



TOWN OF CLAREMONT

ORDINARY COUNCIL MEETING

MINUTES

TUESDAY 17 MAY, 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
17 MAY, 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 Paul Kelly

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)

Ms Katie Bovell (Governance Officer)

Three members of the public

Two members of the press

APOLOGIES

Cr Peter Browne – Leave of Absence

Cr Chris Mews - Apology

3 DISCLOSURE OF INTERESTS

An interest was declared by Cr Kelly, for Item No 13.1.1

Nature of Interest: Financial.

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

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

NIL

5 PUBLIC QUESTION TIME

Mr Bart Benschop, 4 Queenslea Drive, Claremont.

Re: Item 13.3.1, Footpath Policy.

Question one:

Why is the cross fall of the roadway of Queenslea Drive 2% when the Town's AUSTRROADS and MRWA policy, specifications and guidelines specify 3%?

Question two:

Why is the kerbing along Queenslea Drive only 100mm high when the Town's and MRWA policy, specifications and guidelines specify 150mm?

Question three:

What is the Town of Claremont proposing to do to address this problem?

Answer: The Mayor took the questions on notice.

6 PUBLIC STATEMENT TIME

Mr Bart Benschop, 4 Queenslea Drive, Claremont.

Re: Item 13.3.1, Footpath Policy.

Mr Benschop spoke against the Town's footpath policy.

Ms Jing Wei and Mr Michael Mansell, 1 Links Court,

Re: Item 13.3.2, River Red Gum.

Ms Wei and Mr Mansell spoke against the officer recommendation stating their concern regarding the tree and safety.

7 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Goetze, seconded Cr Edwards

That Cr Goetze be granted leave of absence for the Ordinary meeting of 5 and 19 July 2016.

**CARRIED(77/16)
(NO DISSENT)**

8 PETITIONS/DEPUTATIONS/PRESENTATIONS

NIL

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Main, seconded Cr Tulloch

That the minutes of the Ordinary Meeting of Council held on 3 May 2016 be confirmed.

**CARRIED(78/16)
(NO DISSENT)**

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

Item 17.1.1, Claremont Par 3 Golf Course.

Item 17.2.1, Reticulation Tender 2015-06.

11 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING**11.1 LAKE CLAREMONT ADVISORY COMMITTEE****11.1.1 ITEMS OF LAKE CLAREMONT ADVISORY COMMITTEE**

File Ref: GOV00051
Attachment: [Bird Signage](#)
Responsible Officer: Saba Kirupananther
Executive Manager Infrastructure
Author: Andrew Head
Manager Parks and Environment
Proposed Meeting Date: 19 April 2016

Purpose

To bring outstanding items from the Lake Claremont Advisory Committee (LCAC) meeting dates 26 November 2015 and 25 February 2016 requiring a Council decision forward for approval.

Background

On 26 November 2015 the following items were discussed at the LCAC meeting which require council approval.

- Refurbishment of existing Turf Shed
- Acknowledgement of Heidi Hardisty

On 25 February 2016 the following items were discussed at the LCAC meeting which require council approval.

- Lake Claremont Operational Management Plan

A separate report will deal with the Lake Claremont Management Plan, its structure and content.

Discussion

This item was deferred at the 3 May 2016 meeting to clarify the final designs for the three bird signs at Lake Claremont. Since then changes have been made and the matter is re-presented for Council decision.

Refurbishment of existing Turf Shed

Currently this shed is used by both the current incumbent Golf Course mowing contractor and the Friends of Lake Claremont. Given the current location is within the northern section of the park near Alfred Road it is not seen as being appropriate for the storage of machinery to undertake golf course maintenance for both environmental and operational reasons.

The mowing tender is coming up for renewal this year and this will not include golf course mowing due to the redevelopment of the course over the next six months. During this time the course will be mowed by our current park mowing contractor to that standard until the new golf course operations commence.

At that time the new operator may apply to council to install a purpose built storage facility for their equipment within the current golf course boundaries.

Acknowledgement of Heidi Hardisty

The committee recommended that the Council formally acknowledge Ms Heidi Hardisty's excellent contribution to the LCAC over the last eight years. Joining in 2007, Ms Hardisty has been heavily involved in both the Lake management as a volunteer on the committee, volunteer educator, mentor and team leader.

Lake Claremont Operational Management Plan

It is recommended to prepare a five year plan from the Lake Claremont Management Plan. The plan will include recreational and environmental items and future planting locations and plant species. It will then go to Council via LCAC.

This will give FOLC some direction for their future funding applications.

An annual operational management plan will also be submitted annually and together with this five year plan will clearly indicate the works that are approved take place for the following twelve months.

Interpretive Signage

Attached are concepts for the bird signs with impressions of locations of installation.

Stirling Road design is finalised and attached to this report.

East side of Lake will have the following species and text as per the impression attached.

- White-faced Heron

Length 66-69 cm.

Commonly seen whenever there is standing water. They patiently forage for frogs and invertebrates. Sometimes breed in tall trees around the lake.

- Dusky Moorhen

Length 35-40 cm

Similar to the coot but distinguished by the yellow tipped red bill. Tend to stay close to the reed beds, where they build their nests.

- Buff-banded Rail

Length 28-32 cm.

This striking bird mostly stays in the reed bed but sometimes feeds out on the mud, never too far from shelter. Nests in dense reeds.

- Australian Spotted Crake

Length 19-22 cm

Bolder than the other two crakes found here. Can be seen feeding in shallow water and soft mud near to reed beds.

- Black-fronted Dotterel

Length 16-18 cm.

Forages for food in shallow water and on soft mud, running quickly between stops to pick up morsels .

- Black-winged Stilt

Length 33-37 cm.

Very elegant and common whenever water is in the lake. Nest in mounds or on low stumps in the water. The newly hatched young are well camouflaged.

Bird Observation platform has no species attributed at this time, it should include a collection of birds seen at that location. Signs will hold five species per panel.

Suggested species to include;

- Welcome Swallow

Length 15 cm

This aerial feeder performs a useful service by eating insects. Often seen in groups flying low over the water or resting on tree stumps. Distinguished from the Tree Martin by its forked tail.

- Pacific Black Duck

Length 48-60 cm

Our commonest duck, these birds usually nest elsewhere, then the females walk their newly hatched young to the lake, often long distances. Heavy predation quickly reduces the clutch of about ten down to one or two survivors.

- Pink-eared Duck

Length 38-45 cm. Males and females are alike.

They feed by filtering water and soft mud with their specially shaped bills, in the same way as the Australian Shoveler

These birds sometimes use our nesting boxes for breeding.

- White-faced Heron

Length 66-69 cm. Commonly seen whenever there is standing water. They patiently forage for frogs and invertebrates. Sometimes breed in tall trees around the lake.

- Dusky Moorhen

Length 35-40 cm

Similar to the coot but distinguished by the yellow tipped red bill. Tend to stay close to the reed beds, where they build their nests.

- Eurasian Coot

Length 35-38 cm.

Present in large numbers in winter and spring. Look out for their nest mounds in the shallow water.

- Black-shouldered Kite

Length 35-38 cm.

This handsome raptor is often seen resting on tree stumps between hunting sorties. Mice are a favourite food.

- Australian Kestrel

Length 30-35 cm.

More often seen when the lake is dry. It will skilfully hover when prey is spotted.

- Australasian Grebe

Length 23-25 cm.

Look for their nest mounds, often in open water. When feeding they spend more time diving than on the water.

- Black Swan

Length 110-140 cm

Swans regularly breed at the lake. Look for their nest mounds from mid winter until spring. Broods of three to six young are often seen in close attendance to the parents.

Another five species could be included to bring the panel numbers to three as per the attached concept.

Past Resolutions

Ordinary Council Meeting; 3 May 2016

That Council

1. *Recommends the relocation of mowing equipment as part of the recreation precinct project and or mowing tender review.*
2. *Formally acknowledges Ms Heidi Hardisty's excellent contribution to the Lake Claremont Committee.*
3. *Endorses the creation of a five year implementation plan for Council approval to improve strategic programming of works as part of the management plan.*
4. *Endorses the final designs for the three bird signs at Lake Claremont as per the attached layout.*

MOTION TO DEFER

That the item be deferred until the meeting of 17 May 2016.

Reason: To clarify the final designs for the three bird signs at Lake Claremont.

**CARRIED
(NO DISSENT)**

Lake Claremont Advisory Committee meeting, 25 February 2016.

That the Committee

1. *Recommends the creation of a five year implementation plan for Council approval to improve strategic programming of works as part of the management plan.*
2. *Recommends the final designs for the three bird signs at Lake Claremont as per the attached layout.*

**CARRIED
(NO DISSENT)**

1. *The Committee recommends that the Council formally acknowledges Ms Heidi Hardisty's excellent contribution to the Lake Claremont Committee.*

CARRIED
(NO DISSENT)

Lake Claremont Advisory Committee meeting, 26 November 2015.

1. *Recommends the relocation of mowing equipment as part of the recreation precinct project and or mowing tender review.*

CARRIED
(NO DISSENT)

Lake Claremont Committee Meeting, 28 August 2014:

That the Committee:

1. *Agrees that installation of interpretive signage will be part of the Lake Claremont Management Plan review.*

CARRIED
(NO DISSENT)

Lake Claremont Committee Meeting, 27 February 2014:

That the Committee

2. *Requests that Administration include for Council's consideration as part of the 2014-15 budget a \$40,000 project (inclusive of overheads) to fund development of interpretive signage for Lake Claremont and its surrounds.*

CARRIED
(NO DISSENT)

Financial and Staff Implications

There are no financial implications resulting from these items.

Staff time will be involved in the development of the five year action plan and that time can be booked to the project money for the Lake Claremont Management Plan.

There is an existing budget item for interpretive signage at Lake Claremont for implementing the supply and installation of the bird signs for Stirling Road Park, Bird Observation Platform and Eastern Shore at Lake Claremont.

Policy and Statutory Implications

2010 Lake Claremont Management Plan.

State Planning Policy 2.8 Bushland Policy for the Perth Metropolitan Region

Bush Forever

Environmental Protection (Swan Coastal Plain Lakes) Policy 1992

Communication / Consultation

Town Talk

Website

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.

- Develop the public realm as gathering spaces for participation and enjoyment.
- Maintain and upgrade infrastructure for seamless day to day usage.

People

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

- Maintain, effectively manage and enhance the Town's community facilities in response to a growing community.
- Create opportunities for and access to social participation and inclusion in support of community health and well being.
- Improve the capacity of local community groups.

Environment

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

- Provide education and communication on leading practices to the community.
- Implement sound environmental practices as reflected in the WESROC Climate Change Risk Assessment Project.

Urgency

Low

Voting Requirements

Simple majority decision of Council required.

Moved Cr Haynes, seconded Cr Wood

That Council

- 1. Supports the relocation of mowing equipment as part of the recreation precinct project and or mowing tender review.**
- 2. Formally acknowledges Ms Heidi Hardisty's excellent contribution to the Lake Claremont Advisory Committee.**
- 3. Supports the creation of a five year implementation plan for Council approval to improve strategic programming of works as part of the management plan.**
- 4. Approves the final designs for the three bird signs at Lake Claremont as per the attached layout.**

**CARRIED(79/16)
(NO DISSENT)**

12 REPORTS OF COMMITTEES

NIL

13 REPORTS OF THE CEO

13.1 CHIEF EXECUTIVE OFFICER

Cr Kelly declared a Financial interest in Item 13.1.1 due to being a member of the Curtin Care Inc. board and receiving a small payment as Director. Cr Kelly left the meeting at 7:18PM.

13.1.1 CURTIN CARE INC. – PROPOSAL FOR NEW 25 YEAR LEASE - LOT 555 COTTESLOE ('WEARNE COTTESLOE')

File Ref:	COP/00066
Attachments:	CAPH Working Group meeting notes 27 January 2016 Draft Agreement to Lease Draft Lease
Responsible Officer:	Stephen Goode Chief Executive Officer
Author:	Stephen Goode Chief Executive Officer
Proposed Meeting Date:	17 May 2016

Purpose

For Council to consider approval of a change to the lease documentation previously approved at the Council meeting of 05 April, 2016 (OCM45/16).

Background

At its Ordinary meeting of 5 April 2016 Council resolved –

That Council

1. Approves the Agreement to Lease and Lease (Attachment 2 and Attachment 3);
 2. Authorises the Mayor and Chief Executive Officer to execute the documents on behalf of Town of Claremont following completion of all statutory requirements pursuant to Section 3.58 of the *Local Government Act 1995*;
 3. Authorises the Chief Executive Officer in conjunction with the Shire of Peppermint Grove and Towns of Cottesloe and Mosman Park to give local public notice of the proposal to dispose of lot 555 in accordance with the Section 3.58 of the *Local Government Act 1995*;
 4. (a) Pursuant to Section 5.42 of the *Local Government Act 1995* delegates to the Chief Executive Officer the duty, power and authority to, in consultation with the CEO's of the co-owners:
 - (i) make and give any determination required by the Lease of lot 555 on behalf of the Lessor, approval, direction or order in relation to the Property; monitor compliance with and enforce as necessary the provisions of the CAPH lease (but this power does not include statutory powers of the Town of Cottesloe); and
-

-
- (ii) all matters relating to the Agreement to Lease of lot 555 to Curtin Care.
 - (b) In exercising this delegation of authority the Chief Executive Officer shall not make a determination if:
 - (i) the CEO believes the matter for decision is a material change to the terms and conditions of the Lease or Agreement to Lease, or
 - (ii) the majority of the other co - owner Chief Executive Officers do not agree to exercise their delegated authority.
 - (c) If the Chief Executive Officer declines to give a determination (for reasons set out in part 4(b)) the CEO must report the matter to the Council for decision.

Council's decision followed an extensive process which included:

- Curtin Aged Person's Homes Inc (trading as Curtin Care) want to undertake a major redevelopment of the Wearne site estimated to be valued at \$80million
- To fund this CAPH requires improved tenure as the existing lease has less than 15 years to run
- CAPH requested new lease
- A proposal to grant freehold or a 99 year lease resulted in community concerns and did not enjoy support from the joint owners
- New proposal was for a 25 year lease
- Town of Mosman Park required a working group from each council (3 from each) to work out terms and conditions
- Claremont CEO was 'duty CEO' to facilitate the process
- 5 working group meeting resulted in an agreed form of new lease, terms and conditions etc, as well as an Agreement to Lease
- This provided for a 25 year term plus a provision for 25 additional term (requested by CAPH during discussions on the early drafts of the documentation and agree by the working party members): The additional term to be granted if CAPH met all conditions and undertakings within the term.

The land is owned jointly in equal shares by Shire of Peppermint Grove and the Towns of Mosman Park, Cottesloe and Claremont. For the lease to proceed agreement is required from all four owners on the form of the Agreement to Lease and the Lease. Claremont Council agreed to the terms and conditions recommended by the working party, however the other three owners adopted the recommendation subject to a change to one clause.

Discussion

Given the complexity of the issues at hand and the fact that four councils needed to consider the issue to achieve a workable outcome, the changing of one word in the final documents is, on the face of it, a minor inconvenience compared to the success of getting the mission accomplished – an Agreement to Lease (no changes) and a new lease document (one word changed).

The CEO has discussed the matter with the CAPH Chairman who advised:

- Whilst not entirely happy with the change the CAPH Board can accept it
- CAPH now wants the opportunity to get on with securing finance and implementing the redevelopment
- Although the term is not ideal, it will allow CAPH to secure financing.

The clause in the lease which is under consideration is clause 46, which as it is drafted sets out clearly the basis on which a new term will be granted as a right to CAPH (the word to be changed is bolded):

Further Term

If the Lessee at least twelve (12) months, but not earlier than twenty-four (24) months, prior to the date for commencement of the Further Term, gives the Lessor a Notice to grant the Further Term and:

- (a) all consents and approvals required by the terms of this Lease or at law have been obtained; and
- (b) there is no subsisting default by the Lessee at the date of service of the Notice in:
 - (i) the payment of Amounts Payable;
 - (ii) the completion of the Redevelopment Project Works; or
 - (iii) the performance or observance of the Lessee's Covenants,

the Lessor **shall** grant to the Lessee a lease for the Further Term at the Rent and on terms and conditions similar to this Lease other than this **clause 46** and on such other terms and conditions as the Lessor may consider reasonably appropriate.

The reason for requiring this change could not be obtained from any of the three councils. It is known to have originated from Town of Cottesloe and is believed to be linked (in that council's thinking) with ongoing issues over a commercial lease the Town of Cottesloe is dealing with.

The nature of this lease is very obviously different than any commercial lease, it being clear that the councils hold the land 'in trust' for the sole purpose of housing for the aged (and associated services), and that the councils not wishing to be directly involved in such an undertaking will lease the land to an organisation with the sole purpose of delivering such services. It seems unlikely that provision of housing for aged persons will become less complex in the future or that the councils will want to get directly involved in 25 years time, making the change being required something of a puzzle. Section 46 of the new lease (as drafted) seems perfectly clear and reasonable. Despite this, the other owner Councils felt the need to amend the working party's recommendations by changing one word in the clause from "shall" to "may".

To assist the Council in considering the matter McLeods was consulted to clarify the result of changing the word as required by the other three owners. The advice is summarised as:

1. The advice has been given without the benefit of hearing the arguments or reasoning of the local governments that have changed the word 'shall' to 'may' in cl.46 (which is the same situation faced by the CEO when writing this report). It is possible that they have a reasonable explanation for the change. However if the only explanation for the change is to seek to make the Lease terms more

- favourable to the lessor, then in my (McLeods) opinion the change goes too far, in that it deprives the option clause of any significance.
2. In fact not only does cl.46 in the 'may' form have no benefit for the lessee which could seek an extension of the Lease even without the clause, but the clause has a negative impact in that it imposes onerous obligations on the lessee without conferring any benefit on the lessee that would not exist even without cl.46.
 3. The clause with either the word 'shall' or 'may' would seem to be clear and unambiguous however 'shall' is quite different from 'may', in the context of a Lease option to renew clause .
 4. The change of the word is dramatic in the context of cl.46. It gives the option to extend the term the appearance of a mere mechanism to have the lessor consider an extended term. But that is something that would exist in any event, even in the absence of an option clause. In other words the lessee would have a right to request and the lessor could consider a new term without clause 46, making the clause redundant with the change to 'shall'.
 5. A further provision precluding the lessor from unreasonably refusing to grant the extended term in the event that the lessee exercises the option would make the change to 'may' cl.46 more acceptable.
 6. Not only does cl.46 in the 'may' form have no benefit for the lessee which could seek an extension of the Lease even without the clause, but the clause has a negative impact in that it imposes onerous obligations on the lessee without conferring any benefit on the lessee that would not exist even without cl.46.

The options for Council appear to be:

1. Accept the decisions by the three co-owners and agree to the change in clause 46 which they have required;
2. Seek a clear and unambiguous explanation and justification for the change to enable Council to understand the reason for the required change;
3. Not accept the change and seek further discussion with the co-owners to attempt to reach agreement.

The CEO's recommendation is made on the basis that CAPH has, albeit reluctantly, advised acceptance of the change. It has not been possible to obtain from any of the co-owners an explanation or justification for the changed clause and pursuing such an explanation may be of little value in assisting Council's decision. Given how long it would take to attempt to achieve a different outcome (and with no confidence that the co-owners would be open to reconsidering their decisions) it seems that not accepting the change simply disadvantages CAPH.

Past Resolutions

Ordinary Council Meeting 5 April 2016, Resolution 45/16: Approval of recommendation from working party.

Ordinary Council Meeting 20 October 2015, Resolution 179/15

Council

1. Supports a 25 year lease being granted to Curtin Care Inc for Lot 87 Gibney Street Cottesloe for the purposes of the provision of care, accommodation and residential facilities for aged persons and all activities relating to the provision of such care, accommodation and residential facilities on a not for profit basis.
-

2. Authorises the CEO of Town of Claremont to facilitate the preparation of the agreement to lease, and the lease which is to commence from practical completion, the legal costs of which to be shared equally between the local government owners.

Ordinary Council Meeting 05 May 2015, Resolution 75/15: matter referred for further options.

Ordinary Council Meeting 02 June 2015 Resolution 102/15: agreement to be part of working group.

Financial and Staff Implications

Legal costs have been incurred to prepare the proposed lease and legal agreement. The working group proposed that the Owners accept the legal costs and that they be shared equally by the Owners and this was accepted by Council (OCM 179/15). Due to the ongoing changes to documentation and the complicated nature of this process the legal costs have exceeded the projected \$10,000 and will now be closer to \$20,000.

Policy and Statutory Implications

Section 3.58 of the *Local Government Act 1995*:

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

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

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

- (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.'

Communication / Consultation

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

The working group with membership from each of the owner councils has had meetings on 5 August, 9 September and 7 October 2015, and 29 January 2016. The Chairman for Curtin Care, Mr. David Cox and Deputy Chair, Mr. Michael Jones, attended the meeting of 9 September and made a presentation to the working group

The Claremont CEO has had several meetings and conversations with Mr David Cox of Curtin Care and, as reported, has discussed the change being imposed by the other three owner councils.

Publicity

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

Strategic Community Plan

Governance and Leadership

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

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

Urgency

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

Voting Requirements

Simple Majority Decision of Council Required.

Moved Cr Edwards, seconded Cr Wood

That Council acknowledges and accepts the change required by the other three joint owners of the land of the word 'shall' to 'may' in section 46 of the Lease in good faith and maintains the authorisation to the Mayor and Chief Executive Officer to execute the documents on behalf of Town of Claremont.

**CARRIED(80/16)
(NO DISSENT)**

Cr Kelly returned to the Chambers at 7:24PM.

13.2 CORPORATE AND GOVERNANCE

Items 13.2.1 to 13.2.2 were carried en bloc.

13.2.1 LIST OF PAYMENTS 1 APRIL TO 30 APRIL 2016

File Ref: FIM00062
Attachments: [List of Payments 1 April to 30 April 2016](#)
Responsible Officer: Les Crichton
 Executive Manager Corporate and Governance
Author: Edwin Kwan
 Finance Officer
Proposed Meeting Date: 17 May 2016

Purpose

For Council to note the payments made in April 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 \$1,439,735.88 during the month of April 2016.

The attached schedule covers:

- Municipal Funds electronic funds transfers (EFT) \$ 925,303.63
- Municipal Fund vouchers (39465 – 39465) \$ 148.85
- Municipal Fund direct debits \$ 451,275.23
- Trust Fund electronic funds transfer (EFT) \$ 63,008.17
- 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 19 April 2016, Resolution 61/16:

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

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

*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.

Moved Cr Haynes, seconded Cr Wood

THAT Council notes all payments made for April 2016 totalling \$1,439,735.88 comprising;

Municipal Funds electronic funds transfers (EFT)	\$	925,303.63
Municipal Fund vouchers (39465 – 39465)	\$	148.85
Municipal Fund direct debits	\$	451,275.23
Trust Fund electronic funds transfer (EFT)	\$	63,008.17
Trust Fund vouchers	\$	0.00

**CARRIED(81/16)
(NO DISSENT)**

**13.2.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD
ENDING 31 MARCH 2016**

File Ref:	FIM/00062-02
Attachments:	Statement of Financial Activity for period ending 31 March 2016 Infrastructure Assets – 2015-16 Schedule of Works
Responsible Officer:	Les Crichton Executive Manager Corporate and Governance
Author:	Hitesh Hans Finance Manager
Proposed Meeting Date:	17 May 2016

Purpose

The report presents the Monthly Financial Report (MFR) to the end of March 2016, provides a summary of the financial performance of Council's operations for the period, and recommends the Monthly Financial Report (MFR) be noted.

Background

The MFR is presented in accordance with the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* and is made up of:

- Statement of Financial Activity.
- Infrastructure Assets 2015-16 Schedule of Works.

The comments on variances compare actual expenses and revenue against the 2015-16 Budget revised as part the mid-year budget review, adopted by Council on 16 February 2016.

DiscussionSummary

The closing surplus of \$6,902,324 is \$1,375,495 above the projected surplus of \$5,526,827. This variance is due to a combination of timing differences, increased revenue, timing on reserve fund transfers and identified savings.

Further review of the projected 2015-16 Closing Surplus (and above variance) was conducted as part of the 2016-17 draft budget process with permanent savings of \$403,804 identified and incorporated into the 2016-17 draft Budget. Also identified were carry forwards projects (works more likely to be completed in 2016-17 than the current year).

No further adjustments to the budget have been identified or recommended. Areas contributing to the variance are:

Operating revenue - \$327,637 above budget

- Fees & Charges - \$192,742 above budget mainly due to increase in Fines and Penalties \$79K and Aquatic Centre \$102K.
- Interest Earning - \$124,357 above budget due to timing and an increase in investment holdings.

Operating expenditure - \$712,321 below budget

- Materials and Contracts - \$631,593 due to timing differences and savings across all business units with the more significant variances within;
 - Infrastructure - \$282K (roads, CBD maintenance, street tree, street sweeping, drainage & footpath maintenance, plant operations and administration services [timing, savings and C/F])
 - Environmental Health and Ranger Services - \$33K of which \$12K is identified as savings and \$21K is timing related.
 - Administration & Governance – \$34K of which \$8K is identified as savings and \$26K is timing related.
 - Planning, Heritage and Building services - \$38K of which \$66K is identified as savings and (\$28K) is timing related.
 - Waste Management - \$106K is due to timing of the invoices.
- Other expenditure – (\$90,204) over the budget mainly due to timing on allocation of overheads to capital works.

Capital expenditure – \$418,214 under budget

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

- \$373,729 under budget in infrastructure works. Attachment 2 provides further detail on the projects and variance explanation.
- \$38,275 under budget on land, building, plant and equipment capital expenditure due to timing. Note 10 of Attachment 1 provide a breakdown of these items.
- \$94,935 under budget on transfer to reserve is due to timing on transfer of reserve fund income.

Past Resolutions

Ordinary Council Meeting 05 April 2016, Resolution:

That Council note the Financial Statement of Activity for the period 1 July 2015 to 29 February 2016.

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.

Urgency

N/A

Voting Requirements

Simple majority of Council is required.

Moved Cr Haynes, seconded Cr Wood

That Council notes the Financial Statement of Activity for the period 1 July 2015 to 31 March 2016.

**CARRIED(81/16)
(NO DISSENT)**

13.2.3 DRAFT ANNUAL BUDGET 2016-17

File Ref:	FIM00054
Attachments:	Draft Annual Budget 2016-17
Responsible Officer:	Les Crichton Executive Manager Corporate and Governance
Author:	Hitesh Hans Manager Finance
Proposed Meeting Date:	17 May 2016

Purpose

Report recommends Council authorise release of the Draft 2016-17 Budget for public comment for a period ending on 3 June 2016.

Background

The Draft 2016-17 Budget has been prepared in accordance with Council's Annual Budget Policy. Council endorsement is sought to advertise the Draft Budget for public comment.

The draft reflects consolidation of the operating, capital and specific projects presented at Elected Member forums over the past two months, together with agreed adjustments to date.

DiscussionOverview

The budget continues to deliver the strategic objectives outlined in Council's Strategic Community Plan. The main features of the 2016-17 Budget include:

- Continuation of the broad range of statutory and discretionary services generating a net operating surplus of \$3,386,617. These funds are available for asset development and renewal (capital works), transfer to reserves including interest earnings, and loan reduction.
- Continues investment in the renewal of the Town's infrastructure with a budget provision of \$2.068M along with further investment on Golf Course Redevelopment (\$1M), Museum redevelopment including public toilets (\$700K) and Aquatic centre upgrade (\$300K for planning, design, consulting etc).
- An FTE resource requirement of 70.94. A 2.0% salary increase is included as a provision in the lead up to negotiations of the Town's Enterprise Agreement which expires on 1 January 2017.
- An estimated surplus of \$848,105 is anticipated to be brought forward from 30 June 2016 providing additional funds for 2016-17 budget.
- Proposes an increase in the rate in \$ and minimums of 2.0%. (With an increase in Gross Rental Valuation over the year due to proposed new developments, the increase in rate revenue equates to 3.75%.)
- Provides a projected surplus of \$147,472.

Capital Projects

Capital works proposed within this draft total \$4.46 Million including those additions detailed above.

The proposed program comprises:

Renewal

Road infrastructure

Airlie St	\$ 216,450	
Central Ave	\$ 166,530	
Saladin St	\$ 159,760	
Wood St	\$ 158,412	
Mengler Ave	\$ 104,676	
Mitford St	\$ 103,025	
Gloucester St	\$ 81,375	
Cliff Way	\$ 71,500	
Park Lane	\$ 55,510	
Links Court	\$ 37,402	<u>\$1,154,640</u>

Other

Chester Road foreshore car park	\$ 120,000	
CBD bore and reticulation	\$ 80,500	
Gugeri St median landscaping	\$ 68,000	<u>\$ 268,500</u>
Footpaths	\$ 259,120	
Graylands Road cycle path	\$ 165,000	<u>\$ 424,120</u>

Parks & Gardens

Golf Course Upgrade	\$1,000,000	
Lake Claremont		
- Parking Davies Road / Lakeway	\$ 65,000	
- path (Strickland to Gloucester)	\$ 40,000	
- drink fountain/sports equipment	\$ 20,000	
- other	\$ 11,000	
Rowe Park – BBQ & picnic	\$ 25,000	
MacLagan Park – turf replacement	\$ 60,000	<u>\$1,221,000</u>

Land & Building

Freshwater Bay Museum upgrade	\$ 500,000	
Mrs Herbert's Park toilet	\$ 200,000	
Aquatic Centre redevelopment	\$ 300,000	
Claremont One wall	\$ 50,000	
Claremont Park toilet screen	\$ 20,000	
Access improvement (various)	\$ 60,000	<u>\$1,130,000</u>

Plant

Vehicle changeovers	\$ 181,200	<u>\$ 181,200</u>
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Furniture & Equipment

Councilfirst – stage 2	\$ 50,000	
Desk top renewal program	\$ 30,000	<u>\$ 80,000</u>

Reserve Transfers

Reserve Fund transfers to be undertaken within 2016-17 are:

To Reserves

Swimming Pool Upgrade	\$ 80,000	
Underground Power Res	\$ 400,000	
Bore Replacement Res	\$ 20,000	
Public Art Res	\$ 20,000	
333 Stirling Highway - Lease	\$ 236,500	
Interest Earnings on Reserve Funds	\$ 342,618	<u>\$1,099,118</u>

From Reserves

Repayment of Loan	\$ 201,791	
Pool Redevelopment	\$ 300,000	
Claremont No 1 Water front	\$ 50,000	
Golf Course Redevelopment	\$ 800,000	
Gugeri street Landscape	\$ 68,000	
333 Stirling Highway - Loan Interest	\$ 185,350	.. <u>\$1,605,141</u>

Total Reserves as at 30 June 2017 is projected to be \$11,194,500 compared to projected \$11,700,523 as at 30 June 2016.

Staffing Levels

Full Time Equivalent (FTE) has decreased to 70.94 from 73.37 from 2015-16. This is mainly due to the redevelopment of the Golf Course and associated change in operational management.

Rates

The budget projects \$13.79M to be raised from rates. This has been estimated as follows:

Adjusted to reflect full year rating	\$13,291,886
2.0% rate increase (CPI + 0.5%)	\$ 265,838
Interim rating	<u>\$ 233,143</u>
Total Rates	<u>\$13,790,867</u>

Each 1% increase provides an additional \$132,919 of rate income.

Specified Area Rates \$120,000

The 2016-17 year continues application of a Special Area Rate (SAR) on commercial properties within the Business Improvement District (Stirling Highway – Stirling Road – Gugeri Street – Leura Avenue).

This levy together with Council's contribution of \$120,000 will fund business strengthening initiatives as determined by the Claremont NOW Board.

Closing Balance (2016-17 Surplus C/Fwd)

The 2016-17 Budget results with a closing surplus balance of \$147,472.

Opening Balance (2015-16 Surplus B/Fwd)

The projected 2015-16 surplus following completion of the 2015-16 budget review has been estimated at \$848,105. A review of the current budget has identified a \$403,804 increase in forecasted closing surplus for 2015-16 financial year. These cost savings and increased revenues make available additional funding for an increased opening surplus for the 2016-17 year.

The final opening balance is yet to be determined however it will mainly comprise any projects not completed by year end. These adjustments will have minimal impact on the Draft 2016-17 Budget with incomplete works carried forward with unspent funding, or where appropriate transferred to reserves.

Fees & Charges

The proposed 2016-17 Schedule of Fees and Charges reviewed by Administration generally reflect an average increase based of 2%. However some fees and charges are adjusted to reflect the true officer time and cost recovery. The only new fees and charges introduced in 2016-17 are:

	2016-17	Reason
Health application fee (new premises)	145.00	Introduce fee to reflect officer time and cost recovery
High risk/profile music event application (non-complying events)	5,000.00	Introduce fee – This fees combines all associated statutory fees for big music events.
Administration Bin establishment fee (120 Litre Waste and 240 Litre Recycling Bin)	180.00	Introduce Bin Establishment Fee to recover cost
Additional 240 Litre Recycling Bin	93.50	Introduce Bin Establishment Fee to recover cost

Past Resolutions

Ordinary Council Meeting 3 May 2016, Resolution 70/16;

That Council

1. *Endorses the Town of Claremont's participation in the Cooperative Research Centre Water Sensitive Cities research synthesis project and the Tranche 2 project as a means to furthering POS water security for the Town's parks, oval and reserves;*
2. *Endorses the Town of Claremont's partnership with the Western Suburbs Councils, Department of Water and the Water Corporation in developing and evaluating options as a means to furthering POS water security for the City's parks, oval and reserves;*
3. *Agrees to allocate \$5,781 of the available \$6,310.47 from the existing groundwater project money in the current 2015-16 budget towards the following recycled water initiatives:*
 - a. *Stormwater Infiltration*
 - b. *Cost Benefit Analysis of Recycled Water options*
4. *Requests that Administration report back to Council on the outcomes of the development and assessment of the recycled water options; and*
5. *Agrees to consider the inclusion of \$28,290 in the 2016-17 budget for progression of a recycled water scheme/s.*

Ordinary Council Meeting 5 April 2016, Resolution 53/16;

That Council

- *Approve installation of clamped railings pedestrian barrier at south west corner of Stirling Road /Claremont Crescent intersection*
- *Authorise unbudgeted expenditure of \$10,000 to be funded from projected 2015-16 unallocated surplus.*

Ordinary Council Meeting 15 March 2016, Resolution 40/16;

That

1. *Council consider including \$16,500 in the 2016-2017 budget to fund the extension of the Mosman Park Men's Shed.*
2. *The Town of Claremont funding is subject to funding support from other Council's to the extent necessary that the extension can proceed.*
3. *As part of this funding agreement, the Shed*
 - 3.1. *Create the garden beds for the Town's community garden in Claremont Park*
 - 3.2. *Holds one of their craft markets within the Town of Claremont*
 - 3.3. *Provides the Town access to the Men's Shed shuttle bus.*

Ordinary Council Meeting 16 February 2016, Resolution 19/16 and 20/16;

That

1. *Council receive this report about the consultation outcomes regarding the Lake Claremont Parkland Recreation Use Plan;*
 2. *Council endorse the recommendations of the Lake Claremont Parkland Recreation Use Plan (as amended by Council resolution 224/15) through modification to the Lake Claremont Parkland Concept Plan 2010 other than the recommendations relating to the dog exercise area which is to be dealt with separately;*
 3. *Give consideration in the mid-year budget review to allocation of \$56,000 for the proposed 2015-2016 projects;*
 4. *The necessary provision for funding be included for the listed 2016-17 and 2017-18 projects when the Town's Forward Financial Plan is reviewed;*
 5. *Opportunities for funding partnerships and grant funding be investigated by the Administration;*
 6. *Further consideration be given in 2018 to consider further initiatives in time for consideration during budget deliberations for 2018-19;*
 7. *Refer to the Lake Claremont Committee for consideration and recommendation to Council -*
 - a) *the proposal for the dog proof fence around Lake Claremont;*
 - b) *the proposal to retain all fig trees as recognition of the European heritage of the precinct;*
-

8. *Direct that public notice be given of the proposal to amend the Dogs in Public Places Policy LV127 by extending the existing area south to the proposed Lakeway Street parking area extension.*

Ordinary Council Meeting 2 February 2016, Resolution 08/16;

That Council:

1. *Endorses the landscape treatment alternative 3, which includes the installation of irrigation, Royena hedges and native Frangipani in each island.*
2. *Approves \$110,000 increase in current project budget to be funded from the savings as part of 2015-16 midyear budget review, to undertake irrigation installation on the median islands of Victoria Avenue from Bay View Terrace to south of Goldsmith Road.*
3. *Approves inclusion of increase to the operational 2016-17 operational budget of \$18,090 for restrictors, islands and roundabout maintenance.*

Ordinary Council Meeting 2 February 2016, Resolution 06/16;

That

1. *Council*

- 1.1. *Adopt the Aquatic Centre Development Plan as presented;*
- 1.2. *In accordance with section 6.8(1)(b) of the Local Government Act 1995 approve Stage 1 of the Aquatic Centre Development Plan;*
- 1.3. *Approves the project Budget of \$8,540,000 with funding to be as detailed within the Alternate Funding Strategy;*
- 1.4. *Authorises the Chief Executive Officer to engage consultants and/or professional services to undertake the planning and design work to prepare documentation for the required works;*
- 1.5. *Receive further reports on completion of the design and documentation with pre-tender estimate for approval to call tenders, and milestone reports on outcome of grant applications;*
2. *The Chief Executive Officer prepare and implement a communication plan to inform and advise stakeholders and the Claremont community.*

Ordinary Council Meeting 1 December 2015, Resolution 212/15;

Includes for consideration, provision of \$30,000 in the 2016-17 draft Budget, and provision of \$125,000 in the 2017-18 draft Budget, being 50% of the total cost of the projects in 1 above.

Ordinary Council Meeting 17 November 2015, Resolution 204/15;

That Council

1. *Approves administration to develop the detailed irrigation design for budgeting and grant application purposes in consultation with the Department of Water.*
2. *Requests the Claremont Nedlands Cricket Club and Westside Wolves Hockey Club, with assistance from the Town, develop an application for grant with*

Department of Sports and Recreation for the upgrade and replacement of the bore and irrigation system.

3. *Includes for consideration in the 2016-17 budget, upgrade of the Creswell Park bore and irrigation system at an estimated cost of \$150,000 to be funded by either:*

- *One third contribution by the Department of Sport and Recreation grant*
- *One third contribution by the Nedlands Claremont Cricket Club and Westside Wolves Hockey Club*
- *One third by the Town of Claremont; or*

If the grant application is not successful:

- *Half contribution by Nedlands Claremont Cricket Club and Westside Wolves Hockey Club, and*
- *Half contribution by Town of Claremont.*

Ordinary Council Meeting 18 August 2015, Resolution 149/15;

That Council:

1. *APPROVES BY AN ABSOLUTE MAJORITY the reallocation of \$8,000 for the construction of refuge islands at the intersections of Second Avenue with Graylands Road and Ashton Avenue, to be funded from the savings of the “end of 2014-15 financial year budget review”; and*
2. *APPROVES the submission of nominations for both Australian Government Black Spot Funding Program and State Black Spot Funding Program for the construction of proposed roundabout treatment and associated works at the intersection of Second Avenue and Ashton Avenue in the 2016-17 financial year.*

Financial and Staff Implications

The financial implications are detailed with the report.

Policy and Statutory Implications

Local Government Act Part 6 – Financial Management

- Division 2 - Annual Budget
- Division 5 – Financing Local Government Activities
- Division 6 – Rates and Service Charges
- LG503 - Annual Budget Preparation and Plan for the Future Review.

Publicity

Relevant information will be presented, as a result of enquiries from interested Electors/Public by advertising its availability in the local papers and on the Town’s website and Public Notice Boards. Feedback then encouraged.

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.

Urgency

It is proposed that following the consultation period, the final draft will be presented to the Council's 21 June 2015 ordinary meeting for consideration and adoption.

Voting Requirements

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED.

Officer Recommendation

That Council

Endorses advertising of the Draft Annual Budget 2016-17, for public comment ending 03 June 2015, highlighting the significant elements including:

- A 2.0% rate increase
- Net Operating Surplus \$3,386,617
- Infrastructure Capital Works \$3,068,259
- Other Capital Projects \$1,391,200
- Funding of capital through mix of operational surplus, reserve funds and debt.

ALTERNATIVE MOTION

Moved Cr Kelly, seconded Cr Tulloch

That Council

Endorses advertising of the Draft Annual Budget 2016-17, for public comment ending 3 June 2016, highlighting the significant elements including:

- **A 2.0% rate increase**
- **Net Operating Surplus \$3,386,617**
- **Infrastructure Capital Works \$3,068,259**
- **Other Capital Projects \$1,391,200**
- **The transfer to the Underground Power Reserve be increased \$100,000 and funded from the Closing Funding Surplus \$ 500,000**
- **Closing Funding Surplus \$ 47,472**
- **Funding of capital through mix of operational surplus, reserve funds and debt.**

Reason: To further support the application for funding of the undergrounding of electricity poles and wires in Town of Claremont.

AMENDMENT**Moved Cr Haynes, seconded Cr Edwards****That****\$60,000 capital works allocation for the Davies Road parking area works be reduced to \$5,000 from the draft 2016-17 Budget and retained within the surplus.**

Reason: To provide the path from Lakeway car park to the lake footpath and enable adequacy of the proposed parking to increase at the end of the Lakeway Street to be assessed prior to further works.

LOST

For the Amendment: Crs Haynes and Edwards

Against the Amendment: Mayor Barker and Crs Tulloch, Goetze, Main, Kelly, and Wood.

THE ALTERNATIVE MOTION WAS PUT**Moved Cr Kelly, seconded Cr Tulloch****That Council****Endorses advertising of the Draft Annual Budget 2016-17, for public comment ending 3 June 2016, highlighting the significant elements including:**

- A 2.0% rate increase
- Net Operating Surplus \$3,386,617
- Infrastructure Capital Works \$3,068,259
- Other Capital Projects \$1,391,200
- The transfer to the Underground Power Reserve be increased \$100,000 and funded from the Closing Funding Surplus \$ 500,000
- Closing Funding Surplus \$ 47,472
- Funding of capital through mix of operational surplus, reserve funds and debt.

Reason: To further support the application for funding of the undergrounding of electricity poles and wires in Town of Claremont.

**CARRIED BY AN ABSOLUTE MAJORITY(82/16)
(NO DISSENT)**

13.2.4 PARKING LOCAL LAW 2016

File Ref:	LAW/00279
Attachments:	Parking Local Law
Responsible Officer:	Les Crichton Executive Manager Corporate and Governance
Author:	Brian Kavanagh Manager Statutory Services
Proposed Meeting Date:	17 May 2016

Purpose

The report recommends Council repeal the Town of Claremont's Parking Local Law 2012 and adopt the updated Parking Local Law 2016.

Background

At the 15 March 2016 Ordinary Council Meeting, Council resolved to advertise the Town of Claremont draft Parking Local Laws 2016, in accordance with section 3.12 of the *Local Government Act 1995*.

- (a) Purpose -To regulate parking of vehicles within the Town of Claremont and provide for management and operation of parking facilities under the control of the Town. This repeals Parking Local Law 2012.
- (b) Effect- A person parking a vehicle within the Town is to comply with the provisions of this Local Law.

Discussion

The draft Parking Local Law 2016 was advertised in The West Australian Newspaper on Saturday 19 March 2016.

There were no submissions received at the close of the advertised period on Tuesday 3 May 2016.

The Town's solicitor has however recommended one minor change to the draft Parking Local Law that was advertised. The minor change refers to clause 4.1 (3) (b).

A PERSON MUST NOT PARK A VEHICLE:

- (a) in a no parking area;
- (b) in a parking area, except in accordance with both the signs associated with the parking area and with this local law;
- (c) in a stall marked "M/C" unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.

The recommendation for clause 4.1(3) (b) is to substitute the reference from 'area' to 'facility'

A person must not park a vehicle:

- (a) in a no parking area;
- (b) in a parking facility, except in accordance with both the signs associated with the parking facility and with this local law;
- (c) in a stall marked "M/C" unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.

The Town's private parking arrangements require a clause establishing a general offence for failing to comply with signs. The current draft clause refers to 'parking area' which requires permissive parking signs to be in place, as defined in the Road Traffic Code.

A change to that provision to refer to 'parking facility', means that signs can establish any type of enforceable restriction – such as 'customer parking only', 'employee parking', '1 hour parking', etc.

Past Resolutions

Ordinary Council Meeting 15 March 2016 February 2014, Resolution 39/16:

That Council advertise the Town of Claremont draft Parking Local Laws 2016, in accordance with Section 3.12 of the Local Government Act 1995-

- (c) *Purpose: To regulate parking of vehicles within the Town of Claremont and provide for management and operation of parking facilities under the control of the Town. This repeals Parking Local Law 2012.*
- (d) *Effect- A person parking a vehicle within the Town is to comply with the provisions of this Local Law.*

Ordinary Council Meeting 4 February 2014, Resolution 5/14:

That Council resolves to advertise the Town of Claremont Parking Local Law 2014, in accordance with section 3.12 of the Local Government Act 1995, the purpose and effect of which are:

- 1. Purpose: The purpose of this local law is to review the Parking Local Law 2012.*
- 2. Effect: The effect of this local law is to control the parking within the Town of Claremont for the benefit of the community.*

Ordinary Council Meeting 20 August 2013 Resolution 249/13

That Council:

- 1. Amend the Town of Claremont Parking Local Law 2012 by repealing the \$300 modified penalty at item 82 in Schedule 2 and amending this penalty to \$120;*
- 2. Advise the Joint Standing Committee on Delegated Legislation that until the current Notice of Motion in the Legislative Council to disallow the Town of Claremont Parking Local Law 2012 is withdrawn, the \$300 modified penalty will not be enforced;*
- 3. Will not exclude "assistance animals" from Clause 4.1 of the Town of Claremont Dogs Local Law 2012 as defined in section 9(2) of the Disability Discrimination Act 1992 from public places in its district;*

4. *Will rectify drafting errors identified by the Joint Standing Committee on Delegated Legislation when the Dogs Local Law 2012 is next reviewed;*
5. *Ensure the Dogs Local Law 2012 is made publicly available, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings; and*
6. *Provide the Joint Standing Committee on Delegated Legislation with a copy of these minutes.*

Ordinary Council Meeting 19 March 2013, Resolution 43/13

ALTERNATIVE MOTION

That Council adopt the draft Town of Claremont Parking Local Laws 2012 and Dogs Local Law 2012 (as per Attachments), in accordance with Section 3.12 of the Local Government Act 1995, the purpose and effect of which are:

Parking Local Law 2012-

1. *Purpose: The purpose of this local law is to repeal the Parking and Parking Facilities Local Law 2009 and adopt the Parking Local Law 2012.*
2. *Effect: The effect of this local law is to control the parking within the Town of Claremont for the benefit of the community.*

With the following Amendment -

Except for the removal of the nominated days and times from the Local Law Schedule.

Reason: To maintain the lessened restrictions on parking on Sunday's in the Claremont CBD to benefit of the businesses of Claremont trying to build business for Sunday trade, and for the benefit of the general community.

Dogs Local Law 2012-

1. *Purpose: The purpose of this local law is to repeal the Dogs Local Law 2000 and include new dog exercise areas and prohibited areas in the new Dogs Local Law 2012.*
2. *Effect: The effect of this local law is to control dogs within the Town of Claremont for the benefit of the community.*

MOTION TO DEFER BACK

That the item be deferred back to Administration.

Reason: To enable further clarification on a number of clauses and fees proposed within the draft local laws.

Ordinary Council Meeting 21 August 2012, Resolution 157/12:

That Council resolves to advertise the Town of Claremont Dogs Local Law 2012 and Town of Claremont Parking Local Laws 2012, in accordance with Section 3.12 of the Local Government Act 1995, the purpose and effect of which are:

Dogs Local Law 2012-

1. *Purpose: The purpose of this local law is to review the Dogs Local Law 2000 and include new dog exercise areas and prohibited areas.*
2. *Effect: The effect of this local law is to control dogs within the Town of Claremont for the benefit of the community.*

Parking Local Law 2012-

1. *Purpose: The purpose of this local law is to review the Parking and Parking Facilities Local Law 2009.*

-
2. *Effect: The effect of this local law is to control the parking within the Town of Claremont for the benefit of the community.*

Financial and Staff Implications

Resource requirements are in accordance with existing budgetary allocation.

Policy and Statutory Implications

Sections 3.5 and 3.12 of the *Local Government Act 1995* states-

3.5. Legislative power of local governments

1. *A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*
2. *A local law made under this Act does not apply outside the local government's district unless it is made to apply outside the district under section 3.6.*
3. *The power conferred on a local government by subsection (1) is in addition to any power to make local laws conferred on it by any other Act.*
4. *Regulations may set out –*
 - (a) *matters about which, or purposes for which, local laws are not to be made;*
or
 - (b) *kinds of local laws that are not to be made,**and a local government cannot make a local law about such a matter, or for such a purpose or of such a kind*
5. *Regulations may set out such transitional arrangements as are necessary or convenient to deal with a local law ceasing to have effect because the power to make it has been removed by regulations under subsection (4).*

3.12. Procedure for making local laws

1. *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
2. *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
3. *The local government is to –*
 - (a) *give Statewide public notice stating that –*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*

- (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- 3a. A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
4. After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.
- * Absolute Majority Required.
5. After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
6. After the local law has been published in the Gazette the local government is to give local public notice –
- (a) stating the title of the local law;
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
7. The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
8. In this section – making ~ in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

The Local Government (Functions and General) Regulations 1996 states-

3. Notice of purpose and effect of proposed local law - s. 3.12(2)
- For the purpose of section 3.12, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that –
- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
 - (b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.

Communication / Consultation

The local government is to publish the local law in the Gazette and provide a copy to the Minister.

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.

- Develop the public realm as gathering spaces for participation and enjoyment.

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.

Urgency

N/A

Voting Requirements

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED.

(Presiding person to read aloud at the meeting the effect and purpose of the proposed local laws.)

Moved Cr Wood, seconded Cr Edwards

That Council adopt the draft Town of Claremont *Parking Local Laws 2016 (with amendments to clause 4.1 (3) (b)*, in accordance with Section 3.12 (5) (6) of the *Local Government Act 1995*, the purpose and effect of which are:

Parking Local Law 2016-

- 1. Purpose:** To regulate parking of vehicles within the Town of Claremont and provide for management and operation of parking facilities under the control of the Town. This repeals Parking Local Law 2012.
- 2. Effect:** A person parking a vehicle within the Town is to comply with the provisions of this Local Law.

**CARRIED BY AN ABSOLUTE MAJORITY(83/16)
(NO DISSENT)**

13.3 INFRASTRUCTURE

13.3.1 FOOTPATH POLICY

File Ref:	COM/00032
Responsible Officer:	Saba Kirupanather Executive Manager Infrastructure
Author:	Nick King Manager Engineering Services
Proposed Meeting Date:	17 May 2016

Purpose

For the Council to review the purpose of the Town's footpath policy and standard specifications.

Background

The purpose of the policy is to ensure footpath network provides pedestrian connectivity around the Town, promoting alternate forms of transportation to driving, while also:

- Providing a safe and accessible environment for all path users;
- Designing for the visually and physically impaired, and for minors;
- Delineating the Town's footpath through crossovers and driveways;
- Preventing flooding of properties from the verge; and
- To balance the character of the Town's leafy streetscapes with footpath user requirements.

The Town's current footpath policy was adopted by Council in 2001. Since then Policy and Standard Specifications have been reviewed four times to keep up-to-date with current best practice and with the relevant legislation, standards, and guidelines.

The most recent review was adopted by Council on 15 December 2015.

Discussion

The aim of the Town's footpath policy, standards and specifications is to ensure a safe environment for pedestrians and cyclists, to walk or cycle through the Town or to public transport, therefore minimising the overreliance on the private car.

Current Australian Standards such as Austroads Guidelines, Australian Standards Series Design for access and mobility, and Disability Discrimination Act obligations must be met by the Town when upgrading its footpath network.

In the Town's footpath upgrade program adopted by Council in every financial year, there is a list of streets where the footpaths are not to the current standards.

When upgrading these footpaths, residential crossovers which run through the Town's footpath are modified to provide for the continuation of the Town's footpath, removing a section of the crossover and continuing the path through it. This is to delineate the priority of the footpaths, rather than the residential crossovers. This

improves the behaviour of entering and exiting vehicles, eliminates parking across the footpath alignment, provides more visible delineation for the vision impaired, and increases pedestrian safety in general by alerting the drivers that they have to give way to the pedestrians on the footpath.

Most of these obligations and requirements, which the Town has aligned its current policy with, have been collated within the latest version of Liveable Neighbourhoods – 2015.

Past Resolutions

15/12/2015
09/12/2014
10/12/2013
05/10/2010
16/10/2001

Financial and Staff Implications

N/A

Policy and Statutory Implications

Town's footpath policy
Town's crossover policy
Road Traffic Act 1974.

Communication / Consultation

Publish in the local media.

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.

Urgency

Nil.

Voting Requirements

Simple majority decision of Council required.

Moved Cr Wood, seconded Cr Kelly

That Council reaffirms the Town's footpath policy number LV125.

**CARRIED(84/16)
(NO DISSENT)**

13.3.2 RIVER RED GUM AT LINKS COURT

File Ref: PRK00150

Attachments: [Town of Claremont Assessment of Various Trees 2015](#)
[River Red Gum adj 1 Links Court 2013](#)
[1 Links Court - Branch failure](#)
[Imminent risk of injury RE 1 links court](#)

Responsible Officer: Saba Kirupanather
Executive Manager Infrastructure

Author: Andrew Head
Manager Parks and Environment

Proposed Meeting Date: 17 May 2016

Item 13.3.2 was withdrawn by the Chief Executive Officer.

13.3.3 LAND REQUIRED AS ROAD RESERVE – LOT 809, 21 STIRLING ROAD

File Ref: RDS/00244
Responsible Officer: Saba Kirupanather
Executive Manager Infrastructure
Author: Marty Symmons
Engineering Technical Officer
Proposed Meeting Date: 17 May 2016

Purpose

For the Council to request the Department of Planning to provide the already acquired land at the northwest corner of Claremont Crescent and Stirling Road to amalgamate as part of the road reserve. This is to enable future intersection works to improve traffic safety at the Stirling Road and Claremont Crescent intersection.

Background

Land currently under the control of the Department of Planning is adjacent to the northwest side of the Claremont Crescent and Stirling Road intersection (Lot 809 21 Stirling Road).

The Town would like to modify this intersection to improve the traffic flow; however the existing road reserve limits the options available.

Discussion

The Department of Planning will cede some or all of the land to the Town if it resolves to amalgamate the land into road reserve and accept management of this land.

Currently the road reserve width of Claremont Crescent on the approach to Stirling Road is only 10m. This significantly limits the Town's options when considering traffic management and intersection design options.

The Town has already resumed the land required outside house numbers 35 and 33 Claremont Crescent.

Past Resolutions

There are no past resolutions directly relevant to this item.

Financial and Staff Implications

There are no current resources allocated, will need to be considered as part of next budgetary process.

Cost of survey.

Transfer costs.

Cost for Certificate of Title.

Miscellaneous administration costs.

Policy and Statutory Implications

Local Government Act 1995.

Road Traffic Act 1974.

Communication / Consultation

Liaise with Department of Planning and inform the immediate neighbour

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.

Urgency

N/A

Voting Requirements

Simple majority decision of Council required.

Moved Cr Wood, seconded Cr Edwards

That Council requests Department of Planning to provide the land in its control at the north west corner of Claremont Crescent and Stirling Road and accepts the management of this land as part of the Claremont Crescent road reserve.

**CARRIED(85/16)
(NO DISSENT)**

14 ANNOUNCEMENTS BY THE PRESIDING PERSON

Mayor Barker reported on attending the Cottosloe Volunteers Function.

Mayor Barker and Councillors Goetze and Haynes attended the Get into Health event and passed on comments commending staff.

Councillors Wood, Goetze and Main reported on attending the Civic Design Awards.

Councillor Tulloch reported on attending the Volunteer Function at Shine.

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

15.1 MOTION – CR TULLOCH

15.1.1 2016-2017 DRAFT BUDGET PROVISION FOR UNDERGROUNDING OF POWER

Author: Alastair Tulloch
Councillor

Proposed Meeting Date: 17 May 2016

Item 15.1.1 was withdrawn by Cr Tulloch.

**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 Goetze

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

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

**CARRIED(86/16)
(NO DISSENT)**

Mayor Barker adjourned the meeting at 7:55PM.

Mayor Barker reconvened the meeting at 7:56PM.

ATTENDANCE

Mayor Barker

Cr Karen Wood

West Ward

Cr Peter Edwards

West Ward

Cr Paul Kelly

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 Kirupananther (Executive Manager Infrastructure)

Ms Katie Bovell (Governance Officer)

17.1 CHIEF EXECUTIVE OFFICER**17.1.1 CLAREMONT PAR 3 GOLF COURSE**

File Ref: 1263
Responsible Officer: Stephen Goode
Chief Executive Officer
Author: Stephen Goode
Chief Executive Officer
Proposed Meeting Date: 17 May 2016

Purpose

The following item was considered in closed session.

Recommendation

Moved Cr Haynes, seconded Cr Wood

Other than as required to implement the Council decision this report and council resolution remain confidential until the contractual arrangements have been finalised.

**CARRIED(88/16)
(NO DISSENT)**

17.2 INFRASTRUCTURE**17.2.2 RETICULATION TENDER 2015-06**

File Ref: PRK00151
Attachments: [Assessment Scores](#)
[Example Reticulation Installation](#)
Responsible Officer: Saba Kirupananther
Executive Manager Infrastructure
Author: Jackie Parker
Supervisor Parks and Environment
Proposed Meeting Date: 17 May 2016

Purpose

The following item was considered in closed session.

Recommendation

That Council approves the tender submitted by DU Electrical for the provision of reticulation services, for a period of three years (with an additional possible one year extension) as specified in Tender 2015-06.

**CARRIED(89/16)
(NO DISSENT)**

MOTION TO OPEN DOORS

Moved Cr Haynes, seconded Cr Main

That the doors be opened.

**CARRIED(90/16)
(NO DISSENT)**

The doors opened at 8:04PM.

THE MAYOR READ ALOUD THE RESOLUTION MADE BEHIND CLOSED DOORS.

18 FUTURE MEETINGS OF COUNCIL

Ordinary Council Meeting, 21 June 2016 at 7:00PM.

19 DECLARATION OF CLOSURE OF MEETING

There being no further business, the presiding member declared the meeting closed at 8:05PM.

Confirmed this day of 2016.

PRESIDING MEMBER