



TOWN OF CLAREMONT

ORDINARY COUNCIL MEETING

MINUTES

TUESDAY 15 DECEMBER, 2015

Stephen Goode

CHIEF EXECUTIVE OFFICER

Date:

DISCLAIMER

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

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE/APOLOGIES	1
3	DISCLOSURE OF INTERESTS	1
4	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .	1
5	PUBLIC QUESTION TIME	2
6	PUBLIC STATEMENT TIME	4
7	APPLICATIONS FOR LEAVE OF ABSENCE	4
8	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	4
9	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	5
10	ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETING MAY BE CLOSED TO THE PUBLIC	5
11	BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING	5
12	REPORTS OF COMMITTEES.....	5
13	REPORTS OF THE CEO.....	6
13.1	CHIEF EXECUTIVE OFFICER	6
	13.1.1 REPORT OF THE LAKE CLAREMONT PARKLAND RECREATION USE WORKING PARTY	6
13.2	PLANNING AND DEVELOPMENT	13
	13.2.1 LOT 84 (27) FERN STREET, SWANBOURNE - PROPOSED SCREENING TO LOUVRE WINDOWS AND MODIFICATION TO OBSCURE FILM TO LIVING ROOM AND STAIRWELL	13
13.3	CORPORATE AND GOVERNANCE.....	22
	13.3.1 REVIEW OF POLICY MANUAL	22
	13.3.2 LIST OF PAYMENTS 1-30 NOVEMBER 2015.....	25
	13.3.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 30 NOVEMBER 2015	27

14 ANNOUNCEMENTS BY THE PRESIDING PERSON..... 30

15 ELECTED MEMBERS’ MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN..... 31

15.1 NOTICE OF MOTION 31

15.1.1 ONLINE GIFT AND TRAVEL REGISTER 31

16 NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF MEETING 33

17 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC 34

17.1 CHIEF EXECUTIVE OFFICER 35

17.1.1 STATION MASTER'S HOUSE - PROPOSALS FOR LEASE 35

18 FUTURE MEETINGS OF COUNCIL 36

19 DECLARATION OF CLOSURE OF MEETING 36

TOWN OF CLAREMONT
ORDINARY COUNCIL MEETING
15 DECEMBER, 2015
MINUTES

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

2 RECORD OF ATTENDANCE/APOLOGIES

ATTENDANCE

Mayor Barker

Cr Karen Wood

West Ward

Cr Peter Edwards

West Ward

Cr Peter Browne

West Ward

Cr Jill Goetze

South Ward

Cr Paul Kelly

South Ward

Cr Chris Mews

South Ward

Cr Bruce Haynes

East Ward

Cr Alastair Tulloch

East Ward

Cr Kate Main

East Ward

Mr Stephen Goode (Chief Executive Officer)

Mr Les Crichton (Executive Manager Corporate and Governance)

Mr David Vinicombe (Executive Manager Planning and Development)

Ms Liz Ledger (Executive Manager People and Places)

Mr Nick King (Acting Executive Manager Infrastructure)

Ms Katie Bovell (Governance Officer)

Three members of the public

Two members of the press

3 DISCLOSURE OF INTERESTS

NIL.

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

NIL.

5 PUBLIC QUESTION TIME

Mr Clive Neeson, 1/52 Graylands Road, Claremont.

Re: Item 13.1.1, Report of the Lake Claremont Parkland Recreation Use Working Party, Attachment 1, Lake Claremont Concept 2015.

Question one:

New Dog Exercise Area Henshaw Lane to Alfred Road.

The responses in the survey seem to request more safer areas rather than massively extended one Have the stated 90% non-dog owning majority been informed of the proposal to extend the off-lead areas to effectively 80% on the park length?

Question two:

Do we really need to fence off the lake from the public for the extended dog off-lead area?

Question three:

Area at the foot of Lapsley Road.

The 2015 concept diagram shows a “casual active sports node near Mulder Park”. Have the public been consulted on the possibility of physical structures being placed in this area since they interfere with the flow of vegetation and open walking access from Mulder Park at the lake?

Question four:

New car park at the bottom of Lakeway Street.

Why does the 2015 concept diagram show this car park to be inside the park when council accepted a proposal that it be outside the park, as an expansion of the street cul-de-sac?

Answer:

The Mayor took the questions on notice.

Ms Heidi Hardisty, 12A Myera St., Swanbourne.
Re: Item 13.1.1, Report of the Lake Claremont Parkland Recreation Use Working Party.

Question:

Why wasn't this revised Park Concept Plan sent out for public comment?

Working Party Proposals

Pathways

What is the justification of a new limestone path along the old nine hole on the east side of the lake?

Dog exercise areas

Why wasn't there a recommendation to fence in the existing dog off lead area given that there were a significant amount of people that wanted a safe and/or fence-in areas for dogs?

Will the dog off lead area in Cresswell Park be restricted to non-sport time only?

Recreation Activity

What is the definition of passive recreation?

What type of facility/play area suitable for older children will be provided near the northern end of the golf course?

Will this location take away some of the land earmarked for revegetation (bushland) in the original plan?

If yes, will the revegetation still go ahead, but in a nearby location?

If not, why not?

Heritage Centre

Can an interpretive centre which could include environmental education and natural heritage components as well as cultural components be given priority over a cultural heritage centre given that we already have a museum focusing on cultural heritage and we live in one of the most environmentally unique and biodiverse cities on the planet?

Other

When were the Morton Bay Figs Planted?

How do they acknowledge European history?

Car Parking

What is the justification/evidence that more car parking is necessary?

Why isn't promotion being done to encourage people to get to the park by walking, cycling and public transport?

If more car parking is added, will the Lakeway St. cul-de-sac be enlarged with an asphalt surface?

Will any parkland be eroded or trees removed if parking is added at the corner of Alfred and Davies Rd? If yes how much space and/or how many trees?

Answer:

The Mayor took the questions on notice.

Ms Ray Flanagan of Unit 3, 47 Davies Road, Claremont.

Re: Item 13.1.1, Report of the Lake Claremont Parkland Recreation Use Working Party.

Question one:

Have owners of homes between Elliot Rd and Lakeway been consulted?
And is there a plan for consultation with the broader public about this plan?

Question two:

Has the conflict of use been considered with regard to dog exercise areas and sports use and family use – safety of children and others as well as wildlife are my concern?

Question three:

How many fines have been issued to dog owners who have not had their dogs on leash in areas where this has been nominated?

Question four:

Rather than spend a large amount \$40,000 on a fence around the lake has it been considered that this money could be better spent on control of dogs and education of dog owners?

Question five:

The current dog exercise area facilities need to improved – has this been addressed?

Answer:

The Mayor took the questions on notice.

6 PUBLIC STATEMENT TIME

NIL

7 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Kelly, seconded Cr Mews

That Cr Browne be granted leave of absence for the Ordinary Council Meeting 17 May 2016 and the Ordinary Council Meeting 16 August 2016.

**CARRIED(222/15)
(NO DISSENT)**

8 PETITIONS/DEPUTATIONS/PRESENTATIONS

NIL.

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Haynes, seconded Cr Tulloch

That the minutes of the Ordinary Meeting of Council held on 1 December 2015 and the Annual General Meeting of Electors' held on 8 December 2015 be confirmed.

**CARRIED(223/15)
(NO DISSENT)**

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

Item 17.1.1, Station Master's House - Proposals for Lease.

11 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING

NIL.

12 REPORTS OF COMMITTEES

NIL.

13 REPORTS OF THE CEO**13.1 CHIEF EXECUTIVE OFFICER****13.1.1 REPORT OF THE LAKE CLAREMONT PARKLAND RECREATION USE WORKING PARTY**

File Ref:	GOV/00051
Attachments:	<u>Report of the Lake Claremont Parkland Recreation Use Working Party</u>
Responsible Officer:	Stephen Goode Chief Executive Officer
Author:	Stephen Goode Chief Executive Officer
Proposed Meeting Date:	15 December 2015

Purpose

To present the report and recommendations of the Lake Claremont Parkland Recreation Use Working Party. Note that the attachments to working party's report which are included are:

- Map 1 Lake Claremont Parklands Concept Plan 2010
- Map 2 Lake Claremont Parkland Recreation Working Party Recommendations
- Map 3 Lake Claremont Concept Plan combining both plans
- Report of community consultation.

Background

At the meeting of 5 May 2015 Council considered a motion presented by Councillor Browne and resolved to establish a Lake Claremont Parkland Recreation Use working party and appoint membership.

Resolution 78/15

That

1. Council establish a Lake Claremont Parkland Recreation Use working party to consider the use of the parkland as a recreation resource for the community.
2. The working party to report to Council no later than 3 September 2015.
3. Membership of the working party be three elected members plus the CEO or his delegate.
4. The working party consist of the one Councillor from each Ward and one only deputy all to be elected by Council.

Resolution 79/15

That the working party consist of Cr Tulloch (East Ward), Cr Browne (West Ward), Cr Goetze (South Ward) and Cr Wood (Deputy).

The working party worked within the broad parameters of the suggested terms of reference which were included in` the officer comment to the councillor motion.

Lake Claremont Parkland Recreation Use Working Party Terms of Reference

1. *Membership of the working party be three elected members plus the CEO or his delegate and the working party may appoint one member to be the Chairperson.*
2. *The working party to report to Council no later than 3 September 2015.*
3. *Where possible the working party is to complete its role utilising resources approved by the CEO from within existing budgets, however it may apply to Council for specific funding if deemed necessary by the working party.*
4. *The working party is to develop a Lake Claremont Recreational Plan:
The plan must complement and not undermine the ecological component.
The plan may consider and include issues of golf, subletting, dogs, fences, cafe, playground development and maintenance as well as other which may be identified and be matters reasonably linked to these terms of reference.
The plan must be developed to provide a clear interface Lake Claremont (environmental) Management Plan*
5. *The working party must undertake consultation in preparing its plan and specifically with the Lake Claremont Committee when ensuring the recreation planning does not unreasonably impact upon or undermine the environmental work at the lake and to assist in establishing the interface between the two plans.*

The working party met three times to develop and review its proposals. Two important considerations were to recognise the achievements around Lake Claremont under the stewardship of the Lake Claremont Committee (and specifically to avoid conflict with the Lake Claremont Parklands: Concept Plan, 2010) and not to propose excessive expenditure.

A report to the OCM of 17 November by the CEO which included the outcomes from the working party was withdrawn by the CEO to allow clarification about the map which had been included.

Discussion

The working party commenced its process with consultation undertaken by the People and Places team. Two surveys were used to capture as many responses as possible; an online survey and direct mail using postcards. The online survey was promoted in two quarter page advertisements in local newspapers. Banners promoting the surveys were erected at main entrances to Lake Claremont. The surveys closed on 12 June 2015.

A total of 317 responses were received; 161 to the online survey and 156 returned postcards.

Details of the consultation report are included in the Working Party's report. The full consultation report is an attachment to the Working Party's report. The detail is not repeated in this CEO report.

The working party met on three occasions to consider the consultation results and to develop a plan for recreation activity which responded to the consultation, meeting again after the withdrawal by the CEO of his report to rework and clarify the proposals and accompanying map. The Working Party recognised in this review process that the overlap between its proposals and those already included in the

Lake Claremont Parklands Concept Plan 2010: To clarify this the Working Party requested the preparation of three different maps:

Map 1 Lake Claremont Parklands Concept Plan 2010

Map 2 Lake Claremont Parkland Recreation Working Party Recommendations

Map 3 Lake Claremont Concept Plan combining both plans

These three maps are attachments to the Working Party's report.

Overall the Town's officers believe the proposals of the Working Party very largely align with the long term strategy for the precinct. The Town's officers have expressed the following reservations:

- Concern of conflict if allowing dog off lead exercise areas on active sport grounds (e.g. Cresswell Pk).
- New limestone path, old 9th hole – officers reporting previous community opposition to extra paths.
- The location of the path extending from the club/cafe building because of potential conflict with the golf course (and injury to walkers using the path).
- Sealing of the limestone section of path is not supported because it is intended to discourage bicycle/pedestrian/pram conflict in the sections where there are tight corners and poor sightlines.
- Officers support removal of most (not all) Fig Trees.

Having considered the officer comments the working party:

- Did not agree with the concerns raised about potential conflict in a dog off lead area on active sporting grounds.
- Supports the proposed new path as a future initiative.
- Considered the path should be extended on its current alignment because walkers would be unwilling to walk extra distance to a different alignment proposed by officers.
- Accept that the path remain limestone but that it must be well maintained.
- Prefers that all Fig Trees should be retained as an acknowledgement of European history in the area and recommends that this be referred to the Lake Claremont Advisory Committee for comment.

The cost estimates included in this report are indicative. Two officers provided estimates and there was a disparity between the estimates of probable costs. The working party adopted its own estimates taking into consideration the officer estimates. Based on this the total cost would be \$312,000 overall. The Working Party report notes that there is a 2015-2016 budget allocation of \$40,000 relating to the corner of Davies Road/Alfred Road which may be an offset to the WP recommendation for parking at that location.

The working party proposes a three year plan to introduce specific recommendations, with other potential initiatives for consideration and prioritisation beyond 2017-18. The working party proposals are:

2015-2016 (Budget \$72,000)

- Complete path from golf building/cafe to path around park; replace old concrete slabs to upgrade path (\$15000: New budget)
 - New car park in parkland at bottom of Lakeway St (\$5,000: New budget)
 - New dog exercise area east of former 9th hole, border designated by tree line (\$1000: New budget)
-

- New dog exercise area Cresswell Park - other than cricket wicket (\$1000: New budget)

The budget provision is essentially for signage.

- Ensure the existing fencing is extended and that there is a dog proof fence for the entire perimeter of lake (turtle friendly) with self closing gates at designated locations (\$40000: New budget).
- Upgrade limestone section of path (from Cresswell Park to Stirling Road) – to remain limestone. (Note upgrade work has been commenced with balance to be completed from maintenance budget.
- Refer proposal to maintain fig trees (as important recognition of European heritage in area) to Lake Claremont Advisory Committee for comment to Council.
- Area at foot of Lapsley Rd to be recognised for passive recreation activities; plan to be developed for approval by Council (e.g. chess, ping pong) – (\$10000: New budget).
- Negotiate with Lake Claremont Committee about view corridors to lake.
- Review usage of existing golf building and options for managing golf course.

2016-2017 (\$95,000)

- New car parking at dog exercise area cnr Davies Rd and Alfred Rd (\$60000: New budget – note 2015-16 budget provision of \$40000 to be clarified).
- Informal active play areas with AFL goals, soccer goals, netball hoop etc (\$10000: New budget).
- Include family friendly facility/play area near golf course club house/cafe (\$25,000: New budget).

2017-2018 – (\$145,000)

- Include facility/play area suitable for older children near northern end of golf course together with BBQ/picnic facility (\$60,000: New budget).
- Develop a cultural heritage study centre (\$60,000: New budget).
- Paths, access to lake side, self closing gates, seating at designated locations (\$25,000: New budget).

Beyond 2017-18 – to be further assessed and prioritised

While the attached map indicates the working party proposals it should be noted that the exact location of play areas and the interpretive centre may be subject to practical development issues and therefore be subject to relocation at the time of implementation. There may also be some opportunity to secure funding partnerships or grants which will either supplement the Town's funds and allow more or better/ different facilities (e.g. the interpretive centre could be changed to a learning centre) or reduce the funding needed from the Town.

Past Resolutions

Ordinary Council Meeting 5 May 2015 resolutions 78/15 and 79/15 established the working party.

Financial and Staff Implications

The working party proposals require new budget provisions, other than the Stirling Road car park which is funded (\$52,000) and possibly some or all of the funding of

\$40,000 in the current budget for the corner of Davies Road and Alfred Rd. The \$40,000 budget inclusion arose from a recommendation from the Lake Claremont Advisory Committee and includes “Dog agility equipment, fencing and on street parking”. There are clearly not sufficient funds for all of these initiatives to be implemented and therefore the Council’s intention when providing the budget will need to be clarified. The working party budget estimates of \$312,000 may be optimistic and detailed design and costing will occur before implementation. The recommended projects are spread over three budgets and allowing a reasonable safety margin implementation will likely require less than \$150,000 in any of the years.

It is also possible that funding partnerships and/or grants can be attracted for some proposals.

The required staff commitment can be managed.

Policy and Statutory Implications

Amendments to the Dog Regulations 2013 and the *Dog Act* 1976 have removed the ability for Council to include dog exercise (off-lead) and prohibited areas in the Local Laws. It is now implemented through adoption by Council of a Policy identifying the locations within the Town.

The Town is required to give 28 day’s notice of intention to specify dog prohibited areas or dog exercise areas within a policy then consider submissions received. Once Council resolution has been passed, we are required to inform the public of the new restrictions via appropriate signage installed at relevant public places, on the Town’s website and on the Town’s noticeboards.

Publicity and consultation

Public notice required for the proposals about dog exercise areas.

The consultation undertaken by the Working Party is outlined earlier in this report. It specifically included meetings with Lake Claremont Advisory Committee, the most recent being with at the committee’s meeting of 26 November 2015 at which the following recommendation was made to Council (note minutes of the meeting have not yet been presented to Council) -

That Committee broadly supports the general recommendations of the Working Party and recommends that Council receives the Working Party report and initiate consultation with the Lake Claremont Committee as per the brief of the Working Party;

1. Items for consideration in future budgets
2. Items possible for future consideration.

The Working Party process has included meetings with Lake Claremont Advisory Committee, both at informal meetings and at a properly convened meeting, and in addition WP members met with the chairman of the committee. The WP advises that it made changes to some proposals in recognition of those discussions, including not proposing picnic tables at the lake side, recommending referral of two matters to the committee for its advice and generally taking care to align proposals with the 2010 concept plan.

The Lake Claremont Advisory Committee's terms of reference are
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.*

Council could take the position to refer the report of the working party to the committee in consideration of its terms of reference.

The alternative view may be that Council made a specific decision to establish the Lake Claremont Parkland Recreation Use Working Party, that the working party having made reasonable effort to consult with the committee has identified items appropriate for reference to the committee for advice, and beyond those the recommendations should now be considered by Council.

Strategic Community Plan

People

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

- 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.

Voting Requirements

Simple majority decision of Council required.

Officer Recommendation

THAT

1. Council receive the report of the Lake Claremont Parkland Recreation Use Working Party and endorse the outcomes through modification to the Lake Claremont Parkland Concept Plan 2010;
2. Consideration to allocation of \$72,000 for the proposed 2015- 2016 projects be referred to the mid-year budget review;
3. An officer report be prepared for Council to determine the expenditure of the \$40,000 budget provision for Davies Road/Alfred Road area of the park and/or parking at the location;
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;
 - b) the proposal to retain all fig trees as recognition of the European heritage of the precinct; and
8. Direct that public notice be given of the proposal to amend the Dogs in Public Places Policy LV127 by including Cresswell Park (excluding the cricket wicket area) and all of the parkland east of the old 9th hole, extending generally northward from a point approximately aligned to Henshaw Lane to the existing dog exercise area at Alfred Road/Davies Road as shown on the attached Working Party plan (border designated by signage at the tree line) as dog exercise areas.

ALTERNATIVE MOTION

Moved Cr Tulloch, seconded Cr Goetze

That

- 1. The officer recommendation not be adopted.**
- 2. The recommendation from Working Party report be amended by deleting the proposal for the golf course path to be completed and rebuilt and removing the proposed dog exercise area at Cresswell Park.**
- 3. Council endorse the report of the Lake Claremont Parkland Recreation Use Working Party as amended by this resolution for public advertising.**
- 4. Council receive a further officer report after the public advertising and in time for consideration of projects in the mid-year budget review.**

Reasons

1. The working party has considered the comments about the report and in particular the mixed views about the need for additional consultation.

The working party notes that its intention is that the adopted outcomes will modify the Lake Claremont Management Plan, that the Management Plan is being revised now by officers and when considered by Council will be required to be advertised for public comment.
2. In recommendation 2 the working party has agreed to a modification after concerns expressed about the proposal for the golf course path and the dog exercise area at Cresswell Park. If Council approves this alternative motion it is intended that the working party report be amended before it is advertised.

**CARRIED(224/15)
(NO DISSENT)**

*Mayor Barker vacated the chair and left the Chambers at 7:40PM.
Deputy Mayor Browne took the chair and presided.*

13.2 PLANNING AND DEVELOPMENT

13.2.1 LOT 84 (27) FERN STREET, SWANBOURNE - PROPOSED SCREENING TO LOUVRE WINDOWS AND MODIFICATION TO OBSCURE FILM TO LIVING ROOM AND STAIRWELL

File Ref:	A-1635 / 2015.00165
Attachments – Public:	Location and Submission Plan Photographs
Attachments – Restricted:	Plans Submissions
Responsible Officer:	David Vinicombe Executive Manager Planning and Development
Author:	David Vinicombe Executive Manager Planning and Development
Proposed Meeting Date:	15 December 2015
Date Prepared:	7 December 2015
90 Days Due Date:	25 January 2016
Property Owner:	Simon and Lydia Winter
Submitted By:	Simon Winter
Area of Lot:	685m²
Zoning:	Residential R20
Enabling Legislation:	<i>Planning and Development Act 2005 (PDA)</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs)</i> <i>Town Planning Scheme No. 3 (TPS3)</i> <i>Residential Design Codes (RDC)</i> <i>Residential Amenity Policy (LV129)</i>

Summary

- Application for Development Approval received for modifications to the approved residential dwelling recently constructed on site to remove and modify screening requirements.
 - This application has resulted from the owner's desire to achieve improved natural ventilation through the house and modify the window and screening proposals presently approved by Council.
 - A previous application for modifications to screening was refused by Council on 7 July 2015. While the applicant had the right to seek a review of Council's decision at the State Administrative Tribunal (SAT), he has worked proactively with Council staff in an attempt to find alternative screening solutions to satisfy the privacy concerns of the neighbours and improve natural ventilation in the house.
-

- The proposal seeks approval for new screening proposals to the master suite to the west and entertaining area to the east. The proposal also seeks a relaxation of Council's requirements for obscure glazing for the stairwell to the west and entertaining area to the north-east.
- Other than the above matters the subject of this application, the former privacy elements of the previous proposals have been inspected and have been brought into compliance.
- The initial proposal did not meet the 'deemed-to-comply' requirements of the RDC relating to visual privacy in regard to the screening and obscure glazing proposals for the master bedroom and entertaining area and these aspects require assessment under the 'design principles'.
- Two neighbours were consulted and two submissions were received.
- The proposed mesh screens to the louvred windows in the master suite and entertaining area have been reviewed on site and found not to satisfy the privacy design principles as the angle of viewing to the neighbour's windows (to the east) is not steep enough for the screening to become effective. An alternative of providing secondary obscured glass panels with a minimum height of 400mm and maximum height of 1.6m in front of the louvred windows has been suggested by the applicant and will totally obscure views to the neighbour's windows when horizontal screening provided by the lower floor roof plinth is taken into account.
- Views to the north-east from the entertaining room are considered to suitably address the privacy design principles of the RDC and removal of the internal obscure glazing to the north facing windows is supported.
- The stairwell windows provide screening in excess of the deemed-to-comply requirements of the RDC and the privacy of the neighbour is considered to be suitably addressed consistent with Council's Residential Amenity Policy – LV129.
- Application is recommended for approval, subject to relevant conditions.

Purpose

The application proposes modifications to the screening of major and minor openings within the approved residential dwelling on the subject site.

The application requires the Council's determination due to neighbour objection.

Background

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
27 October 2015	Planning Application received by Council
28 October 2015	Application undergoes internal DCU assessment
28 October 2015	Advertising commenced
11 November 2015	Advertising closed
7 December 2015	Report prepared for Council

Past Resolutions

Ordinary Council Meeting 7 August 2012, Resolution No. 136/12:

THAT Council grant Planning Approval for the proposed demolition of the existing dwelling and proposed two storey dwelling at Lot 84 (27) Fern Street, Swanbourne, subject to relevant conditions and advice notes including:

5. *The upper floor east facing windows to the void area shall be screened or glazed in an obscure material to a minimum of 1.6m above the finished floor level of the upper floor entertaining area in order to restrict overlooking of the adjoining property to the satisfaction of the Executive Manager Planning and Development.*
18. *The wall to the bathroom on the western side of the upper floor be raised to a sill height of 1.6m and the window above to be obscured glaze in order to provide added privacy to the adjoining land owners.*

*CARRIED
(NO DISSENT)*

Condition 18 as detailed above has been complied with to the satisfaction of the planning department. Condition 5 is addressed as part of this application for approval.

Under Delegated Authority on 7 August 2013 the Town issued Planning Approval for amendments to the approved two storey residential dwelling. The approval was granted subject to relevant conditions and advice notes including:

- 1c. *Any upper floor windows shown as being finished in obscure glazed louvres are to comply with the privacy requirements of the Residential Design Codes. Details are to be submitted to the Town for approval prior to application for a Building Permit.*

Ordinary Council Meeting 7 August 2012, Council did not support a recommendation to approve modified screening proposals at 27 Fern Street, effectively refusing the application. The reasons for this were:

1. *The property was developed contrary to the conditions set by Council.*
2. *The property is impacting unacceptably on the privacy and amenity of the neighbours.*

Heritage

The property is not listed on the Town's Local Government Inventory or the TPS3 Schedule of Heritage Places.

Consultation

The application was advertised to the adjoining landowners to the east and west of the site in accordance with Local Planning Policy LG525 and two submissions were received.

A summary of the submissions are provided as follows:

Submissions Received		
Address:	29 Fern Street, Swanbourne	
Submission	Applicant Comment	Officer Comment
<p>We have assessed the alterations now proposed by the owners of 27 Fern Street, Swanbourne, together with information and a screen sample provided by you. We comment as follows:</p> <p>Master Suite: As explained by you, we understand that the two louvre windows will each be fitted with an external mesh screen, which will obscure vision from these windows, this approach would be acceptable to us.</p> <p>Stairwell: We note that the approved design for the residence at 27 Fern Street, Swanbourne, requires that the glass in the stairwell be fully obscured for its full height. We also note that only a relatively small part of the glass has been obscured to date, with the result that the main entry door to our house is overlooked from this stairwell. Please see the attached photograph of the stairwell, taken from our doorway.</p>	<p>No comments provided in relation to the master Suite</p> <p>There are a number of reasons why we do not agree to screen the ground floor window of our stairwell;</p> <ol style="list-style-type: none"> 1. It is a ground floor window 2. It is behind a tree and a 7 foot wall 3. We have already screened the upper floor portion of this window to the required height. In addition we screened the middle section of glass which is akin to screening the section that would normally be the slab itself. This lowers the screening height by another 40cm. 4. It is a stairwell, not a habitable area of our house. 	<p>The deemed-to-comply provisions of the RDC relating to visual privacy permit screening devices that obscure 75% of the view in the direction of the overlooking. At the horizontal plane, the mesh screen will not satisfy this requirement as it allows approximately 60% obscurity. Accordingly, the mesh screening requires assessment under the design principles.</p> <p>It is noted that when looking down, the angled perforations of the mesh screen reduce the obscurity to 100% as the view line angle increases. As a result of the design principle assessment of the proposed mesh screens, it was determined that views towards the ground did not achieve the required screening. The applicant has now proposed to modify the screening proposal to obscure glazing which will meet the deemed-to-comply requirements – see details below.</p> <p>The deemed-to-comply requirements of the RDC do not require the stairwell window to be screened. The screening provided up to a height of 1.6m above the floor height of the first floor level inclusive of the slab thickness is well in excess of the RDC requirements and are considered to satisfy Council's Policy relative to Residential Amenity – LV129 as the combination of the boundary fence height, tree and screening provided limits the viewing of the neighbouring property.</p>

<p>As discussed, we would accept a lesser amount of obscure glass in the stairwell window, providing that the obscure film be extended downwards from its current level by about a metre, to at least the same level as the top of the common boundary wall. This should ensure that our property is not overlooked from this stairwell.</p> <p>We trust that the Town of Claremont will ensure that our privacy is not compromised by any alterations to the original approval for the new house at 27 Fern Street, Swanbourne.</p>	<p>To help the council understand why we feel this screening is so unnecessary I have attached a series of pictures taken from the stairwell from the perspective of someone climbing the stairs. They are in order as I (a normal height male) climb the stairs starting from the ground. You will see from these pictures that there are <u>no</u> overlooking issues at all from any height. On the second from top step you can briefly see a small section of a 40cm high blacked out window of the <u>garage</u> but that is it. We strongly feel that there are no overlooking issues at all from this stairwell.</p>	<p>Noted</p> <p>Although inconsistent with the plans originally approved, if Council requires additional screening to be provided as requested by the neighbour and the applicant applies to the SAT for a review of this matter, it is expected that the SAT would rule in favour of the applicant. This aspect of the screening proposal is therefore supported.</p> <p>In the context of the above, a reasonable level of privacy has already been provided by the existing obscured glazing. Extension of the obscured glazing is not warranted.</p>
<p>Address: 25 Fern Street, Swanbourne</p>		
<p>Submission</p>	<p>Applicant Comment</p>	<p>Officer Comment</p>
<p>Initial comments:</p> <p>After due consideration, ----- still feel that our privacy concerns with respect to our Master bedroom, toilet and Bathroom will not be fully met with the latest proposed mesh screening to be fixed to the outside of the louvers.</p>	<p>The screening material envisaged meets the council's requirements of 75% obscurity. We were asked to comply with the previous approval and this material complies. It meets the council's guidelines and we aren't contravening any R-</p>	<p>Noted and supported. As indicated above, the deemed-to-comply provisions of the RDC relating to visual privacy permit screening devices that obscure 75% of the view in the direction of the overlooking. At the horizontal plane, the mesh screen will not satisfy this requirement as it allows approximately</p>

<p>From the little sample we saw it still appears by your demonstration that standing a few feet away from the screening there still exists full visibility only to be restricted by moving quite close to the screening. Therefore, we feel that the "fixed and permanent" obscuring to 1.6m is still not being met by this latest proposal.</p> <p>Our viewpoint on the second story north eastern screening is reserved until we feel satisfied with a proper resolution to the louvred windows.</p> <p>Secondary comments:</p> <p>I obviously have quite a different understanding of the "obscurity" required for privacy. I thought that on the basis of the declined proposals last council meeting that this issue was referred to, that the owners of 27 Fern St had to make good to their original approved plans.</p> <p>We therefore support and reconfirm our position as to what was passed by council at this last meeting.</p> <p>Final comments:</p> <p>I understand then that this whole process can be dragged out from one proposal to the next until the owners of 27 eventually get an approval for what they have built instead of being made to adhere to what their original plans were approved on. Would that be a fair assumption in this instance?</p>	<p>Codes.</p> <p>No comments provided by the applicant on this matter.</p> <p>No comments provided by the applicant on this matter.</p> <p>No comments provided by the applicant on this matter.</p>	<p>60% obscurity. Accordingly, the mesh screening requires assessment under the design principles.</p> <p>It is noted that when looking down, the angled perforations of the mesh screen reduce the obscurity to 100% as the view line angle increases. As a result of the design principle assessment of the proposed mesh screens relative to the views from the entertainment room to the bathroom windows to the east, it was determined that the required level of screening was not provided. The applicant has now proposed to modify the screening proposal to obscure glazing which will meet the deemed-to-comply requirements – see details below.</p> <p>In the context of the screening to the east, being now modified by the applicant to achieve compliance with the deemed-to-comply requirements, the reserved comment from the neighbours is assessed relative to the design principles below.</p> <p>The applicant has the right to make application to Council to review the details of screening from the original approval. Providing the screening meets the deemed-to-comply or design principle requirements of the RDC, alternative screening measures may be considered by Council. The revised obscure glazing screening proposals now under consideration satisfy the deemed-to-comply requirements.</p> <p>Noted- see above.</p> <p>Technically the applicant is able to do this and has the right to seek a SAT review of any decision Council makes, if they believe the decision is unjustified.</p>
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<p>It is disappointing from our view point when during the construction phase of 27 Fern St it was clear to us that plans were not being adhered to. On the few occasions I brought this to planning dept attention and I spoke with Jeremy Swan and another fellow regarding this I was repeatedly assured that compliance would be enforced and we would just have to wait until completion. Now 12 months on we are in the situation where we and the other neighbours at 29 Fern St are having to repeatedly, in essence "fight" for our privacy rights. I really feel this is all the wrong way about.</p>		<p>It is often too early during construction to assume non-compliance and this can only be checked on conclusion of the development. This, as indicated above, does not prevent subsequent applications being lodged which meet the requirements in different ways. The revised proposals for the obscure glass screen more than satisfies the privacy requirements and is seen to resolve this concern.</p>
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Full copies of the submissions are attached to this report.

Discussion

Description

The approved two storey residential dwelling has been constructed and occupied by the owners of the property.

A number of openings of the approved dwelling were not constructed in accordance with the approved plans (including not installing approved screening devices) and the applicant is requesting approval for these modifications. The majority of the former non-compliances have now been rectified on site. Remnant issues relate to the following matters:

- East Elevation – Entertaining Area

The entertaining area features two full height clear glazed windows and two full height clear glazed operable louvred windows. This application initially proposed to screen the louvred windows with a mesh to allow ventilation. The mesh included angled perforations which allowed for approximately 60% obscurity when viewed at the horizontal plane, but total 100% obscurity when viewed at a steep angle in the downwards direction.

Section 5.4.1 of the RDC specifies the deemed-to-comply visual privacy requirements for the proposed development including minimum setback distances and/or screening provisions in order to prevent overlooking to adjacent residential developments. These include a 4.5m and 6m setback to major openings to bedrooms and other habitable rooms respectively. Permanent and other screening devices include obscured glazing, timber screens, external blinds, window hoods and shutters that are at least 75% obscure. Where an application does not meet the deemed-to-comply requirements, applicants may seek to satisfy the RDC requirements through consideration of the design principles which include minimising

direct overlooking of active habitable spaces and outdoor living areas maximising privacy to the side and rear boundaries of adjoining residential properties.

An on-site assessment of the proposed mesh screens revealed that the angle of the site lines towards the neighbouring bathroom windows was not steep enough to achieve the 75% obscuration standard. It was estimated that the screen only provided 65-70% obscuration and the bathroom windows were clearly visible.

The applicant was requested to consider alternative screening measures and has advised that obscure glass will be fitted to the external frame with an upper height of 1.6m. A lower height of 400mm is considered suitable as the roof plinth provides a horizontal screen which works together with the vertical screen to effectively prevent viewing of the bathroom windows (see attached photograph), whilst assisting with ventilation. Should Council support the application, an appropriate condition is proposed.

- West Elevation – Master Bedroom

The master bedroom features two full height clear glazed operable louvred windows located behind curtains. It was initially proposed under this application to fit the external mesh screen as detailed above, but in view of the assessment of the design principles, the screening is to be modified to obscured glazing (as detailed above), which satisfies the deemed-to-comply requirements.

The stairwell features a full height window which was originally proposed to be screened to a height of 1.6m above the first floor level, to the ground. At the present time it is screened with obscured film to the underside of the first floor slab. In addition, the existing boundary fencing is 2.1m high and semi-mature tree has also been planted within the setback area adjacent to the stairwell. The screening provided exceeds the deemed-to-comply requirements of the RDC.

Council Policy – Residential Amenity LV129 aims to guide Council on privacy matters to ensure that new development considers the preservation of reasonable amenity for occupiers of adjoining properties and the surrounding area.

The full height clear glazed window to the stairwell has been obscured partially below and 1.6m above adjacent finish floor level of the first floor to prevent overlooking to the west. The attached photos illustrate the view from the base of the stairs, middle landing and top of the stairs towards the neighbour to the west. As illustrated in the photos the obscured glazing restricts any potential overlooking to the west as a person ascends or descends the stairs. In conjunction with the tree planted in the setback area and the existing 2.1m high dividing fence it is considered that there is no adverse overlooking impact from the stairway and it is recommended that no further screening be required.

- North East Elevation - Entertaining Area

The entertaining area also features full height glazed windows that enclose the first floor level void along its internal elevation. The windows have a northern outlook towards Creswell Park through the void area. The windows also overlook the north-west corner of the property to the east (25 Fern Street) as illustrated in the attached photos. The view to the north-east includes the roof structure of a patio and BBQ

area which has been recently constructed. It is noted that the neighbour's pool area is located to the east of the neighbouring dwelling and not visible from the entertaining area. It is considered that the windows to the void area do not adversely overlook the neighbouring property and it is recommended the proposal to not screen these windows is supported.

Conclusion

Based on the above, it is considered that the revised screening measures satisfy the deemed-to-comply and design principle requirements of the RDC and the objectives of Council Policy – Residential Amenity. It is recommended that the proposal be supported subject to the approved screening measures being implemented as soon as practically possible to satisfy the neighbour's concerns.

Voting Requirements

Simple majority decision of Council required.

Moved Cr Haynes, seconded Cr Goetze

THAT Council grant Development Approval for proposed modifications to the approved single house development to modify screening requirements at Lot 84 (27) Fern Street, Swanbourne, subject to the following conditions and advice notes:

- 1. All development shall occur in accordance with the approved drawings (Planning Application DA2015.00165), as amended by these conditions.**
- 2. The mesh screening proposed to louvred windows in the master bedroom and entertaining area to be replaced with obscure glazed external screens with a maximum height of 1.6m and minimum height of 400mm above the first floor level to the satisfaction of the Town of Claremont within 60 days of this approval.**

CARRIED(225/15)

For the Motion: Deputy Mayor Browne, and Cr Tulloch, Cr Haynes, Cr Edwards, Cr Goetze, Cr Main, Cr Wood, Cr Kelly.

Against the Motion: Cr Mews.

13.3 CORPORATE AND GOVERNANCE

13.3.1 REVIEW OF POLICY MANUAL

File No:	COM/00032
Attachments:	Town of Claremont Policy Manual 2015
Responsible Officer:	Les Crichton Executive Manager Corporate and Governance
Author:	Katie Bovell Governance Officer
Proposed Meeting Date:	8 December 2015

Purpose

Report presents the Town's Policy Manual for review by Council.

Background

In addition to amendments made as necessary to the Town's Policy Manual throughout the year, Council reviews the manual in its entirety each year to ensure its relevance and application.

A full review of the Policy Manual, including public consultation, was completed in October 2010 resulting in;

- 56 policies being modified to reflect current practices
- 44 policies being deleted as they were no longer in use or relevant
- 8 new policies being developed to guide and support current practice.

Following the 2013 local government elections the manual was further reviewed with further changes to 24 policies during the period comprising;

- 6 deleted as they were no longer in use or relevant
- 12 adopted to guide and support current practice
- 3 reviewed to confirm current practices
- 5 modified to reflect current practices.

The 2014 review was completed on 9 December 2014 with eight policy changes comprising;

- 2 new policies
- 1 review
- 5 amended.

Discussion

Development and maintenance of a Policy Manual provides good governance and direction to the Town of Claremont community, Council and administration.

Council annually review the current policy manual in its entirety and make changes as necessary.

Since the last review in December 2014, the following additions/amendments to the manual have been adopted by Council.

Policy	Change	OCM Date	Resolution
LV129 Residential Amenity	Adopted	19/05/2015	89/15
LG511 Investments	Modified	02/06/2015	99/15
LV128 North East Precinct Design Guidelines	Modified	16/06/2015	107/15
LV511 Investments	Modified	21/07/2015	130/15
LG528 Gifts to Terminating Employees	Adopted	15/09/2015	158/15
LG529 Appointment of Acting Chief Executive Officer	Adopted	15/09/2015	159/15
LV124 Retention of Heritage Places, Heritage Areas and Heritage Precincts	Modified	03/11/2015	195/152

Existing policies reviewed for consideration with adoption of this Manual include;

Road Verges Policy EN302

Updated to protect existing street trees and future planting sites from being precluded by hardstand areas.

Vehicle Access Crossovers Policy LV106

Updated to add reference to Australian Standard AS/ANZ 2890 and the Town's preferred crossover materials. With concrete or paving being the preferred crossover material used within the Town, the maintenance of asphalt crossovers by the Town will be limited to asphalt crossovers existing prior to January 2016. In line with the existing policy, the maintenance of concrete or paved crossovers will not be the responsibility of the Town.

Footpaths Policy LV125

Updated to provide for current disability access requirements.

Planning Application Terminology changed to Development Application

As a result of the introduction of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regs) deemed provisions, the former reference in Town Planning Scheme No. 3 to a "Planning Application" is now replaced with "Development Application". This requires modifications to a number of Policies, being LV129 – Residential Amenity, PE400 – Christmas Carnival, PE404 – Vibrant Claremont – Community Support Program, PS202 – Town Centre Zone Signage and LG525 – Advertising of Planning (now Development) Applications.

It is noted that the LPS Regs also introduce powers for the Town to require applicants to authorise the circulation of plans to neighbours as part of consultation processes. This will require operational procedures and processes to be developed prior to implementation, and a further review of LG525 once completed.

Existing policies proposed for review early next year with some being considered for extensive modification or revocation include;

- PE400 Christmas Carnival Policy.
- PE403 Public Art Policy.
- LG509 Procurement.

Past Resolution

Ordinary Council Meeting 9 December 2014, Resolution 203/14:

That Council adopt the Policy Manual as attached.

*CARRIED
(NO DISSENT)*

Ordinary Council Meeting 10 December 2013, Resolution 360/13:

That Council adopt the Policy Manual as attached.

*CARRIED BY AN ABSOLUTE MAJORITY
(NO DISSENT)*

Financial and Staff Implications

Nil.

Policy and Statutory Implications

Section 2.7 of the *Local Government Act 1995* stipulates that it is the role of Council to determine the Town's policies.

Communication/Consultation

Nil.

Urgency

The Policy Manual is an important document that outlines the overall direction of the Council.

Voting Requirements

Simple majority decision of Council required.

Moved Cr Mews, seconded Cr Tulloch

That Council adopt the revised Policy Manual as attached.

**CARRIED(226/15)
(NO DISSENT)**

Items 13.3.2 to 13.3.3 were carried en bloc.

13.3.2 LIST OF PAYMENTS 1-30 NOVEMBER 2015

File Ref: FIM00062

Attachments: [Schedule of Payments to 30 November 2015](#)
[NAB Purchase Card Statement - November 2015](#)

Responsible Officer: Les Crichton
Executive Manager Corporate and Governance

Author: Edwin Kwan
Finance Officer

Proposed Meeting Date: 15 December 2015

Purpose

For Council to note the payments made in November 2015.

Background

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

Discussion

Attached is the list of all accounts paid totalling \$1,637,495.76 during the month of November 2015.

The attached schedule covers:

• Municipal Funds electronic funds transfers (EFT)	\$	1,077,198.44
• Municipal Fund vouchers (39424-39427)	\$	11,869.58
• Municipal Fund direct debits	\$	503,633.09
• Trust Fund electronic funds transfer (EFT)	\$	44,794.65
• 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 17 November 2015, Resolution 202/15:

THAT Council notes all payments made for October 2015 totalling \$1,966,441.85 comprising;

The attached schedule covers:

• <i>Municipal Funds electronic funds transfers (EFT)</i>	\$	1,494,667.39
• <i>Municipal Fund vouchers (39408-39421)</i>	\$	50,936.42
• <i>Municipal Fund direct debits</i>	\$	386,831.98
• <i>Trust Fund electronic funds transfer (EFT)</i>	\$	34,006.06
• <i>Trust Fund vouchers</i>	\$	0.00

Financial and Staff Implication

Resource requirements are in accordance with existing budgetary allocation.

Policy and Statutory Implications

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

Publicity

N/A

Urgency

N/A

Voting Requirements

Simple majority decision.

Moved Cr Edwards, seconded Cr Mews

THAT Council NOTES all payments made for November 2015 totalling \$1,637,495.76 comprising;

Municipal Funds electronic funds transfers (EFT)	\$ 1,077,198.44
Municipal Fund vouchers (39324-39427)	\$ 11,869.58
Municipal Fund direct debits	\$ 503,633.09
Trust Fund electronic funds transfer (EFT)	\$ 44,794.65
Trust Fund vouchers	\$ 0.00

**CARRIED(227/15)
(NO DISSENT)**

**13.3.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD
ENDING 30 NOVEMBER 2015**

File Ref:	FIM/0062-02
Attachments:	Statement of Financial Activity to 30 November 2015 Infrastructure report November 2015
Responsible Officer:	Les Crichton Executive Manager Corporate and Governance
Author:	Hitesh Hans Manager Finance
Proposed Meeting Date:	15 December 2015

Purpose

Report presents the Statement of Financial Activity for the month ending 30 November 2015. The Annual Revised Budget column within the statements incorporates all budget amendments, including 2014-15 carry forward projects, approved by Council since adoption of 2015-16 Budget in June 2015.

Background

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

Discussion

The Financial Statements to 30 November 2015 summarise operations for the first five months of the 2015-16 financial year.

The closing surplus of \$11,180,797 compares favourably against the budgeted surplus of \$9,657,501. The \$1,523,296 variance is comprised of operating revenue \$161,209 above budget (excluding non cash), operating expenditure \$649,369 under budget, capital works \$201,092 under the year to date (YTD) forecast, and non-operating (capital) income above the budget by \$511,626.

Operating revenue - \$161,209 above budget

- \$62,179 increase in interest is due to the timing against budget forecasts for instalment interest on rates together with higher interest earnings derived from investment holdings.
- \$89,633 increase in fees and charges is due to increase in income from waste management (\$36k), Aquatic Centre (\$37k), and parking infringements (\$19k).

Operating expenditure - \$649,369 under budget

- \$540,470 of variance is due to timing difference across materials and contracts services (\$180k roads, \$108k waste, \$30k election expenses, \$30k Claremont Now, \$25k emergency services, \$20k Aquatic Centre, \$15k the Claremont Way, \$10k parking); office expenses (\$25K); maintenance (\$31K) and consultancies (\$20K Special projects, \$20k heritage, \$40k planning).
-

- \$99,190 under the budget for other expenditure is mainly due timing of expenditure on WESROC, donations, and parking commission along with over allocation of overheads to Infrastructure works.
- \$27,081 under the budget for utilities is due to timing.
- (\$33,863) above the budget for employee costs mainly due to timing and payment of Long Service Leave.

Capital expenditure – \$201,092 under budget

As detailed within the capital works schedules (note 10), the capital expenditure comprises;

- (\$215,434) ahead of budget in infrastructure works. Attachment 2 provides further detail on the projects and variance explanation.
- \$215,476 and \$99,642 under budget in land & building and plant & equipment is mainly due to timing. Please refer to note 10 for further detail.
- \$101,408 under budget on transfers to reserves due to timing of interest income on reserve investment.

Capital income – \$511,626 above the budget

- Proceeds from sale of Claremont Crescent lot ahead of the budget timing.

Summary

As detailed, the majority of variance between budget and actual for the period is due more to timing differences rather than identified 'savings'. With operating expenditure, capital revenue, and capital expenditure accounted for, the result is tracking slightly ahead of budget with a small surplus identified within the operating income area.

Administration has commenced the mid-year review of the budget in the lead up to the end of December and will present a detailed report to Council on progress of the budget in February 2016.

Past Resolutions

Ordinary Council Meeting 1 December 2015, Resolution 210/15:

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

CARRIED

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.

Communication/Consultation

N/A

Strategic Community Plan**Governance and Leadership**

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

- Provide and maintain a high standard of governance, accountability, management and strategic planning.
- Maintain long term financial stability and growth.

Voting Requirements

Simple majority decision of Council required.

Moved Cr Edwards, seconded Cr Mews

That Council notes the Financial Statement of Activity for the period 1 July 2015 to 30 November 2015.

**CARRIED(227/15)
(NO DISSENT)**

14 ANNOUNCEMENTS BY THE PRESIDING PERSON

Cr Main attended a development day for new Councillors, the Town's Volunteer Function, the Citizenship Ceremony held at the Town.

Cr Tulloch attended the Town's Christmas Carnival event.

Cr Goetze attended the Women in Leadership Summit held in Perth, the Town's Volunteer Function, the Citizenship Ceremony held at the Town, and Town's Christmas Carnival event.

Deputy Mayor Browne attended the Town's Christmas Carnival event, and a development session for Mayors Deputy Mayors.

15 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**15.1 NOTICE OF MOTION****15.1.1 ONLINE GIFT AND TRAVEL REGISTER**

File Ref: CRD/0008
Author: Jock Barker
Mayor
Proposed Meeting Date: 15 December 2015

Moved Cr Goetze, seconded Cr Edwards

That Town of Claremont instigate without delay an online gift and travel register to supplement the existing written register and annual returns.

**CARRIED(228/15)
(NO DISSENT)**

Reasons:

The State Government in its reaction to shortcomings of the Lord Mayor and others at City of Perth has taken the predictable approach of tarring all elected members with the same brush.

I am not surprised by this, just disappointed at how boringly predictable it is.

In a way it is fitting that the City of Perth Act is amended because it is Perth's behaviours that brought the issue to light. The amendment will create the requirement for an online register of gifts and travel within 10 days of receipt. It appears this requirement will apply from 1 July 2016.

I can see no reason to wait for next year.

I would like Claremont to again show leadership and act now to implement the register.

CEO Comment

The rules about accepting gifts are set out in the *Local Government Act (Rules of Conduct) Regulations 2007*.

Very briefly, some gifts are prohibited altogether and others are notifiable gifts.

A person receiving a notifiable gift must notify the CEO in writing within 10 days of accepting the gift.

The CEO is required to maintain a register of such notified gifts. Since 2011 there has been three entries (from two councillors) in the register.

Declarations about contributions to travel are covered by Section 5.83 of the *Local Government Act 1995*. The declarations are to be made in the person's annual return. The change about declaring travel contributions is a significant change, i.e.

they will now be required to be declared within 10 days of being accepted. There are no relevant or required travel related declarations since 2011.

The proposal to create an online register is not considered a major resource issue and be arranged relatively quickly. Given the low number of gifts received and registered by council members and designated officers, an elaborate on-line portal will be over engineered for our requirements. When we proceed, I suggest;

- 'Notification of Acceptance of Gift' form be developed and placed on extranet for elected members to use.
- 'Online Gift Register' page be created and added under the 'Mayor & Councillors' page on the website
- When an elected member accepts a 'notifiable gift', they complete and email it to the CEO who will arrange for it
 - To be entered into TRIM (the records system)
 - Updated on the 'Online Gift Register' webpage with new notification.

**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.

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

**CARRIED(229/15)
(NO DISSENT)**

Deputy Mayor Browne adjourned the meeting at 7:57PM.

Deputy Mayor Browne reconvened the meeting at 7:57PM.

ATTENDANCE

Deputy Mayor Browne	Presiding
Cr Karen Wood	West Ward
Cr Peter Edwards	West Ward
Cr Jill Goetze	South Ward
Cr Paul Kelly	South Ward
Cr Chris Mews	South Ward
Cr Bruce Haynes	East Ward
Cr Alastair Tulloch	East Ward
Cr Kate Main	East Ward

Mr Stephen Goode (Chief Executive Officer)

Mr Les Crichton (Executive Manager Corporate and Governance)

Mr David Vinicombe (Executive Manager Planning and Development)

Ms Liz Ledger (Executive Manager People and Places)

Mr Nick King (Acting Executive Manager Infrastructure)

Ms Katie Bovell (Governance Officer)

17.1 CHIEF EXECUTIVE OFFICER**17.1.1 STATION MASTER'S HOUSE - PROPOSALS FOR LEASE**

File Ref: COP00055
Responsible Officer: Stephen Goode
Chief Executive Officer
Author: Stephen Goode
Chief Executive Officer
Proposed Meeting Date: 15 December 2015

COUNCIL RESOLUTION

The following item was considered in closed session.

Moved Cr Haynes, seconded Cr Wood

That the report and recommendation remain confidential.

**CARRIED(230/15)
(NO DISSENT)**

MOTION TO OPEN DOORS

Moved Cr Haynes, seconded Cr Wood

That the doors be opened.

**CARRIED(231/15)
(NO DISSENT)**

The doors opened at 8:05PM.

**THE DEPUTY MAYOR READ ALOUD THE RESOLUTION MADE BEHIND
CLOSED DOORS.**

18 FUTURE MEETINGS OF COUNCIL

Ordinary Council Meeting, 2 February 2016 at 7:00PM.

19 DECLARATION OF CLOSURE OF MEETING

There being no further business, the presiding member declared the meeting closed at 8:07 PM.

Confirmed this day of 2015.

PRESIDING MEMBER