the Curtin Aged Persons Homes Inc. on a number of occasions and most recently on the 5<sup>th</sup> May 2011.

**STAFF COMMENT**

While there may be some community perception that CAPH Inc. is an organisation managed by the four local governments for the direct benefit of their respective residents, in reality CAPH already functions as an independent organisation. Furthermore, while CAPH may wish to give preference to local residents, aged accommodation regulations do not allow for the allocation of accommodation only to the residents of this geographical area.

As a key stakeholder and primary provider of aged accommodation in the region, it is expected that CAPH will continue to work closely with the four local governments for the integrated planning of aged services in the region. This will be irrespective of elected members sitting on the Board of Management, or Chief Executive Officers having power over the appointments to the Board of Management.

Curtin Aged Persons Homes Inc. (CAPH) was established to provide aged accommodation primarily for the residents of the Towns of Claremont, Cottesloe, Mosman Park and the Shire of Peppermint Grove. CAPH currently provides hostel accommodation at the Wearne Hostel (Cottesloe) and the Riversea Hostel (Mosman Park). The current constitution of CAPH provides for 12 members which includes the four Chief Executive Officers of the local governments, nominees from each of the local governments (elected members), and four community members approved by the Chief Executive Officers.

Significant changes to the aged accommodation sector and increasing community needs and expectations are placing demand on CAPH to review its structure and governance to best meet these needs into the future. This report recommends 'in principle' support for changes to CAPH's Constitution to allow CAPH to select and appoint its own independent Board Members best skilled and qualified for the

management and governance of the organisation, subject to further consideration of proposed changes and transitional arrangements.

## **VOTING**

Simple Majority

## **OFFICER RECOMMENDATION**

That Council;

1. Agree 'in principle' to changes to the CAPH Constitution to allow for the establishment of an independent Board with the capability of providing the governance and structure necessary for responding to the changing needs of aged care in the region;
2. Request the Board of CAPH to provide a draft amended Constitution to the Town for its consideration;
3. Request that the Board of CAPH provide a transitional plan for the implementation of changes to the Constitution;
4. Encourage the Board of CAPH to continue to liaise with the Chief Executive Officers of the Towns of Claremont, Cottesloe, Mosman Park and the Shire of Peppermint Grove regarding proposed changes to the CAPH Constitution and procedural steps necessary for the effective implementation of same.

## **COMMITTEE DISCUSSION**

Committee discussed the report and issues at length, including Council's ongoing involvement with residential aged care and the recognition of the changing and complex nature of the aged care sector. Committee identified the need to ensure that the future of aged care within the district was professionally delivered and commented that the business of aged care had changed significantly from when CAPH was first established. It was recognised that this is not an area of expertise for Council however there was a moral obligation upon it to ensure that the right models and options for future service delivery are explored and considered. Views within Committee recognised that the current arrangements were no longer satisfactory and that Council needed to remove itself from what is a highly specialised field which requires a suitably, qualified and experienced aged care Agency to provide the best value and quality services to our community. Committee requested that officers consider all potential models and options for Council's involvement with CAPH and the future responsibility for aged care within the district, hence the amended recommendation.

## **COMMITTEE RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**That Council note the information provided and defer this matter for further consideration and report on options and models for Council's future involvement with CAPH and the provision of residential Aged Care services within the district.**

**Carried 5/0**

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**10.1.3 SURF LIFE SAVING WA 2010/2011 SEASONAL REPORT REVIEW**

**File No:** SUB/1026  
**Attachments:** [Australian Lifeguard Service Report Season 2010 / 2011](#)  
[Deed of Service SLSWA 2010 To 2013](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Mat Humfrey  
Manager Corporate Services  
**Proposed Meeting Date:** 19 July 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the 2010/2011 Seasonal Report from the Australian Lifeguard Service and to consider an amendment to the agreement between Council and Surf Life Saving WA.

**BACKGROUND**

In October 2010 the Town of Cottesloe entered into a contract with Surf Life Saving Western Australian (SLSWA) for the provision of lifeguard duties at Cottesloe beach. As a part of this agreement, SLSWA is required to report annually on the activities at the beach and actions taken on behalf of the Town under the agreement. The report provided by SLSWA is provided in attachment 1.

The agreement provides for two (2) life guards to be on patrol during the designated patrol times. The times are Monday to Friday (excluding public holidays);

1 October to 18 December	10am – 6pm
19 December to 31 January	6am – 6pm
1 February to 30 April	10am – 6pm

During the 2010/11 season, SLSWA received a grant (\$35,000) which enabled the service to be provided from 6am to 6pm, Monday to Friday (excluding public holidays) from the 1 October to 30 April. Advice has been received that this grant will not be available this season, and is unlikely in the future (p 4.of attachment).

Correspondence has also been received stating the SLSWA have been directly effected by changes in industrial law, that effectively prevent them hiring life guards as casual employees. SLSWA will need to make allowances for employee provisions, including sick leave and annual leave. The cost of this to SLSWA is \$12,732. SLSWA have asked Council to consider amending the payment schedule in the contract to reflect this cost increase.

**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**

Local Government Act 1995 (9.49A) has requirements for the execution of documents.

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

**FINANCIAL IMPLICATIONS**

Council has budgeted \$169,650 for the provision of lifeguard services under contract. If Council adopt the officer recommendation, the cost of the service this year will be \$164,114.

If Council opt for a different start and/or finish time, or choose not to amend the fee structure, the cost will vary accordingly.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

During the 2010/2011 budget workshops SLSWA presented to elected members in relation to the new contract. The CEO and Manager Corporate Services met with the CEO of SLSWA and Operations Manager in May 2011 to discuss the season’s performance and the contract.

**STAFF COMMENT**

Surf Life Saving Western Australia (SLSWA) have requested that Council consider amending the contract details so that the costs that have been placed upon them through changes in workplace relations laws are covered by Council. The cost of this (in the current contracted hours) is \$12,732 in 2011/12 and \$13,312 in 2012/13. This is within the amounts that Council had budgeted for this service.

While there doesn’t appear to be any obligation on Council’s behalf to amend this contract, it will leave SLSWA to bear the additional cost themselves. The contract does not make any mention of the service being provided on a strict cost recovery basis, but given that SLSWA is a volunteer based not-for-profit agency, it’s reasonable to assume that any additional costs, will in some way affect the level of service they are able to provide.

Traditionally, Cottesloe beach has been patrolled from 6am to 6pm, Monday to Friday from 1 October to 30 April. The current agreement, as signed, provides for altered hours (10am to 6pm during off peak times) most likely because of the need to go from 1 lifeguard to 2 lifeguards on patrol at all times. The table below summarises the cost of patrols with several start and finish times.



The report provided by SLSWA is comprehensive and provides useful data for future decisions. Of particular note is the table on page 14 which outlines the “Rescues” undertaken at Cottesloe beach between 2008 and 2011. Interestingly, the table on page 16 shows that only one rescue was undertaken between the hours of 6am and 10am, and no rescues were recorded between 6am and 8am.

The report puts forward some anecdotal evidence as to why so few rescues occur before 10am. These include;

- Swell and sea conditions are often more benign earlier in the morning;
- Beach user numbers are lower earlier in the morning;
- Early morning beach users tend to be more capable and competent; and
- A high proportion of beach users entering the water in the morning are surf club members training or others undertaking fitness activities.

According to Schedule 1 of their report (page 14-16) SLSWA advise of a range of service profiles across the metropolitan area and some regional locations including Yallingup and Geraldton. The overwhelming majority of services commence at 9.00am with finishing times between 4.00pm and 6.00pm. This survey demonstrates that the Town will not be out of step with other Local Governments if it were to provide a beach safety service with a later start time than 6.00am. SLSWA have provided a range of alternate service delivery options and costs including the current arrangement. Based upon the information and data provided by SLSWA, officers are of the view that Council should consider an amendment to its current operating times to a standard time across the entire season of 8.00am – 6.00pm.

## **VOTING**

Simple Majority

## **OFFICER RECOMMENDATION**

**Moved Cr Woodhill, seconded Cr Strzina**

THAT COUNCIL:

1. Receive the report from Surf Life Saving Western Australia on the 2010 / 2011 beach activities as provided in Attachment 1
2. Authorise the Mayor and Chief Executive Officer to endorse an amendment to the agreement between Surf Life Saving WA and Council that:
  - a) Alters the first and second schedule by removing any reference to 10am and replacing it with 8am.
  - b) Amends the contract price for the 2011/2012 season to \$164,114 and 2012/2013 to \$170,679.

## **AMENDMENT**

**Moved Cr Woodhill, seconded Cr Strzina**

**That point 2a) be amended to include the words “and 6am” after 10am and changing the word “it” to “them”.**

**Carried 5/0**

**COMMITTEE RECOMMENDATION**

**THAT COUNCIL:**

- 1. Receive the report from Surf Life Saving Western Australia on the 2010 / 2011 beach activities as provided in Attachment 1**
- 2. Authorise the Mayor and Chief Executive Officer to endorse an amendment to the agreement between Surf Life Saving WA and Council that:**
  - a) Alters the first and second schedule by removing any reference to 10am and 6am and replacing them with 8am.**
  - b) Amends the contract price for the 2011/2012 season to \$164,114 and 2012/2013 to \$170,679.**

**AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 5/0**

#### 10.1.4 DELEGATED POWERS

<b>File No:</b>	<b>SUB/38</b>
<b>Attachments:</b>	<a href="#">Delegations 2011</a> <a href="#">Summary of Relevant Legislation</a>
<b>Responsible Officer:</b>	<b>Carl Askew</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Carl Askew</b> <b>Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>19 July 2011</b>
<b>Author Disclosure of Interest</b>	<b>Nil</b>

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#### SUMMARY

In order to expedite decision-making within the Town of Cottesloe, a recommendation is made to delegate a number of powers and duties to the Chief Executive Officer as provided for in the Local Government Act (1995) and other related Acts, Regulations and local laws.

#### BACKGROUND

Delegations allow the CEO to make decisions under the authority of Council without having to constantly refer business of a routine nature to Council.

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by relevant legislation. This is consistent with the Town's commitment to a strong customer service focus. Delegations are to be reviewed in accordance with the local Government Act 1995 once every financial year.

#### STRATEGIC IMPLICATIONS

Nil

#### POLICY IMPLICATIONS

Nil

#### STATUTORY ENVIRONMENT

Sections 5.42, 5.43 and 5.44 of the *Local Government Act (1995)* provide as follows:-

##### **5.42. Delegation of some powers and duties to CEO**

(1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

*\* Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

##### **5.43. Limits on delegations to CEO's**

A local government cannot delegate to a CEO any of the following powers or duties:-

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor; or
- (i) such other powers or duties as may be prescribed.

#### **5.44. CEO may delegate powers and duties to other employees**

(1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

(3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —

(a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and

(b) the exercise of that power or the discharge of that duty by the CEO's delegate,

are subject to any conditions imposed by the local government on its delegation to the CEO.

(4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.

(5) In subsections (3) and (4) —

*conditions* includes qualifications, limitations or exceptions.

[Section 5.44 amended by No. 1 of 1998 s. 14(1).]

#### **FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

Additional delegations are recommended from the list that was approved by Council in 2010 and these have been highlighted in red in the attachment. The relevant sections of the respective Acts have also been included in the attachments by way of explanation. The majority of the additions relate to the operation and function of the new Food Act 2008.

The additional delegations are recommended on the basis of operational efficiency as it is considered more practical for these activities to be delegated, with the responsibility for administration held by the CEO and on-delegated to respective specialist officers such as the Principal Environmental Health Officer or Principal Building Surveyor as required.

**VOTING**

Absolute Majority

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Mayor Morgan, seconded Cr Goldthorpe**

**THAT Council delegate the powers and duties as per Attachment 10.1.4 to the Chief Executive Officer effective to 30 June, 2012 as submitted to the 19 July 2011 meeting of the Works and Corporate Services Committee.**

**Carried 5/0**

## **10.2 FINANCE**

### **10.2.1 STATUTORY FINANCIAL REPORTS FOR THE MONTH OF JUNE 2011**

**File No:** SUB/137  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 19 July 2011  
**Author Disclosure of Interest** Nil

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#### **SUMMARY**

The purpose of this report is to present 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 ending 30 June 2011.

#### **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 Financial Statements shows a favourable operating revenue of \$1,628,434. Of this amount, \$766,071 relates to grant funding for the new joint library building, \$261,542 relates to the Civic Centre roof restoration, and \$255,000 relates to developer contributions for cash in lieu of parking. Operating expenditure is \$420,995 or 4% less than budget, but these reports are pending end of year adjustments/accruals which have yet to be processed. The draft annual financial report will be presented to the auditors in late August 2011 when they will perform the year end annual audit.

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Capital expenditure on Land and buildings is \$134,374 less than budget, with the new Depot Facility Project being placed on hold as possible alternative sites are investigated. The new Joint Library Building is \$716,046 over budget however this is matched with corresponding grant funding as noted above.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Mayor Morgan, seconded Cr Cunningham**

**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 for the period ending 30 June 2011, as per the attached Financial Statements, as submitted to the 19 July 2011 meeting of the Works and Corporate Services Committee.**

**Carried 5/0**

**10.2.2 ACCOUNTS PAID FOR THE MONTH OF JUNE 2011**

**File No:** SUB/137  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 19 July 2011  
**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 period ending 30 June 2011 to Council, as per 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 commencing on page 9 of the Financial Statements has the following significant payments that are brought to the attention of Council:

- \$46,838.07 to WA Local Govt Superannuation Scheme for superannuation contributions.
  - \$35,937.32 to Cobblestone Concrete for footpath installation at various sites including Brighton St, Eric St and Deane St.
  - \$16,158.10 to Synergy for electricity charges at various sites as well as street lighting.
  - \$12,523.95 to the Australian Taxation Office for the monthly BAS.
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- \$10,597.95 to On Site Industrial Rentals Australia for toilet hire during Sculpture by the Sea event.
- \$106,707.97 to Fire and Emergency Services WA being Councils final instalment of ESL.
- \$34,965.81 to B & N Waste Pty Ltd for a green and bulk waste collection.
- \$20,428.57 to Surf Life Saving WA for the lifeguard contract for April 2011.
- \$14,421.93 & \$33,105.59 to WMRC for transfer station tipping fees.
- \$58,730.31 & \$34,921.14 to Transpacific Cleanaway for waste collection services for April and May 2011.
- \$21,318 to Breac Pty Ltd for the provision of management consultancy for May and June 2011.
- \$11,550.00 to Ralph Beattie Bosworth Construction for town planning consultancy services.
- \$12,491.64 to Ocean IT for IT consultancy and IT security services.
- \$22,357.50 to GBPMaps Pty Ltd towards a geophysical investigation of Cottesloe foreshore.
- \$25,740.00 to Passive Lighting to supply and install solar street lights.
- \$12,118.70 to FJ Fitzsimmons & Co for asphalt repairs to No 1 Car park.
- \$74,536.33 & \$71,211.04 to Town of Cottesloe staff for fortnightly payroll.

#### **VOTING**

Simple Majority

#### **OFFICER & COMMITTEE RECOMMENDATION**

**Moved Mayor Morgan, seconded Cr Cunningham**

**THAT Council receive the List of Accounts for the period ending 30 June 2011, as per the attached Financial Statements, as submitted to the 19 July 2011 meeting of the Works and Corporate Services Committee.**

**Carried 5/0**

**10.2.3 SCHEDULE OF INVESTMENTS AND LOANS AS AT 30 JUNE 2011**

**File No:** SUB/150 & SUB/151  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 19 July 2011  
**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 for the period ending 30 June 2011, as per attachments, 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 18 of the Financial Statements shows that \$1,795,663.69 was invested as at 30 June 2011. Approximately 42% of the funds are invested with the National Australia Bank, 29% with Westpac Bank, 19% with Bankwest and 10% with Commonwealth Bank.

The Schedule of Loans on page 20 shows a balance of \$6,526,652.09 as at 30 June 2011. There is \$421,433.90 included in this balance that relates to self supporting loans.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Mayor Morgan, seconded Cr Cunningham**

**THAT Council receive the Schedule of Investments and the Schedule of Loans for the period ending 30 June 2011, as per the attached Financial Statements, as submitted to the 19 July 2011 meeting of the Works and Corporate Services Committee.**

**Carried 5/0**

**10.2.4 PROPERTY AND SUNDRY DEBTORS REPORT FOR JUNE 2011**

**File No:** SUB/145  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 19 July 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Property and Sundry Debtors Report for the period ending 30 June 2011 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 21 to 24 of the Financial Statements shows a balance of \$97,249.18, of which \$90,674.85 relates to the current month. The balance of aged debtors stood at \$6,574.33.

Property Debtors are shown in the Rates and Charges Analysis report on page 25 of the Financial Statements and shows a balance of \$240,160.50. Of this amount \$184,318.71 and \$20,303.66 are deferred rates and outstanding ESL respectively. As can be seen on the Statement of Financial Position on page 4 and 5 of the Financial Statements, rates as a current asset are \$49,067 as compared to \$40,258 this time last year.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Mayor Morgan, seconded Cr Cunningham**

**THAT Council receive the Property and Sundry Debtors Report for the period ending 30 June 2011, as per the attached Financial Statements as submitted to the 19 July 2011 meeting of the Works & Corporate Services Committee.**

**Carried 5/0**

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

Nil.

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

Nil.

**13 MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 7.55PM.

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