

TOWN OF COTTESLOE



WORKS AND CORPORATE SERVICES COMMITTEE

MINUTES

**MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
6.00 PM, TUESDAY, 27 OCTOBER 2015**

MAT HUMFREY
Chief Executive Officer

29 October 2015

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WORKS AND CORPORATE SERVICES COMMITTEE

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 6:02 PM.

2 APPOINTMENT OF PRESIDING MEMBER AND DEPUTY PRESIDING MEMBER

Section 5.12 of the *Local Government Act (1995)* provides that the members of a committee are to elect from amongst themselves a Presiding Member and Deputy Presiding Member.

The election is to be conducted by the Chief Executive Officer (CEO) or his nominee and nominations for the office are to be given to the CEO in writing.

If a Councillor is nominated by another elected member, the CEO or his nominee cannot accept the nomination unless the nominee has advised the CEO orally or in writing that he or she is willing to be nominated for the office.

If there is more than one nomination, elected members are to vote on the matter by secret ballot as if they were electors voting at a **first past post** voting election. The votes cast are to be counted and the successful candidate determined, as if those votes were cast at an election – provided there is not an equality of votes. If there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and not more than 7 days later, a special meeting of the Council is to be held. Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.

Once nominations have been received and, if required a ballot is taken, the Presiding Member is then declared and the presiding member assumes responsibility for the meeting, including the nomination and election of the Deputy Presiding Member using the same approach as described above.

The CEO called for nominations for the Presiding Member of the Works and Corporate Services Committee. Cr Angers nominated himself. There being only one nomination, Cr Angers was duly elected to the position of Presiding Member of the Works and Corporate Services Committee.

Cr Angers called for nominations for the position of Deputy Presiding Member. Mayor Dawkins nominated Cr Pyvis. There being no further nominations, Cr Pyvis was duly elected to the position of Deputy Presiding Member of the Works and Corporate Services Committee.

3 DISCLAIMER

The Presiding Member drew attention to the Town's disclaimer.

4 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

5 PUBLIC QUESTION TIME**5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

5.2 PUBLIC QUESTIONS

Nil

6 PUBLIC STATEMENT TIME

Mr Chris Shellabear, 151 Marine Parade, Cottesloe – Re. Item 11.1.1 Surf Life Saving Club/s – Application for Commercial Beach Signage

As President of the North Cottesloe Surf Life Saving Club, Mr Shellabear outlined the critical importance of sponsorship revenue on the provision of the services provided by the Club.

Mr Shellabear admitted that the Club made a mistake made by allowing Channel 9 to do its own promotion and delivery of its sponsorship arrangement. However, Mr Shellabear advised that the Club is sensitive to excessive signage and has gone to great lengths to avoid overbearing signage and ensure signage is subtly placed.

7 ATTENDANCE**Present**

Cr Philip Angers	Presiding Member
Mayor Jo Dawkins	
Cr Sally Pyvis	
Cr Helen Burke	
Cr Mark Rodda	
Cr Rob Thomas	
Cr Sandra Boulter	(Observer)

Officers Present

Mr Mat Humfrey	Chief Executive Officer
Mr Garry Bird	Manager Corporate & Community Services
Mr Doug Elkins	Manager Engineering Services
Mrs Siobhan French	Administration & Governance Officer

Gallery

Media (1)
Members of the Public (3)

7.1 APOLOGIES

Nil

Officer Apologies

Nil

7.2 APPROVED LEAVE OF ABSENCE

Nil

7.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8 DECLARATION OF INTERESTS

Cr Angers declared an impartiality interest in item 11.1.1 due to being a member of the North Cottesloe Surf Life Saving Club.

Cr Pyvis declared an interest in item 11.1.1 due to her daughter being employed by the President of the North Cottesloe Surf Life Saving Club.

9 CONFIRMATION OF MINUTES

Moved Mayor Dawkins, seconded Cr Burke

[Minutes September 22 2015 Works and Corporate Services Committee.docx](#)

The Minutes of the Ordinary meeting of the Works and Corporate Services Committee, held on 22 September 2015 be confirmed.

Carried 6/0

10 PRESENTATIONS**10.1 PETITIONS**

Nil

10.2 PRESENTATIONS

Nil

10.3 DEPUTATIONS

Nil

The Presiding Member considered the reports as per the published order of the agenda.

11 REPORTS

11.1 ADMINISTRATION

Cr Angers declared an impartiality interest in item 11.1.1 due to being a member of the North Cottesloe Surf Life Saving Club, and stated that as a consequence there may be a perception that his impartiality may be affected and declared that he could consider the matter on its merits and vote accordingly.

Cr Pyvis declared an interest in item 11.1.1 due to her daughter being employed by the President of the North Cottesloe Surf Life Saving Club, and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she could consider the matter on its merits and vote accordingly.

11.1.1 SURF LIFE SAVING CLUB/S – APPLICATION FOR COMMERCIAL BEACH SIGNAGE

File Ref: SUB/207-02
Attachments: [North Cottesloe Surf Life Saving Club Signage Request](#)
[Cottesloe Surf Life Saving Club Signage Request](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Garry Bird
Manager Corporate & Community Services
Proposed Meeting Date: 27 October 2015
Author Disclosure of Interest: Nil

SUMMARY

Following concerns raised last summer in regards to commercial beach signage erected by both Town of Cottesloe Surf Life Saving Clubs, Council staff have taken a proactive approach to formalising these arrangements for the coming season by requesting the Clubs submit a proposal for the signs they would like to use for the coming season.

These concerns related specifically to a sign erected on the new watch tower by the North Cottesloe Surf Life Saving Club acknowledging the support of a commercial television station. The Cottesloe Surf Life Saving Club use wind breaks to promote several businesses that have been in use for a number of years, for which a permit has not been obtained.

Accordingly a, list of signs requested by both Clubs is now presented for Council consideration.

BACKGROUND

There are two elements to signage erected by the Surf Clubs, which are covered by different local laws.

In regards to the commercial signage, the Town of Cottesloe *Local Government Property Local Law 2001* requires a permit to be obtained to “*advertise anything by any means on local government property*”.

In addition, the Clubs erect signage from time to time to promote club events/activities, educate beach users and other “*non-commercial*” signs. The Town of Cottesloe *Signs, Hoardings and Billposting By-law No. 33 (1964)* permits the erection of a temporary sign to be erected on a street, way or public place for charitable, cultural, educational, recreational or other public or community function. In order to erect such a sign, Council must first provide approval. This approval can be issued by the Town Clerk (Chief Executive Officer) or any other Officer so authorised.

Given the concerns in regards to signage erected by both Surf Clubs last summer, it was considered appropriate to refer their request to Council for consideration.

Both of these types of signage can be approved by Council with appropriate conditions if required.

The signs that the Cottesloe and North Cottesloe Surf Life Saving Clubs would like to have erected are as follows;

North Cottesloe Surf Life Saving Club

Channel 9 logo on three sides of the beach surveillance tower and the Town of Cottesloe logo on rear facing side of the beach surveillance tower.

Cottesloe Surf Life Saving Club

No commercial references planned for the patrol towers at this stage, there is the possibility of a single sponsor logo being attached and the Surf Life Saving WA logo being placed on the sides of the patrol tower.

The Club continues to use the wind break system of the previous 20 years, which is currently the West Australian (x2) and Channel 7 (x2), together with a ‘Cottesloe SLSC’ set – these are only used on the beach on the weekends

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Town of Cottesloe Policy – Beach does not contain reference to signage to be erected on the beach.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Town of Cottesloe Signs, Hoardings and Billposting By-law No. 33 1964

Town of Cottesloe Beaches and Beach Foreshore Reserves Local Law 2012

The Town of Cottesloe *Local Government Property Local Law 2001* section 3.13 (1) states that a person shall not without a permit:

(b) advertise anything by any means on local government property

The Town of Cottesloe *Signs, Hoardings and Billposting By-law No. 33 1964 – Temporary Community Signs* section (9b) states:

- (1) Notwithstanding contained in this By-law the Town Clerk or another officer authorised by the Council may upon written application grant a permit in writing permitting the erection in or on a street, way or public place of a temporary or portable sign relating to or giving directions to a charitable, cultural, educational, recreational or other public or community function, exhibition, meeting, display, event or activity not being one conducted for the purpose of commercial gain for the period and upon and subject to the terms*

FINANCIAL IMPLICATIONS

Nil for Town of Cottesloe.

Sponsorship revenue is a significant source of revenue for the Surf Clubs and being able to offer signage opportunities is a valuable tool to attract and retain sponsors.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Executive Management Town of Cottesloe
North Cottesloe Surf Life Saving Club
Cottesloe Surf Life Saving Club

STAFF COMMENT

It is noted that when receiving development approval for the erection of the towers, there was no mention of any signage to be installed. It is common practice for funding providers, in this instance the State Government and the Town of Cottesloe, to be acknowledged by way of signage on a facility.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Mayor Dawkins referred to the officer memorandum of 27 October 2015, advising that following internal discussions, it was considered prudent to remove any reference to specific sponsors from the recommendation. As a result, Mayor Dawkins proposed to move an alternate motion, removing any reference to specific sponsors, as outlined in the officer memorandum.

Committee discussed, at length, balancing concerns regarding visual pollution and the potential size of sponsorship logos, with the need for the Clubs to receive sponsorship revenue for the continuation of their life saving services.

OFFICER RECOMMENDATION

THAT Council, in accordance with the powers of the *Local Government Property Local Law 2001* and the *Signs, Hoardings and Billposting By-law No. 33 (1964)*, issue permits for a period of twelve months to the Cottesloe and North Cottesloe Surf Life Saving Clubs, for:

1. All Club signage that is promoting the Club and their activities and is not commercial in nature;
2. Signage on the watchtowers acknowledging the financial support of the State Government and the Town of Cottesloe;
3. Display of the Channel 9 logo on three sides of the North Cottesloe Surf Life Saving Club watchtower; and
4. Display of the Channel 7 and West Australian Newspaper logos on the Cottesloe Surf Life Saving Club windbreaks.

ALTERNATE MOTION

Moved Mayor Dawkins, seconded Cr Burke

THAT Council, in accordance with the powers of the *Local Government Property Local Law 2001* and the *Signs, Hoardings and Billposting By-law No. 33 (1964)*, issue permits for a period of twelve months to the Cottesloe and North Cottesloe Surf Life Saving Clubs, for:

1. All Club signage that is promoting the Club and their activities and is not commercial in nature;
2. Signage on the watchtowers acknowledging the financial support of the State Government and the Town of Cottesloe;
3. Display of logos on three sides of the North Cottesloe Surf Life Saving Club watchtower; and
4. Display of logos on up to eight (8) Cottesloe Surf Life Saving Club windbreaks.

AMENDMENT TO ALTERNATE MOTION

Moved Cr Thomas, seconded Cr Pyvis

THAT the words “in a form approved by Council” be added to point three (3), after the word “watchtower”.

Carried 6/0

COMMITTEE RECOMMENDATION

Note: The Presiding Member determined to vote on each the point of the Recommendation separately.

THAT Council, in accordance with the powers of the *Local Government Property Local Law 2001* and the *Signs, Hoardings and Billposting By-law No. 33 (1964)*, issue permits for a period of twelve months to the Cottesloe and North Cottesloe Surf Life Saving Clubs, for:

- 1. All Club signage that is promoting the Club and their activities and is not commercial in nature;**

Carried 5/1

- 2. Signage on the watchtowers acknowledging the financial support of the State Government and the Town of Cottesloe;**

Carried 5/1

- 3. Display of logos on three sides of the North Cottesloe Surf Life Saving Club watchtower in a form approved by Council;**

Carried 5/1

- 4. Display of logos on up to eight (8) Cottesloe Surf Life Saving Club windbreaks.**

Equality 3/3

For: Mayor Dawkins, Cr Rodda and Cr Angers

Against: Cr Thomas, Cr Burke and Cr Pyvis

Cr Angers casting vote for the motion

Carried 4/3

**11.1.2 COTTESLOE TO CURTIN CARE INC - PROPOSAL FOR NEW 25 YEAR
LEASE LOT 87, NUMBER 1 GIBNEY STREET, COTTESLOE**

File Ref: PR54687
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Mat Humfrey
Chief Executive Officer
Proposed Meeting Date: 27 October 2015
Author Disclosure of Interest: Nil

SUMMARY

At the Council meeting of 28 April 2015 Council considered a recommendation to advertise a business plan which proposed the disposal of the Town's interest in Lot 87 Gibney Street (the Wearne Hostel property) to Curtin Care Inc. for nominal consideration. Council adopted the officer's report, however, the business plan was not advertised as two of the owner Councils did not adopt the recommendation to advertise.

At the Council meeting of 22 June 2015 Council agreed to participate in a working group with representatives of the four owners of the land. This report is to present the recommendation of the working group.

BACKGROUND

Since the early 1980's Curtin Care (previously Curtin Aged Person's Home or CAPH) have used the Wearne Site to provide care and accommodation services for aged persons. It now provides accommodation and care for 88 people, mainly with high care needs.

Prior to being owned by the four local governments (Claremont, Cottesloe, Mosman Park and Peppermint Grove), the site was owned by the State, and administered by the Fremantle Hospital Board. In 1999, work began on having the site transferred to the four local governments, however, the site didn't settle until 2009.

A Co-Ownership Agreement was signed on 2 April 2009 for the owners to guide the ownership arrangements. The Agreement provides for establishment of a Management Committee *'for the determination or approval of matters under the Agreement.....'*. It is not clear if the Management Committee was established, but in any event, it has not been constituted nor had a meeting since November 2009.

The ownership of the site is a conditional tenure, under section 75 of the *Land Administration Act 1997*. The tenure provides ownership so long as the conditions on the title are met. In this instance, the title limits the use of the land to *'the provision of care, accommodation and residential facilities for aged persons and all activities and matters relating to the provision of such care, accommodation and residential facilities'*. Letters from the relevant department state that this includes the provision of a facility under the *Retirement Villages Act 1992*.

When the land was transferred to the four local governments in 2009, it was immediately leased to Curtin Care (at that time, CAPH) for a period of 20 years for nominal rent. The lease is registered on the certificate of title. In the second half of 2014, Curtin Care began its approaches to the four local governments to have the land transferred to Curtin Care for nominal consideration.

The land is zoned under the Town of Cottesloe Town Planning Scheme as “*development zone*” and is capable of supporting higher density development.

STRATEGIC IMPLICATIONS

Section 3.58 of the *Local Government Act 1995*

S3.58(1) provides the meaning of disposal of land includes ‘*to sell, lease, or otherwise dispose of, whether absolutely or not.*’

S3.58(3) permits property to be disposed of other than by public tender or public auction:

A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

- (a) it gives local public notice of the proposed disposition —*
 - (i) describing the property concerned; and*
 - (ii) giving details of the proposed disposition; and*
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
- and*
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

Disposal of property may be designated as a major land transaction and if so S3.59 of the Act requires that a business plan providing an assessment of the land transaction is prepared and advertised. Whether this section applies or not is based on the value of the land transaction.

Section 3.59 of the *Local Government Act 1995*

Section 3.59(1) defines major land transaction:

major land transaction means a land transaction other than an exempt land transaction if the total value of —

- (a) the consideration under the transaction; and*
- (b) anything done by the local government for achieving the purpose of the transaction,*

is more, or is worth more, than the amount prescribed for the purposes of this definition

The key words in this definition are *or is worth more*. The consideration to be used is the current value of the lease, not the amount charged for the lease if the amount charged (as is proposed) is less than the full value.

The prescribed amount for the purpose of S3.59 is determined by the *Local Government (Functions and General) Regulations 1996*:

- (1) *The amount prescribed for the purposes of the definition of **major land transaction** in section 3.59(1) of the Act is —*
- (a) *if the land transaction is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of —*
 - (i) *\$10 000 000; or*
 - (ii) *10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year*

Legal advice has been obtained that states that this transaction would be exempt from the requirements of the business plan. The advice states the overall value of the lease would need to be reduced by the amount that the lessee's improvements contribute to the value of the lease. As the lessee will be redeveloping the site at their expense, the value of lease payments would be predominantly based on the value of the buildings (which they construct) and hence the value would not be substantial. If the lease was for a longer period (say 99 years) or for outright disposition, the exemption would likely not apply.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

The land was transferred to the owner councils for \$1 plus GST. It is clearly worth considerably more than this nominal value but it is constrained to be used for the provision of care, accommodation and residential facilities for aged persons and all activities relating to the provision of such care, accommodation and residential facilities on a not for profit basis. It may not be used for commercial purposes and any changes to the encumbrances on the certificate of title require approval of the Minister for Lands.

The current fair value of the land is recorded in the Town's Statement of Financial Position as \$7,893,750 (being 25% of the land's 'fair value') and if the land is leased for 25 years, the new accounting standard for leases would be used to calculate the impairment of the asset required to reflect the reduction in value the lease has on the land's value to the Town.

Legal costs will be incurred to prepare the proposed lease and legal agreement. These costs should be shared equally by the owners.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Various meetings have been held with representatives of Curtin Care during the past 12 months. Meetings between the four affected local governments have also been undertaken.

The working group with membership from each of the owner councils has had meetings on 5 August and 9 September. The Chairman for Curtin Care, Mr. David Cox and Deputy Chair, Mr. Michael Jones, attended the meeting of 9 September and made a presentation to the working group

STAFF COMMENT

The working group was established with membership from each of the owner councils and had meetings on 5 August and 9 September.

At the conclusion of the first meeting the working group members requested the following points be addressed:

- What are Curtin Care planning to do on the site (Upgrade to meet accreditation standards and development to add housing capacity/options)?
- Of the proposed changes what are the accreditation requirements?
- Who designed the plans and what was their modelling based on (financial, regional needs etc)?
- What is Curtin Care's governance structure?
- What is Curtin Care's financial model?

Preparation of the position paper was also requested to ensure all working group members had the same comprehensive information required to assist in assessing the proposal from Curtin Care.

The Chairman for Curtin Care, Mr. David Cox and Deputy Chair, Mr. Michael Jones, attended the meeting of 9 September at the invitation of the working group. Mr. Cox and Mr. Jones made a presentation to the working group and answered questions from working group members.

The outcome of the meeting of 9 September was to recommend to the four owner councils that -

- Curtin Care be granted a 25 year lease to commence on completion of redevelopment; and
- A guiding agreement be prepared to include the new lease was to be entered into on completion of redevelopment.

A draft report was prepared and considered by the working group to clarify and formalise the recommendation to be presented to the owner councils.

The basis for the working group recommendation is:

1. The owner councils must agree to the principles proposed by the working group; being the new 25 year lease with a back to back legal agreement.

(It is really not prudent to take the matter further without agreement from the councils to this point because the next steps require legal assistance a therefore expenditure.)

2. The Town of Claremont organise the drafting of the lease and the legal agreement for approval by the working group.

3. The legal agreement to include:

- A conditional undertaking by the owner councils to lease to Curtin Care Inc. for a term of 25 years commencing when the development is in place;
- The terms and conditions of lease be substantially the same as the existing lease; and
- Curtin Care undertake-
 - To surrender the current lease upon commencement of the new lease;
 - To give further assurance about the future use of the site, being that Curtin Care will not seek to change the ownership or ownership conditions and the land ownership is to remain in the four local governments to be used only for the provision of care, accommodation and residential facilities for aged persons and all activities relating to the provision of such care, accommodation and residential facilities, on a not for profit basis;
 - Curtin Care to prepare and present to the owners a risk management plan for the redevelopment project; and
 - That Curtin Care will undertake an open and competitive process to select an appropriately credentialed not for profit operating partner.

Curtin Care Inc. is a not for profit incorporated organisation entirely separate from the four local governments which own the land. At the instigation of the owners, Curtin Care altered its constitution in 2012. This was at the time the Board was discussing the significant upgrade and expansion of the facilities. There was concern at that time about the capacity of the Board as it was constituted to undertake such a significant investment. The constitution was changed to provide for a membership base for Curtin Care and to remove the council appointed members, replacing them with independent Board members who were to be selected on a merit basis – having qualifications and experience appropriate to the activities of Curtin Care. The removal of council appointed board members addressed any perception that the local governments had any ownership or financial responsibility for Curtin Care.

Although a number of members of the owner councils are members of the Board they are not appointed by their council and serve in an independent capacity. They have

recognised the conflict of interest created by being a member of both their council and the Board and removed themselves from their council's decision making

The local governments are not exposed to a financial risk by the current operations of Curtin Care Inc. or by the proposed redevelopment project.

A major project of the nature proposed is not without risk and although the local governments will have no responsibility for such risks there should be awareness of the potential for things to go wrong, primarily:

- That Curtin Care ceases to function;
- That Curtin Care loses accreditation or access to the licenses necessary to conduct the business before, during or subsequent to the development project; and
- That Curtin Care albeit functional is not able to progress the development satisfactorily (e.g. a major dispute with a contracted group; builder stalls project indefinitely; third group such as builder becomes insolvent; cost overruns occur and cannot be funded by Curtin Care).

Curtin Care should be required to prepare and provide the owners with an appropriate risk management assessment together with appropriate contingency plans to address the identified risks. This will allow the local governments to consider any risk mitigation actions they should put in place.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Burke, seconded Cr Pyvis

THAT Council:

- 1. Confirms it supports a 25 year lease being granted to Curtin Care Inc. for Lot 87 Gibney Street Cottesloe for the purposes of the provision of care, accommodation and residential facilities for aged persons and all activities relating to the provision of such care, accommodation and residential facilities on a not for profit basis;**
- 2. The 25 year lease to commence from a date to be determined which will be the date of practical completion of the planned redevelopment;**
- 3. The annual lease payment is to be set at a nominal value;**
- 4. The terms and conditions of the lease to substantially replicate those of the registered lease which commenced 23 January 2009; and**
- 5. The Chief Executive Officer is authorised to engage the Town of Claremont to facilitate the preparation of the lease and legal agreements on behalf of the Town of Cottesloe (and other local government owners), the legal costs of which to be shared equally between the local government owners.**

Carried 6/0

11.2 ENGINEERING

11.2.1 AGREEMENT TO VARY AND EXTEND DEPOT LEASE

File Ref: SUB/220
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Doug Elkins
Manager Engineering Services
Proposed Meeting Date: 27 October 2015
Author Disclosure of Interest: Nil

SUMMARY

Council is asked to authorise extending the current Town Depot lease for a further 12 months.

BACKGROUND

The Town's Depot facility is located in a leased premises in Fremantle. The Lease arrangement is a three year lease with three, three year extension options. The first three year term has come to an end, and there is a need to extend the lease. As there is a desire to ultimately secure a depot site closer to the Town, and officers are currently progressing such an initiative, a three year extension is considered too long. Accordingly, officers have suggested a one year extension, which is agreeable to the lessor.

Council has previously agreed (Council resolution of 24 September 2012) to enter into the lease arrangement, including the extension. Accordingly, a one year extension arguably fits within the scope of Council's original resolution. However, as the lease extension requires the original lease to be modified, Council is asked to endorse the one year extension.

STRATEGIC IMPLICATIONS

A shorter lease will provide the flexibility to negotiate and relocate the depot facility, should the right opportunity present.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil relevant. The lease extension will be continued on the same terms of the existing lease

FINANCIAL IMPLICATIONS

Nil. The lease payments will be unaltered by a one year extension rather than accepting a three year extension.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

A one year lease extension provides greater flexibility to negotiate a depot site in closer proximity to Cottesloe. If a new site is unable to be resolved prior to the expiration of the one year extension, a further one year extension may be sought. It is recommended that Council authorise the current extension, and to authorise the Chief Executive Officer to enter into further one year extensions, should they be required.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Pyvis requested that following a one year lease extension, any subsequent requests to extend to the lease agreement come before Council for authorisation, a sentiment concurred with by Committee.

OFFICER RECOMMENDATION

Moved Mayor Dawkins, seconded Cr Rodda

THAT Council:

1. Authorise the Chief Executive Officer to enter into a one year lease extension for the Town Depot facility at 8 Stack Street Fremantle; and
2. Authorise the Chief Executive Officer to enter into subsequent lease extensions, as required, to ensure the continued existence of a Town Depot facility.

AMENDMENT

Moved Cr Pyvis, seconded Mayor Dawkins

That point two (2) be deleted.

Carried 6/0

COMMITTEE RECOMMENDATION

THAT Council authorise the Chief Executive Officer to enter into a one year lease extension for the Town Depot facility at 8 Stack Street Fremantle.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 6/0

11.2.2 ADOPTION OF FORESHORE MEMORIAL POLICY

File Ref: SUB/981
Attachments: [Foreshore Memorial Policy](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Doug Elkins
Manager Engineering Services
Proposed Meeting Date: 27 October 2015
Author Disclosure of Interest: Nil

SUMMARY

Council is asked to adopt a Foreshore Memorial Policy, in accordance with Council's resolution of 23 February 2015.

BACKGROUND

At the Ordinary Council Meeting of 23 February 2015, Council resolved to request officers to prepare a Foreshore Memorial Policy, with the intention of clarifying when it is appropriate to use the Cottesloe Foreshore to celebrate, remember and reflect on a lost loved one. To guide the development of the policy, Council resolved the following:

- a. *Where a memorial is in remembrance of a deceased person, that person will have:*
 - i. *Made a significant contribution to the Cottesloe Community; or*
 - ii. *Has a significant and unquestioned connection to the Cottesloe Foreshore; or*
 - iii. *Lost his/her life at the adjacent beach, on the foreshore or on the adjacent road; or*
 - iv. *Was a prominent Western Australian (e.g. Governor, Premier, Prime Minister, Explorer, highly awarded academic, world champion sportsperson), with a logical connection with the Cottesloe foreshore; or*
- b. *Where there is a desire to be recognised for the donation of a public asset, the asset will be of significance (i.e. more than a seat, table or barbeque) and will be available for use by the public at large.*

In accordance with Council's resolution, a draft policy is attached for Council's adoption.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

The policy will determine rules for the installation of memorials on the Cottesloe Foreshore.

STATUTORY ENVIRONMENT

Council is vested the care, control and management of the Cottesloe Foreshore. As the manager of the land, Council can determine rules for the installation of infrastructure and memorials.

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Determining clear rules in a policy format will reduce the demand on staff time in determining the suitability of a proposed memorial.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

Through its resolution, Council has provided an explicit description of policy. The draft policy document expands Council's resolution through the addition of examples. In addition, the policy determines how requests for memorials will be approved and the form an approved memorial will take.

It is recommended that the Council adopt the attached draft Foreshore Memorial Policy.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Dawkins, seconded Cr Burke

THAT Council adopt the attached Foreshore Memorial Policy.

Carried 6/0

11.3 FINANCE

11.3.1 REVIEW OF POLICY - PURCHASING

File Ref: SUB/306
Attachments: [Purchasing Policy](#)
[Amendments to the Local Government Function and General Regulations 1996](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Garry Bird
Manager Corporate & Community Services
Proposed Meeting Date: 27 October 2015
Author Disclosure of Interest: Nil

SUMMARY

Amendments to the *Local Government (Functions and General) Regulations 1996* ('Regulations'), gazetted on 1 October 2015, have been introduced to improve purchase and tendering practices of Local Government.

These amendments have implications for Council Policy – Purchasing which has been reviewed and amended where necessary to ensure compliance with the Regulations.

These policy amendments are now presented to Council for consideration.

BACKGROUND

A summary of the key amendments to the Regulations are provided below:

- The tender threshold has been increased from \$100,000 to \$150,000.
 - Requirement for a local government's purchasing policy to include the minimum number of oral and written quotes to be received below the \$150,000 tender threshold.
 - Exemptions to the requirement to invite public tenders expanded to include persons registered on the Aboriginal Business Directory for contracts worth \$150,000 or less, an Australian Disability Enterprise or if the term of an existing contract is being renewed or extended subject to certain conditions applicable to the original appointment and contract.
 - Strengthening of the anti-avoidance provisions of the Regulations to clarify that public tenders should be invited if they are likely to exceed a total value of \$150,000, even if the term is to be over one or more years. It is suggested by the Department of Local Government that if the tender threshold is to be exceeded over a three year period, tenders should be invited.
 - There must be two employees of the local authority present to open tenders or one employee and another so authorised by the Chief Executive Officer.
-

- If tenders are to be received by email, a separate email inbox should be created and emails are not to be opened until the application period has closed.
- Circumstances by which a contract can be varied after being entered into by a local authority.
- Introduction of the ability for local governments to create a panel of pre-qualified suppliers.
- When disposing of property, the prescribed limit for inviting tenders for the prescribed goods has been increased to \$75,000, where the proceeds from that sale are being used to acquire new property.

STRATEGIC IMPLICATIONS

Priority Area 6 – Provide Open and Accountable Local Governance

Major Strategy 6.2 – Continue to deliver high quality governance, administration, resource management and professional development.

Adoption of the proposed amendments to Council Policy – Purchasing is in keeping with this stated strategic objective.

POLICY IMPLICATIONS

Council Policy - Purchasing requires amendment as a result of the legislative changes. The attached revised policy document has been reviewed by staff and amended where necessary to ensure statutory compliance.

STATUTORY ENVIRONMENT

The following legislation is applicable to Council Policy – Purchasing:

- *Local Government Act 1995*
- *Local Government (Functions and General) Regulations 1996.*

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Council Policy – Purchasing contains provisions to ensure that Council's purchases meet sustainability expectations (see section 1.5 of the Policy).

CONSULTATION

Executive Management – Town of Cottesloe

STAFF COMMENT

Nil

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Boulter raised a number of concerns regarding the tender process outlined in the Policy and the Policy wording. The CEO stated officers would consider Cr Boulter's suggestions and if necessary, provide an updated version of the Policy before the Council meeting.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rodda, seconded Mayor Dawkins

THAT Council, with respect to gazetted amendments to the *Local Government (Functions and General) Regulations 1996*, adopt the revised Policy – Purchasing, as attached.

Carried 6/0

**11.3.2 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2015
TO 30 SEPTEMBER 2015**

File Ref: SUB/1878
Responsible Officer: Garry Bird
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 27 October 2015
Author Disclosure of Interest: Nil

SUMMARY

It is a requirement of the *Local Government Act 1995* that monthly and quarterly financial statements are presented to Council, in order to allow for proper control of the Town's finances and ensure that income and expenditure are in line with budget forecasts.

BACKGROUND

In order to prepare the attached financial statements, the following reconciliations and financial procedures have been completed and verified;

- Reconciliation of all bank accounts
- Reconciliation of rates and source valuations
- Reconciliation of assets and liabilities
- Reconciliation of payroll and taxation
- Reconciliation of sundry debtors and creditors ledgers
- Allocations of costs from administration, public works overheads and plant operations

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Statement of Financial Activity by Program on pages 5 and 6 of the attached Financial Statements shows favourable operating revenue of \$41,026 more than year to date budget. An explanation of material variances is detailed on page 21 of the attached Financial Statements. Operating expenditure is \$994,643 less than year to date budget however of this amount, \$614,929 relates to depreciation on non-current assets that has not been calculated for the reporting period as the Annual Financial Statements for the year ending 30 June 2015 have not been completed and signed off by the Town's auditors. Capital expenditure, which is detailed on pages 32 to 35, is \$194,715 more than year to date budget. The main factor contributing towards this variance is works relating to the upgrade of the Lesser Hall at the Civic Centre and this variance is due to timing.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Pyvis, seconded Mayor Dawkins

THAT Council receive the Statutory Financial Statements including other financial information as submitted to the 27 October 2015 meeting of the Works and Corporate Services Committee.

Carried 6/0

11.3.3 SCHEDULE OF INVESTMENTS AND LOANS AS AT 30 SEPTEMBER 2015

File Ref: SUB/1878
Responsible Officer: Garry Bird
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 27 October 2015
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present to Council the Schedules of Investments and the Schedule of Loans as at 30 September 2015, as included in the attached Financial Statements.

BACKGROUND

In order to prepare the attached schedules, the reconciliation of loans and investments have been completed and verified.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Investments have been placed in line with the following policies;-

- Investments Policy
- Investment of Surplus Funds Policy

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Cash and Investments on page 21 of the attached Financial Statements shows a balance of \$15,847,230 as at 30 September 2015. Approximately 38.1% of these funds were invested with National Australia Bank, 29.3% with Bankwest, 17.3% Westpac Bank and 15.3% with the Commonwealth Bank of Australia.

The Schedule of Loans on page 29 of the attached Financial Statements shows a balance of \$5,059,182 as at 30 September 2015. Included in this balance is an amount of \$256,620 that relates to self supporting loans.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Pyvis, seconded Cr Thomas

THAT Council receive the Schedule of Investments and the Schedule of Loans as at 30 September 2015. These schedules are included in the attached Financial Statements as submitted to the meeting of the Works and Corporate Services Committee on 27 October 2015.

Carried 6/0

11.3.4 LIST OF ACCOUNTS PAID FOR THE MONTH OF SEPTEMBER 2015

File Ref: SUB/1878
Responsible Officer: Garry Bird
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 27 October 2015
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 September 2015, as included in the attached Financial Statements as presented to the meeting of the Works and Corporate Services Committee on 27 October 2015.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocations.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The list of accounts paid for the month of September 2015 is included on pages 36 to 43 of the attached Financial Statements. The following significant payments are brought to Council's attention;-

- \$223,274.72 to WA Treasury Corporation for a loan repayment
 - \$433,149.32 to the Department of fire and Emergency Services for an instalment of levies collected by the Town of their behalf
 - \$40,592.41 to Melville Subaru for a new passenger vehicle
-

- \$30,140.00 to ID Consulting for Wesroc initiatives
- \$56,696.68 to Perthwaste Greenwaste Recycling for waste collection services
- \$80,300.88 to Northern Suburbs Stone Masonry to rebuild a limestone wall
- \$480,000.00 to the Commonwealth Bank being a new term deposit
- \$400,000.00 & \$450,000.00 to Westpac Bank being new term deposits
- \$400,000.00 to Bankwest being a new term deposit
- \$450,000.00 to the National Australia Bank being a new term deposit
- \$81,614.24 & \$80,298.35 to Town of Cottesloe staff for fortnightly payroll

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rodda, seconded Cr Pyvis

THAT Council receive the list of accounts paid for the month of September 2015 as included in the attached Financial Statements, as submitted to the 27 October 2015 meeting of the Works and Corporate Services Committee.

Carried 6/0

11.3.5 RATES AND SUNDRY DEBTORS REPORTS AS AT 30 SEPTEMBER 2015

File Ref: SUB/1878
Responsible Officer: Garry Bird
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 27 October 2015
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present to Council the Rates and Sundry Debtors Reports as at 30 September 2015, as included in the attached Financial Statements as submitted to the meeting of the Works and Corporate Services Committee on 27 October 2015.

BACKGROUND

In order to prepare the reports relating to Rates and Sundry Debtors included in attached Financial Statements, reconciliation of rates, source valuations and sundry debtors have been completed and verified.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on page 25 of the attached Financial Statements shows a total balance outstanding of \$243,439 as at 30 September 2015. Of this amount \$64,455 is over ninety days.

The Rating information is presented on page 28 of the attached Financial Statements shows a balance rates raised for 2015/2016 of \$9,164,965. The Statement of

Financial Position on pages 9 and 10 of the attached Financial Statements shows rates outstanding as a current asset of \$3,877,580 as compared to \$3,887,216 this time last financial year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Dawkins, seconded Cr Pyvis

THAT Council receive the Rating Information and the Sundry Debtors Report as at 30 September 2015 as submitted to the 27 October 2015 meeting of the Works and Corporate Services Committee.

Carried 6/0

12 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:

13.1 ELECTED MEMBERS

Nil

13.2 OFFICERS

Nil

14 MEETING CLOSED TO PUBLIC

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

14.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

Nil

15 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 7:26 PM.

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