



TOWN OF CLAREMONT

ORDINARY COUNCIL MEETING

MINUTES

TUESDAY 15 SEPTEMBER, 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.

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TOWN OF CLAREMONT
ORDINARY COUNCIL MEETING
15 SEPTEMBER, 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 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 David Vinicombe (Executive Manager Planning and Development)

Mr Saba Kirupanather (Executive Manager Infrastructure)

Mr Les Crichton (Executive Manager Corporate Governance)

Ms Liz Ledger (Executive Manager People and Places)

Ms Katie Bovell (Governance Officer)

No member of the public

Two members of the press

APOLOGIES

Cr Jill Goetze – Leave of Absence

3 DISCLOSURE OF INTERESTS

An interest was declared by Cr Kelly, for Item 13.1.4, WALGA Governance Review 2015.

Nature of Interest: Impartiality.

Extent of Interest: By virtue of being a past Deputy President of WALGA and life member of the Association.

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 Tulloch

That the minutes of the Ordinary Meeting of Council held on 1 September 2015 be confirmed.

**CARRIED(157/15)
(NO DISSENT)**

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

NIL.

11 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING

NIL.

12 REPORTS OF COMMITTEES

NIL.

13 REPORTS OF THE CEO

13.1 CHIEF EXECUTIVE OFFICER

13.1.1 NEW POLICY - GIFTS TO TERMINATING EMPLOYEES

File Ref:	COM/00032
Attachments:	Proposed Policy LG528
Responsible Officer:	Stephen Goode Chief Executive Officer
Author:	Stephen Goode Chief Executive Officer
Proposed Meeting Date:	15 September 2015

Purpose

For Council to consider a policy to comply with section 5.50 of the *Local Government Act 1995*, and set out the circumstances in which the Town may pay to an employee whose employment with the Town is finishing, an amount in addition to any amount to which the employee is entitled under a contract of employment, or award, and the manner of assessment of the additional amount.

Background

Section 5.50 of the Act provides:

A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out —

- (a) The circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and
- (b) The manner of assessment of the additional amount, and cause local public notice to be given in relation to the policy.

(1a) A local government must not make any payment of the kind described in subsection (1)(a) unless the local government has adopted a policy prepared under subsection (1).

(2) A local government may make a payment —

- (a) To an employee whose employment with the local government is finishing; and
 - (b) That is more than the additional amount set out in the policy prepared under subsection (1) and adopted by the local government, but local public notice is to be given in relation to the payment made.
- (3) The value of a payment or payments made to a person under this section is not to exceed such amount as is prescribed or provided for by regulations.
- (4) In this section a reference to a payment to a person includes a reference to the disposition of property in favour of, or the conferral of any other financial benefit on, the person.

Regulation 19A of the *Local Government (Administration) Regulations 1996*, sets the maximum value of \$5000.

The definition of payment is wide and encompasses relatively small gifts which have been considered nominal recognition of a person's service.

The reason for the policy is to ensure the requirements of the Act are properly followed.

Discussion

Attracting and retaining good employees is critical to achieving quality outcomes. When employees leave after providing long service and/or having made a significant contribution to the Town it is a positive signal to all staff of the value placed on them if an appropriate level of recognition can be made.

The Town had a long standing custom and practice whereby the CEO would approve token gifts of appreciation to departing officers, in particular those who had long service with the Town. In the strict governance framework now existing, such a practice has been discontinued.

Adoption of the policy will allow the CEO to approve a nominal gift to a value of \$100 for an employee who has less than 7 years service if the CEO judges such a gift to be appropriate. Beyond that discretion a gift is allowed:

- (a) In the case of an employee who has completed 7 years of service with the Town approximately \$250;
- (b) In the case of an employee who has completed 15 years of service with the Town approximately \$500;
- (c) In the case of an employee who has completed 20 years or more of service with the Town approximately \$1000;
- (d) and is entirely at the discretion of the CEO.

The policy proposes that Council may in exceptional circumstances, approve a gift that does not exceed the maximum amount prescribed under the Act, being \$5000.

Exceptional circumstances will include:

- (a) Outstanding service to the Town; and
- (b) Significant achievements in the performance of the employee's functions.

Past Resolutions

No relevant resolutions.

Financial and Staff Implications

The Town has 73.68 FTE employees. Of these 19 have served 7-15 years, 1 15-20 years and 2 more than 20 years.

The cost of this proposed policy is nominal in the context of the overall employee expense. The annual expense will depend entirely on staff turnover in any year and the length of service of those leaving. In a typical year the cost could be \$2000, perhaps up to \$3000 if a significant number of longer serving staff left. As the name implies it would be an exceptional circumstance if Council approved a gift for special circumstances.

If approved this policy will be funded from within the employee budget.

Policy and Statutory Implications

Local Government Act 1995.

Local Government (Administration) Regulations 1996.

Publicity

The policy is to be given local public notice before it has affect.

Strategic Community Plan

Governance and Leadership.

Create an environment to support and develop our staff.

Urgency

Not urgent.

Voting Requirements

Simple majority required.

Moved Cr Edwards, seconded Cr Kelly**That**

- 1 Council adopt PolicyLG528 Gifts to Terminating Employees; and
- 2 The Chief Executive Officer give local public notice of the policy.

**CARRIED(158/15)
(NO DISSENT)**

13.1.2 NEW POLICY – APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

File Ref:	COM/00032
Attachments:	LG529 Appointment of Acting Chief Executive Officer
Responsible Officer:	Stephen Goode Chief Executive Officer
Author:	Les Crichton Executive Manager Corporate and Governance
Proposed Meeting Date:	15 September 2015

Purpose

Report recommends Council adopt Policy LG529 – Appointment of Acting Chief Executive Officer recognising those Executive Managers determined suitably qualified to perform the role of Acting Chief Executive Officer.

Background

Under Council's current Delegated Authority *DA2 – Appointment of Acting CEO*, Council has delegated to the Chief Executive Officer (CEO) the power to appoint an employee of the Town as Acting CEO in his/her absence for period of not greater than 30 days.

Past practice has been that a member of the Executive Leadership Team (ELT) is appointed to this position during such absences.

Section 5.36(2)(a) of the *Local Government Act 1995* (the Act) requires that a person is not to be employed in the position of CEO unless Council believes that the person is suitably qualified for the position.

While the current practice implies the suitability of an employee to undertake the Acting CEO position has been determined, the proposed policy provides greater clarity on this requirement.

Discussion

The draft policy confirms Council has determined the following employees are suitably qualified perform the role of Acting CEO;

- Executive Manager Corporate & Governance
- Executive Manager Infrastructure
- Executive Manager People and Places
- Executive Manager Planning & Development

In addition, and to provide greater flexibility, the policy extends the appointment period to 30 working days from 30 days. A Council resolution is required for any period exceeding 30 working days.

Appointment of any other employee of the Town or person other than an employee requires a Council resolution.

Given the proposed policy provides the substantive CEO discretion to appoint the Executive Managers subject to availability and operational requirements, it is further recommended that Delegation DA2- Appointment of Acting Chief Executive Officer be revoked.

Past Resolutions

Ordinary Council Meeting 21 April 2015 – resolution 62/15 – Delegated Authority Review

Ordinary Council Meeting 9 December 2014 – resolution 203/14 – Review of Policy Manual

Financial and Staff Implications

Resource requirements are in accordance with existing budgetary allocation.

Policy and Statutory Implications

Local Government Act 1995 - s. 5.36(1), (2), & (3) – Local Government Employees
Town of Claremont Policy Manual

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.
- Provide responsive and responsible leadership.

Urgency

N/A

Voting Requirements

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED.

The draft policy was revised following release of the agenda to include names of incumbent Executive Managers and reference consultation with the Mayor by the Chief Executive Officer when appointing an Acting CEO.

Officer Recommendation

That Council;

1. Adopt new policy LG529 – Appointment of Acting Chief Executive Officer as provided in Attachment 1 to provide for the appointment of one of the Town's Executive Managers to perform the role of Acting Chief Executive Officer when required.
2. Revoke Delegation DA2 – Appointment of Acting CEO.

ALTERNATIVE MOTION

Moved Cr Kelly, seconded Cr Edwards

That Council

1. **Adopt new policy LG529 – Appointment of Acting Chief Executive Officer as provided in Attachment 1 to provide for the appointment of one of the Town's Executive Managers to perform the role of Acting Chief Executive Officer when required with the following amendment;**
 - a) **the words 'in consultation with' be replaced with 'with the concurrence of'**
2. **Revoke Delegation DA2 – Appointment of Acting CEO.**

Reason: To ensure the Mayor is actively involved in the selection.

CARRIED(159/15)

For the Motion: Mayor Barker and Crs Browne, Edwards, Haynes, Kelly, Lorenz, Mews and Wood.

Against the Motion: Cr Tulloch.

13.1.3 RELOCATION OF WAR MEMORIAL - CONSULTATION

Responsible Officer:	Stephen Goode Chief Executive Officer
Author:	Liz Ledger Executive Manager People and Places
Proposed Meeting Date:	15 September 2015

Purpose

To clarify Council's intention for consulting the Claremont community about the proposed relocation of the Claremont War Memorial.

Background

Consideration to relocate the War Memorial to a more appropriate and sustainable site has been in discussion for approximately three years. The current location has issues which include:

- Adjacent to a main highway, constricting the number of people that can be safely managed around the site at commemorative events,
- Increased attendance in recent years for ANZAC Day has meant many people have difficulty participating (limited space, sight lines and sound issues);
- The memorial is subjected to vibrations from vehicle traffic and at an increased risk of damage.

Furthermore, if the proposed future widening of Stirling Highway eventuates in the future it will encroach further on the memorial space, compounding these issues.

To address these concerns, the Town has commenced a relocation plan to reposition this important memorial. To date this has involved:

1. Commissioning a report to assess the condition and consider the options and costs associated with relocating the Memorial.
2. Developing a master plan for Claremont Park which includes a garden featuring the War Memorial.
3. Commenced discussions with key stakeholders including preliminary discussions to seek funding support (please refer to 'Publicity' for further detail).

Further community consultation for the proposed relocation was part of the Relocation Plan, and recently Council resolved to undertake a 'full referendum of all Claremont ratepayers' (Resolution 134/15 OCM 4 August 2015).

Discussion

The term referendum has a very specific meaning –

'the process of referring a political question to the electorate for a direct decision by general vote' (Australian Concise Oxford Dictionary, 5th edition).

Resolution 134/15 is particularly specific in requiring a referendum of 'all Claremont ratepayers', not of electors of the Town. Ratepayers and electors are two different

categories. While most ratepayers are electors there will be some, for example business property owners or absentee owners of residential property, who may not be registered as electors. Not all electors are ratepayers, a significant number being residents of the town but not property owners.

Research into the process of conducting a referendum of the Town's ratepayers identified that a referendum of just Claremont ratepayers could not be done in conjunction with the local government election in October 2015. The ratepayers' database could not be separated from the electors' database during the election mail out.

Investigation into holding a referendum of ratepayers at a time separate to the local elections reveals it would cost approximately \$18,000 (based on a 50% return rate).

From discussion with elected members the intention of resolution 134/15 was to provide a specific opportunity for the people of Claremont to be informed about the proposal to relocate the memorial and to provide direct feedback. This would ensure that community members who have not been aware of the extensive media coverage about the proposal would have an opportunity to provide their views on the proposal.

To understand the community's attitude toward relocating the Memorial, a less expensive and broader reaching consultation method is recommended.

Table 1: Consultation Comparison

	REFERENDUM	COMMUNITY CONSULTATION
Cost	Approximately \$18,000 (NB: This is based on a 50% return rate).	Approximately \$5,000.
Timing	The timing of a referendum would need to consider the local government elections in mid October.	Can be executed at any time, with approx 4 weeks lead time.
Officer time	Estimated officer time to develop the 'for & against' argument, liaison with Electoral Commission etc = 15hrs.	Estimated officer time to refine and implement the consultation strategy and prepare report = 20hrs.
Comments	A referendum of just ratepayers excludes a portion of the community. Non compulsory vote for ratepayers.	Non compulsory feedback but will ensure every householder is informed and can provide comment.

The recommended Community Consultation Strategy for the War Memorial is based on the strategy recently implemented for the Lake Claremont Recreation Precinct. At

an approximate cost of \$4000, and a total response rate of 317, the data collected has provided good direction for the development of the precinct.

Table 2: War Memorial Community Consultation Strategy

Objective	To gauge the community of the Town of Claremont's support of the relocation of the War Memorial into Claremont Park
Level of Engagement	Consult – to obtain community feedback on a proposal
Method	Survey (Online and hard copy)
Target	<ul style="list-style-type: none"> • Residents (distributed to every household) and • Ratepayers (posted to those not living in the Town)

Past Resolutions

Ordinary Council Meeting 4 August 2015, Resolution 134/15:

That Council:

1. *Having reviewed the Strategic Community Plan – 'Claremont Ahead 2023', as shown in Attachment 001, ENDORSES it without amendment; and*
2. *ENDORSES the Corporate Business Plan 2015-16 to 2018-19, as shown in Attachment 002, and approve Item 1.2.3 subject to any proposal to move the War Memorial needs to be subject to a full referendum of all Claremont Ratepayers.*

*ALTERNATIVE MOTION CARRIED
(NO DISSENT)*

Ordinary Council Meeting 19 November 2013, Resolution 343/13:

That Council:

1. *Adopts the proposed Claremont Park Master Plan for implementation in stages over the coming years commencing in 2013-14 financial year, and*
2. *Delegates to the Chief Executive Officer to finalise the location of the facilities.*

*CARRIED BY AN ABSOLUTE MAJORITY
(NO DISSENT)*

Financial and Staff Implications

There are no current resources allocated. The recommended community consultation strategy can be accommodated from the Claremont Park upgrade budget. The cost of a referendum is greater but could be accommodated although it would require other works to be dropped or deferred.

Policy and Statutory Implications

This relates to the Town's Community Consultation Policy LG524. Where Council's decision making is involved, the Town's administration is to recommend the appropriate level of consultation, determining the methodology, and where necessary, reporting to Council on the outcomes of the process.

Publicity

As part of the Relocation Plan, various forms of stakeholder engagement have taken place.

Level of Engagement	Stakeholder	How	Outcome
Inform To provide community members general information to assist them in understanding the activity	Claremont community and wider	Media Release (Post) May 2015	Page 7 Article 'New Garden Site for Memorial', The Post 2 May 2015
	Claremont community	Town Talk Print Edition (The Post and the Western Suburbs Weekly) August 2015	An article about the proposed relocation to a site in Claremont Park was featured in the August edition of the print Town Talk
Consult To obtain community and stakeholder feedback on proposals, analysis or decisions	Residents and ratepayers of the Town	Survey as recommended	To be completed
Involve Work directly with all the community and stakeholders throughout the process to ensure their issues and concerns are understood and considered	President of the Claremont RSL	Meeting and correspondence dated January 2015	Supportive of the relocation of the War memorial into Claremont Park
	Premier of Western Australia, Hon Colin Barnett	Meeting and correspondence dated February 2015	Supportive of the relocation of the War memorial into Claremont Park
	State President of the RSL, Graham Edwards	Meeting and correspondence dated April 2015	Supportive of the relocation of the War memorial into Claremont Park

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.

- Focus on improved customer service, communication and consultation.

Urgency

There is some urgency with this decision in order to progress the consultation, analyse feedback and make appropriate plans for the War Memorial and Claremont Park.

Voting Requirements

Simple majority required.

Moved Cr Haynes, seconded Cr Lorenz

That Council

- 1. Confirms the intention of resolution 134/15 was to provide a specific opportunity for the Claremont community to be informed about the proposal to relocate the memorial and an invitation to provide direct feedback.**
- 2. Approves the recommended Community Consultation Plan for the Relocation of the War Memorial to achieve the intention of resolution 134/15.**

**CARRIED(160/15)
(NO DISSENT)**

Cr Kelly declared an impartiality interest in Item 13.1.4 by virtue of being a past Deputy President of WALGA and Life Member of the Association.

13.1.4 WALGA GOVERNANCE REVIEW 2015

File Ref: GOR/00278

Attachments: [WALGA Governance Review Discussion Paper \(Proposed\) Submission by Town of Claremont to WALGA Governance Review](#)

Responsible Officer: Stephen Goode
Chief Executive Officer

Author: Stephen Goode
Chief Executive Officer

Proposed Meeting Date: 15 September 2015

Purpose

The Western Australian Local Government Association (WALGA) State Council is sponsoring a review of the governance arrangements for the State Council and Zones. This report presents a proposed submission to the review with recommendations directed at strengthening WALGA's governance and in particular, its relationship with members.

Background

WALGA invited members to offer feedback on the issues explored in the discussion paper (circulated by the Association), as well as any other relevant matter, by 16 September 2015.

The WALGA Governance Review Discussion Paper produced to facilitate a review of the governance arrangements for State Council and the WALGA Zones is attached. The Association states that the review focuses on WALGA's three key governance documents – the Constitution, Corporate Governance Charter and Standing Orders – as well as the effectiveness of the relationship between Zones and State Council.

The Discussion Paper is arranged in three parts.

Part 1 focuses on WALGA's three key governance documents: WALGA's Constitution, Corporate Governance Charter and Standing Orders.

Part 2 focuses on technical wording and the alignment of issues in the three governance documents.

Part 3 explores State Council and Zone processes, including their inter-relationship and effectiveness.

There is little doubt that the Association was badly impacted by the State Government restructuring process. During the last four or five years the remarkable achievement of local government was to hold together; that the Association did not

fragment under the enormous pressure of the reform process and the sector's divergent responses. It was the significant bank of goodwill built up over decades that (to a large extent) kept the sector together. In the end the Association lost one member but should not be complacent about that: It was very nearly a much worse fracture which would potentially have taken decades to repair.

The future of WALGA may be decided by how it responds to the damage of the immediate past and the opportunity is presented by this governance review to rebuild the linkages with members, and in many cases rebuild the confidence of members' in their association. It is an important issue for Town of Claremont to consider and offer direct input to.

Discussion

The attached (proposed) submission to the WALGA Governance Review is focussed on Part 3 of the discussion paper although changes to the Constitution and other key governance documents will be necessary if the proposals in the submission are accepted. The submission begins by listing the ten guiding principles of good governance. It is with these in mind that the report discusses:

1. The two roles WALGA has; firstly (and it is submitted, most importantly) its advocacy role and secondly its business service to members. The submission suggests that State Council may be properly structured for the first role but less so for the overview of the business units. These business units should have the focus of a board which is chosen on merit for the skills required, as with any commercial entity. Oversight of the business arm of WALGA would be enhanced by devolving the business services to an autonomous business organisation with its own board. The entity should be wholly owned by the Association and the board accountable to State Council, in the way a public company board is accountable to shareholders.
2. There is no doubt that the elected leadership of WALGA is fundamental to the success of the Association. This is equally true in terms of the internal wellbeing of the association and its relationship with key external parties such as the State Government. Ultimately the President should serve the members. The President should also clearly serve at the gift of the members. The submission contemplates significant changes to address the issue of member confidence in the position of President:
 - The creation of an executive committee;
 - Recognition of the need for checks and balances (for the President) and proposing a range of opportunities to achieve them;
 - The ultimate power of electing the President and of censuring or removing the President from office (it is proposed) should be with the members; and
 - The President should have a (strictly observed) maximum term of office.
3. It is recognised without reservation that the Association decision making process tries to engage with members through the Zones. There is no doubt that State Council seeks to hear and take into consideration the views of the members as channelled through the Zones.

But it is an imperfect system and it often does not serve well, especially with contentious issues. The submission offers suggestions for State Council to consider how to place greater recognition on the views coming through Zones.

4. WALGA exists to serve the members. Therefore *members come first* should be the foundation principle. Many members do not feel that is the situation now. The submission proposes:
- An accountability mechanism to ensure that resolutions passed by members at a general meeting are properly considered by State Council and that there is a mechanism (for aggrieved members) to respond to a State Council decision to not act upon such a resolution; and
 - That the CEO and President attend at least one meeting of every Zone in each calendar year, to build and nurture the relationship with all members.

This submission by Town of Claremont acknowledges the value of the review and good intentions of WALGA. The discussion and recommendations are offered in good faith in the hope that this input may assist WALGA to ensure its preeminent standing as *the voice of local government*.

Past Resolutions

Ordinary Council Meeting 7 October 2014, Resolution 161/14:

That Council:

That Council determine its position to provide feedback to guide WALGA's determination of its policy position regarding advocacy for amendments to the poll provisions contained in Schedule 2.1 of the Local Government Act 1995.

Moved Cr Haynes, seconded Cr Tulloch

That Town of Claremont advise that it supports WALGA Option 1 as set out in the report regarding amendment to poll provisions in Schedule 2.1 of the Local Government Act 1995, being all boundary change proposals should be the subject of a poll.

CARRIED
(NO DISSENT)

Ordinary Council Meeting 7 May 2013, Resolution 81/13:

That Council:

ALTERNATIVE MOTION

1. *Renew its membership of the Western Australian Local Government Association for the 2013-14 year;*
2. *Place on record and advise WALGA that it has failed in its advocacy role and must cease actively advocating against any of its members, and*
3. *Request a review of the Zone process to ensure an opportunity for proper consideration of Zone input before State Council resolves matters.*
4. *Submit the following motion to the AGM of WALGA –*
 - 1) *The President of WALGA is censured for his public comments as President of WALGA about local government reform which purport to represent the WALGA position although he knows (or should know) that they do not reflect the adopted position of WALGA, and in particular where such comments are, or can reasonably be interpreted to be) a disrespectful attack on some members of the association.*

- 2) *State Council is reminded that it should act and be seen to act in the interests of its members and not the perceived interests of a majority of a sub-set of members.*
- 3) *No association funds are to be expended on advertorials or any other form of publicity that does not accurately and clearly represent the adopted position of WALGA.*

CARRIED
(NO DISSENT)

Financial and Staff Implications

Resource requirements are in accordance with existing budgetary allocation.

Policy and Statutory Implications

Section 5.98 *Local Government Act 1995* recognises the Western Australian Local Government Association (WALGA) and its objects and functions.

WALGA is constituted pursuant to the *Associations Incorporation Act 1987*

The Town of Claremont is member of WALGA and appoints delegates to the Central Metropolitan Zone of the Association.

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

N/A

Voting Requirements

Simple majority decision of Council required.

Moved Cr Wood, seconded Cr Tulloch

That Council endorse the Town of Claremont submission to the WALGA Governance Review 2015.

AMENDMENT**Moved Cr Haynes,****That the following amendments be made to the submission;
Add the following paragraph to the section under heading 'Decision making and the Zones'**

The authority and accountability of Zone delegates requires clarification. The Town submits that the delegate is appointed by the member council and should be accountable to the member council. On appointment the member council can and should specify any limits on the delegates authority. For example Town of Claremont requires that its delegate represents the Town's position where one is established and in other instances is to use his or her own best judgement. This implies that the member council considers the judgement of the appointed delegate is adequate to the trust given. This recognition of a zone delegates authority is important because it goes to the heart of dealing with issues on the agenda, and especially dealing with or even initiating consideration of emerging issues. Clearly there will be times a member council will not have had an opportunity to settle a formal position on what the zone is considering. The delegate must have the authority and responsibility to act prudently and exercise his or her judgement. In association with this clarity of authority there must be clarity about accountability. A zone delegate serves at the grace of the council member. If the council is concerned at the action of the delegate (for example, perhaps moving a motion the council believes is against the reasonable likely position it would hold and expect its delegate to respect) the council can remove the delegate and advise WALGA of a replacement.

1. Insert the following into the section 'Members come first'

It is recognised that it will be impractical for the President or CEO to attend every zone meeting, therefore as an alternate a member of the executive committee of State Council and an executive manager of WALGA staff should attend.

2. Amend the submission's recommendations by-

- (a) Add to recommendation 9 new dot point to read
- Zone delegates are appointed by and accountable to the council member. The delegate must act within the authority given by the appointing member council. The delegate may be removed and replaced if the appointing council decides the delegate is acting beyond the approved authority.

- (b) Add new recommendation.

13. In recognition that it will be impractical for the President or CEO to attend every zone meeting, a member of the executive committee of State Council and an executive manager of WALGA staff should attend the zone meeting which the president or CEO is not attending.

Reasons:

1. To clarify the authority and accountability of Zone delegates
-

2. To recognise that it will be impractical for the President or CEO to attend every zone meeting, and provide for suitably senior WALGA representatives to attend each zone meeting.

LAPSED

The motion lapsed for want of a seconder.

THE PRIMARY MOTION WAS PUT

Moved Cr Wood, seconded Cr Tulloch

That Council endorse the Town of Claremont submission to the WALGA Governance Review 2015.

**CARRIED(161/15)
(NO DISSENT)**

13.2 PLANNING AND DEVELOPMENT

13.2.1 LOTS 504 AND 505 GRAYLANDS ROAD, CLAREMONT - ACCESS ARRANGEMENTS

File Ref:	A-5444 & A-5445
Attachments:	<u>Access plans and elevations to “Durack Way” Detailed Area Plans for Lots 504 and 505</u>
Responsible Officer:	David Vinicombe Executive Manager Planning and Development
Author:	David Vinicombe Executive Manager Planning and Development
Proposed Meeting Date:	15 September 2015
Date Prepared:	7 September 2015
Property Owner:	Western Australian Land Authority (proposed purchaser – Mirvac (WA) Pty Ltd
Submitted By:	Mirvac (WA) Pty Ltd
Lot No.:	504, 505 and 9002 (Proposed Lots 801 and portion of 9003)
Area of Lot:	Lot 504 - 3831m², Lot 505 - 2734m² and portion of Lot 9002 - 365m² (Proposed Lot 801 - 6920m² and portion of Lot 9003 -365m²)
Zoning:	Development
Financial Implications:	Nil
Enabling Legislation:	<i>Planning and Development Act 2005 (PDA) Town Planning Scheme No. 3 (TPS3) Residential Design Codes (RDC)</i>

Purpose

For Council to consider the response from Mirvac in regards to provision of an additional access point to the basement car parking area for the development of 234 apartments on proposed Lot 801 (Lots 504 and 505 and portion of Lot 9002 – Proposed Lot 801) from “Durack Way” prior to approval of a Building Permit for the development.

Background

Council supported the advertising of Detailed Area Plans (DAPs) for development sites in the Claremont North East Precinct (NEP) on 21 August 2012. The DAP for Lot 504 at the intersection of Road 2 (northern road to the south of and parallel to Lapsley Road) included two crossover points – one to Graylands Road and another to Road 2. Lot 505 included a single crossover to “Durack Way”.

Council supported the DAPs as a variation to the NEP Structure Plan (SP - along with variations to the SP and Design Guidelines – DG) subject to a number of modifications on 18 December 2012.

Following determination of the final details of the SP variations, DAPs and DGs, the revised requirements were adopted by Council on 9 December 2014 as variations to the SP pursuant to clause 75P of TPS3.

Council resolved on 9 December 2014 to recommend that the Metro West Joint Development Assessment Panel (JDAP) approve the development of 142 apartments on Lot 504. Council also recommended that JDAP approve the related development for 92 apartments on Lot 505 (total of 234 apartments with common basement parking area and access point to Graylands Road) with a condition requiring:

“Request the JDAP to consider that the entry to the car park be from the side road (New Road) and not Graylands Road.”

It is noted that whilst technically Council supported the development on Lot 504 without modification of the crossover to Graylands Road, the resolution in support of the development on Lot 505 called for the relocation of the crossover from Lot 504 to the side road of Lot 505.

Following the Council meeting, discussions were held with the applicant to determine whether it was feasible to redesign the development to provide an additional access point to one of the intersecting side streets. It was established that an additional access to the southern side road (“Durack Mews”) for Lot 505 would require a major design modification. An alternative of an additional access to Lot 504 was however considered more feasible and a preliminary analysis was prepared for the JDAP meeting on 8 January 2015.

Sole access to Graylands Road was subject to considerable discussion at the JDAP meeting. Concerns over the volume of traffic and potential impact on Graylands Road resulting from the operation of the entrance gates in front of the development was addressed by the applicant’s traffic engineer.

Discussion also addressed clause 36(6) requirements of TPS3. Clause 36(6) states:

“Council will not support the provision of on site parking at the front of a property where a practical alternative access point exists, such as to a secondary street, rear laneway or similar...”

JDAP was advised that this clause is typically applied to single residential development and legal advice would be required to determine its applicability (it is noted that access to the Claremont Quarter comes off the main road being Gugerri Street, as well as the secondary streets).

JDAP proceeded to approve both developments without a requirement for the access to be relocated, noting that a condition requiring an additional access would be determined as invalid if the applicant’s applied for a State Administrative Tribunal (SAT) review. Two conditions were however applied on the approval for the

development of Lot 504 (as recommended by Council) to address the operation of the access point and visitor parking:

- “10. Prior to the issue of a building permit, a management plan detailing the proposed access to and management of the visitor bays to ensure they are utilised and functional is to be submitted and approved by the Town of Claremont.*
- 14. Prior to the issue of a building permit, the applicant is to provide further evidence that the internal driveway design adjacent to the entrance of the common parking area located on Lot 504 will operate to a suitable design capacity which ensures that no queuing will occur on Graylands Road. Alternatively, redesign of the internal driveway junction adjacent the main entrance is to be provided and implemented to the satisfaction of the Town of Claremont.”*

Condition 14 above was also placed as condition 10 on the approval for development of Lot 505, consistent with Council’s recommendation.

A confidential report was submitted to Council on 17 February 2015 where it was publically resolved that Council:

- 1. Advise the applicant for the development of 142 apartments on Lot 504 and 92 apartments on Lot 505 that it supports the proposal to modify the basement parking area to relocate the access gates on Lot 504 behind the visitor parking bays in order to address traffic congestion concerns in Graylands Road.*
- 2. Request the applicant to review plans for the proposed 92 apartments on Lot 505 to provide an additional access crossover off “Durack Mews”.*

Proposal

The applicant has prepared the attached response and plans to analyse the impacts of changes to the plans to provide the additional access point to “Durack Way”. The impacts may be summarised as follows:

- Two apartments (facing the street directly above the access) are lost and another (at the rear of the ramp and facing the Public Open Space - POS) is compromised as shown on the side elevation and Level 1(ground) – Note the Level 2 plan (first floor) has not been included to show the loss of the second apartment.
- Two street bays will be removed (although it is noted that these may be relocated).
- 18 basement parking bays will be lost with the introduction of the additional ramp (together with relocation of storage areas and service rooms). The loss of 18 bays is likely to result in a further reduction of approximately 10 -12 apartments. The loss of these apartments in the market conditions currently being experienced would impact the viability of the project.
- There are other legal and contractual issues which would be compromised by further changes to the plans at this point.

In view of the above, the applicant contends that it has seriously entertained Council’s request to review the plans to include the additional access. However in

view of the impacts (and the fact that there is a valid approval from the JDAP for the development as it stands) on the viability of the development the applicant is not prepared to follow through with final design modifications to include the additional access point as a revised application to the JDAP for the development.

Discussion

Technically, it can be acknowledged that an anomaly exists within the Scheme. Clause 36(6) which requires the access from the secondary street conflicts with the DAP which is adopted as part of the NEP SP under clause 75P(8) of the Scheme. The DAP and SP provide for a crossover to Graylands Road as well as the side streets. It is noted however that a basic principle of law is that the specific requirement prevails over the general.

In supporting the developments on Lots 504 and 505, the JDAP (on behalf of Council) considered the proposed variation to the DAP and SP to remove the two additional crossovers from the side road (New Road – now known as Kyle Way) and “Durack Mews”. This variation was supported in consideration of the improved streetscape benefits to the quieter residential roads under clause 75P(9) of TPS3 and is therefore a valid planning decision with the requirements that congestion in Graylands Road be addressed relative to the satisfaction of conditions 10 and 14.

It is noted that when preliminary alternative access arrangements to Lot 504 were presented as an option to spread the access points in the confidential report to Council on 17 February 2015, the applicant advised they are progressing with the development of Lot 505 at a later stage and that it was therefore possible that design modifications could be made to provide an additional access to the southern intersecting road with Graylands Road (“Durack Mews”). It was however noted that the applicant would not be prepared to modify an active and valid approval unless some form of compensation could be considered, most likely in the form of additional development yield.

It is noted that the combined development has already received considerable concessions in terms of four additional higher value apartments on the top floors of the buildings together with a common parking area which runs under the public open space and provides for an additional 25 parking bays.

As a result of discussions with the applicant at the time, the applicants have followed through with their commitment to make alterations to the basement parking area to relocate the entrance gates to the rear of visitor parking. These modifications will satisfy the fundamental concerns raised by the Town with regard to the potential for vehicle queuing and congestion in Graylands Road and accordingly satisfy the conditions detailed above.

Policy and Statutory Implications

The decision of the JDAP has varied the DAP for the sites under the SP in terms of removing two of the three crossover points. Council has not supported this change and instead has supported the removal of only one of these access points. It is noted that the JDAP decision has been issued under the Town’s TPS3 with the same effect as if it had been made by the Council. If Council is still concerned over the safety of the single access point (despite the engineering comment to the contrary previously

provided in Council's confidential report), an option would be for Council to note that approval of the application for development at Lots 504 and 505 Graylands Road by the JDAP on behalf of the Town of Claremont on 8 January 2015 does not accord with the parking access requirements under clause 36(6) of the Town Planning Scheme. To do so would not have any legal effect, but may draw attention to the fact that Council has itself not made any decision that could be characterised as negligent or impinging on public safety.

Urgency

A Building Permit application will shortly be lodged with the Town. Given that the application will not contravene any condition imposed by the JDAP relative to this development, the Town is not in a position of being able to refuse or delay the issue of an approval for that application.

Conclusion

It is recommended that Council acknowledge that the applicant has suitably attempted to address Council's concerns over access to Graylands Road, but to note that the single access point does not accord with clause 36(6) of TPS3, as a practical alternative access point is available to either Kyle Way or "Durack Mews".

Voting Requirements

Simple majority decision of Council required.

The Officer Recommendation was revised following release of the agenda to add point 3.

Moved Cr Haynes, seconded Cr Edwards

That Council:

- 1. Advise the applicant for the development of 142 apartments on Lot 504 and 92 apartments on Lot 505 Graylands Road that it supports the proposal to modify the basement parking area to relocate the access gates on Lot 504 behind the visitor parking bays in order to address traffic congestion concerns in Graylands Road and acknowledge the efforts the applicant has made to consider modifications which would provide a secondary access crossover to "Durack Mews".**
- 2. Note that the approval for the development of 142 apartments on Lot 504 and 92 apartments on Lot 505 Graylands Road with the single common access point to Graylands Road does not accord with Clause 36(6) of Town Planning Scheme No. 3, as a practical alternative access point is available to either Kyle Way or "Durack Mews".**
- 3. Request the applicant to advise purchasers that on occasions the Town may close portions of Graylands Road and constrain access to the development of apartments at Lots 504 and 505 Graylands Road due to traffic congestion and activities associated with the Royal Agricultural Society Showgrounds.**

**CARRIED(162/15)
(NO DISSENT)**

13.3 PEOPLE AND PLACES

13.3.1 COMMUNITY DEVELOPMENT INITIATIVE - COMMUNITY CONCERT

Responsible Officer: Liz Ledger
Executive Manager People and Places

Author: Maryanne Martino
Community Development Manager

Proposed Meeting Date: 15 September 2015

Purpose

That Council consider granting \$8,000 of the \$25,000 allocated in the 2015- 2016 Budget (to support a new Community Development initiative). This is based on the Town having secured \$8,000 in external funding.

Background

At the 2 June OCM, Council was presented with a report seeking funds to support a new community development initiative; a major community concert. A total of \$25,000 was requested from Council based on getting \$25,000 in sponsorship.

Over the past three months officers have been able to secure an amount of \$8,000 in cash, with an additional \$9,000 of in-kind sponsorship to support this event.

Discussion

Whilst the full amount of \$25,000 in external funds has not been secured, the amount of \$8,000 that has been secured (if matched equally with Council) would provide sufficient funds to continue the project but with some modifications:

- A different artist (Well known and significant Australian artist),
- Would allow for a second smaller concert to occur later this financial year.

Significant planning and implementation for this event has already occurred, including negotiating sponsorship proposals, developing a comprehensive marketing strategy, securing infrastructure and other event management details. This event called 'A Night on Bay View' is promoted as a very special night for the community, to be entertained and relax with friends and family.

Past Resolutions

Ordinary Council Meeting, Resolution 96/15:

That Council include provision of \$25,000 in the 2015-16 budget for 50% contribution towards artist's fees for a free community concert at Claremont Park.

CARRIED

Financial and Staff Implications

The summarised breakdown of the budget* for this event is provided below:

Income		Expenditure	
Existing Concert Budget	45,000	Infrastructure	28,000
Additional Council Funds	8,000	Entertainment	20,000
Sponsorship	8,000	Marketing	15,000
In-kind sponsorship	9,000	Incidentals	7,000
TOTAL	70,000		70,000

** Projected costs based on quotes.*

Policy and Statutory Implications

Entering into a sponsorship agreement with an external party relates to the policy PE401 called Sponsorship of Town of Claremont Activities.

Publicity

Communication of this event commenced several months ago with external stakeholders. To not continue with this event at this stage would have a negative impact on the Town in terms of public relations.

The event is scheduled for 7 November and a comprehensive marketing strategy has been developed and will commence in earnest from 16 September, following the outcome of this report.

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.

- Recognise and celebrate the Town's history and culture through arts and events programs.
- Play an integral role in local safety and crime prevention.

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.

Urgency

This item is urgent due to critical timeframes for the success of the project.

Voting Requirements

Simple majority decision of Council required.

Moved Cr Wood, seconded Cr Mews

That Council approve the expenditure of \$8,000 of the \$25,000 allocated in the 2015- 2016 Budget to support the Community Development initiative 'A Night on Bay View'.

CARRIED(163/15)

For the Motion: Mayor Barker and Crs Browne, Lorenz, Kelly, Mews, and Wood.
Against the Motion: Crs Edwards, Haynes, and Tulloch.

13.4 CORPORATE AND GOVERNANCE

13.4.1 LIST OF PAYMENTS 1-31 AUGUST 2015

File Ref:	FIM00062
Attachments:	List of Payments August 2015 NAB Purchase Card August 2015
Responsible Officer:	Les Crichton Executive Manager Corporate and Governance
Author:	Edwin Kwan Finance Officer
Proposed Meeting Date:	15 September 2015

Purpose

For Council to note the payments made in August 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 \$1,453,435.31 during the month of August 2015.

The attached schedule covers:

• Municipal Funds electronic funds transfers (EFT)	\$	936,511.99
• Municipal Fund vouchers (39376-39389)	\$	9,343.46
• Municipal Fund direct debits	\$	427,430.47
• Trust Fund electronic funds transfer (EFT)	\$	80,149.39
• 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 18 August 2015, Resolution 146/15:

THAT Council notes all payments made for July 2015 totalling \$1,884,247.16 comprising;

The attached schedule covers:

• <i>Municipal Funds electronic funds transfers (EFT)</i>	<i>\$</i>	<i>1,362,823.22</i>
• <i>Municipal Fund vouchers (39364-39375)</i>	<i>\$</i>	<i>27,631.74</i>
• <i>Municipal Fund direct debits</i>	<i>\$</i>	<i>385,649.12</i>
• <i>Trust Fund electronic funds transfer (EFT)</i>	<i>\$</i>	<i>108,143.08</i>

-
- *Trust Fund vouchers* \$ 0.00

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 Kelly, seconded Cr Haynes

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

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

**CARRIED(163/15)
(NO DISSENT)**

**13.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD
ENDING 31 JULY 2015**

File Ref:	FIM/0062-02
Attachments:	Statement of Financial Activity for period ending 31 July 2015
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 July 2015. This report incorporates all the carry forwards approved part of June 2015 report.

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 July 2015 represent the first month of operation within the 2015-16 financial year.

The closing surplus of \$14,360,819 compares favourably against the budgeted surplus of \$14,777,353. As detailed below, the \$416,536 variance is comprised of net increase (excluding non cash items) of \$16,322 & \$14,840 in operating revenue and operating expenditure respectively against the budget, \$91,075 under in capital works schedule and \$509,091 under in asset sales.

Operating revenue - \$16,322 above budget

- \$53,526 increase in rates revenue is due to increase in valuation before the rates were levied.
- \$22,964 increase in reimbursement is mainly due to refund of Heritage Loan Subsidy Scheme Contribution.
- (\$65,097) decrease in interest is due to interest accrual not being processed for the month of July 15.

Operating expenditure - \$14,840 above budget

- (\$65,017) Employee Cost is over budget mainly due to the timing on the payment of Worker's Compensation Premium ahead of budget timing.
 - \$91,615 of variance due to timing difference across materials and contracts services (\$123,801) and consultancies (\$8,485). However office expenses are over the budget by \$45,160 due to timing on annual subscription payments.
-

- (\$25,720) Insurance expenditure is over the budget due to premiums paid ahead of budget timing.
- (\$29,918,) Other Expenditure is above the budget due to contribution to Shine community care being paid ahead of the budget timing and overheads not applied for July 15.

Capital expenditure – \$91,075 under budget

As detailed within the capital works schedules (Attachment [Note 9]), capital expenditure is under budget mainly due to timing of the capital works.

Capital income – (509,091) under the budget

Variance is due to the delay in the final settlement of Lot 151 Claremont Cres.

Past Resolutions

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

That Council note the Financial Statement of Activity for the period 1 July 2014 to 30 June 2015.

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.

Officer Recommendation

That Council notes the Financial Statement of Activity for the period 1 July 2015 to 31 July 2015.

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

- **notes the Financial Statement of Activity for the period 1 July 2015 to 31 July 2015**
- **notes unbudgeted income of \$21,000 being return of the Town's initial contribution on discontinuance of the Heritage Loan Subsidy Scheme**
- **approves an increase in expenditure item Heritage Maintenance Grant (38250/1110) within the 2015-16 Budget by \$21,000.**

Reason: To direct the Heritage Loan Subsidy Scheme refund towards a like purpose.

**CARRIED BY AN ABSOLUTE MAJORITY(164/15)
(NO DISSENT)**

13.4.3 ORDINARY COUNCIL MEETINGS FOR 2016

File Ref:	GOV/00055
Responsible Officer:	Les Crichton Executive Manager Corporate and Governance
Author:	Les Crichton Executive Manager Corporate and Governance
Proposed Meeting Date:	03 February 2015

Purpose

For Council to set the Ordinary Council Meeting (OCM) dates for the 2016 calendar year.

Background

Council meetings are currently held on the first and third Tuesday of each month (except January) commencing at 7.00pm. This arrangement has been in place since February 2004.

Council is required annually to advertise the dates, time and place of its OCM's for the next twelve months. This has historically been undertaken prior to the commencement of each calendar year.

Discussion

Bi-monthly meetings continue to respond to the requirements of Council, community, neighbouring local authorities, and peak bodies, and as such it is proposed that they continue to be held on the first and third Tuesday of each month except January (Table 1).

In continuing the current practice with the purpose of reducing the impact of Monday public holidays on the meeting cycle, it is proposed those dates which fall immediately after a public holiday Monday not be held and items carried to the next ordinary meeting. This will ensure elected members are provided sufficient opportunity to inform themselves and ask questions through provision of an Agenda Briefing Forum prior to all ordinary Council meetings.

It is proposed that Council reduce meetings in December to one in recognition of the busy period.

Administration has explored the option of scheduling meetings on the second and fourth Tuesday of the month however this creates three occurrences of meetings following a public holiday. It also moves the meeting cycle to the latter half of the month which clashes with peak organisation and other agency schedules.

Days other than Tuesdays has not been presented as elected members have previously indicated a change of day (Wednesday or Thursday meeting) creates conflict with other ongoing commitments.

Ordinary Council Meeting dates 2016:

Table 1 – 1st & 3rd Tuesdays		
Location: Number One Claremont, 308 Stirling Highway, Claremont.		
Month 2016	Date (First Meeting)	Date (Second Meeting)
January	No Meeting	No Meeting
February	Tuesday 2	Tuesday 16
March	Tuesday 1	Tuesday 15
April	Tuesday 5	Tuesday 19
May	Tuesday 3	Tuesday 17
June	No Meeting (Monday Public Holiday WA Day)	Tuesday 21
July	Tuesday 5	Tuesday 19
August	Tuesday 2	Tuesday 16
September	Tuesday 6	Tuesday 20
October	Tuesday 4	Tuesday 18
November	Tuesday 1	Tuesday 15
December	Tuesday 13	No Meeting

Past Resolutions

Ordinary Council Meeting 3 February 2015, Resolution 05/15:

That Council approves the Ordinary Council Meeting dates for 2015:

*CARRIED
(NO DISSENT)*

Financial and Staff Implications

Resource requirements are in accordance with existing budgetary allocation.

Policy and Statutory Implications

Local Government Act 1995 s.5.25 – Regulations about council and committee meetings and committees.

Local Government (Administration) Regulations 1996 Reg. 12 – Public Notice of Council or Committee meetings.

Regulation 12 states:

“At least once each year a local government is to give local public notice of the dates on which and the time and place at which -

- a) the ordinary council meetings, and*
- b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,*

are to be held in the next 12 months.”

Publicity

Ordinary Council Meeting dates for 2016 will be published in accordance with s.1.7 (Local Public Notice) 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.
- Focus on improved customer service, communication and consultation.

Urgency

As the previous notice of meeting dates covers the period to the end of the 2015 calendar year, the meeting dates for the next period will need to be determined and advertised as soon as possible.

Voting Requirements

Simple majority decision of Council required.

Officer Recommendation

That Council

1. Approves the Ordinary Council Meeting dates for 2016 to be:

Ordinary Council Meeting dates 2016:

Table 1 – 1 st & 3 rd Tuesdays (except in December)		
Location: Number One Claremont, 308 Stirling Highway, Claremont.		
Month 2016	Date (First Meeting)	Date (Second Meeting)
January	No Meeting	No Meeting
February	Tuesday 2	Tuesday 16
March	Tuesday 1	Tuesday 15
April	Tuesday 5	Tuesday 19
May	Tuesday 3	Tuesday 17
June	No Meeting (Monday Public Holiday WA Day)	Tuesday 21
July	Tuesday 5	Tuesday 19
August	Tuesday 2	Tuesday 16
September	Tuesday 6	Tuesday 20
October	Tuesday 4	Tuesday 18
November	Tuesday 1	Tuesday 15
December	Tuesday 13	No Meeting

2. Commences all Ordinary Council Meetings in 2016 at 7.00pm.

ALTERNATIVE MOTION

Moved Cr Tulloch, seconded Cr Wood

That Council**1. Approves the Ordinary Council Meeting dates for 2016 to be:****Ordinary Council Meeting dates 2016:**

Table 1 – 1st & 3rd Tuesdays		
Location: Number One Claremont, 308 Stirling Highway, Claremont.		
Month 2016	Date (First Meeting)	Date (Second Meeting)
January	No Meeting	No Meeting
February	Tuesday 2	Tuesday 16
March	Tuesday 1	Tuesday 15
April	Tuesday 5	Tuesday 19
May	Tuesday 3	Tuesday 17
June	Tuesday 7	Tuesday 21
July	Tuesday 5	Tuesday 19
August	Tuesday 2	Tuesday 16
September	Tuesday 6	Tuesday 20
October	Tuesday 4	Tuesday 18
November	Tuesday 1	Tuesday 15
December	Tuesday 13	No Meeting

2. Commences all Ordinary Council Meetings in 2016 at 7.00pm.**3. Agenda Briefing Forums for meeting of 7 June 2016 not be held on the preceding Monday (public holiday).**

Reason: A five week interval between 17 May 2016 and 21 June 2016 meetings is too long during budget time.

LOST

For the Alternative Motion: Crs Haynes, Lorenz, and Tulloch.

Against the Alternative Motion: Mayor Barker, and Crs Browne, Edwards, Kelly, Mews and Wood.

RETURN TO THE OFFICER MOTION

Moved Cr Edwards, seconded Cr Wood

That Council**1. Approves the Ordinary Council Meeting dates for 2016 to be:****Ordinary Council Meeting dates 2016:**

Table 1 – 1st & 3rd Tuesdays (except in December)		
Location: Number One Claremont, 308 Stirling Highway, Claremont.		
Month 2016	Date (First Meeting)	Date (Second Meeting)
January	No Meeting	No Meeting
February	Tuesday 2	Tuesday 16
March	Tuesday 1	Tuesday 15

April	Tuesday 5	Tuesday 19
May	Tuesday 3	Tuesday 17
June	No Meeting (Monday Public Holiday WA Day)	Tuesday 21
July	Tuesday 5	Tuesday 19
August	Tuesday 2	Tuesday 16
September	Tuesday 6	Tuesday 20
October	Tuesday 4	Tuesday 18
November	Tuesday 1	Tuesday 15
December	Tuesday 13	No Meeting

2. Commences all Ordinary Council Meetings in 2016 at 7.00pm.

**CARRIED(165/15)
(NO DISSENT)**

13.5 INFRASTRUCTURE

13.5.1 QUEENSLEA DRIVE PROPOSED BICYCLE LANES

File Ref:	RDS/00234
Attachments:	14027 Queenslea Drive Cycle Lanes Parking Bays pdf
Responsible Officer:	Saba Kirupanather Executive Manager Infrastructure
Author:	Marty Symmons Engineering Technical Officer
Proposed Meeting Date:	15 September 2015

Purpose

Install bicycle lanes and five parking bays on Queenslea Drive.

Background

Council have allocated funds to complete the final section of edge line marking between the Christ Church Grammar School and Victoria Avenue.

Discussion

The original design for a single west to east bound on road bicycle lane has been rejected by Main Roads WA.

Main Roads WA advised that if only a single on road lane is to be provided, that it should be installed on the opposite side of the road providing for cyclists travelling in the, east to west bound direction, rather than a west to east bound direction. The reason for the priority being given to east to west bound cyclists is the existing vertical grade of the road being uphill in the east to west bound direction.

The preferred solution would be to have two bicycle lanes provided for both directions if possible.

As the installation of a single bicycle lane will require the removal and reinstatement of the existing kerb as well as the widening of the road; at a minimal further cost the road could be widened the additional distance required to accommodate the installation of two on road bicycle lanes.

Bethesda Hospital is funding the installation of five car bays on this section of road which can be constructed concurrently as part of the same project.

Past Resolutions

Ordinary Council Meeting 20 May 2014, Resolution 72/14:

THAT Council –

1. *Include \$177,000 in the Draft Budget to provide;*
-

- \$102,000 on-road cycle path (North side only) (Yacht Club to Bethesda Hospital main entrance);
 - \$65,000 for off road dual use path (south side);and
 - \$10,000 to complete a feasibility study for end of journey facilities in the Station Masters House precinct.
2. Fund the increase in path renewal and end of journey facilities study from
- \$147,000 reallocation of the current footpath renewal allocation currently included in the 2014-15 Draft Budget;*
\$20,000 from the Future Fund Reserve; and
\$10,000 from the Parking Reserve.

*CARRIED
(NO DISSENT)*

Financial and Staff Implications

Available budget is \$164,000 and the estimated cost is \$165,000.

Bethesda hospital will pay for the on road parking bays.

Policy and Statutory Implications

Austrroads and Main Roads WA design guidelines

Publicity

Notify affected residents by letter drop two weeks prior to works.

Notify CCGS and MLC Schools two weeks prior to works

Notify Bethesda Hospital

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.

- Create opportunities for varied transport options that reduce carbon emissions and other impacts of a growing town.

People

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

- Play an integral role in local safety and crime prevention.

Liveability

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

- Maintain and upgrade infrastructure for seamless day to day usage.

Urgency

To complete the works as soon as possible.

Voting Requirements

Simple majority decision of Council required.

Moved Cr Browne, seconded Cr Edwards**That Council approves**

1. **The design and construction of two on road bicycle lanes for the section of Queenslea Drive as shown in attached plan 14027, and**
2. **The construction of five new on street car bays, at the Bethesda Hospital's cost, as part of the construction.**

MOTION TO DEFER**Moved Cr Kelly, seconded Cr Lorenz****That the item be deferred.**

Reason: To enable clarification on the design aspects of the work and consultation with affected residents.

CARRIED(166/15)

For the Motion: Mayor Barker, and Crs Haynes, Kelly, Lorenz, Tulloch.

Against the Motion: Crs Browne, Edwards, Mews and Wood.

Cr Mews left the Chambers at 8:49 PM.

13.5.2 SHENTON PLACE PROPOSED STREETScape IMPROVEMENTS

Responsible Officer: Saba Kirupanather
Executive Manager Infrastructure

Attachments: [Shenton Place Footpath and Garden Bed](#)
[Shenton Place Landscaping](#)

Author: Andrew Head
Manager of Parks & Environment

Proposed Meeting Date: 15 September 2015

Purpose

To seek approval to make improvements to the access and safety for pedestrians where there is currently a narrow point and entry statement in the road, And landscaping of the car parking area in Shenton Place

Background

In 1985 when this area was subdivided an entry statement of raised limestone blocks was installed on both sides of Shenton Place just north of the Tennis Club entry.

The Cedus is an entry into Lake Claremont which is being used more by visitors to the park. As the Lake Claremont area is increasing patronage the demand placed on paths leading into the reserve is increasing, including this link to the CBD.

Currently there is no footpath in Shenton Place or The Cedus and as a result the pedestrians have to walk on the road. While this is not seen as a problem for the remainder of the road the narrow point can create conflict for pedestrians with vehicles, particularly mothers with prams, unable to get over the kerb easily.

Discussion

During the works on Shenton Road for the Claremont on the Park development pedestrians have been using this entry into Lake Claremont as a detour around the works.

Now that road traffic has returned to the street, people are concerned about conflict with cars and pedestrians pushing prams, trolleys and children on bikes.

At the narrow point, verge width is less than minimum recommended for a path. While this area was previously soil and grass it did not function well as a pedestrian refuge. The kerb is semi mountable which is difficult to get up with a pram quickly (As cars can come around the corner from Shenton Road without warning) and the width is insufficient to be classed a path.

During drainage works for the Claremont on the Park the eastern bed had to be removed and has now been rebuilt with new block work. This makes the western side look dilapidated. By removing the retaining wall surrounding the garden on the western verge (which was hit by a truck around three years ago and heave/cracking

caused by tree roots). We could relocate the walled garden west by 500mm without impacting the adjoining resident. This would allow the badly damaged wall to be replaced and renewed while also providing access for pedestrians on a path which meets Australian Standards for minimum width requirements.

The path would only need to be installed between the two adjoining crossovers on the western side to allow easy access for walkers, prams and bikes passed the narrow point as the crossovers could substitute as pram ramps.

Once the garden wall is rebuilt some low soft plantings would be installed both sides of the road to complement the garden beds and lift the presentation standards of the street.

Past Resolutions

N/A

Financial and Staff Implications

The cost estimate is \$20,000. There are no current resources allocated. The funding is requested from the 2014-2015 unallocated surplus.

Policy and Statutory Implications

Nil

Publicity

Inform residents in Shenton Place

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.

Governance and Leadership

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

- Focus on improved customer service, communication and consultation.

Urgency

To request funding from 2015-16 unallocated surplus to undertake works as soon as practical.

Voting Requirements

Absolute majority decision of Council required.

Cr Mews returned to the Chambers at 8:50 PM.

Moved Cr Wood, seconded Cr Browne

That Council approves streetscape modification and enhancement works as per the attached concept plan and \$20,000 to be allocated from the 2015-16 unallocated surplus.

**CARRIED BY AN ABSOLUTE MAJORITY(167/15)
(NO DISSENT)**

14 ANNOUNCEMENTS BY THE PRESIDING PERSON

The Mayor and Chief Executive Officer met with Shadow Minister for Local Government David Templeman regarding the City of Perth Bill 2015.

Cr Haynes deputised at the Claremont School Art Competition at Claremont Quarter.

Cr Browne commended the success of the nib on traffic calming in Bay View Terrace.

Cr Wood attended the Swanbourne Primary School fete.

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

NIL.

18 FUTURE MEETINGS OF COUNCIL

Ordinary Council Meeting 6 October 2015.

19 DECLARATION OF CLOSURE OF MEETING

There being no further business, the presiding member declared the meeting closed at 9:03PM.

Confirmed this day of 2015.

PRESIDING MEMBER