



TOWN OF CLAREMONT

ORDINARY COUNCIL MEETING

MINUTES

TUESDAY 19 APRIL, 2016

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
19 APRIL, 2016
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 Jill Goetze **South Ward**

Cr Bruce Haynes **East Ward**

Cr Kate Main **East Ward**

Cr Alastair Tulloch **East Ward**

Mr Stephen Goode (Chief Executive Officer)

Mr Les Crichton (Executive Manager Corporate and Governance)

Mr Saba Kirupanather (Executive Manager Infrastructure)

Mr David Vinicombe (Executive Manager Planning and Development)

Ms Katie Bovell (Governance Officer)

No members of the public

One member 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 Edwards, seconded Cr Browne

That the minutes of the Ordinary Meeting of Council held on 5 April 2016 be confirmed.

**CARRIED(57/16)
(NO DISSENT)**

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

Item 17.1.1, State Undergrounding of Power Program Round 6 Application.

11 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING

NIL

12 REPORTS OF COMMITTEES

NIL

13 REPORTS OF THE CEO

13.1 CORPORATE AND GOVERNANCE

13.1.1 CODE OF CONDUCT REVIEW 2016

Attachments:	Draft Code of Conduct
File No:	GVN 0002
Responsible Officer:	Stephen Goode Chief Executive Officer
Author:	Stephen Goode Chief Executive Officer
Proposed Meeting Date:	19 April 2016

Purpose

For Council to consider adoption of a new Code of Conduct for Elected Members. The current Code of Conduct currently services both Elected Members and employees. This new Code will apply only to Elected Members with a separate Code of Conduct for Employees also being prepared. With its last major review in March 2010, the new Code has also been updated to incorporate recent changes to disclosure requirements as a result of the *City of Perth Act 2016*, and changes to values statements as set out in the Strategic Community Plan last reviewed in 2015.

Background

Local governments are required to adopt a Code of Conduct 'to be observed by council members, committee members and employees'. These regulations emphasise the General Principles of behaviour and to some extent touch on the matters which should be included in the Code of Conduct.

The Code of Conduct is intended as a public statement of Council's commitment to the high standards of conduct reasonably expected of council members and officers by the community.

The current Code of Conduct currently applies to both Elected Members and employees which, while generally serving the objectives of the regulations, have created some uncertainty around which sections are relative to which group. The creation of a Code of Conduct for Elected Members separate to employees seeks to clarify each group's obligations and responsibilities.

The proposed new Code continues some commitments which are mandated by statute. *The City of Perth Act 2016* received Royal Assent recently which amends the gift and contributions to travel provisions within the *Local Government Act 1995* (the Act).

Associated amendments have also been made to the following:

- The *Local Government (Administration) Regulations 1996*, and
 - The *Local Government (Rules of Conduct) Regulations 2007*.
-

The reason for repeating them in the Town's Code is that the expectations will be in one document and they will be specifically acknowledged and adopted by the Council.

Past Resolutions

- Ordinary Council Meeting 16 March 2010, Resolution No 55/10: Adoption of revised Code of Conduct.
- Ordinary Council Meeting 4 April 2006, Resolution No 98/06: Adoption of revised Code of Conduct.
- Ordinary Council Meeting 20 April 2004, Resolution No 138/04: minor amendment to Code of Conduct;

Discussion

The Code of Conduct was last revised and adopted in 2010. The Strategic Community Plan has been adopted in 2013 and some of the existing Code has inconsistencies with the Town's vision and values. Although these could be addressed through an amendment process to the existing Code the opportunity has been taken to present an updated version which recognises and incorporates:

- Changes to the *Local Government Act 1995* and associated regulations
- The Town's Standing Orders
- The principles contained within the current Code
- The Town's values and vision from the Strategic Community Plan.

A Code of Conduct is an important element of good governance and can positively contribute to the culture of the Town. It provides a public statement of the Council's commitment to achieving ethical conduct of the Town's affairs.

It is recommended that Council adopt the Code of Conduct for Elected Members.

Contribution to Achievement of the Town Strategic Plan

The Code of Conduct supports the Town's values statements as set out in the Strategic Community Plan.

Financial and Staff Implications

Nil.

Policy and Statutory Implications

Local Governments are required by the *Local Government Act 1995* to have a Code of Conduct.

Publicity

Public consultation is not required.

Urgency

The Code of Conduct for Elected Members incorporates changes to legislative requirements and the Town's strategic values.

Voting Requirements

Simple majority decision of Council required.

Moved Cr Edwards, seconded Cr Wood

That Council adopt the attached Code of Conduct for Elected Members, amended as forwarded to Elected Members prior to the meeting.

**CARRIED(58/16)
(NO DISSENT)**

13.1.2 APPOINTMENT OF COMMUNITY REPRESENTATIVE TO LAKE CLAREMONT ADVISORY COMMITTEE

File Ref:	GOV/00054
Responsible Officer:	Les Crichton Executive Manager Corporate and Governance
Author:	Katie Bovell Governance Officer
Proposed Meeting Date:	19 April 2016

Purpose

For Council to appoint community members to the Lake Claremont Advisory Committee 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 the *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 2015 election and their tenure expires on the Election Day in 2017.

Council appointed councillor representatives to its committees following the 2015 election. Also the Council approved the 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 Terms of Reference and positions for the Lake Claremont Advisory Committee are as follows:

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
City of Nedlands	1
Scotch College	1
Friends of Lake Claremont (FOLC)	1
Community	2

Discussion

All voting positions on the Lake Claremont Advisory Committee were appointed by Council at its meeting held 6 October 2015.

The position of Friends of Lake Claremont Representative has become vacant and it is recommended a replacement representative be appointed. The Committee has received a nomination for Heidi Hardisty to be appointed. Ms Hardisty held the position prior to the 2015 elections.

It is also recommended Council to endorse the appointment of Cr Robert Brinks as the City of Nedlands' representative. Advice of the appointment of Cr Brinks as the City's representative was received after the 6 October 2015 meeting.

Past Resolutions

Ordinary Council Meeting 6 October 2015, resolution 170/15 – appointment of community representatives to Advisory Committees.

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

Local Government Act 1995.

Section 5.8 - Establishment of committees

Section 5.9 - Types of committees

Section 5.10 - Appointment of committee members

Section 5.11 - Tenure of committee membership.

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.

Moved Cr Haynes, seconded Cr Wood

That Council approves the appointment to the Lake Claremont Advisory Committee of Council:

Representative Type	Nominee
City of Nedlands	Cr Robert Brinks
Friends of Lake Claremont (FOLC)	Heidi Hardisty

**CARRIED BY AN ABSOLUTE MAJORITY(59/16)
(NO DISSENT)**

13.1.3 DELEGATED AUTHORITY REVIEW

File Ref:	COM00031
Attachments:	Delegations Register
Responsible Officer:	Les Crichton Executive Manager Corporate and Governance
Author:	Katie Bovell Governance Officer
Proposed Meeting Date:	19 April 2016

Purpose

Report presents the revised Delegated Authority Register for Council review and approval.

Background

Once in each financial year the Council has a duty to review delegations that it has made. The last review was approved at the Ordinary Council Meeting of 21 April 2015.

The *Local Government Act 1995* allows Council to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act other than a small number of functions which may not be delegated. All delegations made by the Council must be by absolute majority decision.

The benefit of approving Delegated Authority is to assist with efficient and effective decision making and implementation of services. The delegated authority register is reviewed in accordance with the Act on an annual basis.

The Act allows for the Chief Executive Officer to delegate any of his powers to another employee, which must be done in writing. The Chief Executive Officer may place conditions on any delegations if required.

Past Resolution

Ordinary Council Meeting 15 September 2015, Resolution 159/15:
Revocation of DA2 – Appointment of Acting CEO.

Ordinary Council Meeting 21 April 2015, Resolution 62/15:
Annual Delegated Authority Review.

Ordinary Council Meeting 17 March 2015, Resolution 35/15 – DA22 Determination of Planning Related Matters.

Ordinary Council Meeting 15 October 2013, Resolution 294/13 – annual review of delegations

Ordinary Council Meeting 3 April 2012, Resolution 41/12:

Adoption of DA22A relating to assessment of Planning Applications (Certain Commercial Uses)

Ordinary Council Meeting 3 April 2012, Resolution 43/12:

Revocation of Delegations DA25 Authority Relating to Building Provisions, DA28 Dangerous Buildings and DA34 Certificates of Classification and adoption of Delegation DA25 Authority Relating to Building Provisions as detailed in Attachment 2.

Ordinary Council Meeting 20 March 2012, Resolution 28/12:

Review of Delegated Authority Register including addition of DA33 Issuing Strata Titles, DA34 Certificates of Classification, and DA35 Illegal Development: Direction to Stop Work.

Discussion

Since it was last adopted at its annual review at the Ordinary Council Meeting 21 April 2015 there has been one modification to the delegation register. Revocation of DA2 – Appointment of Acting CEO which was adopted with new policy LG529 Appointment of Acting CEO at the 15 September 2015 Council meeting.

One new delegation is proposed for adoption with this annual review. This delegation relates to the approval of signage. Matters relating to signage were previously considered for approval under the Building Act (as structures) together with applications for Development Approval. Recent changes to Town Planning Scheme No. 3 relative to the 'deemed provisions' adopted in the scheme resulting from the *Planning and Development (Local Planning Schemes) Regulations 2015* now exempt some forms of signage from applying for a Development Approval. A review of these matters has identified a gap in process where delegation is required for Sign Permits to be approved in accordance with the Local Law – Relating to Signs.

Financial and Staff Implications

The coordination of the review of the delegations is undertaken by internal resources.

Policy and Statutory Implications

Local Government Act 1995 Section 5.42 Local Government may delegate powers to CEO.

Local Government Act 1995 Section 5.43 Limits on delegations to CEO.

Local Government Act 1995 Section 5.44 CEO may delegate some powers to other officers.

Local Government Act 1995 Section 5.46(2).

Publicity

The Delegations Register is an internal document that does not require external publicity. The exercise of any delegated authority must be recorded in a publicly available register. The Town's register is administered by the Executive Manager Corporate and Governance and reviewed monthly by the Chief Executive Officer.

Strategic Community Plan

Governance and Leadership

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

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

Urgency

The Town's Delegated Authority Register is an important document that enables the effective delegation of power from the Council to the CEO. The review of this document is required once in each financial year.

Voting Requirements

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED.

Moved Cr Edwards, seconded Cr Main That Council

- 1. Adopts the following delegations as outlined in Attachment 1 –
Delegations Register**
 - DA1 Affixing Common Seal**
 - DA3 Appointment of Authorised Persons**
 - DA4 Disposing of Property**
 - DA5 Local Government Elections & Other Polls**
 - DA6 Objection to the Rate Record**
 - DA7 Power to defer, negotiate a settlement, waive or write off debts**
 - DA8 Rates Record**
 - DA9 Payment of Accounts**
 - DA10 Tenders for Goods and Services**
 - DA11 Variation to Capital Works & Operating Costs**
 - DA12 Investments**
 - DA21 Administration of Local Laws**
 - DA22 Determination of Planning Related Matters**
 - DA23 Authorisation to do things on land that is not property of the Local Government**
 - DA24 Authorisation to require certain things to be done by Owner / Occupier of Land**
 - DA25 Authority Relating to Building Provisions**
 - DA 26 Closure of Thoroughfares**
 - DA27 Control of Certain Unvested Facilities**
 - DA28 Issue and Revocation of Building Orders**
 - DA29 Declaration of Dangerous Dogs**
 - DA30 Impounding Goods in Certain Circumstances**
 - DA31 Parking and Parking Restrictions**
 - DA32 Reserves under the Control of a Local Government**
 - DA33 Issuing Strata Titles – Certificate of Local Government**
 - DA34 Issue and Extension of Occupancy Permits and Building Approval Certificate**
 - DA35 Illegal Development – Direction to Stop Work.**
 - DA36 Approval of Signage.**
 - 2. Authorises the affixing of the common seal under the signature of the Mayor and Chief Executive Officer to Delegation DA33.**
-

**CARRIED BY AN ABSOLUTE MAJORITY(60/16)
(NO DISSENT)**

13.1.4 LIST OF PAYMENT 1-31 MARCH 2016

File Ref:	FIM00062
Attachments:	Schedule of Payments
Responsible Officer:	Les Crichton Executive Manager Corporate and Governance
Author:	Edwin Kwan Finance Officer
Proposed Meeting Date:	19 April 2016

Purpose**Purpose**

For Council to note the payments made in March 2016.

Background

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

Discussion

Attached is the list of all accounts paid totalling \$2,334,642.46 during the month of March 2016.

The attached schedule covers:

• Municipal Funds electronic funds transfers (EFT)	\$	1,755,252.63
• Municipal Fund vouchers (39455 – 39464)	\$	30,026.09
• Municipal Fund direct debits	\$	502,451.88
• Trust Fund electronic funds transfer (EFT)	\$	46,911.86
• Trust Fund vouchers	\$	0.00

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

Past Resolutions

Ordinary Council Meeting 15 March 2016, Resolution 38/16:

That Council notes all payments made for February 2016 totalling \$1,075,316.35 comprising;

<i>Municipal Funds electronic funds transfers (EFT)</i>	\$	<i>573,032.72</i>
<i>Municipal Fund vouchers</i>	\$	<i>0.00</i>
<i>Municipal Fund direct debits</i>	\$	<i>472,075.05</i>
<i>Trust Fund electronic funds transfer (EFT)</i>	\$	<i>30,208.58</i>
<i>Trust Fund vouchers</i>	\$	<i>0.00</i>

CARRIED

(NO DISSENT)

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.

Communication / Consultation

N/A

Urgency

N/A

Voting Requirements

Simple majority decision of Council required.

Moved Cr Mews, seconded Cr Edwards

THAT Council notes all payments made for March 2016 totalling \$2,334,642.46 comprising;

Municipal Funds electronic funds transfers (EFT)	\$ 1,755,252.63
Municipal Fund vouchers (39455 – 39464)	\$ 30,026.09
Municipal Fund direct debits	\$ 502,451.88
Trust Fund electronic funds transfer (EFT)	\$ 46,911.86
Trust Fund vouchers	\$ 0.00

**CARRIED(61/16)
(NO DISSENT)**

14 ANNOUNCEMENTS BY THE PRESIDING PERSON

Mayor Barker, Crs Goetze, Browne, Main, Wood and Kelly reported on their attendance at the events in Claremont Park and Lemon Lounge over the weekend.

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 aspect(s) 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(62/16)
(NO DISSENT)**

Mayor Barker adjourned the meeting at 7:11PM.

Mayor Barker reconvened the meeting at 7:11PM.

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 Jill Goetze

South Ward

Cr Bruce Haynes

East Ward

Cr Kate Main

East Ward

Cr Alastair Tulloch

East Ward

Mr Stephen Goode (Chief Executive Officer)

Mr Les Crichton (Executive Manager Corporate and Governance)

Mr Saba Kirupanather (Executive Manager Infrastructure)

Mr David Vinicombe (Executive Manager Planning and Development)

Ms Katie Bovell (Governance Officer)

17.1 INFRASTRUCTURE SERVICES**17.1.1 STATE UNDERGROUNDING OF POWER PROGRAM ROUND 6 APPLICATION**

File Ref: GAS 00081
Responsible Officer: Saba Kirupanather
Executive Manager Infrastructure
Author: Saba Kirupanather
Executive Manager Infrastructure
Proposed Meeting Date: 19 April 2016

The following item was considered in closed session.

COUNCIL RESOLUTION

That the report and the resolution remain confidential in accordance with Section 5.23(2)(c) of the *Local Government Act 1995*.

**CARRIED BY AN ABSOLUTE MAJORITY(66/16)
(NO DISSENT)**

MOTION TO OPEN DOORS

Moved Cr Haynes, seconded Cr Edwards

That the doors be opened.

**CARRIED(67/16)
(NO DISSENT)**

The doors opened at 7:35PM.

THE MAYOR READ ALOUD THE RESOLUTION MADE BEHIND CLOSED DOORS.

18 FUTURE MEETINGS OF COUNCIL

Ordinary Council Meeting, 3 May 2016 at 7:00PM.

19 DECLARATION OF CLOSURE OF MEETING

There being no further business, the presiding member declared the meeting closed at 7:35PM.

Confirmed this day of 2016.

PRESIDING MEMBER