

TOWN OF COTTESLOE



UNCONFIRMED

MINUTES

**ANNUAL GENERAL ELECTORS'
MEETING**

HELD IN THE WAR MEMORIAL TOWN HALL
COTTESLOE CIVIC CENTRE
WEDNESDAY, 28 January 2015

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(1) MAYOR'S WELCOME

Mayor Dawkins declared the Meeting open at 7.00pm and welcomed all present.

PRESENT

Mayor Jo Dawkins
Cr Peter Jeanes
Cr Philip Angers
Cr Katrina Downes
Cr Jay Birnbrauer
Cr Rob Rowell

Officers:

Mr Carl Askew	Chief Executive Officer
Mr Mat Humfrey	Manager Corporate & Community Services
Mr Doug Elkins	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Ms Lydia Giles	Executive Officer

Electors:

Gunhild Marchant
Chris Wiggins
Philippa Wiggins
Rob Thomas
Yvonne Hart
Warren Hart
John Hammond
Gene Matthews
Edward Parra
Greg Boland
Greg Reudavey
Janet Reudavey
Ruth Greble
Robert Morrison
John Andrewartha
Dianne Andrewartha
Chilla Bulbeck
Columba Tierney

Media:

David Cohen (POST)

(2) SUBMISSION OF APOLOGIES

Cr Jack Walsh
Cr Helen Burke
Cr Sally Pyvis
Ros Sadler
Margaret and Paul Willis

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Len Westlake
Pat Carmichael
Reece Whitby
Gail Manton

Leave of Absence (previous approved)

Nil

(3) DISCUSSION OF THE CONTENTS OF THE ANNUAL REPORT

Mayor’s Report

- The Mayor commenced by referring to the Mayor’s report, stating that the Town is in a financially sound state, with amongst the lowest rate increases in the metropolitan area, whilst maintaining services. Our 10 year financial plan is a requirement of the Department of Local Government and Communities and reflects positively on the Town. The Town has also finalised its Community Strategic Plan. This year we have continued with our sustainability programs and services such as the 3 bins system, Cott Cat bus, Solar Panels, Bike Paths and at the Forrest Street path extension that leads to and from train station and beach.
- The Mayor also conveyed her thanks to Cottesloe Coast Care for the continued hard work of their volunteers to restore, maintain and protect the local vegetation
- In relation to the Local Government Reform, the Mayor stated that she will elaborate on the discussion at question time. It is indeed a frustrating time for the Town and there are no decisions as yet made in relation to the western suburbs. The 5 Councils amalgamation foreshadowed by the State Government will not taken place until the State Government legislate the City of Perth.
- The Mayor thanked the reliable and professional team at the Town Cottesloe lead by the CEO and senior officers. She welcomed Doug Elkins, Manager Engineering Services, and thanked all of the staff who have been working at the Town in these uncertain times.

Chief Executive Officer’s Report

The CEO briefly addressed the following points from his report:

- The CEO drew attention to both the full and abridged versions of the annual report document and referred to the financial statements and auditors report noting that these are also available on the Town’s website.
- The Auditor’s report supports that the Town has once again received a “clean” bill of health and continues to manage and reduce its loans and debt, increase its reserves, whilst at the same time continued providing a low rate increase that is below average in comparison to most other Metropolitan Councils. As referred by the Mayor, the 10 year Financial

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Plan has been adopted which is based on CPI increases only over next 10 years which will ensure that the Town is financially sustainable into the future.

- With regards to compliance our statutory obligations have been met, and I am happy with the way the organisation is operating and performing.
- In addition to the day to day business of Council, the CEO stated that Local Government reform has taken administration time away from the priority projects.
- A number of projects have been achieved and which represent a significant milestone for the Town, including gazettal of LPS3, the Community Strategic Plan, 10 Year Financial Plan and the Workforce Plan which are a requirement under the Act.
- Another significant project was the sale of the former depot site at Nailsworth Street, and a substantial amount of work has been done to achieve the end outcome which will be significant for the Town financially and operationally over the next 12 to 18 months.
- The CEO closed his report by thanking both the Council for their leadership and support and all the administration team, especially the Executive, for their hard work during the past year.

The Mayor brought to the attention of those present the Annual Financial Statements and Auditors report as published and asked the floor for any questions prior to adoption of the reports.

Mayor opened the floor to questions on the Annual Reports and financial statements.

PUBLIC QUESTIONS:

Ruth Greble

Complimented quality of writing in annual report and its readability

Q1: Ms Greble asked about the nature of the contamination at the former Depot site in Nailsworth Street.

A1: The Mayor stated that a small amount of asbestos and Benzoapyrene had been found underground – and had been removed satisfactorily.

Q2: Ms Greble questioned what the revaluation of the Town’s land and buildings from historical cost to fair value meant.

A1: Manager Corporate and Community Services explained that the value of the Town’s land and buildings are now valued at their fair value which is their market value, whereas previously they had been valued based on their purchase cost.

Mr David Cohen

Q1. Mr Cohen asked why there was a difference between the amount of Development Applications and Building Applications given in the report.

A1. Manager Development Services advised that there is not necessarily a correlation between the two, and some projects had not gone through

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all planning stages by the completion of the year. This meant that the two amounts were not equal.

Moved by John Hammond, seconded by Yvonne Hart

That the Mayor’s report, Chief Executive Officer’s report, Annual Financial Statements and Auditors report be received.

**Carried
No dissent**

(4) GENERAL BUSINESS:

The Mayor opened the meeting to General Business and questions from the floor.

Mr Rob Thomas

Q1. Mr Thomas enquired as to whether Council has received payment in for from Nailsworth Pty Ltd for the former depot Sale.

A1: Mayor Dawkins stated that payment will be received in February and that this was due to the Department of Environmental Regulation’s memorial which resulted in remediation works. She advised that these works were completed before Christmas and have been approved.

Q2. Mr Thomas asked what the Council’s plans were for these funds in the short term.

A2: The Mayor explained that approximately \$4.3 million of the funds will go to reducing the Town’s debts in order to reduce repayments (principal and interest) and maintain low rate increases.

Q3. Mr Thomas queried what projects in Cottesloe would be funded by the funds in the long term.

A3. The Mayor responded that funds are proposed to go towards work infrastructure improvements as beach access, footpath, and bicycle paths upgrades, Town centre, park and foreshore works, public toilets, etc.

Q4. Mr Thomas also asked whether Council had considered placing the funds into a community trust to be managed for the benefit of Cottesloe in order to prevent the funds from being lost in amalgamations.

A4. The Mayor expressed that Council is conscious that the funds should remain in Cottesloe and this has been the underlying principle for all plans for the money. The Mayor explained that spending on projects such as upgrading the Lesser Hall, creating bike paths, upgrading parks and solving the ongoing public toilets issue aimed to benefit all Cottesloe residents.

The Mayor commented on the ongoing issue of Indiana’s and that discussions were ongoing with the Lessee. Council aims to renegotiate the lease to give Indiana’s control of the restaurant areas of the building with Council regaining control over the Public facility and toilets. The toilets are

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currently under the control of a Lease that has 26 years remaining. Mayor Dawkins advised that initial discussions are in progress to excise the toilets from the lease and bring them under Council control. Costings cannot be released until these negotiations are complete. The Lessee currently owns the building, not the Council. Mayor Dawkins expressed her desire to solve the issue as soon as possible, however it would be a lengthy process.

A4: Manager Corporate and Community Services advised that under the Local Government Act 1995, to hand over large sums of money directly to a community group would be a difficult and long process and there would be potential issues in ensuring that all of the money was spent to benefit all Cottesloe ratepayers. Whilst it would not be impossible, trust funds are usually only created for specific purposes under specific circumstances. Such a community fund could struggle with issues of governance and the establishment of a governing board. Mr Humfrey stated that he knew of no similar case existing.

Mr Thomas again questioned how Council would prevent the loss of funds in amalgamations. The Mayor stated that Council planned to commit the money in Cottesloe which would protect it from being lost to an amalgamated council.

Ms Chilla Bulbeck

Q1: Ms Bulbeck asked what steps Council will be taking, alone or in conjunction with other councils, to stall amalgamations until the 2017 State Elections when the Liberal government may be removed from office.

A1: Mayor Dawkins stated that there was limited information on amalgamations, noting that a G5 has been proposed by the Minister for the western suburbs but it will not be created until after the City of Perth Act has been passed. A letter has been sent to the Minister requesting timing of the process, but no reply has been received to date. Mayor Dawkins said she was not in a position to speculate on the process, but Council is hoping that residents will have a right to a poll under the Dadour amendment.

Q2: Ms Bulbeck also asked Council to investigate how dog waste bags provided for the public end up in the dunes. She explained that she had spoken to Principal Environmental Health Officer Darrel Monteiro and Assistant Works Supervisor Bruno Menage regarding her concerns that the units are not user proof, but no action had been taken. She also expressed fears that an amalgamated Council would require exhaustive campaigning to take action on an issue of this nature.

A2: Mayor Dawkins agreed with Ms Bulbeck that dog waste bags are sometimes a problem littering the dunes, and confirmed that they are bio-degradable. The dispensers if properly used present no issue and it is up to individuals to take one at a time and respect the environment.

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Ms Bulbeck clarified that she was not seeking new information on amalgamations but instead wants to know what Council is doing to delay the amalgamation process. Mayor Dawkins stated that no plan existed as it is a State Government run process. CEO explained that the Minister had previously stated that if a G5 occurs there will be a chance for a poll, and this may be the best opportunity for the community to delay or stop the process.

Mr John Hammond expressed support for Mr Askew’s statements as if a G5 does occur, the Town should have a right to a poll.

Mrs Yvonne Hart

Q1: Ms Hart referred to the Special Electors Meeting in March 2014, in which residents and ratepayers expressed their dissatisfaction with proposed amalgamations. Ms. Hart questioned how Council intended to advise ratepayers to vote no should a Dadour Poll take place.

A1: Mayor Dawkins explained that the poll would be run by the West Australian Electoral Commission and any resolutions made by Council in relation to the process would need to be discussed closer to the time.

Ms Hart expressed her belief that residents would prefer to remain independent and it is therefore Councils responsibility to advise on voting. Mayor Dawkins again stated that resolutions would need to be considered by Council closer to the time and that the views of all ratepayers must be respected.

Ms Hart questioned whether any steps would be taken to advise ratepayers. Mayor Dawkins advised that a meeting with the public may happen in the future, but no definitive actions could be given at this time however it was probable that this issue will receive significant media attention if and when it occurs.

Q2: Ms Hart asked whether Council had applied for a grant from the Department of Local Government for financial assistance with amalgamations. She also queried If the grant had been applied for, had it been received, how much was it and how it would be spent.

A2: CEO stated that following a report to Council, Council had authorised the application for the financial assistance grant of up to \$50,000. Time had been spent negotiating the contract and the funds were received at the end of last year. Of this grant, \$21,000 has been spent so far on conducting an audit of all systems and process and especially IT and records system. Mr Askew explained that this would benefit the Town regardless of amalgamations.

Greg Boland

Q1. Mr Boland referred to the Annual Electors Meeting Minutes of 2014 a motion to take action by the end of March 2014 on the Indiana public toilets. He questioned what happened with this motion at a following Council meeting where no reaction was elected to be taken as Council either couldn’t or wouldn’t renegotiate the lease.

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Mayor Dawkins advised that the process could not have been completed before the end of March 2014, but Council has acted on the motion and was in negotiation with the Lessee.

Mr Boland asked what had happened over the course of the past year and expressed his dissatisfaction.

CEO explained that a re-negotiation of the lease required both parties to agree to change, meaning Council could not simply alter the lease alone. However, negotiations are continuing and positive.

Mr Boland argued that the requirement for both parties to agree to any changes to the lease was considered in the previous year’s motion.

CEO advised that Council has made many proposals to the Lessee regarding alternate arrangements for the toilets but they had not been accepted or adopted. The Lessee is now entering negotiations. Mayor Dawkins supported CEO’s statements and provided assurances that Council is working hard to renegotiate the lease.

Chris Wiggins commented that Council should explore three avenues other than negotiations – holding the Redrock Restaurant Group responsible for the toilets in the public arena to create public pressure for change, to complain to the Tourism Board that the toilets are damaging to tourism, and for the Principal Environmental Health Officer to adopt a more aggressive approach in inspections. Mayor Dawkins noted the comments and stated that other avenues may be explored by Council in conjunction with renegotiating the lease.

Gunhild Marchant

Q1: Ms Marchant asked whether Council would address the issue of rubbish bins outside Beaches Cafe on the corner of Marine Parade and Napier Street due to their positioning on Napier Street and foul odour. She also questioned the frequency of rubbish removal from the premises, the guidelines on preparing foodstuff refuse before being disposed in bins and the cleanliness of the bins, and if and how Council enforces these guidelines.

A1: CEO explained that there had been a recent change of ownership at Beaches Cafe and that inspections are the responsibility of the Principal Environmental Health Officer. The Health Department regularly visit all food businesses. CEO advised that Ms Marchant’s questions will be discussed with the Principal Environmental Health Officer and he would find out the frequency of bin collections and the nature of the guidelines for Ms Marchant.

Chris Wiggins

Q1: Mr Wiggins referred to Local Planning Scheme No. 3 and expressed his concern that new developments may ruin the existing unique amenities of Cottesloe beachfront. Mr Wiggins used Leighton and South

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Fremantle beaches as examples of nice beaches with few developments, and asked what provisions existed within the Scheme to protect the quality of Cottesloe’s beachfront.

- A1: The Manager Development Services advised that the Scheme contains considerations regarding the quality of development, based on Council and State Government planning and design criteria, such as materials and finishes for new developments. The Foreshore Plan also relates to how developments respond and may improve the public domain. Proposed developments are considered having regard to built form, architecture and their relationship to the precinct. The Town reviews proposals and works with developers to ensure quality.

Mr Wiggins asked if Mr Jackson could be more specific on what will require developers to ensure quality and nature of any public amenities provided. Mr Jackson explained that Scheme 3 contains zone objectives as well as development and design parameters to guide building standards. Council is able to request detailed information from developers and exercises controls in relation to surrounding buildings. There are also specific clauses regarding urban design principles, which are consistent with State Government guidelines. New developments are expected to be an improvement on older existing buildings.

The Mayor invited John Hammond to make a statement.

PUBLIC STATEMENTS:

Mr John Hammond

Mr Hammond spoke regarding proposed amalgamations on behalf of SOS Cottesloe. He stated that this may be the last Annual Electors Meeting for the Town of Cottesloe, despite the Coat of Arms being adopted 120 years ago. It may be the last time Cottesloe Tennis Club can exist by paying nominal rates, and Cottesloe residents can enjoy such high quality parks. He expressed his fear that Council will be submissive to the State Government on amalgamations, and Council should give a firm “no” to amalgamations. He stated that the Cottesloe Rugby Club, Deaf School and foreshore reserves may all disappear under an amalgamated Council. He urged Council to seek the support of MPs as the government is embarrassed over the issue. Elizabeth Quay is an example of the risk public “A” class reserves face to development, and Councillors must express their personal stance against amalgamations to MPs. Under a bigger council there would not be a focus on the issues such as public toilets and dog bags that had been given time in this meeting, rates will rise, and Council must be able to continue the fight against high rise developments in Cottesloe. Council must not go ‘missing in action’ over amalgamations.

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John Andrewartha

Mr. Andrewartha commented that the figures regarding the reduction in carbon emissions as a result of the installation of solar panels at the Town did not accurately reflect the overall environmental savings. Solar panels also create water savings, which whilst enjoyed by the Water Corporation, still reduces long term costs. Next time, the affect on water consumption should also be considered in the report.

David Cohen

Q1: Mr. Cohen questioned whether the Redrock Restaurants group is the only Lessee of Indiana's.

A1: Mr. Humfrey stated that Redrock is not, however it is a major shareholder in the lease company.

Greg Boland

Q1: Mr Boland asked whether the delay in settlement for the sale of the former depot site and contamination found at the site had resulted in any penalties or cost to Council.

Mayor Dawkins responded that the Memorial had not been included until late in the process. CEO explained that an extended due diligence period to allow for the remedial action plan caused a delay. However there was no cost to Council. The memorial will be lifted once Nailsworth Pty Ltd take over the site, with settlement proposed for late February.

Greg Reudang

Q1: Mr Reudang questioned why there was \$400,000 owed in annual interest payments by the Town on debts of \$4.2 million.

A1: Mr Humfrey explained that the yearly loan payment of the Town is \$420,000 and includes interest and capital. There is a high interest rate charges due to the interest rates of the time the loan was taken out. As the loans are from the State Treasury and fixed, they cannot be renegotiated.

Chris Wiggins

Mr Wiggins thanked the Councillors and Council Officers for their hard work and complimented the quality of the Town of Cottesloe and Council.

(5) CLOSURE

The Mayor declared the meeting closed at 8:11 pm.