



# **TOWN OF CLAREMONT**

## **ORDINARY COUNCIL MEETING**

### **MINUTES**

**TUESDAY 20 OCTOBER, 2015**

**Stephen Goode**

**CHIEF EXECUTIVE OFFICER**

**Date:**

**DISCLAIMER:**

No responsibility whatsoever is implied or accepted by the Town of Claremont ('Town') for any act, omission, statement or intimation occurring during Council Meetings. The Town disclaims any liability for any loss however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during Council Meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council Briefing or Council Meeting does so at their own risk.

The Town advises that anyone who has any application lodged with the Town must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Council in respect of the application.

**PROCEDURE FOR PUBLIC SPEAKING TIME:**

The Town of Claremont Standing Orders Local Law prescribes the procedure for persons to ask questions or make public statements relating to a matter affecting the Town, either verbally or in writing, at a Council meeting. Questions or statements made at an Ordinary Council meeting can relate to matters that affect the Town. Questions or statements made at a Special Meeting of the Council must only relate to the purpose for which the meeting has been called.

1. Shortly after the commencement of the meeting, the Presiding Member will ask members of the public to come forward to address the Council and to give their name, address and Agenda Item number (if known).
2. Public speaking time is strictly limited to three (3) minutes per member of the public, to ask questions.
3. Persons making a statement are allocated five (5) minutes.
4. Members of the public are encouraged to keep their questions/statements brief to enable everyone who desires to ask a question or make a statement to have the opportunity to do so.
5. Questions/statements are to be directed to the Presiding Member and are to be made politely, in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a Town of Claremont Council Member or Town Employee
6. Where the Presiding Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not affect the Town, he may ask the person speaking to promptly cease.
7. Questions/statements and any responses will be summarised and included in the Minutes of the Council meeting.
8. Where practicable, responses to questions will be provided at the meeting. Where the information is not available or the question cannot be answered, it will be "taken on notice" and a response will be included in the Agenda of the next Ordinary meeting of the Council.

**MEETING ETIQUETTE:**

1. Please switch off your mobile phone or switch to the silent mode.
2. Members of the public should not converse aloud so as to interfere or interrupt the Council meeting.
3. Members of the public should refrain from interrupting any person asking a question or addressing the Council.

**RECORDING OF COUNCIL MEETINGS:**

- ♦ All Ordinary and Special Council Meetings are electronically recorded, except when the Council resolves to go into a confidential session.
- ♦ All recordings are retained as part of the Town's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office.

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## TABLE OF CONTENTS

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ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE .....	1
3	ELECTION OF DEPUTY MAYOR .....	1
4	DISCLOSURE OF INTERESTS .....	1
5	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .	2
6	PUBLIC QUESTION TIME .....	2
7	PUBLIC STATEMENT TIME .....	2
8	APPLICATIONS FOR LEAVE OF ABSENCE .....	2
9	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	2
10	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	2
11	ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETING MAY BE CLOSED TO THE PUBLIC .....	2
12	BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING .....	2
13	REPORTS OF COMMITTEES.....	3
	13.1 AUDIT AND RISK MANAGEMENT COMMITTEE .....	3
	13.1.1 STRATEGIC AND OPERATIONAL RISK REPORTS – SEPTEMBER 2015 .....	3
14	REPORTS OF THE CEO.....	6
	14.1 CHIEF EXECUTIVE OFFICER .....	6
	14.1.1 APPOINTMENT OF COUNCIL MEMBERS TO COMMITTEES .....	6
	14.1.2 CURTIN CARE INC. – PROPOSAL FOR NEW 25 YEAR LEASE - LOT 87, NUMBER 1 GIBNEY STREET, COTTESLOE.....	16
	14.1.3 WALGA DISCUSSION PAPER - POLICY OPTIONS TO INCREASE ELECTED MEMBER TRAINING PARTICIPATION.....	23

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**14.2 CORPORATE AND GOVERNANCE..... 33**  
    14.2.1 LIST OF PAYMENTS 1-30 SEPTEMBER 2015 ..... 33

**14.3 INFRASTRUCTURE ..... 35**  
    14.3.1 RICHARDSON AVENUE WORKING GROUP ..... 35

**15 ANNOUNCEMENTS BY THE PRESIDING PERSON..... 39**

**16 ELECTED MEMBERS’ MOTIONS OF WHICH PREVIOUS NOTICE HAS  
BEEN GIVEN..... 39**

**17 NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE  
PERSON PRESIDING OR BY DECISION OF MEETING ..... 39**

**18 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE  
CLOSED TO THE PUBLIC ..... 40**  
    18.1.1 PLANT HIRE TENDER 2015-01 ..... 41  
    18.1.1 CONSENT TO ASSIGN SUB-LEASE OF PORTION OF 331  
    - 333 STIRLING HIGHWAY, CLAREMONT ..... 42  
    18.1.2 DEED OF VARIATION OF LEASE 331 - 333 STIRLING  
    HIGHWAY, CLAREMONT ..... 43  
    17.1.1 OFFER TO PURCHASE - 151 (LOT 15) CLAREMONT  
    CRESCENT, SWANBOURNE..... 44

**19 FUTURE MEETINGS OF COUNCIL ..... 45**

**20 DECLARATION OF CLOSURE OF MEETING ..... 45**

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**TOWN OF CLAREMONT**  
**ORDINARY COUNCIL MEETING**  
**20 OCTOBER, 2015**  
**MINUTES**

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**1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

His Worship the Mayor, Mr Jock Barker, welcomed members of the public, staff and Councillors and declared the meeting open at 7:00 PM.

**2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

**ATTENDANCE**

**Mayor Barker**

**Cr Karen Wood**

**West Ward**

**Cr Peter Edwards**

**West Ward**

**Cr Peter Browne**

**West Ward**

**Cr Jill Goetze**

**South Ward**

**Cr Paul Kelly**

**South Ward**

**Cr Chris Mews**

**South Ward**

**Cr Bruce Haynes**

**East Ward**

**Cr Alastair Tulloch**

**East Ward**

**Cr Kate Main**

**East Ward**

**Mr Stephen Goode (Chief Executive Officer)**

**Mr Les Crichton (Executive Manager Corporate Governance)**

**Mr David Vinicombe (Executive Manager Planning and Development)**

**Mr Saba Kirupanather (Executive Manager Infrastructure)**

**Ms Katie Bovell (Governance Officer)**

**One member of the public**

**One member of the press**

**3 ELECTION OF DEPUTY MAYOR**

**Cr Goetze, nominated Cr Browne to be elected as Deputy Mayor.**

**Cr Wood, nominated Cr Haynes to be elected as Deputy Mayor.**

*Elected members voted in a secret ballot.*

**Cr Browne be elected Deputy Mayor.**

**4 DISCLOSURE OF INTERESTS**

**An interest was declared by Cr Kelly, for Item No, 14.1.2, Curtin Care Inc. – Proposal for New 25 Year Lease - Lot 87, Number 1 Gibney Street, Cottesloe.**

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*Nature of Interest: Financial.*

*Extent of Interest: By virtue of being on the board of Curtin Care Inc.*

**An interest was declared by Cr Browne, for Item 14.3.1 Richardson Avenue Working Group.**

*Nature of Interest: Impartiality.*

*Extent of Interest: By virtue of owning property in Richardson Avenue.*

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

NIL

**6 PUBLIC QUESTION TIME**

NIL

**7 PUBLIC STATEMENT TIME**

NIL

**8 APPLICATIONS FOR LEAVE OF ABSENCE**

NIL.

**9 PETITIONS/DEPUTATIONS/PRESENTATIONS**

NIL.

**10 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**Moved Cr Browne, seconded Cr Tulloch**

**That the minutes of the Ordinary Meeting of Council held on 6 October 2015 be confirmed.**

**CARRIED(176/15)  
(NO DISSENT)**

**11 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETING MAY BE CLOSED TO THE PUBLIC**

Item 18.1.1, Plant Hire Tender 2015-01.

Item 18.2.1, Consent To Assign Sub-Lease of Portion of 331 - 333 Stirling Highway, Claremont.

Item 18.2.2, Deed of Variation of Lease 331 - 333 Stirling Highway, Claremont.

**12 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING**

NIL.

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## 13 REPORTS OF COMMITTEES

### 13.1 AUDIT AND RISK MANAGEMENT COMMITTEE

#### 13.1.1 STRATEGIC AND OPERATIONAL RISK REPORTS – SEPTEMBER 2015

<b>File Ref:</b>	<b>RSK/00168</b>
<b>Attachments:</b>	<a href="#">Strategic Risk Report - September 2015</a> <a href="#">Operational Risk Report – September 2015</a>
<b>Responsible Officer:</b>	<b>Les Crichton</b> <b>Executive Manager Corporate and Governance</b>
<b>Author:</b>	<b>Les Crichton</b> <b>Executive Manager Corporate and Governance</b>
<b>Proposed Meeting Date:</b>	<b>16 June 2015</b>

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#### **Purpose**

Report recommends Council receive the Strategic and Operational Risk – September 2015 reports.

#### **Background**

At its meeting of 8 October 2015, the Audit and Risk Committee reviewed the attached Strategic and Operational Risk Reports – September 2015 as required under Regulation 16 of the *Local Government (Audit) Regulations 1996*, and recommended;

*That the Audit and Risk Committee;*

1. *Notes the Strategic Risk – September 2015 Report*
2. *Notes the Operational Risk – September 2015 Report*

#### **Discussion**

The Town has undertaken a review of its risk profile and established a set of Strategic and Operational Risks for review by the Audit & Risk Management Committee.

The attached reports detail all strategic risks that have been assessed as high or moderate, and operational risks that have been assessed as high.

The Town has a framework in place and has considered draft operational and strategic risks, reviewed its terms of reference for the Committee, and its reporting requirements with regard to the regulation.

Staff have reviewed existing controls for the strategic and operational risks identified and provided comment on the appropriateness and effectiveness. While the *Inherent* status recognises those inbuilt (and unlikely to change) elements of each risk identified, the *Revised* status details an assessment of the effectiveness of controls in place to mitigate those risks. In instances where determined controls have not been deemed appropriate, comment on progress on improvement plans is provided.

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## Past Resolutions

Ordinary Council Meeting 16 June 2015, Resolution 107/15:

*That Council;*

1. *Receives the 'Strategic Risk Report - June 2015' and 'Operational Risk Report - June 2015', and*
2. *Notes the results of the Chief Executive Officer's review of the appropriateness and effectiveness of the Town's systems and procedures in relation to risk management, internal control and legislative compliance.*

*CARRIED  
(NO DISSENT)*

Ordinary Council Meeting 3 December 2014, Resolution 193/14:

*That Council adopt the; 1. Draft Risk Management Framework 2. Draft Risk Categories 3. Draft Audit Committee – Terms of Reference as presented.*

*CARRIED*

## Financial and Staff Implications

Resource requirements are in accordance with existing budgetary allocation.

## Policy and Statutory Implications

*Local Government (Audit) Regulations 1996;*

16 *Audit committee, functions of An audit committee –*

- (c) *is to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to –*
  - i. *report to the council the results of that review; and*
  - ii. *give a copy of the CEO's report to the council.*

17 *CEO to review certain systems and procedures*

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to –*
  - (a) *risk management; and*
  - (b) *internal controls; and*
  - (c) *legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

## Publicity

N/A

## Strategic Community Plan

## Governance and Leadership

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*We are an open and accountable local government that encourages community involvement and strives to keep its community well informed.*

- Provide and maintain a high standard of governance, accountability, management and strategic planning.

**Urgency**

N/A

**Voting Requirements**

Simple majority decision of Council required.

**Moved Cr Haynes, seconded Cr Edwards**

**That Council receives the 'Strategic Risk Report – September 2015' and 'Operational Risk Report – September 2015'.**

**CARRIED(177/15)  
(NO DISSENT)**

## 14 REPORTS OF THE CEO

### 14.1 CHIEF EXECUTIVE OFFICER

#### 14.1.1 APPOINTMENT OF COUNCIL MEMBERS TO COMMITTEES

<b>File Ref:</b>	<b>GOV/00049-GOV/00050,GOV/00051,GOV/00054</b>
<b>Responsible Officer:</b>	<b>Stephen Goode Chief Executive Officer</b>
<b>Author:</b>	<b>Les Crichton Executive Manager Corporate and Governance</b>
<b>Proposed Meeting Date:</b>	<b>20 October 2015</b>

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#### **Purpose**

To appoint elected members to Council's advisory committees, and appoint delegates to local and regional committees of which Council is a member.

#### **Background**

Council has established various advisory committees to advise it on specific matters with membership made up of elected members, community members and, in some cases, representatives of other organisations or committees.

Council is also a member of various regional and local committees and delegates to these committees also need to be appointed. The establishment and appointment of representatives to Council committees is governed by the *Local Government Act 1995*.

The tenure of all committee members on Council committees expires at the next ordinary election following appointment. Current committee members were appointed following the 2013 election and as such their tenure expired on 17 October 2015 being the 2015 Election Day.

Council presently has four committees which all have both Council and community members. At its meeting of 6 October 2015, Council appointed the community members to these committees for the next two years, and with the 2015 Election now completed is required to appoint councillors to these committees.

The Committees, terms of reference, and membership are as follows:

#### **Audit & Risk Management Committee**

The terms of reference of the Audit & Risk Management Committee is provided in Attachment 1.

Membership of the Committee comprises;

Membership Type	Vacancies effective 17 October 2015	Current members
Mayor	1	Mayor Barker
Councillor	3	Cr Haynes Cr Kelly Cr Edwards
Community	2 - Appointed 6/10/15	
Quorum	4	

### **Foreshore Advisory Committee**

Management of the Claremont Foreshore will be complementary to the Freshwater Bay Management Plan as adopted by the Swan River Trust, Town of Claremont, and the Claremont Heritage Trust Advisory Committee 1977.

Specific objectives are:

- To enhance the identity and character of the foreshore;
- To enhance the environment;
- To protect and encourage wildlife;
- To enhance the amenity for residents and visitors to the foreshore.

Membership of the Committee comprises;

Membership Type	Vacancies effective 17 October 2015	Current members
Councillor	2	Cr Mews Cr Tulloch
Community	3 - Appointed 6/10/15	
Quorum	3	

### **Lake Claremont Advisory Committee**

The brief of the Lake Claremont Advisory Committee is to provide advice to Council on matters relating to:

- The care and maintenance of Lake Claremont and its immediate environment;
- The rehabilitation of Lake Claremont and its environs;
- Plans for amenities proposed to Lake Claremont and its immediate environs;
- Proposals for the Lake from the Friends Group

Membership of the Committee comprises;

Membership Type	Vacancies effective 17 October 2015	Current members
Councillor	2	Cr Haynes Cr Wood
Scotch College	1 - appointed 6/10/15	
Scotch Youth <sup>1</sup>	1	
Christ Church Grammar Youth <sup>1</sup>	1	

Community	2 – appointed 6/10/15	
Friends of Lake Claremont	1 – appointed 6/10/15	
City of Nedlands	1	
Quorum	4	

<sup>1</sup>Non-voting member

### **Museum Advisory Committee**

The brief of the Museum Advisory Committee is to provide advice to the Council on matters relating to:

- Programmes to be provided by the Museum;
- Proposals for the Museum from the Friends group;
- Museum education programmes and links with current curriculum;
- Exhibition planning;
- Care of collection objects.

Membership of the Committee comprises;

Membership Type	Vacancies effective 17 October 2015	Current members
Councillor	2	Cr Mews Cr Wood
Department of Education	1 - appointed 6/10/15	
Community	2 – appointed 6/10/15	
Friends of Museum	2 – appointed 6/10/15	
Quorum	4	

### **Discussion**

This report proposes the appointment of councillors to Council's existing committees, and appointment of delegates to regional and local government committees, as detailed below:

#### Council Committees

- Audit & Risk Management Committee
- Foreshore Advisory Committee
- Lake Claremont Advisory Committee
- Museum Advisory Committee

#### Regional, Local Government, and Local Committees

- Western Australia Local Government Association: Central Metropolitan Zone

Council appoints a delegate and deputy delegate to the Central Metropolitan Zone of WALGA. WALGA has requested all Councils appoint their delegates and deputy delegates and advise the Zone secretariat by 9 November 2015. This will then allow each Zone to appoint their delegates to the State Council prior to the December State Council meeting. The current delegates are Mayor Barker and Cr Haynes

- Western Metropolitan Regional Council (WMRC)

All members tenure on the WMRC cease on election day and Council must nominate a delegate and deputy delegate following elections. The delegate and deputy delegate are currently Cr Haynes and Cr Kelly respectively.

- Metro West Joint Development Assessment Panel

The Department of Planning has confirmed that Local Members and Alternate Local Members who were appointed to a Development Assessment Panel (DAP) retain their position unless they are not returned during the 2015 elections. The current members (Local Members - Cr Kelly & Cr Haynes; Alternate Local Members – Cr Brown & Cr Tulloch) were appointed on 3 February 2015 with terms expiring 26 April 2017. With Cr's Kelly and Haynes not up for election, only the Alternate Local Member positions will require filling should Cr Brown and/or Cr Tulloch not be re-elected.

- Western Suburbs District Planning Committee.

The Western Suburbs District Planning Committee only meets at the request of the Western Australian Planning Commission. It has not met since June 2009 however a Delegate and Deputy Delegate are appointed should a meeting be requested. These positions are currently held by Cr Browne & Cr Kelly respectively.

- Shine Community Services Management Board

Formerly The Aged Persons Support Service, Shine Community Services is based in Cottesloe and provides assistance to seniors, people with disabilities, and others to live within their own homes. Council appoints a delegate and deputy delegate, with the positions currently held by Cr Tulloch and Cr Lorenz.

- Claremont Now Inc.

The Claremont Now Inc. constitution stipulates nominated (Council) membership ceases to hold the office of councillor or when a nomination by Council is withdrawn or replaced. Current nominated members are Mayor Barker, Cr Edwards, Cr Goetze and the CEO. It is recommended Council nominate its members to this body following each ordinary local government election.

### **Past Resolutions**

Ordinary Council Meeting 17 March 2015, resolution 38/15 – appointment to fill vacant community representative position of Foreshore Advisory Committee

Ordinary Council Meeting 3 February 2015, resolution 4/15 – appointment of local and alternate local members to Metro West Joint Development Assessment Panel

Ordinary Council Meeting 5 November 2013, resolution 315/13 to 325/13 – appointment of Councillors to advisory committees external committees

Ordinary Council Meeting 1 October 2013, resolution 281/13 – appointment of community representatives to committees and disbanding of Community Safety and Crime Prevention Committee

Ordinary Council Meeting 16 April 2013, resolution 69/13 – appointment of youth representatives from Scotch College and Christ Church Grammar School; increase of membership to include City of Nedlands councillor.

Ordinary Council Meeting 19 February 2013, Resolution 23/13 – request for local government nominations for Development Assessment Panels

Ordinary Council Meeting 18 September 2012, resolution 172/12 – endorsement of new Constitution and Transition Plan for Curtain Aged Person Home Inc (CAPH).

Ordinary Council Meeting 7 August 2012, resolution 143/12 – elected member motion to disband Strategic Planning and Policy Committee.

Ordinary Council Meeting 6 December 2011, resolution 279/11 – appointment of Community Representatives to Advisory Committees following 2011 Local Government election

Ordinary Council Meeting 18 October 2011, Resolutions 220/11 to 220/32 – appointment of Councillors to advisory committees and as delegates to external committees.

### **Financial and Staff Implications**

Resource requirements are in accordance with existing budgetary allocation.

### **Policy and Statutory Implications**

#### Establishment of committees

5.8 A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

\* Absolute majority required.

#### Types of committees

- 5.9 (1) *In this section:*  
*“other person” means a person who is not a council member or an employee.*
- (2) *A committee is to comprise:*
- (a) council members only;*
  - (b) council members and employees;*
  - (c) council members, employees and other persons;*
  - (d) council members and other persons;*
  - (e) employees and other persons; or*
  - (f) other persons only*

Appointment of committee members

- 
- 5.10 (1) *A committee is to have as its members:*
- (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
  - (b) persons who are appointed to be members of the committee under subsection (4) or (5).*
- \* Absolute majority required.*
- (2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
- (3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.*
- (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish:*
- (a) to be a member of the committee; or*
  - (b) that a representative of the CEO be a member of the committee,*
- the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.*

#### Tenure of committee membership

- 5.11 (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until:*
- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;*
  - (b) the person resigns from membership of the committee;*
  - (c) the committee is disbanded; or*
  - (d) the next ordinary elections day,*

*whichever happens first.*

- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until:*
- (a) the term of the person's appointment as a committee member expires;*
  - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;*
  - (c) the committee is disbanded; or*
  - (d) the next ordinary elections day,*

*whichever happens first.*

**Publicity**

N/A

**Strategic Community Plan****People**

*We live in an accessible and safe community that welcomes diversity, enjoys being active and has a strong sense of belonging.*

- Improve the capacity of local community groups.

**Environment**

*We are a leader in responsibly managing the build and natural environment for the enjoyment of the community and continue to provide sustainable, leafy green parks, streets and outdoor spaces.*

- Provide education and communication on leading practices to the community.

**Governance and Leadership**

*We are an open and accountable local government that encourages community involvement and strives to keep its community well informed.*

- Identify strategic partnerships that align with the Town's vision.
- Focus on improved customer service, communication and consultation.

**Urgency**

Filling of Elected Member positions within the Committees finalises filling of vacancies following the 2015 local government elections and will allow continuity of operation of the committees.



**Voting Requirements**

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED.

**OFFICER RECOMMENDATION**

That Council

1. Appoint

Mayor Barker

Cr \_\_\_\_\_

Cr \_\_\_\_\_

Cr \_\_\_\_\_

to the Audit & Risk Management Committee

2. Appoint

Cr \_\_\_\_\_

Cr \_\_\_\_\_

to the Foreshore Advisory Committee

3. Appoint

Cr \_\_\_\_\_

Cr \_\_\_\_\_

to the Lake Claremont Advisory Committee

4. Appoint

Cr \_\_\_\_\_

Cr \_\_\_\_\_

to the Museum Advisory Committee

5. Appoint

Cr \_\_\_\_\_

Cr \_\_\_\_\_

as Council's Delegate and Deputy Delegate to the WALGA Central Metropolitan Zone

6. Appoint

Cr \_\_\_\_\_

Cr \_\_\_\_\_

as Council's Delegate and Deputy Delegate to the Western Metropolitan Regional Council

7. Appoint  
Cr\_\_\_\_\_
- Cr\_\_\_\_\_
- as Council's Local and Alternate Local Member to the Metro West Joint Development Assessment Panel
8. Appoint  
Cr\_\_\_\_\_
- Cr\_\_\_\_\_
- as Council's Delegate and Deputy Delegate to the Western Suburbs District Planning Committee
9. Appoint  
Cr\_\_\_\_\_
- Cr\_\_\_\_\_
- as Council's Delegate and Deputy Delegate to TAPSS Community Care
10. Appoint  
The Chief Executive Officer and  
Mayor Barker  
Cr\_\_\_\_\_
- Cr\_\_\_\_\_
- as Council's Nominated Members to Claremont Now Inc.

#### **AMENDED RECOMMENDATION**

**Moved Cr Kelly, seconded Cr Mews**

**That Council**

- 1. Appoint  
Mayor Barker  
Cr Edwards  
Cr Haynes  
Cr Kelly  
to the Audit & Risk Management Committee**
- 2. Appoint  
Cr Kelly  
Cr Mews**

- to the Foreshore Advisory Committee
3. **Appoint**  
**Cr Wood**  
**Cr Haynes**  
to the Lake Claremont Advisory Committee
4. **Appoint**  
**Cr Wood**  
**Cr Mews**  
to the Museum Advisory Committee
5. **Appoint**  
**Cr Haynes**  
**Cr Kelly**  
as Council's Delegates to the WALGA Central Metropolitan Zone
6. **Appoint**  
**Cr Haynes**  
**Cr Kelly**  
as Council's Delegate and Deputy Delegate respectively to the Western Metropolitan Regional Council.
7. **Appoint**  
**Cr Wood**  
**Cr Browne**  
as Council's Delegate and Deputy Delegate respectively to Shine Community Services Management Boards.
8. **Appoint**  
**The Chief Executive Officer and**  
**Mayor Barker**  
**Cr Goetze**  
**Cr Tulloch**  
as Council's Nominated Members to Claremont Now Inc.

Reason: The DAP position is not required to be filled as no positions were vacated following the election. The Western Suburbs District Planning Committee will appoint members to the positions if required as the committee does not meet often.

**CARRIED BY AN ABSOLUTE MAJORITY(178/15)**  
**(NO DISSENT)**

*Cr Kelly declared a Financial interest in Item 14.1.2 due to being on the board of Curtin Care Inc. and left the meeting at 7:12 PM.*

#### **14.1.2 CURTIN CARE INC. – PROPOSAL FOR NEW 25 YEAR LEASE - LOT 87, NUMBER 1 GIBNEY STREET, COTTESLOE**

**File Ref:** COP/00066

**Attachments:** [Position Paper – Background Information](#)  
[CAPH Working Group meeting notes 09 September 2015](#)  
[CAPH Working Group meeting notes 07 October 2015](#)

**Responsible Officer:** Stephen Goode  
Chief Executive Officer

**Author:** Stephen Goode  
Chief Executive Officer

**Proposed Meeting Date:** 20 October 2015

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#### **Purpose**

At the Council meeting of 05 May 2015 Council considered a recommendation to advertise a business plan which proposed the disposal of the Town's interest in Lot 87 Gibney Street (the Wearne Hostel property) to Curtin Care Inc. for nominal consideration. Council did not accept the officer recommendation and deferred the matter to allow presentation of more options (OCM 05 May 2015 resolution 75/15).

At the Council meeting of 02 June 2015 Council agreed to participate in a working group with representatives of the four owners of the land (OCM 02 June 2015 resolution 102/15). This report is to present the recommendation of the working group.

#### **Background**

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

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

A Co -Ownership Agreement was signed on 2 April 2009 for the Owners to guide the ownership arrangements. The Agreement provides for establishment of a

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Management Committee *'for the determination or approval of matters under the Agreement.....'*. It is not clear if the Management Committee was established, but in any event it has not been constituted nor had a meeting since November 2009.

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

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

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

### **Discussion**

The working group was established with membership from each of the owner councils and had meetings on 5 August, 9 September and 7 October 2015.

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

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

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

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

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

- Curtin Care be granted a 25 year lease to commence on completion of redevelopment
- A guiding agreement be prepared to include that the new lease was to be entered into on completion of redevelopment (an Agreement to Lease).

A draft report was prepared and considered by the working group at a meeting on 7 October 2015 to clarify and formalise the recommendation to be presented to the owner councils.

The basis for the working group recommendation is:

1. The owner councils must agree to the principles proposed by the working group; being the new 25 year lease with a back to back legal agreement. This agreement from the councils will allow and authorise the next steps to be undertaken, which require legal assistance a therefore expenditure.
2. The Town of Claremont organise the drafting of the lease and the legal agreement (Agreement to Lease) for approval by the working group.
3. The Agreement to Lease needs to be in a form that gives sufficient certainty to Curtin Care Inc that the owners will grant a lease to allow Curtin Care to secure finance, and should include:
  - A conditional undertaking by the owner councils to lease to Curtin Care Inc. for a term of 25 years commencing upon practical completion\*
  - The terms and conditions of lease be substantially the same as the existing lease, other than such terms as are specific to the (proposed) Agreement to Lease
  - Should Curtin Care be unable to complete the undertakings of the Agreement in respect to the development (for example due to insolvency or inability to function with a capacity to undertake the development and operate the facility) then the Owners will have the express right to seek an alternative not for profit organisation to assume the lease and complete the development
  - Curtin Care undertake-
    - To surrender the current lease upon commencement of the new lease;
    - To give further assurance about the future use of the site, being that Curtin Care will not seek to change the Ownership or ownership conditions and the land is to remain in the ownership of the four local governments to be used only for the provision of care, accommodation and residential facilities for aged persons and all activities relating to the provision of such care, accommodation and residential facilities, on a not for profit basis;
    - Curtin Care to prepare and present to the Owners a risk management plan for the redevelopment project;
    - Curtin Care will provide a full scope of the development to be undertaken (the Master Plan) which when accepted by the Owners will be an essential undertaking by the lessee to the lessor;
    - Curtin Care to provide a project plan and report upon progress to the Owners quarterly;
    - The lease will retain the existing clause requiring Curtin Care to provide financial statements to the Owners; and
    - That Curtin Care will undertake an open and competitive process to select an appropriately credentialed not for profit operating partner.

\*Curtin Care intend to undertake the proposed development on a staged basis. For the purpose of the Agreement to Lease practical completion is proposed to be defined as when-

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- (a) the new Residential Care development is completed, and
- (b) the Stage 1 of the Retirement Village is completed.

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

Although a number of members of the owner councils are members of the board they are not appointed by their council and serve in an independent capacity. They have recognised the conflict of interest created by being a member of both their council and the board and removed themselves from their council's decision making.

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

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

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

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

In respect to the Owners' risk management it is proposed:

- Should Curtin Care cease to function due to insolvency or any other issue which leaves it without a capacity to undertake the development and operate the facility (for example see the potential risks identified in the preceding paragraph), then the Agreement to Lease would record that;
    - The Owners do not wish to have the role and responsibility of the provision of care, accommodation and residential facilities for aged persons and all activities relating to the provision of such care, accommodation and residential facilities on the land;
    - Do wish to ensure that the site is used for the purposes of the provision of care, accommodation and residential facilities for aged persons and
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- all activities and matters relating to the provision of such care, accommodation and residential facilities, and
- Will take all reasonable and necessary steps to attract and select a suitably credentialed not for profit organisation to complete the development and operate the facilities.

### **Past Resolutions**

OCM 05 May 2015 resolution 75/15: matter referred for further options.

OCM 02 June 2015 resolution 102/15: agreement to be part of working group.

### **Financial and Staff Implications**

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

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

Even allowing for the restrictions on use and the burden of heritage upkeep of the heritage building and gardens the value for a commercial lease of the land would be significant, however this potential value is not relevant to the proposed lease to Curtin Care Inc.. Legal advice which has been obtained confirms that the relevant value for the purposes of the decision is the actual value to be charged as rent.

Legal costs will be incurred to prepare the proposed lease and legal agreement. The working group proposed that the Owners accept the legal costs and that they be shared equally by the Owners. Order of costs for preparation of the Agreement and lease is \$10,000.

### **Policy and Statutory Implications**

Section 3.58 of the *Local Government Act 1995*:

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

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

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

- (a) it gives local public notice of the proposed disposition —
    - (i) describing the property concerned; and
    - (ii) giving details of the proposed disposition; and
-



- (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
- and
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.'

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

Section 3.59(1) defines major land transaction

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

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

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

Legal advice has been obtained from McLeods which confirms that for the purposes of the definition of 'major land transaction' in section 3.59(1) of the *Local Government Act 1995*, it is necessary to consider the **actual** 'consideration under the transaction' – not, for example, a notional consideration based on a valuation.

Therefore, if the proposed transaction is a lease for a peppercorn rent to a non profit organisation, it would be the peppercorn rent that would be relevant for the purposes of section 3.59, not the rent that could have been charged if the property had been rented to a commercial entity.

If the working group recommendation to lease the land to Curtin Care for a nominal rent (say \$1 per annum payable on demand) there will not be a requirement to prepare and advertise a business plan.

### **Consultation**

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

The working group with membership from each of the owner councils has had meetings on 5 August, 9 September and 7 October 2015. The Chairman for Curtin Care, Mr. David Cox and Deputy Chair, Mr. Michael Jones, attended the meeting of 9 September and made a presentation to the working group

The Claremont CEO met with Mr David Cox to explain the direction the working group recommendations were heading and Mr Cox believed the Board of Curtin Care would be supportive of the proposals.

### **Publicity**

Local public notice of proposal to dispose of the property pursuant to Section 3.58 of the *Local Government Act 1995*

### **Strategic Community Plan**

#### **Governance and Leadership**

*We are an open and accountable local government that encourages community involvement and strives to keep its community well informed.*

- Provide and maintain a high standard of governance, accountability, management and strategic planning.

### **Urgency**

Curtin Care Inc. needs a determination by the owners to allow the planned redevelopment to proceed.

### **Voting Requirements**

Simple majority decision of Council required.

### **Moved Cr Haynes, seconded Cr Wood**

#### **That Council**

1. **Supports a 25 year lease being granted to Curtin Care Inc for Lot 87 Gibney Street Cottesloe for the purposes of the provision of care, accommodation and residential facilities for aged persons and all activities relating to the provision of such care, accommodation and residential facilities on a not for profit basis.**
2. **Authorises the CEO of Town of Claremont to facilitate the preparation of the agreement to lease, and the lease which is to commence from practical completion, the legal costs of which to be shared equally between the local government owners.**

**CARRIED(179/15)  
(NO DISSENT)**

*Cr Kelly returned to the meeting at 7:16 PM.*

**14.1.3 WALGA DISCUSSION PAPER - POLICY OPTIONS TO INCREASE ELECTED MEMBER TRAINING PARTICIPATION**

<b>File Ref:</b>	<b>GOR/00278</b>
<b>Attachments:</b>	<b><u>WALGA Discussion Paper - Policy Options to Increase Elected Member Training Participation</u></b>
<b>Responsible Officer:</b>	<b>Stephen Goode Chief Executive Officer</b>
<b>Author:</b>	<b>Stephen Goode Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>20 October 2015</b>

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**Purpose**

The Western Australian Local Government Association (WALGA) is undertaking a consultation process about elected member training. This report presents a summary of the issues raised in the WALGA discussion paper together with recommendations for Council consideration.

**Background**

WALGA invites members to provide feedback, including general comments as well as answers to the questions on pages 30-31 of the attached paper, by Friday, 30 October 2015 (note this has been brought forward from the date in the discussion paper to better coordinate with the agenda for zone meetings).

WALGA seeks to take a lead in the development of policy about elected member training and wants this policy development process to ensure the local government sector can shape the debate and develop a policy framework that will increase elected member participation in training and professional development, prior to Government imposed policy or legislative change.

WALGA's policy discussion paper states that increasing participation in elected member training is considered a desirable policy goal for individual elected members, for councils and for the local government sector, due to the competing demands on elected members, the complexity of the local government regulatory regime, and importance of local government to communities across Western Australia.

To facilitate exploration of policy options to increase elected member participation in training, three tiers of currently available training, based on the nationally recognised Local Government Training Package and designed specifically for elected members, are discussed:

- i. Introductory training, which aims to provide a fundamental understanding of the role of local government;
- ii. Foundation training, which addresses the introductory skills required to operate effectively in a local government environment; and,
- iii. Advanced Training, which further enhances the skills required of elected members.

Council induction programs, which are often the first point of learning for newly elected council members, are also discussed as complementary to the formal elected member training framework.

In addition, three mechanisms which increase accessibility to formal training are discussed: recognition of prior learning, the ability for assessments to be modified to suit individual needs and modes of content delivery.

Utilising the existing training framework for elected members, the following six policy options, which are not exhaustive, nor mutually exclusive, are explored in this paper:

1. Enhance the desirability of training offerings;
2. Delivery of best practice Council induction programs;
3. Require Councils to adopt a training policy;
4. Require candidates to attend training prior to nominating for election;
5. Incentivise training through the remuneration framework; and,
6. Mandate training for newly elected members.

### **Discussion**

Local government is a significant sector in the economy and governance of Western Australia. With \$4.4 billion in annual revenue and \$27.6 billion of non-financial assets under management, the local government sector requires competent and well qualified political leadership. The 139 local governments have some 1214 elected members. Those elected members are democratically elected to deliver good governance to their communities and come from enormously diverse backgrounds, with equally diverse experience and training to equip them for their role as a council member. Many perhaps do not fully appreciate the significance of their role and require development to ensure they are competent in overseeing complex public organisations.

There is an obvious argument that training and development for local government council members is at least as important as the training of company directors. The private sector director has an inarguably challenging role but, to a real degree, the elected member's role is additionally complex because of the elected representative role and the quasi-judicial role which council members must balance.

The Minister for Local Government, the Department of Local Government and Communities, and other stakeholders have, over recent years, suggested that participation in elected member training should be mandatory or incentivised through the elected member remuneration framework. Calls for greater elected member training are predicated on the belief that those who undertake training and professional development are better able to perform their role as a council member and are able to offer greater strategic contributions to the council's decision making processes. Indeed, in all Australian jurisdictions, a common feature of nearly every inquiry into governance failures at an individual council or a more general review of local government capacity and capability is a recommendation for an increase in elected member participation in training.

WALGA invites general comment but in particular requests responses to the following questions.

- 1. Best Practice Induction Programs – does Council support local governments*
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*adopting and delivering a structured and thorough council induction program?*  
*a. If so, should legislation be changed for this to be a requirement, or should it remain voluntary?*

A mandatory requirement for a suitable induction program is supported. It is the requirement for such an industry wide program that should be mandated, not the content. The differences between the 139 local governments in WA mean one model program is most unlikely to be suitable for all councils. Instead WALGA should take leadership and develop model induction programs which include core training (such as basic legal issues, code of conduct and misconduct, roles and responsibilities) while having optional inclusions more suited to specific councils (e.g. those in high growth areas may need additional training about planning law and dealing with applicants).

*2. Training and Development Policy – does Council support legislative amendments to require all Councils to review and adopt an Elected Member Training and Development Policy following every biennial election?*

Councils in South Australia have been required to adopt a training and development policy for elected members for many years. Discussion with CEO colleagues in SA suggests a good acceptance by elected members of training and probably few (council members) would want to go back to ad-hoc arrangements.

Development of a training policy for elected members targeted at the needs of each individual council, probably with some foundation training common across the sector, is supported as a positive step towards a best practice approach.

*3. Candidate Requirements – does Council support legislative amendment to require candidates to attend an information session or complete an equivalent online information session prior to nominating for election?*

This has not (yet) been introduced as a requirement in any Australian jurisdiction, although it was recently proposed by the New South Wales Independent Local Government Review Panel.

Proponents of this approach want to ensure that candidates have an awareness of the role and responsibilities of an elected member prior to their nomination for election to council. This approach may even dissuade some 'single issue' candidates from nominating once they have an understanding of the local government legislative framework, particularly in relation to conflicts of interest.

The typical argument against compelling candidates to attend an information session is that such an approach may create a barrier to nominating for some candidates, thereby reducing the potential pool of candidates and undermining the democratic process.

There are currently various ad-hoc arrangements whereby potential candidates are offered information sessions. Some have been offered in the western suburbs over the last few election cycles but are typically sparsely attended.

WALGA has an introductory training offering called *Understanding Local Government*, which can be completed in two hours online, and could be applied to a regime requiring candidates to undertake specified training prior to acceptance of their nomination for election. Notwithstanding the increasing widespread availability of online resources and internet access, ensuring access for all candidates to the training or information session would have to be considered.

On balance it is thought that ensuring potential candidates have a proper awareness and understanding of the role of an elected member has to be a positive thing and the idea should be supported.

*4. Incentivised Training – does Council support legislative amendments to enable elected members to be paid additional allowances commensurate with the level of training undertaken?*

*a. If so, how should the fees and allowances framework be structured? I.e. should elected members be paid a specified annual amount, a percentage bonus or using some other method?*

It is not long ago that council members were not paid any allowance for their service to local government. Members are now paid either an annual allowance or a per meeting fee plus a range of other approved allowances can be approved.

One argument is that a new allowance could incentivise members completing training. The alternative view is that members should accept the training requirement and if they do not then, because they do not undertake appropriate steps to ensure full and proper understanding of their role and responsibilities, they are less able to discharge their duties; therefore perhaps they should be ineligible for all or some of the current fees paid.

The Salaries and Allowances Tribunal (which sets the levels for council member allowances) has toyed with the idea of providing incentives for training; most recently deciding -

*While the Tribunal is generally amenable to providing incentives for Elected Members to undertake (training) that will develop skills related to their core responsibilities, it has determined that it is not appropriate to provide incentives until the completion of the pilot program and the training for Elected Members is more generally available.*

No other Australian jurisdiction pays incentives for elected members to undertake training.

This question should be considered by Council in the context of question 5.

*5. Mandatory Training – does Council support legislative amendment to require elected members to be required to undertake foundation training (such as the Elected Member Skill Set or equivalent)?*

*a. Should mandatory training be applied to all elected members or only to newly elected elected members?*

*b. For newly elected elected members, what is the appropriate timeframe within which training should be completed?*

*c. What is the appropriate penalty for non-completion of the required training?*

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South Australia is to date the only state to mandate council member training. Newly elected council members must complete the mandatory training requirements within the first 12 months of their four year term. The mandatory training involves four modules, which are able to be completed in seven and a half hours in total and can be delivered in-person or online via webinar.

The four modules are:

1. Introduction to Local Government;
2. Legal Responsibilities;
3. Council and Committee Meetings; and,
4. Financial Management and Reporting.

Whilst the training is mandatory there does not appear (at this time) to be penalties for not completing the training. The new laws about training were only introduced in 2014 and it appears likely the SA Government is anticipating that local government elected members will comply and hoping not to move to sanctions for those who do not.

Having a training regime for elected members is seen as positive. Limiting it to new elected members may be condemning it to failure of its objective of ensuring that by undertaking training and professional development elected members will be better able to perform their role as a council member and are able to offer greater strategic contributions to the council's decision making processes. It is clear from the public record that it is not only new elected members who require development. For example the dismissed council of the City of Canning had many members who could not be described as new or inexperienced. A casual review of the council members at (the relevant time) of Carnarvon, Cockburn, Joondalup and South Perth (all of which have had the council dismissed) will show that experienced elected members were on those councils. Inexperience in terms of years on the council could not have been the factor that caused the council to fail.

It is often said that the people who most need professional development and specific training do not recognise that it is needed. In itself this is a factor leading to problems. As recently as October 6 the Lord Mayor of Perth, Ms Lisa Scaffidi, is quoted as saying that when elected as Lord Mayor in 2008 'I was a brand new Lord Mayor and I was entitled to rely on the guidance offered by people far more experienced than me in terms of governance.'(The West, Tuesday, October 6, 2015, p4). According to sources on the internet Ms Scaffidi had previously served for eight years as a councillor of the City of Perth. This is offered only as an example that even after eight years of experience an elected member can be well served by training and development. In fact the Minister for Local Government, Hon Tony Simpson said (in relation the Ms Scaffidi) that the issue was evidence that greater training of councillors was needed. He also said, "What we have here is a classic example of not knowing the rules, which tells me we need more training of councillors so they understand the rules of the Local Government Act." (Quoted on the ABC website, Wednesday, October 7).

Support for mandatory training for all elected members is suggested. If a voluntary approach to training and development would work this discussion paper and attempt at leadership by WALGA would not be required. The entire issue has been canvassed many times within the local government sector, not the least occasion being through the Systemic Sustainability Study (SSS) which in its 2008 final report

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recommended that local governments be required to resource elected member training and that elected members continue to be encouraged to undertake further training and skill development. Unfortunately, like most of the proposals of the SSS, the sector dropped the ball; because it was voluntary.

The legislation for mandatory training should provide some scope to recognise prior learning; however each elected member should be able to demonstrate the required competencies.

The four training modules which are mandatory in South Australia require minimal time from an elected member, i.e. seven and a half hours in total. It is not unrealistic to require this to be completed within four months of election for a new member and for currently serving members within four months of introduction of the legislation, or alternatively within four months of the training modules being available through a recognised training body.

If the training is not completed within the required timeframe the elected member could lose entitlement to meeting fees or allowances until such time as the training is completed. If the training is not completed with the elected member's term they could be barred from a further term of office.

Beyond the base competency training units it would be good practice to encourage elected members to undertake further skill development according to the needs of their council. The WALGA Diploma of Local Government for elected members may serve as a guide to additional development opportunities. This includes modules on:

- Serving on Council
- Decision Making at a Governing Board Level
- Meeting Procedures and Debating
- Effective Community Leadership
- Strategy and Risk Management
- Policy Development
- Land Use Planning
- Sustainable Asset Management
- CEO Performance Appraisals
- Manage Conflict.

The obvious lessons identified through the Lord Mayor Scaffidi CCC findings include the need for training and development, but further indicate the need for mentoring of a new mayor or president. There is a significant difference in the roles and responsibilities of the mayor/president compared to a councillor. Compounding this is the fact that on occasions a person with no local government experience is elected to the office of mayor or president. WALGA should develop and implement a mentoring program for new mayors/presidents in a manner similar to the new CEO mentoring program which is jointly sponsored by LGMA, WALGA and the Department of Local Government and Community.

#### In Summary

It is proposed that Council:

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Q1. Support a mandatory requirement for a suitable induction program on the understanding that there should be flexibility in content to reflect the diversity of councils across WA.

Q2. Support the requirement for a training policy for elected members targeted at the needs of each individual council, including some foundation training common across the sector.

Q3. Support legislative amendment to require candidates (other than renominating elected members) to attend an information session or complete an equivalent online information session prior to nominating for election.

Q4. Not support incentivised training by payment of additional allowances commensurate with the level of training undertaken.

Q5. Support legislative amendment to require elected members to be required to undertake foundation training such as the four compulsory modules mandated in South Australia.

a. Support mandatory training for all elected members with provision to recognise prior learning; however each elected member should be able to demonstrate the required competencies.

b. Propose four months as the appropriate time frame for completing the mandatory training modules.

c. Propose the penalty for not completing the mandatory training within four months the elected member should lose entitlement to meeting fees or allowances until such time as the training is completed. If the training is not completed with the elected member's term they are barred from a further term of office Until they have undertaken required training).

Additionally Council propose:

- Continued promotion and encouragement of voluntary training and development beyond the mandatory base competency training units according to the needs of individual councils.
- WALGA should develop and implement a mentoring program for new mayors/presidents in a manner similar to the new CEO mentoring program which is jointly sponsored by LGMA, WALGA and the Department of Local Government and Communities.

### **Past Resolutions**

No related previous resolution.

### **Financial and Staff Implications**

Council provides an annual budget provision for elected member training and development. There is no training plan for council members and the funds are expended on an ad-hoc basis.

There are no significant staff implications. Consideration of how a training plan is developed and managed is required: It may impose some new requirements on staff.

## **Policy and Statutory Implications**

There is no legislative provision requiring training and development of elected members. It is clear that such a provision seems likely in the absence of leadership by the local government sector, which is why WALGA has undertaken the initiative of developing the discussion paper and seeking feedback.

Section 2.8 *Local Government Act 1995* sets out the role of mayor or president

Section 2.9 describes the role of deputy mayor or deputy president.

Section 2.10 establishes the role of councillors.

Section 2.7 sets out the role of council.

## **Publicity**

N/A

## **Strategic Community Plan**

### **Governance and Leadership**

- Identify strategic partnerships that align with the Town's vision.
- Provide and maintain a high standard of governance, accountability, management and strategic planning.
- Provide responsive and responsible leadership.

## **Urgency**

Urgent - WALGA has requested feedback by 30 October 2015.

## **Voting Requirements**

Simple majority decision of Council required.

## **Officer Recommendation**

1. That Council supports

- 1.1. The legislated requirement for a mandatory suitable induction program on the understanding that there should be flexibility in content to reflect the diversity of councils across WA.
  - 1.2. The legislated requirement for a training policy for elected members targeted at the needs of each individual council, including some foundation training common across the sector.
  - 1.3. A legislative amendment to require candidates (other than renominating elected members) to attend an information session or complete an equivalent online information session prior to nominating for election.
  - 1.4. A legislative amendment to require elected members to be required to undertake foundation training such as the four compulsory modules mandated in South Australia.
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- 1.5. The legislated requirement for mandatory training for all elected members with provision to recognise prior learning; however each elected member should be able to demonstrate the required competencies.
  - 1.6. The provision that four months be the appropriate timeframe for completing the mandatory training modules.
  - 1.7. That the penalty for not completing the mandatory training within four months be that the elected member lose entitlement to meeting fees or allowances until such time as the training is completed. If the training is not completed with the elected member's term they are barred from a further term of office (until they have undertaken required training).
2. That Council not support
    - 2.1. Incentivised training by payment of additional allowances commensurate with the level of training undertaken.
3. That Council recommend WALGA considers
    - 3.1. Continued promotion and encouragement of voluntary training and development beyond the mandatory base competency training units according to the needs of individual councils.
    - 3.2. A mentoring program for new mayors/presidents in a manner similar to the new CEO mentoring program which is jointly sponsored by LGMA, WALGA and the Department of Local Government and Communities.

## **ALTERNATIVE MOTION**

### **Moved Cr Goetze, seconded Cr Mews**

1. That Council supports
    - 1.1. **The legislated requirement for a mandatory suitable induction program on the understanding that there should be flexibility in content to reflect the diversity of councils across WA.**
    - 1.2. **The legislated requirement for a training policy for elected members targeted at the needs of each individual council, including some foundation training common across the sector.**
    - 1.3. **A legislative amendment to require candidates (other than renominating elected members) to attend an information session or complete an equivalent online information session prior to nominating for election.**
    - 1.4. **A legislative amendment to require elected members to be required to undertake foundation training such as the four compulsory modules mandated in South Australia.**
    - 1.5. **The legislated requirement for mandatory training for all elected members with provision to recognise prior learning; however each elected member should be able to demonstrate the required competencies.**
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- 1.6. The provision that six months be the appropriate timeframe for completing the mandatory training modules.
- 1.7. That the penalty for not completing the mandatory training within six months be that the elected member lose entitlement to meeting fees or allowances until such time as the training is completed. If the training is not completed with the elected member's term they are barred from a further term of office (until they have undertaken required training).
2. That Council not support
  - 2.1. Incentivised training by payment of additional allowances commensurate with the level of training undertaken.
3. That Council recommend WALGA considers
  - 3.1. Continued promotion and encouragement of voluntary training and development beyond the mandatory base competency training units according to the needs of individual councils.
  - 3.2. A mentoring program for new mayors/presidents in a manner similar to the new CEO mentoring program which is jointly sponsored by LGMA, WALGA and the Department of Local Government and Communities.

**CARRIED(180/15)  
(NO DISSENT)**

Reason: with Council elections held in October the suggested four months includes December, which is a very busy time, and January, when a lot of businesses are closed and many people are away, leaving effectively only two months in which to complete the training. Six months gives a more realistic time frame.

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## 14.2 CORPORATE AND GOVERNANCE

### 14.2.1 LIST OF PAYMENTS 1-30 SEPTEMBER 2015

<b>File Ref:</b>	<b>FIM00062</b>
<b>Attachments:</b>	<b><u>Schedule of Payments September 2015</u></b>
<b>Responsible Officer:</b>	<b>Les Crichton Executive Manager Corporate and Governance</b>
<b>Author:</b>	<b>Edwin Kwan Finance Officer</b>
<b>Proposed Meeting Date:</b>	<b>20 October 2015</b>

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#### Purpose

For Council to note the payments made in September 2015.

#### Background

Council has delegated to the CEO the exercise of its power to make payments from the Municipal Fund or Trust Fund. The CEO is then required to prepare a list of accounts, for recording in the Minutes, detailing those payments made since the last list was presented.

#### Discussion

Attached is the list of all accounts paid totalling \$2,097,841.48 during the month of September 2015.

The attached schedule covers:

• Municipal Funds electronic funds transfers (EFT)	\$	1,547,339.91
• Municipal Fund vouchers (39390-39407)	\$	62,302.50
• Municipal Fund direct debits	\$	436,810.37
• Trust Fund electronic funds transfer (EFT)	\$	51,388.70
• Trust Fund vouchers	\$	0.00

All invoices have been verified, and all payments have been duly authorised in accordance with Council's procedures.

#### Past Resolutions

Ordinary Council Meeting 15 September 2015, Resolution 163/15:

*THAT Council notes all payments made for August 2015 totalling \$1,453,435.31 comprising;*

*The attached schedule covers:*

• <i>Municipal Funds electronic funds transfers (EFT)</i>	<i>\$</i>	<i>936,511.99</i>
• <i>Municipal Fund vouchers (39376-39389)</i>	<i>\$</i>	<i>9,343.46</i>
• <i>Municipal Fund direct debits</i>	<i>\$</i>	<i>427,430.47</i>
• <i>Trust Fund electronic funds transfer (EFT)</i>	<i>\$</i>	<i>80,149.39</i>
• <i>Trust Fund vouchers</i>	<i>\$</i>	<i>0.00</i>

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**Financial and Staff Implication**

Resource requirements are in accordance with existing budgetary allocation.

**Policy and Statutory Implications**

Regulations 12- 13 of the *Local Government (Financial Management) Regulations* 1996. Town of Claremont Delegation Register Item 37.

**Publicity**

N/A

**Urgency**

N/A

**Voting Requirements**

Simple majority decision.

**Moved Cr Main, seconded Cr Kelly**

**THAT Council NOTES all payments made for September 2015 totalling \$2,097,841.48 comprising;**

<b>Municipal Funds electronic funds transfers (EFT)</b>	<b>\$ 1,547,339.91</b>
<b>Municipal Fund vouchers (39390-39407)</b>	<b>\$ 62,302.50</b>
<b>Municipal Fund direct debits</b>	<b>\$ 436,810.37</b>
<b>Trust Fund electronic funds transfer (EFT)</b>	<b>\$ 51,388.70</b>
<b>Trust Fund vouchers</b>	<b>\$ 0.00</b>

**CARRIED(181/15)  
(NO DISSENT)**

### 14.3 INFRASTRUCTURE

*Cr Browne declared an Impartiality interest in item 14.3.1 by virtue of be owning property in Richardson Avenue.*

#### 14.3.1 RICHARDSON AVENUE WORKING GROUP

<b>File Ref:</b>	<b>RDS/00236</b>
<b>Confidential Attachments:</b>	<b>Community Representative and MLC Nominations</b>
<b>Responsible Officer:</b>	<b>Saba Kirupananther Executive Manager Infrastructure</b>
<b>Author:</b>	<b>Nicholas King Manager Engineering Services</b>
<b>Proposed Meeting Date:</b>	<b>20 October 2015</b>

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#### **Purpose**

For the Council to approve three community representatives from the local area for the working group, to fully engage with the local community concerning the traffic and parking proposals in the Richardson Avenue local area.

#### **Background**

Following the Council resolution on 4 August 2015, the Town sought expressions of interest from residents who may be affected by modified parking and/or traffic conditions in or around the Richardson Avenue local area.

The objectives of the working group included assessing proposed or conceptual designs from the Town, ensuring any proposals would be accepted by the affected community, and seeking other alternative proposals on adjoining streets.

#### *Objective and Purpose:*

- a) Assess new design proposals and provide feedback and recommendations which can then be considered prior to the proposal proceeding to a detailed design stage.*
- b) To ensure that any future proposals made are as acceptable as possible to the affected community, whilst still achieving alleviation to the congestion around the schools.*
- c) Assess the surrounding area for alternate modifications that could be made to the road network and/or street layout, with an aim to alleviate congestion without major impact being made to the streetscape and character of the area.*

#### **Discussion**

The initial proposal included installing verge parking on Richardson Avenue on the east side between Wilson Street and Prospect Street. This proposal was aimed to act as a satellite drop off and pick up area, where the new footpath on Cliff Way would

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be utilised by students. This in turn will reduce vehicle traffic very close to the schools mainly in Corry Lynn Road, Brae Road, Cliff Way and Cliff Road.

Due to some concerns raised by the residents around Richardson Avenue, it was decided by the Council that creating a working group from the local area would be the best outcome for the affected community. This working group's main objective would be to find alternative solutions to the traffic and parking issues around the area.

Methodist Ladies College [MLC] and Christ Church Grammar School will have one member from each school from their P&Cs.

MLC requested whether a staff member could also be in the working group. The Council could decide to allow a staff member from each school as observers only.

Councillor Mews has advised he would like to be part of the Working Group. Council could allow this by an amendment of the adopted membership. If approved this would mean all South Ward councillors are members of the working group.

### **Past Resolutions**

*Ordinary Council Meeting 4 August 2015, Resolution 143/15,*

*That Council:*

**1. APPROVES:**

*1.1. Working Group The formation of a Working Group to fully engage with the local community concerning the traffic and parking proposals in the Richardson Avenue local area;*

*1.2. Objective and Purpose:*

*a) Assess new design proposals and provide feedback and recommendations which can then be considered prior to the proposal proceeding to a detailed design stage.*

*b) To ensure that any future proposals made are as acceptable as possible to the affected community, whilst still achieving alleviation to the congestion around the schools.*

*c) Assess the surrounding area for alternate modifications that could be made to the road network and/or street layout, with an aim to alleviate congestion without major impact being made to the streetscape and character of the area.*

*1.3. The appointment of the following to the Working Group:*

*a) Councillor Cr Goetze (Chair);*

*b) Councillor Cr Kelly;*

*c) Three community Representatives from the local area;*

*d) Representative from Methodist Ladies' College P&C;*

*e) Representative from Christ Church Grammar School P&C;*

*f) Executive Manager Infrastructure;*

*g) Manager Engineering Services.*



2. *AUTHORISES the Chief Executive Officer to write to local residents and seek expressions of interest from interested community representatives for the Working Group;*

3. *RECEIVES a further report after the closing date of the calling of expressions of interest, to approve the Community Representatives; and*

4. *ENGAGES with the Methodist Ladies' College and Christ Church Grammar School to consider the feasibility of providing a shuttle service for students."*

*CARRIED(143/15)  
(NO DISSENT)*

### **Financial and Staff Implications**

There won't be any financial implications except staff time and some administrative costs which could be accommodated in the operational budget.

### **Policy and Statutory Implications**

Austrroads and Australian Design Guidelines and Main Roads WA design guidelines.

### **Publicity**

Inform the nearby residents of the Council decision.

### **Strategic Community Plan**

#### **Liveability**

*We are an accessible community, with well maintained and managed assets, and our heritage preserved for the enjoyment of the community.*

- Clean, usable, attractive, accessible streetscapes and public open spaces.
- Maintain and upgrade infrastructure for seamless day to day usage.

### **Urgency**

Nil.

**Voting Requirements**

Simple majority decision of Council required.

**Officer Recommendation**

That Council

1. Amend the working group membership to include three councillors, being the South Ward councillors.
2. Approve the members of the Richardson Avenue working group being:
  - a) Councillor Goetze (Chair);
  - b) Councillors Kelly & Mews;
  - c) Three community Representatives from the local area;
  - d) Representative from Methodist Ladies' College P&C;
  - e) Representative from Christ Church Grammar School P&C;
  - f) Executive Manager Infrastructure;
  - g) Manager Engineering Services.

**ALTERNATIVE MOTION**

**Moved Cr Goetze, seconded Cr Kelly**

**That Council**

1. **Amend the working group membership to include three councillors, being the South Ward councillors.**
2. **Approve the members of the Richardson Avenue working group being:**
  - a) Councillor Goetze (Chair);**
  - b) Councillors Kelly & Mews;**
  - c) Three community Representatives from the local area;**  
**Mr Douglas Forster;**  
**Mr John Brewer;**  
**Ms Amanda Nikolich.**
  - d) Representative from Methodist Ladies' College P&C;**
  - e) Representative from Christ Church Grammar School P&C;**
  - f) Executive Manager Infrastructure;**
  - g) Manager Engineering Services;**
  - h) A staff member from both MLC and CCGS to be observers, at the school's discretion.**

Reason:

1. MLC has requested that a staff member be included.
2. It will be helpful to have school staff involved in the process to liaise with the school.

**CARRIED(182/15)  
(NO DISSENT)**

**15 ANNOUNCEMENTS BY THE PRESIDING PERSON**

The Mayor attended the opening of Claremont Yacht Club and Claremont Tennis Club.

Cr Mews attended a talk about dolphins held at the Freshwater Bay Museum.

Cr Browne commended staff on excellent traffic management during the 2015 Royal Show. Cr Haynes commented on the significant drop in vehicles using some of the community managed parking areas

Cr Browne expressed his concern at the low turnout at this year's local government elections and the potential impact of both confusion around changes to the ballot paper, and incorrect reporting of returned packages by the WA Electoral Commission.

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

NIL.

**17 NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF MEETING**

Confidential Item 17.1.1 Offer to Purchase - 151 (Lot 15) Claremont Crescent, Swanbourne.

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**18 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

**MOTION TO CLOSE DOORS**

**Moved Cr Wood, seconded Cr Edwards**

**That in accordance with Section 5.23 (2) of the *Local Government Act 1995* the meeting is closed to members of the public with the following aspects of the Act being applicable to this matter:**

(c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

(e) (ii) A matter that if disclosed, would reveal information that has a commercial value to a person.

**CARRIED(183/15)  
(NO DISSENT)**

*Mayor Barker adjourned the meeting at 7:47PM.*

*Mayor Barker reconvened the meeting at 7:48PM.*

**Mayor Barker**

**Cr Karen Wood**

**West Ward**

**Cr Peter Edwards**

**West Ward**

**Cr Peter Browne**

**West Ward**

**Cr Jill Goetze**

**South Ward**

**Cr Paul Kelly**

**South Ward**

**Cr Chris Mews**

**South Ward**

**Cr Bruce Haynes**

**East Ward**

**Cr Alastair Tulloch**

**East Ward**

**Cr Kate Main**

**East Ward**

**Mr Stephen Goode (Chief Executive Officer)**

**Mr Les Crichton (Executive Manager Corporate Governance)**

**Mr David Vinicombe (Executive Manager Planning and Development)**

**Mr Saba Kirupanather (Executive Manager Infrastructure)**

**Ms Katie Bovell (Governance Officer)**

**18.1.1 PLANT HIRE TENDER 2015-01**

**File Ref:** RDS/00100

**Attachments:** [Financial evaluation totals & graph](#)  
[Financial examples schedule](#)

**Responsible Officer:** Saba Kirupanather  
Executive Manager Infrastructure

**Author:** Nicholas King  
Manager Engineering Services

**Proposed Meeting Date:** 20 October 2015

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**COUNCIL RESOLUTION**

Moved Cr Kelly, seconded Cr Wood

That Council approves the tenders submitted by J & V Earthmoving and Certa Civil Works under a panel contractor arrangement for the provision and services of hiring plant, equipment, materials and personnel, for a period of three years (with an additional possible one year extension) as specified in Tender 2015-01.

**CARRIED(184/15)  
(NO DISSENT)**

**18.1.1 CONSENT TO ASSIGN SUB-LEASE OF PORTION OF 331 - 333 STIRLING HIGHWAY, CLAREMONT**

**File Ref:** COP/00034  
**Attachments:** Sub lease Floor Plan  
**Responsible Officer:** Les Crichton  
Executive Manager Corporate and Governance  
**Author:** Peter Scasserra  
Coordinator Property and Leasing  
**Proposed Meeting Date** 20 October 2015

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**COUNCIL RESOLUTION**

Moved Cr Wood, seconded Cr Haynes

That Council

1. Consent to assignment of current sub-lease of portion 331-333 Stirling Highway to Blue Moon Australia Pty Ltd.
2. All costs associated with the preparation of Deed of Variation and Assignment of Sub-Lease to be the responsibility of the Lessee.

**CARRIED(185/15)  
(NO DISSENT)**

**18.1.2 DEED OF VARIATION OF LEASE 331 - 333 STIRLING HIGHWAY,  
CLAREMONT**

**File Ref:** COP/00034-02  
**Responsible Officer:** Les Crichton  
Executive Manager Corporate and Governance  
**Author:** Les Crichton  
Executive Manager Corporate and Governance  
Peter Scasserra  
Coordinator Property and Leasing  
**Proposed Meeting Date** 20 October 2015

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**COUNCIL RESOLUTION**

**Moved Cr Haynes, seconded Cr Goetze**

**This report and recommendation remain confidential pursuant to section 5.23(2)(c) of the *Local Government Act 1995*.**

**CARRIED(187/15)  
(NO DISSENT)**

**17.1.1 OFFER TO PURCHASE - 151 (LOT 15) CLAREMONT CRESCENT,  
SWANBOURNE**

**File Ref:** COP 00032  
**Responsible Officer:** Les Crichton  
Executive Manager Corporate and Governance  
**Author:** Brian Kavanagh  
Manager Strategic Projects  
**Proposed Meeting Date:** 20 October 2015

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**COUNCIL RESOLUTION**

That

1. Council advertise its intent to dispose of 151 Claremont Crescent, Swanbourne to A & J Caputti for \$600,000 in accordance with section 3.58 of the *Local Government Act 1995*,
2. If any adverse submissions are received, Council receive a report to consider those submissions,
3. If no adverse submissions are received, the Chief Executive Officer be authorised to enter into a formal agreement for the sale of 151 Claremont Crescent, Swanbourne; and
4. The report remain confidential pursuant to section 5.23(2)(c) of the *Local Government Act 1995*.

CARRIED(188/15)  
(NO DISSENT)

**MOTION TO OPEN DOORS**

Moved Cr Wood, seconded Cr Edwards

That the doors be opened.

CARRIED(189/15)  
(NO DISSENT)

*The doors opened at 8:40PM.*

**THE MAYOR READ ALOUD THE RESOLUTIONS MADE BEHIND CLOSED DOORS.**



**19 FUTURE MEETINGS OF COUNCIL**

Ordinary Council Meeting 3 November 2015.

**20 DECLARATION OF CLOSURE OF MEETING**

There being no further business, the presiding member declared the meeting closed at 8:41 PM.

Confirmed this ... .. day of ... .. 2015.

**PRESIDING MEMBER**