



TOWN OF CLAREMONT

ORDINARY COUNCIL MEETING

MINUTES

TUESDAY 6 OCTOBER, 2015

Stephen Goode

CHIEF EXECUTIVE OFFICER

Date:

DISCLAIMER

Would all members of the public please note that they are cautioned against taking any action as a result of a Council decision tonight until such time as they have seen a copy of the Minutes or have been advised, in writing, by the Council's Administration with regard to any particular decision.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	1
3	DISCLOSURE OF INTERESTS	1
4	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .	1
5	PUBLIC QUESTION TIME	1
6	PUBLIC STATEMENT TIME	2
7	APPLICATIONS FOR LEAVE OF ABSENCE	2
8	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	2
9	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	2
10	ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETING MAY BE CLOSED TO THE PUBLIC	2
11	BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING	2
12	REPORTS OF COMMITTEES.....	2
13	REPORTS OF THE CEO.....	3
13.1	PLANNING AND DEVELOPMENT	3
	13.1.1 LOT 5 (SHOP 2, 53-57) BAY VIEW TERRACE, CLAREMONT – RECONSIDERATION OF CONDITION 1 FROM PREVIOUS APPROVAL 4 AUGUST 2015	3
13.2	CORPORATE AND GOVERNANCE.....	10
	13.2.1 APPOINTMENT OF COMMUNITY REPRESENTATIVES TO ADVISORY COMMITTEES	10
	13.2.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 AUGUST 2015.....	18
14	ANNOUNCEMENTS BY THE PRESIDING PERSON.....	21
15	ELECTED MEMBERS’ MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	21

16 NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE
PERSON PRESIDING OR BY DECISION OF MEETING 21

17 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE
CLOSED TO THE PUBLIC 22

 17.1.1 VERGE COLLECTION TENDER 23

18 FUTURE MEETINGS OF COUNCIL 24

19 DECLARATION OF CLOSURE OF MEETING 24

TOWN OF CLAREMONT
ORDINARY COUNCIL MEETING
6 OCTOBER, 2015
MINUTES

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 7:00PM.

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 Anita Lorenz

East Ward

Mr Stephen Goode (Chief Executive Officer)

Mr Les Crichton (Executive Manager Corporate Governance)

Mr David Vinicombe (Executive Manager Planning and Development)

Ms Katie Bovell (Governance Officer)

Two members of the public

Two members of the press

3 DISCLOSURE OF INTERESTS

NIL

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

NIL

5 PUBLIC QUESTION TIME

NIL

6 PUBLIC STATEMENT TIME

NIL

7 APPLICATIONS FOR LEAVE OF ABSENCE

NIL

8 PETITIONS/DEPUTATIONS/PRESENTATIONS

NIL

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Browne, seconded Cr Lorenz

That the minutes of the Ordinary Meeting of Council held on
15 September 2015 be confirmed.

**CARRIED(168/15)
(NO DISSENT)**

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

Item 17.1.1. Verge Collection Tender.

11 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING

NIL

12 REPORTS OF COMMITTEES

NIL

13 REPORTS OF THE CEO

13.1 PLANNING AND DEVELOPMENT

13.1.1 LOT 5 (SHOP 2, 53-57) BAY VIEW TERRACE, CLAREMONT – RECONSIDERATION OF CONDITION 1 FROM PREVIOUS APPROVAL 4 AUGUST 2015

File Ref:	A-0474/DA2015.00092
Attachments - Public:	Location Plan List of offices and businesses at ground level in and around the town centre Photograph
Attachments – Restricted:	Plans
Responsible Officer:	David Vinicombe Executive Manager Planning and Development
Author:	David Vinicombe Executive Manager Planning and Development
Proposed Meeting Date:	6 October 2015
Date Prepared:	21 September 2015
Property Owner:	Rosalie Edwards
Submitted By:	Ben Linnenbank Constructions
Area of Lot:	703m²
Zoning:	Town Centre and Metropolitan Region Scheme Reserve (Primary Regional Roads)
Enabling Legislation:	<i>Planning and Development Act 2005 (PDA)</i> <i>Town Planning Scheme No. 3 (TPS3)</i> <i>Local Law Relating to Signs (LLRS)</i> <i>Town Centre Signage Policy (PS202)</i> <i>State Administrative Tribunal Act 2004 (WA)</i> (SAT Act)

Summary

- Application for planning approval for change the use of the Shop 2, 53 Bay View Terrace from 'Restaurant' to 'Office' for LJ Hooker granted on 4 August 2015. The proposal included internal and external alterations to the existing building.
 - Condition 1, which limited the period of approval to five years is subject of a review at the State Administrative Tribunal (SAT).
 - At SAT mediation held 16 September, Member Connor ordered that, pursuant to section 31 of the SAT Act, that the respondent (Town of Claremont) is invited to reconsider its decision on or before 20 October 2015.
 - The applicant has requested that the SAT remove the time limitation on the approval, but is prepared to agree to an extended time restriction.
-

- It is recommended that the approval be granted with a modified condition to extend the time restriction to ten years.

Purpose

The application proposed to the change the use of the subject tenancy from 'Restaurant' to 'Office' for LJ Hooker including associated internal alterations and signage. The application previously required the Council's determination as the application was 'called up' by an Elected Member of Council in response to a Delegated Report recommending approval of the proposal on 10 July 2015.

This report is required to reconsider the time limitation period of five years as presently required in condition 1 of the planning approval granted by Council on 4 August 2015 in accordance with the Orders of the SAT on 16 September 2015.

Background

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
23 June 2015	Planning Application received by Council
1 July 2015	Application undergoes internal DCU assessment
10 July 2015	Delegated Report referred to Council for comment
13 July 2015	Council call up on Delegated Report
14 July 2015	Report prepared for Council
24 July 2015	Revised report prepared for Council
4 August 2015	Application approved by Council
31 August 2015	Application for review of condition 1 lodged with the SAT
16 September 2015	Application for review considered for directions and mediation
21 September 2015	Report prepared for Council

Past Resolutions

Council resolved on 4 August 2015 to approve the change the use of the Shop 2, 53 Bay View Terrace from 'Restaurant' to 'Office' for LJ Hooker subject to eight conditions inclusive of condition 1 as follows:

1. *This approval is limited to a period of five years from the date of this approval, after which the continued use of the tenancy for an office use will require review in the context of the retail market and reconsideration of clause 23 of Town Planning Scheme No. 3.*

Heritage

The property is listed in the Local Government Inventory as a property of 'Considerable' Significance within the Bay View Terrace Precinct which is a Category 'B' Precinct. The property is also listed in the TPS3 Heritage Schedule. As such the application was referred to the Town's Heritage Officer for comment. It is advised that the proposal involves minor, reversible alterations to the existing building which will not adversely impact on the significance of the property or the Precinct and can be supported.

Consultation

The initial application was not advertised in accordance with Council Policy LG525 as the owner of the subject tenancy is the owner of the adjacent tenancies along Bay View Terrace and Stirling Highway. In this instance the applicant was advised to consult with the adjoining tenant on Bay View Terrace, and a letter of non-objection was received. No further consultation is required in relation to this section 31 SAT Act reconsideration of condition 1.

Metropolitan Region Scheme (Main Roads WA Referral)

The site is located wholly within a Metropolitan Region Scheme (MRS) reserve for 'Primary Regional Road' (PRR). Under the Planning and Development Act (PDA) MRS Instrument of Delegation (Del 2011/02), the Council has delegated authority to approve development within or adjacent to the Stirling Highway MRS reservation subject to any decision being consistent with the comment and recommendation of Main Roads WA.

Discussion

Use

Under TPS3 an 'Office' is defined as a building or part of used for the conduct of the administration requirements or the secretarial or accounting services of a business or industry, the practice of a profession or the provision of services which do not require continuing public attendance at the premises.

The entire property is located in the MRS reserve for 'Primary Regional Road' (PRR), located to the south of the Town Centre zone. Appendix VI of TPS3 includes the property within the "Shopping Policy Area".

The relevance of the "Shopping Policy Area" relates to the determination of discretionary uses within the Town Centre zone. Despite the technical location of the lot in the PRR, the intent of the Scheme is clear in that an 'Office' is a permitted use in the town centre subject to the provisions of cl.23. If not for the MRS reservation, the land would be within the Town Centre zone. Clause 23 states that:

In the Local and Town Centre Zones (Shopping Policy Area) the Council shall not approve of the use of land for an Office or Dwelling (Self Contained) unless:

- (1) that use is confined to a floor or floors of a building above ground floor level; or*
- (2) it is not practical to use the land or building in respect of which the application for planning approval is made for retail shopping purposes at ground level.*

Shop 2 has been vacant for a number of years along with a number of other retail tenancies in the southern end of Bay View Terrace in the town centre. The applicant advised the Town that the proposed tenancy will be the flagship office for LJ Hooker and has been designed, internally and externally, to compliment the Claremont town centre.

It is envisaged that the use will assist in the promotion pedestrian activity in the south end of Bay View Terrace similar to a retail tenancy in addition to upgrading the visual appearance of the building and entrance to Bay View Terrace from the south.

In considering the application, the primary consideration of Council was whether the tenancy was viable for other preferred uses. Temporary approval as granted for five years provided Council an option to review the applicability of the use relative to cl.23 at the end of this term and determine whether the retail market has regained sufficient strength to support the alternative uses of retail (or other uses not subject to cl.23 considerations such as restaurant) in Bay View Terrace.

As part of the cl.23 considerations, some concern has been expressed with regard to the desirability of an office use at the ground level within the Shopping Policy Area. Arguably, office use is similar to or more desirable in this location than other commercial uses which are not constrained by cl.23 considerations. These uses include consulting room (similar in nature to an office), day care centre, dry cleaning premises, educational establishment, fish shop, funeral parlour, hotel/tavern, motel, recreation indoor and outdoor, religious purposes, residential building (institutional accommodation), restaurant, service station, small bar, and vehicle sales.

A survey of ground floor offices and business in and around the Town Centre was conducted on 24 July 2015 (see attachment). A total of 34 businesses which are similar to office uses (six real estate agents, six travel agents, six banks and 16 other types of offices) were counted. Whereas the travel agents and banks are located in the Shopping Policy Area, all other businesses with exception to the Abel McGrath real estate office at the corner of Stirling Highway and Leura Avenue (also similarly located in the PRR reserve and in the Shopping policy Area) were located outside the Shopping Policy Area.

Whist it is noted that a bank is defined by TPS3 as a shop, a real estate agents is similar in many ways to a travel agent. Both have a retail activity which is highly driven by market exposure at ground level and morph between the two land uses of shop and office. Essentially both estate and travel agents are in the marketing game for their respective products.

Despite these nuances, the approval considered whether the temporary use of the property for a real estate office is something which is more or less desirable than a vacant space at the southern entrance of the town centre. It was considered that it is impractical to use the tenancy for retail shopping purposes and that the proposed tenant has the potential to stimulate pedestrian activity similar to a retail store. The proposed use was therefore considered to comply with cl.23(2) and was approved with a time limitation which allowed for the Council to reconsider the use in five years against the prevailing market conditions applicable at that time. The alternative was that the tenancy remained vacant for a further extended period (or that an application for SAT review was lodged against a refusal).

Mediation Discussions

Whilst the details of SAT mediation are confidential in case the matter proceeds to a full hearing, the following matters raised by the applicant are worthy of consideration in reviewing condition 1:

- The applicant has entered into a ten year (with five year option) lease based on receipt of initial advice from the Town that the application should be supported as the property had been vacant for so long.

- The applicant will be spending over \$500,000 on property improvements and the capital outlay cannot reasonably be recovered in a five year term.
- The application for review is for the condition to be removed entirely, however a ten year time restriction may be a suitable compromise.
- As detailed above, the property is located in a strategic location at the entrance to the town centre. Having been vacant for the past four years it represents an unfortunate impression to the thousands of passing pedestrians and motorists. Five other shops in the same location in Bay View Terrace confirm a lack of interest in retail uses. The LJ Hooker tenancy will activate an otherwise sad corner and present a far more attractive and inviting face to the town centre visitors and passers-by.
- There was some support at mediation for a real estate agent to be categorised as a people attractor and person orientated use (in much the same way as travel agents) with customers coming and going through the day and others stopping to look at properties through window space. There is some sympathy for the use at ground level as residential real estate agencies are typically found at ground floor in shopping centres.
- As the property is located in the PRR reserve, a distinction can be made from other Town Centre zoned properties in the Shopping Centre Policy Area. The proposal does not set a precedent to other shops in the Town Centre zone being approved for real estate offices, as the land to the north has a different zoning/reservation.

Conclusion

Based on the above, it is considered that the review of condition 1 to allow for it to extend the time restriction to 10 years is a favourable outcome for the Town and applicant. Alternatively, Council could retain the condition as is with the five year time limitation. However based on the above considerations; this will result in the application for review progressing to a full hearing of the SAT with no guarantee of the condition being upheld. Accordingly it is recommended that the application be approved with a modified condition 1 which extends the five year time restriction to ten years.

Voting Requirements

Simple majority decision of Council required.

Moved Cr Wood, seconded Cr Kelly

THAT Council in accordance with the Section 31 Order from the State Administrative Tribunal reconsider and grant planning approval for a proposed change of use from 'Restaurant' to 'Office', external and internal alterations and associated signage for 'LJ Hooker' at Lot 5 (Shop 2, 53) Bay View Terrace, Claremont, subject to the following conditions and advice notes:

- 1. This approval is limited to a period of ten years from the date of this approval, after which the continued use of the tenancy for an office use will require review and Council approval in the context of the retail market and reconsideration of clause 23 of Town Planning Scheme No. 3;**

2. The proposed under verandah sign(s) to have a maximum width of 1.8m, maximum height of 2m: and minimum clearance of 2.7m above the existing footpath level. Details to be provided with an application for a Sign Licence;
3. The proposed window signage along Stirling Highway to be permeable obscured tinting with no advertising content or reduced to a maximum coverage of 50% of the individual window with any proposed advertising content to be submitted and approved prior to the issue of a Sign Licence;
4. Prior to the submission of an application for a building permit or the commencement of development, whichever is earlier, a Construction Management Plan must be submitted to, and approved by, the Town. The Construction Management Plan must address the following matters, where applicable:
 - (a) Site plan, public safety and security;
 - (b) Contact details of essential site personnel, construction period and operating hours;
 - (c) Community information, consultation and complaints management Plan;
 - (d) Noise, vibration, air and dust management;
 - (e) Traffic, access and parking management;
 - (f) Waste management and materials re-use;
 - (g) Asbestos removal management Plan; and/or
 - (h) Any other matter deemed relevant by the Town;
5. The Construction Management Plan as approved by the Town must be complied with at all times during development;
6. This approval is valid only if the development is substantially commenced within 24 months of the date of approval;
7. In all other respects, development is to occur in accordance with the drawings submitted with the application for Planning Approval (Planning Application 2015/0092), as amended by these conditions; and
8. The colour of the external facade of the premises is to be painted 'Dulux Tea House' with the mouldings and awning to be 'Black', as shown in Attachment 004.

ADVICE NOTES:

- (i) This is an approval to commence development only, and a Building Permit must be obtained from the Local Government prior to the commencement of any building works. Building Permit applications for non-residential development **MUST** be certified prior to submission.
- (ii) A Sign Licence is to be obtained from the Town's Building Services Unit prior to the erection/installation of any signage.
- (iii) Applicant is advised that Main Roads WA require compliance with the following:
 - a) The type of sign and location must comply with all relevant by-laws and planning schemes implemented by Council.

- b) If the sign is to be illuminated, it must be of a low level not exceeding 300cd/m² and may not flash, pulsate or chase.
- c) Main Roads agreement is to be obtained prior to any modifications.
- d) The device shall not contain fluorescent, reflective colours or materials.
- e) No unauthorised signage is to be displayed.

MRWA Advice Notes:

The property is significantly affected by the existing Metropolitan Region Scheme (MRS). However, MRS Major Amendment 1210/41 proposes to decrease the current MRS land requirement as shown on Drawing No. 1.7146. This is still subject to the completion of the amendment process. Further information on amendment 1210/41 is available on the Department of Planning's website.

The project for the upgrading/widening of Stirling Highway is currently not in Main Roads Four Year Estimated Highway Metropolitan Program and all projects not listed is considered to be long term. Please be aware that timing information may be subject to change and the Main Roads accepts no liability whatsoever for the timing information provided.

- (iv) The applicant/owner is advised of the following health requirements from the Town's Health Services. Should any advice be unclear, please contact the Town's Health Services on 9285 4300:
 - a) Works that are to be undertaken on site are to comply with the *Environmental Protection (Noise) Regulations 1997*;
 - b) All plant and machinery (such as air conditioners and pool pumps) being suitably sound proofed to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*;
 - c) Under the *Environmental Protection (Noise) Regulations 1997*, no work is to be permitted or suffered to be carried out:
 - i. Before 7:00am or after 7:00pm between Monday and Saturday inclusive; or
 - ii. On a Sunday or public holiday.

**CARRIED(169/15)
(NO DISSENT)**

13.2 CORPORATE AND GOVERNANCE

13.2.1 APPOINTMENT OF COMMUNITY REPRESENTATIVES TO ADVISORY COMMITTEES

File Ref:	GOV/00054
Attachments:	Terms of Reference Audit and Risk Management Committee Audit and Risk Management Committee Nomination Forms
Responsible Officer:	Les Crichton Executive Manager Corporate and Governance
Author:	Katie Bovell Governance Officer
Proposed Meeting Date:	06 October 2015

Purpose

For Council to appoint community members to the Advisory Committees of Council.

Background

Council has established various committees to advise it on specific matters with membership made up of elected members, community members and, relative to some committees, representatives of other organisations or committees. The establishment and appointment of representatives to Council committees is governed by *Local Government Act 1995*.

The tenure of all committee members on local government committees expires at the next ordinary election following appointment. The current committee members were appointed following the 2013 election and their tenure expires on the 2015 Election Day (17 October 2015).

While Council will appoint councillor representatives to its committees following the 2015 election, consideration may be given for appointment of community and organisation representatives effective 18 October 2015.

Council currently has four committees which have community membership.

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

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

Audit and Risk Management Committee

Terms of Reference (see Attachment 1).

Representative Type	Positions	Current Member
Community Representative	1	Susan Ngan

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.*

Representative Type	Positions	Current Representatives
Community Representatives	3	Claire Brittain Jenny Fairweather Anslie de Vos

Lake Claremont Advisory Committee

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.*

Representative Type	Positions	Current Member
Scotch College Representative	1	Dr Alec O'Connell
Scotch College Youth Representative	1	Bailey Barnfield
Christ Church Grammar Youth Representative	1	Not filled
Friends of Lake Representative	1	Heidi Hardisty
Community Representatives	2	Peter Olson David Free

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*

Representative Type	Positions	Current member
Friends Representatives	2	Joan Fisher Ricki Hewitt
Department of Education Member	1	Deborah Anne Bray
Community Representatives	2	John Barich Rosemary Hunter

Discussion

Call for nominations for community representatives on Council's committees were advertised in the local newspapers and on Council's website from 5 September 2015. Nominations closed 5:00pm Friday 25 September 2015 with the following nominations received;

Audit and Risk Management Committee

Representative Type	Nominee
Community Representative	Susan Ngan ¹
Community Representative	Marguerite Anklesaria

¹ Current member

Two nominations were received for the Audit and Risk Management Committee and it is recommended Council select one of the two to be appointed.

Foreshore Advisory Committee

Representative Type	Nominee
Community Representatives	Claire Brittain ¹
Community Representatives	Ian Hunter
Community Representatives	Robert Brereton

Three nominations were received for the Foreshore Advisory Committee and it is recommended they be appointed. As a fourth nomination was received after the closing date (30 September 2015) it has not been accepted.

Lake Claremont Advisory Committee

Representative Type	Nominee
Scotch College Representative	Dr Alec O'Connell
Scotch College Youth Representative	No nominations received
Christ Church Grammar Youth Representative	No nominations received
Community Representatives	Peter Olson ¹
Community Representatives	Nick Cook
Community Representatives	David Free ¹

Nominations for all voting positions have been received. It is recommended the nominees be reappointed. The Scotch and Christ Church Youth positions will be advised by the respective schools at commencement of the 2016 school year.

Museum Advisory Committee

Representative Type	Nominee
Department of Education Member	Deborah Anne Bray ¹
Friends Representative	Joan Fisher ¹
Friends Representative	Ricki Hewitt ¹
Community Representative	Rosemary Hunter
Community Representative	Karen Kaard

Five nominations have been received for the Museum Advisory Committee. It is recommended they be appointed and the vacant position be readvertised.

Past Resolutions

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

Ordinary Council Meeting 5 November 2013, resolutions 315/13 -318/13 – appointment of elected members to Advisory Committees.

Ordinary Council Meeting 1 October 2013, resolution 281/13 - appointment of community representatives effective from 2013 Council election and disbandment 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 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 221/11 to 227/11 – Appointment of Councillors to Advisory Committees following 2011 Local Government election.

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.

NOTE: *In recent years the naming of the committees has varied with 'Management Committee' and 'Advisory Committee' used inter-changeably. As the role of the committees (other than the Audit and Risk Management Committee) are advisory and none of them have management functions delegated, the 'Advisory Committee' designation will be used in future.*

Publicity

Nil

Strategic Community Plan

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.

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.

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.
- Provide and maintain a high standard of governance, accountability, management and strategic planning.
- Focus on improved customer service, communication and consultation.

Urgency

Appointment of committees is essential to assist the Council in performing some of its legislative responsibilities.

Voting Requirements

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED.

The Mayor agreed to a request from Councillors that nominations to the Audit Committee be considered separately.

Moved Cr Haynes, seconded Cr Kelly

That Council appoint the following nominees to the Advisory Committees of Council:

Foreshore Advisory Committee

Representative Type	Nominee
Community Representative	Ian Hunter
Community Representative	Claire Brittain
Community Representative	Robert Brereton

Lake Claremont Advisory Committee

Representative Type	Nominee
Scotch College Representative	Dr Alec O'Connell
Community Representative	David Free
Friends of Lake Claremont (FOLC)	Nick Cook
Community Representatives	Peter Olson

Museum Advisory Committee

Representative Type	Nominee
Department of Education Member	Deborah Anne Bray
Friends Representative	Joan Fisher
Friends Representative	Ricki Hewitt
Community Representative	Rosemary Hunter
Community Representative	Karen Kaard

**CARRIED BY AN ABSOLUTE MAJORITY(170/15)
(NO DISSENT)**

ALTERNATIVE MOTION**Moved Cr Haynes, seconded Cr Tulloch****That Council;**

- **increase the community representatives on the Audit and Risk Management Committee from one to two, and**
- **appoint the following nominees to the Audit & Risk Management Committee**

Representative Type	Nominee
Community Representative	Susan Ngan
Community Representative	Marguerite Anklesaria

**CARRIED BY AN ABSOLUTE MAJORITY(171/15)
(NO DISSENT)**

**13.2.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD
ENDING 31 AUGUST 2015**

File Ref:	FIM/0062-02
Attachments:	Statement of Financial Activity for period ending 31 August 2015 Infrastructure Assets – 2015-16 Schedule of Works
Responsible Officer:	Les Crichton Executive Manager Corporate and Governance
Author:	Hitesh Hans Finance Manager
Proposed Meeting Date:	15 September 2015

Purpose

For Council to note the Statement of Financial Activity for the month ending 31 August 2015. Budget column of this report incorporates all the carry forwards and budget amendments (approved by council) along with all the permanent variances identified by administration.

Background

The Monthly Financial Report is presented in accordance with the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

Discussion

The Financial Statements to 31 August 2015 represent the second month of operation within the 2015-16 financial years.

The closing surplus of \$13,692,293 compares favourably against the budgeted surplus of \$13,066,769. As detailed below, the \$625,522 variance is comprised of increase in operating revenue of \$88,631 and net decrease (excluding non cash items) of \$299,256 in operating expenditure against the budget, and \$237,636 under in capital works schedule.

Operating revenue - \$88,631 above budget

- \$54,832 increase in rates revenue is due to increase in valuation before the rates were levied.
- \$49,790 increase in interest is due to the timing of the budget for interest on rates instalment.

Operating expenditure - \$299,256 under budget

- \$229,979 of variance is mainly due to timing difference across materials and contracts services (\$199K) and consultancies (\$31K).
 - \$94,204 Insurance expenditure is under the budget due to timing of the budget.
 - (\$33,617) Other Expenditure is above the budget due to timing of overheads allocations to infrastructure works.
-

Capital expenditure – \$237,636 under budget

As detailed within the capital works schedules, the capital expenditure comprises;

- \$175,207 under budget in infrastructure works. Attachment 2 provides further detail on the projects and variance explanation.
- \$50,180 under budget on transfers to reserves due to timing of interest income on reserve investment.

Budget Amendments

In addition to those budget variations¹ already approved by Council, further amendments² identified by administration are submitted for approval.

- Increase in Food Act fees – reflects increase in revenue above that budgeted
- Noise monitoring software – software upgrade included in 2014-15 budget not carried forward
- EHO services – reflects increase in revenue and contract labour following take up of service provision to Mosman Park
- Credit Card surcharge – reflects introduction of credit card fee recovery

Description	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
Budget Adoption -Closing Balance ¹	\$	\$	\$ 63,756
EOY report - Carry forward project ¹	119,909		183,665
Increase in Davies rd car park upgrade to 584000 (net of OH) ¹		(320,000)	(136,335)
Contribution from Landcorp ¹	197,000		60,665
Transfer of \$123,000 from parking res required (instead of 187,000) ¹	123,000		183,665
Refund of Heritage Loan Subsidy Contrib ¹	21,000		204,665
Maintenance grants for heritage dwellings ¹		(21,000)	183,665
15-16 Footpath - Shenton Place access ¹		(16,667)	166,998
Increase in Food Act Fees ²	15,000		181,998
Noise Monitoring Software - Missed in 14-15 cf report ²		(8,316)	173,682
EHO services to Town of Mosman Park ²	30,000		203,682
Increase in contract Labour Budget for EHO contract Labour ²		(15,000)	188,682
Additional cost for development of Lot 15 Claremont Cres ²		(5,000)	183,682
Credit Card Surcharge ²	12,000		195,682

Past Resolutions

Ordinary Council Meeting 1 September 2015, Resolution 155/15:

Davies Road/ Shenton Road car park – increase in budgeted works, reserve transfer and Landcorp contribution

Ordinary Council Meeting 18 August 2015, Resolution 147/15:

Adoption of Financial Statement of Activity for the period 1 July 2014 to 30 June 2015 including year-end adjustments as part of 2014-15 financials.

Financial and Staff Implications

Resource requirements are in accordance with existing budgetary allocation.

Policy and Statutory Implications

Local Government Act 1995.

Local Government (Financial Management) Regulations 1996.

Publicity

N/A

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.
- Maintain long term financial stability and growth.

Voting Requirements

Simple majority decision of Council required.

Moved Cr Haynes, seconded Cr Edwards

That Council;

- 1. Notes the Financial Statement of Activity for the period 1 July 2015 to 31 August 2015,**
- 2. Approves the budget amendments as detailed in this report, and**
- 3. Notes the increase of the 2015-16 Budgeted Closing Surplus to \$195,682.**

**CARRIED(172/15)
(NO DISSENT)**

14 ANNOUNCEMENTS BY THE PRESIDING PERSON

Mayor Barker made comment on today's article in the West Australian newspaper regarding the Corruption and Crime Commission findings following investigations into the Lord Mayor's conduct.

Each of the five renominating year thanked their colleagues and staff for their support during their time on council.

Cr Tulloch commended the work of the Senior Environmental Health Officer.

Cr Browne commended work of rangers during 2015 Perth Royal Show.

Mayor Barker wished each of the five Councillors nominating well for re-election and thanked them individually for their contribution while on Council.

The CEO also passed on his best wishes to those Councillors nominating for re-election.

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

NIL

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

NIL

17 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**MOTION TO CLOSE DOORS**

Moved Cr Haynes, seconded Cr Kelly

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.

**CARRIED(173/15)
(NO DISSENT)**

Mayor Barker adjourned the meeting at 7:32PM.

Mayor Barker reconvened the meeting at 7:33PM.

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 Anita Lorenz

East Ward

Mr Stephen Goode (Chief Executive Officer)

Mr Les Crichton (Executive Manager Corporate Governance)

Mr David Vinicombe (Executive Manager Planning and Development)

Ms Katie Bovell (Governance Officer)

17.1.1 VERGE COLLECTION TENDER

File Ref: WST/00285
Attachments: [Verge Collection Tender 2015-02](#)
Responsible Officer: Les Crichton
Executive Manager Corporate and Governance
Author: Brian Kavanagh
Manager Statutory Services
Proposed Meeting Date: 6 October 2015

Purpose

The following item was considered in closed session.

Moved Cr Haynes, seconded Cr Browne

That Council;

- 1. Council accepts the Tender from B & B Waste Contractors Pty Ltd for the provision of the verge bulk and green waste collection service from 1 January 2016 to 31 December 2017, and**
- 2. The report remains confidential pursuant to Section 5.23(2)(c) of the *Local Government Act 1995*.**

**CARRIED(174/15)
(NO DISSENT)**

MOTION TO OPEN DOORS

Moved Cr Haynes, seconded Cr Browne

That the doors be opened.

**CARRIED(175/15)
(NO DISSENT)**

THE MAYOR READ ALOUD THE RESOLUTION MADE BEHIND CLOSED DOORS.

18 FUTURE MEETINGS OF COUNCIL

Ordinary Council Meeting 20 October 2015.

19 DECLARATION OF CLOSURE OF MEETING

There being no further business, the presiding member declared the meeting closed at 7:37PM.

Confirmed this day of 2015.

PRESIDING MEMBER