

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

ORDINARY MEETING OF COUNCIL
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
7.00 PM, Tuesday 26 July 2016

MAT HUMFREY
Chief Executive Officer

12 August 2016

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

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

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Mayor announced that Mr Doug Elkins, Manager Engineering Services, is leaving the Town, as he has accepted the position of Director of Engineering at the Shire of Serpentine Jarrahdale. The Mayor congratulated Mr Elkins on his new role.

The Mayor announced that the meeting is being recorded, solely for the purpose of confirming the correctness of the Minutes.

4 PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****QUESTIONS TAKEN ON NOTICE FROM 28 JUNE 2016 COUNCIL MEETING**Frank Wright, 3/8 Beach Street, Cottesloe – Re. Consideration of Petition Requesting Expanded Planting of Trees in Princes Street

Q1: Is there an explanation for the lack of trees in Princes Street, between the beach and Avonmore Terrace, compared to the surrounding streets?

A1: Princes Street has a number of planted trees along its entire length. The western section has immature trees, which will take some time to fill the streetscape. Surrounding streets are defined by mature Norfolk Island Pines, which create a different character to a street.

Q2: Has Council any plans to rectify the situation?

A2: Council has included an allocation of \$100,000 in the 2016/17 budget for the planting of street trees. These funds are intended to be allocated to the entire Town, so a portion of the funds could possibly be allocated to additional street tree planting in Princes Street.

Q3: The Town has a Street Trees Policy, it has not been adhered to in Princes Street between the ocean and Avonmore Terrace, why?

- A3: Council's policy notes an aspiration to plant one tree per property frontage. The policy does not require a tree to be planted in front of every house, it requires a street tree to be planted and maintained per property frontage. The number of street trees in the Town will already exceed the number of property frontages, congruent with Council's aspiration. If it is Council's desire to increase street tree planting, it is necessary for the Council to allocate a budget, which will enable officers to work towards this desire over time. It is also necessary for the Council to develop a strategy or policy that will detail how the desire will be progressed and what is to be achieved.
- Q4: The land is Council's responsibility, however, residents of the street have been canvassed for their opinions in a submission, why?
- A4: It is Council's policy to consult with residents.
- Q5: The Policy is clear but has not been applied, why?
- A5: See answer to question 3.
- Q6: Council employees are paid to administer the policy of Elected Members, in this case they have not, nor shown good reason to Councillors why they have not, why?
- A6: See answer to question 3.

**QUESTIONS TAKEN ON NOTICE FROM CR BOULTER - EMAILED
21 JULY 2016**Depot Funds

- Q1: What is the total net amount in \$ received by the Town of Cottesloe from the sale of the depot including the windfall gain of \$600,000 from the reduced open space?
- Q2: How much of that depot money has been spent?
- Q3: What has the depot money that has been spent been spent on specifically and exactly listed item by item?
- Q4: How much money is left from these funds?
- Q5: What specifically is it budgeted that this money will be spent on?

Use and Development of the corner of Congdon and Railway Street

- Q1: Was development/use approval required for the artwork installed on this site?

- Q2: If so, was the approval sought and obtained?
- Q3: If so, what were the conditions of approval?
- Q4: Was a sign licence required for any sign on the fence or land under any Town of Cottesloe By Laws?
- Q5: If not, why not?
- Q6: If so, under which by-law and was a licence sought and obtained?
- Q7: If so, what were the conditions if any on the sign licence?
- Q8: What standard does the Town of Cottesloe apply to assessing sight lines at this corner?
- Q9: What is the standard and what are the words of the relevant standard applicable to the sightlines applicable to this corner?

Deemed to Comply Development Application

- Q1: What are the date and words of the current delegation from Council to staff that authorises a staff member to decide that a development application satisfies the deemed to comply provisions of the R-Codes and thus does not require a development approval by the Town of Cottesloe?

Settlement of Aboriginal Native Title Claim to Perth by Whadjuk People and the WA State Government

- Q1: Have the Town of Cottesloe administration identified best cultural practice for the Town of Cottesloe to practice following this settlement?
- Q2: If not, when can it do so?
- Q3: If yes, what changes will the Town of Cottesloe administration be making and will a report be made to Council about the implications for Town of Cottesloe and local government generally regarding this settlement having regard to the recent presentation at the Western Australian Local Government Association zone meeting?

Plastic Free July

- Q1: What events /practices are the Town of Cottesloe administration pursuing to promote the Western Australian Local Government Association Plastic Free July event advertised on the Town of Cottesloe website?

Q2: Which community groups have been notified by the Town of Cottesloe administration about this event?

Q3: How did that notification take place?

Council Resolutions

Q1: How many Council resolutions are outstanding (not necessarily overdue) for action by the Town of Cottesloe administration?

Q2: How many Council resolutions are outstanding (not necessarily overdue) for completion by the Town of Cottesloe administration?

Q3: How will the administration prioritise and notify Council about the priorities of these outstanding resolutions and when it is intended to bring those outstanding resolutions to Council?

Trees

Q1: How many trees did the Town of Cottesloe plant in the financial year 2015 - 2016?

Q2: How many trees did the Town of Cottesloe remove in the financial year 2015 - 2016?

Q3: Has the Town of Cottesloe received an expert arborist report about the Napoleon Street trees?

Q4: When will this report be presented to Council?

Grants

Q1: How many applications for grants were made by the Town of Cottesloe administration in financial year 2014-2015?

Q2: How many grants were awarded to Town of Cottesloe in financial year 2014-2015?

Q3: What were they and for how much?

Q4: How many applications for grants were made by the Town of Cottesloe administration in financial year 2015-2016?

Q5: How many grants were awarded to Town of Cottesloe in financial year 2015-2016?

Q6: What were they and for how much?

Power for Christmas Lights in Cottesloe Village

- Q1: Are there approved installed electric power points on site for the safe installation of Christmas lights in Napoleon Street?
- Q2: Are there approved installed electric power points on site for the safe installation of Christmas lights in Station Street?
- Q3: Where are they, specifically?
- Q4: If not, what would be the cost of installing the power supply to safely support the ProCott Christmas decorations?
- Q5: Is there an item in the Town of Cottesloe budget that could support this expenditure?
- Q6: Will the Station Street makeover include installation of appropriate safe power supplies for Christmas decorations in consultation with ProCott?
- A: The Mayor took the questions on notice.

4.2 PUBLIC QUESTIONSJack Walsh, 35 Grant Street, Cottesloe – Re. 10.1.1 Barchetta Café – Renovation Proposal and Request for New Lease and Extended Lease Area

- Q1: Why do we ignore our Beach Policy?
- Q2: Why bother with public submissions, when the Officer is saying that the extra part of the reserve should be taken and put into the lease area and the Town of Cottesloe enter into a new lease arrangement?
- A: The Mayor took the questions on notice.

Ian McCallum, 68A Broome Street, Cottesloe – Re. Upgrade to the Lighting at Cottesloe Oval

- Q1: Shouldn't the decision, on the upgrade of the lighting at Cottesloe Oval, be deferred until the Master Plan covering the area is completed?
- Q2: Why is the proposed lighting tower more than twice the height of the current lighting pole?
- Q3: Can the positioning of the lighting tower in front of the Norfolk Island Pines be considered as to maintain the visual amenity?

A1-3: The Mayor advised that an item on the lighting at Cottesloe Oval will come to the August Council Meeting.

5 PUBLIC STATEMENT TIME

Sam Kaye, 315 Marmion Street, Cottesloe – Re. 9.1 Petition to allow food trucks to operate within the Town of Cottesloe

- 1,000 people have signed the petition to allow food trucks to operate within the Town of Cottesloe.
- Other Councils allow food trucks and have policies regarding their operation.
- Food trucks can encourage community engagement, Daisies recently hosted a food truck and the proceeds were donated to charity.

David Utting, 29 Viewling, Nedlands – Re. 10.1.1 Barchetta Café – Renovation Proposal and Request for New Lease and Extended Lease Area

- There was an erosion issue in the area before it was revegetated.
- Mr Utting's father was instrumental in the development of a policy to keep development on the western side on Marine Parade to a contained state.
- There has been no rationale put forward as to why more land is required.
- There is the opportunity to create a great development on the land.
- There should be a competitive process in regard to the lease.
- There should be an amendment to the proposal, that Council reserves its right to invite new parties to participate in any proposed new lease process and to ensure a realistic market based rental is accrued.

Jack Walsh, 35 Grant Street, Cottesloe – Re. 10.1.1 Barchetta Café – Renovation Proposal and Request for New Lease and Extended Lease Area

- According to the Beach Policy, there should be no building on the west side of Marine Parade, except on an existing building footprint.
- The issues with the building are a result of the Lessee constructing the building "on the cheap".
- It is up to the Lessee to fix the building.
- A lease renewal for 21 years would have to go out to the general tender process.

Peter Rattigan, 9 Grant Street, Cottesloe – Re. 10.1.1 Barchetta Café – Renovation Proposal and Request for New Lease and Extended Lease Area

- It is an important issue and it is the responsibility of the Elected Members to make major decisions.
- A proper process must be followed and community consultation must take place.
- It is a change of use from a public reserve to a commercial operation and a doubling of the seating area of a business.

6 ATTENDANCE**Present**

Mayor Jo Dawkins
Cr Philip Angers
Cr Sandra Boulter
Cr Rob Thomas
Cr Helen Burke
Cr Mark Rodda
Cr Jay Birnbrauer
Cr Katrina Downes
Cr Sally Pyvis

Officers Present

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

6.1 APOLOGIES

Nil

Officer Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Nil

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Birnbrauer, seconded Cr Downes

That Cr Birnbrauer be granted a leave of absence from the August Council Meeting.

Carried 9/0

7 DECLARATION OF INTERESTS

Nil

8 CONFIRMATION OF MINUTES

Moved Cr Angers, seconded Cr Rodda

[Minutes 28 June 2016 Council.DOCX](#)

The Minutes of the Ordinary meeting of Council held on Tuesday 28 June 2016 be confirmed.

Carried 9/0

9 PRESENTATIONS

9.1 PETITIONS

Petition to allow food trucks to operate within the Town of Cottesloe.

Moved Mayor Dawkins, seconded Cr Downes

THAT Council accept the petition and request an Officer report on the matter.

Carried 9/0

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

For the benefit of the members of the public present the Mayor advised that items 10.1.1, 10.1.2, 10.1.3, 10.1.4 and 10.1.5 have been withdrawn.

10 REPORTS

10.1 REPORTS OF OFFICERS

ADMINISTRATION

10.1.1 BARCHETTA CAFÉ – RENOVATION PROPOSAL AND REQUEST FOR NEW LEASE AND EXTENDED LEASE AREA

File Ref:	VIT/65
Attachments:	Barchetta Lessee Application Lease Boundary Concept Plans Photo Current View of Barchetta
Responsible Officer:	Mat Humfrey Chief Executive Officer
Author:	Garry Bird Manager Corporate & Community Services
Proposed Meeting Date:	26 July 2016
Author Disclosure of Interest	Nil

SUMMARY

To consider a request from the current lessees (Yellowdot Enterprises Pty Ltd) of the Cafe and Kiosk at North Cottesloe Beach (Barchetta) for;

1. A renovation of the Café;
2. An extended lease area; and
3. A new lease for a term of twenty one years.

The request from the lessees and a concept plan for the redevelopment is attached for the information of Elected Members.

BACKGROUND

The current lease commenced on 24 July 2002 for a term of eleven years, with the option to renew for two further terms of five years each. The first of these options has been exercised by the lessee, with the lease now due to expire on 23 July 2018. If the second option is exercised, the lease would expire on 23 July 2023.

Yellowdot Enterprises Pty Ltd now desires to renovate the existing facility and expand the lease area, in order to renovate the building.

The existing lease occupies the entire lot area to the western side of the building and has a small area available to the eastern side on the current footpath.

The proposal seeks approval to expand the lease area by 3.50 metres to the western side and 2.92 metres to the southern side into Reserve 13718, which is vested in the Town of Cottesloe for the purpose of “recreation”. Preliminary discussions with the State Lands Office indicate it may be possible for a portion of Reserve 13718 to be excised and amalgamated into the Barchetta site. A formal application is required to be submitted to progress this matter further.

The expanded area would allow for the existing balcony to be enclosed and a new balcony to be constructed. The existing bin store area, accessed from Marine Parade, would also be enclosed and a narrow path constructed to allow staff to access Marine Parade from the new bin store. At present, the footpath is used to access the bin store.

Formal authorisation from Council was considered appropriate in order to submit a request for a portion of Reserve 13718 to be amalgamated into the Barchetta site.

Assuming Council provides authorisation for staff to apply for a portion of Reserve 13718 to be amalgamated into the Barchetta site and this is approved by the State Lands Office, the matter of a new lease with an expanded area could then be formally considered at a later date.

STRATEGIC IMPLICATIONS

Priority Area 5 – Providing sustainable infrastructure and community amenities

Major Strategy 5.2 – Manage assets that have a realisable value

Expansion of the lease area would be in keeping with this stated strategic objective, by facilitating investment in the asset and maximising the lease return to Council.

POLICY IMPLICATIONS

Council Policy – Beach

Section 6 (a) (b) (c) of the Policy has specific relevance to this request as follows;

- (a) *No use will be permitted within the area west of Marine Parade unless it contributes directly to the amenity of the recreational users of the beach reserves and is designed, constructed and operated in a way that protects and enhances the natural coastal environment.*
- (b) *No use, activity or modification should be permitted on the beach reserves if it has a significant adverse environmental effect.*
- (h) *In the context of Cottesloe, it is Town of Cottesloe's intent to maintain the area west of Marine Parade in as natural a state as the pressures from beach users permit. Therefore, only those recreation activities that do not threaten the integrity of the beach reserve, are acceptable to Cottesloe.*

This Policy has a strong environmental focus that is designed to protect the natural environment of the beach as much as possible. The areas of Reserve 13718 which have been requested to be incorporated into the lease area have previously been developed. This includes the pedestrian footpath access to the public toilets below Barchetta Café and an eroded area on the southern side adjacent to the existing bin store area. As such there would be no detrimental effect on the beach environment.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Land Act 1933

If Council was to approve the request in its entirety, the provisions of the Local Government Act regarding disposition of property would apply and requires the Town of Cottesloe to advertise its intention to enter into a new lease arrangement and seek public submissions.

This would not need to occur until after the portion of Reserve 13718 has been amalgamated into the adjoining Lot 501 and a new lease arrangement formally approved.

FINANCIAL IMPLICATIONS

The lease of this facility provides an annual rental to Council of \$41,916 per annum. If Council was to accept the proposal and a new lease with an expanded area was in place, a new market valuation for this rent would be obtained and would be expected to be proportionally higher than the current rental value.

Costs associated with the preparation of a new lease document and other associated expenses would be reimbursed by Yellowdot Enterprises Pty Ltd.

This rental is reviewed every five years under the current lease and indexed to the Consumer Price Index on an annual basis for those years where a rent review is not undertaken.

The business also pays approximately \$16,000 per annum in commercial refuse fees in addition to minor environmental health charges.

STAFFING IMPLICATIONS

There are no significant staffing implications arising from the Officer's Recommendation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Town of Cottesloe staff
Cottesloe Coastcare
Yellowdot Enterprises Pty Ltd
State Lands Office

STAFF COMMENT

In regards to the new lease, officers support the proposal for an expanded lease area on the basis of the increased rent return that would be derived from the site and that the redevelopment would be of benefit to residents and visitors to the Café.

The requested new lease term of twenty one years would make redevelopment of the building a more economically viable prospect for the lessee.

The renovation would enhance the visual amenity of the Café and would require development and building approvals.

Final design of the renovations would not be considered until after the Foreshore Plan has been considered by Council and the relatively minor expansion requested is not expected to impact on the Foreshore Plans. It should also be noted that as Barchetta is a Council owned building, the final design will be submitted to a future Council Meeting for approval prior to the commencement of any works.

Western Australian Planning Commission approval will also be required before the commencement of works.

ADDITIONAL INFORMATION FOLLOWING COUNCIL BRIEFING SESSION

Further to questions raised by Elected Members at the Briefing Session, the following information is provided;

The total area of the expansion is 124.58m², with the expansion of the western balcony being 89.08m² and the new path on the southern side being 35.49m². This represents an increase of 47.91% on the current total lease area of 260m².

The existing Barchetta Reserve 28199 (Lot 149) is vested in the Town of Cottesloe for the purpose of recreation. The adjoining Reserve 13718 is vested in the Town of Cottesloe for the purpose of recreation.

As noted by Cr Thomas and Cr Rodda, the built premises that comprise the Barchetta Café are owned by the Lessee for the duration of the lease, with Council leasing the land to the lessee. At the expiry of the lease term Council has the option to ask the lessee to remove the building or assume ownership itself. This is reflected in the rental currently paid and it is expected that this rental value will increase proportionally with the extra land provided. The terms and conditions of the new lease would be subject to negotiations at a later date and this matter and others could be addressed at this time if Council was so inclined to amend the existing arrangements.

The Barchetta Café currently seats 72 patrons, with the Town of Cottesloe not having issued a licence for a maximum number of patrons. The current lease prescribes a maximum of 75 patrons. If the renovation proceeds the café could accommodate up to 150 patrons based on the floor area and the number of toilets presently available, although a second exit may need to be provided.

VOTING

Simple Majority

OFFICER RECOMMENDATION

THAT Council authorise the Chief Executive Officer to:

1. Make a formal application to the State Lands Office to have a portion of Reserve 13718 amalgamated into the adjoining Lot 501 (Barchetta Café) as denoted on the attached map.
2. Engage the Town's Solicitors to prepare new lease documentation to reflect the requested expanded area of the lease, with a new twenty one year term, comprising an additional term of eleven years with two subsequent five year options, with the cost to be reimbursed by the lessee.

3. Provide a detailed report to Council for formal consideration of the new lease request if and when Reserve 13718 has been vested in the Town of Cottesloe.

COUNCILLOR MOTION

Moved Cr Rodda, seconded Cr Angers

THAT Council authorise the Chief Executive Officer to:

1. **Make a formal application to the State Lands Office to have a portion of Reserve 13718 vested in the Town of Cottesloe (as denoted on the attached map) amalgamated into the adjoining Lot 501 (Barchetta Café).**
2. **Subject to the tenant of Barchetta Café agreeing to reimburse the Town all costs of doing so, engage the Town's Solicitors to prepare draft documentation for a new lease of the Barchetta Café to reflect the requested expanded area of the existing lease and construction of proposed renovations of the building, with a new twenty one year term, comprising a term of eleven years with two subsequent five year options.**
3. **Subject to the State Lands Office approving the amalgamation referred to in paragraph 1 above, provide a detailed report to Council for formal consideration of the proposed new lease request, such report to include full details of the material terms and conditions of the new lease, together with a professional current valuation of the fair market rent for a lease on the terms proposed.**

Advice Note:

Nothing in this Council Resolution should be in any way construed by the tenant of Barchetta Café, or anyone else, as Council's support or approval of a proposed new lease for Barchetta Café. Council will consider whether or not to support and approve the proposed new lease in the ordinary course following receipt of the detailed report referred to in paragraph 2 above.

AMENDMENT ONE

Moved Cr Boulter, seconded Cr Pyvis

That a point four (4) be added that reads "That the Town advertise the proposal to make the formal application to the State Lands Office, before we make that application and we advertise that widely to the community."

Carried 5/4

**For: Crs Boulter, Thomas, Burke, Birnbrauer and Pyvis
Against: Mayor Dawkins, Crs Angers, Rodda and Downes**

AMENDMENT TWO

Moved Cr Thomas, seconded Cr Pyvis

That point two (2) be deleted.

Carried 6/3

**For: Mayor Dawkins, Crs Angers, Boulter, Thomas, Birnbrauer and Pyvis
Against: Crs Burke, Rodda and Downes**

AMENDMENT THREE

Moved Cr Boulter, seconded Cr Pyvis

That point four (4) be deleted and the words “Advertise the proposal to” be added before the words “Make a formal application” be added to point one (1).

Lost 3/6

For: Crs Boulter, Thomas and Pyvis

Against: Mayor Dawkins, Cr Angers, Burke, Rodda, Birnbrauer and Downes

AMENDED SUBSTANTIVE MOTION

THAT Council authorise the Chief Executive Officer to:

1. Make a formal application to the State Lands Office to have a portion of Reserve 13718 vested in the Town of Cottesloe (as denoted on the attached map) amalgamated into the adjoining Lot 501 (Barchetta Café).
2. Subject to the State Lands Office approving the amalgamation referred to in paragraph 1 above, provide a detailed report to Council for formal consideration of the proposed new lease request, such report to include full details of the material terms and conditions of the new lease, together with a professional current valuation of the fair market rent for a lease on the terms proposed.
3. That the Town advertise the proposal to make the formal application the State Lands Office, before we make that application and we advertise that widely to the community

Advice Note:

Nothing in this Council Resolution should be in any way construed by the tenant of Barchetta Café, or anyone else, as Council’s support or approval of a proposed new lease for Barchetta Café. Council will consider whether or not to support and approve the proposed new lease in the ordinary course following receipt of the detailed report referred to in paragraph 3 above.

THE AMENDED SUBSTANTIVE MOTION WAS LOST

Lost 1/8

For: Cr Thomas

Against: Mayor Dawkins, Cr Angers, Boulter, Burke, Rodda, Birnbrauer, Downes and Pyvis

10.1.2 REVIEW OF RECORDKEEPING PLAN

File Ref: SUB/2248
Attachments: [Town of Cottesloe Recordkeeping Plan July 2016](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Garry Bird
Manager Corporate & Community Services
Chieko Mizutani
Senior Records Officer
Proposed Meeting Date: 26 July 2016
Author Disclosure of Interest: Nil

SUMMARY

A recommendation is made to adopt the revised Recordkeeping Plan and forward to the State Records Office for approval, as per the requirements of the State Records Act.

BACKGROUND

The Recordkeeping Plan is expected to provide an accurate reflection of the recordkeeping program within the Town of Cottesloe, including information about the recordkeeping systems, disposal arrangements, policies, practices and processes.

The Recordkeeping Plan is the primary means of providing evidence of compliance with the *State Records Act 2000* and the implementation of best practice recordkeeping within the organisation.

A number of minor changes have been made throughout the document to reflect the current standards, which have changed quite a lot in the last 5 years. The most significant changes are around policy and processes, which have matured and changed over the years due to business improvement and changing business needs.

Please note that the Recordkeeping Plan has not been submitted to the State Records Office in draft for preliminary review and there is a risk that the document may require minor amendment if requested. The risk of amendment is considered low and the changes are likely to be minor.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

A review of the existing Record Management Policy will be undertaken upon approval of the Recordkeeping Plan by the State Records Office.

STATUTORY ENVIRONMENT

The *State Records Act 2000* has specific provisions relating to the responsibility to create, manage and dispose of records in accordance with principles and standards issued by the State Records Commission.

FINANCIAL IMPLICATIONS

There has been significant officer and contractor time invested in the development and preparation of the Recordkeeping Plan over the last twelve months.

The internal cost was been absorbed in the Senior Records Officers position with the consultants (Information Proficiency Pty Ltd) being paid \$21,000.00 for this project.

STAFFING IMPLICATIONS

There are no staffing implications arising from the Officers' Recommendation, with all staff having responsibility for record keeping applicable to their position.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications arising from the Officers' Recommendation.

CONSULTATION

Town of Cottesloe Staff
State Records Office
Information Proficiency Pty Ltd

STAFF COMMENT

It is a legislative requirement that the Town of Cottesloe submit a revised Recordkeeping Plan to the State Records Office every five years.

This Plan outlines our current recordkeeping policy and procedures.

Records are an important information resource to the Town, who is obliged to maintain a records management system that creates and maintains evidential records of business activities carried out by the Town of Cottesloe.

Records may only be destroyed through an approved process with guidelines set by the State Records Commission.

This plan applies to all staff within the Town of Cottesloe including Councillors, part-time employees and contractors.

VOTING

Simple Majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Rodda

THAT Council adopt the revised Recordkeeping Plan and submit to the State Records Office for approval.

Carried 6/3

**For: Mayor Dawkins, Crs Angers, Thomas, Burke, Rodda and Downes
Against: Crs Boulter, Birnbrauer and Pyvis**

10.1.3 COMMUNICATION POLICY REVIEW

File Ref: SUB/2210
Attachments: [Attachment 1 Submissions Received](#)
[Attachment 2 Communication Policy](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Mat Humfrey
Chief Executive Officer
Proposed Meeting Date: 26 July 2016
Author Disclosure of Interest: Nil

SUMMARY

Following community feedback on the Town's Communication Policy, Council is being asked to consider requesting the Chief Executive Officer to prepare a Social Media Strategy and Policy.

BACKGROUND

Council adopted the Town of Cottesloe – Communication Policy in July 2013. The Policy aims to guide officers and Elected Members on issues surrounding communications, particularly with each other and residents and ratepayers.

Following a desktop review of the Policy by officers, at the 24 May 2016 Council Meeting, Council resolved:

THAT Council authorise the Chief Executive Officer to seek community feedback on the Town's Communication Policy (as attached) and that the feedback along with any recommended changes be presented to the July 2016 Ordinary Council Meeting.

This report presents the results of the community feedback.

STRATEGIC IMPLICATIONS

Priority Area 6 – Provide Open and Accountable Local Governance

Major Strategy 6.1 – Ongoing implementation of Council's community consultation policy.

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

Communication with residents, ratepayers and stakeholders will play an important role in achieving the Town's strategic priorities.

POLICY IMPLICATIONS

The officer's recommendation is for a Social Media Policy to be created.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

\$100,000 has been allocated for works to the website in the 2016/2017 Budget.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from this report.

CONSULTATION

A public notice calling for feedback on the Communication Policy was placed on the Town's website, the Town's noticeboards and advertised in the Post and the Western Suburbs Weekly newspapers.

STAFF COMMENT

Following advertising, 14 submissions were received. The submissions were generally well presented and raised issues with the Town's communications, but not necessarily with the Policy itself. A summary of the key issues is presented below.

Social Media

Nearly all of the submissions stated that the Town should start using some form of social media, in particular Facebook, to communicate with residents. At present the Town has a sustainability presence on Facebook, but has not had a mainstream Facebook presence, or used any other social media platform.

Current staffing would allow for a social media presence, although using social media is not without risk. As such, it would be best, if Council desires a social media presence (as recommended by officers), to first develop a social media strategy and social media policy to guide officers in the use of social media. The policy itself is an absolute necessity, as social media is a very responsive environment and the normal channels for approval of public comments will simply not be sufficient.

Website

The submissions contained a number of requests for improvements to the Town's website. Officers believe the website requires significant work and as such recommended to Council that the website be upgraded and that funds be set aside for this process. This project will commence immediately after the Customer Relationship Management System is set in place.

Access to decision making

Several submissions stated the need for decisions to be made in an open and transparent matter. This seems to have come from a misunderstanding that Council is making decisions outside of Council meetings. It is difficult to pinpoint the source of this, but it is an issue that both Council and administration need to be aware of. The reality is that Council meetings are open to the public and press, and meetings are only closed when absolutely necessary.

Advertising of Development Applications

There were a number of submissions that raised the issue of the advertising of development applications and advertising potential scheme amendments prior to Council deciding whether or not to initiate a scheme amendment.

The document that sets out how and when development applications are to be advertised is the planning scheme itself and regulations. Having multiple documents discussing the same subject matter often leads to confusion and mistakes being made. As such, it is recommended that the Council review requirements, so that the submissions received can be considered against the scheme documents, rather than trying to incorporate that into the Communication Policy.

Access to documents / information

A pro-forma response was received from several respondents, appearing to copy and paste an email that had been distributed by an Elected Member/s. In these responses, there were requests to provide information that has been marked confidential by the Chief Executive Officer and provided to Elected Members, via the Elected Member Bulletin.

The Elected Member Bulletin was introduced earlier this year by officers as a way of keeping Elected Members aware of issues that the Town was dealing with, that are either not yet ready for reporting to Council, or informing Elected Members of issues that they may be confronted with, either by the media or members of public. Prior to the introduction of this initiative, Elected Members were not provided this information in any form. To suggest it is an increase in “secrecy” is simply not true.

The pro-forma responses also suggested that the Town should advertise all scheme amendment applications prior to considering whether or not to initiate a scheme amendment, even though the legislated scheme amendment process contains mandated advertising. There are several concerns here.

Firstly, it is no longer within a local government’s absolute discretion to decide whether or not to initiate a scheme amendment. In 2010, amendments were made to the Planning and Development Act (section 76) that allow the Minister to order a local government to initiate a scheme amendment for the purposes of advertising. The prime consideration the Minister is required to make is whether the refusal to initiate a scheme amendment is on proper planning grounds.

A second risk, is advertising for submissions prior to initiation and again during any legislated submission period (either agreed to by the Town or as a result of an order from the Minister) can create confusion and reduce submissions received as people may believe they have already submitted a response once. Ultimately, these considerations should be covered in the review of the planning policy relating to the advertising of development applications and not duplicated in the Communication Policy.

Lastly, some submissions referred to the Council Briefing Sessions and the notes that are taken by staff at these sessions. One in particular suggests that a return to the committee system would result in further information being provided to the

community by way of the release of Minutes. There are two points that need to be addressed here when considering these submissions.

Firstly, the Briefing Session is not a decision making forum. No debating or voting can take place. As such, the Minutes of such a meeting would contain very little information that is not already contained within the Agenda. Public questions asked at the Briefing Session are taken as “questions on notice provided to the Chief Executive Officer” and provided in the Council Agenda (with answers) where possible.

Secondly, the Minutes of the Committee meetings (and Council meetings) do not record the questions asked by Elected Members or the answers provided by staff during meetings. However, the meetings are open to the public and press and anyone can attend to hear what is being said.

The Briefing Session system is due for review later this year and public submissions on the process will be invited as a part of the review process.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Mayor Dawkins, seconded Cr Birnbrauer

THAT Council:

1. Note the submissions received on the Communication Policy as provided in attachment 1;
2. Request the Chief Executive Officer prepare a Social Media Strategy and Policy, for presentation at or before the November 2016 Council Meeting;
3. Initiate a process of review of the requirements for advertising development applications and scheme amendments;
4. Acknowledge the requests for improvements to the Town’s Website; and
5. Thank those who provided submissions for taking part in the review.

AMENDMENT

Moved Cr Boulter, seconded Cr Pyvis

That point one (1) be deleted and replaced with the words “That the Communication Policy be amended to reflect the submissions or rebut the submissions, with reasons given and brought back to Council for review by September 2016, including a review of the requirements for advertising for development applications and scheme amendments and appropriate amendment of the communication consultation policies for further advertising.

Lost 3/6

For: Crs Boulter, Birnbrauer and Pyvis

Against: Mayor Dawkins, Crs Angers, Thomas, Burke, Rodda and Downes

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

THAT Council:

- 1. Note the submissions received on the Communication Policy as provided in attachment 1;**
- 2. Request the Chief Executive Officer prepare a Social Media Strategy and Policy, for presentation at or before the November 2016 Council Meeting;**
- 3. Initiate a process of review of the requirements for advertising development applications and scheme amendments;**
- 4. Acknowledge the requests for improvements to the Town's Website; and**
- 5. Thank those who provided submissions for taking part in the review.**

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 6/3

For: Mayor Dawkins, Crs Angers, Thomas, Burke, Rodda and Downes

Against: Crs Boulter, Birnbrauer and Pyvis

10.1.4 REVIEW OF INVESTMENT POLICY

File Ref: POL/7
Attachments: [Investment Policy Updated July 2016](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Garry Bird
Manager Corporate & Community Services
Proposed Meeting Date: 26 July 2016
Author Disclosure of Interest: Nil

SUMMARY

To consider an amendment to the existing Investment Policy as per a recommendation from the recently completed Financial Management Review.

BACKGROUND

Recent changes to the *Local Government (Financial Management) Regulations 1996* now expressly prohibit certain investments, including the use of managed fund investments for local authorities. These amendments were made as a result of several Western Australian local authorities losing considerable sums in the global financial crisis in 2007 with such investments.

Council's existing policy has not been reviewed since these amendments in 2012 and still allows for managed fund investments. This matter was identified by Council's auditor Moore Stephens in their conduct of the Financial Management Review and reported to the Audit Committee meeting on 28 June 2016.

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 attached draft Investment Policy is in keeping with this stated strategic objective.

POLICY IMPLICATIONS

A revised Investment Policy will be created if the Officer's Recommendation is adopted.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

REGULATION 19C.

INVESTMENT OF MONEY, RESTRICTIONS ON (ACT S. 6.14(2)(A))**(1) In this regulation —**

authorised institution means —

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

foreign currency means a currency except the currency of Australia.

(2) When investing money under section 6.14(1), a local government may not do any of the following —

- (a) *deposit with an institution except an authorised institution;*
- (b) *deposit for a fixed term of more than 12 months;*
- (c) *invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;*
- (d) *invest in bonds with a term to maturity of more than 3 years;*
- (e) *invest in a foreign currency.*

[Regulation 19C inserted in Gazette 20 Apr 2012 p. 1701.]

FINANCIAL IMPLICATIONS

Investment of funds represents a significant income stream for Council with the 2016/17 Budget estimating \$111,500 to be earned from Municipal Fund and \$200,959 from Reserve Fund investments.

STAFFING IMPLICATIONS

There are no staffing implications arising from the Officer's Recommendation.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications arising from the Officer's Recommendation.

CONSULTATION

Moore Stephens
Town of Cottesloe Audit Committee

STAFF COMMENT

Despite the legislative amendments prohibiting the use of managed funds by council, it should be noted that at no stage has Council ever used such an investment in recent memory.

VOTING

Simple Majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Angers, seconded Cr Rodda

THAT Council adopts the revised Investment Policy as attached.

Carried 9/0

10.1.5 DELEGATED AUTHORITY REGISTER

File Ref: SUB/2040
Attachments: [Delegated Authority Register 2016/2017](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Mat Humfrey
Chief Executive Officer
Proposed Meeting Date: 26 July 2016
Author Disclosure of Interest: Nil

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 Chief Executive Officer to make decisions under the authority of Council, without having to constantly refer business of a routine nature to Council.

Section 5.46 of the Local Government Act requires that at least once every financial year, delegations are to be reviewed. Council last reviewed its delegations in July 2015.

STRATEGIC IMPLICATIONS

Priority Area 6 – Provide Open and Accountable Local Governance

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

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Sections 5.42, 5.43, 5.44 and 5.46 of the *Local Government Act 1995* regulate the ability of a local government to delegate the exercise of its powers or discharge its duties under the Act.

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 —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* 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.*

[Section 5.42 amended by No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

5.43. Limits on delegations to CEO

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;*
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) any power or duty that requires the approval of the Minister or the Governor;*
- (i) such other powers or duties as may be prescribed.*

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

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).]

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

Officers have undertaken a comprehensive review of the Delegated Authority Register, focussing on assessing the suitability and relevance of each delegation and incorporating the following measures:

- A revised layout for each instrument of delegation
- Improvements to the wording and referencing of each delegation

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 Chief Executive Officer or respective specialist officers who are both registered and qualified to administer such delegations.

Where appropriate some delegations are delegated by the Chief Executive Officer to other specialist officers such as the Manager Corporate and Community Services, Manager Engineering Services, Manager Development Services, Principal Environmental Health Officer and Principal Building Surveyor. However the Chief Executive Officer remains responsible for any decision made under a delegation to him.

VOTING

Absolute Majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rodda, seconded Cr Angers

THAT Council, by absolute majority, approve the delegations made to the Chief Executive Officer, as detailed in the attached Delegated Authority Register 2016/2017.

Carried 7/2

For: Mayor Dawkins, Crs Angers, Thomas, Burke, Rodda, Birnbrauer and Downes

Against: Crs Boulter and Pyvis

FINANCE**10.1.6 FINANCIAL STATEMENTS FOR THE MONTH ENDED 30 JUNE 2016**

File Ref:	SUB/2153
Attachments:	Financial Statements for the period ending 30 June 2016
Responsible Officer:	Garry Bird Manager Corporate & Community Services
Author:	Wayne Richards Finance Manager
Proposed Meeting Date:	26 July 2016
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 compared to budget forecasts.

The attached financial statements and supporting information are presented for the consideration of Elected Members. Council staff welcome enquiries in regard to the information contained within these reports.

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 accounts payable and accounts receivable ledgers
- Allocations of costs from administration, public works overheads and plant operations
- Reconciliation of loans and investments

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Town of Cottesloe Accounting Policy
Town of Cottesloe Investments Policy
Town of Cottesloe 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 allocations.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The following comments and/or statements provide a brief summary of major financial/budget indicators and are included to assist in the interpretation and understanding of the attached Financial Statements.

- The net current funding position as at 30-06-2016 is \$1,671,652 and is in line with previous financial years as shown on pages 2 and 22 of the attached Financial Statements. It should be noted that accrued income and expense journals have not yet been posted and that this will be done over the coming weeks as a part of the process of compiling the Annual Financial Report for 2015/16.
- Rates receivable as at 30-06-2016 stood at \$244,153 of which \$179,494 relates to deferred rates. Excluding deferred rates, the outstanding balance of rates is \$18,723 more than at the same time last financial year.
- Operating revenue is more than year to date budget by \$592,811 with a more detailed explanation of material variances provided on page 21 of the attached Financial Statements. Operating expenditure is \$682,819 less than year to date budget.
- The Capital Works Program is approximately 38% complete as at 30-06-2016 and a full capital works program listing shown on pages 33 to 36.
- Whilst Salaries and Wages are not reported specifically, they do represent the majority proportion of Employee Costs which are listed on the Statement of Financial Activity (By Nature and Type) on page 7 of the attached Statements. As at 30-06-2016 Employee Costs were \$46,117 less than year to date forecasts.

List of Accounts for June 2016

The List of Accounts paid during June 2016 is shown on pages 37 to 45 of the attached Financial Statements. The following significant payments are brought to Council's attention;-

- \$320,000.00 to the Cottesloe Tennis Club being a dispersal of new loan proceeds
- \$28,916.50 to Civica Pty Ltd for software licence costs
- \$28,320.00 to B & B Waste Contractors for verge collection costs

- \$54,788.02 to Perthwaste Green Recycling for waste collection/disposal services
- \$144,383.12 to the Department of Fire and Emergency Services being the final instalment of emergency levies collected by Council on their behalf
- \$50,341.65 to Western Metropolitan Regional Council for waste disposal costs
- \$86,037.42, \$85,345.36 and \$83,410.38 to Town of Cottesloe staff for fortnightly payroll
- \$100,000.00 to National Australia Bank for a new term deposit
- \$600,000.00, \$102,374.00, \$39,527.00 and \$350,000.00 being transfers to Council's Investment and Trust Accounts.

Investments and Loans

Cash and investments are shown in Note 4 on page 23 of the attached Financial Statements. Council has approximately 43% of funds invested with National Australia Bank, 31% with Bankwest, 12% with the Commonwealth Bank of Australia and 14% with Westpac Banking Corporation.

Information on borrowings is shown in Note 10 on page 30 of the attached Financial Statements. As at 30-06-2016 the Town had \$5,093,358 of borrowings outstanding. This has increased due to the new self supporting loan for the Cottesloe Tennis Club.

Rates, Sundry Debtors and Other Receivables

Rating information is shown in Note 9 on page 29 of the attached Financial Statements. As displayed on page 2, rates receivable is trending in line with the previous year.

Sundry debtors are shown on Note 6, pages 25 and 26 of the attached Financial Statements with 15% or \$14,510 older than 90 days. All infringements from the legacy system have now been transferred across to Council's main accounting software, Authority. The Infringements trial balance shows a total of \$337,952 that is older than 90 days, with the vast majority of this either registered with Fines Enforcement Registry for collection, or due to to be sent there shortly.

VOTING

Simple Majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Rodda

THAT Council receive the Financial Statements for the period ending 30 June 2016 as attached.

Carried 9/0

10.2 REPORT OF COMMITTEES

Nil

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

12.1 ELECTED MEMBERS

Nil

12.2 OFFICERS

Nil

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

Nil

14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 08:47 PM.

CONFIRMED MINUTES OF 26 JULY 2016 PAGES 1 – 34 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: / /