



# **TOWN OF CLAREMONT**

## **ORDINARY COUNCIL MEETING**

### **MINUTES**

**TUESDAY 17 MARCH, 2015**

**Les Crichton**

**ACTING 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 MARCH, 2015**  
**MINUTES**

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**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 7:00 PM.

**2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

**ATTENDANCE**

**Mayor Barker**

**Cr Peter Browne                      West Ward**

**Cr Karen Wood                      West Ward**

**Cr Jill Goetze                      South Ward**

**Cr Paul Kelly                      South Ward**

**Cr Chris Mews                      South Ward**

**Cr Alastair Tulloch                      East Ward**

**Cr Bruce Haynes                      East Ward**

**Cr Anita Lorenz                      East Ward**

**Mr Stephen Goode (Chief Executive Officer)**

**Mr Les Crichton (Executive Manager Corporate and Governance)**

**Mr Saba Kirupananther (Executive Manager Infrastructure)**

**Mr David Vinicombe (Executive Manager Planning and Development)**

**Ms Katie Bovell (Governance Officer)**

**No members of the public**

**Two members of the press**

**APOLOGIES**

**Cr Peter Edwards (Leave of Absence)**

**3 DISCLOSURE OF INTERESTS**

**An interest was declared by Cr Mews, for Item No 13.2.4 Appointment of Community Representative to Foreshore Management Advisory Committee.**

*Nature of Interest: Impartiality.*

*Extent of Interest: By virtue of the applicant being his sister.*

**4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

NIL

**5 PUBLIC QUESTION TIME**

NIL

**6 PUBLIC STATEMENT TIME**

NIL

**7 APPLICATIONS FOR LEAVE OF ABSENCE****Moved Cr Haynes, seconded Cr Tulloch****That Cr Wood be granted leave of absence for the Ordinary Council Meeting on 7 April 2015.****CARRIED(31/15)  
(NO DISSENT)****Moved Browne, seconded Wood****That Cr Mews be granted leave of absence for the Ordinary Council Meetings on 7 April 2015 and on 21 April 2015.****CARRIED(32/15)  
(NO DISSENT)****8 PETITIONS/DEPUTATIONS/PRESENTATIONS**

NIL

**9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****Moved Cr Browne, seconded Cr Lorenz****That the minutes of the Ordinary Meeting of Council held on 3 March 2015 be confirmed.****CARRIED(33/15)  
(NO DISSENT)****10 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETING MAY BE CLOSED TO THE PUBLIC**

Item 17.1.1, RFT 2015-05 Provision of Traffic Management Services.

**11 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING**

NIL

**12 REPORTS OF COMMITTEES**NIL

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## 13 REPORTS OF THE CEO

### 13.1 PLANNING AND DEVELOPMENT

*Items 13.1.1 to 13.1.3 were carried en bloc.*

#### 13.1.1 LOT 13 (25) QUEENSLEA DRIVE, CLAREMONT - PROPOSED SIGNAGE FOR 'BETHESDA'

<b>File Ref:</b>	<b>A-2964/DA-2015.00018</b>
<b>Attachments – Public:</b>	<a href="#">Location and Submission Plan</a> <a href="#">Photograph</a>
<b>Attachments – Restricted:</b>	<a href="#">Plans</a>
<b>Responsible Officer:</b>	<b>David Vinicombe</b> <b>Executive Manager Planning and Development</b>
<b>Author:</b>	<b>Jeremy Swan</b> <b>Senior Planner</b>
<b>Proposed Meeting Date:</b>	<b>17 March 2015</b>
<b>60 Days Due Date:</b>	<b>20 April 2015</b>
<b>Property Owner:</b>	<b>Bethesda Hospital Inc</b>
<b>Submitted By:</b>	<b>Bethesda Hospital</b>
<b>Zoning:</b>	<b>Special Zone (Restricted Use)</b>
<b>Enabling Legislation:</b>	<b><i>Planning and Development Act 2005 (PDA)</i></b> <b><i>Town Planning Scheme No. 3 (TPS3)</i></b> <b><i>Local Law Relating to Signs (LLRS)</i></b>

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#### **Purpose**

For Council to determine an application for planning approval for a horizontal sign at Bethesda. Council's determination is required as the application is of a commercial nature.

#### **Summary**

- Application for planning approval received for a horizontal sign displaying the words 'Bethesda health care'.
  - Proposal meets the horizontal sign requirements of the LLRS.
  - No neighbours were consulted as the sign is fully compliant with TPS3 and LLRS requirements.
  - Application is recommended for approval, subject to relevant conditions.
-

## Background

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
11 February 2015	Planning application received by Council.
18 February 2015	Application undergoes internal DCU assessment.
19 February 2015	Additional information requested from applicant.
25 February 2015	Additional information received from applicant.
5 March 2015	Report prepared for Council.

## Past Resolutions

There are no past Council resolutions relevant to this application.

## Consultation

In accordance with Council Policy LG525 the application was not required to be advertised for public comment as the sign is fully compliant with the TPS3 and LLRS requirements. It is also noted that the sign is located internally on the site (approx. 60m from Queenslea Drive) and accordingly no neighbouring properties are considered to be affected.

## Discussion

### Description

The application proposes a horizontal sign which has a small emblem and text displaying the words 'Bethesda health care'. The sign is proposed to be located on the northern elevation of the building and be a total of 1.43m<sup>2</sup>.

### Compliance

The development complies with the TPS3, Council Policy and Local Laws. In particular the proposal complies with the 'horizontal sign' assessment of the LLRS.

## Conclusion

Based on the above, it is recommended that approval be granted subject to the conditions in the officer's recommendation.

## Voting Requirements

Simple majority decision of Council required.

## Moved Cr Haynes, seconded Cr Wood

**THAT Council grant planning approval for a proposed signage at Lot 13 (25) Queenslea Drive, Claremont, subject to the following conditions and advice notes:**

- 1. All development shall occur in accordance with the approved drawings (Planning Application DA2015.118), as amended by these conditions.**
- 2. All signage is to be kept clean, intact and free of graffiti/vandalism at all times and any such graffiti or vandalism being removed within 24 hours.**
- 3. The illuminated signage is to comply with clause 21 of the Town's Local Law Relating to Signs.**



4. This application is valid only if the development is commenced within 24 months of the date of approval.

**Advice Notes**

- i) A Sign Licence must be obtained from the Town's Building Services prior to the installation of any signage.
- ii) In regards to condition 4 above, illuminated signs are required to comply with the following:
- “21.1 An illuminated sign:
- (a) And any boxing or casing enclosing it shall be constructed entirely of non-flammable material with the exception of the insulation of electric wires; and
- (b) Shall be protected that if any glass, other than the glass of fluorescent tubing, breaks none of the glass can fall on any street, way, footpath or other public place.
- 21.2 The electrical installations of an illuminated sign shall be constructed and maintained in accordance with the requirements of and to the satisfaction of Western Power and in accordance with S.A.A. Code 3000-1986.
- 21.3 The light from an illuminated sign shall not have a greater intensity than 25 lumens and not have or produce light of such intensity or colour as to cause annoyance to the public and not interfere with traffic control lights.
- 21.4 Illuminated signs may not be blinking or flashing.”
- iii) Under the *Environmental Protection (Noise) Regulations 1997*, no construction work is to be permitted or suffered to be carried out:
- a) Before 7.00am or after 6.00pm Monday to Saturday inclusive; or
- b) On a Sunday or public holiday.
- iv) If an applicant is aggrieved by this determination, a right of review may exist under the *Planning and Development Act 2005*. An application for review must be lodged with the State Administrative Tribunal ([www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au)) within 28 days of this determination.

CARRIED(34/15)  
(NO DISSENT)

**13.1.2 LOT 307 (SHOPS 3 AND 4, 42-44) GUGERI STREET - RETROSPECTIVE APPROVAL FOR SIGNAGE (BAYVIEW OPTIX)**

<b>File Ref:</b>	<b>A-2114/DA2015.00012</b>
<b>Attachments – Public:</b>	<a href="#">Location Map</a> <a href="#">Photograph</a>
<b>Attachments – Restricted:</b>	<a href="#">Plans</a> <a href="#">Submissions</a>
<b>Responsible Officer:</b>	<b>David Vinicombe</b> <b>Executive Manager Planning and Development</b>
<b>Author:</b>	<b>Josh Wilson</b> <b>Urban Planner</b>
<b>Proposed Meeting Date:</b>	<b>17 March 2015</b>
<b>Date Prepared:</b>	<b>20 February 2015</b>
<b>60 Days Due Date:</b>	<b>1 April 2015</b>
<b>Property Owner:</b>	<b>Blueberries Food Basket and Megastar Nominees Pty Ltd</b>
<b>Submitted By:</b>	<b>Bayview Optix</b>
<b>Area of Lot:</b>	<b>2,498m<sup>2</sup></b>
<b>Zoning:</b>	<b>Town Centre (Shopping Precinct)</b>
<b>Enabling Legislation:</b>	<b><i>Planning and Development Act 2005 (PDA)</i></b> <b>Town Planning Scheme No 3 (TPS3)</b> <b>Local Law Relating to Signs (LLRS)</b> <b>Town Centre Zone Signage Policy (PS202)</b>

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**Summary**

- Retrospective application for planning approval received for signage to an existing small shop (Bayview Optix).
- Proposal does not comply with the requirements of the LLRS.
- The adjoining tenancies were consulted and two submissions were received in support of the proposal.
- The proposal is supported as it is equal in size and form to the previous tenants' signage and those of the adjacent tenancies.
- Application is recommended for approval, subject to relevant conditions.

**Purpose**

For Council to consider a retrospective application for planning approval for signage for an existing small shop. The application requires the Council's determination due to the commercial nature of the proposal.

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## Background

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
29 January 2015	Retrospective Planning Application received by Council.
4 February 2015	Application undergoes internal DCU assessment.
1 February 2015	Advertising commenced.
16 February 2015	Advertising closed.
20 February 2015	Report prepared for Council.

## Past Resolutions

Ordinary Council Meeting 5 May 2014, Resolution No. 59/14:

Council approved a pylon sign for this site facing Guger Street. The sign was a multi-tenancy display and was not specific to this tenancy.

It is noted that an application for additional signage to the Guger Street frontage of the development was submitted for Council approval. This application was withdrawn by the applicant.

## Heritage

The property is not listed in the Town of Claremont Local Government Inventory or in the TPS3 Schedule of Heritage Places.

## Consultation

The application was advertised in accordance with Local Planning Policy LG525.

It was requested that the applicant consult with the adjoining tenancies on each side of the subject shop and two letters of support were received.

## Discussion

### Description

The application proposes the following signage:

- One illuminated horizontal sign measuring 4.0m by 1.2m and 5.0m<sup>2</sup>, located above the existing awning.
- Two verandah signs each measuring 5.0m by 0.6m and 3.0m<sup>2</sup>.
- Window signage.

### Compliance

The development proposes variations to the provisions of the Town's Planning Policy and Local Law. Council must have 'due regard' to all planning policies however where development requires a variation to a Local Law this can only be supported where expressly permitted under the Local Law.

The development complies with the TPS3, RDC, Council Policy and Local Laws other than the following:

- LLRS cl.26 – Horizontal Signs - 5m<sup>2</sup> area in lieu of 2m<sup>2</sup>
- PS202 cl.3.3 – total signage not to exceed 10% of the building facade.

### Horizontal Sign

Horizontal signs are limited to a maximum size of 2m<sup>2</sup> under the LLRS.

Cl.13.2 allows Council to vary any requirement of the LLRS (for properties zoned 'Town Centre') provided the proposal meets the policy objectives of PS202. The policy objectives are seen to be met in this regard as the sign is in keeping with existing signage on the building, contributes to the visual quality of the area (a public car park) and does not raise any safety issues.

### Total Signage

PS202 clause 3.3 states:

*Signage applications for permanent signs fixed on or adjacent to a private building shall conform to the following:*

- *The maximum total percentage of signage area shall not exceed 10% of the building area; and*
- *Corner sites may be permitted signage on up to 10% of the building area on both streets.*

This clause is not considered to apply as the tenancy does not face onto a street. Instead it faces onto a public carpark and is at right-angles to the street. Due to the reduced visibility it is considered that applying the same restrictions would disadvantage this and similar shops. The proposed signage is less than or the equivalent of the previous tenancies ('Daisy and Charlie' and 'No. 4').

### Window Signage

The proposed window signage does not require planning approval as it comprises less than 50% of any window and less than 25% of the total glazed area of the shopfront.

### Illuminated Signage

Illuminated signage is required to comply with cl.21 of the LLRS. As details of the illumination have not been provided by the applicant a condition is recommended requiring to comply with the relevant specifications contained in the LLRS.

### Retrospective Approval

As this application is retrospective the applicant has been required to pay three times the standard fee.

## **Summary**

Based on the above, it is recommended that approval be granted subject to the conditions in the officer's recommendation.

## **Voting Requirements**

Simple majority decision of Council required.

## **Moved Cr Haynes, seconded Cr Wood**

**THAT Council grant retrospective planning approval for signage for Bayview Optix at shops 3 and 4, Lot 307 (42-44) Guger Street, Claremont, subject to the following conditions and advice notes:**

1. All development is to be in accordance with the approved drawings (Planning Application DA2015.12), as amended by these conditions.
2. All signage is to be kept clean, intact and free of graffiti/vandalism at all times and any such graffiti or vandalism being removed within 24 hours.
3. Window signage is not to occupy more than 50% of any window or 25% of the total ground floor window area for the shopfront.
4. The illuminated signage is to comply with clause 21 of the Town's Local Law Relating to Signs.
5. As this approval is retrospective, all conditions of approval are to be met within three months of the date of this approval.
6. This approval is valid only if the development is commenced within 24 months of the date of approval.

**Advice Notes:**

- i) A Sign Licence must be obtained from the Town's Building Services Unit prior to the installation of any signage.
- ii) In regards to condition 4 above, illuminated signs are required to comply with the following:
  - “21.1 An illuminated sign:
    - (a) And any boxing or casing enclosing it shall be constructed entirely of non-flammable material with the exception of the insulation of electric wires; and
    - (b) Shall be protected that if any glass, other than the glass of fluorescent tubing, breaks none of the glass can fall on any street, way, footpath or other public place.
  - 21.2 The electrical installations of an illuminated sign shall be constructed and maintained in accordance with the requirements of and to the satisfaction of Western Power and in accordance with S.A.A. Code 3000-1986.
  - 21.3 The light from an illuminated sign shall not have a greater intensity than 25 lumens and not have or produce light of such intensity or colour as to cause annoyance to the public and not interfere with traffic control lights.
  - 21.4 Illuminated signs may not be blinking or flashing.”
- iii) Under the *Environmental Protection (Noise) Regulations 1997* no construction work is to be permitted or suffered to be carried out:
  - (a) Before 7.00am or after 6.00pm Monday to Saturday inclusive; or
  - (b) On a Sunday or on a public holiday.
- iv) If an applicant is aggrieved by this determination a right of review may exist under the *Planning and Development Act 2005*. An application for review must be lodged with the State Administrative Tribunal [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au) within 28 days of this determination.

CARRIED(34/15)  
(NO DISSENT)

### 13.1.3 LOT 500 (76) SHENTON ROAD, SWANBOURNE - PROPOSED ADDITION AND ALTERATIONS TO SCOTCH COLLEGE MEMORIAL HALL

<b>File Ref:</b>	A-3401/DA2015.00008
<b>Attachments – Public:</b>	<a href="#">Location and Submission Plan</a> <a href="#">Photograph</a>
<b>Attachments – Restricted:</b>	<a href="#">Plans</a>
<b>Responsible Officer:</b>	David Vinicombe Executive Manager Planning and Development
<b>Author:</b>	Josh Wilson Urban Planner
<b>Proposed Meeting Date:</b>	17 March 2015
<b>Date Prepared:</b>	4 March 2015
<b>60 Days Due Date:</b>	30 March 2015
<b>Property Owner:</b>	Scotch College
<b>Submitted By:</b>	Taylor Robinson
<b>Area of Lot:</b>	32,223m <sup>2</sup>
<b>Zoning:</b>	Educational
<b>Enabling Legislation:</b>	<i>Planning and Development Act 2005 (PDA)</i> <i>Town Planning Scheme No. 3 (TPS3)</i> <i>Local Law Relating to Signs (LLRS)</i>

#### Summary

- Application for planning approval received for additions and alterations to the Memorial Hall building at Scotch College.
- Proposal complies with all the requirements of TPS3.
- Three neighbours were consulted and no submissions were received.
- Application is recommended for approval, subject to relevant conditions.

#### Purpose

The application proposes to increase the size of the entrance to the existing Memorial Hall building to improve access and appearance.

The application requires the Council's determination as it is of a commercial nature.

#### Background

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
22 January 2015	Planning Application received by Council.
28 January 2015	Application undergoes internal DCU assessment.
2 February 2015	Advertising commenced.
16 February 2015	Advertising closed.
4 March 2015	Report prepared for Council.

## **Past Resolutions**

Scotch College has been undertaking a major redevelopment program since 2011 however the works relate primarily to the northern campus (junior and middle school). There are no past Council resolutions relevant to this application.

## **Heritage**

The property is listed in the Town of Claremont Local Government Inventory and the TPS3 Schedule of Heritage Places, however the building the subject of the proposed works is not a building of heritage significance. The proposed works will not impact on any buildings or sites of heritage significance and can therefore be supported.

## **Consultation**

The application was advertised in accordance with Local Planning Policy LG525. Three neighbours were consulted and no submissions were received.

## **Discussion**

### Description

The application proposes to remodel and enlarge the entrance to the existing school hall on the senior school campus (Memorial Hall). It is proposed to create a new entry extending from the existing building line to improve accessibility into the building and create two office spaces within the existing ground floor foyer. It is also proposed to enclose the upper level balcony to increase the size of the lobby area adjacent to the existing toilet facilities and gallery.

The additions will not extend past the existing roofline of the hall.

### Compliance

The proposed additions comply with the development requirements of TPS3. As the additions will not facilitate an increase in student numbers, the development will not require additional car parking.

It is considered that the proposed additions and alterations will improve the appearance of the front facade of the building, which is visible from Shenton Road, and improve the functionality of the hall.

### Signage

It is proposed to install new 'Memorial Hall' signage to the facade of the building. The proposed signage complies with the Town's LLRS and can be supported.

## **Summary**

It is recommended that approval be granted subject to the conditions in the officer's recommendation.

## **Voting Requirements**

Simple majority decision of Council required.

**Moved Cr Haynes, seconded Cr Wood**

**THAT Council grant planning approval for proposed additions and alterations to the Scotch College Memorial Hall at Lot 500 (76) Shenton Road, Swanbourne, subject to the following conditions and advice notes:**

- 1. All development shall occur in accordance with the approved drawings (Planning Application DA2015.00008).**
- 2. This approval is valid only if the development is commenced within 24 months of the date of approval.**

**Advice Notes:**

- i) This is a Planning Approval only and a Building Permit must be obtained from the Town's Building Services unit prior to the commencement of any building works. Permits for non-residential development MUST be certified prior to submission.**
- ii) As part of the application for a Building Permit the plans shall be required to comply with the Australian Standards for Disabled Access AS1428.**
- iii) A Sign Licence is to be obtained from the Town's Building Services Unit prior to the installation of any signage.**
- iv) The applicant/owner is advised of the following health requirements from the Town's Health Services. For further information please contact the Town's Health Services on 9285 4300:**
  - (a) Under the *Environmental Protection (Noise) Regulations 1997* no construction work is to be permitted or suffered to be carried out:
    - (i) Before 7.00am or after 6.00pm Monday to Saturday inclusive; or**
    - (ii) On a Sunday or on a public holiday.****
  - (b) Approval to alter a public building is required prior to the issue of a Building Permit.**
  - (c) The building is required to comply with the *Health (Public Building) Regulations 1992* including maximum occupancy which is to be determined with regard to floor space, emergency exits and toilet facilities.**
  - (d) The applicant is required to remove any hazardous materials encountered during construction/demolition at their own expense and in accordance with the Code of Practice on Safe Removal of Asbestos (National Occupational Health and Safety 'NOHSC': 2002(1988)) as stipulated by the *Occupational Health and Safety Regulations 1996*, and disposed of in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2004*.**
- v) If an applicant is aggrieved by this determination a right of review may exist under the *Planning and Development Act 2005*. An application for review must be lodged with the State Administrative Tribunal [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au) within 28 days of this determination.**

**CARRIED(34/15)  
(NO DISSENT)**

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**13.1.4 DELEGATED AUTHORITY REVIEW – PLANNING APPLICATIONS**

<b>File Ref:</b>	<b>GVN0002</b>
<b>Attachments:</b>	<a href="#">Proposed changes to Delegation DA22 (marked in red)</a>
<b>Responsible Officer:</b>	<b>David Vinicombe Executive Manager Planning and Development</b>
<b>Author:</b>	<b>David Vinicombe Executive Manager Planning and Development</b>
<b>Proposed Meeting Date:</b>	<b>17 March 2015</b>
<b>Financial Implications:</b>	<b>Significant time and cost saving relative to issuing planning decisions under delegation</b>
<b>Enabling Legislation:</b>	<b><i>Local Government Act 1995 (LGA)</i> <b>Town Planning Scheme No. 3 (TPS3)</b></b>

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**Summary**

- Council presently delegates authority for the issue of planning decisions in accordance with DA22 relative to residential development.
  - TPS3 presently restricts planning approvals issued under delegation to residential applications.
  - Amendment No. 125 to TPS3 which provides for the extension of delegations to include uses other than those relating to residential has been approved by the Minister for Planning and will be shortly gazetted.
  - Proposed to extend the current delegation DA22 to include other applications.
- 

**Purpose**

Report presents amendments to the Delegated Authority Register for Planning Applications resulting from the pending gazettal of Amendment No. 125 to Town Planning Scheme No. 3 (TPS3) for Council review and approval.

**Background**

Once in each financial year the Council has a duty to review delegations that it has made. The last review was approved at the Ordinary Council Meeting of 15 October 2013.

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

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

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Council has previously consented to planning delegations for commercial development contained in DA22 and DA22A, however cl.98 limited planning application delegations to residential matters and accordingly, the delegation granted for non-residential use was not applied. To address this, Council initiated Amendment No. 125 to TPS3. This Amendment was approved by Minister of Planning on 4 March 2015 and is currently awaiting gazettal action.

The benefit of approving a Delegated Authority is to assist with efficient and effective decision making and implementation of services. The delegated authority register is reviewed in accordance with the Act on an annual basis. Given the pending gazettal of Amendment No. 125 and the potential for improving planning process by enabling non-residential development to be dealt with under delegation, this review is progressed ahead of the remaining annual review.

### **Past Resolutions**

Ordinary Council Meeting 15 October 2013, Resolution 294/13:

Annual review of delegations including modifications inclusive of major modifications to delegation DA22 and removal of delegation DA22A to acknowledge TPS3 restrictions.

Ordinary Council Meeting 17 September 2013, Resolution 269/13:

Council resolved to initiate Amendment No. 125 to TPS3 to address restrict the types of development which require planning approval and to extend the opportunity for Council to allow for the issue of planning decisions for non-residential development under delegated authority.

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

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

### **Discussion**

There have been no changes to the delegations register since it was last adopted at its annual review at the Ordinary Council Meeting 15 October 2013.

Amendment No. 125 to TPS3 provides the opportunity for Council to extend the present delegation DA22 to include non-residential development and significantly improve the output time for planning decisions. This will save both staff and Council time in reporting and deliberating on planning applications of a non-residential nature. For example, the two reports contained in this agenda relating to fully compliant signage and the other compliant hall extension for Scotch College could be dealt with under delegation (unless called up for Council consideration by an Elected Member under the terms of the delegation). Each of these reports would have involved at least one full day in terms of preparing the report, reviewing by management and executive staff, and related administration functions. If approvals were issued under delegated authority, the equivalent time period would be well less than an hour. In addition to saving time in dealing with these applications under delegation, the opportunity is also provided for staff resources to be reallocated to other tasks (e.g. – strategic planning).

It is proposed that the extension of delegation will work in the same manner as existing delegations involving residential development. A delegation report to Elected Members will detail the application, list any variances to Council's standards and requirements and then provide a comment and recommendation. Also, as with the existing delegation for residential purposes, Elected Members will have the opportunity of raising queries and requesting the application be referred to Council for formal determination ("call-up powers").

Whilst not specifically addressing a measure on the significance of applications, it is noted that with other more significant applications, such as the upcoming report relative to Methodist Ladies' College where the application is to be determined by the Joint Development Assessment Panel (JDAP), would not be dealt with under delegation under this proposal. In the event that a delegated proposal was recommended for a larger development not requiring referral to JDAP, Elected Members will maintain their right to request the applications be "called –up".

It is noted that the former delegation DA22A relating to commercial land uses has been incorporated into the modified DA22 and accordingly is not required.

### **Financial and Staff Implications**

The coordination of the review of the delegations is undertaken by internal resources. The proposed delegation will provide for improved delegation powers for planning applications to be determined without referral to Council. This will intern save both applicant and administration time, improve efficiencies and provide improved opportunity for officers to work on strategic planning matters.

### **Policy and Statutory Implications**

Sec.5.42 of LGA - Local Government may delegate powers to Chief Executive Officer (CEO).

Sec.5.43 of LGA, - Provides limitations on delegations to CEO.

Sec.5.44 of LGA - CEO may delegate some powers to other officers.

Sec.5.46(2) of LGA – Requires annual review of delegations.

Cl.98 of TPS3 provides for planning approvals to be issued under delegated authority.

### **Publicity**

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

### **Strategic Community Plan**

#### **Governance and Leadership**

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

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

### Urgency

The Town's Delegated Authority Register is an important document that enables the effective delegation of power from the Council to the CEO. Amendment No. 125 will provide an improved delegation powers to cover non-residential development which will assist in the prompt delivery of planning services within the Town and provide for cost savings to both the Town and applicants.

### Voting Requirements

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED.

**Moved Cr Goetze, seconded Cr Browne**

**That upon gazettal of Amendment No. 125 to Town Planning Scheme No. 3, Council adopts the following modified delegation DA22:**

<b>DA22 Determination of Planning Related Matters</b>	
<b>Power delegated</b>	<p>Council delegates to the Chief Executive Officer its power under Section 5.42 of the <i>Local Government Act</i> to determine:</p> <ol style="list-style-type: none"> <li>1) All planning related matters inclusive of determination of planning applications for all residential, commercial, light industrial, community and recreational development in accordance with the provisions of the Residential Design Codes, TPS3 and any planning related Council Policy or Local Law;</li> <li>2) Any other planning related matters including preparation of documentation and responses for applications, comments and recommendations to the Western Australian Planning Commission (inclusive of clearances for subdivision conditions), Department of Planning, Swan River Trust, State Heritage Office of Western Australia, and any other government department and instrumentality on matters associated with subdivision/amalgamation and/or the development of land.</li> </ol>
<b>Delegator</b>	Council of the Town of Claremont
<b>Delegate</b>	Chief Executive Officer
<b>Sub Delegation to</b>	Executive Manager Planning and Development

<p><b>Conditions</b></p>	<p><b><u>Notification to Elected Members</u></b></p> <p>That the Chief Executive Officer informs Elected Members about any planning application for which Delegation DA22 is to be exercised, and provides Elected Members with details in relation to the proposal, consultation responses, the validity of any objection, the way in which any objection has been addressed and variations to standards required.</p> <p>The following applications may be determined under this delegation without prior notification to Elected Members, providing a list of the determinations is provided to Elected Members within one week of the delegation being exercised:</p> <ul style="list-style-type: none"> <li>• Applications for clearance of subdivision conditions and plans;</li> <li>• Applications for Section 40 Certification of liquor licences;</li> <li>• Applications for residential development where an automatic refusal is issued due to a lack of discretion (or appeal right) to approve the application under TPS3, the Residential Design Codes or a Council Local Law;</li> <li>• Recommendations in regard to an application which is to be determined by another authority where refusal is to be issued due to a lack of discretion (or appeal right) to approve the application under TPS3, the Residential Design Codes or a Council Local Law, and</li> <li>• Any application which is substantively the same as an application which has been previously determined by Council.</li> </ul> <p>Elected Members are to be notified of all other applications for determination and be given 72 hours in which to comment. Any one Elected Member can in writing stating reasons, call for an application to be referred to a formal OCM for determination prior to exercising of Delegation 22.</p> <p><b><u>Relevant and Non-Relevant Planning Matter(s) for Consideration</u></b></p> <p>For the purposes of this Delegation, the following matters are a 'relevant planning matter(s)':</p> <ol style="list-style-type: none"> <li>a) Matters to be considered by Council under cl.86(2) of TPS3;</li> <li>b) Any development standard or requirement in TPS3;</li> <li>c) Any design element in the Residential Design Codes where the application calls for consideration of the design principles; or</li> <li>d) Any clarification in a Planning Policy adopted under the requirements of TPS3 or Local Law gazetted under the Local Government Act.</li> </ol> <p>For the purposes of this Delegation, the following matters are not a 'relevant planning matter(s)':</p> <ol style="list-style-type: none"> <li>a) Impacts on property price;</li> <li>b) Matters that are usually dealt with under a building permit;</li> <li>c) Matters of personal hardship or compassionate issues unrelated to amenity impact and orderly and proper planning;</li> <li>d) Incorrect assumptions on technical planning matters;</li> <li>e) Any design element in the Residential Design Codes where the application achieves the deemed-to-comply requirements of the Residential Design Codes and the impacts of that design element are not considered to have a detrimental affect the amenity of the locality in accordance with cl.86 of TPS3; or</li> <li>f) Any claim for adverse possession of land.</li> </ol>
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	<p><b><u>Exclusions</u></b></p> <p>Delegations 1 and 2 above are subject to the following exclusions and accordingly these matters are to be referred to Council for determination:</p> <p>a) Any development where an objection containing a ‘relevant planning matter’ has been received and the objection has not been resolved or addressed by modifications to the plan;</p> <p>b) Any planning application or request for reconsideration which is to be referred to the Metropolitan West Joint Development Assessment Panel;</p> <p>c) Any planning application resulting from an application for review to the State Administrative Tribunal where the initial determination was made by Council; and</p> <p>d) Any subdivision application comment to the Western Australian Planning Commission for proposals producing more than two lots or any subdivision of two lots or more which is not consistent with a Council approved Structure Plan or Detailed Area Plan.</p>
Statutory references	<p><i>Local Government Act 1995</i> Section 5.42</p> <p><i>Town Planning Scheme No 3</i> clause 98.</p>

**CARRIED BY AN ABSOLUTE MAJORITY(35/15)  
(NO DISSENT)**

## **13.2 CORPORATE AND GOVERNANCE**

### **13.2.1 2015 LOCAL GOVERNMENT ELECTION**

<b>File Ref:</b>	<b>GVN0040</b>
<b>Responsible Officer:</b>	<b>Les Crichton Executive Manager Corporate and Governance</b>
<b>Author:</b>	<b>Katie Bovell Governance Officer</b>
<b>Proposed Meeting Date:</b>	<b>17 March 2015</b>

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#### **Purpose**

Report recommends Council declare the Western Australian Electoral Commissioner responsible for the conduct the 2015 ordinary election using the postal vote method.

#### **Background**

The Local Government Act specifies that the Chief Executive Officer is the returning officer of a local government for each election.

Due to the complexities of the electoral process, draw on resources, and the advantage of placing administration at 'arms length' from the process, the Town since 1999 has declared the Electoral Commissioner to be responsible for the conduct of its elections. The Electoral Commissioner appoints a person to be the returning officer of the local government. The declaration by Council can only be made with the written approval of the Electoral Commissioner.

#### **Discussion**

The 2015 local government elections will be held on the 17 October 2015 (3<sup>rd</sup> Saturday in October every two years). The Election Timetable for the 2015 elections has not been finalised however a copy will be provided to Council when it is available.

Should a local government wish to appoint the Western Australian Electoral Commission (WAEC) to conduct a postal election, it must do so no later than 80 days before the polling day (29 July 2015).

Voter participation in the Town of Claremont has been strong over the past four elections with participation rates within the 40-50% range since 2003. In addition to the strong community interest in the affairs of local government, participation can also be attributed to the impartiality and integrity provided through use of the WAEC conducted the election.

Administration has received approval from the Electoral Commissioner for the WAEC to conduct the 2015 elections subject to the proviso that the Town also wishes to have the election undertaken by the WAEC as a postal election. The WAEC has also provided a cost estimate to undertake this task.

It is therefore recommended Council appoint the Electoral Commissioner to be responsible for the 2015 elections together with any other elections or polls which may also be required, and conducts the election as a postal election.

### **Past Resolutions**

Ordinary Council Meeting 16 April 2013, Resolution 67/13:

*That Council*

- 1. Declares the Western Australian Electoral Commissioner to be responsible for the conduct of the 2013 ordinary elections together with any other elections or polls which may be required; and*
- 2. Conducts the 2013 local government election as a postal election.*

*CARRIED BY AN ABSOLUTE MAJORITY  
(NO DISSENT)*

Ordinary Council Meeting 19 April 2011, Resolution 78/11;

*THAT Council:*

- 1. Declares the Western Australian Electoral Commissioner to be responsible for the conduct of the 2011 ordinary elections together with any other elections or polls which may be required; and*
- 2. Conducts the 2011 local government election as a postal election.*

*CARRIED BY AN ABSOLUTE MAJORITY*

Ordinary Council Meeting 5 May 2009, Resolution 133/09;

*That Council:*

- 1. Appoint the WA Electoral Commissioner to be responsible for the conduct of the 2009 Town of Claremont ordinary election, and*
- 2. Conduct the 2009 Town of Claremont ordinary election as a postal election.*

### **Financial and Staff Implications**

An amount of \$32,000 for election cost will be included in the non-recurring operating expenses of the draft 2015-16 Budget.

### **Policy and Statutory Implications**

Local Government Act 1995 s. 4.20(4)

Local Government (Election) Regulations 1997

### **Publicity**

While not required for the appointment process, election advertising/promotion will commence in line with the Election Timetable.

### **Urgency**

Not urgent.

### **Voting Requirements**

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED.

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**Moved Cr Haynes, seconded Cr Kelly**

**That Council**

- 1. Declares the Western Australian Electoral Commissioner to be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may be required; and**
- 2. Conducts the 2015 local government election as a postal election.**

**CARRIED BY AN ABSOLUTE MAJORITY(36/15)  
(NO DISSENT)**

Items 13.2.2 to 13.2.3 were carried en bloc.

### 13.2.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 JANUARY 2015

**File Ref:** FIM/0062-02

**Attachments:** [Statement of Financial Activity for period ending 31 January 2015](#)  
[Infrastructure Assets – 2014-15 Schedule of Works](#)

**Responsible Officer:** Les Crichton  
Executive Manager Corporate and Governance

**Author:** Hitesh Hans  
Finance Manager

**Proposed Meeting Date:** 17 March 2015

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#### **Purpose**

For Council to note the Statement of Financial Activity for the month ending 31 January 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 31 January 2015 represents seven months of operation within the 2014-15 financial year. Reporting is provided against the revised 2014-15 budget following completion of the mid-year budget review and adopted by Council on 17 February 2015.

#### Operating revenue - \$146,952 above budget

- Fees & Charges - \$96,411 above budget due to increased fines and penalties revenue (\$12K) and aquatic centre admission and hire fees (\$72K).
- Interest Earning - \$60,935 above budget due timing and higher interest income derived by better cash management and increased cash holdings.
- Grants – (\$25,380) below budget due to grant income budgeted ahead of the budget timing.

#### Operating expenditure - \$750,283 below budget

- Materials and Contracts - \$580,658 due to timing differences across all business units with the more significant variances within;
    - Infrastructure - \$120K (roads, drainage, street tree, verge maintenance, plant operations and administration services)
    - Special projects - \$26K (wayfinding signage)
-

- Administration & Governance - \$39K (Local govt reform, Office expenses, materials and contracts)
- Planning and Building services - \$57K
- Waste Management - \$139K
- Pool & Golf - \$53K (Claremont Pool Development Plan 30K, Material and contracts)
- Employee Costs - \$137,352 under budget due to timing across training, recruitment, OSH (\$26K), Superannuation (27K) & insurance (\$16K) and staff vacancies.
- Other Expenditure - \$29,286 due to timing on contribution to Claremont Lawn Tennis Club court upgrade (\$15K) and various other departments.

#### Capital expenditure – \$347,682 under budget

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

- \$35,404 over budget in infrastructure works. Attachment 2 provides further detail on the projects and variance explanation.
- \$312,438 under budget on land, building, plant and equipment capital expenditure due to timing. Note 10 of Attachment 1 provides a breakdown of these items.
- \$70,648 under budget on transfers to reserves due to timing of interest income on reserve investment.

#### Capital income - \$329,835 under budget

- (\$28,000) is a timing variance relating to proceeds from sale of asset.
- (\$282,120) of variance is as a result of transfer from reserve not processed. This is due to contractor invoices are still outstanding in relation to No. 1 Claremont.

#### Summary

The closing surplus of \$7,434,648 is comparing favourably against the budgeted surplus of \$6,501,764. While the total variance is large (\$935,884), it is comprised primarily of timing differences which will be addressed as projects and programs are completed during the second half of the year. No further adjustments to those recognised during the mid-year review have been identified.

#### **Past Resolutions**

Ordinary Council Meeting 17 February 2015, Resolution 18/15:

*That Council note the Financial Statement of Activity for the period 1 July 2014 to 31 December 2015.*

#### **Financial and Staff Implications**

Resource requirements are in accordance with existing budgetary allocation.

**Policy and Statutory Implications**

*Local Government Act 1995.*

*Local Government (Financial Management) Regulations 1996.*

**Publicity**

N/A

**Strategic Community Plan****Governance and Leadership**

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

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

**Urgency**

N/A

**Voting Requirements**

Simple majority decision of Council required.

**Moved Cr Haynes, seconded Cr Browne**

**That Council notes the Financial Statement of Activity for the period 1 July 2014 to 31 January 2015.**

**CARRIED(37/15)  
(NO DISSENT)**

**13.2.3 LIST OF PAYMENT 1 TO 28 FEBRUARY 2015**

<b>File Ref:</b>	<b>FIM00062</b>
<b>Attachments:</b>	<a href="#">Schedule of Payments 1 to 28 February 2015</a>
<b>Responsible Officer:</b>	<b>Les Crichton</b> <b>Executive Manager Corporate and Governance</b>
<b>Author:</b>	<b>Edwin Kwan</b> <b>Finance Officer</b>
<b>Proposed Meeting Date:</b>	<b>17 March 2015</b>

**Purpose**

For Council to note the payments made in February 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 \$1,459,608.88 during the month of February 2015.

The attached schedule covers:

• Municipal Funds electronic funds transfers (EFT)	\$	949,150.64
• Municipal Fund vouchers (39303-39314)	\$	17,434.95
• Municipal Fund direct debits	\$	401,640.00
• Trust Fund electronic funds transfer (EFT)	\$	91,383.29
• 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 3 March 2015, Resolution 26/15:

*THAT Council notes all payments made for January 2015 totalling \$1,360,532.37 comprising;*

*The attached schedule covers:*

• <i>Municipal Funds electronic funds transfers (EFT)</i>	\$	831,981.25
• <i>Municipal Fund vouchers (39287-39302)</i>	\$	22,706.03
• <i>Municipal Fund direct debits</i>	\$	443,877.18
• <i>Trust Fund electronic funds transfer (EFT)</i>	\$	61,967.91
• <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.

**Publicity**

N/A

**Urgency**

N/A

**Voting Requirements**

Simple majority decision of Council required.

**Moved Cr Haynes, seconded Cr Browne**

**THAT Council notes all payments made for February 2015 totalling \$1,459,608.88 comprising;**

<b>Municipal Funds electronic funds transfers (EFT)</b>	<b>\$</b>	<b>949,150.64</b>
<b>Municipal Fund vouchers (39303-39314)</b>	<b>\$</b>	<b>17,434.95</b>
<b>Municipal Fund direct debits</b>	<b>\$</b>	<b>401,640.00</b>
<b>Trust Fund electronic funds transfer (EFT)</b>	<b>\$</b>	<b>91,383.29</b>
<b>Trust Fund vouchers</b>	<b>\$</b>	<b>0.00.</b>

**CARRIED(37/15)  
(NO DISSENT)**

*An impartiality interest was declared by Cr Mews for Item No 13.2.4, by virtue of the applicant being his sister.*

*Cr Mews left the Chambers at 7:07 PM.*

### **13.2.4 APPOINTMENT OF COMMUNITY REPRESENTATIVE TO FORESHORE MANAGEMENT ADVISORY COMMITTEE**

**File Ref:** GOV/00054  
**Attachments:** [Committee Nomination Form](#)  
**Responsible Officer:** Les Crichton  
Executive Manager Corporate and Governance  
**Author:** Katie Bovell  
Governance Officer  
**Proposed Meeting Date:** 17 March 2015

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#### **Purpose**

For Council to appoint community members to the Foreshore Management Advisory Committee of Council.

#### **Background**

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

The tenure of all committee members on Local Government committees expires at the next ordinary election following appointment. The current committee members were appointed following the 2013 election and therefore their tenure expires on the 2015 Election Day.

#### **Discussion**

There are three positions for Community Representative on the Foreshore Management Committee of which one position remains vacant as only two nominations were received and appointed to the Committee following the 2013 election. There were no meetings held up to now. Elected members in the committee approached the residents and the Town received one nomination recently (attached). As the Town is currently developing a "Freshwater Bay Management Plan" as part of WESROC it is timely to have a committee meeting.

#### Foreshore Management Committee

Management of the Claremont Foreshore will be complementary to the Freshwater Bay Management Plan as adopted by the Swan River Trust, Town of Claremont and the Claremont Heritage Trust Advisory Committee 1977.

Specific objectives are:

- *To enhance the identity and character of the foreshore*
-

- *To enhance the environment*
- *To protect and encourage wildlife*
- *To enhance the amenity for residents and visitors to the foreshore.*

Representative Type	Positions
Community Representatives	3

### Past Resolutions

Ordinary Council Meeting 1 October 2013, Resolution 281/13:

*That Council appoint the following Community Representatives to the Advisory Committees of Council:*

#### *Audit Committee*

<i>Representative Type</i>	<i>Nominee</i>
<i>Community Representative</i>	<i>Susan Ngan</i>

#### *Foreshore Management Committee*

<i>Representative Type</i>	<i>Nominee</i>
<i>Community Representative</i>	<i>Claire Brittain</i>
<i>Community Representative</i>	<i>Jenny Fairweather</i>

#### *Lake Claremont Management Committee*

<i>Representative Type</i>	<i>Nominee</i>
<i>Scotch College Representative</i>	<i>Chris Menage</i>
<i>Scotch College Youth Representative</i>	<i>Tom Wilson</i>
<i>Christ Church Grammar Representative</i>	<i>Laurence Vanderhor</i>
<i>Community Representative</i>	<i>Peter Olson</i>
<i>Friends of Lake Claremont (FOLC)</i>	<i>Heidy Hardisty</i>
<i>Community Representatives</i>	<i>David Free</i>

#### *Museum Management Committee*

<i>Representative Type</i>	<i>Nominee</i>
<i>Department of Education Member</i>	<i>Deborah Anne Bray</i>
<i>Friends Representative</i>	<i>Joan Fisher</i>
<i>Friends Representative</i>	<i>Ricki Hewitt</i>
<i>Community Representative</i>	
<i>Community Representative</i>	<i>John Barich</i>

*Disband the Community Safety and Crime Prevention Committee.*

*Reason: To recognise and accommodate FOLC representation within Council's Lake Claremont Committee.*

**CARRIED BY AN ABSOLUTE MAJORITY  
(NO DISSENT)**

Ordinary Council Meeting 5 November 2013, Resolution 316/13:

*That Council appoint the following Council Members to the Foreshore Management Committee:*

*Cr Tulloch*

*Cr Mews*



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*CARRIED BY ABSOLUTE MAJORITY  
(NO DISSENT)*

Ordinary Council Meeting 1 October 2013, Resolution 281/13:

Appointment of Community Representatives to Advisory Committees for 2013 Local Government election.

### **Financial and Staff Implications**

Resource requirements are in accordance with existing budgetary allocation.

### **Policy and Statutory Implications**

#### Establishment of committees

5.8 *A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

*\* Absolute majority required.*

#### Types of committees

5.9 (1) *In this section:  
“other person” means a person who is not a council member or an employee.*

- (2) *A committee is to comprise:*
- (a) council members only;*
  - (b) council members and employees;*
  - (c) council members, employees and other persons;*
  - (d) council members and other persons;*
  - (e) employees and other persons; or*
  - (f) other persons only.*

#### Appointment of committee members

5.10 (1) *A committee is to have as its members:*

- (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*

- (b) persons who are appointed to be members of the committee under subsection (4) or (5).*

*\* Absolute majority required.*

- (2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
- (3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.*

- (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish:*
- (a) *to be a member of the committee; or*
  - (b) *that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.*

#### Tenure of committee membership

- 5.11 (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until:*
- (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;*
  - (b) *the person resigns from membership of the committee;*
  - (c) *the committee is disbanded; or*
  - (d) *the next ordinary elections day,*
- whichever happens first.*
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until:*
- (a) *the term of the person's appointment as a committee member expires;*
  - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;*
  - (c) *the committee is disbanded; or*
  - (d) *the next ordinary elections day,*
- whichever happens first.*

#### **Publicity**

Nil

## Strategic Community Plan

### Environment

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

- Provide education and communication on leading practices to the community.

### People

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

- Improve the capacity of local community groups.

### Governance and Leadership

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

- Identify strategic partnerships that align with the Town's vision.
- Provide and maintain a high standard of governance, accountability, management and strategic planning.
- Focus on improved customer service, communication and consultation.

### Urgency

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

### Voting Requirements

Absolute majority decision of Council required.

### Moved Cr Wood, seconded Cr Tulloch

**That Council appoint the following Community Representative to the Foreshore Management Advisory Committee of Council:**

Representative Type	Nominee
Community Representative	Ms Ainslie de Vos

**CARRIED BY AN ABSOLUTE MAJORITY(38/15)  
(NO DISSENT)**

*Cr Mews returned to the Chambers at 7:09 PM.*

### 13.2.5 ROMILY HOUSE - DEREGISTRATION OF LODGING HOUSE REQUIREMENTS

<b>File Ref:</b>	<b>PBH/00162</b>
<b>Attachments:</b>	<a href="#">Part 8 Lodging Houses - Division 1 - Registration - Interpretation 120 (1)</a> <a href="#">Residential Tenancies Act 1987 Part 1 - Preliminary - 3 Terms Used - Residential premises, Residential tenancy agreement</a>
<b>Responsible Officer:</b>	<b>Les Crichton</b> <b>Executive Manager Corporate and Governance</b>
<b>Author:</b>	<b>Justin Strange</b> <b>Senior Environmental Health Officer</b>
<b>Proposed Meeting Date:</b>	<b>17 March 2015</b>

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#### **Purpose**

The report recommends Council de-register Romily House as a lodging house as defined under the Town of Claremont *Health Local Laws* 1997.

#### **Background**

Romily House is currently registered as a lodging house under the *Health Local Laws* 1997 and a public building with the Town of Claremont. Romily House has been registered with the Town as a lodging house over ten years.

Romily House is also a registered Private Psychiatric Hostel as defined under the *Hospitals and Health Services Act* 1927. A private psychiatric hostel is defined as “a *private premises* in which three or more persons who are socially dependant because of mental illness.”

The property is defined as a Residential Building under Town Planning Scheme No. 3 (TPS3). “Residential Building” means a building, other than a dwelling (self-contained) used for human habitation and includes such outbuildings. The term includes a hostel and a hotel used primarily for residential purposes, a residential club and a residential institution for the intellectually handicapped.

#### **Discussion**

Romily House is listed as a short term accommodation lodging house which restricts the occupant(s) to residing no more than 14 consecutive days. Currently Romily House has 75 residents with the majority of these residents residing at the premises for periods exceeding 14 consecutive days and many occupying the private rooms for periods greater than two years.

Advice from the Department of Health and Department of Commerce has indicated that the premises and occupants fall within the *Residential Tenancy Act* 1987 and therefore all provisions and protections are covered by the Act. It is considered a private facility similar to hospital or private residence, ensuring that all current and

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future residents are ensured the rights of quiet enjoyment and continual occupation with rights of appeal if requested to vacate.

The provisions of the *Residential Tenancy Act 1987* define the premises as a residential property which is in keeping with the TPS3 definition of a residential building.

Furthermore if occupation exceeds a period of three months then the provisions of the *Residential Tenancy Act 1987* are automatically applied.

The Department of Health stated that registration as a lodging house was at the discretion of local government to make the determination.

The benefit for the Town to de-registered Romily House reduces the duplication of statutory obligations conducted by the Town and other external agencies. The Town would still ensure food safety/handling standards are maintained

The property will continue to require annual accreditation and regulatory inspections from external state agencies including FESA and Department of Health Licensing and Accreditation Regulatory Unit. This process ensures that all safety requirements, social engagement and legal requirements are maintained and monitored by the higher jurisdiction.

Dr Glen Koski the sole director of Medicos Pty Ltd and Mediwest Pty Ltd the owner of Romily House has been consulted in regards to this recommendation and supports the deregistration and this has been conveyed to this Department both verbally and in writing.

### **Past Resolutions**

NIL

### **Financial and Staff Implications**

Resource requirements are in accordance with existing budgetary allocation.

### **Policy and Statutory Implications**

- *Part 10 188 (1) of the Health Local Laws 1997 and the Health (Public Buildings) Regulations 1992.*
- *Health Act 1911 – Health (Public Building) Regulations 1992*
- *Residential Tenancy Act 1987*
- *Hospitals and Health Services Act 1927*
- *Town of Claremont Town Planning Scheme 3 (TPS3).*

### **Publicity**

NIL

**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**

N/A

**Voting Requirements**

Simple majority decision of Council required.

**Moved Cr Haynes, seconded Cr Wood**

**That Council deregisters Romily House (located at 19 Shenton Road Claremont) as a lodging house and public building as defined under the Town's *Health Local Laws 1997*.**

**CARRIED(39/15)  
(NO DISSENT)**

### 13.3 INFRASTRUCTURE

#### 13.3.1 PROPOSED CLOSURE AND DISPOSAL OF RIGHT OF WAY ADJACENT TO 19 CLAREMONT CRESCENT

**File Ref:** RDS/00290

**Attachments:** [Location Plan Lot 67 Claremont Crescent](#)  
[Certificate of Title for Lot 67 adjacent to 19 Claremont Crescent](#)  
[Letter dated 14 April 2014 from Probate Office](#)  
[Letter dated 11 December 2014 from M.P.J. & J.B. Roberts](#)  
[Letter dated 15 December 2014 from Angela Goldsmith](#)  
[Letter dated 18 December 2014 from Coakley & Martin](#)  
[Letter dated 15 December 2014 from WA Planning Commission](#)  
[Email dated 9 December 2014 from Water Corporation](#)  
[Letter dated 14 January 2015 sent to Coakley & Martin](#)

**Responsible Officer:** Saba Kirupanather  
Executive Manager Infrastructure

**Author:** Margaret Brophy  
Asset Technical Services Officer  
Terry McCarthy, Land and Property Contractor

**Proposed Meeting Date:** 17 March 2015

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#### **Purpose**

For the Council approval to request the Minister for Lands to close Lot 67 Claremont Crescent for amalgamation with Lot 1, 19 Claremont Crescent (Attachment 1).

#### **Background**

- The owner of Lot 1 has requested that the process to close the Right of Way (ROW) and amalgamate the closed land with Lot 1 be commenced.
- The ROW has been unused for many years and is currently not used for its intended purpose of carriageway to adjoining properties.

The ROW was created in 1917 by subdivision of Pt Lot 40 of Swan Location 701 on Diagram 4649. The ROW is 1.21m wide and 17.1m long and is 20m<sup>2</sup> in area. It is located between Lot 1 and the former Lot 2, both those lots also being created on Diagram 4649 (Attachment 2). Lot 2 no longer exists, having been amalgamated into other adjoining land to create Strata 195 (Lake View Mansions, 28-30 Shenton Road).

The purpose of creating the ROW was to allow pedestrian access to the rear portions of Lot 1 and Lot 2, both of those land parcels having at that time houses occupying almost the whole width of each land parcel. The ROW no longer provides that carriageway, Lot 2 having been amalgamated with other lots.

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The registered owner of the ROW is Kimberley Fitzroy Forrest, of Perth, gentleman. Mr Forrest died in 1935. Enquiry by the applicant at the Supreme Court of Western Australia Probate Office revealed that the Probate Office had no record of any application being made in the estate of Kimberley Fitzroy Forrest. The Probate Office has provided written confirmation of that advice in a letter dated 14 April 2014 (Attachment 3).

The subject ROW and adjoining properties are zoned Residential under Town Planning Scheme No. 3.

### Discussion

The subject ROW is a narrow strip of land that that is currently uncared for. The registered owner of the land is deceased and there is effectively no person or authority in control of or responsible for the ROW.

For closure of a Right of Way under the *Land Administration Act* 1997 (LAA); Section 52 and the *Land Administration Regulations* 1998; Regulation 6 the following tasks must be undertaken by the Local Government before making a resolution to close the private road:

- a community consultation regarding closure and disposal
- consult with WAPC/the Department of Planning
- discuss the proposed closure with landowners of the private road or take steps to locate the landowners or their executors (Completed Attachment 1)
- liaise with adjoining landowners
- seek public utility service authority providers' agreement to the closure (There is not a proforma letter it is up to the Local Government own template)
- arrange, with adjoining landowners, for a survey plan showing the manner of allocation of the closed road with adjoining land. The survey plan must be prepared by a licensed surveyor and must be approved by the WAPC

Consultation with owners of adjoining properties has been carried out in accordance with the requirements of the Act. Responses were received from:

NAME & ADDRESS	COMMENT
M.P.J. & J Roberts Strata Lot 11, 30 Shenton Road, Claremont. (Attachment 4).	Supports closure of ROW. Agrees with amalgamation of ROW with Lot 1.
Angela Goldsmith Strata Lot 9, 30 Shenton Road, Claremont. (Attachment 5).	Supports closure of ROW. Agrees with amalgamation of ROW with Lot 1.
Coakley & Martin Strata Managers for Owners of 28-30 Shenton Road, Claremont. (Attachment 6).	The owners are totally against the closure of the Right of Way. The owners feel this could result in a loss of access to the property from Claremont Crescent. This would result in a significant loss of value to 28-30 Shenton Road, Claremont.  Why should the land comprised in the Right of Way not be amalgamated with 28-30 Shenton Road land, and not the adjoining land as you have proposed? The adjoining land has street frontage Claremont Crescent and use of the Right of Way is not utilised.
WA Planning Commission. (Attachment 7).	Endorses permanent closure of the ROW.
Water Corporation. (Attachment 8).	No objection to the proposal.



In respect to the comments and questions submitted by Coakley and Martin on behalf of the strata owners of 28-30 Shenton Road, a response letter dated 14 January 2015 (Attachment 8) was sent to Coakley and Martin pointing out that vehicle access from Claremont Crescent to the property at 28-30 Shenton Road would not be affected at all by the proposed closure of the ROW. They were also asked whether the owners of 28-30 Shenton Road would be interested in acquiring half the width of the ROW. No response has been received.

It is noted that no individual strata owner of 28-30 Shenton Road, there being 12 strata lots in that complex, submitted objection to the proposal. 2 individual strata lot owners from 28-30 Shenton Road submitted comment that they had no objection to the proposal.

As there is no valid significant objection to the proposed closure and disposal of the ROW, it is recommended that Council approve the proposal to request the Minister for Lands to close the ROW and dispose of it to the owner of 19 (Lot 1) Claremont Crescent.

If approved by Council then the Council report and minutes and all correspondence will be submitted to the Minister for Lands requesting acquisition and disposal of the land.

### **Past Resolutions**

Ordinary Council Meeting, 21 October 2014, Resolution 175/14

#### *That Council*

- *Commence the process to close the Right of Way contained in Certificate of Title Volume 618 Folio 17 as set out in Section 52 of the Land Administration Act 1997; and*
- *Provide further report to Council following completion of the consultation period.*

*CARRIED  
(NO DISSENT)*

### **Financial and Staff Implications**

Nil. If Council approves the recommendation to request the Minister to acquire the ROW and then dispose of it to the owner of Lot 1, all costs will be borne by the applicant. The process of closure and disposal, if approved by the Minister for Lands, requires the Minister to acquire the ROW as Crown land and then dispose of it to the proposed purchaser (the applicant). The ROW would be valued prior to disposal, and all proceeds from the sale would go to the State. The applicant would be required to engage, at his own cost, a licensed surveyor to carry out amalgamation of the ROW with Lot 1.

### **Policy and Statutory Implications**

Any closure of a ROW needs to comply with the process detailed in Section 52 of the *Land Administration Act 1997*.

## Publicity

Community consultation has been carried out in accordance with the requirements of Section 52 of the *Land Administration Act 1997*, and in accordance with the Town's consultation policy.

## 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.*

- Provide a responsible and well managed urban environment, with sustainable development outcomes.

### Governance and Leadership

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

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

### Urgency

The applicant is keen to proceed with the closure of the ROW without delay

### Voting Requirements

Simple majority decision of Council required.

### Officer Recommendation

That Council

- Request the Minister for Lands to close the Right of Way contained in Certificate of Title Volume 618 Folio 17, being Lot 67 on Diagram 4649.
- The Minister for Lands be advised that Lot 67 on Plan 4649 is intended to be disposed of to the owner of Lot 1 on Plan 4649 and amalgamated with lot 1 on Plan 4649.
- The applicant, the owner of Lot 1 on Plan 4649, be advised of the Town's intention to request the Minister for Lands to close the Right of Way contained in Certificate of Title Volume 618 Folio 17, being Lot 67 on Diagram 4649, and that the owner of Lot 1 on Plan 4649 will be liable for all costs incurred in purchase of Lot 67 and amalgamation of Lot 67 with Lot 1.

## MOTION TO DEFER

### Moved Cr Mews, seconded Cr Kelly

**That the item be deferred back to Administration until further notice.**

Reason: To enable administration to investigate and respond to letter correspondence received by Cr Mews from a relative of the deceased.

**CARRIED(40/15)  
(NO DISSENT)**

**13.3.2 REVISED DRAFT LAKE CLAREMONT MANAGEMENT PLAN**

*Item 13.3.2 was withdrawn by the Chief Executive Officer.*

**14 ANNOUNCEMENTS BY THE PRESIDING PERSON**

NIL

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

NIL

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

NIL

**17 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC****MOTION TO CLOSE DOORS****Moved Cr Haynes, seconded Cr Wood****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(41/15)  
(NO DISSENT)**

*Mayor Barker adjourned the meeting at 7:14 PM.*

*Mayor Barker reconvened the meeting at 7:14 PM.*

**Mayor Barker**

<b>Cr Peter Browne</b>	<b>West Ward</b>
<b>Cr Karen Wood</b>	<b>West Ward</b>
<b>Cr Jill Goetze</b>	<b>South Ward</b>
<b>Cr Paul Kelly</b>	<b>South Ward</b>
<b>Cr Chris Mews</b>	<b>South Ward</b>
<b>Cr Alastair Tulloch</b>	<b>East Ward</b>
<b>Cr Bruce Haynes</b>	<b>East Ward</b>
<b>Cr Anita Lorenz</b>	<b>East Ward</b>

**Mr Stephen Goode (Chief Executive Officer)****Mr Les Crichton (Executive Manager Corporate and Governance)****Mr Saba Kirupanather (Executive Manager Infrastructure)****Mr David Vinicombe (Executive Manager Planning and Development)****Ms Katie Bovell (Governance Officer)**

**17.1 INFRASTRUCTURE SERVICES****17.1.1 RFT 2015-05 PROVISION OF TRAFFIC MANAGEMENT SERVICES**

**File Ref:** RDS/00167  
**Responsible Officer:** Saba Kirupanather  
Executive Manager Infrastructure  
**Author:** Saba Kirupanather  
Executive Manager Infrastructure  
**Proposed Meeting Date:** 17 March 2015

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**Purpose**

For the Council to consider the tender for the provision of Traffic Management and Control services (RFT 2014-05).

**OFFICER RECOMMENDATION**

**Moved Cr Kelly, seconded Cr Haynes**

**That Council accept the schedule of rates provided by Evolution Traffic Management and Quality Traffic Management under a one year contract, with the option to extend annually for a total period of three years.**

**CARRIED(42/15)  
(NO DISSENT)**

**MOTION TO PROCEED WITH OPEN DOORS**

**Moved Cr Haynes, seconded Cr Goetze**

**That the meeting proceed with open doors.**

**CARRIED(43/15)  
(NO DISSENT)**

*The meeting proceeded with doors open at 7:15 PM.*

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

**18 FUTURE MEETINGS OF COUNCIL**

Ordinary Council Meeting 7 April 2015.

**19 DECLARATION OF CLOSURE OF MEETING**

There being no further business, the presiding member declared the meeting closed at 7:16 PM.

Confirmed this ... .. day of ... .. 2016.

**PRESIDING MEMBER**