

# **TOWN OF COTTESLOE**



## **WORKS AND CORPORATE SERVICES COMMITTEE**

# **MINUTES**

**MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE  
109 BROOME STREET, COTTESLOE  
7.00 PM, TUESDAY, 20 MAY 2008**



## WORKS AND CORPORATE SERVICES COMMITTEE

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**DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS**

The Presiding Member announced the meeting opened at 7.01 pm.

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

Cr Bryan Miller	Presiding Member
Mayor Kevin Morgan	
Cr Patricia Carmichael	
Cr Dan Cunningham	
Cr John Utting	

Mr Stephen Tindale	Chief Executive Officer
Mr Geoff Trigg	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Mr Neil Ferridge	Senior Ranger

**Apologies**

Mr Graham Patrick	Manager Corporate Services/Deputy CEO
Miss Kathryn Bradshaw	Executive Assistant

**Observer**

Cr Greg Boland	(until 8.43 pm)
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**Leave of Absence (previously approved)**

Cr Victor Strzina  
Cr Ian Woodhill

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

Nil

**PUBLIC QUESTION TIME**

Nil

**APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Moved Mayor Morgan, seconded Cr Utting

**The Minutes of the Ordinary Meeting of the Works and Corporate Services Committee held on Tuesday, 22 April 2008 be confirmed.**

Carried 5/0

**ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

**PUBLIC STATEMENT TIME**

Mr Peter Oates – Item 1.2 Sea View Golf Club – Request for Financial Assistance

Mr Oates addressed the meeting on the problems being experienced with the reticulation system. The system was prone to frequent breakages which meant that an unknown amount of groundwater was being lost on a continual basis.

The expense and time taken to effect repairs was taking its toll and the complete overhaul of the system was now urgent. A request for Department of Youth, Sport and Recreation funding had been rejected without explanation despite a lot of effort being put into the application. The Club had been advised that there were a lot of other applications for a limited pool of funding.

The funding proposal before the Council consisted of two loans; one for a self-supporting loan of \$225,000 which would be repaid in full to Council and one for an interest-free loan of \$225,000.

**PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

**REPORTS OF COMMITTEES AND OFFICERS****1 ADMINISTRATION**

The agenda items were dealt with in the following order: Item 1.2, item 1.5 and then the balance in numerical order.

**1.1 PROPOSED INDIANA TEA HOUSE REDEVELOPMENT – ADDITIONAL ADVICE**

**File No:** PRO/2414-02  
**Attachments:** [Confidential Legal Advice](#)  
**Author:** Mr Stephen Tindale  
**Author Disclosure of Interest:** Nil  
**Report Date:** 14 May, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

A recommendation is made to receive the following report on legal and planning issues associated with a proposed redevelopment of the Indiana Tea House and to act on the condition of the public toilets and a development application currently before the Council.

**BACKGROUND**

At the April 2008 round of meetings, a recommendation was made, subject to legal advice, to append the following conditions to the Indiana Tea House lease agreement in response to a development application then before the Council.

- (1) The daily cleaning schedule outlined in Annexure D of the Lease be amended to read:

All cleaning of toilets and immediate surrounds to be carried out to the satisfaction of the Environmental Health Officer three times per day during the period from November 1<sup>st</sup> to March 31<sup>st</sup> and once a day at all other times.

- (2) An amount of \$100,000 is required to be put in a trust fund to be used for the refurbishment of the existing toilets in the event that the planned conversion of the toilets has not commenced by 1<sup>st</sup> May 2010.

Instead of following the specific recommendation, Council decided to seek general legal advice on its ability to impose conditions and/or to amend the lease agreement in response to the request for development approval for the Indiana Restaurant.

At the same meeting Council also decided that the development application should also be the subject of a comprehensive report to the May meeting of Council.

This report addresses both matters.

**Legal Advice**

The CEO wrote to Council's legal advisers as follows:

Further to this morning's phone conversation, I confirm my requirement for legal advice on the interpretation of Clause 16 of the lease agreement for the Cottesloe Beach Pavilion (AKA Indiana Tea House).

By way of background, the Town of Cottesloe has recently received plans from the lessee for a comprehensive renovation and extension of the existing restaurant area at second floor level and the infill of the enclosed area in front of the kiosk at first floor level. The intent of the renovations is to provide an increase in the numbers that the licenced area is permitted to accommodate from 220 persons to 350 persons.

I have attached a copy of Clause 16 (and other clauses) and seek your particular advice on the interpretation that should be placed on Clause 16.2 (c)

### **Rent**

It has been suggested that the proposed renovations represent an opportunity for the Town of Cottesloe to revisit the terms of the lease agreement which, in some quarters, is seen as being particularly deficient. Perhaps the main deficiency relates to the annual rent payable by the lessee which is based on the premises being "...entirely vacant and unimproved land..." There is some desire to change the rental value to one that is based on the rentals that might typically be obtained for commercial premises.

In addition, the first date for a market review of the rent is not due until 5 August 2016. Until then, CPI increases can only be applied on a yearly basis.

Under Clause 16.2 (c) can Council require that the method of assessment of the rent is to be replaced by:-

1. A rental that is based on say, a gross rental valuation or improved commercial valuation?
2. A rental that is based on say, a gross rental valuation or improved valuation – for the value of the proposed improvements only – in addition to the current unimproved value?
3. Increased frequencies of the review of the unimproved market value?

Clause 8 - which relates to RENT - is considered to be an essential term of the lease agreement under Clause 33.7 (b). Does this have a bearing on the interpretation or application of Clause 16.2 (c)?

### **Public Facilities**

The proposed infill of the area opposite the kiosk with staff toilets and a new main office will remove one of three public access points to the kiosk. It will also see the removal of public seating and natural lighting and ventilation in the area. There will be a loss of public amenity. Under Clause 16.2 (c) can Council require that compensation be provided by -

1. Improved public facilities being provided within the leased area?
2. Improved public facilities being provided external to the leased area?

In relation to the second point, Annexure E to the lease agreement seems to have contemplated the Lessee undertaking works external to the leased area. However I cannot find any reference in the body of the lease agreement to Annexure E other than under the heading Definitions. Could it therefore be construed that the improvement of public areas outside the leased area is a proper consideration?

The inadequacies of lighting and security in the area surrounding the leased premises have been raised as issues by members of the public and the lessee as matters deserving attention. Could improved lighting and security in the general vicinity of the premises be made a condition under Clause 16.2 (c)?

The public toilets at first floor level are in poor condition and the maintenance and cleaning of them is an ongoing and contentious issue. The Maintenance Schedule attached to the lease agreement requires daily cleaning by the lessee but in peak periods a once-daily cleaning regime is insufficient. Are we correct in interpreting that the lessee's obligations in terms of keeping the toilets clean is limited to a once a day cleaning? Could we require an increased frequency of cleaning under Clause 16.2 (c)?

Could we require the capital upgrading of the toilets by way of floor to ceiling tiles and new vandal-resistant fixtures?

Could we demand a comprehensive asset management plan for the building?

#### **General Advice**

Notwithstanding the above, I would appreciate your general advice on how far the Town of Cottesloe can go in terms of exercising its powers under Clause 16.2 (c). Is it constrained or unconstrained?

The response of Council's legal advisers is attached and **elected members are requested to treat the response as confidential as its contents may affect future negotiations or legal action.**

Essentially the advice says that under Clause 16 of the lease the Town is permitted to impose conditions in relation to any alteration or addition or demolition (other than for the installation, alteration or addition of partitioning). Those conditions should be directly relevant to the renovations proposed.

At a higher level, however, the lease also gives the Town the capacity to refuse to grant consent to renovations and this effectively enables the Town to negotiate changes to the lease with the lessee – but only if the lessee is prepared to enter into negotiations.

The substance of the legal advice, as provided immediately above, has been communicated to representatives of ITH together with the following advice:-

The bottom line is that if ITH wants to undertake the proposed renovations, then it could expect that the Town of Cottesloe will be seeking to negotiate improvements to the public facilities attached to the leased premises and/or the immediate surrounds and/or changes to the lease agreement itself.

Any development or improvement of a service (i.e. a public facility) that would see a **significant** change in the level of service that could have an impact on the whole of the Town of Cottesloe or, projects that are of such a size that they impact on the finances or future of the Town, must be the subject of comprehensive community consultation under our Community Consultation Policy.

The **minimum** time frame for the approval of any **significant** development proposal is therefore likely to be as follows:

- June meeting of Council: Council to determine negotiables and negotiation process.
- July meeting of Council: Council to sign-off on negotiated outcomes with ITH.
- August: Community consultation undertaken on proposed negotiated outcomes.
- September meeting of Council: Council determines whether to proceed or not with negotiated outcomes based on community submissions.
- October: If decision to proceed is made, obtain necessary State Government approvals.
- November meeting of Council: Obtain Council approval to amend lease agreement in light of any State Government response and issue consent for the renovations to proceed.

Your advice as to whether ITH wishes to proceed with the project and enter into negotiations with the Town of Cottesloe would be appreciated.

ITH responded by expressing their disappointment that they were not informed of the proposed community consultation process earlier in the piece.

### **Development Application**

The development proposal in its various forms has been referred to Council's Design Advisory Panel on a number of occasions.

The Manager of Development Services has provided the following notes on those referrals.

#### **Summary**

- The Indiana proposal has been considered by the DAP as follows:
  - 12 Feb 07 initial concept.
  - 22 Mar 07 firmed-up concept.
  - 26 Sept 07 pre-DA concept.
- It seems that this quite ambitious proposal has sought primarily to deliver vastly improved premises from a commercial perspective, with perhaps a limited grasp of the importance of the public facility and public domain dimensions associated with the overall complex.
- It is also apparent that until the recent DA the proposal was presented and considered as a whole, and although latterly suggested as a potentially staged development the prospect of only a partial redevelopment was not really contemplated by the Panel.
- It can be seen that there was a good awareness by the Panel of the values of the existing development to the Cottesloe community, wider public and surf club, which has been borne out by closer scrutiny paid by Council.
- Reference to the kiosk is made on several occasions.

#### **12 Feb 07 DAP Notes**

- *This was the initial discussion of the new lessee's ideas and preliminary conceptual plans.*

- Andrew Jackson advised that the purpose of this briefing was to consider the concept proposal for revamping the premises, being a landmark building.
- Chris Taylor outlined the new team and their hospitality experience and detailed the significant operational constraints of the premises as currently arranged – especially internal spaces, plumbing, electrical, and ablutions.
- The aim was to achieve a broad market appeal ranging from casual to formal dining and service, including functions, which is both multi-faceted and user-friendly, and requires efficient design and facilities.
- To achieve this, better working and dining spaces on single levels are required, as well as properly-designed kitchens, good storage and access, and upgraded ablutions.
- They would probably temporarily shut the premises to undertake the improvements.
- Danny Jones then explained the redesigned internal layout, spaces and facilities; as well as intended façade improvements.
- Other components include possible relocation of the electricity transformer and the kiosk.
- Kris Wiacek commented on the use of spaces as did Simon Rodrigues, including current negative spaces or dysfunctional areas and overall poor spatial quality; and felt that the proposed changes would be much better. Getting good light into the sunken eastern side of the building / yard spaces would be important.
- Cr Jeanes made the point that it would be important for Council to see the external make-over as well before agreeing to any changes, as the look of the building in its setting is a key consideration – in this regard Cr Miller suggested that perhaps the appearance should be kept pretty much as is.
- Cr Dawkins supported the improvements as a way of overcoming anti-social impacts such as vandalism and of enhancing the amenity of the building and enjoyment of the beachfront.
- There was discussion about the demands for and best design of ablutions and it was considered that this needs more detailed planning and further discussion, to get the best possible result for all needs and the long term.
- Cr Cunningham emphasised the need to address the kiosk and the surf club level of the building as well.
- In conclusion it was agreed that the comments would be taken on board for consideration in firming-up on the proposed improvements for further liaison with Council, leading towards a development application.

### **22 Mar 07 DAP Notes**

- *Following the initial session this was a fairly quick update briefing and feedback session to give further direction to the proposal.*
- Chris Taylor and Danny Jones overviewed the conceptual revisions, including beach level toilets as a new building, but keeping the mid and upper levels within the existing E and W boundaries, plus expanding to the street.
- They had liaised with the CSLSC regarding its aspirations and options for the public toilets and storage.
- The top level would be substantially opened-up as an outdoor terrace area addressing the street and being more welcoming.
- The Panel had the following broad comments:
  - The public toilets are vital but in dire need of upgrade and should be well located and designed for accessibility and maintenance.
  - The potential to expand the club spaces and rationalise the toilets was appreciated but demands to be carefully examined and executed in terms of the beach level and mid-level areas.

- The existing areas towards the street are vague and unappealing, warranting significant improvement for accessibility, legibility, sense of openness and orderliness / tidiness.

### **26 Sept 07 DAP Notes**

- *This was to present more detailed plans leading to an intended DA.*
- Chris Taylor outlined progress on a more detailed design, including input from an interior designer and a landscape architect, towards addressing the various functional and aesthetic considerations identified and previously discussed.
- He again indicated that the redevelopment phase would best entail closing the operation and doing it properly.
- Danny Jones outlined the thinking in the latest plans, including:
  - At the beach level, a new public toilets/change-rooms building on the southern side, for convenient modern facilities, with a viewing deck on top. He noted that this is outside the current lease area. On the northern side would be a new storage room extension for the surf club.
  - The middle level would be completely reworked for a more effective layout and range of facilities, including incorporation of the present sunken area. (Note: this appears to do away with the kiosk at that level).
  - The upper level would also be completely reworked, including opening the building to the street-front and creating extensive alfresco areas, with high quality hard and soft landscaping treatments.
- The Panel made the following observations:
  - Questioning of the likely elevations in terms of the external appearance, materials and finishes, which should to be carefully considered in relation to the existing architectural aesthetic and the surrounds / setting.
  - Whether the kiosk was to be continued – Danny Jones answered that yes it was to be provided for in the upper-level SE corner. (Note: this is not clear from the plans at that time).
  - The imperative to understand all of the proposed changes to the building and to consider the impacts on the surrounds, for a full and proper appreciation of the proposal and its implications.
  - Whether N-S pedestrian flow along the street-front would be impeded by the new outdoor areas.
  - The extent and nature of the outdoor spaces and alfresco areas (noting the well-located NE quadrant) should be carefully considered.

The plans as they were finally presented to Council did not address the need for new or improved public toilets and/or new kiosk arrangements.

Nor have they received the considered advice of the Design Advisory Panel in light of their modification.

The plans misrepresented the actual lease boundaries and as a consequence overstepped the footprint of the existing building – albeit with minor structures. On discovering this error, Council staff suggested that the plans be withdrawn but this did not eventuate.

### **CONSULTATION**

Following the April 2008 meeting of Council, the Mayor and CEO met with a representative of ITH on the 6<sup>th</sup> May to discuss a way forward given that Council was not averse to the overall principle of redeveloping the Indiana Tea House.

It became apparent that as far as ITH was concerned, the benefit that the community would receive from the redevelopment proposal was to be confined to the capital improvement of a building which would one day revert to the Town of Cottesloe. In addition, restaurant patrons would be able to experience a range of dining experiences and the town would benefit from increased activity on the beachfront.

Further, that any proposal to improve the public domain could render the project unviable.

The meeting concluded with a general agreement that Council's expectation that improvements to the public domain should be included in the development proposal would largely depend on the legal advice that Council received.

That advice has now been received and communicated to ITH together with a note that things could be resuscitated "...at a later date if the improvement of public facilities is off the MINUTES for the time being."

### **STAFF COMMENT**

It is the CEO's understanding that ITH no longer has any enthusiasm for the redevelopment proposal – although this has yet to be confirmed.

The poor condition of the public toilets remains as an outstanding issue.

Our legal advice indicates that responsibility for the maintenance and cleanliness of the toilets rests entirely with the lessee.

There is no reason why Council should not proceed with a previous recommendation to require that the cleaning of toilets and immediate surrounds be carried out to the satisfaction of the Environmental Health Officer at least three times per day during the period from November 1<sup>st</sup> to March 31<sup>st</sup> and at least once a day at all other times.

### **POLICY IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **VOTING**

Simple Majority

### **OFFICER RECOMMENDATION**

That Council:

- (1) Receive the report.

- (2) Require the lessee to clean the toilets and immediate surrounds to the satisfaction of the Environmental Health Officer with a minimum of a three times per day clean during the period from November 1<sup>st</sup> to March 31<sup>st</sup> and at least a once a day clean at all other times.
- (3) Resolve not to support the redevelopment proposal in its present form as it is considered that it does not sufficiently address the public domain and amenity expectations for the premises and that as the vested owner, the Town of Cottesloe advise the Western Australian Planning Commission and the lessee applicant that the planning application is withdrawn.

### **1.1 COMMITTEE RECOMMENDATION**

Moved Mayor Morgan, seconded Cr Cunningham

**That Council:**

- (1) **Receive the report.**
- (2) **Require the lessee, in conformity with clause 15.1 of the lease, to repair and maintain the toilets and immediate surrounds in good, clean and tenable repair, order and condition to the satisfaction of the Environmental Health Officer with a minimum of a three times per day clean during the period from November 1<sup>st</sup> to March 31<sup>st</sup> and at least a once a day clean at all other times.**
- (3) **Resolve not to support the redevelopment proposal in its present form as it is considered that it does not sufficiently address the public domain and amenity expectations for the premises and that as the vested owner, the Town of Cottesloe advise the Western Australian Planning Commission and the lessee applicant that the planning application is withdrawn.**
- (4) **That Council seek legal advice on its power to enforce the limit of 170 people for the café/restaurant as provided for under clause 17.1(a) of the lease.**

Carried 5/0

**1.2 SEA VIEW GOLF CLUB – REQUEST FOR FINANCIAL ASSISTANCE**

**File No:** SUB/235  
**Attachments:** [Supporting Documents](#)  
**Author:** Mr Stephen Tindale  
**Author Disclosure of Interest:** Nil  
**Report Date:** 14 May, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

A recommendation is made to give further consideration to a request from the Sea View Golf Club, for financial support towards groundwater reticulation upgrades, during budget deliberations for the 2008/09 financial year.

**BACKGROUND**

In April 2007 the Sea View Golf Club obtained Council's support in seeking a grant from the Department of Youth, Sport and Recreation (DYSR) to replace an aging irrigation system. The grant proposal was based on the Club, the Town of Cottesloe and DYSR each providing one third of the required funding.

Subject to the Sea View Golf Club satisfying the requirements of Council's *Self-Supporting Loans* policy and the approval of the grant from the Department of Youth, Sport and Recreation, Council also agreed to approve Western Australian Treasury loans of \$290,000 for the Sea View Golf Club for the purpose of upgrading the Club's reticulation system on the basis of:

- (1) an interest-free loan of \$190,000; and
- (2) a self-supporting loan of \$100,000

with both to be repaid over a period of ten years and to be used for the purpose of upgrading the Sea View Golf Club's reticulation system.

The application for a DYSR grant was unsuccessful and the Club now would now like to revisit the proposed financial arrangements.

The total project cost has been estimated at \$575,000 and involves:-

- The provision and installation of new mainlines, irrigation blocks/laterals and sprinklers.
- The provision, installation and commissioning of 'Smart' control software.
- The provision and installation of a new 300 kilolitre balance tank and variable frequency drive.

The Club is seeking funding support from the Town of Cottesloe in one of either of two methods (see attached project proposal for details).

The first method envisages the Town of Cottesloe providing a grant of \$225,000 (39%) towards the total cost with the remaining \$350,000 to be funded by a combination of cash and loans that the Sea View Golf Club would raise.

The second method would see the Town of Cottesloe's proposed grant of \$225,000 being converted to an interest-free loan which the Sea View Golf Club would repay over a period of 15 years.

Assuming that Council raised the loan of \$225,000 on the Club's behalf and the Club repaid the principal amount only in equal instalments, the direct cost to Council over the next 15 years would be approximately \$11,640 per annum based on figures supplied by the Golf Club.

### **CONSULTATION**

Nil

### **STAFF COMMENT**

As one of the largest users of the groundwater resource in Cottesloe, there is a compelling argument for improving the efficiency of the Club's water usage.

### **POLICY IMPLICATIONS**

If an interest-free loan is supported, then it is recommended that Council apply its self-supporting loan policy to the fullest extent possible.

### **STRATEGIC IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

No provision has been made in the current budget for a grant of the magnitude that has been proposed. Provision could be made in next year's budget for an interest-free loan.

### **VOTING**

Simple Majority

### **DECLARATION OF INTEREST**

*Mayor Morgan declared an interest of impartiality as a member of the Sea View Golf Club.*

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

Moved Cr Utting, seconded Mayor Morgan

**That Council give further consideration to a request from the Sea View Golf Club for financial support (by way of an interest-free loan of \$225,000 towards groundwater reticulation upgrades) during budget deliberations for the 2008/09 financial year.**

Carried 3/2

**1.3 PROCOTT INC. – REQUEST FOR 2008/09 FUNDING**

**File No:** SUB/398  
**Attachments:** [Progress Report and Budget](#)  
**Author:** Mr Stephen Tindale  
**Author Disclosure of Interest:** Nil  
**Report Date:** 14 May, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

A recommendation is made to provide for a specified area rate that will raise a minimum of \$72,000 on behalf of ProCott Inc in Council's draft budget for 2008/09.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Based on no change to the rate in the dollar levied over the Central Business District for the 2007/08 financial year, the specified area rate agreement is likely to raise \$72,000 on behalf of ProCott Inc in 2008/09.

**BACKGROUND**

Under Part 3 of the Specified Area Rate Monies legal agreement, ProCott Inc is required to undertake a number of actions in order to obtain funding from the Council for the next financial year.

Specifically, on or before 15th April 2008, ProCott is to prepare and deliver to the Town a programme for the next financial year which:

- (a) is within the objects of ProCott;
- (b) proposes the provision of specific works, services or facilities within the meaning of section 6.37 of the Act;
- (c) will be or is likely to be of special benefit to the Central Business District; and
- (d) sets out the proposed expenditure with respect to each of the specific works, services and facilities referred to in the programme.

Provided the Council resolves to adopt a Specified Area Rate for the 2008/09 financial year and agrees to pay to ProCott the amount of money raised by the Specified Area Rate, then once the Council has adopted a Specified Area Rate for

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2008/09 the Council is obliged to consider the programme delivered to it under the legal agreement.

A copy of ProCott's program for 2008/09 is shown as an attachment. It has been combined with a report on progress to date.

In considering the programme for any financial year, Council has agreed to be concerned only with matters of principle while noting that the expenditure of the ProCott in carrying out the programme may include a reasonable amount for incidental administrative expenses.

Subject to the adoption of a Specified Area Rate for 2008/09 and a decision to pay to the Association an amount of money raised by the Specified Area Rate, the amount raised in rates becomes payable in one lump sum to ProCott on 15 October 2008.

### **CONSULTATION**

Nil

### **STAFF COMMENT**

The progress report and budget provided by ProCott is commended to the Council.

### **VOTING**

Simple Majority

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

Moved Cr Cunningham, seconded Cr Utting

**That Council:**

- (1) Make provision for a specified area rate to raise a minimum of \$72,000 on behalf of ProCott Inc in Council's draft budget for 2007/08.**
- (2) Consider ProCott's programme in greater detail once any specified area rate has been adopted by the Council.**
- (3) Thank ProCott Inc for its comprehensive submission and advise them of Council's actions in this matter.**

Carried 5/0

*Cr Boland left the meeting at 8.43 pm and did not return.*

## 1.4 PROPOSED CIVIC CENTRE RESTORATION & EXTENSIONS - TENDER RESULTS

**File No:** SUB/398  
**Attachments:** [Consultants Report](#)  
**Author:** Mr Stephen Tindale  
**Author Disclosure of Interest:** Nil  
**Report Date:** 14 May, 2008  
**Senior Officer:** Mr Stephen Tindale

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### SUMMARY

A recommendation is made to accept the tender from KMC Group for the proposed restoration and extension works to the Civic Centre for the sum of \$3,054,501

### BACKGROUND

At the March meeting of Council it was resolved that Council:-

- (1) Determine that the selection criteria for the tender for the Civic Centre Restoration and Extensions be as follows:-

#### **Selection Criteria**

The Principal has adopted a best value for money approach to this Tender. The Contract will be awarded to a sole Tenderer who best demonstrates the ability to provide a quality service at a competitive price. The tendered prices will be assessed with the following qualitative and compliance criteria to determine the most advantageous outcome to the Principal. This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the Tender ranked the highest on the qualitative criteria.

#### **Compliance Criteria**

Compliance criteria will not be scored and will only be considered on a yes/no basis, in which case a no answer may eliminate a tender from consideration. The criteria are:

- Compliance with the tender documents.
- Compliance with the conditions of tender.

#### **Qualitative Criteria**

In determining the most advantageous Tender, the Evaluation Panel will score each Tenderer against the qualitative criteria. It is essential that Tenderers address each qualitative criterion. The Tenders will be used to select the chosen Tenderer and failure to provide the specified information may result in elimination from the Tender evaluation process. The qualitative criteria for this Request are as follows

- Relevant experience
- Resources
- Method for completing the sequence of work

#### **Price consideration**

The tendered price will be considered along with related factors affecting the total cost to the Principal (e.g. the Principal's contract

management costs may also be considered in assessing the best value for money outcome).

- (2) Allow the Tender Evaluation Panel to settle the weightings to be given to each of the selection criteria.
- (3) Call tenders for the Civic Centre works.

Tenders for the Civic Centre works closed on Thursday 17<sup>th</sup> April 2008 and tenders were received from the following companies:-

KMC Group	\$2,985,601
Dalcon Construction	\$3,443,123 (qualified)
N & R Contracting	\$3,719,224

The Tender Evaluation Panel (Mayor Morgan, Cr Miller and the CEO) met on 13 May 2008 with a view to making a recommendation to Council on a successful tenderer.

### **CONSULTATION**

The Tender Evaluation Board has taken advice from Philip Griffiths of Philip Griffith Architects and Bob Britton from Davson & Ward (quantity surveyors). A copy of their advice is shown as [Attachment 1](#).

### **STAFF COMMENT**

Nil

### **POLICY IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

An amount of \$2.8m has been set aside in the 2007/08 budget for the construction stage.

Funds for the project are being sourced from a loan of \$1.4m and land asset sales of \$1.4m. The sale of the land at 35 Margaret Street for \$1.68m nett generated a surplus which has already been drawn down on in part in order to pay contract documentation fees to date.

However given the cost increases, the draft 2008/2009 budget contemplates a loan of \$1.6m over 10 years with the balance of funds (\$1.53m including contract administration fees) coming from reserve and general funds.

### **VOTING**

Simple Majority

**1.4 OFFICER & TENDER EVALUATION PANEL & COMMITTEE  
RECOMMENDATION**

Moved Cr Miller, seconded Mayor Morgan

**That Council adopt the recommendation of the Tender Evaluation Panel to award the tender for the Civic Centre works to KMC Group for the sum of \$3,054, 501 (excl. GST).**

Carried 4/1

**1.5 ANTI-SOCIAL BEHAVIOUR AT THE BEACHFRONT**

<b>File No:</b>	<b>SUB/551</b>
<b>Attachment(s):</b>	<a href="#">Extracts from the Liquor Control Act 1988</a> <a href="#">Legal Advice</a> <a href="#">Report of BHW Consulting</a> <a href="#">Public Relations Strategy Proposal (Confidential)</a> <a href="#">Notes of Liquor Licensing Meetings</a> <a href="#">Hotel Numbers Spreadsheet</a> <a href="#">Reported Incidents of Anti-social Behaviour</a>
<b>Authors:</b>	<b>Mr Graham Pattrick &amp; Mr Stephen Tindale</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>14 May, 2008</b>
<b>Senior Officer:</b>	<b>Mr Stephen Tindale</b>

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**SUMMARY**

Recommendations are made to develop alternative strategies to enable a reduction in beachfront hotel numbers other than through legislative change for the time being.

An alternative recommendation is also made to form a Working Group comprised of elected members to give added impetus to effecting legislative change.

**STATUTORY ENVIRONMENT**

The *Liquor Control Act 1988* has application and relevant extracts are shown as [Attachment 1](#) to this report.

It should be noted that since this matter was first formally placed on the Council agenda in October, 2006 amending legislation to the *Liquor Control Act 1988* has come into force as of the 17<sup>th</sup> December 2006.

In particular, the amending legislation has seen the creation of a “public interest” test to replace the “needs” test set out in section 38. Under this test, all liquor licence applicants are required to demonstrate that the application is in the public interest, and the licensing authority is required to consider the application on the basis of its social, community, economic and health implications and/or benefits.

More importantly the “public interest” test can and has been applied to existing licenses as has occurred with hotel licenses in the Kimberley.

This legislative change may in fact provide Council with a way of effecting meaningful change in the operations of the beachfront hotels without necessarily resorting to legislative change or a standard section 117 complaint.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Objective 1 of the *Future Plan* notes that:-

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...Cottesloe and North Cottesloe beaches are very popular. The fact that the immediate community shares them with other western suburbs residents and those from wider Perth and, that they are also a tourist destination is accepted. This is due to their picturesque nature, accessibility, and predominantly low-rise facilities that cater to a range of age groups and activities, including the two historic hotels and some short-stay accommodation.

However, the presence of the many visitors causes disruption to the lifestyle of residents – in particular anti-social behaviour associated with liquor consumption, late trading hours, traffic congestion, pollution and car parking are problems...

The council is open to a number of inter related strategies to maintain and enhance the lifestyle of residents by engaging the community in ownership of solutions to problems caused by visitors attracted to the beach and hotels and to augment the existing outdoor recreational lifestyle with opportunities for more cultural formal events and activities.

One of the major strategies identified in the *Future Plan* for protecting and enhancing the lifestyle of residents and visitors is to:

- Reduce beachfront hotel patron numbers to a sustainable level.

To this end, Council's *Action Plan* envisages that we will:

**1. Change Legislative Framework**

Convene meeting of Community Safety & Crime Prevention Committee with Mayor and CEO to determine a public and political strategy to change the liquor licensing laws to reduce patron numbers at the hotels

**2. Continue to monitor the hotels within existing licensing regime**

- Collect objective data during summer 2007/08 of incidents of anti-social behaviour
- Review data and determine whether there are sufficient grounds to appeal to Liquor Licensing

## FINANCIAL IMPLICATIONS

Nil

## BACKGROUND

In October 2006 Council was informed of the development by the Community Safety & Crime Prevention Committee of the Town of Cottesloe's *Community Safety and Crime Prevention Plan*. The plan identified four major concerns:-

1. Anti-social behaviour arising from beachfront hotels
2. Speeding, careless driving and general hooning in vehicles within the suburb
3. Graffiti
4. Home burglaries

Council agreed that the \$20,000 in grant funding which was available from the State Government's Office of Crime Prevention should be directed towards the first priority

which was tackling anti-social behaviour associated with the operation of the beachfront hotels.

Council was also informed of advice from the Department of Racing, Gaming and Liquor to the effect that the best way of either reducing hotel trading hours or the number of patrons of the beachfront hotels on Sundays was through a section 117 complaint under the *Liquor Control Act 1988*.

Section 117 deals with complaints about noise or behaviour related to licensed premises

It provides that complaints:

may be lodged with the Director alleging —

- (a) that the amenity, quiet or good order of the neighbourhood of the licensed premises is frequently unduly disturbed by reason of any activity occurring at the licensed premises; or
- (b) that any —
  - (i) behaviour of persons on the licensed premises;
  - (ii) noise emanating from the licensed premises; or
  - (iii) disorderly conduct occurring frequently in the vicinity of the licensed premises on the part of persons who have resorted to the licensed premises,

is unduly offensive, annoying, disturbing or inconvenient to persons who reside or work in the vicinity, or to persons in or making their way to or from a place of public worship, hospital or school.

Council was informed that the point to be made about successful section 117 complaints is the heavy reliance that is placed on the gathering of evidence that clearly demonstrates that the amenity of the neighbourhood surrounding the hotel venues is suffering from undue interference.

In other words while some interference is acceptable, undue interference needs to be established before the Director will consider a reduction in hotel trading hours or the number of patrons. Council was also advised that evidence should be obtained from a variety of sources and that any sole reliance on the evidence of residents was unlikely to be effective.

The Town of Cottesloe has used the section 117 complaints process in the past with mixed results.

Council therefore decided to:

1. Send a letter to all residents informing them of the proper process for reporting incidents of anti-social behaviour arising from beachfront hotels and encouraging them to take action;
2. Advertise in the local paper and obtain editorial support for the campaign;
3. Organise a Town Meeting to discuss the issue;

4. Request the Rangers to prepare a weekly report summarising the anti-social behaviour witnessed arising from beachfront hotels. (Note: this has commenced with the rangers getting video, photographic and anecdotal evidence);
5. Request the local police to provide a weekly report summarising incidents the anti-social behaviour witnessed arising from beachfront hotels;
6. File the data captured into one location; and
7. Review the data at the end of March, 2007 and decide if a section 117 complaint is warranted.

On the 6<sup>th</sup> December 2006 a Town Meeting was convened by the Community Safety and Crime Prevention Committee to discuss anti-social behaviour issues at the beachfront.

At the meeting a series of recommendations were made to be taken to Council. One of these was for Council to attempt to reduce the number of patrons at the beachfront hotels through legislative change at State Government level.

At the May 2007 meeting of Council there was a discussion on the outcomes of the forum held in December 2006 and it was decided that Council would:-

- develop and implement a strategy to change liquor licensing laws so as to significantly reduce patron numbers at Cottesloe's two beachfront hotels and any other large hotels that are located outside of entertainment precincts and are not properly serviced by public transport,
- develop a parking strategy to tackle the problem of anti-social behaviour on the beachfront, and
- continue its co-operative approach with the hoteliers.

The second and third bullet-point actions have been implemented but the first has proven more difficult to progress.

At a meeting of the Mayor, elected members of the Community Safety & Crime Prevention Committee, the CEO, the Manager of Corporate Services, Mr Bill Marmion and Paul Bowen held on the 24<sup>th</sup> October 2007 it was agreed that the Town of Cottesloe should adopt a three staged approach in working up a public and political strategy to change the liquor licensing laws to reduce patron numbers at the hotels i.e.

1. Obtain legal advice on what legislative or regulatory changes could be effected in order to reduce hotel patron numbers.
2. Develop a succinct communications strategy to promote the need for legislative or regulatory change.
3. Lobby the State Government to effect the necessary changes.

In early November 2007 the CEO met with John Woodhouse of Woodhouse Legal to discuss how legislative change could best be effected. The initial verbal advice from John Woodhouse was that legislative change would be difficult because the *Liquor Control Act 1988* already provided a mechanism by which conditions limiting numbers could be imposed on liquor licenses.

His formal legal advice of 5<sup>th</sup> December 2007 is shown as [Attachment 2](#) and points to two ways by which conditions limiting patron numbers can be imposed.

The first way is under section 64 of the *Liquor Control Act 1988* where the Director of Liquor Licensing may limit the number of persons who may be present on licensed premises in the public interest. The imposition of such a condition can be initiated –

- a) On the motion of the Director of Liquor Licensing himself;
- b) On the application of the licensee; or
- c) At the request of the parties to a liquor accord.

The second way of imposing a condition limiting numbers and trading hours is by way of a successful section 117 complaint.

In follow up correspondence to John Woodhouse dated 11<sup>th</sup> December 2007 the CEO sought further advice in terms of setting out "... perhaps three or four ways that the governing legislation and /or regulations could be amended to reduce hotel numbers to a more sustainable level."

By email dated 24<sup>th</sup> December 2007 John Woodhouse advised that:-

I have given the matter some thought but find that I am not able to suggest any particularly creative suggestions for amending the legislation.

The only suggestion that I have is that you may wish to seek or promote an amendment to section 64 to the effect that the relevant local government can (whether or not it is a party to a liquor accord) make application to the licensing authority to vary the conditions of a licence.

For myself, unless the Town can mount a convincing case to the contrary, I do not know that you would have a strong basis on which to promote a change to the "public interest" test which is the test which will be applied if the licensing authority was requested to vary the licence conditions. I hold this view because section 38 (4) of the Act provides that the matters which the licensing authority may have regard to in determining whether a matter is in the public interest includes "the impact on the amenity of the locality". As I understand it this is precisely the concern that the Town holds.

Following a meeting of the Community Safety and Crime Prevention Committee on the 10<sup>th</sup> December 2007 recommendations were made to Council to:-

1. gather a higher standard of evidence to better enable a section 117 complaint against the beachfront hotels and to support the case for a reduction in the number of hotel patrons that may be admitted into the beachfront hotels.

2. direct the CEO to engage additional human resources to assist in gathering a higher standard of evidence and implementing the proposed strategy to reduce the number of patrons that may be admitted into the beachfront hotels.

Council adopted the recommendations and BHW Consulting was subsequently engaged to report on a strategy for reducing the number of patrons that may be admitted into the beachfront hotels.

A copy of their report is shown as [Attachment 3](#).

The conclusion and recommendations of the report is as follows.

### **CONCLUSION**

It is noted that as a result of the last formal complaint under s117 of the Act considerable evidence was presented that brought about a change in the operation of the Cottesloe Hotel. It is, however, hard to establish whether the conditions introduced at that time have been maintained and lead to an improvement in the quality of life for the nearby residents.

As it has been just on 10 years since the last formal complaint under s117 of the Act was submitted to the Director by the Town. It is considered prudent to again use a complaint under s117 of the Act as the preferred course. This is particularly appropriate considering that there has been a change of legislation, which may be more helpful and the knowledge that has been gained from the previous complaint will enhance the potential success of the complaint.

BHW believes there is limited ability to influence and bring about a change of the relevant legislation and on that basis would advise against pursuing that course of action in the short term. In simple terms, the Town would be better to concentrate its resources on using the existing provisions of the Act to lodge a complaint.

Whilst most of the information covers the Cottesloe Beach Hotel, BHW considers the same principles extend to the problems faced by the Town with respect to the Ocean Beach Hotel.

### **RECOMMENDATIONS**

- (1) That the Town of Cottesloe examine the measures available under the *Liquor Control Act 1988* to lodge a complaint under s117 of the *Liquor Control Act 1988* in respect to the Cottesloe Beach Hotel.**
- (2) That the Town of Cottesloe review the most practical manner to obtain information that will support the lodging of a complaint. It is suggested that the Town of Cottesloe look to prepare a formal survey that can be statistically validated and which will provide a clear understanding of the issues.**

**(3) That the Town of Cottesloe adopt a similar plan of action for developing a strategy to finding a solution to problems associated with the Ocean Beach Hotel.**

**(4) That the Town of Cottesloe not consider, until after the complaint under s117 of the *Liquor Control Act 1988* has been finalised, any further development of a strategy to support an amendment to the *Liquor Control Act 1988*.**

In other words the consistent advice of those who have been engaged by the Town of Cottesloe to act on its behalf in implementing legislative change is that legislative change is unlikely to be successful given the remedies that are currently available to Council under the *Liquor Control Act 1988*.

## **CONSULTATION**

### **Metropolis Nightclub**

During the initial meeting with John Woodhouse of Woodhouse Legal, it was suggested that in order to minimise the adverse anti-social behaviour outcomes in Cottesloe associated with the two beachfront hotels, Council should encourage the duplication of Fremantle's Metropolis nightclub initiatives to control anti-social behaviour.

The CEO and the Manager Corporate Services visited the Metropolis nightclub. The nightclub uses a biometric security system in conjunction with a comprehensive CCTV system. The right index fingerprint of every patron is scanned together with his/her driver's license upon the first visit to the nightclub. Patrons are also photographed to limit the opportunities for identity theft. Once this is done, a record of that patron is created and maintained by a secure IT system. When patrons return to the nightclub they put their finger in the scanner and they are either admitted or, if they have a bad record from a previous visit, refused admittance.

The system has proved to be very effective with a reduction in anti-social behaviour within the nightclub of approximately 90%. Anti-social behaviour on the streets has also been significantly reduced because CCTV records capture the time of departure of patrons and they can be more readily identified by police or local residents. The research has shown that the few people who do transgress are usually new patrons.

The problems with trying to implement this system at the beachfront hotels are as follows:

- The system is expensive to establish
- There is no statutory requirement to implement this type of system
- Metropolis has one entry compared to three or more at the OBH and CBH
- There needs to be a strong managerial support to implement this type of system.

However the salient point to note from the Metropolis nightclub's experience is that when pushed hard, the management of licensed premises can find ways of significantly reducing anti-social behaviour.

**Public Relations Strategy**

Bill Marmion of Syme Marmion who was a participant in the original development of three pronged strategy to effect legislative change (i.e. obtain legal advice, develop communications strategy then lobby the State government) declined to take on the role of developing a communications strategy and assisting in the development of a lobbying effort.

As a result a proposal was sought from a second public relations consultant and it appears as [Attachment 4](#). **Please note that the attachment is marked confidential.**

The proposal was rejected on the basis that it failed to recognise that the development of a communications strategy is a necessary pre-requisite to lobbying for legislative change. In recognising the difficulties of effecting legislative change, the proposal seemed to advocate a fall-back position based on public education which was clearly not what Council wanted.

The proposal nonetheless points out the difficulties in effecting legislative change in a Liberal held seat where community interests could easily be portrayed as narrow and sectional. It foreshadowed a spirited counter attack by the Australian Hotels Association and reinforced the need for the Town of Cottesloe to find allies across the State. It suggested that while the issue had good media potential initially, it could disappear quite quickly from public and political consciousness.

These observations of the consultant are all self-evident. They only serve to underline why a communications strategy is required by Council.

**Discussions with Liquor Licensing**

In November and December 2007 discussions were held with Peter Minchin from the Department of Racing, Gaming and Liquor.

Notes of the meetings are shown as [Attachment 5](#) together with departmental advice on the lodging of complaints under section 117 of the Act.

**Other Local Governments**

The Manager of Corporate Services has spoken to staff at other local governments that have hotels that are licensed to hold over 1,000 patrons to determine their strategies for dealing with issues relating to the anti-social behaviour from these premises.

A copy of the patron numbers allowed for each hotel appears as [Attachment 6](#) to this report.

There were a number of constants throughout the discussions. Each Council had a Crime Prevention Committee that had developed some form of Crime Prevention Strategy in conjunction with the Office of Crime Prevention. The Councils also have good relations with the local police that had assisted in dealing with problem premises.

Some variations included: working with the Liquor Licensing Section of the police; using frequent health inspections as a deterrent to problem premises; and using CCTV and Council employed security forces to monitor problem areas.

There was some interest shown in attempting to change State licensing legislation. However one comment from the Town of Victoria Park was that they had found the remedies available under the Act to be sufficient. This specifically referred to a section 117 complaint in partnership with local residents against the Babylon Hotel (now the Balmoral Hotel).

The Shire of Kalamunda said that they had virtually no problems with the Kalamunda Hotel. There were only two big events a year and these were ticketed events. The Shire had minimal contact with police as there wasn't a need.

The City of Stirling had used blitzes when they had problems at the Look-out nightclub/hotel in Scarborough. This included liaison with Liquor Licensing Section of the police, as well as the local police and their Council employed security force. These activities were complemented by installation of CCTV in the problem area. The combined actions led to a shutdown of the premises.

#### **STAFF COMMENT**

By the above, there are several indicators that suggest that the prospects of effecting legislative change are somewhat remote. They are:

- John Woodhouse's initial verbal advice that a solution was already available under the Act
- The referral of Council staff to the Metropolis nightclub's experience as a potential alternative 'solution'.
- Initial legal advice focussing solely on the two remedies currently available under the Act.
- John Woodhouse's further and limited email advice promoting a potential amendment to section 64 to the effect that the relevant local government can (whether or not it is a party to a liquor accord) make application to the licensing authority to vary the conditions of a licence.
- Bill Marmion's reluctance to take on the role of developing a communications strategy and assisting in the development of a lobbying effort.
- The advice of a public relations consultant pointing out the self-evident difficulties of winning ongoing public and political support.
- The advice of other local governments indicating that there is no shared groundswell for legislative change.
- BHW's advice that "... there is limited ability to influence and bring about a change of the relevant legislation and on that basis would advise against pursuing that course of action in the short term. In simple terms, the Town would be better to concentrate its resources on using the existing provisions of the Act to lodge a complaint.

If legislative change cannot be achieved, then Council is left with either a section 117 complaint or a section 64 application.

At the December 2007 meeting of Council it was pointed out that the successful prosecution of a section 117 complaint was likely to fail given that:-

1. the Town's online anti-social behaviour complaint forms are poorly constructed and allow subjective rather than objective judgements to be made which will not withstand any close examination by lawyers acting on behalf of the hotels,
2. there is a fundamental difficulty in directly linking individual anti-social behaviour to patronage of the hotel i.e. residents are located to the sides and rear of the hotel and are usually unable to categorically vouch that offenders have come from the hotels,
3. no distinction is made between pub patrons and others on the beachfront who may be responsible for anti-social behaviour i.e. we have to demonstrate that the behaviour could only have originated from the hotels if no one is in the car parks or on the beach – drinking or otherwise,
4. resident complaints are currently confined to perhaps less than a dozen residents over any summer period but we know for certain that the amenity of others is being adversely affected but not being documented, and
5. there are hot-spots (e.g. the bottom of Napier Street) where we could galvanise community-based action to redress the situation but have not done so.

These comments were made in the context of seeking Council approval (which was obtained) to gather a higher standard of evidence to better enable a section 117 complaint against the beachfront hotels and to support the case for a reduction in the number of hotel patrons that may be admitted into the beachfront hotels.

[Attachment 7](#) evaluates the incidence of anti-social behaviour over the past two seasons. It actually shows that reported incidents of anti-social behaviour have declined over the past two seasons. After taking into consideration improved data collection with improved ranger reports, it can be seen that reported incidents of anti-social behaviour complaints fell by approximately a third. Reports of street drinking increased but all other indicators of anti-social behaviour decreased significantly.

The improvement is supported by anecdotal evidence from the bi-monthly hotel meetings with the Cottesloe Beach Hotel and Ocean Beach Hotel. Residents who attend these meetings have said that there has been a noticeable reduction in the level of anti-social behaviour in the last two years.

This may be attributed to the following initiatives:-

1. Introduction of restricted parking on Marine Parade followed by 3 hour limits in car parks 1 and 2.
2. Sunday night lockouts during summer from 9pm at the two hotels lessening the numbers spilling out onto the streets at closing time.
3. The introduction of limits on queue sizes at both hotels.
4. The introduction of ranger reports that are considered and used as an accountability measure at regular Council/community/police/hotel meetings.
5. Marketing of the resident anti-social behaviour complaint forms and their use as an accountability measure at regular Council/community/police/hotel meetings..

6. The improvement in anti-social behaviour complaint forms with assistance from OIC Cottesloe Police and their use as an accountability measure at regular Council/community/police/hotel meetings.
7. The participation of influential parties (such as the Director of Liquor Licensing) in regular Council/community/police/hotel meetings.
8. Increased professionalism of the security teams at both hotels.
9. Improved working relationship between local police and rangers.
10. The forming of new relationships with other agencies such as the Office of Crime Prevention.
11. The closure of the bottom OBH Eric Street car park.
12. Liaison with the OBH in restricting sales of alcohol to pedestrians at the OBH drive through bottle-shop (this is an ongoing issue).
13. The transportation of patrons away from the area by dedicated buses such as the CBH's Nightrider.
14. The introduction of the 'Skipper' program at the CBH.
15. The introduction of the \$500 infringement for possession of liquor in public places during special events (there is a mistaken perception that this is in force at all times).
16. The promotion of direct contact (mobile phone) with the managers of the hotels by residents and rangers.
17. Increased ranger shifts during session times.
18. Portable camera's located in residents houses

However it should be acknowledged that reports of anti-social behaviour may be waning simply because people are sick of complaining to little avail. If that is the case, then Council must look to other means of obtaining evidence in order to launch a section 117 complaint.

To that end and since the December 2007 meeting of Council, the Senior Ranger has coordinated with a company that specialises in (closed circuit television) CCTV monitoring. Four cameras and a recording device have been installed near the corner of Marine Parade and Warnham Road using a State Government grant to fund hardware costs. The usability of video footage in a quasi legal environment (Liquor Licensing Commission), the testing of the equipment and the development of protocols to govern the use of CCTV in a public space are currently receiving close scrutiny.

A presentation is planned for the June meeting of the Works & Corporate Services Committee on these matters.

As has been said before, good evidence will be critical to either a successful section 117 complaint or successful legislative change.

Video evidence may in fact allow the Director of Liquor Licensing to launch a section 64 action of his own accord.

The potential for a section 64 action requires further exploration as the "public interest" test is a relatively new development that may overcome the perceived major failings of a section 117 complaint which places the onus on the complainant to provide evidence of undue interference in public and residential amenity.

Council will recall that in December 2006 amendments were made to the *Liquor Control Act 1988* to allow:

- all metropolitan liquor stores to open on Sundays between 10am and 10pm on Sundays,
- people to consume alcohol at a restaurant without a meal, and
- small bars to be developed.

A new Liquor Commission was appointed to replace the Liquor Licensing Court in order to facilitate "...a cheaper and less legalistic licensing process for people who want to establish a licensed outlet."

As a result the emphasis has shifted from would-be-licensees having to demonstrate the "need" for new licensed premises to one of would-be-licensees having to demonstrate that the "public interest" will be properly served by newly licensed premises.

The "public interest" test can also be applied to existing premises such as the beachfront hotels if the Director of Liquor Licensing has a mind to it.

As a consequence recommendations are made based on those provided by BHW Consulting.

An alternative recommendation is also provided in the event that Council is of a view that legislative change should still be pursued with a greater degree of resolve.

To that end, it is worth mentioning that we do meet with organisations from time to time who may be interested in working with the Town of Cottesloe to achieve a change of legislation such as Alcohol and Drug Authority, Dept of Health and the Alcohol Advisory Council. The Police would also like to see change and could be part of a group to present a case to the State Government. Curtin University's National Centre for Drug and Alcohol Research may wish to be involved in such a project, perhaps doing the research and preparing a proposal.

## **VOTING**

Simple majority

## **OFFICER RECOMMENDATION**

- (1) That the Town of Cottesloe withhold consideration of any further development of a strategy to support an amendment to the *Liquor Control Act 1988* until a complaint under section 117 of the *Liquor Control Act 1988* has been finalised or a review of liquor license conditions has been undertaken under section 64 of the Act.
- (2) That the Town of Cottesloe review the measures available under the *Liquor Control Act 1988* and the practicalities of lodging a complaint under section 117 of the *Liquor Control Act 1988* in respect to the Cottesloe Beach Hotel.

- (3) That the Town of Cottesloe review the most practical manner of obtaining information that will support a change in liquor license conditions either under section 64 or the lodging of a complaint under section 117.
- (4) That the Town of Cottesloe adopt a similar plan of action for developing a strategy to finding a solution to problems associated with the Ocean Beach Hotel.
- (5) That the Town of Cottesloe not consider, until after the complaint under section 117 of the *Liquor Control Act 1988* has been finalised or a review of liquor license conditions has been undertaken under section 64, any further development of a strategy to support an amendment to the *Liquor Control Act 1988*.

### **ALTERNATIVE OFFICER RECOMMENDATION**

That Council form a Liquor Licensing Working Group comprised of the Mayor and Council members of the Community Safety & Crime Prevention Committee, together with executive support from the Chief Executive Officer, to seek out alternative professional advice on a three-pronged strategy to effect legislative change by:-

- (1) Obtaining legal advice on what legislative or regulatory changes could be effected in order to reduce hotel patron numbers.
- (2) Developing a succinct communications strategy to promote the need for legislative or regulatory change.
- (3) Lobbying the State Government to effect the necessary changes.

### **1.5 COMMITTEE RECOMMENDATION**

Moved Mayor Morgan, seconded Cr Utting

- (1) **That the Town of Cottesloe withhold consideration of any further development of a strategy to support an amendment to the *Liquor Control Act 1988* until a complaint under section 117 of the *Liquor Control Act 1988* has been finalised or a review of liquor license conditions has been undertaken under section 64 of the Act.**
- (2) **That the Town of Cottesloe review the measures available under the *Liquor Control Act 1988* and the practicalities of lodging a complaint under section 117 of the *Liquor Control Act 1988* in respect to the Cottesloe Beach Hotel.**
- (3) **That the Town of Cottesloe review the most practical manner of obtaining information that will support a change in liquor license conditions either under section 64 or the lodging of a complaint under section 117.**
- (4) **That the Town of Cottesloe adopt a similar plan of action for developing a strategy to finding a solution to problems associated with the Ocean Beach Hotel.**
- (5) **That the Town of Cottesloe not consider, until after the complaint under section 117 of the *Liquor Control Act 1988* has been finalised or a review of liquor license conditions has been undertaken under section 64, any**

- further development of a strategy to support an amendment to the *Liquor Control Act 1988*.
- (6) That the Town of Cottesloe develop a succinct communications strategy to locally publicise the need for residents to provide better evidence in support of complaints, and to also more widely publicise the need to address problems that arise from the high patron numbers allowed at the Cottesloe Beach Hotel and the Ocean Beach Hotel.
- (7) That Council form a Liquor Licensing Working Group comprised of the Mayor and Council members of the Community Safety & Crime Prevention Committee, together with executive support from the Chief Executive Officer, to oversee the completion within four months of the abovementioned reviews and the preparation of the abovementioned plans of action and communications strategy, including the preparation for Council approval of any proposal to lodge a submission with the Liquor Licensing Authority seeking to invoke a review under section 64.

Carried 4/1

**1.6 LIBRARY PROJECT STEERING COMMITTEE UPDATE**

**File No:** SUB/547  
**Attachment(s):** [Costed ESD Initiatives](#)  
**Author:** Mr Graham Pattrick  
**Author Disclosure of Interest:** Nil  
**Report Date:** 10 May, 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

A recommendation is made to accept this report.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**BACKGROUND**

There have been ongoing significant developments with the Library Project Steering Committee. As only two Councillors and the Manager Corporate services attend the Library Project Steering Committee meetings, the CEO determined that it would be beneficial to provide full information to all Councillors on a regular basis to the Works and Services Committee and Council.

**CONSULTATION**

Nil

**STAFF COMMENT**

The following provides a summary of the discussions from the last Library Project Steering Committee:

Environmental Consultants

Oakbridge & Josh Byrne were appointed as the environmental and PR consultants for the Library subject to the project proceeding.

Membership of the Green Building Council of Australia

I explained to the meeting that the Town of Cottesloe was not going to apply for membership of the Green Building Council of Australia (GBCA). The arrangement where the councils were required to sponsorship GBCA and then a rating process for the proposed library would be determined was cited as a principal reason for the Works and Services Committee's decision.

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Finance for the proposed library

The CEO of the Town of Cottesloe outlined the following concerns regarding the calling of tenders for the proposed library:

- Financing
- Land tenure issues
- Legal documentation

Given that the land tenure has been approved by the Minister and is progressing for parliamentary approval as well as the Town of Cottesloe advertising the prospect of a \$4.6m loan, the only outstanding issue was the legal documentation. The CEO of the Shire of Peppermint Grove, Mr Graeme Simpson, said that a request has been forwarded to the Shire's lawyers, Corr Chambers Westgarth regarding the legal documentation. It is anticipated that a draft agreement will be available mid-May and the final document should be agreed upon by the 3 Mayors and CEOs by the end of May.

The land amalgamation approval may be presented to the current session of parliament before it goes into recess on 20 June 2008. If not it will not be heard until 11 August 2008 at the earliest.

Mr Simpson tabled a letter from their lawyers (see attached) providing a legal opinion on the calling of tenders immediately. The main point of the advice was that it is possible to tender prior to the parliamentary approval as long as there is adequate disclosure of all circumstances impacting the tender.

It was proposed that a 4 to 6 week tender process be considered with the tenderers requested to allow for a 90 day validity period. A suggested element of the tender was to get the tenderers to detail the cost increases if the tender approval is longer than 90 days.

The Tender Setting Panel was agreed to be the Mayors and CEOs of the 3 councils.

Accommodation for Community Groups

There have been 3 groups recommended for inclusion into the proposed library:

- West Coast Community Centre
- Cottesloe CWA
- Child and Adolescent Community Health

Probity Audit

Mr Simpson said that a probity audit on the tender process was not compulsory. It provides the 3 councils and their communities with an independent assessment that the tender process was carried out in an appropriate fashion. A quote has been requested from WALGA to perform this task.

Project Manager

It was agreed that a Project Control Group supplemented by the cost surveyor and architect would be adequate for a project of this size. It was agreed the Mayors and CEO's from the 3 councils will be requested to determine the composition of the proposed Project Control Group and report back to the Steering Committee.

The perceived dual role of Cr Dominic Ward as consultant on the project and councillor with Peppermint Grove was discussed at this point. Cr Ward was working on the project and then successfully elected at the October polls in 2007. The Steering Committee was informed that he declares his interest in the library project at the Shire's meetings and leaves the room. It was also noted that Cr Ward has no voting rights at the steering committee meetings. A suggestion was made that a standing agenda item be included on future meetings declaring Cr Ward's interest in the project. Subsequent to the meeting we have received the following statement from Cr Ward:

With regard to the library project, I disclose that I am a Council member of the Shire of Peppermint Grove and an employee of Davson & Ward. In my capacity as an employee of Davson & Ward, I have been engaged to provide quantity surveying services and construction cost consultancy services to the proposed new library project.

As a consequence, there may be a perception that my impartiality in providing advice to the Project Steering Committee on the library may be affected by my membership of the Council of the Shire of Peppermint Grove.

I declare that I do not take part in any decision making by the Shire of Peppermint Grove in relation to the library project and that the advice I provide to this committee is unbiased and professional and is intended to serve the best interests of all three local governments involved in the project.

#### ESD initiatives

A fully costed listing of the Environmentally Sustainable Design (ESD) features was tabled (see attached). The long term savings for each initiative are also included. The meeting was told the savings were calculated on a Net Present Value basis.

#### **VOTING**

Simple majority

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

Moved Cr Miller, seconded Cr Cunningham

**That Council accept the report.**

Carried 4/1

*Mr Andrew Jackson left the meeting at 8.50 pm and did not return.*

## 2 ENGINEERING

### 2.1 TRAFFIC MANAGEMENT STUDY - TOWN OF COTTESLOE

**File No:** SUB/222  
**Attachment(s):** [Town of Cottesloe Traffic Study – May 2008](#)  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Nil  
**Report Date:** 14 May, 2008  
**Senior Officer:** Mr Stephen Tindale

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#### SUMMARY

Council included a \$30,000 allocation in its 2007/08 budget for a specialist consultant to develop a Traffic Management Plan.

The consultant, Porter Consulting, has completed the draft Traffic Management Plan, which is included in the attachments to this report.

The recommendation is that Council resolve to advertise the contents of the draft Town of Cottesloe Traffic Management Study for public comment and that the results of this consultation be considered by Council at the August 2008 meeting.

#### STATUTORY ENVIRONMENT

The care, control and maintenance of public road reserves is vested in the Town of Cottesloe. These powers however, do not include the setting of speed zones. These are determined and signposted by Main Roads WA (MRWA). The Police are then expected to enforce speed zone limits. The construction of traffic control devices on public roads normally requires some form of control or advice signage. These signs must be approved and installed by MRWA which ensures that MRWA can monitor the use of such devices.

Where high speeds are recorded and practical methods exist to reduce such speeds back to legal limits, there is a general expectation that the relevant authorities will 'design' and retro-fit the appropriate speed inhibitors into the road layout.

#### POLICY IMPLICATIONS

Council's *Traffic Management Policy* applies.

#### STRATEGIC IMPLICATIONS

The *Future Plan 2006-2010* contains no major objectives or strategies relating to traffic management.

#### FINANCIAL IMPLICATIONS

The study cost is met by funds budgeted for expenditure in 2007/08.

Any actions and works to be undertaken as a result of this study are proposed to be included in a new five year Traffic Management Plan, to be presented to Council in 2008/09, with funding levels included.

## BACKGROUND

In February 2007 Council was advised of a list of eight streets and roads where the trigger points had been exceeded for engineering intervention under Council's *Traffic Management Policy* (particularly in relation to vehicle speeds).

In addition, there are a number of locations which regularly generate comments relating to

- dangerous intersections,
- 'rat runs' through normally quiet residential streets,
- improvements which could either improve safety for pedestrians or cyclists on the road network, and
- the removal of potential black spot locations for all road users.

The February 2007 report proposed the development of a traffic management scheme to include:

- Public participation to locate particular issues and to comment on options for solution.
- Consideration of the three previous traffic management studies (1989, 1994 and 2001) within the Town of Cottesloe.
- The provision of an extensive range of options for the solution of this speeding issue in residential streets, for the consideration and debate by residents, staff and Councillors.
- The consideration of all traffic speed and volume data collected for all roads and streets within the Town of Cottesloe.
- The production of *Traffic Management Plan*.

A 'brief' for a consultant Traffic Management Plan was developed and adopted by Council.

The main requirements for the study, as included in the 'brief' were:

- The study of the last three Traffic Management Plan studies (1989, 1994 and 2001) to ensure that any unanswered or unresolved traffic problems covered in those plans are included for resolution in any new plan.
- Extensive advertising via newspapers, web page, public notice and direct contact to ensure the maximum coverage is achieved to generate comments, proposals and complaints for subjects to be addressed by the study.
- Details to be taken from all Council files of past and present issues communicated by ratepayers, residents and visitors on traffic management issues for inclusion in the study deliberations.

- All traffic count information, road safety audits and black spot crash statistics available from the Town of Cottesloe to be studied for details of locations requiring controls to be put in place.
- The creation of an extensive list of traffic management solutions and devices for consideration by all stakeholders when developing specific solutions to particular traffic management issues.
- Extensive on site and/or public meeting discussions with groups of residents and ratepayers concerning specific traffic management issues.
- A general public meeting using a professional meeting facilitator, to present and receive feedback on, a draft list of proposed traffic management solutions, prior to the plan being finalised.

A requirement was also included for the consideration of non-vehicular traffic issues.

Three consultants were requested to provide quotations, from which Porter Consulting was selected.

## **CONSULTATION**

Extensive consultation took place with this study, including a public meeting, web page and newspaper advertising and written invitations to people who have previously raised concerns to provide comments.

## **STAFF COMMENT**

The development of this document has taken longer than expected, mainly due to the problem of achieving significant depth and spread of comments from the general public.

The content of applicable files going back several years were studied regarding traffic complaints. Three previous studies were analysed, to find any issues never dealt with. Crash statistics normally used for Black Spot submissions were also studied.

A public meeting was held where people were invited to attend based on their expressed concerns regarding traffic problems in past years. Letters were sent out, and comments were received via e-mail and written letters.

Inspections were then made on site to determine if the concern was genuine and if a solution was available to the expressed concern.

Matters concerning the need to redevelop or realign Curtin Avenue as a future West Coast Highway extension plus requests for major changes on Stirling Highway were seen to be outside the capacity of the study to address and propose solutions for inclusion in a five-year Council program.

In a lot of cases, concerns raised over the last few years have either been dealt with by the use of Black Spot funding, are proposed to be addressed in the 2008/09

'round' of Black Spot projects or have been judged as no longer applicable to works in the area which have removed the cause for concerns.

The remainder of the locations where traffic movement concerns have been expressed were inspected and recommendations provided for improvements or traffic controls to be installed.

The consultant company has three very experienced ex-local government engineers who all checked the recommendations. All proposed installations are based on pragmatic solutions which are standard to the metropolitan area. In many cases, extra 'reminder' signs are proposed to reduce traffic speeds on residential streets. Such signs already exist on certain streets but have not solved the high speed issues.

The remaining solutions concentrate on the 'retro-fitting' of new obstructions to traffic flow in the form of median islands, roundabouts, blister islands and plateaux. Such installations are often supported by the majority, apart from property owners who will have installations built in front of their properties e.g. plateaux in Broome Street.

Therefore it is important that this draft study is put out to the public to receive any comments back on the negatives felt by property owners regarding such installation, prior to final adoption.

## **VOTING**

Simple Majority

## **OFFICER RECOMMENDATION**

That Council resolve to advertise the contents of the draft Town of Cottesloe Traffic Management Study for public comment and that the results of this consultation be considered by Council at its ordinary August 2008 meeting.

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

Moved Mayor Morgan, seconded Cr Utting

**That Council resolve to advertise the contents of the draft Town of Cottesloe Traffic Management Study for public comment including:**

- (a) personal notification to all parties who participated in the study and made a submission; and**
- (b) those people who reside adjacent to the proposed installations**

**and that the results of this consultation be considered by Council at its ordinary August 2008 meeting.**

Carried 5/0

**3 FINANCE****3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 APRIL 2008**

**File No:** SUB/137  
**Attachment(s):** [Financial Statements](#)  
**Author:** Mr Graham Pattrick  
**Author Disclosure of Interest:** Nil  
**Period Ending:** 30 April 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 April 2008, to Council.

**STATUTORY ENVIRONMENT**

Financial reporting is a statutory requirement under the *Local Government Act 1995*.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**BACKGROUND**

The Financial Statements are presented monthly.

**CONSULTATION**

Nil

**STAFF COMMENT**

The Operating Statement on page 2 of the Financial Statements shows a favourable variance between the actual and budgeted YTD operating surplus of \$647,268 as at 30 April 2008. Operating Revenue is ahead of budget by \$210,423 (2.8%). Operating Expenditure is \$409,129 (6.0%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 30 April 2008 is shown on pages 7-8.

The main causes of the lower than anticipated expenditure are: COMMUNITY AMENITIES - lower than budgeted expenditure on contractors in the area of sanitation (\$57,815) and legal, consultant and contractor expenses for Town Planning be lower than forecast (\$184,306). This includes scheme review expenses.

The Capital Works Program is listed on pages 18 to 19 and shows total expenditure of \$2,419,336.

**VOTING**

Simple Majority

**3.1 OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Miller, seconded Mayor Morgan

**That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 April 2008, as submitted to the 20 May 2008 meeting of the Works and Corporate Services Committee.**

Carried 5/0

**3.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 30 APRIL 2008**

**File No:** SUB/150 & SUB/151  
**Author:** Mr Graham Pattrick  
**Author Disclosure of Interest:** Nil  
**Period Ending:** 30 April 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 30 April 2008, to Council.

**STATUTORY ENVIRONMENT**

Financial reporting is a statutory requirement under the *Local Government Act 1995*.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**BACKGROUND**

The Schedule of Investments and Schedule of Loans are presented monthly.

**CONSULTATION**

Nil

**STAFF COMMENT**

The Schedule of Investments on page 13 of the Financial Statements shows that \$4,185,658.06 was invested as at 30 April, 2008

Reserve Funds make up \$2,664,192.26 of the total invested and are restricted funds. Approximately 73% of the funds are invested with the National Australia Bank, 13% with Home Building Society and 13% with BankWest.

The Schedule of Loans on page 14 shows a balance of \$244,738.92 as at 30 April, 2008. There is \$142,456.50 included in this balance that relates to self supporting loans.

**VOTING**

Simple Majority

**3.2 OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Miller, seconded Mayor Morgan

**That Council receive the Schedule of Investments and Schedule of Loans for the period ending 30 April 2008, as submitted to the 20 May 2008 meeting of the Works and Corporate Services Committee.**

Carried 5/0

### 3.3 ACCOUNTS FOR THE PERIOD ENDING 30 APRIL 2008

**File No:** SUB/144  
**Author:** Mr Graham Pattrick  
**Author Disclosure of Interest:** Nil  
**Period Ending:** 30 April 2008  
**Senior Officer:** Mr Stephen Tindale

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#### **SUMMARY**

The purpose of this report is to present the List of Accounts for the period ending 30 April 2008, to Council.

#### **STATUTORY ENVIRONMENT**

Financial reporting is a statutory requirement under the *Local Government Act 1995*.

#### **POLICY IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **BACKGROUND**

The List of Accounts is presented monthly.

#### **CONSULTATION**

Nil

#### **STAFF COMMENT**

The following significant payments are brought to your attention that are included in the list of accounts commencing on pages 9 to12 of the Financial Statements:

- \$10,940.80 to Synergy power usage in March 2008
- \$17,993.80 to Ecoscape for Cottesloe natural areas management plan
- \$15,252.80 to WA Local Govt Super Fund for staff deductions
- \$11,364.58 to ATO for BAS return
- \$35,717.00 to Philip Griffiths Architects for services on Civic Centre
- \$36,307.70 to Playground Solutions for Marine/Napier playground
- \$17,399.62 to Surf Life Saving WA for lifeguard contract for March 2008
- \$12,655.79 to Waste Management Association Australia for tipping fees in Feb & Mar 2008
- \$25,869.80 to Claremont Ashphalt for road surfacing
- \$21,762.07 to Town of Mosman Park for installation of soakwells
- \$177,000.20 to Shire of Peppermint Gove for library project contributions
- \$13,345.45 to WA Treasury Corp for loan repayment

- \$15,532.00 to Philip Griffiths Architects for services on Civic Centre
- \$38,918.18 to Trum P/L for waste collection
- \$25,089.41 to WMRC for disposal and tipping fees
- \$32,142.00 to Major Motors for new Isuzu truck
- \$178,085.24 for staff payroll for April 2008

**VOTING**

Simple Majority

**3.3 OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Miller, seconded Mayor Morgan

**That Council receive the List of Accounts for the period ending 30 April 2008, as submitted to the 20 May 2008 meeting of the Works and Corporate Services Committee.**

Carried 5/0

**3.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD ENDING 30 APRIL 2008**

**File No:** SUB/145  
**Author:** Mr Graham Pattrick  
**Author Disclosure of Interest:** Nil  
**Period Ending:** 30 April 2008  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 30 April 2008, to Council.

**STATUTORY ENVIRONMENT**

Financial reporting is a statutory requirement under the *Local Government Act 1995*.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**BACKGROUND**

The Property and Sundry Debtors Reports are presented monthly.

**CONSULTATION**

Nil

**STAFF COMMENT**

The Sundry Debtors Report on pages 15 to 16 of the Financial Statements shows a balance of \$216,989.71 of which \$75,766.65 relates to the current month. The balance of aged debt greater than 30 days stood at \$141,223.06 of which \$104,861.92 relates to pensioner rebates that are being reconciled by the Senior Finance Officer.

The Property Debtors Report shown as part of the Rates and Charges Analysis on page 17 of the Financial Statements shows a balance of \$325,591.07. Of this amount \$191,603.81 and \$26,078.04 are deferred rates and outstanding ESL respectively. As can be seen on the Balance Sheet on page 4 of the Financial Statements, rates as a current asset are \$133,987 in 2008 compared to \$273,117 last year.

**VOTING**

Simple Majority

**3.4 OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Miller, seconded Mayor Morgan

**That Council:**

- (1) **Receive and endorse the Property Debtors Report for the period ending 30 April 2008; and**
- (2) **Receive the Sundry Debtors Report for the period ending 30 April 2008.**

Carried 5/0

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

Nil

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

Nil

**MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 9.11 pm.

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